

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-LT/661

- Applicant** : Mr. CHUNG Tin Pui represented by T.H. & Associates Limited
- Site** : Lot 824 in D.D. 10, Chai Kek, Lam Tsuen, Tai Po, New Territories
- Site Area** : About 318.1m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lam Tsuen Outline Zoning Plan (OZP) No. S/NE-LT/11
- Zoning** : “Village Type Development” (“V”)
- Application** : Proposed Temporary Private Car Park (Private Cars only) for a Period of Three Years

1. The Proposal

- 1.1 The applicant, the manager of Chung Yeung Tsit Tso (鍾揚捷祖), seeks planning permission for a temporary private car park (private cars only) for a period of three years at the application site (the Site) (**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), notwithstanding that the use or development is not provided for in terms of the OZP.
- 1.2 According to the applicant, a total of 10 parking spaces for private cars (5m x 2.5m each) will be provided within the Site to serve local residents. No structure is proposed at the Site. The Site is accessible from Lam Kam Road via Chai Kek Road. A plan showing the layout and vehicular ingress/egress of the proposed car park is at **Drawing A-1**.
- 1.3 In support of the application, the applicant has submitted the following documents:
- (a) application form and attachments received on (**Appendix I**) 10.1.2019
 - (b) further information received on 19.2.2019 providing (**Appendix Ia**) written justifications with minutes of “Tso/Tong”’s

meeting in response to public comments and clarification on the vehicular access to the Site (*accepted and exempted from publication and recounting requirements*)

- (c) further information received on 28.2.2019 providing **(Appendix Ib)** responses to departmental comments (*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 9 of the application form and further information at **Appendices I, Ia and Ib**. They can be summarized as follows:

- (a) the proposed temporary car park is for villagers' convenience only as there is insufficient parking spaces in Chai Kek. The Site is a piece of "Tso/Tong" land and the proposal was agreed by the members of "Tso" at its meeting held on 12.8.2018;
- (b) the Site is situated to the west of Chai Kek Road and adverse traffic impact to the area is not anticipated as the concerned road is a cul-de-sac at the southern end;
- (c) there are several trees near the vehicular access to the Site. Any damage to those trees are prohibited and adverse environmental impacts on the surrounding area are not anticipated. Furthermore, the proposal will not affect the adjoining slope, drainage and water supply;
- (d) in response to Water Supplies Department (WSD)'s comments, the applicant advises that:
 - (i) the proposal is for a temporary car park for private car only and no other vehicles including oil tanker and light-goods vehicle are allowed to park at the Site. Besides, no other activities including vehicle inspection, maintenance, repairing and washing are permitted at the Site;
 - (ii) the Site would be surrounded by kerbs and drains. Boundary fencing would be erected if required;
 - (iii) no use and storage of chemicals including rodenticide and fertilizers as well as pesticides, toxicants, flammable solvents, tar and petroleum oil will be allowed at the Site;
 - (iv) all solid waste and sludge at the Site would be disposed of properly outside the Site and the water gathering ground (WGG);
 - (v) car park users will be advised to drive away their cars if there is any oil leakage. Moreover, oil and grease decontamination kit such as absorbent

pads would be provided at the Site to minimize potential pollution impact. Hence there is no need to provide grease trap and oil interceptor;

- (vi) no toilet facilities would be provided at the Site and adverse sewerage impact is not anticipated;
 - (vii) should pollution be detected in future, the proposed temporary car park would immediately be closed. Environmental consultants would be appointed to carry out necessary remedial measures to WSD's satisfaction; and
 - (viii) regular site inspection would be conducted to ensure the implementation of necessary preventive measures; and
- (e) there is a similar application (No. A/NE-LT/628) for a temporary car park in Chai Kek approved by the Board.

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

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

4. Previous Application

There is no previous application for the same use at the Site.

5. Similar Application

There is one similar application (No. A/NE-LT/628) for a temporary private car park with 27 parking spaces located to the northwest of the Site within the same “V” zone (**Plan A-2**), which was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 2.3.2018 mainly on the considerations that the proposed temporary use would not frustrate the long-term planning intention of the “V” and “AGR” zones and it would unlikely cause adverse traffic, environmental, drainage, landscape and sewage impacts on the surrounding area. Details of the application are summarized at **Appendix II** and the location is shown on **Plans A-1** and **A-2**.

6. The Site and Its Surrounding Areas (Plans A-1, A-2 and photos on Plans A-3 and A-4a to A-4b)

6.1 The Site is:

- (a) generally flat, mainly hard-paved and currently vacant;
- (b) situated within the village proper of Chai Kek and bounded by village houses to its immediate north and west; and

(c) abutting a local track leading to Chai Kek Road.

6.2 The surrounding areas are predominantly rural in character with village houses, fallow/active agricultural land and tree groups. Another temporary private car park approved under Application No. A/NE-LT/628 is located about 90m to the northwest.

7. Planning Intention

The planning intention of the “V” zone is to reflect existing recognized villages 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 House 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.

8. Comments from Relevant Government Departments

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

Land Administration

8.1.1 Comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD):

- (a) no objection to the application;
- (b) the Site consists of a private lot, namely Lot No. 824 in D.D. 10, which is held under Block Government Lease demised for agricultural purpose, and no structure shall be erected thereon without prior approval from LandsD;
- (c) the applicant is required to submit an application for short term waiver (STW) to LandsD should he wish to erect any structure on the Site. However, there is no guarantee at this stage that the STW application would be approved. If the STW application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD including the payment of waiver fee and administrative fees as considered appropriate;
- (d) there is no guarantee to the grant of a right of way to the Site or approval of the emergency vehicular access thereto; and
- (e) no Small House application has been received at the Site.

Traffic

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

- (a) no in-principle objection to the application from traffic engineering view point;
- (b) the existing village access connecting the Site is not under Transport Department's management. The land status, management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly in order to avoid potential land disputes; and
- (c) the applicant is reminded that sufficient space within the Site should be provided for manoeuvring of vehicles.

Environment

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

- (a) no comment on the application;
- (b) the applicant is 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" issued by the Environmental Protection Department (EPD); and
- (c) there is no environmental complaint related to the Site in the past three years.

Landscape

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

- (a) no objection to the application from landscape planning perspective; and
- (b) as the Site does not fall within "landscape sensitive zonings and areas" and the proposed development is unlikely to create any adverse visual and landscape impact, it is considered not necessary to impose any landscape related condition should the application be approved by the Board.

Drainage

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

- (a) no in-principle objection to the application from public drainage viewpoint;
- (b) should the application be approved by the Board, a condition should be included requesting the applicant to submit and implement the drainage proposal for the Site to the satisfaction of Director of Drainage Services or the Board to ensure that it will not cause adverse drainage impact to the adjacent area;
- (c) the Site is within an area where connections to existing public stormwater drainage is available in the vicinity. The Site should have its own stormwater collection and discharge systems to cater for the runoff generated within the Site and overland flow from other areas surrounding the Site. The Site is located on the unpaved ground, and the proposal will increase the impervious area resulting in a change of the flow pattern and an increase of the surface runoff and thus the flooding risk in the area. The applicant should take this into account when preparing the drainage proposal. The applicant/owner is also required to maintain such systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;
- (d) the applicant should design the drainage proposal based on the actual site condition for DSD's comment/agreement. DSD would not assist the lot owner/developer to complete his drainage proposal. In the design, the applicant should consider the workability, the impact to the surrounding environment and seek comments from other concerned parties/departments if necessary. The applicant should make sure no adverse impact will be caused to the area due to the proposed works. The existing natural streams, village drains, ditches and the adjacent areas should not be adversely affected;
- (e) should the applicant choose to connect his proposed sewerage system to DSD's network, he shall furnish DSD with the connection proposal for agreement. After obtaining DSD's agreement, the applicant shall submit a duly completed Form HBP1 with a cross cheque covering the technical audit fee and a plan showing the details of the proposed connection works to DSD for formal application for the required connection. Upon DSD's acceptance of the connection application, the applicant shall carry out the proposed connection works in accordance with DSD Standard Drawings at the resources of the applicant.

The connection pipe outside the lot boundaries shall be handed over to DSD for maintenance after satisfactory technical audit by DSD. In addition, to ensure the sustainability of the public sewerage network, the applicant/owner is required to demonstrate to the satisfaction of DSD in such manner that the runoff within the Site will be served by a designated stormwater collection and discharge system and shall not be drained to the public sewerage network and the applicant/owner will be required to submit details of the proposed connection works and concurrently provide further information on the runoff collection and discharge system; and

- (f) the applicant is required to rectify/modify the drainage/sewerage systems if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify Government against claims and demands arising out of damage or nuisance caused by failure of the system.

Water Supply

8.1.6 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) the Site is located within the upper indirect WGG and is more than 30m from the nearest water course;
- (b) besides vehicle parking, other activities such as on-site vehicle inspection, maintenance, repairing and washing activities shall not be allowed in the proposed development. Oil tanker is not allowed to be parked in the car park to avoid leakage/spillage of oil into the WGG;
- (c) noting that the applicant has undertaken to implement various preventive measures against water pollution to the upper indirect WGG (**Appendix Ib**), he has no objection to the application provided that the development should not cause any water pollution to the upper indirect WGG; and grease trap and petrol interceptor should be provided in view of the risks of oil leakage and spillage due to vehicle parking; and
- (d) in addition, the applicant should be advised of the following preventive measures against water pollution to the upper indirect WGG:
 - (i) all solid waste and sludge arising from the operation of the proposed development shall be disposed of properly outside the Site and the WGG. No chemicals including laticidal oil, rodenticide and fertilizers shall be used without prior approval from Water Authority. The use and storage of pesticides, toxicants, flammable solvents, tar

and petroleum oil are strictly prohibited within the WGG. Besides, oil and grease decontamination kit such as absorbent pads shall be made available by the vehicle park owner to decontaminate any possible oil leakage or spillage ; and

- (ii) no discharge of effluent or foul water into adjoining land, stormwater drain, channel, stream or river course is allowed. In case of any foul water or runoff from the Site, it shall be diverted properly to the communal sewer system with prior written consent of Water Authority, who may require the applicant to provide, operate and maintain suitable works for the treatment and disposal of such effluent or foul water, as a condition of granting his consent.

Town Gas Safety

8.1.7 Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) no comment on the application;
- (b) there is a high pressure underground town gas transmission pipeline (running along Lam Kam Road) in the vicinity of the Site;
- (c) the applicant/consultant/works contractor shall liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/gas installations in the vicinity of the Site and any required minimum setback distance away from them during the design and construction stages of development; and
- (d) the applicant/consultant/works contractor is required to observe the requirements of the Electrical and Mechanical Services Department's "Avoidance of Damage to Gas Pipes 2nd Edition".

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

- (a) Chief Highway Engineer/New Territories East, Highways Department;
- (b) Commissioner of Police;
- (c) Director of Fire Services;
- (d) Head of Geotechnical Engineering Office, Civil Engineering and Development Department;
- (e) Project Manager (North), Civil Engineering and Development Department;
- (f) Director of Agriculture, Fisheries and Conservation; and
- (g) District Officer/Tai Po, Home Affairs Department.

9. Public Comments Received During Statutory Publication Period (Appendix III)

On 8.2.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, four public comments were received from individuals objecting to the application mainly on the grounds that the Site is a piece of “Tso/Tong” land and concerned land owners and villagers have not been consulted on the proposal; the proposed development would induce adverse environmental impact to the surrounding area; the Site is suitable for agricultural rehabilitation; and underground car parking and stack parking should be considered to vacate the land for other uses.

10. Planning Considerations and Assessments

10.1 The application is for a proposed temporary private car park in the “V” zone of Chai Kek for a period of three years. Whilst the proposal is not totally in line with the planning intention of “V” zone where land is primarily intended for development of Small Houses by indigenous villagers, DLO/TP 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 applicant, the temporary private car park is to serve the local residents of Chai Kek, and the use of the Site for a temporary car park was agreed by members of “Tso” at its meeting held on 12.8.2018 (**Appendix Ia**). Given the temporary nature of the proposed use, approval of the application on a temporary basis for a period of three years would not jeopardise the long-term planning intention of the “V” zone.

10.2 The Site is located within the village proper of the “V” zone of Chai Kek. The temporary private car park will provide a total of 10 parking spaces for private cars. The Site is mainly hard-paved and no trees are found within the Site. The applied use is considered not incompatible with the surrounding village setting (**Plans A-2 and A-3**). The Site is located within the upper indirect WGG, and the applicant has undertaken to implement preventive measures against water pollution to the upper indirect WGG (**Appendix Ib**). CE/C of WSD has no objection to the application on condition that the development should not cause any water pollution to the upper indirect WGG. Given the relatively small scale of the proposed use providing 10 parking spaces for private cars only, it is unlikely that it would generate significant environmental nuisance. DEP advises that no environmental complaint related to the Site has been received in the past three years. Other relevant Government departments consulted including C for T, DEP, CE/MN of DSD, CHE/NTE of HyD, DAFC, CTP/UD&L of PlanD, D of FS and C of P have no objection to or adverse comment on the application.

10.3 To minimize any possible environmental nuisance generated by the temporary private car park and ensure that it would not degrade the environmental quality of the rural surrounding, approval conditions restricting the types of vehicles, prohibiting workshop-related activities and requiring protection of WGG during the planning approval period are recommended in paragraphs 12.2 (a) to (c) below. The technical concerns of relevant Government departments on the application could be addressed by way of stipulating relevant approval

conditions. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorised development on-site will be subject to enforcement action taken by the Planning Authority. Besides, the applicant will be advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to alleviate any potential environmental impact.

- 10.4 There is a similar application (No. A/NE-LT/628) falling within the same “V” zone (**Plan A-2**) for temporary private car park for a period of three years providing 27 parking spaces for private cars and light goods vehicles, which was approved by the Committee on 2.3.2018 mainly on the considerations that the proposed temporary use would not frustrate the long-term planning intention of the “V” and “AGR” zones and it would unlikely cause adverse traffic, environmental, drainage, landscape and sewage impacts on the surrounding area. The planning circumstance of the current application are similar to that approved case.
- 10.5 Regarding the public comments objecting to the application mainly on the grounds of the lack of consultation by the applicant with relevant stakeholders; having adverse environmental impact; and being suitable for agricultural rehabilitation, Government departments’ comments and the planning assessments above are relevant.

11. Planning Department’s Views

- 11.1 Based on the assessments made in paragraph 10 and having taken into account the public comments mentioned in paragraph 9, the Planning Department considers that the temporary use under application could be tolerated for a period of 3 years.
- 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 8.3.2022. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no vehicles other than private cars are allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no vehicle dismantling, inspection, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out at the site at any time during the planning approval period;
- (c) the development should not cause any water pollution to the upper indirect water gathering ground at any time during the planning approval period;

- (d) the provision of boundary fencing on the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 8.9.2019;
- (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 8.9.2019;
- (f) in relation to (e) above, the implementation of 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 8.12.2019;
- (g) the submission of proposal on grease trap and petrol interceptor within 6 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the Town Planning Board by 8.9.2019;
- (h) in relation to (g) above, the implementation of proposal on grease trap and petrol interceptor within 9 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the Town Planning Board by 8.12.2019;
- (i) 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
- (j) if any of the above planning conditions (d), (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 attached at **Appendix IV**.

11.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

- the proposed development is not in line with the planning intention of the "V" zone which is primarily intended for the 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. There is no strong planning justification in the submission to justify a departure from this planning intention, even on a temporary basis.

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 applicant.

13. Attachments

Appendix I	Application form and attachments received on 10.1.2019
Appendix Ia	Further information received on 19.2.2019
Appendix Ib	Further information received on 28.2.2019
Appendix II	Similar application
Appendix III	Public comments
Appendix IV	Recommended advisory clauses
Drawing A-1	Site 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 2019**