

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKL/700

- Applicant** : Sheung Shan Kai Wat Village Indigenous Village Committee
- Site** : Lots 825 (Part) and 829 S.B (Part) in D.D. 84, Shan Kai Wat, Ta Kwu Ling, New Territories
- Site Area** : 687 m² (about)
- Land Status** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP) No. S/NE-TKL/14
- Zonings** : “Village Type Development” (“V”) (about 96%)
“Agriculture” (“AGR”) (about 4%)
- Application** : Proposed Temporary Private Vehicle Park (Private Cars Only) for a Period of 3 Years and Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for a proposed temporary private vehicle park (private cars only) to serve nearby villagers for a period of 3 years and filling of land at the application site (the Site), which falls mostly within an area zoned “V” (about 96%) and a minor portion zoned “AGR” (about 4%) on the OZP (**Plan A-1**). According to the Notes of the OZP, temporary use or development of any land or building not exceeding a period of 3 years requires planning permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for under the Notes of the OZP, and filling of land in the portion zoned “AGR” require planning permission. The Site is currently mostly vacant and paved.
- 1.2 The Site is accessible via a local track (**Plan A-1**). According to the applicant, 8 private car parking spaces will be provided within the Site to serve nearby villagers. No structure is proposed at the Site. Part of the Site (i.e. about 27m²) falls within “AGR” zone at the northern corner of the Site is proposed to be filled with reinforced concrete with a depth of about 0.1m (**Plan A-2**). The vehicle park will operate 24 hours daily. A plan showing the layout of the car park is shown in **Drawing A-1**.
- 1.3 In support of the application, the applicant has submitted the following documents:
- | | |
|---|------------------------|
| (a) Application Form with Attachments received on 20.6.2022 | (Appendix I) |
| (b) Further Information (FI) received on 28.7.2022 | (Appendix Ia) |

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form at **Appendix I** as summarized below:

- (a) the proposed car park would serve the local villagers in the vicinity where parking spaces are insufficient to cater for their needs of car parking spaces;
- (b) the proposed development can help avoid any illegal dumping or unauthorised development for parking and other uses; and
- (c) there will be no more than a total of 20 vehicular trips per day. The proposed use will not cause adverse traffic impacts on the surrounding areas.

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

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent / Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No.31A) by notifying the current land owners. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is the subject of an active enforcement case against an Unauthorised Development (UD) involving storage use (including deposit of containers) and use for parking of vehicles with a Warning Letter issued on 8.6.2022. Subsequent site inspection on 29.6.2022 revealed that the UD at the site was discontinued.

5. Previous Application

There is no previous application for the Site.

6. Similar Application

There is no similar application within the “V” zone in the vicinity of the Site.

7. The Site and Its Surrounding Areas (Plans A-1 to A-4)

7.1 The Site is:

- (a) vacant and mostly paved; and
- (b) accessible via a local track leading to Ping Che Road (**Plan A-1**).

7.2 The surrounding areas are predominantly rural in character with village houses, fallow/active agricultural land and parking of vehicles.

8. Planning Intentions

- 8.1 The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within the zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within the zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services.
- 8.2 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.
- 8.3 According to the Explanatory Statement of the OZP, as filling of land may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities within “AGR” zone.

9. Comments from Relevant Government Departments

- 9.1 Apart from the government department as set out in paragraph 9.2 below, other government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices II** and **III** respectively.
- 9.2 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):
 - (a) he does not support the application from agricultural perspective; and
 - (b) agricultural activities are active in the vicinity and agricultural infrastructures such as road access and water sources are available. The Site possesses potential for agricultural rehabilitation and can be used for other agricultural activities such as open-field cultivation, greenhouses and plant nurseries.

10. Public Comments Received During Statutory Publication Period (Appendix IV)

On 28.6.2022, the application was published for public inspection. During the statutory public inspection period, two public comments were received. The Chairman of Sheung Shui District Rural Committee indicates no comment on the application. An individual objects to the application mainly on the grounds that approval of the application would cause adverse traffic and environmental impacts to the surrounding areas and increase fire risk, thereby affecting the quality of life and safety of nearby residents.

11. Planning Considerations and Assessments

- 11.1 The application is for a proposed temporary private vehicle park (private cars) for a period of 3 years at the Site, which falls mostly within an area zoned “V” (about 96%) and a minor portion zoned “AGR” (about 4%) on the OZP. The proposed use is considered not in line with the planning intentions of the “V” and “AGR” zones as set out in paragraph 8 above. The land within the “V” zone is primarily for development of Small Houses by indigenous villagers and other suitable commercial/community uses in support of the village may be permitted on application to the Board. Although the private vehicle park

is not entirely in line with the planning intention of the “V” zone, it could serve the local village/residents for meeting their car parking need of the area. District Lands Officer/North, Lands Department has no objection to the application and advises that there is no Small House application received for the Site. DAFC does not support the application from the agricultural point of view as the Site possesses potential for agricultural rehabilitation, and there are active agricultural activities in the vicinity of the Site. Considering only a minor portion involving “AGR” zone (i.e. about 27 m²), approval of the application on temporary basis for a period of 3 years would not jeopardize the long-term planning intention of the “V” and “AGR” zones. Filling of land within the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department and Director of Environmental Protection have no adverse comment from the drainage and environmental perspectives.

- 11.2 The Site is used for car parking purpose to serve the nearby villagers and is located in close proximity to the existing village houses (**Plans A-2 and A-3**). The proposed development is considered not incompatible with the surrounding land uses which are predominantly village houses and active/fallow agricultural land. Chief Town Planner/Urban Design and Landscape, Planning Department has no objection from landscape planning point of view. Commissioner for Transport has no in-principle objection to the application from traffic engineering point of view. Other relevant government departments consulted including Director of Fire Services, Chief Engineer/Construction, Water Supplies Department, Chief Highway Engineer/New Territories East, Highways Department have no objection to or no adverse comments on the application.
- 11.3 Regarding the public comments on the application as detailed in paragraph 10 above, 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 mentioned in paragraph 10, the Planning Department considers that the temporary private vehicle park could be tolerated for a period of 3 years.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years until 12.8.2025. 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 car as defined in the Road Traffic Ordinance is 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 12.2.2023;

- (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 12.5.2023;
 - (e) in relation to (d) above, the implemented drainage facilities at the Site shall be maintained at all times during the planning approval period;
 - (f) the submission of proposals for water supplies for fire-fighting and fire service installations 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 12.2.2023;
 - (g) in relation to (f) above, the implementation of proposals for water supplies for fire-fighting and fire service installations 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 12.5.2023;
 - (h) if 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
 - (i) if any of the above planning conditions (c), (d), (f) or (g) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.
- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:
- the proposed development is not in line with the planning intentions of the "V" and "AGR" zones, which are to designate both existing recognized villages and areas of land considered suitable for village expansion and primarily intended for development of Small Houses by indigenous villagers, and to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes respectively. There is no strong planning justification in the submission for a departure from such planning intentions, even on a temporary basis.

Advisory Clauses

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

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.

13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application Form received on 20.6.2022
Appendix Ia	FI received on 28.7.2022
Appendix II	Government Departments' General Comments
Appendix III	Recommended Advisory Clauses
Appendix IV	Public Comments
Drawing A-1	Proposed Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
AUGUST 2022**