

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

**APPLICATION NO. A/NE-TKL/802**

- Applicant** : Sheung Shan Kai Wat Village Indigenous Village Committee
- Site** : Lots 825 (Part) and 829 S.B (Part) in D.D. 84, Shan Kai Wat, Ta Kwu Ling, New Territories
- Site Area** : About 687m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP)  
No. S/NE-TKL/14
- Zonings** : (i) “Village Type Development” (“V”) (about 96%)  
(ii) “Agriculture” (“AGR”) (about 4%)
- Application** : Renewal of Planning Approval for Temporary Private Vehicle Park (Private Cars Only) and Associated Filling of Land for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning approval for temporary private vehicle park (private cars only) and associated filling of land for a period of three years at the application site (the Site) falling mostly within an area zoned “V” (about 96%) with a minor portion within “AGR” zone (about 4%) on the OZP (**Plan A-1**). According to the Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years within both “V” and “AGR” zones and filling of land within the “AGR” zone require planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use with valid planning permission until 12.8.2025.
- 1.2 The Site is accessible via a local track leading to Ping Che Road (**Plan A-1**). According to the applicant, the applied use involves eight private car parking spaces serving the local residents. No structure is erected within the Site and no fencing is installed along the site boundary. One entrance is provided at the south of the Site adjoining the access road. No vehicle without valid licence issued under the Road Traffic Ordinance will be allowed at the Site. The northern tip of the Site (i.e. about 27m<sup>2</sup>) which falls within the “AGR” zone has been filled with concrete with a depth of about 0.1m. The operation hours of the applied use are 24 hours daily. The layout plan submitted by the applicant is shown in **Drawing A-1**.

- 1.3 The Site is the subject of a previous application (No. A/NE-TKL/700) for the same use submitted by the same applicant as the current application, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 12.8.2022. Details of the previous application are set out in paragraph 6 below. Compared with the previous application, the layout and development parameters (including the number of parking spaces) under the current application remain unchanged. The applicant has complied with all the approval conditions under the previous application.
- 1.4 In support of the application, the applicant has submitted the following documents:
- |     |   |                      |
|-----|---|----------------------|
| (a) | Application Form with attachments received on 11.6.2025     | <b>(Appendix I)</b>  |
| (b) | Further Information (FI) received on 26.6.2025 <sup>^</sup> | <b>(Appendix Ia)</b> |
| (c) | FI received on 17.7.2025 <sup>^</sup>                       | <b>(Appendix Ib)</b> |
| (d) | FI received on 24.7.2025 <sup>^</sup>                       | <b>(Appendix Ic)</b> |

<sup>^</sup> 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 FIs at **Appendices I to Ic**, as summarised below:

- (a) the applicant is the Village Committee of Sheung Shan Kai Wat which is responsible for the management matters of the village. It will communicate with the corresponding parties if any issues arise;
- (b) compared with the previous approved application, there is no change in the applied use and the layout. Besides, there is no significant change in the planning circumstances at the Site and in the surrounding areas since the last approval. The applied use will not induce any impact to the surrounding areas;
- (c) the applied use fully utilises the land resources and can meet the demand for car parking spaces of the local residents. Positive feedback has been received from the villagers consistently and no complaints have been received;
- (d) the applied use at the Site prevents illegal dumping or unauthorized development in rural area;
- (e) the drainage system implemented at the Site is regularly cleaned and considered effective during the extreme weather conditions; and
- (f) all of the approval conditions under the previous approval have been complied with.

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

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

#### **4. Town Planning Board Guidelines**

Town Planning Board Guidelines No. 34D on 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development' (TPB PG-No. 34D) are relevant to this application. The relevant assessment criteria are attached at **Appendix II**.

#### **5. Background**

The Site is currently not subject to any active planning enforcement action.

#### **6. Previous Application**

- 6.1 The Site is the subject of a previous application No. A/NE-TKL/700 for the same use submitted by the same applicant as the current application which was approved with conditions by the Committee on 12.8.2022 mainly on the considerations that the proposed use would not jeopardise the long-term planning intentions of the "V" and "AGR" zones; it was not incompatible with the surrounding areas; there were no major adverse departmental comments and the concerns of the relevant government departments could be addressed through the imposition of approval conditions. All approval conditions have been complied with and the planning permission is valid until 12.8.2025.
- 6.2 Details of the previous application are summarised at **Appendix III** and its location is shown on **Plan A-1**.

#### **7. Similar Application**

- 7.1 There was one similar application (No. A/NE-TKL/712) for renewal of planning approval for temporary private vehicle park straddling the "V" and "AGR" zones in the vicinity of the Site in the past five years, which was approved within conditions by the Committee on 17.2.2023 mainly on the considerations similar to those mentioned in paragraph 6.1 above and the application generally complied with the TPB PG-No. 34D.
- 7.2 Details of the similar application are summarised at **Appendix IV** and its location is shown on **Plan A-1**.

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

- 8.1 The Site is:
- (a) used for the applied use with valid planning permission;
  - (b) mostly hard-paved except a small planting area in the west; and
  - (c) accessible via a local track leading to Ping Che Road.
- 8.2 The surrounding areas are of rural character comprising mainly village houses within the "V" zone of Sheung Shan Kai Wat, active/fallow agricultural land, parking of vehicles and storage uses.

## **9. Planning Intentions**

- 9.1 The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small 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.
- 9.2 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.
- 9.3 According to the Explanatory Statement of the OZP, as filling of land within the “AGR” zone may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

## **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 V** and **VI** respectively.

- 10.2. The following government department has adverse comments on the application:

### **Land Administration**

- 10.2.1 Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) he has adverse comments on the application;
- (b) the Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. No right of access via Government land is granted to the Site;
- (c) it is noted that no structure is proposed in the planning application but unauthorised structures are erected in Lot 825 in DD. 84;
- (d) the following irregularity covered by the planning application has been detected by his office:

unauthorised structure within the said private lot covered by the planning application

there is unauthorised structure within Lot 825 in DD. 84 covered by the planning application. The lot owner should immediately rectify the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;

- (e) the following irregularity not covered by the planning application has been detected by his office:

unauthorised structures within the said private lot not covered by the planning application

there are unauthorised structures within Lot 825 in DD. 84 not covered by the planning application. The lot owner should immediately rectify the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;

- (f) the lot owner/applicant shall either (i) remove the unauthorised structures immediately; or (ii) include the unauthorised structures in the planning application for the further consideration by the relevant departments and, subject to the approval of the Board to the planning application which shall have reflected the rectification or amendment as aforesaid required, apply to his office for Short Term Waiver (STW) to permit the structures erected. The application for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STW, if approved, will be on whole lot basis and subject to such terms and conditions including the payment of back-dated waiver fee from the first date the unauthorised structures were erected and administrative fee as considered appropriate to be imposed by LandsD. In addition, LandsD reserves the right to take enforcement action against the lot owner for any breach of the lease conditions, including the breaches already in existence or to be detected at any point of time in future. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered;
- (g) unless and until the unauthorised structures are duly rectified by the lot owner/applicant or entirely included in the subject planning application, his office has adverse comment on the application which must be brought to the attention of the Board when they consider the application; and
- (h) his advisory comments are at **Appendix VI**.

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

On 20.6.2025, the application was published for public inspection. During the statutory public inspection period, one comment was received from a member of the North District Council indicating no comment on the application (**Appendix VII**).

## **12. Planning Considerations and Assessments**

- 12.1 The application is for renewal of planning approval for private vehicle park (private cars only) and associated filling of land for a further period of three years at the Site falling with “V” and “AGR” zones on the OZP. The applied use is not in line with the planning intentions of the “V” and “AGR” zones, which are primarily for development of Small Houses by indigenous villagers and to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes respectively. Nevertheless, the applicant advises that the applied use is to serve the local residents for meeting their car parking

need. DLO/N, LandsD advises that there is no Small House application at the Site. Besides, the Director of Agriculture, Fisheries and Conservation has no strong view against the application for renewal of the planning approval. In view of the above and taking into account the planning assessments below, there is no objection to the applied use with associated filling of land on a temporary basis for a further period of three years.

- 12.2 The applied use also involves filling of land at the northern tip of the Site by concrete with a depth of about 0.1m within the “AGR” zone (about 27m<sup>2</sup>). Filling of land within “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department and Director of Environmental Protection have no objection to the application from public drainage and environmental perspectives respectively. As part of the Site is zoned “AGR”, an approval condition requiring the reinstatement of that part of the Site upon expiry of the planning permission so as to uphold the planning intention of the “AGR” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.
- 12.3 The Site is currently used for the applied use with valid planning permission. The applied use is considered not incompatible with the surrounding land uses comprising mainly village houses within the “V” zone of Sheung Shan Kai Wat, active/fallow agricultural land, parking of vehicles and storage uses. The Chief Town Planner/Urban Design and Landscape of Planning Department has no adverse comments on the application from the landscape planning perspective and considers that further significant adverse impact on existing landscape resources within the Site arising from the applied use is not anticipated.
- 12.4 Other relevant government departments consulted including the Commissioner for Transport, Director of Fire Services and Chief Engineer/Construction of Water Supplies Department have no objection to or no adverse comment on the application. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 13.2 below. The applicant will also be advised to follow the requirements of the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ in order to minimise the possible environmental nuisance on the surrounding areas. Regarding DLO/N, LandsD’s concern on the unauthorised structures erected within the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 12.5 The application generally complies with the TPB PG-No. 34D in that there has been no material change in planning circumstances since the approval of the previous application No. A/NE-TKL/700; no adverse planning implication arising from the renewal application is anticipated; all the time-limited approval conditions under the previous approval have been complied with; and the three-year approval period sought which is the same timeframe as the previous approval granted by the Committee is considered reasonable.
- 12.6 The Site is the subject of an approved previous application No. A/NE-TKL/700 for the same use submitted by the same applicant as the current application as detailed in paragraph 6.1 above. Compared with the previous application, the layout and development parameters (including the number of car parking spaces) under the current application remain unchanged. There is also an approved similar application straddling the “V” and “AGR” zones in the vicinity of the Site as detailed in paragraph 7.1 above. Approval of the current application is in line with the Committee’s previous decisions.

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

- 13.1 Based on the assessments made in paragraph 12 and having taken 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, and be renewed from 13.8.2025 until 12.8.2028. The following conditions of approval and advisory clauses are suggested for Members' reference:

#### **Approval Conditions**

- (a) the submission of a condition record of the existing drainage facilities on the Site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 13.11.2025;
- (b) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (c) if the above planning condition (b) 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;
- (d) if the above planning condition (a) 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; and
- (e) upon expiry of the planning permission, the reinstatement of the "AGR" portion of the Site, including the removal of fill materials and hard-paving, and grassing of the Site to the satisfaction of the Director of Planning or of the Town Planning Board.

#### **Advisory Clauses**

The Recommended Advisory Clauses are at **Appendix VI**.

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

the applied use with associated filling of land is not in line with the planning intentions of the "V" and "AGR" zones which are to provide land primarily for development of Small Houses by indigenous villagers and to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes respectively. There is no strong planning justification in the submission for a departure from the planning intentions, 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 the 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.

### **Attachments**

<b>Appendix I</b>	Application Form with attachments received on 11.6.2025
<b>Appendix Ia</b>	FI received on 26.6.2025
<b>Appendix Ib</b>	FI received on 17.7.2025
<b>Appendix Ic</b>	FI received on 24.7.2025
<b>Appendix II</b>	Relevant Extract of TPB PG-No. 34D on Renewal of Planning Approval and Extension of Time of Compliance with Planning Conditions for Temporary Use or Development
<b>Appendix III</b>	Previous Application
<b>Appendix IV</b>	Similar Application
<b>Appendix V</b>	Government Departments' General Comments
<b>Appendix VI</b>	Recommended Advisory Clauses
<b>Appendix VII</b>	Public Comment
<b>Drawing A-1</b>	Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
AUGUST 2025**