

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TK/790

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| <u>Applicant</u> | : Mr. PANG Chung Yein represented by Mr. HUI Kwan Yee |
| <u>Site</u> | : Lots 256 S.A ss.3 and 256 S.A RP in D.D. 17, Ting Kok, Tai Po |
| <u>Site Area</u> | : About 176.5m ² |
| <u>Lease</u> | : Block Government Lease (demised for agricultural use) |
| <u>Plan</u> | : Approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/19 |
| <u>Zonings</u> | : “Agriculture” (“AGR”) (about 89% or 157.1m ²) and “Village Type Development” (“V”) (about 11% or 19.4m ²) |
| <u>Application</u> | : Temporary Private Vehicle Park (Private Cars Only) for a Period of Three Years |

1. The Proposal

- 1.1 The applicant seeks planning permission for a temporary private vehicle park (private cars only) for a period of three years at the application site (the Site). The Site falls within an area largely zoned “AGR” (about 89% or 157.1m²) and partly zoned “V” (about 11% or 19.4m²) on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is hard-paved, partly fenced-off and currently occupied by the applied use without any valid planning permission.
- 1.2 According to the applicant, seven parking spaces for private cars (**Drawing A-2**) are provided for use by residents of Ting Kok Village. The applied use will operate 24 hours daily. The Site is accessible through Ting Kok Road via a local track to the southwest (**Plan A-2**). Access plan and layout plan submitted by the applicant are shown in **Drawings A-1** and **A-2**.
- 1.3 In support of the application, the applicant submitted an Application Form with attachments and supplementary information (SI) (**Appendix I**) received on 6.12.2023 and 7.12.2023 respectively.

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) there are inadequate parking spaces in Ting Kok Village. The applied use is to provide convenience to village residents; and
- (b) the applied use can improve pedestrian safety by allowing orderly parking within the Site instead of random parking in the area.

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

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

- 4.1 The Site was covered with vegetation when the Ting Kok Interim Development Permission Area (IDPA) Plan No. IDPA/NE-TK/1 was gazetted on 7.9.1990 (**Plan A-3**). Between 1993 and 1995, construction of a cluster of village houses to the immediate north of the Site within the “V” zone commenced. Vegetation within the Site and in the surrounding areas was cleared and the Site was subsequently paved in 1995 when the previous draft Ting Kok OZP No. S/NE-TK/1 was still in force (**Plan A-3**). According to the Notes of the draft OZP No. S/NE-TK/1, planning permission for filling of land within the “AGR” zone is not required. On 15.7.2005, the draft Ting Kok OZP No. S/NE-TK/11 was gazetted and planning control over filling of land in “AGR” zone was imposed.
- 4.2 The Site is part of the subject of an active planning enforcement case (No. E/NE-TK/180) against unauthorized development (UD) involving use for parking of vehicles (**Plan A-2**). Enforcement notice (EN) requiring discontinuation of the UD by 31.1.2024 was issued on 31.10.2023. If the EN is not complied with, prosecution action may be taken.

5. Previous Application

There is no previous application at the Site.

6. Similar Application

- 6.1 There is a similar application (No. A/NE-TK/692) for temporary vehicle park use within the same “V” zone in the vicinity of the Site over the past five years (**Plan A-1**), which was rejected by the Rural and New Town Committee (the Committee) in 2020 mainly on consideration of failing to demonstrate the feasibility of parking layout from traffic engineering point of view.
- 6.2 Details of the similar application are at **Appendix II** and its location is shown

on **Plan A-1**.

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

7.1 The Site is:

- (a) hard-paved, partly fenced-off and currently occupied by the applied use without any valid planning permission (**Plan A-4**);
- (b) situated near the southeastern fringe of Ting Kok Village (**Plan A-1**); and
- (c) accessible through Ting Kok Road via a local track to the southwest (**Plan A-2**).

7.2 The surrounding areas are predominantly rural in character with village houses, parking of vehicles and clusters of tree groups. To its immediate north is the village proper of Ting Kok. To its south across Ting Kok Road are mainly active farmland and vacant land.

8. Planning Intentions

- 8.1 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.
- 8.2 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.

9. Comments from Relevant Government Departments

9.1 Apart from the government departments as set out in paragraphs 9.2 and 9.3 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 III and IV** respectively.

9.2 The following government department does not support the application:

Agriculture

9.2.1 Comment of the Director of Agriculture, Fisheries and Conservation (DAFC):

- the Site largely falls within an area zoned “AGR” and is generally

vacant. Agricultural activities in the vicinity are active, and agricultural infrastructure such as road access and water source is also 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.

9.3 The following government department has comment on the application:

Traffic

9.3.1 Comment of the Commissioner for Transport (C for T):

- does not have in-principle objection to the application provided that the parking activities will not affect the public traffic on public road. However, the applicant shall ensure that the vehicles can be manoeuvred smoothly within the Site or other management measures will be conducted to substantiate the number of parking spaces within the Site.

10. Public Comment Received During Statutory Publication Period

On 15.12.2023, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessment

11.1 The application is for temporary private vehicle park use (private cars only) for a period of three years at the Site largely zoned “AGR” (about 89% or 157.1m²) and partly zoned “V” (about 11% or 19.4m²) on the OZP (**Plan A-1**). The applied 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, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC does not support the application as the Site possesses potential for agricultural rehabilitation. Also, the applied use is not entirely in line with the planning intention of the “V” zone which is primarily intended for development of Small Houses by indigenous villagers. There is no strong planning justification in the submission to justify a departure from the planning intentions of the “AGR” and “V” zones, even on a temporary basis.

11.2 The Site, situated near the southeastern fringe of Ting Kok Village, is hard-paved, partly fenced-off and currently used by the applied use without any valid planning permission (**Plan A-4**). Past aerial photos reveal that vegetation within the Site and its immediate surroundings has been cleared and the Site was hard-paved in 1995 (**Plan A-3**). The applied use is considered not incompatible with its surrounding areas predominated by village houses, vehicle parks and clusters of 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 involves seven parking spaces for private cars and is accessible through Ting Kok Road via a local track to the southwest (**Plan A-2**). C for T has no in-principle objection to the application provided that the parking activities will not affect the public traffic on public road. However, from planning point of view, having regard that the Site largely falls within the “AGR” zone, it is considered that provision of vehicle park should better be confined to areas intended for development purposes such as those within the “V” zone. Parking problem should be addressed by provision of vehicle parks at suitable locations and traffic enforcement action. Other relevant government departments consulted including Director of Environmental Protection, 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 There was a similar application No. A/NE-TK/692 for temporary vehicle park within the same “V” zone in the vicinity of the Site over the past five years, which was rejected by the Committee in 2020 mainly on the consideration that the applicant failed to demonstrate the feasibility of parking layout from traffic engineering point of view. As C for T has no in-principle objection to the application, the circumstances for rejecting this application are different from the current one.

12. Planning Department’s Views

- 12.1 Based on the assessment made in paragraph 11 above, Planning Department does not support the application for the following reason:
- the applied 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.
- 12.2 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 three years until 26.1.2027. 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 26.7.2024;
- (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 26.10.2024;
- (e) in relation to (d) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (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 26.7.2024;
- (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 26.10.2024;
- (h) if any of 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 condition (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.

Advisory Clauses

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

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

14. Attachments

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| Appendix I | Application Form and SI received on 6.12.2023 and 7.12.2023 |
| Appendix II | Similar application |
| Appendix III | Government departments' general comments |
| Appendix IV | Recommended advisory clauses |
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| Drawing A-1 | Access plan submitted by applicant |
| Drawing A-2 | Layout plan submitted by applicant |
| Plan A-1 | Location plan |
| Plan A-2 | Site plan |
| Plan A-3 | Aerial photos |
| Plan A-4 | Site photos |

**PLANNING DEPARTMENT
JANUARY 2024**