

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TK/775

- Applicant** : Mr. CHENG Tsun Chung represented by Mr. HUI Kwan Yee
- Site** : Lots 1657 (Part), 1658 (Part), 1663 RP (Part) and 1676 (Part) in D.D. 17, Ting Kok Village, Tai Po, New Territories
- Site Area** : About 1,685.03m²
- 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 Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for a temporary public vehicle park (private cars only) for a period of three years at the application site (the Site) which falls within “REC” zone on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘Public Vehicle Park (excluding container vehicle)’ use is a Column 2 use within the “REC” zone requiring planning permission from the Town Planning Board (the Board). The Site is currently occupied by the applied use without valid planning permission.
- 1.2 According to the applicant, a total of 22 private car parking spaces (2.5m (W) x 6m (L)) are provided on site. There is also a reception kiosk with a height of 2.74m (one-storey) and a total floor area of about 14.88m² near the entrance. The operation hours are from 8:00 a.m. to 11:00 p.m. daily (including public holidays). The Site is accessible from Ting Kok Road via a local track to the west. The layout plan submitted by the applicant is shown in **Drawing A-1**.
- 1.3 The Site is the subject of two previous applications (No. A/NE-TK/670 and 688) for the same use submitted by a different applicant. Details of the previous applications are set out in paragraph 5 below. Compared with the last previous application (No. A/NE-TK/688), the current one only involves minor changes to the layout¹ with no change in key development parameters.

¹ including change in disposition of the reception kiosk structure and the car parking spaces to reflect existing condition of the Site.

1.4 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with attachments received on 12.4.2023 (**Appendix I**)
- (b) Supplementary Information (SI) received on 18.4.2023 (**Appendix Ia**)
- (c) Further Information (FI) received on 22.5.2023* (**Appendix Ib**)
- (d) FI received on 26.7.2023* (**Appendix Ic**)

**accepted and exempted from publication and recounting requirements*

1.5 On 9.6.2023, the Committee agreed to the applicant's request to defer making a decision on the application for a period of two months to allow more time for the applicant to address departmental comments.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form, SI and FI at **Appendices I to Ic** as summarized below:

- (a) the Site was granted planning permission (No. A/NE-TK/688) for the same use in 2020;
- (b) the applied use would bring convenience to residents in the vicinity and can better utilize vacant land in the New Territories; and
- (c) should the application be approved by the Board, the applicant is committed to complying with approval conditions to be imposed.

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 (TPB PG-No. 31A) by posting notice on the Site and sending notice to Tai Po Rural Committee by registered post. Detailed information would be deposited at the meeting for Member’s inspection.

4. Background

The Site is part of the subject of a planning enforcement case (No. E/NE-TK/176) against unauthorized development (UD) involving use for place for parking of vehicles (**Plan A-2**). Enforcement notice (EN) was issued on 26.6.2023. The Site is under close monitoring by the Planning Authority.

5. **Previous Applications**

- 5.1 The Site is the subject of two previous applications (No. A/NE-TK/670 and 688) for the same use submitted by a different applicant.
- 5.2 Application No. A/NE-TK/670 involving a larger site (**Plan A-2**) was rejected by the Rural and New Town Planning Committee (the Committee) on 5.7.2019 mainly for reason of adverse geotechnical impact on the Site and its surrounding areas.
- 5.3 The last previous application (No. A/NE-TK/688) covering the same site as the current application was approved with conditions by the Committee in 6.11.2020 mainly on consideration that the approval would not jeopardize the long-term planning intention of “REC” zone; and no significant adverse impacts on the surrounding areas. The planning permission was revoked on 6.2.2023 due to non-compliance with approval conditions concerning the provision of peripheral fencing as well as submission and implementation of drainage proposal. Compared with the last previous application No. A/NE-TK/688, the current one only involves minor changes to the layout as mentioned in paragraph 1.3.
- 5.4 Details of the previous applications are at **Appendix II** and their locations are shown on **Plans A-1** and **A-2**.

6. **Similar Applications**

- 6.1 There are five similar applications (No. A/NE-TK/684, 699, 741, 747 and 780) covering three sites for temporary vehicle park use within the same “REC” zone in the vicinity of the Site over the past five years (**Plans A-1** and **A-2**). All of them were approved with conditions by the Committee between 2020 and 2023 on similar considerations as stated in paragraph 5.3 above. Subsequently, Applications No. A/NE-TK/699 and 747 were revoked on 12.9.2021 and 1.4.2023 respectively due to non-compliance with approval conditions.
- 6.2 Details of the similar applications are at **Appendix III** and their locations are shown on **Plans A-1** and **A-2**.

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

- 7.1 The Site is:
 - (a) hard paved and currently used for the applied use without valid planning permission;
 - (b) situated near the southeastern fringe of Lo Tsz Tin Village; and
 - (c) accessible from Ting Kok Road via a local track to the west.
- 7.2 The surrounding areas are predominantly rural in character with vehicle parks,

village houses, eating place, barbecue areas, vacant land and scattered tree groups. To the northwest and the east are the village proper of Lo Tsz Tin and Lung Mei respectively. To the south on the opposite side of Ting Kok Road is Lung Mei Beach.

8. Planning Intention

The planning intention of the “REC” zone is primarily for recreational developments for the use of the 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

All departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and recommended advisory clauses are at **Appendices IV** and **V** respectively.

10. Public Comment Received During Statutory Publication Period (Appendix VI)

On 21.4.2023, the application was published for public inspection. During the statutory public inspection period, a public comment was received from an individual objecting to the application mainly for reason of non-compliance with approval conditions imposed under the previous planning permission (No. A/NE-TK/688).

11. Planning Considerations and Assessment

- 11.1 The application is for temporary public vehicle park use (private cars only) for a period of three years at the Site zoned “REC” on the OZP (**Plan A-1**). The applied use is not entirely in line with the planning intention of “REC” zone which is primarily for recreational developments for the use of the general public. Nevertheless, the applied use could serve the visitors to the recreational facilities as well as the villagers in the vicinity. As the applied use is on a temporary basis for three years, approval of the application on a temporary basis would not jeopardize the long-term planning intention of the “REC” zone.
- 11.2 The Site is currently hard paved and accessible from Ting Kok Road via a local track to the west (**Plan A-2**). The applied use is considered not incompatible with its surrounding areas predominated by vehicle parks, village houses, eating place, barbecue areas, vacant land and scattered tree groups. Chief Town Planner/Urban Design and Landscape of Planning Department considers that no significant adverse landscape impact is anticipated from the applied use and has no objection to the application from landscape planning perspective.
- 11.3 The applied use with 22 private car parking spaces is not anticipated to cause significant adverse traffic, environmental, geotechnical and drainage impacts on the surrounding areas. Commissioner for Transport has no in-principle objection

to the application from traffic engineering point of view. Director of Environmental Protection has no comment on the application and advises that no environmental complaint related to the Site was received in the past three years. Head of Geotechnical Engineering Office of Civil Engineering and Development Department advises to impose approval conditions requiring submission of a geotechnical investigation report and implementation of necessary geotechnical works identified therein to ensure the slope safety on site. Other relevant government departments consulted including Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to or no adverse comment on the application.

- 11.4 The Site is the subject of a previous application (No. A/NE-TK/688) submitted by a different applicant for the same use approved mainly on considerations as set out in paragraph 5.3 above, which has subsequently revoked due to non-compliance with approval conditions. Compared with this previous application, the current one only involves minor changes to the layout. Five similar applications covering three sites for temporary vehicle park use within the same “REC” zone were also approved in the past five years. Approval of the current application is in line with the previous decisions of the Committee.
- 11.5 Regarding the public comment mentioned in paragraph 10 above, government departments’ comments and the planning assessment 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 comment mentioned in paragraph 10 above, Planning Department has no objection to the 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 22.9.2026. 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 or enter/exit the site at any time during the planning approval period;
- (b) only private cars 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 22.3.2024;

- (d) in relation to (c) above, the implementation of the 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 22.6.2024;
- (e) in relation to (d) above, the implemented drainage facilities should be maintained at all times during the planning approval period and rectified if they are found inadequate or ineffective during operation;
- (f) the submission of a proposal for fire services 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 22.3.2024;
- (g) in relation to (f) above, the implementation of a proposal for 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 22.6.2024;
- (h) the submission of a geotechnical investigation report within **6** months from the date of planning approval to the satisfaction of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department or of the Town Planning Board by 22.3.2024;
- (i) in relation to (h) above, the implementation of the necessary geotechnical works identified therein within **9** months from the date of planning approval to the satisfaction of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department or of the Town Planning Board by 22.6.2024;
- (j) if any of the above planning conditions (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
- (k) if any of the above planning conditions (c), (d), (f), (g), (h) or (i) 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 V**.

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

- the applied use is not in line with the planning intention of the "REC" zone which is intended primarily for recreational developments for the use of the general public and encourages the development of active and/or passive recreation and tourism/eco-tourism. There is no strong planning

justification in the submission to justify 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 with attachments received on 12.4.2023
Appendix Ia	SI received on 18.4.2023
Appendix Ib	FI received on 22.5.2023
Appendix Ic	FI received on 26.7.2023
Appendix II	Previous applications
Appendix III	Similar applications
Appendix IV	Government departments' general comments
Appendix V	Recommended advisory clauses
Appendix VI	Public Comment
Drawing A-1	Layout plan submitted by applicant
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4a to A-4b	Site photos

**PLANNING DEPARTMENT
SEPTEMBER 2023**