

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/NE-TKLN/67 & 70**

<b><u>Applicants</u></b>	:	Yuk Wo Development Limited (Application No. A/NE-TKLN/67) Wealthy (H.K.) Trading Development (Application No. A/NE-TKLN/70) Limited all represented by Metro Planning & Development Company Limited
<b><u>Sites</u></b>	:	Lot 63 S.B RP (Application No. A/NE-TKLN/67) Lot 66 S.B RP and Adjoining (Application No. A/NE-TKLN/70) Government Land (GL) all in D.D. 80, Ta Kwu Ling North, New Territories
<b><u>Site Areas</u></b>	:	About 600m <sup>2</sup> (Application No. A/NE-TKLN/67) About 600m <sup>2</sup> (includes GL of about (Application No. A/NE-TKLN/70) 9.4m <sup>2</sup> or 1.6%)
<b><u>Lease</u></b>	:	(i) Block Government Lease (demised for agricultural use) (ii) GL
<b><u>Plan</u></b>	:	Approved Ta Kwu Ling North Outline Zoning Plan (OZP) No. S/NE-TKLN/2
<b><u>Zoning</u></b>	:	“Recreation” (“REC”)
<b><u>Applications</u></b>	:	Proposed Temporary Public Vehicle Park (PVP) (Private Car Only) for a Period of Three Years

**1. The Proposal**

- 1.1 The applicants seek planning permissions for a proposed temporary PVP for a period of three years at each of the application sites (the Sites) which fall within “REC” zone on the approved Ta Kwu Ling North OZP No. S/NE-TKLN/2 (**Plan A-1**). According to the Notes of the OZP, ‘PVP (excluding container vehicle)’ is a Column 2 use in “REC” zone which requires planning permission from the Town Planning Board (the Board). The Sites are currently vacant and partly covered with patches of wild grass.
- 1.2 According to the applicants, 16 and 11 private car parking spaces will be provided under applications No. A/NE-TKLN/67 and A/NE-TKLN/70 respectively. The proposed operation hours of both developments are from 7:00a.m. to 11:00p.m. daily (including public holidays). The Sites are accessible via Lin Ma Hang Road to the north (**Plan A-2**). The proposed PVPs will be set back from Lin Ma Hang Road for the provision of pavement. In addition, signage and lighting facilities are also proposed as safety measures for pedestrians. The layout plans for application Nos. A/NE-TKLN/67 and 70 submitted by the applicants are shown in **Drawings A-1 and A-2** respectively.

1.3 In support of the applications, the applicants have submitted the following documents:

- (a) Application Form (No. A/NE-TKLN/67) with attachments (Appendix Ia) received on 28.8.2023
- (b) Application Form (No. A/NE-TKLN/70) with attachments (Appendix Ib) received on 31.8.2023
- (c) Further Information (FI) for Application No. A/NE-TKLN/67 received on 12.10.2023\* (Appendix Ic)
- (d) FI for Application No. A/NE-TKLN/70 received on 12.10.2023\* (Appendix Id)
- (e) FI for Application No. A/NE-TKLN/67 received on 18.10.2023\* (Appendix Ie)
- (f) FI for Application No. A/NE-TKLN/70 received on 19.10.2023\* (Appendix If)

*\* accepted and exempted from publication and recounting requirements*

## **2. Justifications from the Applicants**

The justifications put forth by the applicants in support of their applications are detailed at **Appendices Ia** and **Ib**, as summarized below:

- (a) the proposed PVPs provide private car parking spaces to serve the needs of cross-boundary travellers of Liantang/Heung Yuen Wai Boundary Control Point (LT/HYW BCP) and residents of Tsung Yuen Ha;
- (b) the proposed developments are not incompatible with the surrounding areas. No adverse environmental and traffic impacts are anticipated; and
- (c) the temporary nature of the proposed developments would not jeopardize the long-term planning intention of the “REC” zone.

## **3. Compliance with the “Owner’s Consent/Notification” Requirements**

The applicants are the sole “current land owners” of the Sites. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion within the Site of application No. A/NE-TKLN/70, TPB-PG No. 31A is not applicable.

## **4. Background**

The Sites are not subject to any active enforcement case.

## **5. Previous Applications**

There is no previous application at the Sites.

## 6. **Similar Applications**

There are five similar applications (No. A/NE-TKLN/33, 37, 53, 57 and 58) involving four sites for temporary PVP applications falling within the “REC” zone/ straddling over the “REC” and “V” zones in the vicinity of the Sites over the past five years in the Ta Kwu Ling North area. All the applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) between April 2020 and September 2023, mainly on considerations that approval of the applications could alleviate the parking demand associated with the opening of LT/HYW BCP; no adverse departmental comments; and the development was not entirely incompatible with the surrounding environment. Details of the similar applications are summarized at **Appendix II** and their locations are on **Plan A-1**.

## 7. **The Sites and Its Surrounding Areas (Plans A-1 to A-4b)**

7.1 The Sites are:

- (a) vacant and partly covered with patches of wild grass; and
- (b) accessible via Lin Ma Hang Road.

7.2 The surrounding areas are of rural inland plains landscape character comprising tree group clusters, vegetated areas, and PVPs approved under Applications No. A/NE-TKLN/33, 37, 53, 57 and 58. LT/HYW BCP is located to the further southwest (about 200m) of the Sites.

## 8. **Planning Intention**

The planning intention of the “REC” zone is primarily for low-density recreational developments for use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the low-density recreational developments may be permitted subject to planning permission.

## 9. **Comments from Relevant Government Departments**

9.1 All government departments consulted have no objection to or no adverse comment on the applications. Their general comments on the applications and advisory comments in the Recommended Advisory Clauses are provided at **Appendices III** and **IV** respectively.

9.2 Comments from the Commissioner for Transport (C for T) and local views on the applications conveyed by District Officer (North) of Home Affairs Department (DO(N), HAD) are highlighted as follow:

9.2.1 Comments of C for T:

- (a) supports the planning applications from cross-boundary parking demand point of view;
- (b) with the commissioning of passenger clearance in HYWBCP since February 2023, the demand for cross-boundary parking has kept

increasing, especially during the weekends and holidays, when the existing carpark were fully utilized;

- (c) there is a shortfall in parking spaces in the area, and the proposed PVPs which are located in close proximity to the BCP, can alleviate the demand for parking spaces in the area; and
- (d) should the applications be approved, an approval condition requiring the applicants to implement the proposed traffic management measures should be imposed.

9.2.2 DO(N), HAD has relayed the following local views and comments on the applications:

- (a) the Indigenous Inhabitant Representative (IIR) of Tsung Yuen Ha objected to the applications on consideration of adverse traffic impact on Lin Ma Hang Road and not in line with the planning intention of “REC” zone;
- (b) the incumbent North District Councilor of N16 Constituency, the IIR and the Resident Representative (RR) of Chuk Yuen had no comment; and
- (c) the Chairman of Fung Shui Area Committee, Ta Kwu Ling District Rural Committee, the RR of Heung Yuen Wai, the IIR and the RR of Tsung Yuen Ha did not reply.

## **10. Public Comments Received During Statutory Publication Period**

The applications were published for public inspection. During the statutory public inspection period, two public comments were received for each application, including the Chairman of Sheung Shui District Rural Committee who indicated no comment on the applications, and a comment from an individual objecting mainly on the grounds of adverse landscape/ visual/ drainage/ sewerage impacts and insufficient justifications (**Appendices Va and Vb**).

## **11. Planning Considerations and Assessments**

- 11.1 The two applications are for a proposed temporary PVP (private cars only) at each of the Sites which fall within the same “REC” zone on the OZP. The proposed developments are considered not in line with the planning intention of “REC” zone, which is for low-density recreation development for use of the general public. Nevertheless, C for T indicates that the proposed PVPs could serve to alleviate the parking demand in the area in particular the increasing parking demand from cross-boundary travellers of LT/HYW BCP. Approval of the applications on a temporary basis will not frustrate the long-term planning intention of the “REC” zone.
- 11.2 The Sites are vacant and partly covered with wild grass. The surrounding areas are of rural inland plains landscape character comprising tree group clusters, vegetated areas, and PVPs covered by approved applications. The proposed uses are considered not entirely incompatible with the surrounding land uses. Chief Town Planner/Urban Design and Landscape of Planning Department has no objection to the applications from landscape planning perspective and advises that adverse impact on the landscape

character and the existing landscape resources within the Sites are not anticipated.

- 11.3 C for T supports the applications from cross-boundary parking demand point of view. Other relevant governments concerned, including Chief Engineer/Mainland North, Drainage Service Department, Director of Fire Services and Director of Agriculture, Fisheries and Conservation, etc., have no objection to or no adverse comment on the applications.
- 11.4 There are five similar applications (No. A/NE-TKLN/33, 37, 53, 57 and 58) involving four sites for temporary PVP use approved by the Committee between April 2020 and September 2023 as detailed in paragraph 6 above. The planning circumstances of the current applications are similar to the approved ones.
- 11.5 Regarding the objecting public comments on the applications as detailed in paragraph 10, government departments' comments and planning assessments above are relevant.

## **12. Planning Department's Views**

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments and the local views/comments as conveyed by District Officer (North), Home Affairs Department in paragraphs 10 and 9.3 respectively, the Planning Department has no objection to the applications.
- 12.2 Should the Committee decide to approve the applications, it is suggested that the permissions shall be valid on a temporary basis for a period of three years until 27.10.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval Conditions

- (a) no vehicle without valid licence issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations is allowed to be parked/stored on the Site at any time during the planning approval period;
- (b) only private cars as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (c) the submission of a drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 27.4.2024;
- (d) in relation to (c) above, the provision of drainage facilities within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 27.7.2024;
- (e) in relation to (d) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (f) the submission of a fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 27.4.2024;

- (g) in relation to (f) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 27.7.2024;
- (h) the submission of the design of vehicular run-in/run-out to the Site within **6** months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 27.4.2024;
- (i) in relation to (h) above, the provision of vehicular run-in/run-out to the Site within **9** months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 27.7.2024;
- (j) the implementation of traffic management measures, as proposed by the applicant, within **9** months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 27.7.2024;
- (k) if any of the above planning condition (a), (b), or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (l) if any of the above planning condition (c), (d), (f), (g), (h), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.

#### Advisory Clauses

The recommended advisory clauses are at **Appendix IV**.

12.3 Alternatively, should the Committee decide to reject the applications, the following reason for rejection is suggested for Members' reference:

- The proposed use is not in line with the planning intention of the "REC" zone in the Ta Kwu Ling North area, which is primarily for low-density recreation development for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis.

### **13. Decision Sought**

- 13.1 The Committee is invited to consider the applications and decide whether to grant or refuse to grant the permissions.
- 13.2 Should the Committee decide to approve the applications, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permissions, and the period of which the permission should be valid on a temporary basis.
- 13.3 Alternatively, should the Committee decide to reject the applications, Members are invited to advise what reason(s) for rejection should be given to the applicants.

## **14. Attachments**

<b>Appendix Ia</b>	Application Form (No. A/NE-TKLN/67) with attachments received on 28.8.2023
<b>Appendix Ib</b>	Application Form (No. A/NE-TKLN/70) with attachments received on 31.8.2023
<b>Appendix Ic</b>	FI for Application No. A/NE-TKLN/67 received on 12.10.2023
<b>Appendix Id</b>	FI for Application No. A/NE-TKLN/70 received on 12.10.2023
<b>Appendix Ie</b>	FI for Application No. A/NE-TKLN/67 received on 18.10.2023
<b>Appendix If</b>	FI for Application No. A/NE-TKLN/70 received on 19.10.2023
<b>Appendix II</b>	Similar S.16 Applications within/partly within the “REC” zone in the vicinity of the Site in Ta Kwu Ling North Area
<b>Appendix III</b>	Government Department’s General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendix Va</b>	Public Comment for Application No. A/NE-TKLN/67
<b>Appendix Vb</b>	Public Comment for Application No. A/NE-TKLN/70
<b>Drawing A-1</b>	Layout Plan for Application No. A/NE-TKLN/67
<b>Drawing A-2</b>	Layout Plan for Application No. A/NE-TKLN/70
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Unmanned Aerial Vehicle Photo
<b>Plans A-4a to A-4c</b>	Site Photos

**PLANNING DEPARTMENT  
OCTOBER 2023**