

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

**APPLICATION NO. A/NE-TK/750**

<b><u>Applicants</u></b>	Mr. LI Yun Hei and Mr. LI Kwai Ming both represented by Mr. LAU Chee Sing
<b><u>Site</u></b>	Lot 249 RP in D.D. 17, Ting Kok, Tai Po, N.T.
<b><u>Site Area</u></b>	About 221.8m <sup>2</sup>
<b><u>Lease</u></b>	Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	Approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/19
<b><u>Zonings</u></b>	“Agriculture” (“AGR”) (about 83%) and area shown as ‘Road’ (about 17%)
<b><u>Application</u></b>	Proposed Temporary Public Vehicle Park (Private Cars Only) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicants seek planning permission for a proposed temporary public vehicle park (private cars only) for a period of 3 years at the application site (the Site), which falls within an area largely zoned “AGR” (about 83%) and partly shown as ‘Road’ (about 17%) 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 in terms of the OZP. The Site is currently vacant and covered with grass.
- 1.2 According to the applicants, a total of 12 public parking spaces for private cars will be provided within the Site, which will operate 24 hours daily (including public holidays). The Site is accessible from Ting Kok Road via the vacant land at roadside. The parking layout submitted by the applicants is at **Drawing A-1**.
- 1.3 In support of the application, the applicants have submitted the application form with attachments (**Appendix I**) received on 13.4.2022.

**2. Justifications from the Applicants**

The justifications put forth by the applicants in support of the application are set out in Part 7 of the application form at **Appendix I**. They claim that there is shortage of parking spaces in Ting Kok Village and the proposed use is to satisfy the parking needs of the village residents.

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

The applicants are the sole “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

**4. Previous Application**

There is no previous application at the Site.

**5. Similar Application**

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

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

6.1 The Site is:

- (a) currently vacant and covered with grass; and
- (b) located adjacent to Ting Kok Road and accessible from it via the vacant land at roadside.

6.2 The surrounding areas are predominantly rural in character with farmlands, temporary domestic structures, barbecue areas and vacant land. About 35m to the north across Ting Kok Road is the village proper of Ting Kok Village. About 70m to the south and 100m to the west are four temporary barbecue sites covered by valid planning permissions (Applications No. A/NE-TK/697, 698, 704 and 712).

**7. Planning Intention**

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. Comments from Relevant Government Departments**

8.1 Apart from the government departments as set out in paragraph 8.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and recommended advisory clauses are provided at **Appendices II** and **III** respectively.

8.2 The following government departments have objection to/reservation on the application.

### Agriculture

8.2.1 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- the Site falls within an area partly zoned “AGR” and partly shown as ‘Road’, and is currently vacant. There are active agricultural activities in the vicinity, and agricultural infrastructure such as road access and water source is available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries etc. As the Site possesses potential for agricultural rehabilitation, the application is not supported from agricultural point of view.

### Traffic

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

- does not support the application from traffic engineering point of view as the applicants fail to demonstrate that vehicles can be manoeuvred within the proposed vehicle park, having regard to the layout of the car parking spaces without causing queuing on public road. The applicants also failed to demonstrate that the entry/exit of the proposed vehicle park will not affect the adjacent layby on Ting Kok Road.

## **9. Public Comments Received During Statutory Publication Period (Appendix IV)**

On 22.4.2022, the application was published for public inspection. During the statutory public inspection period, three public comments were received from individuals objecting to the application mainly for concerns on fire risks, adverse traffic and environmental impacts, and on the ground that approving the use will encourage further encroachment on the “AGR” zone and set an undesirable precedent.

## **10. Planning Considerations and Assessments**

10.1 This application is for a proposed temporary public vehicle park (private cars only) for a period of 3 years in an area largely zoned “AGR” (about 83%) and partly shown as ‘Road’ (about 17%) on the OZP (**Plan A-1**). The proposed use is not in line with the planning intention of the “AGR” zone as set out in

paragraph 7 above. DAFC does not support the application from agricultural point of view as the Site possesses potential for agricultural rehabilitation. There is no strong planning justification in the submission to justify a departure from the planning intention of “AGR” zone, even on a temporary basis.

- 10.2 The proposed use involves 12 public parking spaces for private cars. The Site is accessible from Ting Kok Road via the vacant land at roadside. C for T does not support the application from traffic engineering point of view as the applicants fail to demonstrate that vehicles can be manoeuvred within the proposed vehicle park and that the entry/exit will not affect the adjacent layby on Ting Kok Road. Other relevant government departments consulted have no objection to/no adverse comment on the application from technical aspects.
- 10.3 Regarding the public comments as detailed in paragraph 9 above, government departments’ comments and the planning assessments above are relevant..

## **11. Planning Department’s Views**

- 11.1 Based on the assessments made in paragraph 10, and having taken into account the public comments mentioned in paragraph 9, Planning Department does not support the application for the following reasons:
- (a) the proposed use is not in line with the planning intention of the “AGR” zone which 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. There is no strong planning justification in the current submission for a departure from the planning intention, even on a temporary basis; and
  - (b) the applicants fail to demonstrate in the submission that the proposed parking layout is feasible from traffic engineering point of view.
- 11.2 Alternatively, 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 10.6.2025. The following approval conditions 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 10.12.2022;
- (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 10.3.2023;
- (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 10.12.2022;
- (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 10.3.2023;
- (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 III**.

## **12. Decision Sought**

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicants.
- 12.3 Alternatively, 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. Attachments**

<b>Appendix I</b>	Application form with attachments received on 13.4.2022
<b>Appendix II</b>	Government departments' general comments
<b>Appendix III</b>	Recommended advisory clauses

<b>Appendix IV</b>	Public comments
<b>Drawing A-1</b>	Layout plan submitted by the applicants
<b>Plan A-1</b>	Location plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plan A-4</b>	Site photos

**PLANNING DEPARTMENT  
JUNE 2022**