

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

**APPLICATION NO. A/NE-TK/670**

- Applicant** : Mr. CHENG Chi Hung represented by Mr. HUI Kwan Yee
- Site** : Lots 1657 (Part), 1658 (Part), 1663 RP (Part), 1672 (Part), 1674 (Part), 1675, 1676 and 1678 (Part) in D.D. 17, Ting Kok Village, Tai Po, N.T.
- Site Area** : About 4,800m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/19
- Zoning** : “Recreation” (“REC”)
- Application** : Proposed Temporary Public Vehicle Park (Private Cars Only) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for a proposed temporary public vehicle 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, ‘Public Vehicle Park (excluding container vehicle)’ use in “REC” zone requires planning permission from the Town Planning Board (the Board).
- 1.2 According to the applicant, a total of 61 parking spaces for private cars will be provided within the Site. There will be five single-storey structures on the Site including a reception area, an office, a storeroom and two latrines with a building height of 2.74m and a total floor area of 86.97m<sup>2</sup>. The proposed temporary public vehicle park will operate from 8:00 a.m. to 11:00 p.m. daily. The Site is accessible from Ting Kok Road via a local access. A Plan showing the site layout and vehicular ingress/egress to the proposed temporary public vehicle 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**) 14.5.2019
  - (b) further information received on 14.6.2019 providing (**Appendix Ia**) clarifications related to the site layout (*accepted and*

*exempted from publication and recounting requirements)*

- (c) further information received on 18.6.2019 clarifying on site area and providing a revised layout plan **(Appendix Ib)** *(accepted and exempted from publication and recounting requirements)*
- (d) further information received on 21.6.2019 providing responses to departmental comment **(Appendix Ic)** *(accepted and exempted from publication and recounting requirements)*
- (e) further information received on 28.6.2019 providing a revised layout plan **(Appendix Id)** *(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 to Id**. They can be summarized as follows:

- (a) the Site is located in close proximity to the proposed Lung Mei Bathing Beach and there will be more visitors coming to the surrounding areas of the Site. As the Site has been abandoned for a long time and is covered with weeds, and there are hygienic problem caused by fouling of dogs and dangers due to existence of snakes, the applicant proposes to use the Site for providing parking spaces to visitors;
- (b) the applied use is supported by the Indigenous Inhabitant Representative (IIR) of the village as vacant land can be revitalized;
- (c) the existing containers on the Site do not form part of the proposal and will be removed;
- (d) as there is a level difference in the south-eastern part of the Site, parking spaces will not be provided at this portion of the Site;
- (e) Lot 1677 in D.D. 17 is not included within the boundary of the Site. Access to this lot would be provided through the Site;
- (f) if the application is approved by the Board, the applicant will comply with all approval conditions imposed; and
- (g) the applicant states that the Geotechnical Planning Review Report (GPRR) requested by the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) will only be submitted after the application is approved by the Board.

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

The applicant is not the “current land owner”. In respect of the other “current land owner(s)”, the applicant 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. 31A) by posting site notice at the Site and sending notice to Tai Po Rural Committee through registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

According to the Chief Town Planner/Central Enforcement and Prosecution, Planning Department (CTP/CEP, PlanD), the Site is not involved in any active planning enforcement case.

5. **Previous Application**

There is no previous application at the Site.

6. **Similar Application**

There is no similar application for the same use within the same “REC” zone.

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

7.1 The Site is:

- (a) hard-paved and fenced off; and
- (b) accessible to Ting Kok Road via a local access.

7.2 The surrounding areas are predominantly rural in character with village houses, barbecue areas, vacant land and tree groups. To the east and the west are village proper of Lung Mei and Lo Tsz Tin respectively. To the south on the opposite side of Ting Kok Road is the proposed Lung Mei Bathing Beach being under construction.

8. **Planning Intention**

The planning intention of the “REC” zone is primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.

9. **Comments from Relevant Government Departments**

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

**Land Administration**

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

- (a) no objection to the application;
- (b) the Site consists of eight private lots in D.D. 17, Ting Kok Village, which is held under Block Government Lease demised for agricultural purpose. No structure shall be erected on the lots without prior approval from LandsD;
- (c) should the application be approved by the Board, the applicant is required to submit a short term waiver (STW) application 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 (EVA) thereto;
- (e) a recent inspection revealed that about six structures including converted containers were erected on the Site without prior approval from LandsD and their location are different from those shown in the Site Plan of the application;
- (f) the applicant is required to clear the existing structures on the Site immediately unless they are covered by valid approval. Otherwise, appropriate lease enforcement action will be taken in due course; and
- (g) since unauthorized structures were found on Lots 1657 and 1658, warning letters of lease breach were issued on 2.5.2019. If the breach was not purged in the compliance check, warning letters would be registered in Land Registry.

**Traffic**

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

- (a) no in-principle objection to the application from traffic engineering point of view;
- (b) the temporary public vehicle park could help meeting the existing parking demand in the vicinity as illegal parking in the surrounding areas is observed, including those generated by nearby recreational developments such as barbecue sites and restaurants in Tai Mei Tuk; and
- (c) comments from the owners of the affected lots and the maintenance responsibility parties should be sought for the approaching road as necessary.

**Environment**

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

- (a) no comment on the application;
- (b) it is noted that the temporary car park is intended for private car use, which does not involve generation of heavy vehicles;
- (c) 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"; and
- (d) there was no environmental complaint related to the Site received in the past three years.

**Landscape**

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

- (a) no objection to the application from the landscape planning perspective;
- (b) the Site is situated in an area of rural landscape character comprising scattered tree groups and village houses. It is not entirely incompatible with the surrounding environment and significant adverse impact on landscape resources is not anticipated; and
- (c) should the application be approved by the Board, since the Site is not abutting prominent public frontage and significant

adverse landscape and visual impact due to the proposed use is not anticipated, landscape condition is not recommended.

**Drainage**

9.1.5 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) if the application is approved, an approval condition on submission and implementation of drainage proposal for the Site is recommended to ensure that it will not cause adverse drainage impact to the adjacent areas;
- (c) while there are DSD's public stormwater drains in this area, the applied use should have its own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from surrounding of the Site, e.g. surface channel of sufficient size along the perimeter of the Site; sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the Site if any boundary wall/fence are to be erected. Any existing flow path affected should be re-provided. The applicant should neither obstruct overland flow nor adversely affect the existing natural streams, village drains, ditches and the adjacent areas. The applicant is required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;
- (d) there is existing public sewers in the vicinity of the Site. The applicant should follow the established procedures and requirements for connecting sewers from the Site to the public sewerage system. A connection proposal should be submitted for approval beforehand. Moreover, the sewerage connection will be subject to DSD's technical audit, for which an audit fee will be charged; and
- (e) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant lot owners should be sought.

**Water Supply**

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

- (a) no objection to the application;
- (b) existing water mains are within the lots and will be affected. The applicant is required to either divert or protect the water mains found on the Site. Detailed comments are provided in **Appendix II**; and
- (c) for the provision of water supply to the applied use, the applicant may need to extend the inside services to the nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

**Fire Safety**

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

- (a) no in-principle objection to the application subject to fire service installations (FSIs) being provided to his satisfaction;
- (b) in consideration of the design/nature of the application, FSIs are anticipated to be required. Therefore, the applicant is advised to submit the relevant layout plans incorporated with the proposed FSIs for approval. The applicant should also be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the locations of the proposed FSIs to be installed should be clearly marked on the layout plans; and
- (c) the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

**Building Matter**

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

- (a) the proposed temporary building/structure is subject to the control of Part VII of the Building (Planning) Regulations. The proposed building works require prior approval and consent under the Buildings Ordinance (BO); and

- (b) the applicant is advised to note other comments related to the BO in **Appendix III**.

### **Geotechnical**

#### 9.1.9 Comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD):

- (a) unauthorized site formation (cutting and filling) works at and in the vicinity of the Site were reported to GEO in 2009 and 2011. A number of cut/fill slopes (including the registered features No. 3SE-D/C144, C145 and C146 and some other unregistered slopes) were formed in association with these unauthorized site formation works;
- (b) the stability conditions of the man-made slopes that may affect or be affected by the proposed development, including those slopes formed in association with the unauthorised site formation works, are currently uncertain. The applicant is required to submit a GPRR in support of the application, which should include a preliminary geotechnical review of the slope features that may affect or be affected by the proposed development; an assessment of the geotechnical feasibility of the proposed development; and address the scope of geotechnical investigation of the unauthorized site formation works and existing feature(s) and any associated remedial/slope upgrading works that may be required; and
- (c) it is noted from the applicant's response (**Appendix Ic**) that the GPRR requested by GEO will only be submitted after the application is approved by the Board. As the applicant has not submitted a GPRR to demonstrate that the proposed development will not cause adverse geotechnical impact within the Site and on the surrounding areas, he does not support the application from geotechnical engineering point of view.

#### 9.2 The following Government departments have no objection to or no comment on the application:

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



**10. Public Comments Received During Statutory Publication Period (Appendix IV)**

On 21.5.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, four public comments were received from World Wide Fund for Nature Hong Kong, Designing Hong Kong Limited and individuals raising concerns or objection to the application mainly on the grounds of not being in line with the planning intention of “REC” zone; inefficient use of land; affecting residents’ livelihood; imposing safety risks to villagers; causing adverse traffic and environmental impacts; being “destroy first, build later”; and setting of an undesirable precedent.

**11. Planning Considerations and Assessments**

11.1 The application is for a proposed temporary public vehicle park in the “REC” zone for a period of three years. The “REC” zone is intended primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission. According to the applicant, the Site has been vacant for many years and the proposed temporary public vehicle park is intended to provide parking spaces for private cars only to facilitate the general public visiting the surrounding areas of the Site. In this regard, C for T has no in-principle objection to the application from traffic engineering point of view and advises that the temporary public vehicle park could help meeting the existing parking demand in the vicinity as illegal parking in the surrounding areas is observed, including those generated by nearby recreational developments such as barbecue sites and restaurants in Tai Mei Tuk.

11.2 The Site is hard-paved and fenced off. H(GEO) of CEDD advises that unauthorized site formation (cutting and filling) works at and in the vicinity of the Site were reported in 2009 and 2011. A number of cut/fill slopes (including the registered features No. 3SE-D/C144, C145 and C146 and some other unregistered slopes) were formed in association with these unauthorized site formation works. The stability conditions of the man-made slopes that may affect or be affected by the proposed development, including those slopes formed in association with the unauthorised site formation works, are currently uncertain. The applicant is required to submit a GPRR in support of the application, which should include a preliminary geotechnical review of the slope features that may affect or be affected by the applied use; an assessment of the geotechnical feasibility of the proposed development; and the scope of geotechnical investigation of the unauthorized site formation works and existing feature(s) and any associated remedial/slope upgrading works that may be required. As the applicant has not submitted a GPRR to demonstrate that the proposed development will not cause adverse geotechnical impact on the Site and its surrounding areas, H(GEO) of CEDD does not support the application from geotechnical engineering point of view.

11.3 The Site is accessible to Ting Kok Road via a local access. It is situated in an area of rural landscape character comprising scattered tree groups and village houses (Plans A-2 and A-3). CTP/UD&L of PlanD has no objection to the

application from the landscape planning perspective as significant adverse impact on landscape resources is not anticipated. Besides, DEP has no comment on the application as the proposed use does not involve generation of heavy vehicles and advises that no environmental complaint related to the Site was received in the past three years. Other relevant Government departments consulted including DAFC, DLCS, CE/C of WSD, CE/MN of DSD, CHE/NTE of HyD, D of FS and C of P have no objection to or no adverse comment on the application.

- 11.4 Regarding the public comments raising concerns or objection to the application on the grounds as detailed in paragraph 10 above, Government departments' comments and the planning assessments in above paragraphs are relevant.

## 12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department does not support the application for the following reason:

- the applicant fails to demonstrate that the proposed development would not result in adverse geotechnical impact on the Site and its surrounding areas.

- 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 5.7.2022. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval Conditions

- (a) no operation between 11:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no vehicles other than private cars are allowed to be parked on the site at any time during the planning approval period;
- (c) no vehicle dismantling, inspection, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the site at any time during the planning approval period;
- (d) the submission of a geotechnical assessment report and the implementation of slope remedial/upgrading works identified therein before the operation of the proposed development to the satisfaction of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department or of the Town Planning Board;
- (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 5.1.2020;

- (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 5.4.2020;
- (g) the submission of fire service installations (FSIs) and water supplies for fire-fighting 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 5.1.2020;
- (h) in relation to (g) above, the implementation of FSIs and water supplies for fire-fighting 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 5.4.2020;
- (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; and
- (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 attached at **Appendix V**.

**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 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**

Appendix I	Application form and attachments received on 14.5.2019
Appendix Ia	Further information received on 14.6.2019
Appendix Ib	Further information received on 18.6.2019
Appendix Ic	Further information received on 21.6.2019

Appendix Id	Further information received on 28.6.2019
Appendix II	Detailed comments of CE/C, WSD
Appendix III	Detailed comments of CBS/NTW, BD
Appendix IV	Public comments
Appendix V	Recommended advisory clauses
Drawing A-1	Site plan and development parameters submitted by the applicant
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4d	Site Photos

**PLANNING DEPARTMENT  
JULY 2019**