

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-LK/136

<u>Applicants</u>	:	Messrs. TSANG Hoi Leung Tommy and TSANG Chi Yan represented by Honest Land Surveys Company
<u>Site</u>	:	Lot 1548 (Part) in D.D. 39, Ma Tseuk Leng, Sha Tau Kok, New Territories
<u>Site Area</u>	:	About 501.42 m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Luk Keng and Wo Hang Outline Zoning Plan (OZP) No. S/NE-LK/11
<u>Zoning</u>	:	“Village Type Development” (“V”)
<u>Application</u>	:	Proposed Temporary Private Car Park (Private Car and Light Goods Vehicle) for a Period of 3 Years

1. The Proposal

- 1.1 The applicants seek planning permission for a proposed temporary private car park (private car and light goods vehicle) for a period of three years at the application site (the Site) (**Plan A-1**). The Site falls within an area zoned “V” on the approved Luk Keng and Wo Hang OZP No. S/NE-LK/11. 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), notwithstanding that the use or development is not provided for in terms of the OZP.
- 1.2 According to the applicants, a total of 10 parking spaces including eight for private cars (2.5m × 5m each) and two for light goods vehicles (3.5m × 7m each) will be provided within the Site to serve the local villagers. The proposed operation hours are from 6:30 a.m. to 11:30 p.m. daily. The ingress/egress point is located at the southern boundary of the Site. The Site is accessible from a local track leading to Sha Tau Kok Road – Wo Hang. The proposed layout plan and drainage proposal submitted by the applicants are at **Drawings A-1 and A-2** respectively. The Site is currently formed and vacant.
- 1.3 In support of the application, the applicants have submitted the following documents:
- | | | |
|-----|--|----------------------|
| (a) | Application Form with attachments received on 4.1.2021 | (Appendix I) |
| (b) | Supplementary Information received on 6.1.2021 | (Appendix Ia) |
| (c) | Supplementary Information received on 7.1.2021 | (Appendix Ib) |

- (d) Further Information (FI) received on 16.2.2021[^]
^ accepted and exempted from publication and recounting requirements

(Appendix Ic)

2. **Justifications from the Applicants**

The justifications put forth by the applicants in support of the application are detailed in Part 7 of the Application Form, Supplementary Information and FI at **Appendices I, Ia and Ic** respectively. They can be summarised as follows:

- (a) the demand for car parking spaces in the village has been increasing over the years due to increase in population and more convenient access to the urban area with the recent opening of Heung Yuen Wai Highway;
- (b) the pressing demand for car parking spaces has led to conflict among villagers and illegal parking. The proposed development can alleviate the above situation;
- (c) the proposed private car park will only serve the local villagers for free and will not open for public use;
- (d) it is anticipated that there is no village house erected on the Site in the short term, and hence temporary use of the Site for car park can fully utilise land resource in the “V” zone;
- (e) no significant noise and landscape impacts on the surrounding areas will be anticipated for the reasons of the nature of proposed development and implementation of landscape/greenery proposal if considered necessary;
- (f) no significant drainage or flooding issues will be generated since the Site is well-equipped with drainage network and no flooding has been recorded. The applicants will implement a stormwater drainage system to the satisfaction of the Drainage Services Department;
- (g) no pollution of the natural stream to the east of the Site is anticipated with the preventive measures including prohibition of car washing and provision of silt trap; and
- (h) the proposed use is supported by Village Representatives and local villagers.

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

The applicants are not the “current land owners” but have 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 at the Site and sending notice by hand to the Sha Tau Kok District Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Previous Application**

There is no previous application covering the Site.

5. Similar Application

There is no similar application for temporary private car park within the “V” zone on the OZP.

6. The Site and Its Surrounding Areas (Plans A-1 and A-2, aerial photo on Plan A-3 and site photos on Plan A-4)

6.1 The Site is:

- (a) formed and vacant;
- (b) situated within the village proper of Ma Tseuk Leng; and
- (c) accessible from a local track leading to Sha Tau Kok Road – Wo Hang.

6.2 The surrounding areas are predominantly rural in character with village houses to the immediate south and northwest, fallow/active agricultural land to the east and southeast, vacant land/structures and woodland.

7. Planning Intention

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. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

8. Comments from Relevant Government Departments

8.1 The following Government departments have been consulted and their views on the application are summarised as follows:

Land Administration

8.1.1 Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) the lot under application is an Old Schedule lot held under the Block Government Lease (demised for agricultural use) without any guaranteed right of access. The applicants should make their own arrangement for acquiring access to the Site. The Government shall accept no responsibility in such arrangement and there is no guarantee that any adjoining Government Land (GL) (Plan A-2) will be allowed for vehicular access to the Site for the proposed use;

- (b) the development scheme indicates that no temporary structure(s) will be erected on the Site. Please note that it is in breach of the Lease concerned for any structures erected on the lot without prior approval of this office and this office reserves the right to take enforcement action against any such irregularities, if detected;
- (c) no Small House application in respect of the Site has been received; and
- (d) if the application is approved, the owner(s) of the lot concerned shall note that no erection of any structure(s) on the Site will be proposed in accordance with the development schedule of the application, and no application for Short Term Waiver will be considered by this office to cover any proposed/erected structure(s). This office reserves the right to take enforcement action against any unauthorised structures erected thereon without further notice.

Traffic

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

- (a) since the proposed car park is to meet the parking need of the village residents, she has no objection in principle to the application; and
- (b) please note that the access between the Site and Sha Tau Kok Road is not managed by the Transport Department, and the applicants are advised to seek comment from the responsible party.

8.1.3 Comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD):

- (a) he has no comment on the application; and
- (b) the road leading to the Site is not maintained by his office.

Environment

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

- (a) she has no objection to the application as the Site will not involve parking of heavy goods vehicle or container trunk; and
- (b) should the application be approved, the applicants are advised to follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites".

Landscape

8.1.5 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) according to the aerial photo of 2020 (**Plan A-3**), the Site is a concrete paved vacant land. No landscape resource is observed within the Site. The Site is situated in an area of settled valley landscape character dominated by extensive woodland, village houses, active farms and some open storage yards. As significant change to the landscape character and impact on landscape resources arising from the proposed development is not anticipated, she has no comment on the application;
- (b) according to the layout plan, it appears that part of the planting areas falls outside the Site boundary and may conflict the proposed U-channels and sandpits. The applicants are reminded that a continuous planting strip within the Site of not less than 1m wide, free from drainage, should be allowed for tree planting; and
- (c) in view that significant adverse landscape impact is not envisaged, it is considered not necessary to impose a landscape condition should the application be approved by the Board.

Nature Conservation

8.1.6 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- having reviewed the FI (**Appendix Ic**), he has no comment on the application from the ecological perspective.

Drainage

8.1.7 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) he has no objection to the application from the public drainage viewpoint;
- (b) should the application be approved, a condition should be included to request the applicants to submit and implement a drainage proposal for the Site to ensure that it will not cause adverse drainage impact to the adjacent area. In their submission, the applicants are required to assess and identify the project's potential drainage impacts and demonstrate in their submission that the project will not cause an unacceptable increase in the risk of flooding in areas upstream of, adjacent to or downstream of the development with the implementation of necessary mitigation measures; and
- (c) the Site is in an area where no public sewerage connection is available.

Fire Safety

8.1.8 Comments of the Director of Fire Services (D of FS):

- (a) he has no in-principle objection to the application subject to fire service installations (FSIs) being provided to the satisfaction of D of FS;
- (b) in consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicants are advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In addition, the applicants should also be advised on the following points:
 - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (ii) the location of where the proposed FSI to be installed should be clearly marked on the layout plans; and
- (c) the applicants are reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Building Matters

8.1.9 Comments of the Chief Building Surveyor / New Territories West, Buildings Department (CBS/NTW, BD):

- there is no proposed building/structure in the application. For any proposed new buildings (if any), the applicants are advised to note his advisory comments under the BO appended at **Appendix III**.

8.2 The following Government departments have no comment on / no objection to the application:

- (a) Project Manager (North), North Development Office, Civil Engineering and Development Department (PM(N), CEDD);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (c) District Officer (North), Home Affairs Department (DO(N), HAD).

9. Public Comment Received During Statutory Publication Period (Appendix II)

On 12.1.2021, the application was published for public inspection. During the statutory public inspection period, one public comment was received from the Chairman of Sheung Shui District Rural Committee indicating no comment on the application.

10. Planning Considerations and Assessments

- 10.1 The application is for a proposed temporary private car park (private car and light goods vehicle) for a period of three years at the Site zoned “V” on the OZP. Whilst the applied use is not entirely in line with the planning intention of the “V” zone where land is primarily intended for development of Small Houses by indigenous villagers, DLO/N of LandsD has no objection to the application and advises that there is no Small House application received for the Site. Moreover, according to the applicants, the temporary car park will help to serve the local villagers for meeting their car parking needs. Given the temporary nature of the proposed use, approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the area.
- 10.2 The Site is situated within the village proper of Ma Tseuk Leng and surrounded by village houses to its south and northwest. It is currently formed and paved. Given its small scale, the proposed temporary private car park is considered not incompatible with the surrounding village setting (**Plans A-2 to A-4**). CTP/UD&L of PlanD has no comment on the application and advises that significant landscape impact arising from the proposed development is not anticipated.
- 10.3 C for T has no in-principle objection to the application considering that the proposed car park is to meet the parking need of the local villagers. Besides, noting that no parking of heavy goods vehicle or container truck will be involved, DEP has no objection to the application, but advises that the applicants should follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any potential environmental impacts to the nearby residents should the application be approved by the Board. Other Government departments consulted, including CE/MN of DSD, DAFC, D of FS, CE/C of WSD and DO(N) of HAD, have no adverse comment on or no objection to the application.
- 10.4 No adverse public comment on the application was received during the statutory public inspection period.

11. Planning Department’s Views

- 11.1 Based on the assessments made in paragraph 10, the Planning Department has no objection to the application.
- 11.2 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 26.2.2024. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no operation between 11:30 p.m. and 6:30 a.m., as proposed by the applicants, is allowed on the Site during the planning approval period;
- (b) 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;

- (c) only private cars and light goods vehicles 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;
- (d) a notice shall 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 be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (e) the submission of 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 26.8.2021;
- (f) in relation to (e) above, the provision of drainage facilities 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 26.11.2021;
- (g) the submission of proposals for water supplies for fire-fighting and fire service installations 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 26.8.2021;
- (h) in relation to (g) above, the implementation of proposals for water supplies for fire-fighting and fire service installations 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 26.11.2021;
- (i) if any of the above planning conditions (a), (b), (c) or (d) 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;
- (j) if any of the above planning conditions (e), (f), (g) or (h) 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 at **Appendix III**.

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

12. Decision Sought

12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.

12.2 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.

12.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicants.

13. Attachments

Appendix I	Application Form with attachments received on 4.1.2021
Appendix Ia	Supplementary Information received on 6.1.2021
Appendix Ib	Supplementary Information received on 7.1.2021
Appendix Ic	FI received on 16.2.2021
Appendix II	Public Comment
Appendix III	Recommended Advisory Clauses
Drawing A-1	Proposed Layout Plan
Drawing A-2	Drainage Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2021**