

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TK/684

- Applicant** : Mr. CHUNG Kwai Fong
- Site** : Lots 1604 S.B and 1604 S.C RP (Part) in D.D. 17, Lo Tsz Tin Village, Tai Po, New Territories
- Site Area** : About 741m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/19
- Zonings** : (i) “Recreation” (“REC”) (about 94% of the Site)
(ii) “Village Type Development” (“V”) (about 6% of the Site)
- Application** : 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 temporary public vehicle park (private cars only) for a period of three years at the application site (the Site) (**Plan A-1**). The Site falls within an area mainly zoned “REC” (about 94%) with a minor portion within “V” zone (about 6%) on the approved Ting Kok OZP No. S/NE-TK/19 (**Plan A-2**). According to the Notes of the OZP, ‘public vehicle park (excluding container vehicle)’ is a Column 2 use in “REC” and “V” zones requiring planning permission from the Town Planning Board (the Board). The Site is currently occupied for the applied use without valid planning permission.
- 1.2 According to the applicant, a total of 40 parking spaces for private cars will be provided within the Site to serve the visitors to recreational facilities in vicinity and the villagers nearby. The temporary public vehicle park will operate 24 hours daily, and no structure will be erected on the Site. The Site is accessible from Ting Kok Road via a local access from the east. The site layout plan submitted by the applicant 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**)
27.5.2020

- (b) further information received on 5.6.2020 providing (**Appendix Ia**) further justifications in support of the application^
- (c) further information received on 13.7.2020 providing (**Appendix Ib**) further justifications in support of the application^

^ accepted and exempted from publication

1.4 In light of the special work arrangement for government departments due to the novel coronavirus infection, the meeting originally scheduled for 24.7.2020 for consideration of the application has been rescheduled, and the Board has agreed to defer consideration of the application and the application is now scheduled for consideration by the Rural and New Town Planning Committee (the Committee) at this meeting.

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 and further information at **Appendices I to Ib**. They can be summarized as follows:

- (a) the applicant is collaborating with Tourism Commission to provide a venue near the Site for operation of food trucks. There is also a bazaar with handicraft exhibition in the venue which will attract many visitors including drivers. The car park under application could enhance tourism activities in the area; and
- (b) the car park could also serve the visitors to a barbeque site in the vicinity, which has no provision of parking spaces, as well as the villagers nearby. There is frequent roadside parking at the village access caused by these users.

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

The applicant is not the “current land owner”. He 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 obtaining the consent of current land owner. 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 part of the subject of a current planning enforcement case (No. E/NE-TK/150) against unauthorized development (UD) involving parking of vehicles, storage use (including deposit of containers) and use for eating place. Enforcement Notice was issued on 14.7.2020 requiring the UD to be discontinued on or before 14.10.2020.

5. Previous Application

There is no previous application at the Site.

6. Similar Application

6.1 There is one similar application No. A/NE-TK/670 for a proposed temporary public vehicle park (private cars only) for a period of three years to the east of the Site within the same “REC” zone. It was rejected by the Committee on 5.7.2019 mainly on the ground of having adverse geotechnical impact on the application site and its surrounding areas.

6.2 Details of the similar application are summarized at **Appendix II** and its location is shown on **Plans A-1 and A-2**.

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

7.1 The Site is:

- (a) hard-paved, partially fenced off, and currently used for parking of vehicles without valid planning permission; and
- (b) accessible to Ting Kok Road via a local access from the east.

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 north are the 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 Intentions

8.1 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.

8.2 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.

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 two private lots which are held under the Block Government Lease demised for agricultural purpose. No structure shall be erected on the lots without the prior approval from LandsD;
- (c) should the Board approve the application, the lots owner is required to submit an application for Short Term Waiver (STW) to LandsD should he wish to erect structures on the private lots. 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 fee 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 in respect of the Site.

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 village access 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

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 traffic 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 located in an area of rural coastal plains landscape character comprising village houses to its immediate north within the “V” zone, temporary structures and clusters of trees. The Site is hard paved with no significant landscape resource observed, hence, significant adverse impact on existing landscape resources arising from the applied use is not anticipated;
- (c) the applied use is considered not entirely incompatible with the landscape character within and surrounding the Site; and
- (d) noting that there is no major public frontage along the site boundary, should the Board approve the application, it is considered not necessary to impose a landscape condition as its effect on enhancing the quality of public realm is not apparent.

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 the 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 applied use 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 are existing sewers in the vicinity of the Site; 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; and
- (b) existing water mains inside the lots will be affected. The applicant is required to either divert or protect the water mains found on site. Detailed comments are provided in **Appendix III**.

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 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.

Tourism

9.1.8 Comments of the Commissioner for Tourism (C for Tourism):

- the Tourism Commission has given no objection to the operation of food trucks at a bazaar with handicraft exhibition located next to the Site since April 2020. He has no comment on the application for the temporary car park.

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

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

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

On 5.6.2020, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual objecting to the application mainly on the ground of causing adverse environmental impact.

11. Planning Considerations and Assessments

11.1 The application is for a temporary public vehicle park (private cars only) in an area mainly zoned "REC" (about 94%) and partly zoned "V" (about 6%) on the OZP. The applied use is not entirely in line with the planning intentions of the "REC" and "V" zones which are primarily for the recreational developments for the use of the general public and for development of Small Houses by indigenous villagers respectively. Nevertheless, the applied use is to serve the visitors to the recreational facilities in the vicinity as well as the villagers nearby.

Furthermore, there is no application for Small House received by DLO/TP, LandsD in respect of the Site. The approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intentions of “REC” and “V” zones. DLO/TP, LandsD has no objection to the application.

- 11.2 According to the applicant, a total of 40 parking spaces for private cars will be provided within the Site. C for T has no in-principle objection to the application from traffic engineering point of view. DEP has no comment on the application as the proposed use does not involve generation of traffic of heavy vehicles, and advises that no environmental complaint related to the Site was received in the past three years.
- 11.3 The Site is accessible to Ting Kok Road via a local access from the east. The surrounding areas are predominantly rural in character with village houses, barbecue areas, vacant land and tree groups. To the east and the north are the 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 (**Plan A-3**). As the Site is hard paved with no significant landscape resource and the applied use is considered not entirely incompatible with the landscape character in the surrounding area, CTP/UD&L of PlanD has no objection to the application from the landscape planning perspective. Other relevant Government departments consulted including CE/MN of DSD, CE/C, of WSD, D of FS, CHE/NTE of HyD, DAFC, DLCS, H(GEO) of CEDD and C for Tourism have no objection or no adverse comment on the application.
- 11.4 There is one similar application (No. A/NE-TK/670) to the east of the Site (**Plan A-1** and **A-2**) within the same “REC” zone. It was rejected by the Committee on 5.7.2019 mainly on the ground for having adverse geotechnical impact on the application site and its surrounding areas. The reason for rejecting the similar application is not applicable to the current application.
- 11.5 Regarding the public comment as detailed in paragraph 10 above, Government departments’ comments and the planning assessments in the above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10, the Planning Department has no objection to the application.
- 12.2 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 1.9.2023. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) 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;

- (b) only private cars 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;
- (c) a notice should be posted at a prominent location of the Site to indicate that only private cars 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) the provision of peripheral 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 1.3.2021;
- (e) 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 1.3.2021;
- (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 1.6.2021;
- (g) the submission of proposals for fire services installations (FSIs) and water supplies for fire-fighting 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 1.3.2021;
- (h) in relation to (g) above, the implementation of proposals for FSIs and water supplies for fire-fighting 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 1.6.2021;
- (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 V**.

12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Member's reference:

- the development is not in line with the planning intentions of the "REC" and "V" zones, which are primarily for the recreational developments for the use of the general public and for Small House development by indigenous villagers respectively. There is no strong planning justification in the submission for a departure from the planning intentions, even on a temporary basis

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) 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	Application form and attachments received on 27.5.2020
Appendix Ia	Further information received on 5.6.2020
Appendix Ib	Further information received on 13.7.2020
Appendix II	Similar application
Appendix III	Detailed comments of Water Supplies Department
Appendix IV	Public comment
Appendix V	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
Plans A-4a and A-4b	Site Photos