

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

**APPLICATION NO. A/NE-SSH/163**

- Applicant** : Tseng Tau Tsuen (Sai Kung North) Management Committee represented by Grandmax Surveyors Limited
- Site** : Lots 1406 S.B RP (Part), 1406 S.C (Part) and 1473 (Part) in D.D. 165, Shap Sz Heung, Tai Po, New Territories
- Site Area** : About 554m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Shap Sz Heung Outline Zoning Plan (OZP) No. S/NE-SSH/11
- Zonings** : “Comprehensive Development Area” (“CDA”) (about 58% of the Site)  
“Green Belt” (“GB”) (about 33% of the Site)  
“Village Type Development” (“V”) (about 9% of the Site)
- Application** : Proposed Temporary Private Car Park (Private Cars Only) for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for a proposed temporary private car park (private cars only) for a period of three years at the application site (the Site), which falls within an area mainly zoned “CDA” (about 58%) and “GB” (about 33%) with a minor portion in “V” (about 9%) on the OZP (**Plan A-1**). According to the Notes of the OZP, temporary use or development not exceeding a period of three years requires planning permission of the Town Planning Board (the Board). The Site is currently vacant and hard-paved<sup>1</sup> (**Plans A-4a** and **A-4b**).
- 1.2 The Site is connected to other parts of Tseng Tau Village and is accessible from Hoi Ying Road via a local track (**Plan A-1**). According to the applicant, the proposed use will provide a total of 15 parking spaces for private cars to solely serve parking needs of the local residents of Tseng Tau Village (**Drawing A-2**). The traffic in/out time will be mostly between 7am to 11pm daily. The proposed vehicular access and the layout of the Site are shown at **Drawings A-1** and **A-2** respectively.

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<sup>1</sup> According to the record, the Site (including the “GB” portion) was largely filled and paved in 2003, i.e. before the date of imposing a land filling clause pertaining to the “GB” zone under the draft Shap Sz Heung OZP No. S/NE-SSH/6 on 9.1.2004.

- 1.3 The Site is part of the subject of a previous application (No. A/NE-SSH/109) for temporary private car park (private cars and light goods vehicles) use 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 2017. Compared with the previous application, the site area is reduced from about 2,080m<sup>2</sup> to about 554m<sup>2</sup>, and number of parking spaces is reduced from 54 to 15. Details of the previous application are set out in paragraph 6 below.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with Attachments received on 20.3.2025 **(Appendix I)**
  - (b) Further Information (FI) received on 9.4.2025\* **(Appendix Ia)**

*\*accepted and exempted from publication and recounting requirements*

## **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) Tseng Tau is a geographically self-enclosed village and the surroundings of the Site are mainly village type houses. The proposed use will serve parking need of the local residents of Tseng Tau;
- (b) apart from limited bus and light bus services, private vehicles are the main means of transportation for the local residents in Tseng Tau. However, there is no proper parking area available in the area due to limited land supply in Tseng Tau;
- (c) no filling of land will be undertaken as the Site has already been hard-paved for more than 20 years and was not carried out by the applicant. The applicant will prepare fire service installations and drainage proposals and implement such proposals for complying with all the approval conditions to ensure that the proposed use will not induce any adverse impact to the surrounding environment. Also, the existing shelter at the western part of Site will be removed upon obtaining the planning approval; and
- (d) there are 12 similar approved applications (No. A/NE-SSH/119, 121, 124, 134, 135, 141, 153, 154, 155, 156, 159 and 160) within the “V” zones in Shap Sz Heung area<sup>2</sup>.

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

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning

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<sup>2</sup> The planning circumstances of these applications are not similar to those of the current application as their application sites fell entirely within the “V” zone.

Ordinance (TPB PG-No. 31B) by giving notifications to the “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

**4. Background**

The Site was subject to a planning enforcement action against unauthorized development (UD) involving use for place for parking of vehicles under the case No. E/NE-SSH/90 (**Plan A-2**). An Enforcement Notice (EN) was issued to the landowners concerned on 15.11.2024. Subsequent site inspection revealed that the UD has been discontinued. A Compliance Notice (CN) was issued on 18.3.2025.

**5. Town Planning Board Guidelines**

The Town Planning Board Guidelines No. 10 for Application for Development within “GB” Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10) is relevant to this application. The relevant assessment criteria are at **Appendix II**.

**6. Previous Application**

6.1 The Site is part of the subject of a previous application (No. A/NE-SSH/109) covering a larger area mostly zoned “Coastal Protection Area” (“CPA”) and “GB” for temporary private car park (private cars and light goods vehicles) use submitted by the same applicant as the current application. The application was rejected by the Committee on 13.10.2017 mainly on the considerations that the development was not in line with the planning intensions of “CPA” and “GB” zones; the development did not comply with the TPB PG-No. 10 in that it would generate adverse landscape impacts to the area; and approval of the application would set an undesirable precedent for other similar applications within the “CPA” and “GB” zones. Compared with the previous application, the site area under the current application is reduced from about 2,080m<sup>2</sup> to about 554m<sup>2</sup> (without encroaching upon the adjacent “CPA” zone and the vegetated portion of “GB” zone), and number of parking spaces is reduced from 54 to 15.

6.2 Details of the application are summarised at **Appendix III** and its location is shown on **Plan A-2**.

**7. Similar Application**

There is no similar application for public/private car park use within the same “CDA”, “V” and “GB” zones in the vicinity of the Site in the past five years.

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

8.1 The Site is:

- (a) hard-paved and currently vacant (**Plans A-3 to A-4b**); and

(b) accessible via a local track leading to Hoi Ying Road.

8.2 The surrounding areas are predominantly rural in character with a mix of village houses and tree groups. To its north are village houses in Tseng Tau Village, and to its immediate northeast is a vegetated area falling within “GB” zone. To the further northeast is parking of vehicles use. To its southeast are some tree groups falling within “CPA” zone, and to its south and southwest are the comprehensive residential and commercial development site zoned “CDA” currently under construction (**Plans A-2 and A-3**).

## **9. Planning Intentions**

9.1 The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

9.2 As filling of land within “GB” zone may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activity.

9.3 The planning intention of the “CDA” zone is for comprehensive development of the area for residential, commercial and recreational uses with the provision of open space and other supporting facilities. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints.

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

## **10. Comments from Relevant Government Departments**

10.1 Apart from the government department as set out in paragraph 10.2 below, other government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided at **Appendices IV and V** respectively.

10.2 The following government department supports the application:

### **Traffic**

10.2.1 Comments 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**.

**11. Public Comment Received During Statutory Publication Period**

On 28.3.2025, the application was published for public inspection. During the statutory public inspection period, one comment received from an individual (**Appendix VI**) expresses concerns on the application that no enforcement action against parking of vehicle use has been taken since the rejection of the previous application No. A/NE-SSH/109; the revenue generated by the proposed use, if any, should be subject to tax assessment; and the applicant does not mention if there would be electric vehicle charging facilities on site.

**12. Planning Considerations and Assessments**

12.1 The application is for proposed temporary private car park (private cars only) for a period of three years at the Site falling within an area mainly zoned “CDA” (about 58%) and “GB” (about 33%) with a minor portion in “V” (about 9%) on the OZP (**Plan A-1**). For the “GB” portion, the proposed use is not in line with the planning intention of the “GB” zone, which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. Nevertheless, given the Site has been paved and surrounded by developed areas, the Director of Agriculture, Fisheries and Conservation has no comment on the application from nature conservation perspective. C for T also supports the application in view of parking demand in the vicinity. Taking into account the planning considerations and assessments below, there is no objection to the proposed use on a temporary basis of three years.

12.2 According to the TPB PG-No.10, the design and layout of any proposed development within “GB” zone should be compatible with the surrounding areas, should not involve extensive clearance of natural vegetation nor affect the existing natural landscape, and adversely affect drainage or aggravate flooding in the area. The Site is sandwiched between the village cluster of Tseng Tau to its north and the comprehensive residential and commercial development site currently under construction to its south (**Plan A-3**). It should be noted that the Site was cleared and hard-paved in 2003, i.e. before the date of imposing the land filling clause on “GB” zone on the then OZP No. S/NE-SSH/6 gazetted on 9.1.2004. The proposed temporary private car park, which will serve the residents of Tseng Tau Village, is considered not incompatible with the surrounding developed areas. Considering that the Site has already been paved and no significant landscape resource is observed on Site, the Chief Town Planner/Urban Design and Landscape of Planning Department advises that significant adverse landscape impact arising from the application is not anticipated. The Director of Environmental Protection and Chief Engineer/Mainland North, Drainage Services Department have no objection to/no adverse comment on the application from environmental planning and drainage perspectives respectively. In this regard, the proposed use generally complies with the TPB-PG No. 10 in that the development is not incompatible

with the surrounding environment and would not adversely affect the existing natural landscape and drainage in the area.

- 12.3 The proposed use is also not entirely in line with the planning intention of “CDA” and “V” zones, which are intended for comprehensive residential and commercial development, and for development of Small House by indigenous villagers respectively. In this regards, the Site falls outside the boundary of the adjacent comprehensive residential and commercial development in Shap Sz Heung under approved planning applications (No. A/NE-SSH/120, 120-1 and 142), which is under construction (**Plan A-2**). The District Lands Officer/Tai Po of Lands Department has no objection to the application and advises that there is no Small House application received for the Site.
- 12.4 Other relevant government departments consulted, including the Director of Fire Services, Chief Engineer/Construction, Water Supplies Department, Chief Engineer/New Territories East, Highways Department, Project Manager/North, Civil Engineering and Development Department and District Officer/Tai Po, Home Affairs Department have no objection to/no adverse comment on the application. To address the technical requirements of concerned government departments, appropriate approval conditions and advisory clauses are recommended in paragraph 13.2 below and **Appendix V** respectively.
- 12.5 The Site is part of the subject of a previous application (No. A/NE-SSH/109) for the temporary private car park use submitted by the same applicant as the current application, which was rejected by the Committee in 2017 mainly on the considerations as mentioned in paragraph 6.1 above. Compared with the previous application, the current application with smaller site area and scale would not encroach onto the “CPA” zone and affect the vegetated portion of “GB” zone. The planning circumstances of the current application are different from that of the rejected application. Approval of the current application is not in conflict with the Committee’s previous decision.
- 12.6 Regarding the public comment as detailed in paragraph 11, the government departments’ comments and planning assessments above are relevant. For the concern on whether the revenue generated by the proposed use is taxed, it is not relevant to the consideration of the current application.

### **13. Planning Department’s Views**

- 13.1 Based on the assessments made in paragraph 12 above and taking into account the public comment in paragraph 11 above, the Planning Department has no objection to the application.
- 13.2 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 approval conditions 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 implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 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) if the above planning condition (c) 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
- (e) if any of the above planning condition (a) or (b) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

### Advisory Clauses

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

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:
- the proposed use is not in line with the planning intention of the "Green Belt" zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

## **14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

**15. Attachments**

<b>Appendix I</b>	Application Form with Attachments received on 20.3.2025
<b>Appendix Ia</b>	FI received on 9.4.2025
<b>Appendix II</b>	Relevant Extract of TPB PG-No. 10
<b>Appendix III</b>	Previous Application
<b>Appendix IV</b>	Government Department's General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	Public Comment
<b>Drawing A-1</b>	Location Plan submitted by the Applicant
<b>Drawing A-2</b>	Site Layout Plan submitted by the Applicant
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
MAY 2025**