

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TK/741

Applicant : Mr. CHUNG Kwai Fong

Site : Lot 1610 RP in D.D. 17, Lo Tsz Tin Village, Tai Po, New Territories

Site Area : About 438 m²

Lease : Block Government Lease (demised for agricultural use)

Plan : Approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/19

Zoning : “Recreation” (“REC”)

Application : Temporary Public Vehicle Park (Private Cars Only) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for a temporary public vehicle park (private cars only) at the application site (the Site) for a period of 3 years (**Plan A-1**). According to the Notes of the OZP, ‘Public Vehicle Park (excluding container vehicle)’ use in “REC” zone is a Column 2 use requiring planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use without valid planning permission.
- 1.2 According to the applicant, a total of 12 parking spaces for private cars (5m x 2.5m) will be provided within the Site. The applied use will operate 24 hours daily. The Site is accessible from Ting Kok Road via a local track. A plan showing the parking layout and vehicular ingress/egress is at **Drawing A-1**.
- 1.3 In support of the application, the applicant submitted the following documents:
 - (a) an application form with attachments received on (**Appendix I**) 29.12.2021
 - (b) Further Information (FI) received on 25.1.2022 and (**Appendix Ia**) 26.1.2022[^]
 - (c) FI received on 8.2.2022[^] (**Appendix Ib**)

[^]accepted and exempted from the publication and recounting requirements

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Part 7 of the application form and FI at **Appendices I to Ib**. They can be summarized as follows:

- (a) the Site is located in close proximity to Lung Mei Bathing Beach. Given the shortage of parking spaces in the surrounding area, the provision of vehicle park could cater for the increase in number of visitors and ease the traffic congestion in the area; and
- (b) the applicant will comply with all approval conditions imposed if the application is approved by the Board.

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

The applicant is not the “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 (TPG PG-No. 31A) by obtaining the consent from the current land owner. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is part of the subject of a planning enforcement case (No. E/NE-TK/150) against unauthorized development (UD) involving place for parking of vehicles, storage use (including deposit of containers) and eating place (**Plan A-2**). Enforcement Notice (EN) was issued on 14.7.2020 requiring the discontinuation of the UD. Except for the part under the current application, the rest of the enforcement site has been subsequently covered by planning permission for temporary public vehicle park (private cars only) (No. A/NE-TK/684) and temporary eating place (No. A/NE-TK/705) granted by the Committee on 1.9.2020 and 25.6.2021 respectively. As the UD of car park use at the Site was not discontinued as required by the EN, prosecution action was taken and the defendant was convicted on 20.10.2021. Further prosecution may be taken if the EN is not complied with.

5. Previous Application

There is no previous application at the Site.

6. Similar Applications

- 6.1 There are four similar applications (No. A/NE-TK/670, 684, 688 and 699) for temporary vehicle park within the same “REC” zone in the vicinity of the Site (**Plan A-1**), of which three were approved and one was rejected.

- 6.2 Applications No. A/NE-TK/684 and 688 for temporary public vehicle parks, providing 40 and 22 parking spaces respectively for private cars for a period of 3 years, were approved with conditions by the Rural and New Town Planning Committee (the Committee) on 1.9.2020 and 6.11.2020 mainly on the considerations of not frustrating the long-term planning intention of the “REC” zone; and causing no adverse impacts on the surrounding areas. Application No. A/NE-TK/699 for a temporary private car park, providing 5 parking spaces for private cars for a period of 3 years, was approved with conditions by the Committee on 12.3.2021 on similar grounds above. The application was subsequently revoked on 12.9.2021 due to non-compliance with approval condition, on the submission of drainage and fire services installations (FSIs) proposals.
- 6.3 Application No. A/NE-TK/670 was rejected by the Committee on 5.7.2019 for failing to demonstrate that the proposed development would not result in adverse geotechnical impact on the site and its surrounding areas.
- 6.4 Details of the similar applications are summarized at **Appendix II** and their locations are shown on **Plans A-1** and **A-2**.

7. The Site and Its Surrounding Areas (Plans A-1, A-2a, and photos on Plans A-3 and A-4)

- 7.1 The Site is:
- (a) hard-paved, partially fenced off and currently used for vehicle parking without valid planning permission; and
 - (b) accessible from Ting Kok Road via a local track.
- 7.2 The surrounding areas are predominantly rural in character with village houses, vehicle parks, barbecue sites, eating place, vacant land and tree groups. To the north of the Site is the village proper of Lo Tsz Tin. To the south on the opposite side of Ting Kok Road is Lung Mei Bathing Beach.

8. Planning Intention

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

9. Comments from Relevant Government Departments

- 9.1 The following government departments have been consulted and their views on the application are summarized as follows:

Land Administration

9.1.1 Comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD):

- (a) no objection to the application;
- (b) the Site falls on Lot 1610 RP in D.D.17 which is held under the Block Government Lease demised for agricultural purpose. No structure shall be erected on the lots without the prior approval from LandsD;
- (c) a recent site inspection revealed that a canopy was found erected on the Site without the prior approval from LandsD. The lots owners are required to clear any unauthorised structures on the Site immediately unless they are covered by valid approval. Otherwise, appropriate enforcement action would be taken in due course;
- (d) should the application be approved by the Board, the lot owner is required to submit an application for Short Term Waiver (STW) to LandsD if he wishes to erect any structures on the lot. However, there is no guarantee at this stage that the STW application would be approved. If the STW application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD including the payment of waiver fee and administrative fee as considered appropriate;
- (e) the applicant will likely make use of the adjoining government land for access to the Site. As such, no trees thereon shall be interfered with unless prior approval is obtained from LandsD. The maintenance and management responsibility of the said government land and any other government land leading to the Site should be sorted out with the relevant government departments, prior to making use of them for ingress/egress purpose. Neither occupation nor works of any kind thereon is allowed without the prior approval from LandsD; and
- (f) there is no guarantee to the grant of a right of way to the Site or approval of the emergency vehicular access (EVA) thereto.

Traffic

9.1.2 Comments of the Commissioner for Transport (C for T):

- (a) no in-principle objection to the application from traffic engineering point of view; and
- (b) the village access is not under Transport Department's management. The land status, management and maintenance responsibilities of the village access should be clarified with the

relevant lands and maintenance authorities accordingly in order to avoid potential land disputes.

Environment

9.1.3 Comments of the Director of Environmental Protection (DEP):

- (a) no in-principle objection to the application; and
- (b) the applicant is advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the DEP to minimize any potential environmental nuisance.

Landscape

9.1.4 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) no objection to the application from landscape planning perspective;
- (b) the Site is situated in an area of rural landscape character comprising village houses, carparks, temporary structures, vacant land, scattered tree groups and a dense woodland within the “Green Belt” zone about 100 m to the northeast of the Site. The Site is hard paved and currently used for vehicle parking. It is noted that the parking layout may be in conflict with an existing tree at the Site. Given that the affected tree is common species, significant adverse landscape impact arising from the applied use is not anticipated;
- (c) there are three similar planning applications for vehicle park adjacent to the Site within the same “REC” zone approved by the Committee in 2020 and 2021. The temporary public vehicle park under the current application is considered not incompatible with the surrounding landscape character;
- (d) given that there is no major public frontage along the site boundary and no sufficient space for meaningful landscaping, should the application be approved by the Board, it is considered not necessary to impose a landscape condition as the effect on enhancing the quality of public realm is not apparent; and
- (e) advisory comment is provided at paragraph (e) of **Appendix IV**.

Drainage

9.1.5 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) no in-principle objection to the application from public drainage viewpoint;
- (b) if the application is approved, an approval condition on submission and implementation of drainage proposal for the Site is recommended to ensure that it will not cause adverse drainage impact to the adjacent areas; and
- (c) advisory comments are provided at paragraph (f) of **Appendix IV**.

Fire Safety

9.1.6 Comments of the Director of Fire Services (D of FS):

- (a) no in-principle objection to the application subject to the fire services installations (FSIs) being provided to his satisfaction; and
- (b) the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of the proposed FSIs to be installed should be clearly marked.

9.2 The following government departments have no objection to/no comment on the application:

- (a) Chief Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (d) Project Manager/North, Civil Engineering and Development Department (PM/N, CEDD);
- (e) Commissioner of Police (C of P); and
- (f) District Officer (Tai Po), Home Affairs Department (DO(TP), HAD).

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

On 7.1.2022, the application was published for public inspection. During the statutory public inspection period, two public comments were received from individuals objecting to the application mainly for concerns on fire risks, adverse traffic and environmental impacts and inefficient land utilisation.

11. Planning Considerations and Assessments

11.1 This application is for a temporary public vehicle park (private cars only) within an area zoned “REC” on the OZP (**Plan A-1**). The applied use is not in line with the planning intention of the “REC” zone which is primarily for recreational developments for the use of general public. Nevertheless, the applied use will

serve the visitors to the recreational facilities in the vicinity. Approving the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “REC” zone.

- 11.2 The Site is currently hard-paved and used for the applied use without valid planning permission. The surrounding areas are predominantly rural in character with village houses, vehicle parks, barbecue sites, eating place, vacant land and tree groups. CTP/UD&L of PlanD advises that no significant adverse landscape impact arising from the applied use is anticipated. Hence, she has no objection to the application from the landscape planning perspective.
- 11.3 The applied use involves 12 parking spaces for private cars. The Site is accessible from Ting Kok Road via a local track. C for T has no in-principle objection to the application from traffic engineering point of view. Other relevant government departments consulted have no objection to/no adverse comment on the application from technical aspects.
- 11.4 The Site is not subject of any previous planning application. There are three similar applications approved in the vicinity of the Site, which were approved mainly on the considerations of not frustrating the long-term planning intention of the “REC” zone; and causing no adverse impacts on the surrounding areas. The circumstances of the subject application are similar to these approved applications.
- 11.5 Regarding the public comments as detailed in paragraph 10 above, government departments’ comments and the planning assessments above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, Planning Department has no objection to this application.
- 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 18.2.2025. 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 18.8.2022;

- (d) in relation to (c) above, the implementation of drainage proposal 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 18.11.2022;
- (e) the submission of a proposal for fire service installations (FSIs) and water supplies for fire-fighting 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 18.8.2022;
- (f) in relation to (e) above, the implementation of FSIs and water supplies for fire-fighting 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 18.11.2022;
- (g) if any of the above planning conditions (a) or (b) 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
- (h) if any of the above planning conditions (c), (d), (e) or (f) 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.

Advisory Clauses

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

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

- the development is not in line with the planning intention of the "REC" zone which is primarily for recreational developments for the use of general public. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

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) 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 and attachments received on 29.12.2021
Appendix Ia	FI submitted by the applicant received on 25.1.2022 and 26.1.2022
Appendix Ib	FI submitted by the applicant received on 8.2.2022
Appendix II	Similar applications
Appendix III	Public comments
Appendix IV	Recommended advisory clauses
Drawing A-1	Parking layout submitted by the applicant
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
FEBRUARY 2022**