

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/SK-CWBN/76

- Applicant** : Mr. LAU Chi Keung
- Site** : Lot 106 RP in D.D. 239, Mang Kung Uk, Hang Hau, Sai Kung, New Territories
- Site Area** : About 1,158m²
- Lease** : Old Schedule Agricultural Lot held under Block Government Lease
- Plan** : Approved Clear Water Bay Peninsula North Outline Zoning Plan (OZP) No. S/SK-CWBN/6
- Zoning** : “Village Type Development” (“V”)
- Application** : Renewal of Planning Approval for Temporary Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission to continue using the application site (the Site) for a temporary vehicle park (private cars and light goods vehicle) for a period of three years. The Site falls within an area zoned “V” on the approved Clear Water Bay Peninsula North OZP No. S/SK-CWBN/6 (**Plan A-1**). According to the 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).
- 1.2 The proposed temporary vehicle park will operate 24 hours daily and continue providing 20 parking spaces (2.5m x 5m each) for private cars and 10 parking spaces (3.5m x 7m each) for light goods vehicles. The layout plan submitted by the applicant is at **Drawing A-1**.
- 1.3 The Site is the subject of three previous applications approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 2015 and 2021. The latest application (No. A/SK-CWBN/62) was approved by the Committee on 26.3.2021 and is valid until 27.3.2024. All previous approved applications were submitted by the same applicant with same applied use, site area and layout. Details of the previous applications are in paragraph 5 below and at **Appendix III**.

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

- (a) Application Form with attachments received on 18.1.2024 (**Appendix I**)
- (b) Further Information (FI) received on 26.2.2024* (**Appendix Ia**)

** 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 Part 7 of the Application Form at **Appendix I** and FI at **Appendix Ia** which are summarised as follows:

- (a) the temporary vehicle park could relief the shortage of parking facilities and serve the villagers in Yu Uk Village, Wo Tong Kong and O Pui Village;
- (b) the temporary vehicle park would allow access for emergency vehicles and provide barrier free access to the elderly/disabled villagers;
- (c) the temporary vehicle park is well managed by the applicant and all the approval conditions imposed by the Board would be complied with; and
- (d) there is no change in the proposed use and layout as compared with the previous application.

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

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

4. Town Planning Board Guidelines

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

5. Previous Applications

The Site is the subject of three previous applications (No. A/SK-CWBN/35, 44 and 62), all submitted by the current applicant for the same temporary use. All applications were approved with conditions by the Committee between 2015 and 2021 mainly on the considerations that the applied use would not frustrate the planning intention of the “V” zone and the proposal was considered acceptable by relevant government departments. All the time-limited approval conditions of the last planning approval had been complied with. Details of the previous applications are summarised at **Appendix III**.

6. **Similar Application**

There is no similar application within the same “V” zone of the OZP.

7. **The Site and Its Surrounding Areas** (Plans A-1 to A-3 and Photos on Plan A-4)

7.1 The Site is located within the village cluster and the village ‘environs’ of Mang Kung Uk. It is currently used as a vehicle park with valid planning permission. It is mostly hard paved and landscaped with planters at the southern edge. The Site is accessible from Mang Kung Uk Road via a village road.

7.2 The surrounding areas are predominantly rural in character comprising mainly village houses mixed with temporary structures of Yu Uk Village, Wai Sum Village and Wo Tong Kong. Vegetation and fallow agricultural land are found to its north and south.

8. **Planning Intention**

The planning intention of “V” zone is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. 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**

All 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 in **Appendices IV** and **V** respectively.

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

On 26.1.2024, the application was published for public inspection. No public comment was received during the statutory public inspection period.

11. **Planning Considerations and Assessment**

11.1 The application is for renewal of planning approval for temporary vehicle park for private cars and light goods vehicles for a period of three years at the Site, which falls within an area zoned “V” on the OZP. The planning intention of the “V” zone is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by government projects. Although the proposed temporary use is not entirely in line with the planning intention of “V” zone, the Site can provide parking spaces to serve the residents living nearby. There is no Small

House application at the Site according to the District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD), and land is still available to meet the outstanding Small House applications being processed by LandsD in Mang Kung Uk. Based on the Planning Department's latest estimate with reference to LandsD's information on Small House demand¹, approval of the application on a temporary basis for three years will not frustrate the long-term planning intention of the "V" zone.

- 11.2 The existing vehicle park under application is considered not incompatible with the surrounding rural context with clusters of village houses and temporary structures. The Site is currently hard paved and has been used as a car park. As advised by the Commissioner for Transport (C for T), the existing vehicle park at the Site has a relatively high utilisation and illegal parking at Mang Kung Uk Road and associated village roads are observed. Since the nearest public car parking spaces managed by the Transport Department are at distance of over 800m from the Site, there is apparent demand in parking spaces in the vicinity and hence C for T supports the application based on the observed parking demand. As there are village houses located in close proximity to the Site, approval conditions restricting the types of vehicles to private cars and light goods vehicles are recommended in paragraphs 12.2 below. Other government departments consulted including the Director of Environmental Protection, Chief Engineer/Mainland South, Drainage Services Department, the Director of Fire Services and Chief Town Planner/Urban Design and Landscape, Planning Department have no objection to or no adverse comments on the application from environmental, drainage, sewerage, fire safety and landscape planning perspectives.
- 11.3 The application is generally in line with TPB PG-No. 34D in that there has been no material change in planning circumstances since the approval of the last application under application; no adverse planning implication arising from the renewal application is anticipated; and the three years approval period sought, which is same as the previous planning applications is reasonable.
- 11.4 The Site is the subject of three previous approved applications for the same temporary use submitted by the same applicant and is current used as a vehicle park with valid planning permission. Approval of the application is in line with the Committee's previous decisions.

12. Planning Department's Views

- 12.1 Based on the assessment made in paragraph 11 above, the Planning Department considers that the temporary vehicle park could be tolerated for a period of three years.
- 12.2 Should the Committee decide to approve the application, it is suggested that the planning permission shall be valid on a temporary basis for a period of three years, and be renewed from 28.3.2024 until 27.3.2027. The following conditions of

¹ According to DLO/SK, LandsD, the outstanding Small House applications in Mang Kung Uk is 82. However, his office has no information regarding the 10-year Small House demand forecast in Mang Kung Uk. Based on the latest estimate by Planning Department, about 3.73 ha of land area is available within the "V" zone of Mang Kung Uk equivalent to 149 Small House sites.

approval and advisory clauses are also suggested for Member's reference:

Approval conditions

- (a) no vehicle without valid license issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site ***at any time*** during the planning approval period;
- (b) only private cars and light goods vehicles as defined in the Road Traffic Ordinance are allowed to enter/be parked on the Site at all times during the planning approval period;
- (c) a notice should be posted at a prominent location of the Site to indicate that only private cars and light goods vehicles as defined in the Road Traffic Ordinance are allowed to enter/be parked on the Site at all times during the planning approval period;
- (d) the existing planters and landscape features within the Site should be maintained at all times during the planning approval period; and
- (e) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.

Advisory clauses

The Recommended Advisory Clauses are attached at **Appendix V**.

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

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 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.
- 13.3 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
Appendix Ia

Application Form with attachments received on 18.1.2024
 Further Information received on 26.2.2024

Appendix II	Relevant extract of Town Planning Board Guidelines for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D)
Appendix III	Previous Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Layout Plan submitted by the applicant
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

PLANNING DEPARTMENT
MARCH 2024