

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

**APPLICATION NO. A/NE-TK/824**

<b><u>Applicant</u></b>	: Mr. YIP Wai Yin
<b><u>Site</u></b>	: Lots 408 RP, 410 RP (Part), 411 RP, 412 RP, 422 in D.D. 14, Tung Tsz, Tai Po, New Territories
<b><u>Site Area</u></b>	: About 1,418m <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>Zoning</u></b>	: “Agriculture” (“AGR”)
<b><u>Application</u></b>	: Proposed Temporary Public Vehicle Park (Private Cars and Medium Goods Vehicles Only) for a Period of Three Years and Associated Filling of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary public vehicle park (private cars and Medium Goods Vehicles (MGVs) only) for a period of three years and associated filling of land at the application site (the Site), which falls within an area zoned “AGR” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). Filling of land within the “AGR” zone also requires planning permission from the Board. The Site is currently covered with grass and partly fenced off (**Plan A-4**).
- 1.2 The Site is directly accessible via Tung Tsz Road (**Plan A-2**). According to the applicant, 15 parking spaces for private cars (5m (L) x 2.5m (W) each) and eight parking spaces for MGVs (11m (L) x 3.5m (W) each) will be provided at the Site. The proposed vehicle park will operate 24 hours daily (including public holidays). The proposal also involves filling of land for the entire Site of about 1,418m<sup>2</sup> with bituminous materials of about 0.1m in depth to cover the existing soil surface. The layout plan and paving plan submitted by the applicant are shown in **Drawings A-1** and **A-2** respectively.
- 1.3 In support of the application, the applicant has submitted the following documents :

- (a) Application Form with attachments received on 3.10.2024 (**Appendix I**)
- (b) Further Information (FI) received on 23.10.2024\* (**Appendix Ia**)
- (c) FI received on 30.10.2024 and 31.10.2024\* (**Appendix Ib**)
- (d) FI received on 12.11.2024\* (**Appendix Ic**)

*\*accepted and exempted from publication and recounting requirements*

## **2. Justifications from the Applicant**

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

- (a) there is currently inadequate provision of car parking spaces in the area;
- (b) the proposed development could help avoid car parking along roadside and footpaths, posing safety risk on other road users and pedestrians;
- (c) the proposed filling of land with bituminous materials intends to cover the existing soil surface at the Site, which could prevent spreading dust and affecting environmental hygiene and safety arising from vehicles circulation; and
- (d) no encroachment onto the adjoining Government land will be involved.

## **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. 31B) by posting notice at the Site and sending notice to the Tai Po Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Background**

The Site is not subject to any active planning enforcement action. Site inspection in May 2024 revealed that vehicles were found on the Site. Warning letter was issued in May 2024. Consecutive site inspection in June and July 2024 revealed that the Site was vacant and largely covered with vegetation.

## **5. Previous Application**

There is no previous application at the Site.

## **6. Similar Applications**

- 6.1 There is no similar application for temporary public/private vehicle park within the same “AGR” zone. There are four similar applications (No. A/NE-TK/636, 671, 739

and 740) within other “AGR” zones or straddling “AGR” and Village Type Development” (“V”) zones in the vicinity of the Site on the OZP, which were all rejected by the Rural and New Town Planning Committee (the Committee) of the Board or the Board on review between 2018 and 2022, mainly on consideration of being not in line with the planning intention of “AGR” zone. Except for application No. A/NE-TK/671, the other three applications were also rejected as the applicants failed to demonstrate no adverse landscape and/or traffic impacts.

- 6.2 Details of the similar applications are summarized at **Appendix II** and their locations are shown on **Plan A-1**.

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

- 7.1 The Site is:

- (a) currently covered with grass and partly fenced off (**Plan A-4**);
- (b) situated at the northwest of Wai Ha Village (**Plans A-1 to A-3**); and
- (c) directly accessible via Tung Tsz Road.

- 7.2 The surrounding areas are predominantly rural in character with fallow farmland, dense woodland and vegetated areas to the north and east of the Site (**Plans A-2 to A-4**). The cluster of village houses in Wai Ha Village is situated at about 35m to the southeast of the Site (**Plans A-1 to A-3**).

- 7.3 To the west of Tung Tsz Road are mainly storage/open storage and site office uses falling within the coverage of the approved Tai Po OZP No. S/TP/30 (**Plans A-2 to A-4**).

## **8. Planning Intention**

- 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 According to the Explanatory Statement of the OZP, as filling of land may cause adverse drainage and environmental impacts on the adjacent areas, planning permission from the Board is required for such activities.

## **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 government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided at **Appendices III and IV** respectively.

9.2 The following government department supports the application:

**Transport**

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

- (a) she supports the application in view of the parking demand in the vicinity; and
- (b) she has no in-principle objection to the application from the traffic engineering viewpoint.

9.3 The following government departments do not support on the application:

**Agriculture**

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

- the Site falls within the “AGR” zone and is generally abandoned. The agricultural infrastructures such as road access and water source are available in the area. 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 proposed development is not supported from agricultural perspective.

**Environment**

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

- (a) he could not lean support to the application as it involves heavy vehicles and there are a number of sensitive receivers (i.e. the nearest residential dwellings are less than 40m away to the southeast and the north (**Plan A-2**)), and environmental nuisance is expected; and
- (b) no environmental complaint in relation to the Site was received in the past three years.

**10. Public Comment Received During Statutory Publication Period**

On 15.10.2024, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received (**Appendix V**), raising objection to the application mainly for the reasons that the application intends to extend open storage next to the Site after obtaining the planning approval for filling of land; and there is no justification to use the subject “AGR” zone for car parking use, given that there are already parking lots within “V” zone in the vicinity.

## **11. Planning Considerations and Assessment**

- 11.1 This application is for proposed temporary public vehicle park (private cars and MGVs only) for a period of three years and associated filling of land at the Site zoned “AGR” on the OZP (**Plan A-1**). 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 and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation. Also, DEP could not lean support to the application as it involves heavy vehicles and there are a number of sensitive receivers, and environmental nuisance is expected. Although C for T supports the application in view of the parking demand in the vicinity, 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.
- 11.2 The application also involves proposed filling of land with bituminous materials for the entire Site to cover the existing soil surface (**Drawing A-2**). Filling of land within the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas, while the Chief Engineer/Mainland North of Drainage Services Department has no adverse comment on the application. DEP does not support to the application from environmental perspective.
- 11.3 The Site located at the northwest of Wai Ha Village, is currently covered with grass and partly fenced off (**Plan A-4**). The proposed use is not incompatible with the surrounding area which is predominantly rural in character comprising fallow farmland, dense woodland, vegetated areas and village houses to the north and east of the Site (**Plans A-2 to A-4**). The Chief Town Planner/Urban Design and Landscape of Planning Department advises that significant adverse landscape impact on the existing landscape resources arising from the proposed use is not anticipated. Other relevant government departments consulted including the Chief Highway Engineer/New Territories East of Highways Department, Chief Engineer/Construction of Water Supplies Department and Director of Fire Services have no objection to or no adverse comment on the application. However, taking into account the green setting surrounding the Site (**Plans A-2 to A-4**), approval of the application would probably induce the proliferation of land filling for car parks in the “AGR” zone, which would result in a general degradation of the environment of the area.
- 11.4 There is no similar application for temporary public/private vehicle park within the same “AGR” zone. Nevertheless, there are four similar applications (No. A/NE-TK/636, 671, 739 and 740) within other “AGR” zones or straddling “AGR” and “V” zones in the vicinity of the Site on the OZP. All were rejected by the Committee or the Board on review between 2018 and 2022, mainly on consideration of being not in line with the planning intention of “AGR” zone. The planning circumstances of the current application are largely similar to those of the rejected applications. Rejecting the current application is in line with the previous decisions of the Committee.

- 11.5 Regarding the public comment objecting to the application as detailed in paragraph 10 above, government departments' comments and the planning assessment 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 comment mentioned in paragraph 10 above, Planning Department does not support the application for the following reason:

- the proposed use and associated filling of land are 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 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 3 years until 22.11.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval Conditions

- (a) 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 22.5.2025;
- (b) in relation to (a) 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 22.8.2025;
- (c) in relation to (b) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (d) the submission of a fire service installations proposal 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 22.5.2025;
- (e) in relation to (d) above, the implementation of the fire service installations proposal 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 22.8.2025;
- (f) if any of the above planning condition (a), (b), (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;

- (g) if the above planning condition (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
- (h) upon the expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

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) to be attached to the permission, and the period of which the permission should be valid on a temporary basis.

**14. Attachments**

<b>Appendix I</b>	Application Form with attachments received on 3.10.2024
<b>Appendix Ia</b>	FI received on 23.10.2024
<b>Appendix Ib</b>	FI received on 30.10.2024 and 31.10.2024
<b>Appendix Ic</b>	FI received on 12.11.2024
<b>Appendix II</b>	Similar Applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendix IVa</b>	Drainage Record Plan from the Drainage Services Department
<b>Appendix IVb</b>	Requirements for the Fireman's Emergency Switch from the Fire Services Department
<b>Appendix V</b>	Public Comment
<b>Drawing A-1</b>	Layout Plan submitted by the Applicant
<b>Drawing A-2</b>	Paving Plan submitted by the Applicant
<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