

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TK/780

<u>Applicant</u>	: Mr. CHUNG Kwai Fong
<u>Site</u>	: Lots 1604 S.B and 1604 S.C RP (Part) in D.D. 17, Lo Tsz Tin Village, Tai Po, New Territories
<u>Site Area</u>	: About 741m ²
<u>Lease</u>	: Block Government Lease demised for agricultural purpose
<u>Plan</u>	: Approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/19
<u>Zonings</u>	: “Recreation” (“REC”) (about 696.5m ² or 94%) “Village Type Development” (“V”) (about 44.5m ² or 6%)
<u>Application</u>	: Renewal of Planning Approval for Temporary Public Vehicle Park (Private Cars Only) for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission under Application No. A/NE-TK/684 to continue using the application site (the Site) for temporary public vehicle park (private cars only) for a period of three years until 1.9.2026 (**Plan A-1**). The Site falls within an area zoned “REC” (about 696.5m² or 94%) and “V” (about 44.5m² or 6%) on the OZP. According to the Notes of the OZP, ‘public vehicle park (excluding container vehicle)’ is a Column 2 use in “REC” and “V” zones which requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use with valid planning permission until 1.9.2023.
- 1.2 According to the applicant, a total of 40 parking spaces for private cars will be provided. The Site is accessible from Ting Kok Road via a local track to the east. The site layout plan submitted by the applicant is shown in **Drawing A-1**.
- 1.3 The Site is the subject of a previously approved application (No. A/NE-TK/684) submitted by the same applicant for the same use. Details of the previous application are set out in paragraph 6.1 below. All approval conditions under the previous application have been complied with. Compared with the previous application, key development parameters and the layout of the current application remain the same.

- 1.4 In support of the application, the applicant has submitted the Application Form with attachments received on 6.7.2023 (**Appendix I**).

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, as summarized below:

- (a) the applied development could alleviate the problems of illegal parking and traffic congestion in the vicinity; and
- (b) the applied development can allow alternative means of transport apart from public transport for visitors.

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 obtaining the consent of current land owner. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

Town Planning Board Guidelines No. 34D (TPB-PG No. 34D) on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development are relevant to this application. The relevant assessment criteria are attached at **Appendix II**.

5. Background

The Site is not subject to any active enforcement action.

6. Previous Application

- 6.1 The Site is the subject of a previous application (No. A/NE-TK/684) for temporary public vehicle park (private cars only) use submitted by the same applicant (**Plans A-1 and A-2**) which was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 1.9.2020 mainly on consideration of not frustrating the long-term planning intention of the “REC” and “V” zones; and not causing significant adverse impacts on the surrounding areas. Key development parameters and site layout of the current application remain the same as the previous one.

- 6.2 Details of the previous application are at **Appendix III** and its location is shown on **Plans A-1** and **A-2**.

7. Similar Applications

- 7.1 There are five similar applications (No. A/NE-TK/670, 688, 699, 741 and 747) covering four sites for temporary vehicle park use within the same “REC” zone over the past five years (**Plans A-1** and **A-2**), of which four were approved and one was rejected.
- 7.2 Applications No. A/NE-TK/688, 699, 741 and 747 were approved by the Committee for a period of three years between 2020 and 2022 mainly on similar consideration as mentioned in paragraph 6.1 above. Subsequently, Applications No. A/NE-TK/688, 699 and 747 were revoked on 6.2.2023, 12.9.2021 and 1.4.2023 respectively due to non-compliance with approval conditions.
- 7.3 Application No. A/NE-TK/670 was rejected by the Committee on 5.7.2019 for failing to demonstrate that the proposal would not result in adverse geotechnical impact on the site and its surrounding areas.
- 7.4 Details of the similar applications are shown at **Appendix IV** and their locations are shown on **Plans A-1** and **A-2**.

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

- 8.1 The Site is :
- (a) hard-paved and partially fenced off;
 - (b) currently used for vehicle parking use with valid planning permission; and
 - (c) accessible from Ting Kok Road via a local track to the east.
- 8.2 The surrounding areas are predominantly rural in character with village houses, barbecue areas, vacant land and tree groups. To the east and the north are the village proper of Lung Mei and Lo Tsz Tin Villages respectively. To the south on the opposite side of Ting Kok Road is Lung Mei Beach.

9. Planning Intentions

- 9.1 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.
- 9.2 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 this zone is primarily intended for development of Small Houses by indigenous

villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services.

10. 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 provided at **Appendices V** and **VI** respectively.

11. Public Comment Received During Statutory Publication Period

On 14.7.2023, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual (**Appendix VII**), raising objection to the application and claiming that approval conditions of the previous application have not been complied with.

12. Planning Considerations and Assessment

- 12.1 This application is for renewal of planning permission for temporary public vehicle park (private cars only) for a period of three years at the Site zoned “REC” and “V” on the OZP. The applied use is not entirely in line with the planning intentions of “REC” and “V” zones which are primarily for the recreational developments for the use of the general public and for development of Small Houses by indigenous villagers respectively. Nevertheless, the applied use could serve the visitors to the recreational facilities in the vicinity as well as villagers nearby. As the applied use is on a temporary basis for three years, approval of the application would not jeopardize the long-term planning intentions of the “REC” and “V” zones.
- 12.2 The Site is hard-paved and partially fenced off. The applied use is considered not incompatible with its surrounding areas predominated by village houses, barbecue areas, vacant land and tree groups (**Plans A-2 and A-3**). Chief Town Planner/Urban Design and Landscape of Planning Department considers that further impact on landscape character and resources arising from the applied use is not anticipated and has no objection to the application from landscape planning perspective.
- 12.3 According to the applicant, 40 parking spaces for private cars will be provided. It is not anticipated to cause significant adverse environmental, traffic and drainage impacts as well as fire risks 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. 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.

- 12.4 The Site is the subject of a previously approved application submitted by the same applicant for the same use, which was approved by the Committee on 1.9.2020 mainly on considerations as stated in paragraph 6.1 above. Key development parameters and site layout of the current application remain the same as the previous one. All approval conditions under the previous application have been complied with. Four similar applications for temporary vehicle park use within the same “REC” zone in the vicinity of the Site were approved in the past five years. Approval of the current application is in line with the previous decisions of the Committee.
- 12.5 In view of the above, this application generally complies with TPB PG-No. 34D in that there has been no material change in planning circumstances since the previous approval granted under Application No. A/NE-TK/684; no major adverse departmental comments on the renewal application; all approval conditions under the previous approval have been complied with; and the 3-year approval period sought is the same as the previous approval and is considered reasonable.
- 12.6 Regarding the public comment mentioned in paragraph 11 above, the government departments’ comments and planning assessment above are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessment made in paragraph 12 above and having taken into account the public comment mentioned in paragraph 11, Planning Department has no objection to the application.
- 13.2 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 three years, and be renewed from 2.9.2023 until 1.9.2026. 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 are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (c) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (d) the submission of proposals for fire services installations (FSIs) and water supplies for fire-fighting within **6** months from the date of commencement

of the renewal planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 1.3.2024;

- (e) in relation to (d) above, the implementation of proposals for FSIs and water supplies for fire-fighting within **9** months from the date of commencement of the renewal planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 1.6.2024;
- (f) if any of the above planning conditions (a), (b) or (c) 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
- (g) if any of the above planning conditions (d) or (e) 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.

[approval conditions requiring the posting of notice and provision of peripheral fencing are removed, and conditions on drainage aspect are revised based on the latest comments from DSD]

Advisory Clauses

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

13.3 There is no strong reason to recommend rejection of the application.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 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.

15. Attachments

Appendix I	Application Form with Attachments Received on 6.7.2023
Appendix II	Relevant Extracts of TPB-PG No. 34D
Appendix III	Previous Application
Appendix IV	Similar Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses

Appendix VII	Public Comment
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
AUGUST 2023**