

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

**APPLICATION NO. A/TM-SKW/103**

- Applicant** : Woo Ting Kwun Tso alias Woo Kwun Ting Tso represented by Mr. Wu Yuk Choi
- Application Site** : Lot 241 in D.D.385, So Kwun Wat, Tuen Mun, New Territories
- Site Area** : About 2,700m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved So Kwun Wat Outline Zoning Plan (OZP) No. S/TM-SKW/13
- Zoning** : “Village Type Development” (“V”)  
*[restricted to maximum building height of 3 storeys (8.23m)]*
- Application** : Temporary Private Vehicle Park for Private Cars and Light Goods Vehicles (Excluding Container Vehicles) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary private vehicle park for private cars and light goods vehicles (excluding container vehicles) for a period of 3 years (**Plan A-1**). The Site falls within an area zoned “V” on the approved So Kwun Wat OZP No. S/TM-SKW/13. According to the Notes of the OZP, temporary use not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently used for the car park without valid planning permission.
- 1.2 According to the applicant, the private vehicle park is intended to serve the local residents and visitors of Tai Lam Chung Tsuen and members of Woo Ting Kwun Tso (胡廷冠祖). The Site will not be used for vehicle dismantling, inspection, maintenance, repairing, cleansing, paint spraying or other workshop activities. The car parking layout and vehicular access is shown at **Drawing A-1**. No structures or fencing are proposed by the applicant. The major parameters of the private vehicle park are summarised as follows:

Site area	About 2,700m <sup>2</sup>
Total no. of parking spaces - Private vehicle	41 36 (including one accessible parking space)

- Light goods vehicle	5
Operation hours	24 hours daily

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

- (a) Application Form received on 21.5.2019 **(Appendix I)**
- (b) Supplementary Information received on 24.5.2019 providing with revised layout plan **(Appendix Ia)**
- (c) Further information (FI) received on 5.8.2019 providing technical notes on the traffic impact arising from the proposed car park **(Appendix Ib)**  
*[The FI was accepted but not exempted from publication and recounting requirements.]*
- (d) FI received on 19.8.2019 providing drainage proposal for the proposed car park **(Appendix Ic)**  
*[The FI was accepted and exempted from publication and recounting requirements.]*
- (e) FI received on 26.8.2019 providing responses to comments of Environmental Protection Department (EPD) and Planning Department (PlanD) **(Appendix Id)**  
*[The FI was accepted and exempted from publication and recounting requirements.]*
- (f) FI received on 23.10.2019 providing responses to comments of Transport Department (TD) and Drainage Services Department (DSD) and enclosing revised drainage proposal for the proposed car park. **(Appendix Ie(1) and Ie(2))**  
*[The FI was accepted and exempted from publication and recounting requirements.]*
- (g) FI received on 19.12.2019 and 20.12.2019 providing responses to comments of TD, DSD and Food and Environmental Hygiene Department (FEHD) and enclosing revised drainage proposal for the proposed car park **(Appendices If(1), If(2) and If(3))**  
*[The FI was accepted and exempted from publication and recounting requirements.]*
- (h) FI received on 17.1.2020 providing replacement page of drainage proposal **(Appendix Ig)**  
*[The FI was accepted and exempted from publication and recounting requirements.]*

1.4 The application was received by the Board on 21.5.2019. On 19.7.2019, 4.10.2019 and 13.12.2019, the Rural and New Town Planning Committee (the Committee) agreed to defer a decision as requested by the applicant. After the deferrals, the applicant submitted FI from 5.8.2019 to 17.1.2020. In light of the

special work arrangement for government departments due to the novel coronavirus infection, the meeting originally scheduled for 7.2.2020 for consideration of the application has been rescheduled, and the Board has agreed to defer consideration of the application. The application is now scheduled for consideration by the Committee at this meeting.

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are summarised as follows:

- (a) Villagers have parked their vehicles at the Site since late 1960s. The demand for car parking spaces has been increasing since then as the members of Woo Ting Kwun Tso have been increasing. Currently, there are more than 30 vehicles parked at the Site. Vehicles may park on roads if there are insufficient parking spaces, which will bring inconvenience to residents and adverse impact on traffic.
- (b) Users of the vehicle park are limited to local residents and visitors of Tai Lam Chung Tsuen. Users of the vehicle park do not have to pay and is not for public use. The Site is remotely located in Tai Lam Chung Tsuen. Unauthorised usage by the general public is not expected.
- (c) The proposed private vehicle park will be used for parking vehicles only. Vehicle dismantling, inspection, maintenance, repairing, cleansing, paint spraying or other workshop activities is not allowed. Therefore, adverse impact to the surrounding area is not anticipated. Besides, the proposed private vehicle park will benefit the members of Woo Ting Kwun Tso and the residents nearby.
- (d) No fencing will be provided surrounding the Site to avoid obstruction to the nearby residents. Besides, parking spaces will be clearly marked within the vehicle park and the access roads to the adjacent lots are delineated. The applicant will also monitor the operation of the vehicle park to ensure that the access roads are maintained without blockage by parked vehicle.

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

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

## **4. Background**

Part of the Site is subject to planning enforcement action against unauthorised development (UD) involving parking of vehicles. Enforcement Notice (EN) was issued on 4.3.2019 requiring discontinuation of the UD. As site inspection after the compliance expiry of the EN revealed that the UD had not been discontinued, prosecution action may be followed.

**5. Previous Application**

There is no previous application covering the Site.

**6. Similar Applications**

There is no similar application for the private vehicle park use within the same “V” zone.

**7. The Site and Its Surrounding Areas (Plan A-1 to Plan A-4b)**

7.1 The Site is:

- (a) currently being used for the applied use without valid planning permission (**Plan A-3 to A-4b**); and
- (b) accessible from Tai Lam Chung Road via a local track (**Plan A-2**).

7.2 The surrounding areas have the following characteristics:

To its north and east are mainly village houses of Tai Lam Chung Tsuen. The area to the west and southwest are largely storage, vehicle repair workshop, open storage of construction materials and parking of vehicles (**Plan A-2**).

**8 Planning Intention**

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 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. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Town Planning Board.

**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/Tuen Mun, Lands Department (DLO/TM, LandsD):

- (a) The Site falls within Lot No. 241 in D.D.385 (‘the Lot’). The Lot

is Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government.

- (b) Site inspection was carried out on 3.6.2019 and revealed that the Site was parked with a number of vehicles. The Site is accessible via a track leading from Tai Lam Chung Road. His Office does not carry out maintenance works for the said track nor guarantee that right-of-way will be given to the Site.
- (c) There are 4 outstanding Small House applications and 13 approved Small House applications in the vicinity of the Site while there is no outstanding or approved Small House application within the Site.
- (d) It is noted from the submission that no structure is proposed to be erected on the Lot. The applicant is reminded that if structures are proposed to be erected, the lot owner is required to submit a formal application to his office for a Short Term Waiver to permit creation of the proposed structures on the Lot after planning permission is given by the Board if applicable. However, there is no guarantee that the application will be approved and he reserves his right to take any action as may be appropriate. The application will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the application is approved, it would be subject to such terms and conditions as the Government shall deem fit to do so, including charging of waiver fee, deposit and administration fee etc.
- (e) His office reserves the right to take enforcement actions as considered appropriate against any unauthorised erection/extension/alternations of structures on the Site or any unauthorised occupation of Government land irrespective of whether planning permission will be given or not.

### **Traffic**

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

- (a) He has no comment on the application from the traffic engineering perspective.
- (b) Should the application be approved, an approval condition stating that no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period should be included.
- (c) The Site is connected to the public road network via a section of a local access road which is not managed by TD. The land status of the access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.

9.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) The proposed access arrangement should be commented by TD.
- (b) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.
- (c) The proposed vehicular access from the Site to Tai Lam Chung Road is not and will not be maintained by HyD. HyD shall not be responsible for the maintenance of any access connecting the Site and Tai Lam Chung Road.

**Environment**

9.1.4 Comment of the Director of Environmental Protection (DEP):

- (a) It is noted that the proposed temporary private vehicle park is intended for private cars and light goods vehicles, which would not generate traffic of heavy vehicles. Moreover, car washing, car maintenance, and other uses will not be allowed at the vehicle park.
- (b) Should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the '*Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites*' to minimise any potential environmental nuisances.
- (c) There has not been any environmental complaint pertaining to the Site over the past 3 years.
- (d) It is noted that the Site is located within the 1000m consultation zone of Tai Lam Chung No. 2 Chlorination Station. He has no comments from risk point of view.

**Urban Design**

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

The Site falls within an area zoned "V" on the approved So Kwun Wat OZP No. S/TM-SKW/13. Given the Site is for parking of vehicles, and there is no building structure in the Site, its adverse visual impacts to the surroundings are not anticipated. As such, he has no comment on the application from the visual point of view.

**Landscape**

9.1.6 Comment of the CTP/UD&L, PlanD:

- (a) With reference to the submitted information, since the application

seeks planning permission for temporary private vehicle park use within a development zone (“V” zone), significant landscape impact arising from the application is not envisaged.

- (b) As there is no major public frontage along the site boundary, should the Board approve the application, it is not necessary to impose a landscape condition as its effect on enhancing the quality of public realm is not apparent.

### **Drainage**

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

- (a) He has no objection in-principle to the proposed application and the drainage proposal from public drainage viewpoint. Should the application be approved, a condition should be included to require the applicant to implement the drainage proposal and maintain the drainage facilities for the Site to ensure that it will not cause adverse drainage impact to the adjacent area.
- (b) The ‘existing stream’ for the proposed connection is not being maintained by DSD (**Plan A-2**). The applicant shall seek consent from the concerned departments/maintenance parties/owners for the proposed connection to their drainage system.

### **Building Matters**

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

- (a) There is no record of approval by the Building Authority for the structures existing at the Site and his Department is not in a position to offer comments on their suitability for the use related to the application.
- (b) The applicant’s attention is drawn to the following points:
  - (i) If the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application.
  - (ii) For unauthorised building works (UBW) erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD’s enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under BO.

### **Conservation**

#### 9.1.9 Comments of the Director of Agriculture, Fisheries and Conversation (DAFC):

The Site falls within “V” zone on the relevant OZP. According to the most recent aerial photo from the Geospatial Information Hub of the LandsD, the Site is primarily disturbed in nature with some trees/vegetation found in the vicinity. Noting that the proposed use would not involve felling of trees, he has no strong views on the application from nature conversation perspective.

### **Fire Safety**

#### 9.1.10 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In addition, the applicant should also be advised on the following points:
  - (i) The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
  - (ii) The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans.

### **Water Supplies**

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

The Site is within the 1000m consultation zone of Tai Lam Chung No. 2 Chlorination Station, which is a Potentially Hazardous Installation. Comments from EPD should be sought in this respect.

### **Others**

#### 9.1.12 Comments of the Director of Leisure and Cultural Services (DLCS):

He has no comment on the application as no Leisure and Cultural Services Department (LCS) facilities are affected. Other detailed comments are in **Appendix II**.

#### 9.1.13 Comments of the Director of Food and Environmental Hygiene (DFEH):

The public access to Tai Lam Chung Tsuen Public Toilet should be



retained (**Plan A-2**). If the existing public access would be affected by the proposed private vehicle park, reprovisioning of a proper access to the Tai Lam Chung Tsuen Public Toilet to the satisfaction of DFEH and in compliance with the requirements in the prevailing 'Design Manual - Barrier Free Access' by the applicant is necessary.

### **District Officer's Comments**

9.1.14 Comment of District Officer/Tuen Mun, Home Affairs Department (DO/TM, HAD):

He has distributed consultation letters to the locals concerned and understand that they would provide their comments (if any) to the Board direct. He has no further comments.

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

- (a) Commissioner of Police (C of P);
- (b) Director of Electrical and Mechanical Services (DMES); and
- (c) Project Manager (West), West Development Office, Civil Engineering and Development Department (PM/W, CEDD).

## **10 Public Comments Received During Statutory Publication Periods**

The application and the subsequent FI submitted by the applicant were published for public comment on 28.5.2019 and 13.8.2019. During the statutory public inspection periods, a total of three public comments from two individuals were received. All the public comments objected to the application on the grounds that it is not in line with the planning intention of "V" zone and it is a suspected 'destroy-to-build' case (**Appendix III**).

## **11 Planning Considerations and Assessments**

11.1 The application is for a temporary private vehicle park for private cars and light goods vehicles (excluding container vehicles) for a period of three years at the Site zoned "V" on the OZP (**Plan A-1**). Although the applied use is not entirely in line with the planning intention of the "V" zone, which is primarily intended for development of Small Houses by indigenous villagers, the proposal could serve the local villagers/residents for meeting their car parking needs. According to DLO/TM, LandsD, there is currently no Small House application approved/ under processing within the Site. As such, approval of the application on a temporary basis of 3 years would not frustrate the long-term planning intention of the area.

11.2 The Site is located within an area predominately occupied by village houses, storage yards and workshops (**Plan A-2**). The applied use is considered not incompatible with the surrounding land uses. The applied use can serve the local villagers by providing convenient parking facilities.

11.3 Relevant Government departments consulted, including DEP, C for T, CE/MN of

DSD, D of FS and CTP/UD&L of PlanD, have no in-principle objection/ no adverse comments on the application. Significant adverse environmental, traffic, drainage, fire safety and landscape impacts on the surrounding areas are not envisaged. Furthermore, relevant approval conditions are recommended in paragraph 12.2 to mitigate potential traffic and drainage impacts on the surrounding areas. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorised development on the Site will be subject to enforcement action by the Planning Authority. Should the application be approved, the applicant will also be 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 DEP.

11.4 There are three public comments objecting to the application. The planning considerations and assessments in paragraphs 11.1 to 11.3 above are relevant.

## **12 Planning Department's Views**

12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10, the Planning Department considers that the temporary private car park under application could be tolerated for a period of 3 years.

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 20.3.2023. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval conditions

- (a) only private cars and light goods vehicles as defined in the Road Traffic Ordinance are allowed to be parked on or enter/exit the Site, at any time during the planning approval period;
- (b) 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;
- (c) a notice shall be posted at a prominent location of the Site to indicate that only private cars and light goods vehicles as defined in the Road Traffic Ordinance are allowed to be parked on or enter/exit the Site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period;
- (e) 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 20.12.2020;
- (f) in relation to (e) above, the implemented drainage facilities shall be

maintained at all times during the planning approval period;

- (g) the submission of fire service installations 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 20.9.2020;
- (h) in relation to (g) above, the implementation of the fire service installations 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 20.12.2020;
- (i) if any of the above planning conditions (a), (b), (c), (d) 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
- (j) if any of the above conditions (e), (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**.

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

the application is not in line with the planning intention of the "Village Type Development" zone, which is intended primarily for development of Small Houses by indigenous villagers. No strong planning justification has been given in the submission to justify 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.

13.1 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.

13.2 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**  
**Appendix Ia**

Application Form received on 21.5.2019

Supplementary Information received on 24.5.2019

<b>Appendix Ib</b>	providing with revised layout plan
<b>Appendix Ic</b>	FI received on 5.8.2019
<b>Appendix Id</b>	FI received on 19.8.2019
<b>Appendices Ie(1) and Ie(2)</b>	FI received on 26.8.2019
<b>Appendices If(1) to If(3)</b>	FI received on 23.10.2019
<b>Appendix Ig</b>	FI received on 19.12.2019 and 20.12.2019
<b>Appendix II</b>	FI received on 17.1.2020
<b>Appendix III</b>	Detailed departmental comments
<b>Appendix IV</b>	Public Comments
<b>Drawing A-1</b>	Advisory Clauses
<b>Plan A-1</b>	Proposed Layout Plan
<b>Plan A-2</b>	Location Plan with Similar Applications
<b>Plan A-3</b>	Site Plan
<b>Plans A-4a to A-4b</b>	Aerial Photo
	Site Photos

**PLANNING DEPARTMENT  
MARCH 2020**