

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-LT/779

<u>Applicant</u>	:	Mr. CHAN Ah Fong (manager of Chan Tsz Shing Tso) represented by WinLi Group Limited T/A WinLi Consulting Engineers
<u>Site</u>	:	Lot 701 RP (Part) in D.D. 19, She Shan Tsuen, Lam Tsuen, Tai Po, New Territories
<u>Site Area</u>	:	About 1,500m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Lam Tsuen Outline Zoning Plan (OZP) No. S/NE-LT/11
<u>Zoning</u>	:	“Village Type Development” (“V”)
<u>Application</u>	:	Temporary Private Vehicle Park (Private Cars Only) for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for a temporary private vehicle park (PVP) (private cars only) for a period of three years at the application site (the Site). The Site falls within an area zoned “V” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently used as the applied use without valid planning permission.
- 1.2 The Site is accessible via a local track leading to She Shan Road (**Plan A-2**). According to the applicant, the temporary PVP provides 50 parking spaces for private cars serving local villagers. The operating hours of the temporary car park would be 24 hours daily (including public holidays). No toilet facilities will be erected on the Site and preventive measures such as erection of boundary fencing and installation of drainage traps and oil absorbent pads will be adopted to prevent water pollution in the upper indirect water gathering ground (WGG). A plan showing the layout and vehicular ingress/egress of the car park submitted by the applicant is shown in **Drawing A-1**.
- 1.3 The Site is part of the subject of a previous application (No. A/NE-LT/544) for proposed temporary PVP (private cars and light goods vehicles) use straddling “V” and “Agriculture” (“AGR”) zones submitted by the same applicant (**Plan A-2**), which was rejected by the Rural and New Town Planning Committee (the Committee) of the Board in 2015. Compared with the previous application, the current application falls entirely within the “V” zone with a reduction in site area from about 1,600m² to 1,500m² and the number of parking spaces has been reduced from 58 to 50. The proposed vehicular access and run-in/out to the applied use have also been revised.

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

- (a) Application Form with attachment received on 3.3.2025 **(Appendix I)**
- (b) Further Information (FI) received on 8.4.2025[^] **(Appendix Ia)**
^ accepted and exempted from publication and recounting requirement

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FI at **Appendices I and Ia**, as summarised below:

- (a) there is a need to provide more parking spaces to meet the demand from the increasing village population;
- (b) the applied use may reduce the incidence of illegal parking along She Shan Road and to alleviate any obstruction or road safety risks it may cause; and
- (c) appropriate preventive measures such as erection of boundary fencing and installation of drainage traps and oil absorbent pads will be adopted to prevent water pollution in the WGG.

3. Background

The Site is part of the subject of a planning enforcement action (No. E/NE-LT/91) against unauthorized development (UD) involving use for place for parking of vehicles (**Plan A-2**). Enforcement Notice (EN) was issued on 3.6.2024 requiring discontinuation of the UD by 3.9.2024. As site inspection after the compliance period of the EN revealed that the UD still continued upon expiry of the notice, prosecution action is being considered.

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

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by posting site notice and giving notification to the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

5. Previous Application

- 5.1 The Site is part of the subject of a previous application No. A/NE-LT/544 submitted by the same applicant for the same use as the current application. The previous application, falling within an area largely zoned “V” (about 93%) with a minor portion zoned “AGR” (about 7%), was rejected by the Committee of the Board on 4.12.2015 mainly on the considerations that the proposed use was not in line with the planning intention of the “V” and “AGR” zones; and the proposed vehicular access for the car park located at the existing passing-bay at She Shan Road was not acceptable from traffic engineering point of view. The Committee deliberated at the meeting (**Appendix IIa**) that sympathetic consideration might be given to the application if the technical concern of the run-in/out

of the proposed use could be addressed and the small area zoned “AGR” be excluded from the application site.

- 5.2 Compared with the previous application, the site area of the current application, which falls entirely within the “V” zone, has been reduced from about 1,600m² to 1,500m² and the number of parking spaces has been reduced from 58 to 50. The proposed vehicular access and run-in/out to the applied use have also been revised.
- 5.3 Details of the above previous application are summarised at **Appendix II** and its location is shown on **Plans A-1** and **A-2**.

6. Similar Applications

- 6.1 There are seven similar applications (No. A/NE-LT/250, 314, 372, 403, 501, 511 and 766) covering three sites for temporary public/private vehicle park use for a period of three years falling entirely/ largely within “V” zone in the vicinity of the Site (**Plan A-1**).
- 6.2 Six applications (No. A/NE-LT/250, 314, 372, 403, 501 and 766) were approved with conditions by the Committee between 2001 and 2024 mainly on the considerations that the proposed use was not incompatible with the surrounding land uses; the proposed/applied use was to serve the local villagers; no significant adverse traffic, environmental and drainage impacts on the surrounding areas were expected; the application sites were the subject of previous planning approval(s); and the proposed use would not frustrate the planning intention of the “V” zone in the longer term.
- 6.3 The remaining application No. A/NE-LT/511 was rejected by the Committee on 8.8.2014 mainly on the considerations that the applicant failed to demonstrate that the development would not cause adverse geotechnical and drainage impacts on the surrounding areas, and the proposed use was not in line with the planning intention of the “V” zone.
- 6.4 Details of the similar applications are at **Appendix III** and their locations are shown on **Plan A-1**.
- 6.5 There are other three similar applications for temporary vehicle park for a period of three years (No. A/NE-LT/774, 778 and 780) falling within the “V” or straddling “V” and “AGR” zones in the vicinity of the Site (**Plan A-1**), which will be considered by the Committee at this meeting.

7. The Site and Its Surrounding Areas (Plans A-1 to A-4)

- 7.1 The Site is:
 - (a) located at the northern fringe of She Sha Village and accessible via a local track leading to She Shan Road;
 - (b) hard-paved and currently occupied by the applied use without any valid planning permission; and
 - (c) located within the She Shan Tsuen Site of Archaeological Interest and upper indirect WGG.

- 7.2 The surrounding areas are predominantly rural in character comprising village houses and farmlands (**Plan A-2**). To the east, southeast and south of the Site is the village proper of She Shan Village.

8. Planning Intention

The planning intention of the “V” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services.

9. Comments from Relevant Government Departments

- 9.1 Apart from the government department as set out in paragraph 9.2, other government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and recommended advisory clauses are provided at **Appendices IV** and **V** respectively.
- 9.2 The following government department supports the application:

Transport

Comment of the Commissioner for Transport (C for T):

- (a) she supports the application in view of the parking demand in the vicinity; and
- (b) her advisory comments are set out at **Appendix V**.

10. Public Comments Received During Statutory Publication Period

On 11.3.2025, the application was published for public inspection. During the statutory public inspection period, three comments were received. One comment from an individual supports the application as there is a lack of parking spaces in She Shan Village. The remaining two comments from two individuals express concerns on the risk of flooding, potential disputes from nearby land owners and villagers, no enforcement action taken, no provision of electric vehicle charging facilities at the Site and the access to She Shan Road (**Appendix VI**).

11. Planning Considerations and Assessments

- 11.1 The application is for temporary PVP (private cars only) for a period of three years at the Site zoned “V” on the OZP (**Plan A-1**). While the applied use is not entirely in line with the planning intention of “V” zone which is primarily intended for development of Small Houses by indigenous villagers, C for T supports the application in view of the parking demand in the vicinity and the applied use is to serve the local villagers of She Shan Village. There is also no Small House application received for the Site as advised by the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD). In this regard, it is considered that the approval of the application for a period of three years would not frustrate the long-term planning intention of the “V” zone.

- 11.2 The Site, being located within the village proper of She Shan Village, is hard-paved and currently occupied by the applied use without any valid planning permission. The proposed temporary PVP, which will provide a total of 50 parking spaces for private cars, is considered not incompatible with the surrounding village setting predominated by village houses and farmlands (**Plans A-2 and A-3**).
- 11.3 The Site is located within the upper indirect WGG and the applicant has confirmed that no toilet facility will be erected and preventive measures such as erection of boundary fencing and installation of drainage traps will be adopted to prevent water pollution in the upper indirect WGG (**Appendix Ia**). In this connection, the Director of Environmental Protection and Chief Engineer/Construction of Water Supplies Department have no objection to/no comment on the application on condition that the development should not cause any water pollution to the upper indirect WGG. Other relevant government departments consulted including the Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to the application. To address the technical requirements of concerned government departments, appropriate approval conditions and advisory clauses are recommended in paragraph 12.2 below and **Appendix V** respectively.
- 11.4 The Site is the subject of a previous application No. A/NE-LT/544 submitted by the same applicant for the same use as the current application. The previous application was rejected by the Committee of the Board in 2015 mainly on technical ground as detailed in paragraph 5.1 above. Compared with the previous application, the current application falls entirely within the “V” zone without encroaching the “AGR” zone, and the proposed vehicular access and run-in/out to the applied use have also been revised. C for T supports the application and Chief Highway Engineer/New Territories East of Highways Department (CHE/NTE, HyD) has no adverse comment on the application. Besides, approval of the current application generally aligns with the Committee’s deliberation on the previous application (**Appendix IIa**) that sympathetic consideration might be given to the application if the technical concern of the run-in/out of the proposed use could be addressed and the small area zoned “AGR” be excluded from the application site.
- 11.5 There are seven similar applications for temporary public/private vehicle park use for a period of three years falling within “V” zone in the vicinity of the Site, of which six were approved and one was rejected by the Committee on the considerations as detailed in paragraphs 6.2 and 6.3 above respectively. The planning circumstances of the current application are similar to those of the approved similar applications. For the rejected similar application, it was rejected mainly on technical grounds, the planning considerations of which are not applicable to the current application. As such, approval of the current application is in line with the Committee’s previous decisions.
- 11.6 Regarding the public comments as detailed in paragraph 10 above, the government departments’ comments and planning assessment above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of three years until 2.5.2028.

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

Approval Conditions

- (a) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 2.11.2025;
- (b) in relation to (a) above, the provision of drainage facilities 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 2.2.2026;
- (c) in relation to (b) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) the implementation of preventive, control and mitigation measures identified in the accepted risk assessment report on pollution or contamination to the Water Gathering Ground within 9 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the Town Planning Board by 2.2.2026;
- (e) the proposed use should not cause any water pollution to the upper indirect Water Gathering Ground at any time during the planning approval period;
- (f) the submission of a 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 2.11.2025;
- (g) in relation to (f) 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 2.2.2026;
- (h) if any of the above planning condition (c) or (e) 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
- (i) if any of the above planning condition (a), (b), (d), (f) or (g) 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 at **Appendix V**.

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

the applied use is not in line with the planning intention of the "V" zone, which is to provide land primarily for development of Small Houses by indigenous villagers. There is no strong planning justification in the submission for a departure from such 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 the permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 13.2 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	Application Form with Attachments received on 3.3.2025
Appendix Ia	FI received on 8.4.2025
Appendix II	Previous Application
Appendix IIa	Minutes of the Committee Meeting dated 4.12.2015
Appendix III	Similar Applications
Appendix IV	Detailed Comments from Relevant Government Departments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Appendix VII	“Requirements of Fireman’s Emergency Switch” issued by Fire Services Department
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photo

**PLANNING DEPARTMENT
MAY 2025**