

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

**APPLICATION NO. A/NE-SSH/121**

- Applicant** : Mr. TANG Pik Yau represented by Grandmax Surveyors Limited
- Site** : Lots 911 (Part) and 912 (Part) in D.D.165, Tseng Tau, Shap Sz Heung, Sai Kung, New Territories
- Site Area** : About 695 m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Shap Sz Heung Outline Zoning Plan No. S/NE-SSH/11
- Zonings** : “Village Type Development” (“V”) (about 98.5%) and area shown as ‘Road’ (about 1.5%)
- Application** : Renewal of Planning Approval for Temporary Private Car Park (Private Car and Light Goods Vehicle) for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for renewal of planning approval for a temporary private car park (private car and light goods vehicle) for a period of three years at the application site (the Site) (**Plan A-1**). The Site is the subject of three previous applications (No. A/NE-SSH/62, 80 and 100) submitted by the same applicant for the same use, which were approved with conditions by the Rural and New Town Planning Committee (the Committee) on a temporary basis for a period of three years on 5.6.2009, 20.7.2012 and 18.9.2015 respectively. The Site is currently occupied by the applied use with valid planning permission under Application No. A/NE-SSH/100 until 18.9.2018. All approval conditions attached to this previous planning permission have been complied with.
- 1.2 The temporary private car park under the renewal application provides 21 parking spaces (17 for private cars and 4 for light goods vehicles), operating 24 hours every day and serving the local residents of Tseng Tau. The Site is accessible from Sai Sha Road via a local road. There has been no major change in the development proposal including the number of parking spaces compared to that of the previous application No. A/NE-SSH/100, except the current Site area has slightly increased by 23m<sup>2</sup> (or 3.4%). The layout of the Site submitted by the applicant is at **Drawing A-2**.
- 1.3 In support of the application, the applicant has submitted the following documents:

- (a) application form and attachment received on 23.7.2018 (Appendix I)
- (b) further information received on 9.8.2018 clarifying about the site area with no government land involved (accepted and exempted from publication and recounting requirements) (Appendix Ia)

## 2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Part 8 of the application form in **Appendix I**. They can be summarised as follows:

- (a) the private car park for private cars and light goods vehicles would only serve the local residents of Tseng Tau for their daily car parking needs, and it has been operated with planning permission for nine years (Applications No. A/NE-SSH/62, 80 and 100);
- (b) except route 67K public light buses serving Tseng Tau Village, private vehicle is the main transportation means for local residents of Tseng Tau as there is a considerable walking distance to Sai Sha Road for buses. However, with the limited supply of land in Tseng Tau, there is limited proper parking area available in the village. Thus, the proposed private car park would address the basic proper parking needs of the local residents;
- (c) as the private car park will only serve local residents in Tseng Tau, the traffic only involves daily in/out trips of local residents;
- (d) approved tree and drainage services proposals have already been implemented under previous planning permissions, which are maintained in good conditions. The applicant will maintain the facilities and submit records on current conditions after obtaining the renewal approval;
- (e) the Site is for an open-air car park without any structure. There is no flammable source on the Site, and thus would not cause fire safety concern; and
- (f) there are similar planning applications approved in the area (i.e. Applications No. A/NE-SSH/101, 105 and 106).

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

The applicant is not a “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 giving notification to the “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

## 4. Town Planning Board Guidelines

The Town Planning Board Guidelines No. 34B (TPB-PG No. 34B) on ‘Renewal of

Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development' is relevant to this application. The relevant assessment criteria are summarized in **Appendix II**.

**5. Previous Applications**

5.1 The Site is the subject of three previous applications (No. A/NE-SSH/62, 80 and 100) submitted by the same applicant for the same use, which were approved with conditions by the Committee for a period of three years on 5.6.2009, 20.7.2012 and 18.9.2015 respectively. The planning approvals were granted mainly on considerations that the temporary private car park would not adversely affect land available for Small House development and adverse environmental and drainage impacts were not anticipated. The applicant has complied with all approval conditions under the last approved application No. A/NE-SSH/100, of which the planning permission will be valid until 18.9.2018. Compared with the last approved application, there has been no major change in the development proposal including the number of parking spaces, except the current Site area has slightly increased from 672m<sup>2</sup> to 695m<sup>2</sup> (+23m<sup>2</sup> or 3.4%).

5.2 Details of the above previous applications are summarised at **Appendix III** .

**6. Similar Application**

There is no similar application within the same "V" zone.

**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) located on the north-western fringe of Tseng Tau Village and currently used for parking of vehicles;
- (b) paved and surrounded by fences and trees; and
- (c) accessible via a local road connected to Sai Sha Road.

7.2 The surrounding areas are predominantly rural in character. To the immediate east of the Site are village houses of Tseng Tau Village and fallow agricultural land.

**8. Planning Intention**

The planning intention of the "V" zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within this zone 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.

## 9. Comments from Relevant Government Departments

9.1 The following Government departments have been consulted and their views on the application are summarised 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) no application for New Territories Exempted House (NTEH) has been received by LandsD for the Site;
- (c) the Site contains portion of Lots 911 and 912 both in D.D. 165. As these two lots are held under Block Government Lease demised for agricultural purpose, no structure shall be erected on the lots without prior approval given by LandsD;
- (d) a recent inspection revealed that the Site is used for an open vehicle park only; and
- (e) the proposal submitted by the applicant is not in conflict with the lease conditions governing the Site. If the application is approved by the Committee, the applicant is not required to seek a lease modification from LandsD to implement it. Therefore, any planning conditions imposed by the Committee cannot be written into the lease through lease modification.

### 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) for the village access road, it 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 also 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 should follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites"; and
- (c) there is no environmental complaint related to Site 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 of woodland, village houses and vacant land. Although the applied use is not in line with the planning intention of "V" zone, it is not entirely incompatible with the surrounding environment;
- (c) no significant change is observed in the adjacent area and within the application boundary since the last approved application. Adverse impact on landscape character and landscape resources arising from the continual use of temporary private car park is not anticipated;
- (d) should the application be approved, a condition requiring the applicant to maintain the existing trees within the Site satisfactorily at all times during the approval period is recommended; and
- (e) while the existing landscaping trees implemented for the previous approved application are generally in acceptable condition, the tree height of two existing *Mangifera indica* (杧果) along the northern boundary does not tally with the approved scheme (i.e. minimum 2.75m) submitted under previous application (No. A/NE-SSH/100). The applicant is reminded to follow the details stipulated in the approved scheme for the replacement of trees at all times. Moreover, tree protective measures, e.g. kerbs or bollards at a minimum distance of 1m from planting area of trees should be provided to guard the trees from potential damage arising from manoeuvre of vehicles; and climbers entwined on the existing trees at the southwestern part of the Site should be removed.

### **Drainage**

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

- (a) no comment on the application from public drainage viewpoint; and
- (b) the applicant should maintain the drainage systems for the Site 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.

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

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

#### **10. Public Comment Received During Statutory Publication Period**

On 30.7.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, no public comment was received.

#### **11. Planning Considerations and Assessments**

11.1 The current application is for renewal of planning approval under previous application No. A/NE-SSH/100 for a temporary private car park (private car and light goods vehicle) for a period of three years. The Site falls mainly within the "V" zone (about 98.5%) with a minor portion within an area shown as 'Road' (about 1.5%). Whilst the applied use is not 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 advises that no Small House application has been received for the Site and he has no objection to the renewal application. According to the applicant, the temporary private car park would only serve the local residents of Tseng Tau Village to meet their daily car parking needs. In this regard, approval of the application on a temporary basis would not frustrate the long-term planning intention of the "V" zone .

11.2. The temporary private car park under application will provide a total of 21 parking spaces, including 17 for private cars and four for light goods vehicles (**Drawing A-2**). The Site is connected with paved driveways leading to Sai Sha Road to the west, and village houses are concentrated in the "V" zone to the east of the Site. The applied use is not incompatible with the surrounding area which is rural in character comprising woodland, village houses and vacant land (**Plans A-2, A-3 and A-4**).

- 11.3 The application is generally in line with TPB PG-No. 34B in that there is no major change in the development proposal including the number of parking spaces (except the current site area has slightly increased by 23m<sup>2</sup> or 3.4%) since the previous temporary approval was granted; adverse planning implications arising from the renewal of the planning approval are not envisaged; all conditions under previous approval have been complied with; and the approval period sought is the same as that of the previous approval.
- 11.4 Relevant Government departments, including C for T, CE/NTE of HyD, C of P, DEP, CE/MN of DSD, CE/C of WSD, CTP/UD&L of PlanD and D of FS have no objection to or no adverse comment on the application. The applied use is not anticipated to cause significant adverse traffic, environmental, drainage and landscape impacts on the surrounding areas. According to DEP, there is no environmental complaint related to the Site in the past three years. To minimise any potential environmental nuisances and to address technical requirements of concerned Government departments, appropriate approval conditions are recommended in paragraph 12.2 below should the application be approved by the Committee. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorized development on site will be subject to enforcement action by the Planning Authority. The applicant will also 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”.
- 11.5 No public comment on the application has been received.

## 12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 above, the Planning Department considers that the temporary private car park (private car and light goods vehicle) could be tolerated for a further period of three years.
- 12.2 Should the Committee decide to approve the renewal application, it is suggested that the permission shall be valid on a temporary basis for a period of three years from 19.9.2018 to 18.9.2021. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

### Approval Conditions

- (a) no vehicles other than private car and light goods vehicle are allowed to be parked on the application site at any time during the planning approval period;
- (b) no vehicle repairing, car washing/fuelling, vehicle dismantling or other workshop activities are allowed on the Site at any time during the planning approval period;
- (c) the existing trees on the Site shall be maintained at all times during the planning approval period;

- (d) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (e) 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
- (f) upon the expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

#### Advisory Clauses

The recommended advisory clauses are attached at **Appendix IV**.

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

The continued occupation of the Site for the applied use is not in line with the planning intention of the "V" zone which is intended to reflect existing recognized 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 Houses by indigenous villagers. No strong planning justification has been given 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), if any, 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

<b>Appendix I</b>	Application form and attachment received on 23.7.2018
<b>Appendix Ia</b>	Further information received on 9.8.2018
<b>Appendix II</b>	Relevant extracts of TPB Guidelines No. 34B on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development
<b>Appendix III</b>	Previous s.16 applications covering the application site
<b>Appendix IV</b>	Recommended advisory clauses



<b>Drawing A-1</b>	Location plan submitted by the applicant
<b>Drawing A-2</b>	Site layout plan submitted by the applicant
<b>Plan A-1</b>	Location plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plan A-4</b>	Site photos

**PLANNING DEPARTMENT  
SEPTEMBER 2018**