

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TK/688

- Applicant** : Mr. CHENG Chi Hung represented by Mr. HUI Kwan Yee
- Site** : Lots 1657 (Part), 1658 (Part), 1663 RP (Part) and 1676 (Part) in D.D. 17, Ting Kok Village, Tai Po, N.T.
- Site Area** : About 1,685.03m²
- 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 is a Column 2 use requiring planning permission from the Town Planning Board (the Board).
- 1.2 According to the applicant, a total of 22 parking spaces for private cars will be provided within the Site. There will be one single-storey structure on the Site as a reception area with a building height of 2.74m and a total floor area of 14.88m². 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 track. A plan showing the parking layout and vehicular ingress/egress to the proposed temporary public vehicle park is at **Drawing A-1**.
- 1.3 The Site is part of the subject of a previous application (No. A/NE-TK/670), submitted by the same applicant and for the same use for a period of three years, which was rejected by the Rural and New Town Planning Committee (the Committee) on 5.7.2019 for reason of adverse geotechnical impact. Compared with the previous application, the site area in the current application has been reduced from 4,800m² to 1,685.03m² and the number of parking spaces is reduced from 61 to 22.

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

- (a) application form and attachments dated 9.9.2020 (Appendix I)
- (b) further information received on 29.10.2020 (Appendix Ia) providing clarification to the proposed development[^]

[^] *accepted and exempted from publication*

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 and Ia**. They can be summarized as follows:

- (a) the Site is located in close proximity to the proposed Lung Mei Bathing Beach which will attract many visitors. The Site has been abandoned for a long time, with hygienic problem caused by fouling of dogs and safety problem caused by snakes. The proposed development could improve the environment and serve the parking need of visitors, swimmers and villagers;
- (b) the proposed development is supported by the Indigenous Inhabitant Representative (IIR) of the Lo Tsz Tin Village as it could revitalize the abandoned land;
- (c) no use of neon light signboard is proposed at the Site; and
- (d) if the application is approved by the Board, the applicant will comply with all approval conditions imposed.

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

The applicant is not the “current land owner” but 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

- 5.1 The Site and the area to its east is covered by a previous application (No. A/NE-TK/670), submitted by the same applicant and for the same use for a period of three years, which was rejected by the Committee on 5.7.2019 for reason of adverse geotechnical impact on the Site and its surrounding area. Compared with the previous application, the site area in the current application has been reduced from 4,800m² to 1,685.03m² by excluding the area near the slopes with geotechnical concern, and the number of parking spaces is reduced from 61 to 22.
- 5.2 Details of the above application are summarized at **Appendix II** and its location is shown on **Plans A-1** and **A-2**.

6. Similar Application

- 6.1 There is one similar application (No. A/NE-TK/684) within the same “REC” zone, which was approved with conditions for a period of 3 years by the Committee on 1.9.2020 mainly on the consideration that no adverse impacts will be caused on the surrounding areas.
- 6.2 Details of the above application are summarized at **Appendix III** 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-4)

- 7.1 The Site is:
- (a) vacant and largely hard-paved; and
 - (b) accessible to Ting Kok Road via a local track.
- 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 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 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 four private lots in D.D. 17, Ting Kok Village, which are held under Block Government Lease demised for agricultural purpose. No structure shall be erected on the lots without the prior approval from LandsD;
- (c) two containers were found on the Site without the prior approval from LandsD;
- (d) 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 fee as considered appropriate;
- (e) there is no guarantee to the grant of a right of way to the Site or approval of the emergency vehicular access (EVA) thereto; and
- (f) the applicant is required to clear any existing structures on the Site immediately unless they are covered by valid approval. Otherwise, appropriate lease enforcement action will be taken in due course.

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 road 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) 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
- (c) 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 coastal plains landscape character comprising village houses, temporary structures and clusters of trees. Majority of the Site is hard paved with no significant landscape resource observed. Hence, significant adverse impact on existing landscape resources arising from the proposed development is not anticipated;
- (c) the proposed development within “REC” zone is considered not entirely incompatible with the landscape character within and surrounding the Site; and
- (d) there is no major public frontage along the site boundary. Should the application be approved by the Board, it is considered not necessary to impose a landscape condition as its effect on enhancing the quality of the 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 proposed development 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 proposed development 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; 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 are within the lots and will be affected. The applicant is advised to either divert or protect the water mains found on the Site. Detailed comments are provided in **Appendix IV**.

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) and water supplies for fire-fighting being provided to his satisfaction;

- (b) in consideration of the design/nature of the application, the applicant should submit relevant layout plans incorporated with the proposed FSIs for approval. 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 there is any proposed structure(s) which 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):

- for any new proposed buildings, the applicant is advised to note the comments under the Buildings Ordinance in **Appendix IV**.

Geotechnical

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

- (a) no in-principle objection to the application; and
- (b) it is noted that the slopes with geotechnical concern in the previous application has been excluded from the application site boundary of the current application.

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 (CHE/NTE, HyD);
- (b) Commissioner of Police (C of P);
- (c) Director of Agriculture, Fisheries and Conservation (DAFC);
- (d) Project Manager/North, Civil Engineering and Development Department (PM/N, CEDD);
- (e) Director of Leisure and Cultural Services Department (DLCS);
- (f) Director of Electrical and Mechanical Services (DEMS); and
- (g) District Officer/Tai Po, Home Affairs Department (DO/TP, HAD).

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

On 18.9.2020, the application was published for public inspection. During the statutory public inspection period, four public comments were received from WWF Hong Kong, two groups of villagers of Lo Tsz Tin and an individual objecting to the application on the grounds of being not in line with the planning intention of the “REC” zone; being a “destroy first, build later” case; and causing adverse traffic, environmental and Feng Shui impacts.

11. Planning Considerations and Assessments

- 11.1 The application is for a proposed temporary public vehicle park (private cars only) in the “REC” zone for a period of three years. The proposed development is not entirely in line with the planning intention of the “REC” zone which is primarily for the recreational developments for the use of the general public. Nevertheless, the proposed development is to serve the visitors to the recreational facilities in the vicinity as well as the villagers nearby. The approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of “REC” zone.
- 11.2 The Site is currently vacant and largely hard-paved. 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 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 under construction (**Plans A-2 and A-3**). CTP/UD&L, PlanD advises that the Site is situated in an area of rural coastal plains landscape character and significant adverse impact on existing landscape resources arising from the proposed development is not anticipated. As such, she has no objection to the application from the landscape planning perspective. Other relevant Government departments consulted including DEP, 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.
- 11.3 The Site and the area to its east is covered by a previous application (No. A/NE-TK/670), submitted by the same applicant and for the same use for a period of three years, which was rejected by the Committee on 5.7.2019 for adverse geotechnical impact on the Site and its surrounding area. Compared with the previous application, the site area in the current application has been reduced from 4,800m² to 1,685.03m² by excluding the area near the slopes with geotechnical concern, and the number of parking spaces is reduced from 61 to 22. H(GEO) of CEDD has no in-principle objection to the application.
- 11.4 There is one similar application (Application No. A/NE-TK/684) for the same use within the same “REC” zone, which was approved with conditions by the Committee on 1.9.2020 mainly on consideration that no adverse impacts will be caused to the surrounding areas. The planning circumstances of the current application are similar to this similar application.
- 11.5 Regarding the public comments objecting to the application on the grounds as detailed in paragraph 10, 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 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 6.11.2023. 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 use of neon light signboard, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no vehicle without valid licence issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations is allowed to be parked/stored on the Site at any time during the planning approval period;
- (d) only private car as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (e) a notice should be posted at a prominent location of the Site to indicate that only private car as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (f) no vehicle dismantling, inspection, maintenance, repairing, cleansing, paint spraying or other workshop activities is allowed on the Site at any time during the planning approval period;
- (g) 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 6.5.2021;
- (h) 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 6.5.2021;
- (i) in relation to (h) 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 6.8.2021;

- (j) 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 6.5.2021;
- (k) in relation to (j) 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 6.8.2021;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) 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
- (m) if any of the above planning conditions (g), (h), (i), (j) or (k) 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 VI**.

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 intention of the "REC" zone, which is primarily for the recreational developments for the use of the general public. There is no strong planning justification in the submission for a departure from the planning intention, 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 9.9.2020
Appendix Ia	Further information received on 29.10.2020
Appendix II	Previous application
Appendix III	Similar application
Appendix IV	Detailed departmental comments
Appendix V	Public comments
Appendix VI	Recommended advisory clauses
Drawing A-1	Parking 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
NOVEMBER 2020**