

Section 16 Application

**Proposed Temporary Private Garden for a
Period of 3 Years on Government Land
Adjoining Lot No. 369 in D.D. 255**

November 2025

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1. Introduction

- 1.1 This planning statement is in support of a Section 16 Application under the Town Planning Ordinance. This application proposes a temporary private garden for a period of 3 years on Government Land adjoining Lot No. 369 in D.D. 255. The Application Site is zoned “Village Type Development” (“Village” Zone) on the To Kwa Peng and Pak Tam Au Outline Zoning Plan Number S/NE-TKP/2 (“OZP”).

2. The Application Site and Surrounding Area

Description of the Existing Application Site

- 2.1 The Application Site is the government land adjoining house number 16 Pak Tam Au (Lot 369 in D.D. 255). The Applicant is the owner of the village house at Number 16. The location of the Application Site is shown in Figure 1.

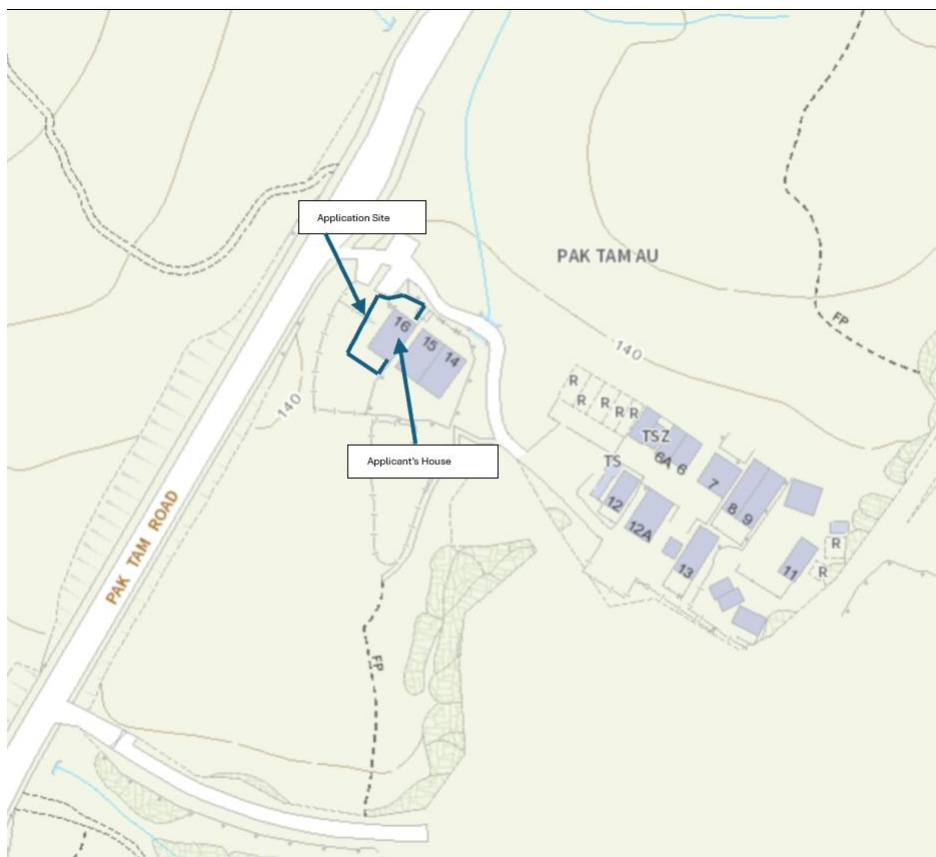


Figure 1: Location Plan

2.2 The Application Site was previously used as a garden, formerly STT No. 751, for the adjoining Lot No. 369 in D.D. 255 (16 Pak Tam Au). STT No.751 was granted in 1990 and was terminated by the tenant (the previous owner of 16 Pak Tam Au) in 2014 for both physical and financial reasons. As the land was previously used as a garden there is an area that has been cleared and most recently has been maintained by grazing feral cattle and wild boars. Around the edges of the cleared area is a natural rock wall and more dense vegetation and to the southwest of the Application Site is a steep slope down to Pak Tam Road. The proposal is to use a portion of the already cleared land for a garden, leaving the remaining cleared area, the rock wall and more dense vegetation as it is. Please see Photos 1-10 of the Application Site. The red dashed lines are only indicative approximations of the proposed temporary private garden boundary. Please refer to the Lot Plan and Site Plan for the exact boundary locations.



Photo 1: The photograph was taken inside the proposed temporary private garden, with the Pak Tam Au village access road to the left of the photograph. The boundary is below the raised area and above the steps which lead down from the access road to the formed platform at the same level as the house which is on the right of the photograph. The red line approximately indicates the boundary of the proposed temporary private garden.



Photo 2: The photograph was taken from the direction of the Pak Tam Au village access road, along the west side of the house. The red line approximately indicates the boundary of the proposed temporary private garden.



Photo 3: The photograph was taken inside the proposed temporary private garden from the front of the house, with the Pak Tam Au village access road to the right of the photograph. Steps lead down from the access road to the formed platform at the same level as the house. The house is to the left of the photograph. The level difference is indicated by the yellow arrows. The red line approximately indicates the boundary of the proposed temporary private garden which does not extend into the dense vegetation.



Photo 4: The photo was taken from the roof of the house at 16 Pak Tam Au, looking north-west over the proposed temporary private garden towards the junction of Pak Tam Road and Pak Tam Au Village access road. The red line approximately indicates the boundary of the proposed temporary private garden. The proposal is to have a reasonable garden area surrounding the house partially enclosed for safety and to prevent access by the feral cows and wild boars.



Photo 5: The photograph was taken from the ground floor of the house at 16 Pak Tam Au on 23 September 2025 looking toward the back of the house. Feral cows and wild boars are regularly seen in the proposed temporary private garden area. The red line approximately indicates the boundary of the proposed temporary private garden



Photo 6: The photograph was taken from the first floor of the house at 16 Pak Tam Au looking south-west across the proposed temporary private garden. The red line approximately indicates the boundary of the proposed temporary private garden.



Photo 7: The photograph was taken inside the proposed temporary private garden, looking to the south-east across the garden towards the adjacent houses. The fence is between the proposed temporary private garden of the house at 16 Pak Tam Au and the garden of the house at 15 Pak Tam Au. There is a potentially dangerous drop in the formation level of the site between Houses 16 and 15 of approximately 1.2 metres. Accordingly, the proposed temporary private garden would follow the retaining wall line between the two levels to just beyond the end of the fence. The red line approximately indicates the boundary of the proposed temporary private garden.



Photo 8: The photo was taken from the roof of the house at 16 Pak Tam Au, looking south over the proposed temporary private garden towards Sai Kung District. The red line approximately indicates the boundary of the proposed temporary private garden.



Photo 9: The photograph was taken from near Pak Tam Road showing the existing concreted strip. The red line approximately indicates the boundary of the proposed temporary private garden.



Photo 10: The photograph was taken from the south side of Application Site looking north toward the house. There is a fence on the right between the proposed temporary private garden of the house at 16 Pak Tam Au and the garden of the house at 15 Pak Tam Au. As noted above, there is a potentially dangerous drop in the formation level of the site between Houses 16 and 15 of approximately 1.2 metres. Accordingly, the proposed temporary private garden would follow the retaining wall line between the two levels to just beyond the end of the fence. The red line approximately indicates the boundary of the proposed temporary private garden

Description of the Surrounding Area

- 2.3 The Application Site is in the rural village of Pak Tam Au (Tai Po District), which is located within the Sai Kung East Country Park. The access to the site is via Pak Tam Road, residents may access the village by private vehicle with a Pak Tam Chung Barrier Permit. There is a bus stop at Pak Tam Au which is serviced by bus number 94 from the Sai Kung Bus Terminal, or mini-bus number 7 from Sai Kung, and bus number 96R from the Diamond Hill MTR station (on Sundays and Public Holidays).

- 2.4 Pak Tam Au is at the junction between Stages 2 and 3 of the Maclehos Trail, as well as where one end of the Pak Tam Country Trail meets the road, making it a popular place to start and finish hikes. There is also the Pak Tam Au Campsite nearby which is operated by the Agriculture, Fisheries and Conservation Department.

3. Background

History of the Application Site and Previous STT Submissions to LandsD

- 3.1 A previous STT (No. 751) was allocated to the Application Site from 1990 until 2014. It was terminated by the tenant (the previous owner of 16 Pak Tam Au) for both physical and financial reasons. The previous STT covered an area of 380 m², and the plan of the STT is shown in Figure 2.

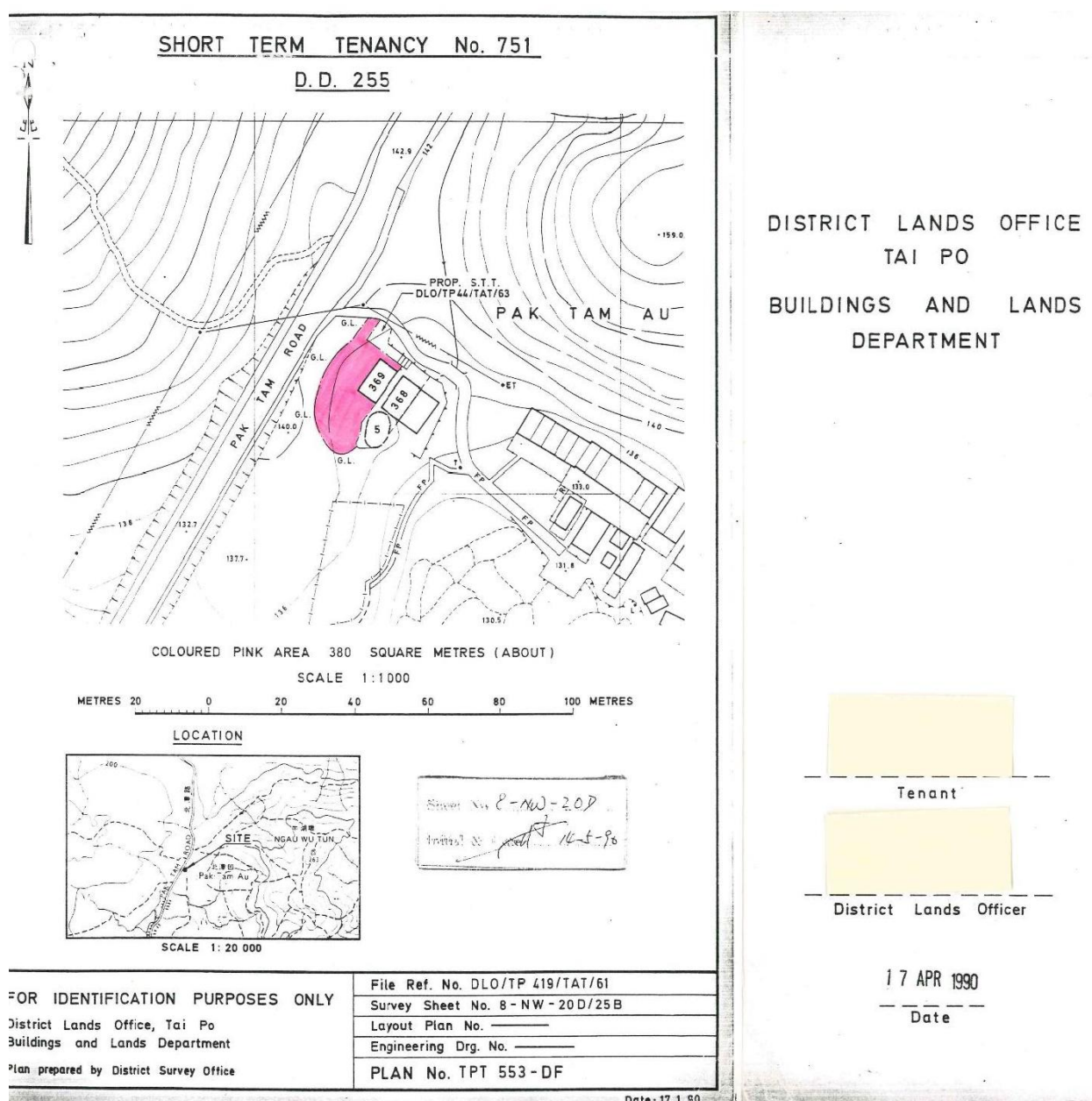


Figure 2: Previous STT No. 751 Plan

- 3.2 As there was a previous STT issued on the site, the Applicant was initially advised that it would be straight forward to have a similar sized STT granted. After a number of submissions to Lands Department for the STT, and following lengthy discussions, the Applicant was informed by Lands Department that he would need to apply for Planning Permission first before re-applying for the STT. It was quite clear from various discussions with representatives of the Lands Department that if the previous STT had not been voluntarily terminated by the previous tenant, that a new STT would almost assuredly have been granted to the Applicant without material change – i.e. at the former size of 380 m². However, as a result of the termination of the former STT by the former tenant, an application for Planning Permission was submitted on 2 July 2024 (with subsequent amendments) in order to obtain planning permission and to facilitate the granting of an STT by the Lands Department. The application in 2024 was submitted by Masterplan Limited on behalf of the owner.
- 3.3 The Town Planning Board (TPB), after giving consideration to the application, decided to reject the application and the reasons provided were that:
- “(a) the proposed use is not in line with the planning intention of the “Village Type Development” (“V”) zone, which is to provide land primarily intended for development of Small Houses by indigenous villagers. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis; and,
- (b) the proposed temporary private garden is excessive in size and scale, and is out of proportion to the adjoining house. There is no strong justification for utilising a large piece of land in the “V” zone for private garden use.”
- 3.4 The Applicant did not apply for a review of the decision of the TPB since no amendments were allowed to be made to take into consideration comments obtained from the TPB or various other government agencies during the process. This submission is in response to the directive from the TPB that if the applicant wants to materially modify the original proposal, “such proposal should be submitted to the TPB in the form of a fresh application under section 16 of the Ordinance.
- 3.5 The Applicant believes that this new proposal is a material modification of the proposal in 2024 and addresses all of the concerns of the TPB as well as all other government agencies that provided comments on the original proposal.

4. The Planning Context

- 4.1 The Application Site is zoned “Village Type Development” on the To Kwa Peng and Pak Tam Au Outline Zoning Plan Number S/NE-TKP/2. The Column 1 use is “House (New Territories Exempted House only)”. The “garden” use would be an ancillary use to the NTEH.

Planning Intention

- 4.2 The Planning Intention states:

“The planning intention of this 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. 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.”

The Explanatory Statement

- 4.3 The relevant excerpts from the Explanatory Statement are included below:

“5. THE PLANNING SCHEME AREA”

“5.3.1 The Pak Tam Au area, which *falls entirely within the upper indirect water gathering ground (WGG)*, is located along Pak Tam Road at the western edge of Sai Kung East Country Park about 500m to the south of the To Kwa Peng area. It is accessible by vehicle via Pak Tam Road and by walking trails connected to Sai Kung East Country Park. There are bus and minibus routes operating between Sai Kung Public Pier and Pak Tam Au.

5.3.2 With a scenic setting, *the area is rural in character comprising mainly fallow agricultural land at the centre surrounded by shrubs and woodland*. Pak Tam Au Village is a recognized village with a small cluster of village houses up to three storeys in height in fair to good condition. A short local track connects these houses with Pak Tam Road.

5.3.3 The central part of the area comprises pockets of terraced fallow agricultural land overgrown with grass and shrubs surrounded to its north

and south by slopes covered with woodland and dense natural vegetation. The woodland forms part of the well-established vegetation in Sai Kung East Country Park. Some graves are found at the small hill at the south-western corner of the area. There is a partially trained stream running across the central portion of the area from the slope in the east towards the west.

5.3.4 The tranquil rural character and woodlands of Pak Tam Au has a high landscape value which complements the overall natural quality and the landscape beauty of the surrounding Sai Kung East and Sai Kung West Country Parks. The area, with a section of Maclehose Trail and Pak Tam Country Trail running across its northern and southern regions, is a popular spot for hikers.”

7. OPPORTUNITIES AND CONSTRAINTS

7.2.4 Landscape Character

“7.2.4.2 The enclosed, tranquil and rural character and woodlands of the Pak Tam Au area have high landscape value which complement the overall natural quality and the landscape beauty of the surrounding Sai Kung East and Sai Kung West Country Parks. Vegetation comprises Woodland and scrub on lower valley sides and the woodland forms part of well-established Vegetation in Sai Kung East Country Park. The recognized Pak Tam Au Village comprises pockets of terraced fallow agricultural lands surrounded by the vegetated slope with some areas already disturbed by vegetation clearance. The Pak Tam Au area is rated with “High” landscape value. The landscape comprises a juxtaposition of distinct landscape character areas. **Due to the high landscape sensitivity, the topography of the area and its distance away from other development, any large-scale development of the area should be avoided.**”

“7.2.6 Water Gathering Ground

The whole of the Pak Tam Au area is within the upper indirect WGG. To prevent contamination of waters which are designated for abstraction for potable water supply, any proposed development that will result in a material increase in pollution effect will not be encouraged.

7.2.7 Sewerage

There is no existing public sewer nor any committed/ planned sewerage project planned for the Area. At present, on-site discharge system such as septic tanks and soakaway pits are generally used in traditional villages. They would only satisfy the requirements of individual lots. Any increase in

population or number of visitors to the Area or further recreation/residential developments will require additional facilities.”

“8. GENERAL PLANNING INTENTION

8.1 *The Area forms an integral part of the natural system of the natural woodlands in the adjoining Sai Kung East Country Park with a wide spectrum of natural habitats including, inter alia, mature woodland, hillside shrubland, stream courses, estuarine mangrove and mudflat, etc., which support some rare/uncommon flora and fauna of the Area and should be preserved and protected. **The general planning intention of the Area is to protect its high conservation and landscape value which complements the overall naturalness and the landscape beauty of the surrounding Sai Kung East and Sai Kung West Country Parks.***

“9. LAND-USE ZONINGS

9.1 “Village Type Development” (“V”)

“9.1.5 *In accordance with the Environmental, Transport and Works Bureau’s Technical Circular (Works) No. 5/2005, under the current administrative practice, development proposals/submissions that may affect natural streams / rivers, the approving / processing authorities at various stages of the development should consult and collate comments from AFCD and relevant authorities and incorporate relevant comments/advice as conditions of approval wherever possible. Accordingly, the Lands Department (LandsD) when processing Small House grant applications in close proximity to existing stream courses, should consult concerned departments including AFCD and the Planning Department to ensure that all relevant departments would have adequate opportunity to review and comment on the applications.*

9.1.7 *There is neither existing nor proposed public sewer in the Area. **For Small House development, the design and construction of such systems need to comply with relevant standards and regulations, such as the Environmental Protection Department (EPD)’s Practice Note for Professional Person (ProPECC PN) 5/93, for the protection of the water quality of the Area.***

9.1.8 *In addition, the Pak Tam Au area also falls entirely within the upper indirect WGG. For any village type development within the “V” zone, it should be demonstrated that the water quality within WGG will not be affected by the proposals. **In general, the use of septic tank and soakaway systems for sewage treatment and disposal is considered***

as an unacceptable means for new village developments located in WGGs. There should be demonstrably effective means (*such as proper wastewater treatment plant*) to ensure that the effluent water quality is acceptable to concerned government departments.”

Water Gathering Ground Policy – Waterworks Ordinance

- 4.4 According to the Waterworks Ordinance, it is an offence for any person who pollutes water within a water gathering ground. The water from Pak Tam Au is fed into the High Island Reservoir. As a result, it is stipulated in paragraph 9.1.8 of the Explanatory Statement of the OZP that for Small House Development in Pak Tam Au a proper wastewater treatment plant would be required.

Existing Village House

- 4.5 The application is not for development, as the Applicant owns the existing village house. No additional sewerage will arise from the use of the area as a garden.

Temporary Use Clause

- 4.6 This application is being made because the proposed temporary use is greater than 3 years, as permissible under clause 11(C) in the Covering Notes of the OZP:

“11(C) Temporary use or development of land or building exceeding three years requires permission from the Town Planning Board in accordance with the terms of the Plan.”

5. Previous s.16 Planning Applications for Village Houses Rejected in Pak Tam Au Village

- 5.1 Section 16 Applications, numbers A/DPA/NE-TKP/7, 8, 9, 10, 11 and 13, were made in 2012 for New Territories Exempted Houses (NTEH)- Small House, on Government Land in DD 255 Pak Tam Au. The application was rejected by the Rural and New Territories Planning Committee. The reasons given for rejection are stated below:

*“(a) the proposed development **did not comply** with the interim criteria for consideration of application for New Territories Exempted House/Small House in the New Territories **as the site was located within the Upper Indirect Water Gathering Grounds where public sewer was***

not available and the applicant failed to demonstrate that the proposal would not cause adverse water quality impact on the area;

and (b) the approval of the application would set an undesirable precedent for other similar applications in the area, the cumulative impact of which would result in an adverse impact of the water quality in the area.”

Section 17 Review Applications were made and also rejected as the Town Planning Board (“TPB”) members considered the reasons for rejection were reasonable. There was a S.17B Appeal to the Town Planning Appeal Board made in 2014, but this appeal was ultimately abandoned by the appellant.

The reasons for rejection in the above applications are not applicable to this current application. This application does not include any development therefore there would be no adverse impact on the water quality as a result of this private garden.

On the contrary, the proposed application would allow the government to earn money by renting land that would otherwise lay vacant and save money by not having to take care of said land.

- 5.2 A Section 16 Application, number TPB/A/NE-TKP/1, was made in 2024 for a proposed temporary private garden on Government Land adjoining Lot 369 in DD 255, Pak Tam Au. The application was rejected by the Town Planning Board (TPB). The reasons given for rejection are stated below:

“(a) the proposed use is not in line with the planning intention of the “Village Type Development” (“V”) zone, which is to provide land primarily intended for development of Small Houses by indigenous villagers. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis; and

(b) the proposed temporary private garden is excessive in size and scale, and is out of proportion to the adjoining house. There is no strong justification for utilising a large piece of land in the “V” zone for private garden use.”

A Section 17 Review Application was not made in the above case because no amendments were allowed to be made to take into consideration comments obtained from the TPB or various other government agencies during the process. This submission is in response to the directive from the TPB that if the applicant wants to materially modify the original proposal, “such proposal should be submitted to the TPB in the form of a fresh application under section 16 of the Ordinance.

The Applicant believes that this new proposal is a material modification of the proposal in 2024 and addresses all of the concerns of the TPB as well as all other government agencies that provided comments on the original proposal. **This modified Section 16 application seeks to address the concerns of various government agencies by, inter alia, significantly reducing the area of the proposed STT from 326 m² to 207 m², by reducing the covered area from about 67 m² to about 15 m² and by eliminating the request for car parks inside the proposed Site area.**

6. Land Administration

- 6.1 The temporary private garden is proposed for 207 m² of Government Land adjoining Lot No.369 in D.D.255 Pak Tam Au, Tai Po, New Territories.
- 6.4 The former STT No. 751 was terminated in 2014 by the tenant for physical and financial reasons and, solely because of the voluntary termination of the former STT, the DLO has confirmed that a transfer of the previous STT No. 751 will not be considered by the DLO. It was quite clear from various discussions with representatives of the Lands Department that if the previous STT had not be voluntarily terminated by the previous tenant, that a new STT would almost assuredly have been granted to the Applicant without material change – i.e. at the former size of 380 m².

7. The Proposed Scheme

- 7.1 The Proposed Scheme is for a garden of 207 m² as shown on **Figure 3** below and approximately indicated in **Photos 1-10** above. The garden would be for the sole use of the Applicant.

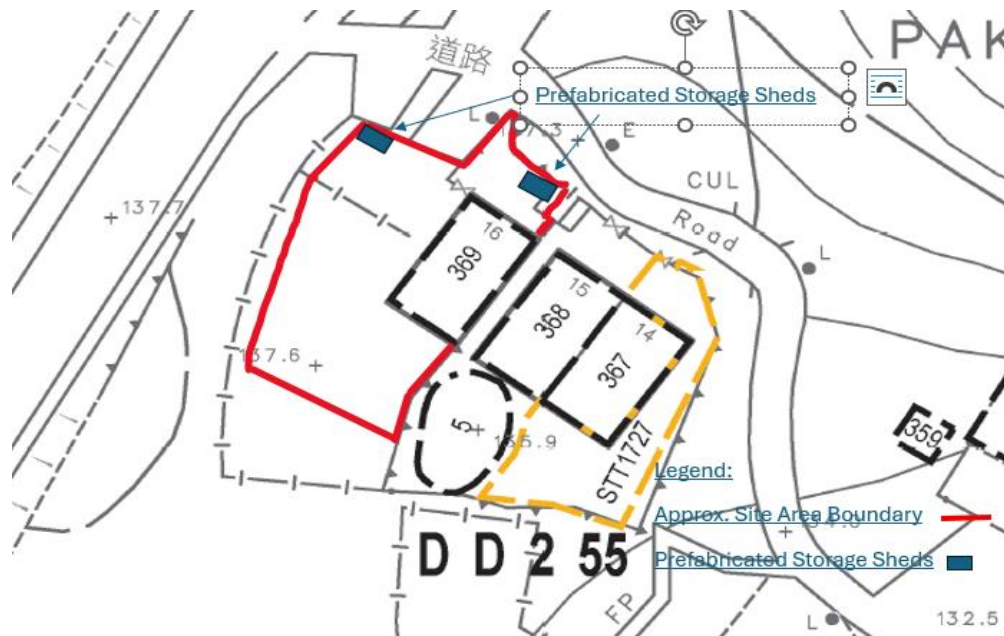


Figure 3: Boundary plan of the proposed temporary private garden, also showing the proposed location of two prefabricated storage sheds.

- 7.2 The plan in Figure 3 also shows the location of two prefabricated storage sheds covering approximately 15 m² in total and with an approximate height of 2.0 m. There is currently no provision for any canopies on the house. However, if any are added at a later date, they will be retractable canopies that comply with the Buildings Department green amenity provisions for NTEH / Small Houses.
- 7.3 A simple breakdown of the different areas shown in **Figure 3** is:

Garden Area	192 m ²
Prefabricated Storage Sheds	15 m ² (Height around 2.0 m)
TOTAL Area:	207 m ²

8. Issues raised by various government departments to the previous application

8.1 Planning Department Comments

8.1.1 In the minutes to the 757th meeting of RNTPC held on 10 January 2025, several questions were raised by Members in relation to the application and the Applicant believes some of the responses to said questions as noted in the minutes were incomplete, inaccurate and somewhat misleading. The Applicant would like to address the questions raised in the meeting and provide responses thereto.

8.1.2 The first question was: whether the previous STT (STT 751) granted by LandsD covering the Site from 1990 to 2014 was for private garden use. The response in the minutes was that: **the previous STT covering the Site granted by LandsD in April 1990 was for private garden use but was already terminated in 2014. Under the STT, any erection of structure required prior approval from LandsD and the Buildings Department. There was no record indicating approval had been obtained for the erection of a structure at the Site**". The comment about the termination was misleading because it did not specify that the STT was voluntarily terminated by the tenant, not LandsD, for physical and financial reasons, namely that the tenant was not well and could no longer afford to pay the ever-increasing rent on the STT. The comments about the structures on the property were irrelevant to the question and misleading because the only structure on the STT Site was the New Territories Exempted House (NTEH) / Small House that was already erected before STT 751 was granted. Since there were no other structures erected on the Site of the STT, of course there would be no record of any approvals.

8.1.3 The second question was whether the private garden use covered by the previous STT had obtained planning permission from the TPB. The response correctly pointed out that planning permission was not required for the previous garden use at the Site as the garden use was in existence prior to the gazettal of the draft DPA plan in 2011. The response also confirmed that because the STT had been terminated in 2014 [by the tenant], planning permission for the new garden was now required.

8.1.4 The third question was whether the area and configuration of the Site under application was sufficient for a New Territories Exempted House (NTEH) / Small House Development. The response was incomplete and misleading, stating simply that: **"the Site, which comprised about 326**

m² of government land, was sufficient for the construction of a NTEH / Small House.” This statement is accurate in that the erection of an NTEH requires approximately 70 m² so of course it would be “sufficient” to build an NTEH. However, the response is misleading because it does not address the suitability of the site for a new NTEH / Small House. A more accurate response would have been that the Site area was certainly large enough to build an NTEH / Small House but was completely unsuitable because ***the site was located within the Upper Indirect Water Gathering Grounds where public sewer was not available*** and such a development would never be allowed since it is stipulated in paragraph 9.1.8 of the Explanatory Statement of the OZP that for Small House Development in Pak Tam Au a proper waste water treatment plant would be required. Clearly it would be impossible to build a proper waste water treatment plant for one or two NTEH / Small Houses and since ***the use of septic tank and soakaway systems for sewage treatment and disposal is considered as an unacceptable means for new village developments located in WGGs, such restrictions would absolutely preclude the building of any new NTEH / Small Houses on the Site area.***

- 8.1.5 The fourth question related to two ancillary private car parking spaces that were proposed at the northern portion of the Site and also asked about a private car parked outside the Site as shown on Plan A-4 of the PD Paper. The response confirmed that two ancillary private car parking spaces had been proposed in the application. The response also referred to the private car parked outside the Site and noted that “there was no information available on its ownership”. Upon reviewing the referenced photo, I can confirm that the car was, at the time, and presumably still is, a car registered to the owner of House 15, Pak Tam Au. The reference to the two ancillary private car parking spaces is now redundant since the current application no longer provides for any ancillary car parking spaces on the Site.
- 8.1.6 The fifth question related to the “rationale for PlanD not supporting the proposed private garden use on a temporary basis for a period of 3 years since no Small House application had been received for the Site”. The response stated that “with reference to the approved planning applications for temporary private use garden on government land in the last 5 years, the site areas ranged from 20 m² to 180 m². The site area of about 326 m² for a private garden under the 2024 application was considered excessive, and more efficient use of government land resources should be considered”. This response is misleading in several ways. First, the response does not mention that, since the rules for new STT applications changed in 2011 with new applications thereafter

requiring planning permission, there have been many renewals of STT sites (reviewed approximately every five years) and many transfers of STT sites well in excess of 180 m² upon the sale of properties from an original owner/STT tenant to a new owner/STT tenant. Such renewals or transfers are negotiated and unilaterally approved, without obligation to do so, by the Lands Department. In fact, the Applicant was party to such a transfer of STT 1727 adjoining the property at Lot No. 367 in D.D. 255, namely 14 Pak Tam Au, which was transferred from the estate of the former owner to the Applicant as confirmed in a letter from LandsD dated 30 May 2016. In that case, the site area was 122 m². Such transfers were made at the sole discretion of the LandsD which, under the STT agreements, had the power to terminate the tenancy on one month's notice upon the transfer of ownership on the adjoining property. It was quite clear from various discussions with representatives of the Lands Department that if the previous STT No. 751 had not be voluntarily terminated by the previous tenant, that a new STT would almost assuredly have been granted to the Applicant without material change – i.e. at the former size of 380 m².

Attached as Appendix A to this Planning Statement is a partial list of STT sites in the Sai Kung and Tai Po districts that have been renewed (normally on a five-year basis resulting in an increase in the rental rate) and/or effectively transferred (under a new STT number) to a new property owner/STT tenant. The list shows a sample of 40 STT renewals or transfers from 2019 to 2025 and ranging in size from 4,040 m² down to 48 m². Of the renewals or transfers on this sample list, 17 are for STT sites greater than the current application size of 207 m². For reference, included on the list is SX1144 for 1015 m² which I believe may be in the process of being transferred following a sale of the adjoining property. Also included on the list is STTTP0128 for 132 m² which is the STT that replaced STT 1727 on the property at 14 Pak Tam Au that previously was for 122 m².

Secondly, the response suggests that a more efficient use of government land resources should be considered as an alternative to the proposed private garden. In this regard, it should be noted that the subject land has been used as a private garden since 1990 when the original STT was granted. This use only came after the existing structure was erected on Lot No. 369 in D.D. 255 and presumably the land lay vacant before that time. The response implies that a more efficient use for the land exists, but arguably, the only potential use for the land would be to build additional NTEH Small houses, but as noted above, that would not be allowed because ***the site was located within the Upper Indirect Water Gathering Grounds where public sewer was not available.*** Arguably, there is no other more efficient use of the government land for the Planning Department to consider. Furthermore, if in the future some

alternative use was to be considered, the proposed STT could simply not be renewed at the expiration of the 3-year period.

In summary, use of the land as a temporary private garden is arguably the only and therefore the most efficient use for this land while simultaneously raising revenue, that would otherwise be lost, for the government.

- 8.1.7 There were several comments related to the previously proposed raised car parking area which are now redundant since the current application does not include any car parking areas, no land filling, no raised platforms and no level differences in the proposed temporary private garden.
- 8.1.8 There was a question about whether there was any proposed paving area that involves clearance of existing vegetation. In the current application there is no proposed paving area, so the question is now redundant.
- 8.1.8 There were also comments related to the covered area including the size of the proposed covered area, the form of the covered area (e.g. retractable canopies) and the height and width of the proposed covered area. These questions are now redundant since the current proposal does not include any covered area other than the two prefabricated storage sheds and that covered area is equal to approximately 15 m².

8.2 Lands Department Comments

- 8.2.1 The Lands Department commented that the applicant should clarify with the Town Planning Board the usage of the proposed covered area of 67 m² and whether it is fully enclosed or open sided. This comment is now redundant since the current proposal does include any covered area other than the two prefabricated storage sheds and the covered area related thereto is equal to approximately 15 m².
- 8.2.2 Included in Appendix III of RCTPC Paper No. A/NE-TKP/1A were several recommended advisory clauses from the Lands Department. The first comment was inaccurate and highly prejudicial to the application, stating that: “the Government Land (GL) within the Site has been illegally occupied by unauthorised structures without any permission. Any occupation of GL without Government’s prior approval is an offence under Cap. 28. Since there is illegal occupation of GL, regularization would not be considered according to the prevailing land policy. The illegal occupation of GL should be immediately ceased and the unauthorised structures should be removed. His office reserves the right to take necessary land control action against the illegal occupation of GL without further notice.” **In fact, there was then and never had been any part of the site “illegally occupied by unauthorised structures”.** The only

structure near the site was the house built on Lot 369 in D.D. 255 in 1990, before STT 751 was granted, and there were no outstanding LandsD letters issued in respect thereto.

- 8.2.3 The second comment included in the Appendix suggested that the applicant shall apply for an STT, which was irrelevant since it was established that it was instead necessary to apply for planning permission before applying for an STT.
- 8.2.4 The third comment stated that “there are unauthorized structures on the adjoining private Lot 369 in D.D. 255”. This comment presumably related to the renovated house and not the previous structure. In this regard, apparently following one of many complaints believed to have been initiated by the owner of the property at 15 Pak Tam Au (Lot 368 in D.D. 255), LandsD inspected Lot 369 and issued a letter dated 27 March 2025 to the Applicant.
- 8.2.5 With reference to the letter, the unspecified “unauthorized structures extended from the G/F” apparently refers to a short brick fence that was erected in place of a pre-existing steel fence and also a cabinet for holding two LPG gas tanks. The old and new fence were in place for safety reasons along the 1.2 metre drop from the property level of 16 Pak Tam Au to the property level of 15 Pak Tam Au and to provide privacy between the neighbors. The other structure referenced by the LandsD personnel to the Applicant was a cabinet holding two LPG gas tanks at the front of the house that is approximately 135 cm wide instead of only 100 cm wide. If the STT is granted, this fence and this cabinet would both be entirely within the STT site area applied for.
- 8.2.6 The other items mentioned in the letter from LandsD included: a “parapet or railing exceeding 1.22 metres in height on the outer edges on the balcony” on the first and second floors. These parapets or railings were built slightly higher than specified only on the east side facing the contiguous property at 15 Pak Tam Au to provide some privacy from a difficult and nosey neighbour and her cameras. These balconies are not enclosed and are outside bedrooms and the slightly higher railings on the east side only made it more difficult for the neighbour to view inside the rooms from her property.
- 8.2.7 The letter also referred to the “balcony at the Rooftop” which is in the process of being rectified following a letter dated 5 December 2025 received from the Buildings Department in which this was also mentioned. Discussions with the Buildings Department are underway and this issue and others raised by the Buildings Department in their letter are expected to be rectified and/or cleared with the Buildings Department soon.

8.2.8 The fourth comment from the LandsD related to a revision of the Site boundary to exclude a lamppost thereon and this has been done in the current application.

8.2.9 The final three comments from LandsD related to: trees on the GL not being interfered with; applying for an excavation permit; and, no guarantee to the granting of a right of way to the Site, all of which comments are noted by the Applicant. It should be noted that there are no trees on the GL that are included in the current application and that there is no planned excavation of the GL.

8.3 Transport Department Comments

8.3.1 The comments from the Transport Department related to the size of the proposed car parking spaces which are now redundant since the current application does not include any car parking areas.

8.4 Water Supplies Department Comments

8.4.1 There were numerous comments from WSD that mainly centered on the storage sheds and the car parking spaces that were included in the earlier application. In responses to WSD, it was explained that the storage sheds were expected to be prefabricated, “Japanese-styled” garden sheds that are made in an environmentally friendly manner and designed to be water-tight and highly rust resistant and are proposed to be placed on the existing concrete slab on the north side of the house. The sheds will be used as extra storage units for normal household items such as garden equipment, luggage, bicycles, etc.

8.4.2 The comments from WSD related to the car parking spaces are now redundant since the current application does not include any car parking spaces.

8.4.3 The WSD also made several other comments related to risks of contamination of the Water Gathering Grounds (WGG), discharge of effluents, solid waste disposal, chemicals used in the garden, oil leakage, effect on water courses, disposal of construction materials, etc. All such comments received from the WSD are well noted by the Applicant. However, the comments seem to relate to the building and maintenance of a new commercial garden or a new private garden, erecting new structures, waste disposal, excavations etc. on the government land covered by the application. In fact, nothing has changed as a result of the renovation of the existing house on the property. The private garden area has always been in existence (since 1990 as part of the former STT 751)

and the current application for planning approval will have no impact on the WGG regardless of whether the STT is granted or not.

8.5 Buildings Department

- 8.5.1 Following one of many complaints believed to have been initiated by the owner of the property at 15 Pak Tam Au (Lot 368 in D.D. 255), representatives of the Buildings Department inspected Lot 369 and issued a letter dated 5 December 2025 to the Applicant.
- 8.5.2 With reference to the letter, the first item listed was the “two structures installed with photovoltaic (PV) system on and over the roof and stairhood”. These solar panels were installed by a registered installer and are in full compliance with all Hong Kong regulations which actively promote the use of solar panels. The employees of the Buildings Department confirmed verbally that they had no issue with the solar panels per se. They said that the solar panels were mentioned in the letter because of the existence, in their view, of two other minor issues, namely, the “balustrade on and over the parapet on roof” and the “glass balustrade on and over the canopy on roof”. They confirmed verbally that if the latter two matters were resolved to their satisfaction that there would be no future issues with the solar panels. The Applicant is currently in discussions with the Buildings Department on how these two issues will be resolved to their satisfaction within the time specified in the letter.
- 8.5.3 The letter also mentioned a “structure on and over the ground” which they explained relates to the cabinet for two LPG gas cylinders also mentioned in the letter from LandsD. The representatives of the Buildings Department suggested a few acceptable alternatives to rectify this issue and the applicant is in discussions with them to make the necessary adjustments to their satisfaction. For instance, they said that they would not object to a wall being erected between House 15 and House 16 above the 1.2 metre difference in elevation of the two properties and then having the gas cylinders placed in a moveable container along the wall. A solution along these lines is being considered and will be presented to the Buildings Department within the specified time for response to their letter.
- 8.5.4 It is expected that we will be able to resolve all outstanding matters with LandsD and the Buildings Department with the planned modifications to the property in the coming few weeks.

8.6 Other Government Departments' General Comments

8.6.1 Included as Appendix II of RNTPC Paper No. A/NE-TKP/1A to the Town Planning Board, were a summary of the comments from various other government departments. The are summarized as follows:

Transport: no in-principle objection;

Environment: no objection to the application;

Drainage: approval on condition of the recommended submission and implementation of drainage proposal for the Site, which comment is redundant since there is no planned change to the drainage on the GL;

Water Supply: no objection to the application subject to relevant approval conditions to be imposed to ensure that the proposed garden would not cause material increase in pollution effect within upper indirect WGG. As noted above, the private garden is pre-existing and there would be no change at all to the impact of the GL on the WGG, regardless of whether planning approval and an STT is granted or not;

Fire Safety: no in-principle objections to the application subject to fire service installations and water supplies for firefighting being provided to his satisfaction. Advisory comments from the Director of Fire Services are noted, however, the current application for planning approval will have no impact on such advisory comments regardless of whether the STT is granted or not.

Building Matters: no objection to the application. Advisory comments from the Chief Building Surveyor are noted, however, the current application for planning approval will have no impact on such advisory comments regardless of whether the STT is granted or not.

Other Departments: The following departments had no objections or no comments on the previous application and since the current application is considerably smaller and does not include any car parking spaces, presumably they would have no comments on the current application: Director of Agriculture; Chief Town Planner/Urban Design and Landscape; Project Manager-North, Civil Engineering and Development Department; Head of Geotechnical Engineering Office; and, District Officer (Tai Po), Home Affairs Department.

9. Planning Assessment and Justification

Previous STT on the Application Site

- 9.1 Between 1990 and 2014 there was an STT (STT No. 751) on the same site. However, the previous STT covered a much larger area of 380 m² and the current application is only 207 m². Since the previous STT was terminated by the tenant in 2014 there has been no alternative use for the site. There does not appear to be any plan to use the Application Site for any other purpose in the foreseeable future.

Application Site Located Outside of Village Environs Boundary Plan

- 9.2 As the Land in the Application Site is all Government Land located outside of the Recognised Village Environs Boundary Plan (see **Figure 4**) it is unlikely that it will or ever could be used for NTEH Village Houses. We believe this area was likely excluded because it was not suitable for any additional NTEH Village Houses because it has limited access and borders on a steep slope down to Pak Tam Road. Also, as noted above, no NTEH / Small House would ever be allowed to be built on the property due to the sewage disposal issue since the site is located in a water gathering ground (WGG).

The “Village” Zone has Plenty of More Appropriate Land for Development

- 9.3 The Pak Tam Au “Village” zone is a large area, see **Figure 5**. There is plenty of land which is within both the “Village” zone and also the Recognised Village Environs Boundary for future expansion of the village. A substantial amount of land is flat grassland that would be much easier to develop additional NTEH village houses than the proposed Application Site, see **Figure 6 and Photos 11 and 12**.

2012 Applications for Village Houses in Pak Tam Au were Rejected by the TPB

- 9.4 As outlined in paragraphs 5.1. above, there were a number of applications for NTEH made in Pak Tam Au in 2012 (numbers A/DPA/NE-TKP/7, 8, 9, 10, 11 and 13) which were all rejected. The primary reason for the rejections was that the proposals involved the development of multiple NTEH village houses and that public sewer was not available and further that “the applicant failed to demonstrate that the proposal would not cause adverse water quality impact on the area”. **As noted above, the reasons for rejection in the above applications are not applicable to the application in 2024 by this applicant or this current application.** This application does not include any development therefore there would be no adverse impact on the water quality as a result of this private garden.

- 9.5 The rejection of the 2012 applications indicates that it is unlikely for a large number of NTEH village houses to be built in the foreseeable future in Pak Tam Au. This may change should public sewers be extended to the area, but there does not seem to be any timeline for that to occur.
- 9.6 And in any event, it is most likely that any new NTEH village houses would be build on the flat, cleared land to the east of the current village rather than near the Application Site which has limited access and borders on a steep slope down to Pak Tam Road.
- 9.7 Therefore, it is unlikely that granting the temporary private garden for the Application Site would be the limiting factor on the future development of the Pak Tam Au village. The granting of the temporary private garden would not create adverse water quality impact as it is only for garden use and does not involve any development.

Vegetation and Landscaping

- 9.8 All of the mature trees that were included in the previous STT 751 and in the previous application will now be outside of the proposed boundary. There would be no tree felling as a result of this temporary private garden.

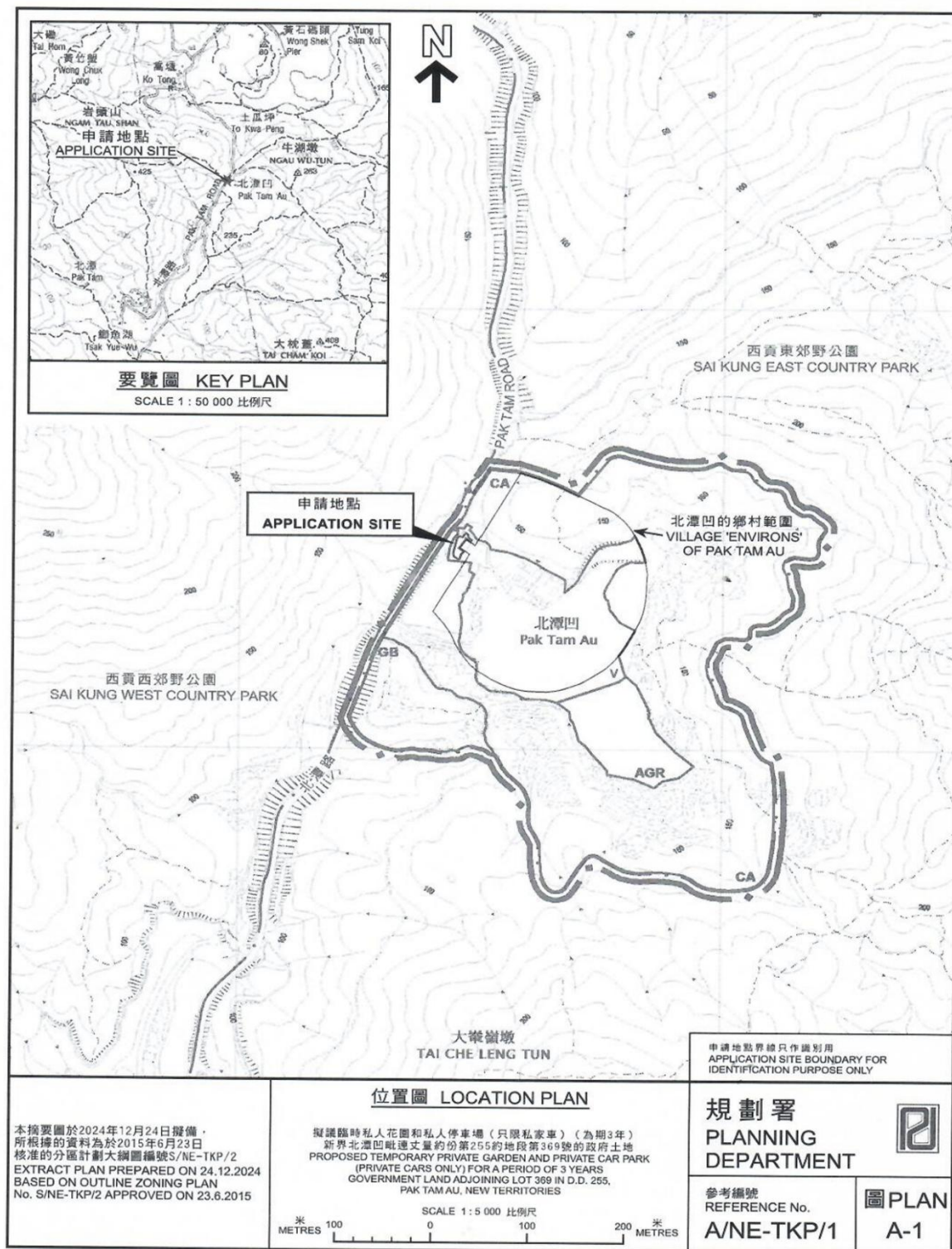


Figure 4: Recognised Village Environs Boundary Plan in Tai Po District (Plan No. TPM4762 – Dated 27/12/62). It is noted that the application Site is outside the Village Environs Boundary.

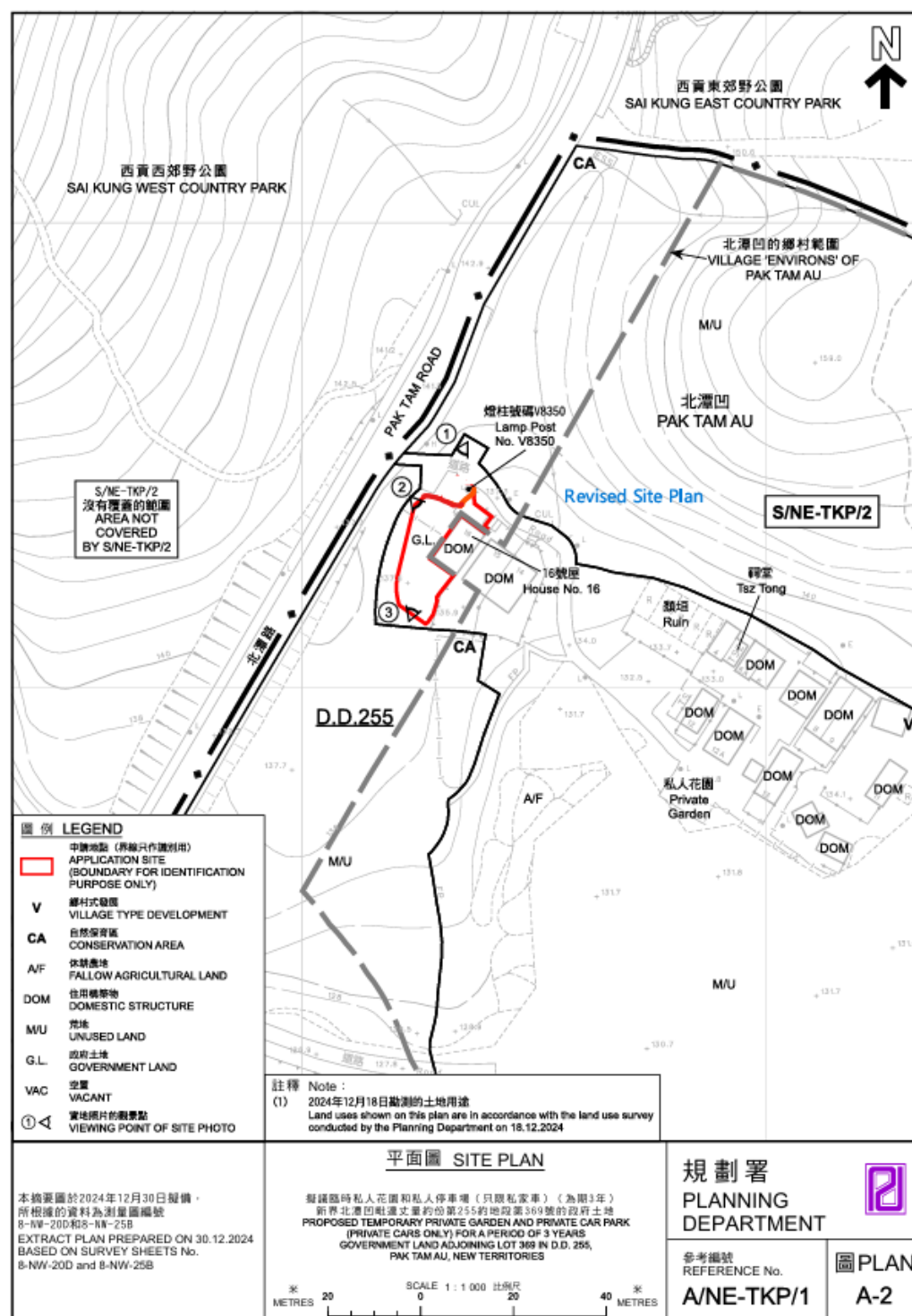


Figure 5: An excerpt of the To Kwa Peng and Pak Tam Au OZP No. S/NE-TKP/2, showing the large “Village” zone that has substantial areas of undeveloped land for future expansion.

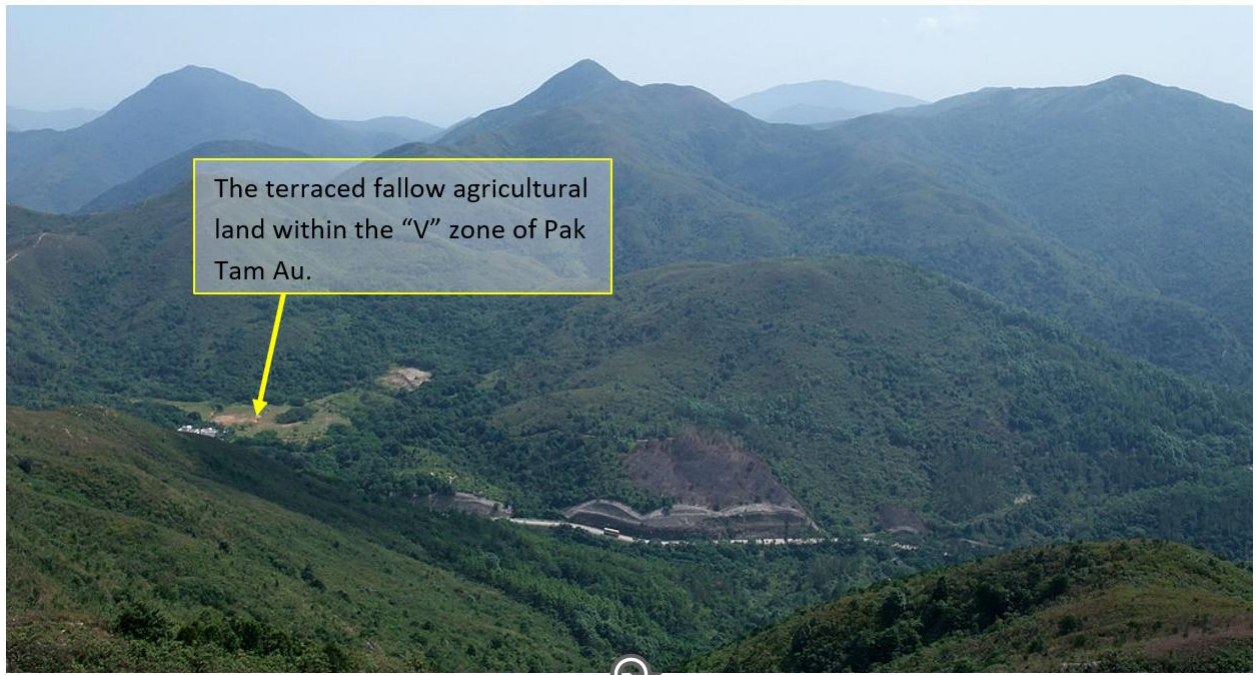


Photo 11: A photograph looking down towards Pak Tam Au, showing the large pockets of terraced fallow agricultural lands, that would be suitable for expansion of the Village, surrounded by the vegetated slope.



Photo 12: A photo of the current situation at the large area of grasslands that would be suitable for NTEH Village house expansion. Taken from near the end of the existing village access road.

Other Houses in the Village have STTs for Garden Use

- 9.9 In the Pak Tam Au Village there are other NTEH Village Houses which have had STTs granted for garden use, including STT No. 1727 at 14 Pak Tam Au. This STT was granted to the Applicant in 2016 and covered 122 m². The site covered by this STT was granted to the Applicant after he purchased the house at 14 Pak Tam Au in 2015 and was subsequently granted to the current owner of the house at 14 Pak Tam Au after he bought the house in 2022. STT 1727 (and the new STT related to 14 Pak Tam Au – STTTP0128) and the other STTs in the area are within the Recognised Village Environs Boundary. This sets a precedent. As the Application Site is outside the Recognised Village Environs Boundary then it should be more appropriate to grant a temporary private garden use and an STT for 16 Pak Tam Au, than for those STTs already issued.

Three houses were completed circa 1990 in the upper part of Pak Tam Au Village. The original owners of the houses at 14 and 16 Pak Tam Au applied for and were granted STTs for private gardens. As noted above, the site of the original STT for 14 Pak Tam Au was granted to the Applicant in 2016 under STT 1727 and then

subsequently granted to the current owner of 14 Pak Tam Au in 2022 under STTTP0128 for 132 m². As noted above, the STT for 16 Pak Tam Au was voluntarily terminated by the former owner of 16 Pak Tam Au in 2014 and a portion of the government land related to that STT is the subject of this Application. There does not appear to have ever been any STT granted in relation to the government land used as a private garden around the house at 15 Pak Tam Au which was purchased by the current owner (jointly with Leonel Manuel Rodrigues) in 1991 and apparently occupied by the current owner from 1991 to the current date without any STT.

Increased Revenue Generated by Granting the STT and No Other Planned Uses for the Application Site

- 9.10 There would be revenue generated by granting the STT. Since there is no other planned use for the Application Site, and no negative impacts from granting the STT, it would seem that it would be better to have the site generating income on a STT. The Applicant would also be responsible for management and maintenance of the garden area.

DLO basic requirements for a STT application are all met

- 9.11 Lands Department have established some basic requirements for STT's which are outlined in the following table

Lands Department Basic Requirements	Proposed Application
The government land concerned cannot be leased out separately to other persons (except the Applicant) given its location, configuration, size and the like;	The land concerned cannot be leased out separately to other persons. This is due to: its location outside the "Village Environs Boundary Plan"; the difficulty of constructing another house there due to the Upper Indirect Water Gathering Grounds'; and septic tank and soakaway systems being considered unacceptable.
There are no other uses of the government land in the short term (or even no long-term uses have been identified);	No other uses of the government land have been identified – neither long nor short term uses.
The application is for non-domestic purposes; and	The application is for a non-domestic purpose of "Garden" use.

The uses under application are either always permitted under the relevant OZP or in respect of which an application can be made to the TPB.

This S.16 application is to satisfy this point.

The STT is for a Temporary Use that can be cancelled at any time

- 9.12 The STT is for a temporary use that can be cancelled at any time should another use arise.

Application Site is Considerably Smaller than the Previous STT

- 9.13 The Application Site is less than half the size of the previous STT (STT No. 751) which encompassed 380 m² and is considerably smaller than the previous submission from this Applicant which was for 326 m². The current area of 207 m² is within the size of several other private gardens approved by the government in the past five years. As such, the proposed temporary private garden would not appear to be excessive.

10. Conclusion

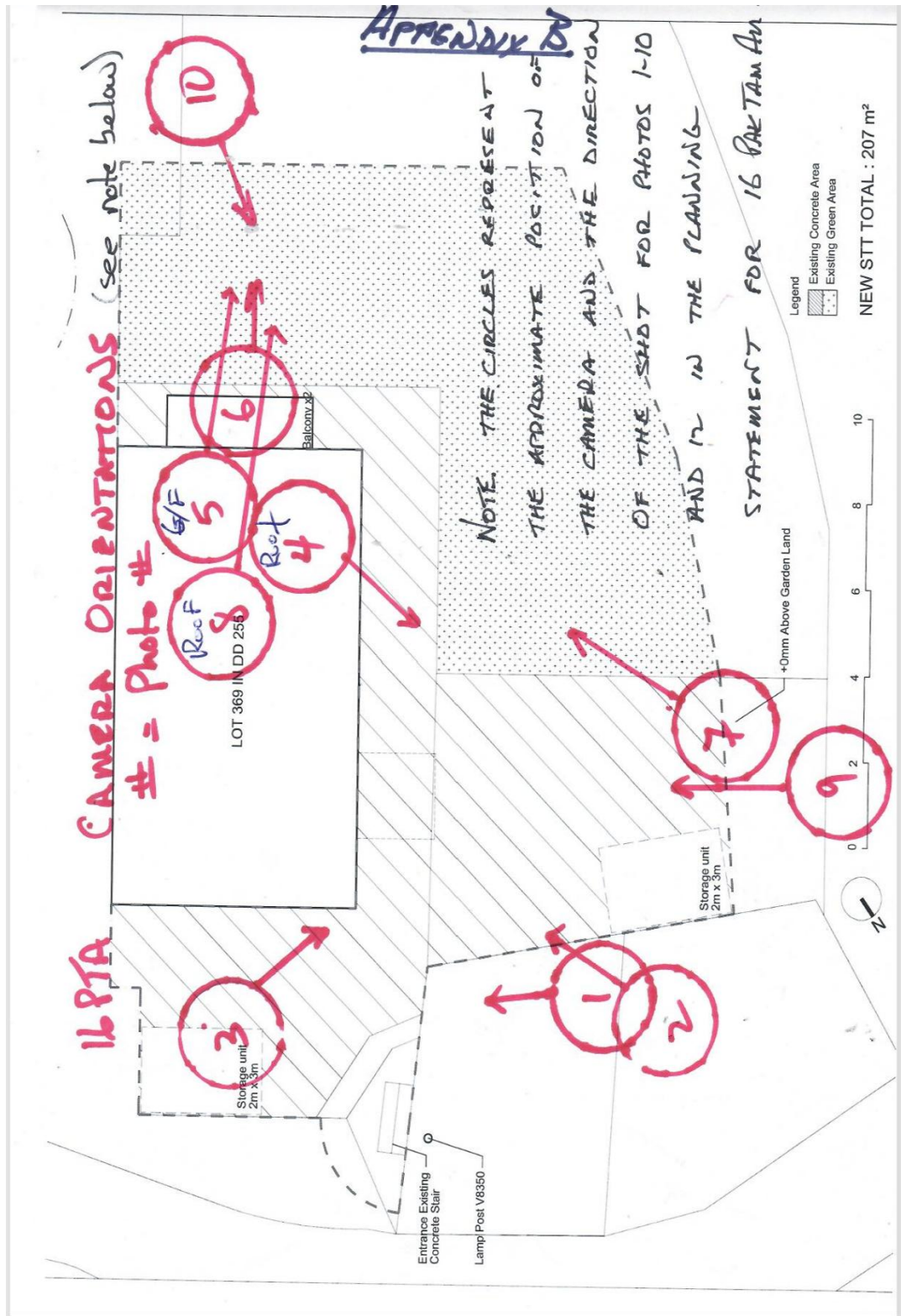
- 10.1 This application is effectively the rejuvenation of the previous STT that was in effect since 1990, but for a significantly smaller area. Except for the fact that the previous owner of Lot No. 369 in D.D. 255 voluntarily terminated the former STT 751 for physical and financial reasons in 2014, it is highly likely that the entire area of the previous STT would have been approved as a new STT for the Applicant by the Lands Department. It is hoped that the Town Planning Board will consider this amended application for a temporary private garden favourably.

APPENDIX A

STT and SX Grants in Sai Kung and Tai Po Districts					APPENDIX A		
STT or SX Reference No.	Size of STT / SX (Sq. M.)	General Area	District	Start Date	Monthly Rental (HKD)	Lease Renewal Date	Monthly Rental / sq. m.
SX1312	4040.00	Tai Mong Tsai, Clover Lodge	SK	1991	28,850	Jan-2021	7.14
SX1144	1050.00	Tai Mong Tsai, David Tang (x)	SK	2015	5,946	Nov-2020	5.66
SX3918	904.50	Tai Mong Tsai, Lake View Villa	SK	2008	20,913	Jul-23	23.12
SX4271	893.30	Yan Yee Road	SK	2011	15,513	Aug-21	17.37
STTSK0324	614.70	Tai Mong Tsai, Chi Fai Path	SK	2020	16,363	Nov-2020	26.62
SX1953	570.00	Pak Tam Villas	SK	1994	7,120	Jun-2019	12.49
STT1416	494.00	Brookside-Ko Tong	TP	2006	9,630	Apr-2021	19.49
SX4027	465.00	Tai Mong Tsai	SK	2006	6,253	Nov-2021	13.45
SX4433	463.00	Tai Mong Tsai, Chi Fai Path	SK	2011	10,010	Jul-21	21.62
SX4094	424.30	Tai Mong Tsai, Chi Fai Path	SK	2009	8,143	Jul-19	19.19
STT1801	400.00	Uk Tau	TP	2011	7,006	Jun-2021	17.52
SX3917	330.70	Tai Mong Tsai, Lake View Villa	SK	2008	7,360	Jul-23	22.26
SX3987	308.50	Tai Mong Tsai, Chi Fai Path	SK	2007	6,923	Jan-23	22.44
SX2694	301.00	Pak Tam Villas	SK	2000	4,850	Jun-2019	16.11
STT1633	288.00	Tai Tan	TP	2009	5,723	Jun-2024	19.87
SX3919	263.50	Tai Mong Tsai, Chi Fai Path	SK	2008	6,703	Jun-23	25.44
SX3414	211.00	Tai Mong Tsai, Surf Villa	SK	2005	4,850	Jul-2020	22.99
SX5018	203.00	Tsak Yue Wu	SK	2015	5,946	Nov-2020	29.29
STT1842	198.00	Hoi Ha	TP	2018	3,466	Aug-2023	17.51
STTSK0270	187.00	Tsak Yue Wu	SK	2024	7,983	Apr-2024	42.69
SX4822	183.00	Tai Mong Tsai, Surf Villa	SK	2010	3,633	Jan-2020	19.85
SX4176	173.30	Tai Mong Tsai, Lake View Villa	SK	2010	4,270	Jun-20	24.64
SX4050	172.00	Yan Yee Road	SK	2010	3,206	May-20	18.64
SX4124	170.40	Tai Mong Tsai, Lake View Villa	SK	2010	3,720	Jan-20	21.83
SX4304	170.00	Tai Mong Tsai, Surf Villa	SK	2006	4,810	Jul-2021	28.29
STT1307	166.00	Brookside-Ko Tong	TP	2002	2,906	Dec-2022	17.51
SX3364	164.00	Tai Mong Tsai, Chi Fai Path	SK	2004	2,946	Nov-19	17.96
STT0870	155.00	Brookside-Ko Tong	TP	1991	2,713	Apr-2023	17.50
SX4018	151.00	Pak Tam Villas	TP	2006	2,530	Jan-2022	16.75
STT1682	148.00	Ko Tong Ha Yeung	TP	2010	2,590	Aug-2025	17.50
STTTP0128	132.00	Pak Tam Au	TP	2022	2,383	Jul-2022	18.05
SX3958	121.20	Tai Mong Tsai, Lake View Villa	SK	2008	2,296	Jan-23	18.94
SX4547	120.00	Pak Tam Villas	SK	2012	1,930	Oct-2022	16.08
STT1054	103.00	Brookside-Ko Tong	TP	1998	1,940	Jul-2021	18.83
STT1681	103.00	Brookside-Ko Tong	TP	2013	1,803	Jun-2023	17.50
STT1598	100.00	Brookside-Ko Tong	TP	2006	1,666	Oct-2021	16.66
SX4636	84.00	Tai Mong Tsai, Lake View Villa	SK	2014	1,316	Apr-19	15.67
STT1673	64.00	Brookside-Ko Tong	TP	2013	1,220	Aug-2023	19.06
STT0787	60.00	Brookside-Ko Tong	TP	1990	1,000	Jan-2022	16.67
STT1748	48.00	Brookside-Ko Tong	TP	2015	800	Nov-2020	16.67

APPENDIX B

The following drawing of the STT site plan sets out the approximate position of the cameras and the direction of the shot for the Photos 1-10 and Photo 12 included in this Planning Statement.



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Iris Tsoi Ying YIK/PLAND

寄件者: [REDACTED]
寄件日期: 2026年01月19日星期一 10:14
收件者: Iris Tsoi Ying YIK/PLAND; Charlotte Tsz Wing WUN/PLAND
主旨: Planning Application-Ref. 20251126OJN-16 Pak Tam Au
附件: 177m2-revised on 2026-01-15.pdf; Application-amended
pages-2,6,12,13-2026-01-18.pdf; Planning Statement-amended
pages-21,22,25,27,31,39-2026-01-18.pdf

重要性: 高

類別: Internet Email

Dear Iris and Charlotte

Thank you for your calls last week. In response thereto, I am pleased to respond as follows:

1. As suggested, I have amended the site plan to reduce the size from 207m² to 177m² by moving the western boundary only. Please see the revised site plan showing the proposed revised STT area of 177m².
2. Following our discussions, I have retained the curved area of the site plan on the north-east side since it follows the pre-existing rock wall in the area and allows more flexible access to the property without interference from the lamp post.
3. As discussed, I confirm that the shape of the boundary shown in Figures 1 and 3 of the Planning Statement are only indicative of the site boundary and the site boundary in the attached revised site plan is what should be adopted for purposes of this Application.
4. Please note that I have not amended the red lines shown in Photos 1-10 in the Planning Statement and they are only indicative of the site boundary and the site boundary in the attached revised site plan is what should be adopted for purposes of this Application.
5. Please note that the revised site plan has amended the size of the two storage units to 2.5m x 3.0m to match the size mentioned in the Application and the Planning Statement. As discussed, it is expected that the two storage units would be placed approximately as shown on the site plan, but the final placement of the storage units (less than or equal to the agreed size) would not be a concern of the Planning Department.
6. There is an LPG cylinder storage box attached to the north-east corner of the house (see Photos 1 and 2 in the Planning Statement) and a short fence off the south-east corner of the house (see Photos 5, 6, 7 and 8 in the Planning Statement). The LPG cylinder storage box follows the shape of the pre-existing retaining wall between House 16 and 15. Its dimensions are: Height – 95cm; width – 1.26m; and, depth – 54cm (~0.65m³), marginally different from the Buildings Department suggested dimensions of: 1.2m (height); 1m (width) and 40cm (depth) (~.48 m³). The representatives of the Buildings Department with whom I spoke said they had no objection to the fence that is formed by the current structure above the retaining wall in this location (for safety reasons due to the 1.2 metre drop) and the only issue may be with the dimensions of the LPG cabinet itself. I am in discussions with the Buildings Department about whether the LPG cabinet meets the criteria of a Green and Amenity Facility under their guidelines and modifications will be made if deemed necessary. The fence at the south-east corner of the house replaced a pre-existing steel fence that protected from the potentially dangerous drop in the formation level of the sites between House 16 and 15 of approximately 1.2 metres.
7. Further to our discussion, and as noted in clause 9.8 of the Planning Statement, all of the mature trees that were included in STT 751 and in the previous application in 2024 will now be outside of the

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proposed boundary. As such, there would be no tree felling as a result of this temporary private garden. All of the current proposed site area is covered either by pre-existing concrete areas or pre-existing green areas, the latter of which requires no clearance of vegetation.

8. A fence or wall will be erected around the proposed boundary if the site for the temporary private garden is approved.
9. As a result of the reduction in the proposed site size from 207m² to 177m², the figures in the Application have been revised accordingly. Attached to this email are the revised pages 2, 6, 12 and 13 of the Application. At this point, I have amended the figures by hand and initialled each amendment. Please let me know if you need me to go into the EPASS system and amend the Application online or if the attached will suffice.
10. I have also amended by hand the relevant pages of the Planning Statement affected by the change in the proposed site size from 207m² to 177m². Attached to this email are the revised pages 21, 22, 25, 27, 31 and 39 of the Planning Statement. (Page 27 was amended to correct the measurement of the width of the LGP cylinder storage box from 135cm to 126cm). At this point, I have amended the figures by hand and initialled each amendment. Please let me know if you need me to go into the EPASS system and amend the Planning Statement online or if the attached will suffice.

Please let me know if you have any more questions and comments and if you require any further information or clarification before submitting the application to the Town Planning Board.

Best regards

Jim

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Charlotte Tsz Wing WUN/PLAND

寄件者: [REDACTED]
寄件日期: 2026年01月19日星期一 20:53
收件者: Iris Tsoi Ying YIK/PLAND; Charlotte Tsz Wing WUN/PLAND
主旨: RE: Planning Application-Ref. 20251126OJN-16 Pak Tam Au
附件: 20251126OJN-SitePlan-177m2-LPG added-2026-01-19.pdf; Application-amended pages-2,6,12,13-2026-01-18-v.2.pdf; Planning Statement-amended pages-21,22,25,27,31,39-2026-01-18-v.2.pdf

類別: Internet Email

Dear Iris and Charlotte

Further to my email below and the later phone call from Iris, I attach the following:

1. An amended site plan showing the location of the LPG cylinder storage box.
2. As a result of the inclusion of the LPG cylinder storage box, I have amended by hand the figures in the Application. Attached to this email are the revised pages 2, 6, 12 and 13 of the Application.
3. I have also amended by hand the relevant pages of the Planning Statement affected by the inclusion of the LPG cylinder storage box. Attached to this email are the revised pages 21, 22, 25, 27, 31 and 39 of the Planning Statement.
4. As discussed, I prefer to leave the wording "fence or wall" to allow some flexibility in enclosing different areas of the boundary.
5. I understand from the telephone call that you have calculated the size of the site to be slightly in excess of 177 m² but within your tolerance of 5%. As such, I prefer to not make any amendments to my application or Planning Statement.

Please let me know if you have any more questions and comments and if you require any further information or clarification before submitting the application to the Town Planning Board.

Best regards

Jim

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Charlotte Tsz Wing WUN/PLAND

寄件者: [REDACTED]
寄件日期: 2026年01月21日星期三 15:14
收件者: Iris Tsoi Ying YIK/PLAND; Charlotte Tsz Wing WUN/PLAND
主旨: RE: Planning Application-Ref. 20251126OJN-16 Pak Tam Au
附件: 177m2-revised on 2026-01-15.pdf; Planning Statement-amended pages-21,22,25,27,31,39-2026-01-18.pdf; Application-amended pages-2,6,12,13-2026-01-18.pdf; Site Plan-177 m2-wo current LPG.pdf

重要性: 高

類別: Internet Email

Dear Iris and Charlotte

Further to my telephone to Charlotte a short while ago, I have had my meeting with the Buildings Department and made some decisions.

One decision that affects the Planning Application is that I now plan to remove the existing LPG Cylinder Storage Box and re-orient it along the front of the house so that it complies with the government's Green and Amenity Facilities in NTEH guidelines. Accordingly, I want to revert to the 15 m² of GFA and remove the 0.68 m² that represented the current LPG Cylinder Storage Box. I will ask my contractor to ensure that the new structure will comply with the guidelines which specify that: it be affixed to the external wall; made of concrete or metal; size not exceeding 1.2m (in height) x 1m (in width); and, with a projection not exceeding 0.4m. For your reference, it will rotated 90 degrees so that the back of the storage container rests against the front wall of the house. I have not been able to get ahold of the architect assistant who is helping with the drawings, so the revised structure does not show at all on the Site Plan. For your reference only, I have drawn it by hand on a separate version of the site plan, but I prefer to submit the Site Plan without my hand revisions.

Accordingly, I enclose the following:

1. The previous version of the Site Plan at 177 m² before the current LPG Cylinder Storage Unit was added to the Site Plan the GFA.
2. With reference to Clause 8.2.5 of the Planning Statement, I confirm my intention to remove and replace the current LPG Cylinder Storage Unit and replace it with one that complies with the Guidelines, as noted above.
3. As a result of the exclusion of the LPG cylinder storage box, I have reverted to the previous version of the Application. Attached to this email are the previous pages 2, 6, 12 and 13 of the Application.
4. I have also reverted to the previous amendments to the relevant pages of the Planning Statement affected by the exclusion of the current LPG cylinder storage box. Attached to this email are the previous pages 21, 22, 25, 27, 31 and 39 of the Planning Statement.

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Please let me know if you have any more questions and comments and if you require any further information or clarification before submitting the application to the Town Planning Board.

Best regards

Jim

The Applicant believes that this new proposal is a material modification of the proposal in 2024 and addresses all of the concerns of the TPB as well as all other government agencies that provided comments on the original proposal. **This modified Section 16 application seeks to address the concerns of various government agencies by, inter alia, significantly reducing the area of the proposed STT from 326 m² to 207 m², by reducing the covered area from about 67 m² to about 15 m² and by eliminating the request for car parks inside the proposed Site area.**

6. Land Administration

- 6.1 The temporary private garden is proposed for ¹⁷⁷~~207~~ m² of Government Land adjoining Lot No.369 in D.D.255 Pak Tam Au, Tai Po, New Territories.
- 6.4 The former STT No. 751 was terminated in 2014 by the tenant for physical and financial reasons and, solely because of the voluntary termination of the former STT, the DLO has confirmed that a transfer of the previous STT No. 751 will not be considered by the DLO. It was quite clear from various discussions with representatives of the Lands Department that if the previous STT had not be voluntarily terminated by the previous tenant, that a new STT would almost assuredly have been granted to the Applicant without material change – i.e. at the former size of 380 m².

7. The Proposed Scheme

- 7.1 The Proposed Scheme is for a garden of ¹⁷⁷~~207~~ m² as shown on **Figure 3** below and approximately indicated in **Photos 1-10** above. The garden would be for the sole use of the Applicant.

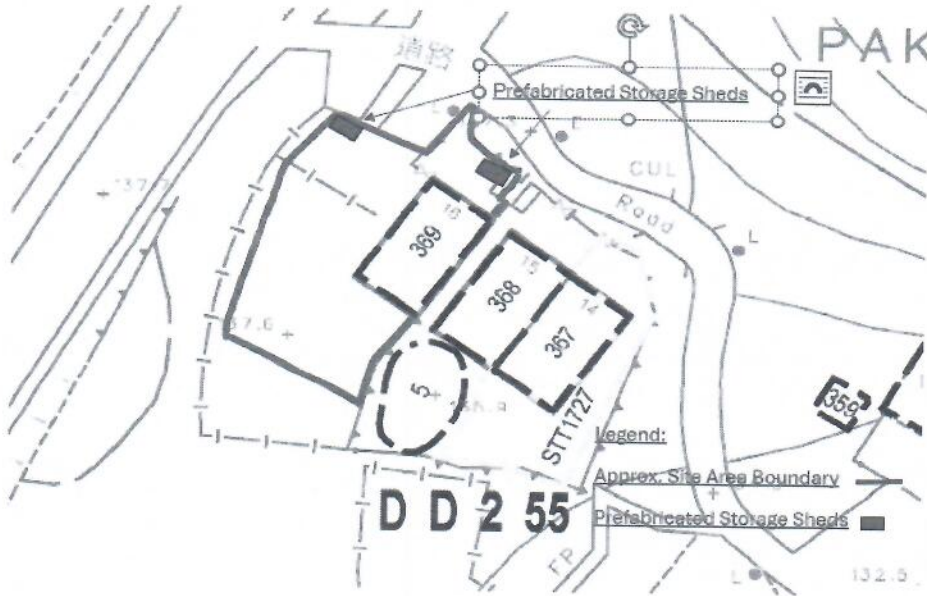


Figure 3: Boundary plan of the proposed temporary private garden, also showing the proposed location of two prefabricated storage sheds.

- 7.2 The plan in Figure 3 also shows the location of two prefabricated storage sheds covering approximately 15 m² in total and with an approximate height of 2.0 m. There is currently no provision for any canopies on the house. However, if any are added at a later date, they will be retractable canopies that comply with the Buildings Department green amenity provisions for NTEH / Small Houses.
- 7.3 A simple breakdown of the different areas shown in **Figure 3** is:

Garden Area	¹⁶² 192 m ²
Prefabricated Storage Sheds	15 m ² (Height around 2.0 m)
TOTAL Area:	¹⁷⁷ 207 m ²

requiring planning permission, there have been many renewals of STT sites (reviewed approximately every five years) and many transfers of STT sites well in excess of 180 m² upon the sale of properties from an original owner/STT tenant to a new owner/STT tenant. Such renewals or transfers are negotiated and unilaterally approved, without obligation to do so, by the Lands Department. In fact, the Applicant was party to such a transfer of STT 1727 adjoining the property at Lot No. 367 in D.D. 255, namely 14 Pak Tam Au, which was transferred from the estate of the former owner to the Applicant as confirmed in a letter from LandsD dated 30 May 2016. In that case, the site area was 122 m². Such transfers were made at the sole discretion of the LandsD which, under the STT agreements, had the power to terminate the tenancy on one month's notice upon the transfer of ownership on the adjoining property. It was quite clear from various discussions with representatives of the Lands Department that if the previous STT No. 751 had not be voluntarily terminated by the previous tenant, that a new STT would almost assuredly have been granted to the Applicant without material change – i.e. at the former size of 380 m².

Attached as Appendix A to this Planning Statement is a partial list of STT sites in the Sai Kung and Tai Po districts that have been renewed (normally on a five-year basis resulting in an increase in the rental rate) and/or effectively transferred (under a new STT number) to a new property owner/STT tenant. The list shows a sample of 40 STT renewals or transfers from 2019 to 2025 and ranging in size from 4,040 m² down to 48 m². Of the renewals or transfers on this sample list, ²¹17 are for STT sites greater than the current application size of ¹³⁷207 m². For reference, included on the list is SX1144 for 1015 m² which I believe may be in the process of being transferred following a sale of the adjoining property. Also included on the list is STTTP0128 for 132 m² which is the STT that replaced STT 1727 on the property at 14 Pak Tam Au that previously was for 122 m².

Secondly, the response suggests that a more efficient use of government land resources should be considered as an alternative to the proposed private garden. In this regard, it should be noted that the subject land has been used as a private garden since 1990 when the original STT was granted. This use only came after the existing structure was erected on Lot No. 369 in D.D. 255 and presumably the land lay vacant before that time. The response implies that a more efficient use for the land exists, but arguably, the only potential use for the land would be to build additional NTEH Small houses, but as noted above, that would not be allowed because **the site was located within the Upper Indirect Water Gathering Grounds where public sewer was not available**. Arguably, there is no other more efficient use of the government land for the Planning Department to consider. Furthermore, if in the future some

structure near the site was the house built on Lot 369 in D.D. 255 in 1990, before STT 751 was granted, and there were no outstanding LandsD letters issued in respect thereto.

- 8.2.3 The second comment included in the Appendix suggested that the applicant shall apply for an STT, which was irrelevant since it was established that it was instead necessary to apply for planning permission before applying for an STT.
- 8.2.4 The third comment stated that “there are unauthorized structures on the adjoining private Lot 369 in D.D. 255”. This comment presumably related to the renovated house and not the previous structure. In this regard, apparently following one of many complaints believed to have been initiated by the owner of the property at 15 Pak Tam Au (Lot 368 in D.D. 255), LandsD inspected Lot 369 and issued a letter dated 27 March 2025 to the Applicant.
- 8.2.5 With reference to the letter, the unspecified “unauthorized structures extended from the G/F” apparently refers to a short brick fence that was erected in place of a pre-existing steel fence and also a cabinet for holding two LPG gas tanks. The old and new fence were in place for safety reasons along the 1.2 metre drop from the property level of 16 Pak Tam Au to the property level of 15 Pak Tam Au and to provide privacy between the neighbors. The other structure referenced by the LandsD personnel to the Applicant was a cabinet holding two LPG gas tanks at the front of the house that is approximately ~~135~~¹²⁵ cm wide instead of only 100 cm wide. If the STT is granted, this fence and this cabinet would both be entirely within the STT site area applied for.
- 8.2.6 The other items mentioned in the letter from LandsD included: a “parapet or railing exceeding 1.22 metres in height on the outer edges on the balcony” on the first and second floors. These parapets or railings were built slightly higher than specified only on the east side facing the contiguous property at 15 Pak Tam Au to provide some privacy from a difficult and nosey neighbour and her cameras. These balconies are not enclosed and are outside bedrooms and the slightly higher railings on the east side only made it more difficult for the neighbour to view inside the rooms from her property.
- 8.2.7 The letter also referred to the “balcony at the Rooftop” which is in the process of being rectified following a letter dated 5 December 2025 received from the Buildings Department in which this was also mentioned. Discussions with the Buildings Department are underway and this issue and others raised by the Buildings Department in their letter are expected to be rectified and/or cleared with the Buildings Department soon.

9. Planning Assessment and Justification

Previous STT on the Application Site

- 9.1 Between 1990 and 2014 there was an STT (STT No. 751) on the same site. However, the previous STT covered a much larger area of 380 m² and the current application is only 207 m². Since the previous STT was terminated by the tenant in 2014 there has been no alternative use for the site. There does not appear to be any plan to use the Application Site for any other purpose in the foreseeable future.

Application Site Located Outside of Village Environs Boundary Plan

- 9.2 As the Land in the Application Site is all Government Land located outside of the Recognised Village Environs Boundary Plan (see **Figure 4**) it is unlikely that it will or ever could be used for NTEH Village Houses. We believe this area was likely excluded because it was not suitable for any additional NTEH Village Houses because it has limited access and borders on a steep slope down to Pak Tam Road. Also, as noted above, no NTEH / Small House would ever be allowed to be built on the property due to the sewage disposal issue since the site is located in a water gathering ground (WGG).

The “Village” Zone has Plenty of More Appropriate Land for Development

- 9.3 The Pak Tam Au “Village” zone is a large area, see **Figure 5**. There is plenty of land which is within both the “Village” zone and also the Recognised Village Environs Boundary for future expansion of the village. A substantial amount of land is flat grassland that would be much easier to develop additional NTEH village houses than the proposed Application Site, see **Figure 6 and Photos 11 and 12**.

2012 Applications for Village Houses in Pak Tam Au were Rejected by the TPB

- 9.4 As outlined in paragraphs 5.1. above, there were a number of applications for NTEH made in Pak Tam Au in 2012 (numbers A/DPA/NE-TKP/7, 8, 9, 10, 11 and 13) which were all rejected. The primary reason for the rejections was that the proposals involved the development of multiple NTEH village houses and that public sewer was not available and further that “the applicant failed to demonstrate that the proposal would not cause adverse water quality impact on the area”. **As noted above, the reasons for rejection in the above applications are not applicable to the application in 2024 by this applicant or this current application.** This application does not include any development therefore there would be no adverse impact on the water quality as a result of this private garden.

The uses under application are either always permitted under the relevant OZP or in respect of which an application can be made to the TPB.

This S.16 application is to satisfy this point.

The STT is for a Temporary Use that can be cancelled at any time

- 9.12 The STT is for a temporary use that can be cancelled at any time should another use arise.

Application Site is Considerably Smaller than the Previous STT

- 9.13 The Application Site is less than half the size of the previous STT (STT No. 751) which encompassed 380 m² and is considerably smaller than the previous submission from this Applicant which was for 326 m². The current area of ~~207~~ ¹⁷⁷ m² is within the size of several other private gardens approved by the government in the past five years. As such, the proposed temporary private garden would not appear to be excessive.

10. Conclusion

- 10.1 This application is effectively the rejuvenation of the previous STT that was in effect since 1990, but for a significantly smaller area. Except for the fact that the previous owner of Lot No. 369 in D.D. 255 voluntarily terminated the former STT 751 for physical and financial reasons in 2014, it is highly likely that the entire area of the previous STT would have been approved as a new STT for the Applicant by the Lands Department. It is hoped that the Town Planning Board will consider this amended application for a temporary private garden favourably.