

Previous Application

Rejected Application

Application No.	Proposed Use(s)/Development(s)	Date of Consideration	Rejection Reasons
A/NE-TKP/1	Proposed Temporary Private Garden for a Period of Three Years	10.1.2025	R1 and R2

Rejection Reasons

- R1. The proposed use was not in line with the planning intention of the “Village Type Development” (“V”) zone, which was to provide land primarily intended for development of Small Houses by indigenous villagers. There was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.
- R2. The proposed use was excessive in size and scale, and was out of proportion to the adjoining house. There was no strong justification for utilising a large piece of land in the “V” zone for private garden use.

Government Departments' General Comments

1. Land Administration

Comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD):

- no objection to the application;
- the application site (the Site) is on unleased and unallocated Government Land (GL) in D.D. 255;
- portion of the Site has been illegally occupied by unauthorized structures which include a wall with concrete structures encompassing Liquefied Petroleum Gas cylinder and the fence wall projecting from the house. Land control action against the unauthorized structures has been taken by his office with issuance of warning letter. As regularization would not be considered according to the prevailing land policy, the lot owner should immediately cease the illegal occupation of GL and remove the unauthorized structures;
- subsequent to a meeting on 28.1.2026 between the applicant and the staff of his office, the applicant has written in to confirm he would remove those unauthorized structures/walls before the consideration by the Rural and New Town Planning Committee of the Town Planning Board. As any occupation of GL without Government's prior approval is an offence under Cap. 28, his office would keep in view the removal progress and reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;
- the irregularities, i.e. unauthorized structures on adjoining New Territories Exempted House erected on private Lot 369 in D.D. 255, have also been detected by his office. Lease enforcement action against above irregularities has been taken by his office with issuance of warning letter to the lot owner. The applicant/lot owner should immediately rectify the lease breaches;
- there is no Small House application on the Site received so far;
- there is no guarantee to the grant of a right of way to the Site or approval of the emergency vehicular access thereto; and
- his advisory comments are at **Appendix IV**.

2. Traffic

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

- the application only involves development of a temporary private garden for an existing village house and she considers that the application can be tolerated on traffic grounds.

Comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD):

- no adverse comment on the application; and
- his advisory comments are at **Appendix IV**.

3. Landscape

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

- no adverse comment on the application from landscape planning perspective;
- based on the aerial photo taken in 2025, the Site is located in an area of settled valley landscape character comprising woodland and village houses. The proposed use is considered not entirely incompatible with the surrounding environment; and
- with reference to the site photos taken on 23.1.2026, the Site is generally formed with no distinctive landscape resources. According to the planning statement, no tree felling is involved. Significant adverse landscape impact arising from this application is not anticipated.

4. Environment

Comments of the Director of Environmental Protection (DEP):

- no objection to the application subject to the Water Supplies Department (WSD)'s agreement;
- no environmental complaint in relation to the Site was received in the past three years; and
- his advisory comments are at **Appendix IV**.

5. Drainage

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

- no objection to the application from the public drainage point of view; and
- her advisory comments are at **Appendix IV**.

6. Water Supply

Comments of the Chief Engineer/Construction (CE/C), WSD:

- no objection to the application subject to imposition of an approval condition to request the

applicant to follow and implement preventive, control and mitigation measures identified in the accepted risk assessment report on pollution or contamination to the upper indirect water gathering grounds. Additional mitigation measures may be required when the actual situation renders the initial submission/or undertaking inviable; and

- his advisory comments are at **Appendix IV**.

7. Building Matters

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

- no objection to the application; and
- his advisory comments are at **Appendix IV**.

8. Other Departments

The following departments have no objection to/no adverse comment on the application:

- Director of Agriculture, Fisheries and Conservation (DAFC);
- Director of Fire Services (D of FS);
- Project Manager/North, Civil Engineering and Development Department (PM/N, CEDD);
- Head of Geotechnical Engineering Office (H(GEO)), CEDD; and
- District Officer (Tai Po), Home Affairs Department (DO(TP), HAD).

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that:
- (i) portion of the application site (the Site) has been illegally occupied by unauthorized structures which include a wall with concrete structures encompassing Liquefied Petroleum Gas cylinder and the fence wall projecting from the house. Land control action against the unauthorized structures has been taken by his office with issuance of warning letter. As regularization would not be considered according to the prevailing land policy, the lot owner should immediately cease the illegal occupation of Government land (GL) and remove the unauthorized structures;
 - (ii) subsequent to a meeting on 28.1.2026 between the applicant and the staff of his office, the applicant has written in to confirm he would remove those unauthorized structures/walls before the consideration by the Rural and New Town Planning Committee of the Town Planning Board. As any occupation of GL without Government's prior approval is an offence under Cap. 28, his office would keep in view the removal progress and reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;
 - (iii) subject to removal of unauthorized structures and cease of illegal occupation of GL, the applicant shall apply to his office for a Short Term Tenancy (STT) to permit the occupation of the GL. The removal of unauthorized structures is a pre-requisite for his office to process the STT application. The application for STT will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STT, if approved, will be subject to such terms and conditions including the payment of rent and administrative fee as considered appropriate by his office. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered;
 - (iv) no trees on the GL should be interfered with unless with prior approval of his office or other relevant authority;
 - (v) the applicant shall apply from his office for an excavation permit before the commencement of any associated excavation works at GL, if applicable;
 - (vi) there is no guarantee to the grant of a right of way to the Site or approval of the emergency vehicular access (EVA) thereto; and
 - (vii) the irregularities, i.e. unauthorized structures on adjoining New Territories Exempted House erected on private Lot 369 in D.D. 255, have also been detected by his office. Lease enforcement action against above irregularities has been taken by his office with issuance of warning letter to the lot owner. The applicant/lot owner should immediately rectify the lease breaches;

- (b) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD) that:
 - (i) adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public roads and drains; and
 - (ii) the access road connecting the Site with Pak Tam Road is not and will not be maintained by his office. His office should not be responsible for maintaining any access connecting the Site with Pak Tam Road;
- (c) to note the comments of the Director of Environmental Protection (DEP) that the applicant is reminded to follow the prior notification procedures under the Waste Disposal (Amendment) Ordinance 2013 if any depositing of construction waste on private land, and Professional Persons Environmental Consultative Committee Practice Notes PN 2/24 and 1/23 regarding drainage works;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
 - (i) the applicant is reminded to maintain all the drainage facilities on site in good condition and ensure that the proposed use would neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc. The applicant is required to rectify the drainage system at their own expense to the satisfaction of the government parties concerned if they are found to be inadequate or ineffective during operation; and
 - (ii) the applicant shall take extreme care when working in the vicinity of any existing drainage works in order not to disturb, interfere with or cause damage to them. Any blockage or damage to the said works due to the proposed use shall be made good at the applicant's cost;
- (e) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that:
 - (i) additional mitigation measures may be required when the actual situation renders the initial submission/or undertaking inviable
 - (ii) should pollution be detected in future due to proposed use, immediate remedial action to clear the pollution must be taken by the grantee/applicant;
 - (iii) no use of fertilisers or pesticides are allowed within the Site;
 - (iv) the private garden on GL shall be covered by STT or similar arrangement;
 - (v) no septic tank is allowed within the Site; and
 - (vi) the requirements stipulated in the Condition for Working within water gathering grounds (**Attachment 1**) shall be strictly complied with; and

- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that if STT is applied in the future, the applicant's attention is drawn to the following points:
- (i) before any new building works are to be carried out on the Site, prior approval and consent of the Building Authority should be obtained unless they are exempted building works or commenced under the simplified requirement under the Minor Works Control System. Otherwise, they are unauthorized building works (UBW) under the Buildings Ordinance (BO). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO;
 - (ii) the Site shall be provided with means of obtaining access thereto from a street and EVA in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively;
 - (iii) the Site does not abut a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at building plan submission stage;
 - (iv) for UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with the prevailing enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO;
 - (v) any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings are subject to the control of Part VII of the B(P)R; and
 - (vi) detailed checking under the BO will be carried out at building plan submission stage.

Conditions for Working within WGG

(a) Adequate measures shall be taken to ensure that no pollution or siltation happens to the gathering grounds. The whole of the foul water drainage during the construction period shall be conveyed by suitable means for proper discharge outside the gathering grounds.

(b) No earth, building materials, fuel, soil or toxic materials and other materials which may cause contamination to the gathering grounds are allowed to be stockpiled on site.

(c) All surplus spoils shall be protected and removed off the gathering grounds as soon as possible.

(d) Temporary drains with silt traps shall be constructed along the boundary of the site prior to the commencement of any earthworks and shall be properly maintained during the progress of the works.

(e) Regular cleaning of the silt traps shall be carried out to ensure that they function properly at all times.

(f) All excavated or filled surfaces, which are prone to erosion, shall be protected from erosion at all times.

(g) Facilities for washing the wheels of vehicles before leaving the site shall be provided. The effluent and washed off spoils from the wheels of vehicles shall be properly treated and disposed of e.g. connected to the temporary drains with silt traps.

(h) Any construction plant which may cause pollution to the gathering grounds due to leakage of oil or fuel shall be removed from the gathering grounds immediately.

(i) Any soil contaminated with fuel leaked from plant shall be removed off site and the voids arising from removal of contaminated soil shall be replaced by suitable material to the satisfaction of the Water Authority.

(j) Portable toilets of the closed chemical type may be provided on site subject to the approval of the Water Authority*/shall be provided on site to the satisfaction of the Water Authority*. The portable toilets and associated facilities shall be properly maintained to prevent pollution of water courses. Any portable toilets so provided shall be cleaned with waste collected at least 3 times per week or more frequent as required by the Water Authority. Sludge and waste water including cleanup water from the toilets shall be conveyed outside the gathering grounds for proper disposal. A portable toilet shall be kerbed on all sides and located at least 30 m away from any water course.

就規劃申請/覆核提出意見 Making Comment on Planning Application / Review

參考編號
Reference Number: 260211-143345-90234

提交限期
Deadline for submission: 13/02/2026

提交日期及時間
Date and time of submission: 11/02/2026 14:33:45

有關的規劃申請編號
The application no. to which the comment relates: A/NE-TKP/2

「提意見人」姓名/名稱
Name of person making this comment: 女士 Ms. Chan Hoi Shuen

意見詳情
Details of the Comment :

We are the villagers of PTA, I am fully supportive of this application. We are happy with the proposal and believe it will bring better management and an improved environment for our village. This step will help ensure more sustainable use of the land and enhance the well-being of our community

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Urgent Return receipt Expand Group Restricted Prevent Copy

tpbpd/PLAND

寄件者: [REDACTED]
寄件日期: 2026年02月11日星期三 2:02
收件者: tpbpd/PLAND
主旨: A/NE-TKP/2 DD 255 Pak Tam Au
類別: Internet Email

Dear TPB Members,

Application 1 rejected on 10 Jan 2025 for being excessively disproportionate to the house in scale.

Site Area now reduced to 177sq.m.

Has the trash been removed and the GL been reinstated?

Much of the proposed 'garden' appears to be a parking lot.

Mary Mulvihill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Friday, 4 October 2024 3:07 AM HKT
Subject: A/NE-TKP/1 DD 255 Pak Tam Au

A/NE-TKP/1

Government Land Adjoining Lot No. 369 in D.D. 255, Pak Tam Au, New Territories

Site area: About 326sq.m

Zoning: "Village Type Development"

Applied use: Private Garden / 2 Vehicle Parking

Dear TPB Members,

Applicant says 'Garden' but in actual fact proposes to develop a parking lot and construct some sheds.

Images show the adjoining gardens but there is no record of approval for what appears to be also Government Land.

Urgent Return receipt Expand Group Restricted Prevent Copy

Is this another Redhill scenario?

The images are shocking. Why was the previous holder of the STT allowed to move out without restoring the site? Why no enforcement taken against whoever has deposited discarded building materials, ladders, etc on what should now be vacated Government Land?

The area is designated WGG, Lands Dept has obviously been negligent in its management.

It would appear that this area is yet another where rampant abuse of government land has been tolerated and encouraged.

Mary Mulvihill

tpbpd/PLAND

寄件者: [REDACTED]
寄件日期: 2026年02月10日星期二 13:24
收件者: tpbpd/PLAND
主旨: 有關申請編號A/NE-TKP/2之意見
類別: Internet Email

敬啟者：

就有關(申請編號：A/NE-TKP/2)西貢北北潭凹丈量約份第 255 約的政府土地擬議臨時私人花園（為期 3 年）之意見反映。就規劃署提供的土地範圍本人作出反對，其理由如下：

一、土地資源利用效率低下

政府土地作為公共資源，應發揮最大公共效益。私人花園僅供少數人使用，導致土地利用效率低下，浪費寶貴的綠地資源。在城市土地日益緊張的情況下，更應優先保障公共綠地和社區共享空間。

二、可能引發水浸及排水問題

近年每次大雨，本村都有水浸問題。若將如此大範圍改為私人花園，因私人改造可能包括硬化地面、填平低窪處、擺設不透水設施等，會影響原有排水系統，增加雨季時水流不暢，從而加劇附近區域的水浸風險。此舉不僅危害私人花園本身，也可能對鄰近社區造成嚴重洪水威脅，影響公共安全。

三、影響社區和諧與公共安全

此公共空間鄰近本村主要道路出入口，如私有化改為花園後其圍欄或盆栽物品會引起車輛出入口收窄，極容易發生意外而產生鄰里間的矛盾，削弱社區凝聚力。私人花園的出入口及使用限制，可能影響公共安全及消防通道，對周邊居民生活造成不便。

基於以上理由，本人強烈反對將政府土地改作私人花園的申請，懇請相關部門審慎考量，維護公共利益與土地資源的合理利用，保障市民的權益。

此致
敬禮

意見人姓名 Kelly Yeung
日期 10/2/2026

致:

城市規劃委員會
本人是新界北潭凹村 [REDACTED] 原居民何潤楠

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跟據上述丈量約份第255份的政府土地
申請編號為 A/NE-TKP/2

擬申請興建臨時私人花園事項,本人表事
強烈反對,理由是不希望破壞當村的環
景及它的自然生態,又會滋生蚊蟲

現附上你們貼出的通告,以作參考

謹此

簽署: 何潤楠

2026-2-1
[REDACTED]



規劃申請 PLANNING APPLICATION



申請編號 Application No.	A/NE-TKP/2
地點 Location (見下圖 See Plan Below)	西貢北潭圍丈量約份第255約的政府土地 Government Land in D.D. 255, Pak Tam Au, Sai Kung North
地帶及圖則 Zoning and Plan	鄉村式發展, "Village Type Development" 土瓜坪及北潭圍分區計劃大綱核准編號S/NE-TKP/2 Approved To Kwa Peng and Pak Tam Au Outline Zoning Plan No. S/NE-TKP/2
建議 Proposal	擬議臨時私人花園 (為期3年) Proposed Temporary Private Garden for a Period of 3 Years

任何人士均可就這宗申請提出意見。有關意見必須於2026年2月13日或之前,以專人送遞或郵遞(香港北角渣甸道333號北角政府合署15樓)·傳真(2877 0245或2522 8426)或電郵(tppbd@pland.gov.hk)方式,向城市規劃委員會提出。
Any person may make comment on this application. The comment must be made to the Town Planning Board by hand or post (15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong), fax (2877 0245 or 2522 8426) or e-mail (tppbd@pland.gov.hk) on or before 13 Feb 2026.

詳情 Particulars

位置圖 Location Plan (只作識別用 for identification purpose only)

1. 這項申請《城市規劃條例》(下稱「條例」)第16條規定的申請。
This is an application made under section 16 of the Town Planning Ordinance.

2. 公眾可在城市規劃委員會(下稱「委員會」)網頁中進行查詢,或入會委員會的網頁(http://www.tppbd.gov.hk/tp/plan_application/A_NE_TKP_2.htm)或親臨本處查詢。在該網頁上,申請將可供公眾查閱。
Until the application has been considered by the Town Planning Board (the Board), the application is available for public inspection on the Board's website (http://www.tppbd.gov.hk/tp/plan_application/A_NE_TKP_2.htm) or scanning the QR code in this notice) and at the following locations.

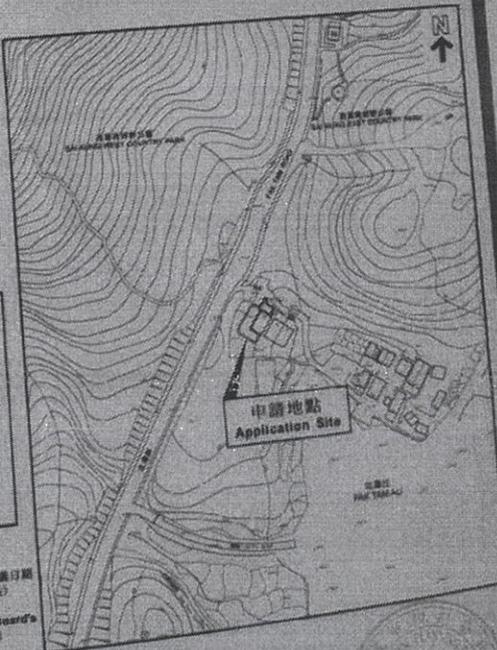
規劃查詢資料查詢處 Planning Enquiry Counters, Planning Department
(熱線: 2231 5090)
香港北角渣甸道333號北角政府合署15樓
17/F, North Point Government Offices, 333 Java Road, North Point, H.K.
新界沙田上平路1號沙田政府合署14樓
14/F, Sha Tin Government Offices, 1 Shaung Wo Cha Road, Sha Tin, N.T.

3. 根據條例,所有向委員會提出的意見,均會供公眾查閱。
All comments made to the Board will be available for public inspection under the Ordinance.

個人資料聲明 Statement on Personal Data
本局會就任何提交或向本局人員或向政府部門及政府部門,以備轉傳及處理有關城市規劃申請的資料作以下用途:
(a) 處理這項申請,包括向公眾提供資料,同時公佈有關人士(下稱「意見人」)的身份及姓名;
(b) 方便意見人與委員會及政府部門之溝通。
The personal data submitted to the Board in any comment will be used by the Secretary of the Board and Government departments for the following purposes:
(a) the processing of this application, which includes making available the names of the person making the comment (hereafter known as "commenter") for public inspection when making available the comment for public inspection; and
(b) facilitating communication between the "commenter" and the Secretary of the Board/Government departments in accordance with the provisions of the Ordinance and the relevant Town Planning Board Guidelines.

重要提示 Important Notes

- (1) 這項申請的暫定會議日期已載於委員會的網頁(www.tppbd.gov.hk/)。考慮有關申請的會議(進行會議的部分除外),會向公眾開放。如欲觀看會議,請親臨在會議日期前一天由電話(2231 5091)·傳真(2877 0245或2522 8426)或電郵(tppbd@pland.gov.hk)向委員會秘書處查詢。座位將先到先得,恕不另行通知。
The tentative date of the Board to consider the application has been uploaded to the Board's website (www.tppbd.gov.hk/). The meeting for considering planning applications, except the deliberation parts, will be open to the public. For observation of the meeting, reservation of seat can be made with the Secretary of the Board by telephone (2231 5091), fax (2877 0245 or 2522 8426) or e-mail (tppbd@pland.gov.hk) at least one day before the meeting. Seats will be allocated on a first-come-first-served basis.
- (2) 向委員會考慮申請的資料,會在會議前供委員會成員及公眾查閱。有關資料,以供公眾查閱。
The paper for consideration of the Board in relation to the application will be available for public inspection after issue to the Board Members at the Planning Enquiry Counters of the Planning Department (Hotline: 2231 5090) and at the Public Viewing Room on the day of meeting.
- (3) 在委員會考慮申請,可撥電2231 4819或2231 4835查詢有關決定,或是在會議結束後,在委員會的網頁上查詢決定。
After the Board has considered the application, enquiry about the decision may be made at tel. no. 2231 4819 or 2231 4835 or the gist of the decision can be viewed at the Board's website after the meeting.



城市規劃委員會
2026年1月23日
Town Planning Board
23 Jan 2026

(任何人在未經委員會許可而刪去、篡改、毀壞或移走本通告,均可被視為刑事罪行。)
Any person who obliterated, defaced, destroyed or removes this notice without the authorization of the Board may commit a criminal offence.

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This is a “comment” on Section 16 Application No. A/NE-TKP/2
Proposed Temporary Private Garden for a period of 3 years on Government Land Adjoining
Lot No 369 in DD255

OBJECT TO THE APPLICATION No.A/NE-TKP/2

The proposed plan will have a **harmful impact** on me and my property.

Contents

- 1). Drainage
- 2) The Government’s View..... Comments on RNTPC Paper No. A/NE-TKP/1A
- 3) The STT System
- 4) Comments on the proposal No.A/NE-TKP/2
- 5) Greenery
- 6) Conclusion
- 7) Previous comment included and referenced, and to be taken into consideration together with this new comment.



1). DRAINAGE

The 3 houses NO14 Lot 367, No15 Lot 368, No16 Lot369 were built together. The drainage plan for the 3 houses would have been approved by the government when the houses were built.

In the renovation of No16, the drainage of the house has been **altered and added to**. The drains are buried in the ground. It is not known if the drains still slope in the directions that they were previously approved for, or if they have been altered.

The drainage set up of the newly tiled area surrounding 3 sides of house 16 is also unknown.

The drainage originally of the roof of House 16 was such that a portion of the roof area drained into the drain at the NE side,(the village lane side), and the other portion of the roof drained into the drain on the SW side,(the garden side of the house).

This has been changed. 100% of the roof now drains into the SW side. This means that 100% of the roof drains into one drain on the garden side of the property, which goes into my private land LOT 5.

Additionally, other areas have been added to this same drainage that did not exist before.

The solar panels have been added.

The overhanging solar panels have been added to this drainage.

Balconies have been added to this drainage.

The extended roof area over the balconies has been added to this drainage.

From my understanding, the balconies and the solar panels which overhang, are overhanging government land.

There is no permission for this.

There is no permission for the additions and alterations so far as the drainage situation is concerned.

When there is heavy rain, the drainage cannot contain the volume of water.

There is only permission for the drainage situation as it was originally approved by the government when these 3 houses were built.

Objection in writing has been made to NO16 by No15, but the objection has been ignored.

In my comment on the previous town planning application No A/NE-TKP/1 by the same person for land surrounding the same property, the drainage issue was addressed.

Please see pages 10-21 of my previous comment. (objection to application NO. A/NE-TKP/1).

2) THE GOVERNMENT'S VIEW

Some recommendations were made by the government in response to the town planning application No. A/NE-TKP/1

Referring to the government paper RNTPC Paper No. A/NE-TKP/1A.
For consideration by the Rural and New Town planning Committee on 10.1.2025

12. Planning Department's Views

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 10.7.2025
- (b) In relation to (a) above, the implementation of the drainage proposal within 9 months from the date of the planning approval to the satisfaction of the director of drainage services or of the town planning board by 10.10 2025.
- (c) In relation to (b) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period.

(i) 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.

The planning application was rejected on 10.1.2025

Whilst understanding that the application was rejected, it is reasonable to assume that some regard should be given to the government's view, particularly as the subject land is GL.

Unfortunately on 19th February 2025, the situation at the site showed that the owner of House 16 was ignoring the above recommendations.

The photo below shows clear intent to further alter and add to the existing drainage.



The photo shows the bricks marked out to direct rain water to drainage.

A new and additional drainage channel was dug by the owner of No16 himself, with the assistance of a worker, on 19th March 2025. It was planned to be added to the drainage into No15 and Lot 5.

Here are the pictures







Please also note the picture below showing the construction materials for concrete, drainage covers and additional tiles for paving, on the far right.



The new drainage channel was filled in on the 22nd March! And all the construction materials were removed from the site.

There was a site visit by LandsD on 27th Mar 2025.

Given the town planning application procedure and the rejection of the application and the comments and advisory clauses, the applicant could have been in **no doubt** that the digging of a new and additional drainage channel **would create a very serious flood risk to the neighbouring house and private land.**

It was made clear that it was illegal to dig a channel in the government land without an excavation permit and that it would be illegal to lay additional concrete in and on the government land.

Appendix II of RNTPC Paper No.A/NE-TKP1A

Government Department General Comments

3. Drainage

An approval condition on submission and implementation of drainage proposal for the site is recommended to ensure that it will not cause adverse impact to the adjacent areas: and

2). Appendix III of RNTPC Paper No. A/NE-TKP/1A

Recommended Advisory Clauses

(vi) the applicant shall apply from his office for an excavation permit before the commencement of any associated excavation works at GL and

e (i) there is no existing DSD public storm drain.....The applicant should ensure that the proposed use would neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areasetc.

(iii) the applicant shall resolve any conflict/disagreement with relevant lot owner(s) and seek LandsD's permission for laying new drains/channels and /or modifying/upgrading existing ones on other private lot(s) or on GL (where required) outside the site.

Clearly, given the actions of the intended creation of the new and additional drainage channel, the applicant has absolutely **no intention of resolving any conflicts or disagreements with the neighbour.**

In his new application/planning statement, he references in 8.6 that the drainage comment is redundant "since there is no planned change to the drainage on the GL"

This completely ignores the fact that changes have already been made without permission to the drainage.

Additionally it is noted that the applicant states..'no planned change', which could mean that a plan might change.

Given that the applicant **did plan** a change, no notice can be taken of the applicant's statement 'no planned change to the drainage on GL'.

Once again there is no drainage impact assessment.

The drainage is on my private land and affects my house and my private land. Any easement regarding Lot 5 was given/determined for the situation of the time when the houses and drainage were approved in the beginning.

The alterations and additions to the drainage of house 16 are NOT included in the easement.

The alterations and additions to the GL surrounding house 16 are NOT included.

Whilst the application states that some of the land will be left natural.....what guarantees are there?

It could be altered later.

Given that the owner dug an additional drainage channel, which would have flooded my property, but was thankfully rectified, presumably due to an impending visit by LandsD.....I need to ask the question.....Who is policing any grant of GL?

Will there be a guarantee that my property will not be negatively affected?

I have no confidence in any of the statements made by the applicant which affects me and my private property.

Additionally No16 pay no attention to any laws, guidance. They do not respect private property.

So where is the impact assessment for **Topography and Drainage?**

Please see 'Topography' page 21 in my previous comment.

3). THE STT SYSTEM

From my understanding of the situation.

The Lands department grants STT's for private garden use. They have some guidance in general, but conditions can be applied to take into consideration different situations.

The previous STT that existed at No16 STT No. 751 may have had special conditions.

There was never any blocking of natural light between 16 and 15.

There was never any fence, wall, barrier or planting of shrubs , bushes, and/or trees on the STT area, which blocked natural light into No15.

There was only ever the very simple fence , which was presumably put up by the original developer, and therefore existing, which projected approximately 16 feet from the house and was possibly less than 3 feet high.

It is my understanding that LandsD have a record of the previous STT, including any special conditions. However this STT has lapsed. **Despite the applicants repeated references to the previous STT No.751 it was terminated and cannot be rejuvenated.** This is what the government has decided.



There was one tree which was existing, the camphor wood tree which is now mature.

The very simple fence is shown on the right of the photo, which has been removed by the applicant.

There were no walls or any barrier on the previous STT site which interfered with the flow of natural light, wind or drainage. Only a simple chain link fence was erected, restricting animals from either getting in or out of the garden area. The simple chain link fence was around some of the STT area, **but not the border between 15 and 16.**

It seems logical to assume that the previous STT No.751 was subject to a condition stating that blocking of natural light was not allowed.



The photo shows a similar view today.

Referring to RNTPC Paper No. A/NE-TKP/1A

10. Public Comments Received During Statutory Publication Period

The town planning department considered the comments received and decided that most were relevant to the application, including:

- Adverse drainage impacts and flooding risk;
- Potential impacts on topography and stability of the site;
- Potential loss of greenery;
- Blockage of natural sunlight;

Presumably these points will also be considered relevant to the current town planning application.

From my understanding of today's situation regarding STT's.....

I am aware that the terms and conditions of STT's have changed from previous years.

I believe that there is an allowed maximum size for storage sheds on STTs.
The storage sheds in this application seem to be far in excess of the normally allowed maximum size.

I have been informed by Lands that today an STT may only be of a certain size, and that the size should relate to the size of the residential Lot. to which the STT relates.

I have been informed by Lands that for any grant of government land, the government will take into account any effect on neighbouring properties.

I have been informed by Lands that an STT must be free of objection.

There also seem to be conditions that the land applied for must be on the same site level as the residential property that is owned by the applicant.

From my understanding of the situation, this new town planning application No. A/NE-TKP/2 is to facilitate the granting of an STT by LandsD.

Referencing the above public comments that were considered relevant to the previous town planning application, the blocking of natural sunlight would be taken into consideration in a grant of GL.

This current application would block natural light into my property.

The already constructed walls block natural light into my property.

So to be clear, I object to the blocking of natural sunlight into my property.

It therefore seems logical to assume that the previous STT 751 was also not allowed to block the natural light into No15. Hence there was no blocking of natural light with the previous STT.

Given the considerations that Lands apply to the granting of STT's, I was informed by Lands, that the actions of No16 would be grounds for No15 objecting to any grant of government land in the STT system.

Whilst the location, noise and nuisance of the newly installed GAF on house 16 was deemed not relevant to the previous TP application, from my understanding this situation **this would be relevant** if this was an STT application.

I was informed by Lands that any STT application in this case would most likely be rejected.

It is not acceptable to apply for safety and security for your own property whilst at the same time requiring the neighbouring property to remain "free and accessible to all" essentially because of one's newly installed utilities. The owner of 16 has stated that his newly installed utilities are over government land so it stays open, however he is applying for a large piece of government land to have privacy and security for his own property and potential private profit.

Please see pages 26-34 of my previous comment.

.....

4). COMMENTS ON THE PROPOSAL APPLICATION No. A/NE-TKP/2

Page 4. 2.2

'Around the edges of the cleared area is a natural rock wall'

It appears this has been enhanced recently.
I expect LandsD to have some photos.

Page 7 Photo 4

'The proposal is to have a reasonable garden area surrounding the house partially enclosed for safety'

Is the garden area to be partially enclosed OR wholly enclosed.
It is very unclear.

Page 10 Photo 7

'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'

The photo shows a wall, not a fence.
This wall was constructed by trespassing on privately owned land which is the garden at No.15. It is my understanding that not only was there trespassing on private land, but also that this wall is illegal.

Please see pages 24 & 25 of my previous comment, which clearly shows a worker in my private garden.

Perhaps the applicant can explain how any extension of this wall is going to be constructed. Also what are the measurements of the proposed extension of the wall, which is described as a fence.

Page 12 Photo 9

'Showing the existing concreted strip'

What is the proposal here?
Is it to be left as is or will it be levelled or tiled.

Is there any proposed alteration to the drainage.
Will there be a wall?

Page 13 Photo 10

'There is a fence'
Once again, this is a wall.
How do they plan to extend it?

Page 15 3.2

'The applicant was initially advised that it would be straight forward to have a similar sized STT granted"

Many months prior to the sale of house 16, I contacted Lands and asked a simple question, regarding the possibility of an STT being granted of a similar size as before to house 16. The Lands officer answered without hesitation, that it would be very difficult to have a new STT on the same site, similar in size to what had previously existed. It was 31st Oct 2022 and I spoke with Mr. Kwok of DLO Tai Po.

My information shows that the town planning application was submitted on 28th Aug 2024, not on 2nd July 2024. However as the STT no 751 **was terminated** I find no relevance to this information.

Page 15 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.'

The above statement may or may not be correct, however comments from the public have not been addressed. Particularly from the owner of the neighbouring property who is most affected.

The drainage situation has not been addressed. In fact, the owner of house 16, with the aid of a worker, dug a new and additional drainage channel. **There can have been no doubt that this action would cause actual harm to the neighbouring property. There can have been no doubt that this action was not legal.**

Page 21 5.2

'By eliminating the request for car parks inside the proposed site area'

Do they intend to park outside of the proposed site area?

Page 22 7. The proposed scheme

There are no measurements.

The storage sheds are not to scale.

The storage sheds seem very large.

From my understanding LandsD has rules regarding the maximum size of storage sheds.

Are the storage sheds fixed at the stated location, or is this flexible?

Further on in the paper, there are some emails... referring to page one, point 5 it states 'but the final placement of the storage units would not be a concern of the planning department'.

So where are they to be located, perhaps clarification is needed?

There is no information regarding the access.

Are there to be gates?

Are there to be additional steps?

Will the existing steps remain?

What is the plan for the boundary?

Is it a fence, is it a wall?

How high is a fence or wall going to be?

Furthermore, in the emails that are included. One dated 2026-01-19, 'As discussed, I prefer to leave the wording "fence or wall" to allow some flexibility in enclosing different areas of the boundary'. Perhaps clarification of "fence" and "wall" should be made.

What effect will a fence or wall have on the drainage of the surrounding area?

Will it affect the topography?

Regarding part of the paved areas shown in photo 2, photo 4, photo 9

Will this be left as it is?

Will it be levelled?

Will it be tiled?

What is the drainage plan for the site?

There are a lot of words in this application, some of which are repeated many times. But there is very little detail regarding what they actually plan to do with the land.

It is also noted that there is now no application for car parking spaces.

In the previous application NO. A/NE-TKP/1... there was a proposal to have 2 car parking places. One of which was outside this new proposed site and the other was in this proposed site area.

Page 24 8.1.5

'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.'

From my understanding, the car parking spaces in the previous application were not ancillary.

Perhaps the applicant should state if they no longer plan to park a car?

Page 24.25 8.1.6

There are a lot of words here. However I believe it to be a fact that the previous STT 751, was voluntarily terminated by the previous owner of No16. Having been a close friend and neighbour of the previous owner, my recollection of the reasons for termination are not what is being stated here, but I do recall that the previous owner was of the understanding that it would not be possible to reapply for the terminated STT. So in my opinion it is irrelevant to keep repeating that if the previous STT had not been terminated then it would probably have been granted to the new owner.

Additionally, the comments made about other STTs, do not take into consideration the date of the original grant of the STT, or the varying zoning plans that the different localities are subject to.

Furthermore... 'the subject land has been used as a private garden since 1990 when the original STT was granted. This only came after the existing structure was erected on Lot No.369 and presumably the land lay vacant before that time.'

This means that the approved drainage plan for these houses covered only the houses and the small paved area of government land around each house. It did not cover additional vacant GL around the site. Therefore, from my understanding, any easement regarding Lot 5 covers only vacant natural GL.

Page 26 8.1.7

'Since the current application does not include any car parking areas'

Perhaps the applicant should state if they intend to park?

Page 26 8.2.1

Presumably LandsD will clarify these matters.

Page 27 8.2.4

'The third comment stated that "there are unauthorized structures on the adjoining private Lot 369 in DD255" 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'.

During the initial stages of the renovation there was some email communication between the owners of these two neighbouring properties. Concerns were raised by 15 regarding some of the actions by 16. All of the concerns raised were dismissed by the owner of 16. Additionally he quoted a number of made up land rights, etc. Some of the claims that were made, I

checked and found them to be completely baseless. As the owner of 16 was continuing to dismiss all concerns, I wrote to the owner of 16 and stated that I would refer the matter to the government.

Lands and buildings department, being responsible for NTEH then took up my complaint.

The government departments have drawn their own conclusions in response to the actions of the owner of No.16 regarding renovations and interference with government land, of which only the owner of No.16 is responsible for.

The final written communication between the two owners was on 12th May 2024. Apparently the labour department had visited and the scaffolding at the site had been found to not meet standards, and would therefore need to be replaced. It is probable that BD has a check list, and it was BD that referred the case to the Labour Department. The email that was sent by the owner of 16 to 15, was accusatory and abusive, and based on no fact at all. In fact it seems to have been based on assumptions, all of which were untrue. The owner of 15 decided to cease communication with the owner of 16, and refer all related matters to the government. However, the owner of 16 has unfortunately subjected the owner of 15 to verbal abuse.

The owner of 15 has unfortunately had to further complain due to actions by 16 which left unchecked would have caused **actual damage** to property.

In such a situation, words are not acceptable, it's actions that matter. The action of digging an additional drainage channel was illegal and the effect of this would have been that I would have been flooded. This action cannot be negated. This action cannot be allowed to be repeated.

There needs to be a drainage plan for this application.

Page 27 8.2.5

One of these walls was built by sending a worker to trespass on privately owned land.

Page 27 8.2.7

The statement is biased and untrue

In fact it is the 'nosy neighbour' who is being filmed on her private land and inside her private house by the owner of House 16.

Page 28 8.2.9

'Comments are noted by the applicant'

However the applicant himself dug a new and additional drainage channel.

No trees on the GL.....a significant amount of greenery has already been removed.

'There is no planned excavation of the GL.'.....How do they plan then to install the storage sheds? One is planned for flat land, the other is planned to go on a slope.

Page 29 8.5.2

The solar panels do not drain correctly. From my understanding all the rainwater is supposed to go into the drain pipes.

Additionally, but not mentioned here there are other open pipes.

There is also an open septic tank pipe. It was cut during the renovation and a rag was stuffed in it. Is this in compliance with all Hong Kong regulations?

Page 29 8.5.4

'It is expected that we will be able to resolve all outstanding matters with Lands and the BD with the planned modifications to the property in the coming few weeks'

Why hasn't this work been done before the submission of this application?

Page 30 8.6.1

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

This is NOT REDUNDANT. The drainage has already been changed without permission.

It states 'No planned change'. Plans can change. Given the digging of a new and additional drainage channel, I have no confidence in these statements.

Page 31 9.1

The previous STT was terminated.

Page 32 9.8

The applied site area has already been cleared.
Curiously, trees are dying close to the site area.

Page 37 9.9

There is ONE STT in Pak Tam Au Village. Therefore the applicant's statement is incorrect.

Page 38 9.9

House 15 owns land. There is the private Lot 5.

Page 38 9.10

'No negative impacts from granting the STT' There will be negative impact to House 15.

In the STT system the effect on the neighbouring property is taken into consideration. The location of the newly installed GAF, which is outside of the site area applied for, cause a significant amount of noise and nuisance. It also affects the privacy and security of my property.

The GL that the GAF have been installed over, is GL which is on the site level of House15. Therefore it can only be applied for by House 15. The owner of 16 has stated that it is GL and therefore stays open. It is normal domestic practice to have one's private utilities within the boundaries of one's own property. This is not a normal situation.

There is a note on BD website which states:

"For the avoidance of doubt, owner of the lot(s) should have a realistic prospect of control of the land or have the right to use the land on which the above said GAF is/are to be erected or installed. Authorisation or consent from owner of adjacent lot(s) should be obtained for GAF projecting from the Lot boundaries of the subject NTEH into the adjacent lot(s).'

From my understanding, House 16 has no reasonable prospect of control of the land underneath their GAF on the SE side of their house.

The land is on a different site level to their house.

Additionally STTs need to be free of objection.

House 15 has been repeatedly told by LandsD that the situation with the GAF would be valid grounds for an objection, and that LandsD would consider the objection and probably it would be grounds to reject the STT application.

Page 39 9.13

'The current area of 207sq m 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'.

Are any of these STTs actually NEW or are they actually continuing ones, like at No14 Pak Tam Au?

Page 39 10.1

The previous STT cannot be rejuvenated. So this is a NEW STT application.

.....

5). GREENERY

There has been significant clearance of greenery.

Greenery was cleared during the renovation period.

Greenery has also been cleared since work ceased on the renovation.

Greenery has been cleared some distance from the house.

I don't understand why this has happened, as from my understanding, it was only a house that should have been renovated.

Please see pages 35-39 of my previous comment.

5) TREE FELLING

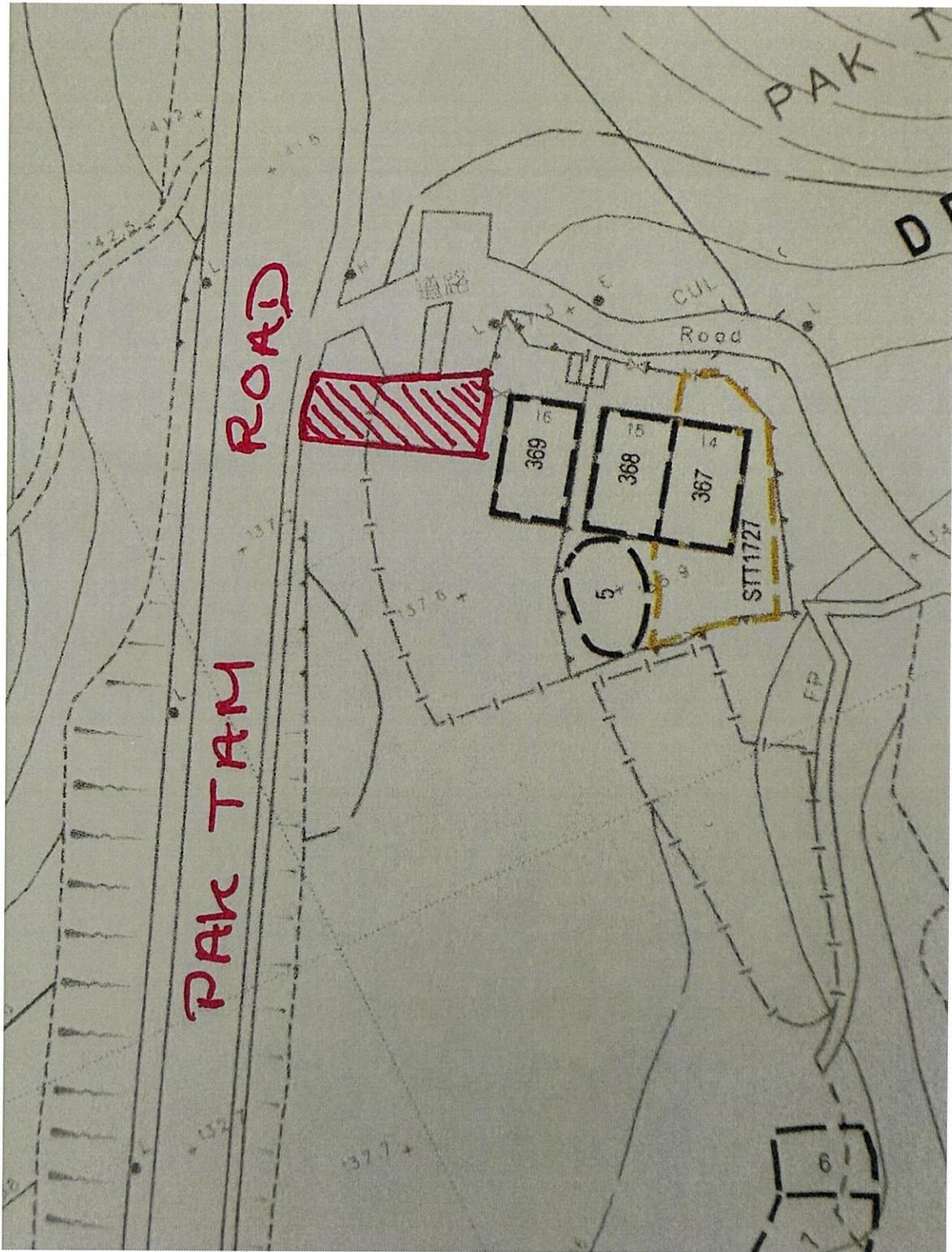
Of direct concern to me is the area marked in red on the Lot Index plan, see below.

I have reason to question if this area was part of the originally formed platform, and therefore part of the original approved drainage plan, for the 3 houses.

The area marked in red below was a green area until recently. There were trees and bushes growing. It was not one piece of bare concrete, as it is now.

Some of the concrete had broken up.

Please refer to the previous comment pictures 31,32,33,34.

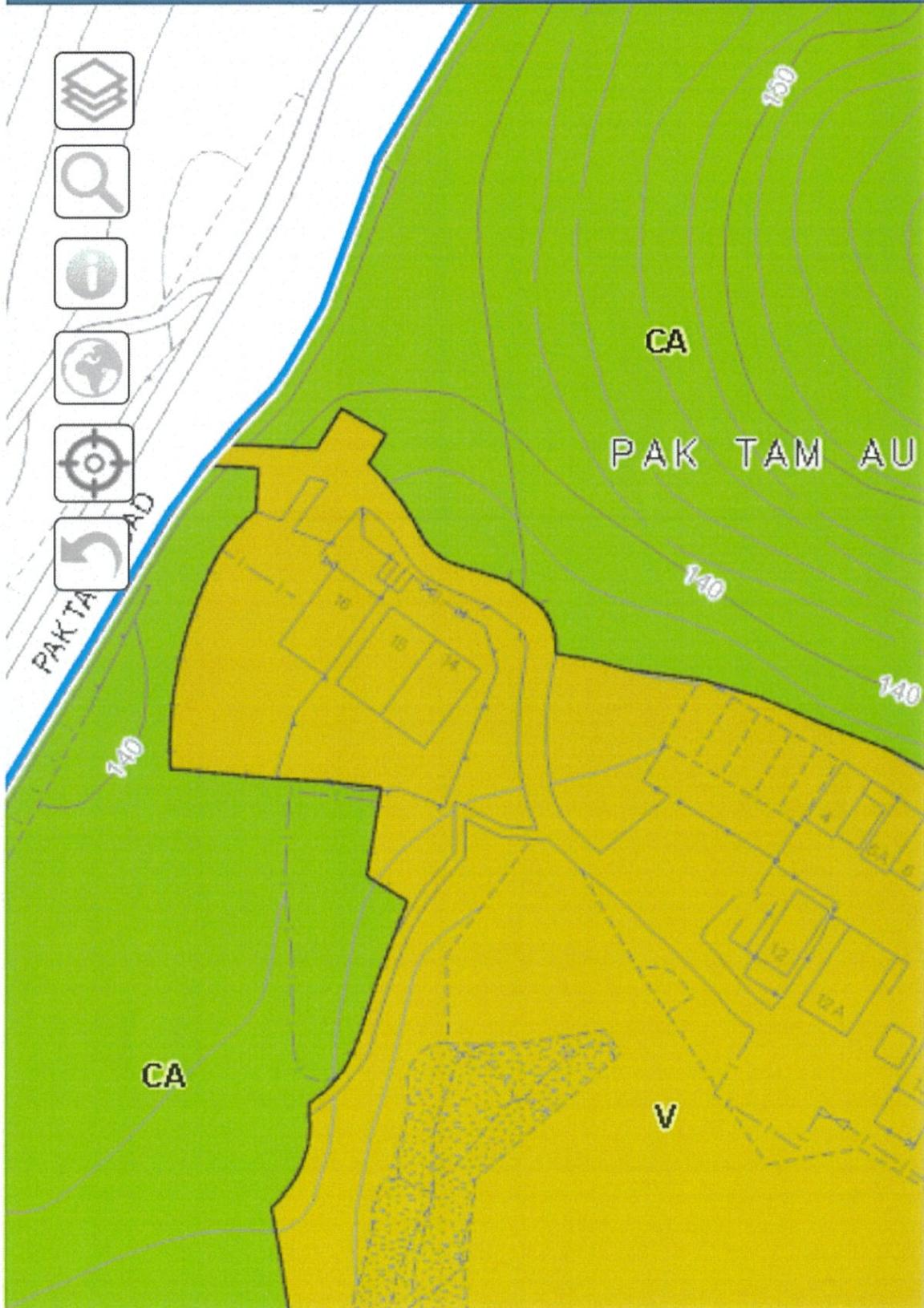


15:09



Back

Statutory Planning Portal 2







The above picture shows the concrete posts which exist today, in August 2022. House 16 can just be viewed through the greenery at the top of the photo.



The above and below photos show a comparable view today.



I will ask LandsD for clarification.

As the area is now bare concrete and the drainage has been altered, there is an effect on the drainage situation in general.

.....

6). SUMMARY

No easement for drainage

No drainage plan

Drainage of GL altered from the original.

Drainage of house altered from original

No topography assessment.

Flood risk.

Walls built without permission.

Trespassing on private land
Digging of additional drainage channel
Loss of greenery
No account taken of neighbour's comments.

Problems not fixed:

Blocking of natural light
Walls create a tunnelling effect
Unnecessary created noise and nuisance
Open pipes that drip
Solar panels that don't drain into drainage and drip
Wiggly pipe work that drips onto metal below
Open cut septic tank pipe, currently stuffed with a degrading plastic sack.

Etc, etc

Lack of information as to what they want to do with the GL
Storage Sheds are excessive in size

Non compliance of
Laws, Rules, Regulations, Guidances, No norms of behaviour.

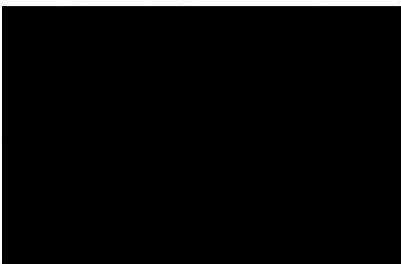
Asking for GL for privacy and Security, whilst also stating GL around neighbouring house needs to stay open.

AS SUCH I OBJECT TO THIS TOWN PLANNING APPLICATION NO.A/NE-TKP/2.

It would be HARMFUL to me.

I also object to any granting of an STT on this site.

TINA ELDRIDGE



This is a "comment" on section 16 application number A/NE-TKP/1
Proposed Temporary Private Garden for a period of 3 Years on Government Land Adjoining
Lot No369 in DD255

I OBJECT TO THE APPLICATION NO. A/NE-TKP/1

The proposed plan will have a **harmful impact** on me and my property.

Contents

1).Introduction and background information

STTs

Lot 5

2). Comments on the Proposal application No A/NE-TKP/1

3). Impacts of, and Objection to, the development proposal

Drainage

Topography

The Retaining Wall

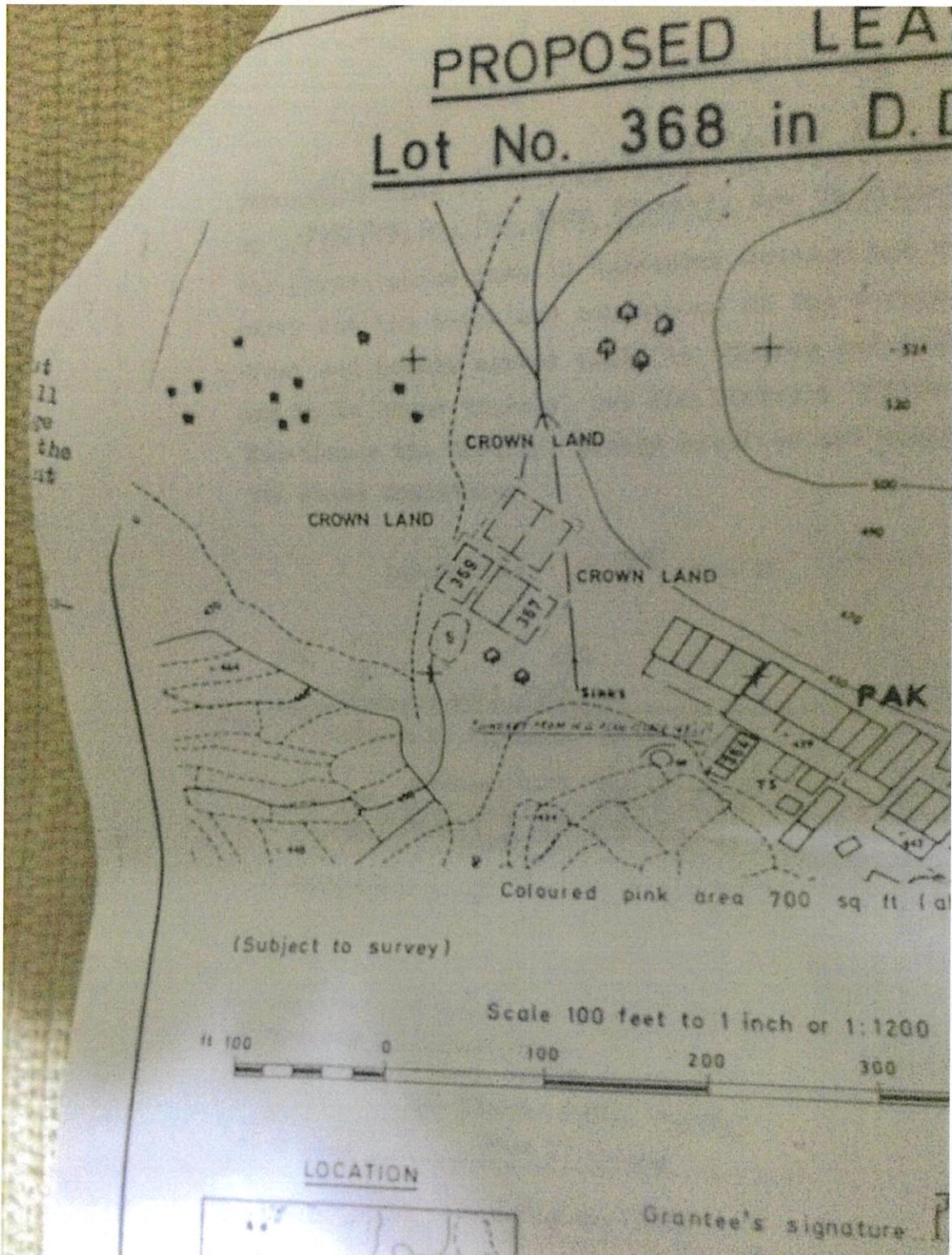
The Environment

- a) **Blocking of Natural Light**
- b) **GAF Noise and Nuisance**
- c) **The Created Nuisance**
- d) **Tranquillity**
- e) **Safety and Security**

Tree Felling

4). SUMMARY

1) Introduction and Background Information



I am the owner and occupier of Lot 368 House 15. The neighbouring property of the application site. I also own Lot 5. Whilst Lot 5 is 'subject to survey' it is generally taken to be

my garden. Picture 1 above shows the grant document of Lot 368 and the neighbouring property Lot 369 that the application refers to.

The three houses, Lot 367 NO14, Lot 368 NO15 and Lot 369 NO16 were built together by the same developer. Each house had a red tiled area around 3 sides of the property and there was a further concreted area, village lane side (which is NE), which provided the access to the properties. Around the red tiled patio area of each house there was an open drain.

Each house then enjoyed a green area on the other side to the lane, adjacent to Lot 5.

Between some of the green areas there were some very simple fences but nothing that interrupted the flow of wildlife, light, sound or natural drainage.



Picture 2 above shows the view from 15 to 14 in 1991



Picture 3 above shows the view from 15 to 16 in 2023

I bought the property together with my husband in 1991. After his death in 2010, I became the sole owner of NO15, lot 368 and Lot 5.

Since the time of purchase in 1991:

No14 has changed ownership on a number of occasions.

No16 has only recently changed ownership, due to the death of the original owner.

Prior to the sale of No16 I made an inquiry to DLO.

On 31st October 2022, I spoke with a Mr.Kwok of DLO Tai Po.

I enquired about the lapsed STT at No16. I was informed that it would be "very difficult" to reinstate or reapply for the STT from before. I was also informed that DLO would consider it excessive.

STT's

No14 has an STT which was enclosed by a very simple fence until a wall was erected in 2015.

No16 had an STT, which was bordered by a simple fence around some of the area, whilst the border between 15 and 16 remained mainly open. The STT was terminated by the owner after the death of his wife, which was many years ago.

No15 would very much like to have an STT. Applications so far have not been successful.

So for clarity, the whole site of the 3 houses, which were built together, remained as it was originally developed until 2015 when a wall was erected around the STT boundary of No14. The entire STT area, except for a very small flower bed, was paved/concreted, and the original drainage was buried.

Picture 4, below, shows the Lot Index Plan

LOT 5

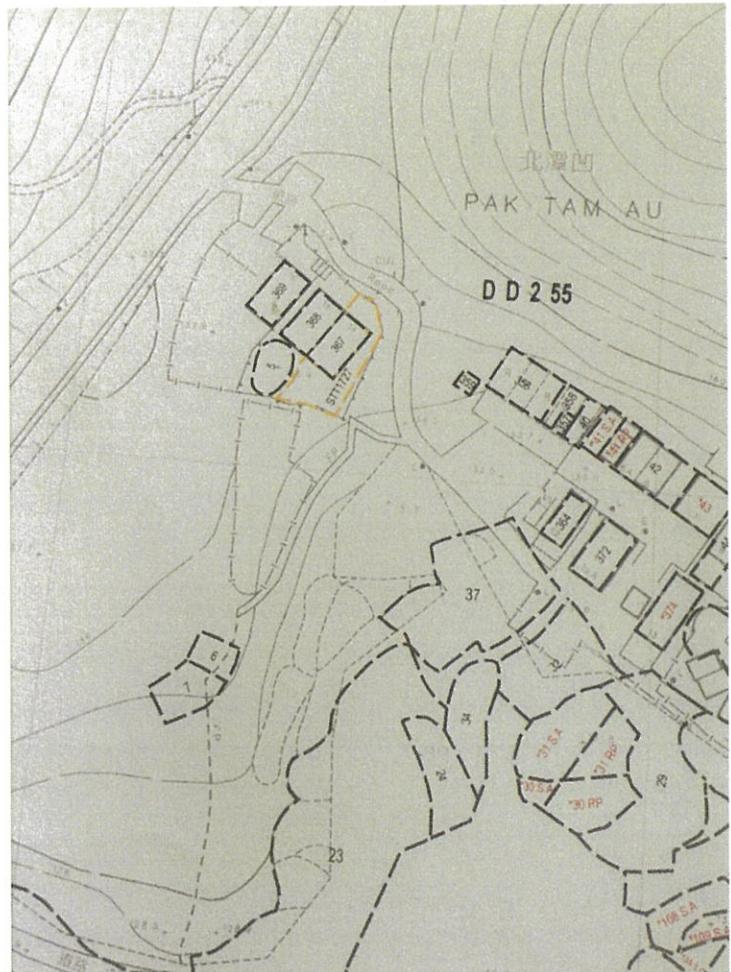
The document showing the original grant of Lot 368 No15, shows Lot 5 in between Lot 368 and Lot 369, please see picture 1 above. The same location of Lot 5 is also shown in the original grant of Lot 369 NO16.

The current Lot index plan shows Lot 5 in a different location. See Picture 4

I cannot find an explanation for this discrepancy.

A survey has been conducted, however due to "issues", the survey has not been completed. Hence **Lot 5 remains "subject to survey"**

"Land ownership issues" in Pak Tam Au are mentioned in the Legislative Council Brief, zoning plan no S/NE-TKP/2. Please see below in Picture 5. Page 11, paragraph 14.



LEGISLATIVE COUNCIL BRIEF

Town Planning Ordinance
(Chapter 131)

APPROVED TO KWA PENG AND PAK TAM AU OUTLINE ZONING PLAN NO. S/NE-TKP/2

INTRODUCTION

At the meeting of the Executive Council on 23 June 2015, the Council **ADVISED** and the Chief Executive **ORDERED** that the draft To Kwa Peng and Pak Tam Au Outline Zoning Plan (OZP) No. S/NE-TKP/1A should be approved under section 9(1)(a) of the Town Planning Ordinance (the Ordinance). The Plan is now renumbered as No. S/NE-TKP/2.

THE DRAFT OZP

2. On 3 January 2014, the draft To Kwa Peng and Pak Tam Au OZP No. S/NE-TKP/1 (the Plan) was exhibited for public inspection under section 5 of the Ordinance.

REPRESENTATIONS AND COMMENTS

3. During the exhibition of the Plan, **7,689** representations were received opposing the Plan. In which, 362 representations submitted by the village representative (VR) of To Kwa Peng (R361) and individuals (R1 to R360 and R362) opposed the Plan mainly on the ground of inadequate "Village Type Development" ("V") zone in To Kwa Peng. The remaining 7,327 representations were submitted by green/concern groups including Friends of Sai Kung (R4238), Designing Hong Kong Limited (R4239), The Conservancy Association (R7681), Kadoorie Farm and Botanic Garden Corporation (R7682), World Wide Fund for Nature Hong Kong (R7684), Land Justice League (R7685), The Hong Kong Bird Watching Society (R7688) and Green Sense (R7689), and individuals. They raised objection to the Plan mainly on the grounds of excessive "V" zone and environmental concerns. On 11 April 2014, the representations were published for comment. During the first three weeks of the publication of the representations, **980** comments on the representations (comments) were received.

4. The main grounds and proposals, if any, of the representations and comments and the main points of the Board's responses and decisions are highlighted in the following paragraphs.

- 11 -

Grounds of Further Representations

Unjustified Small House demand

(a) the current "V" zone, which was based on the unjustified large number of Small House demand, was considered excessive;

Adverse impacts of Small House development on surrounding environment

(b) Pak Tam Au was characterised by its high ecological value. In particular, the ponds and watercourses provided habitats for wildlife and species of conservation concern. Excessive Small House development with the use of on-site STS systems would have adverse environmental impacts on the surrounding areas;

Further Representers' Proposals

(c) the "V" zone in Pak Tam Au was proposed to be further confined to the existing village settlement and sites of approved Small House grant applications; and

(d) the watercourses and the adjoining areas in Pak Tam Au were proposed to be designated as "CA".

14. There were other views not directly related to the proposed amendments, including opposition to the Board's decision of not expanding the "V" zone in To Kwa Peng, proposed expansion of the "V" zone in To Kwa Peng, proposed rezoning of the orchard in To Kwa Peng from "CA" to "AGK", proposed confinement of the "V" zone of To Kwa Peng, adverse environmental impacts in particular the use of on-site STS systems in To Kwa Peng, land ownership issues in To Kwa Peng and Pak Tam Au, proposed amendments to the Notes of the Plan mainly to prevent "destroy first, build later" activities or adverse environmental impacts, and proposed incorporation of the Area into country park.

The Board's Decision

15. On 14 April 2015, after giving consideration to the further representations, the Board decided not to uphold F1 to F30, F166 to F168 and F170 and considered that the Plan should be amended by the proposed amendments for the following reasons -

Designation of "V" and "AGR" zones

(a) an incremental approach had been consistently adopted in designating the "V" zone on OZPs for the CPAs with an aim to confining Small House development at suitable locations and to

Picture 5

2) Comments on the proposal. Application No. A/NE-TKP/1

Page 3, Photo 2

There should be clarification on what the red line indicates here, does the red line indicate any sort of physical barrier such as a wall and or gates? If there are to be gates, which way would they open?

Any physical barrier here may impact the parking of other vehicles in the other nearby car parking spaces due to the turning angle. There would possibly be an impact on all users of the village lane if there are to be gates which open into the village lane.

The lamppost, which is publicly maintained, is pictured as being within the proposed boundary. What will happen with that lamppost if this proposal goes through, changing the land it currently sits on from public land to land that is privately maintained?

The government uses lamppost numbers as a reference and indicator of location. What impact will there be to the public, who may use emergency services and other government departments that reference lamppost numbers?

Page 4, Photo 5

This photo indicates that the mature tree will be retained within the proposed boundary. The considerations of land either remaining natural or being paved over needs to be taken into consideration. If the land were to change and be paved over around the roots of the tree, it may have a negative effect on the tree and its root system and may become a danger. The proposed plan is unclear about the preservation of the tree.

Page 5, Photo 6

Pictured here is a recently erected wall, not a fence. This is an important distinction to make as the construction of a fence and a wall is very different, a fence is not made of concrete.

“The fence is between the proposed temporary private garden of House number 16 Pak Tam Au and the garden of House 15 Pak Tam Au.”

The wall pictured here (and referenced to as a fence not a wall) was only recently erected in June 2024 through trespassing on the privately owned Lot.5 whilst the owner (myself), was not present. (Please see picture 17 below).

Page 7 3.2

I phoned DLO on 31st October 2022 and spoke with a Mr. Kwok. This was before the sale of House 16.

I enquired about the lapsed STT at No16. I was informed that it would be “very difficult” to reinstate or reapply for the same STT as before. I was also informed that DLO would consider a STT, of the same size as before, as excessive.

Page 8 5.3.4

“The tranquil rural character” will be negatively impacted by the loss of a green area.

Whilst quoting from the zoning plan in great length, there is minimal information about the application plan.

Page 11 7.1

“would be fenced”

There is a difference between a wall and a fence. Fences generally do not impact natural drainage.

Indications are that there would be a wall not a fence, as walls have already been built either side of the property between 15 and 16.

Page 12. 7.3

The proposed scheme, as shown in figure 3, does not appear to be to scale.

The covered area of 67 m sq is larger than the size of a NTEH. (700 sq ft = 65.03sq m). There is no indication of how far this would extend from the Lot boundary.

Is the plan to cover the area horizontally, or would it also include covering it vertically, thereby extending the house? The plan is unclear.

Where will the rainwater go from this large covered area?

What is the construction material of this large covered area?

The illustrated covered area of ‘67 m sq, height around 2.56m’ which goes right up to the recently constructed boundary wall between 15 and 16, would block my natural light further and also further bounce the noise from the GAF and other installations to me and my property, negatively affecting the enjoyment of my property.

Page 13 8.7

The mature tree referenced has grown significantly since these houses were developed.

The area has always been a ‘natural’ area free from any paving; building walls and paving additional areas may impact tree roots.

‘There would be no tree felling’ is misleading as trees and vegetation have already been cleared from the area during the renovation. Hopefully no further clearance will take place as

it affects the 'overall naturalness and the landscape beauty'. (please see the references below pics 31-34).

Page 14

Figure 4 is dated 1962 which is a long time before these houses were built.

Page 17. 8.8

My internet search and enquiry shows only one STT in Pak Tam Au at No14.

Page 17.8.9

"no negative impacts from granting the STT"

There would be significant negative impacts to No15 and lot No.5 if this STT is granted. It should also be noted that concerns about "negative impact" have been repeatedly raised privately to the owner and contractor (with the architect also being on cc for all emails) of House 16 during the renovation period, but have been ignored.

"The Applicant would also be responsible for management and maintenance of the garden area".

Would the applicant become responsible for the retaining wall?

Page 18 9.1

The terms and conditions of STTs have changed, and the proposal for the site is vastly different to when the original STT was granted, and how the site was used, so it is not a rejuvenation.

Land policy has also changed over the years.

IMPACTS OF, and OBJECTION to, THE DEVELOPMENT PROPOSAL

1) DRAINAGE

The original drainage was formed when the site was developed and the drainage was approved by the government.

Drainage water flows from No16 to the lower site level of No 15, and then further to No14, before arriving at the stream.

During renovation of No14 a wall was built around the STT area and the drains were buried in the ground.

During the renovation of 16 the drainage has been **altered and added to**. The drains are buried in the ground. It is unclear if the buried drain pipes still travel in the same direction as before.

100% of the roof of No16 now drains directly into ONE drain, whereas previously it was split between the drains on either side of the property.

2 balconies from 16 have been added directly into the same drainage pipe.

The overhanging solar panels have been added to the same drainage pipe, increasing the area that drains into the garden side drain.

Additionally, the drainage pipe has been installed by NO16 along the wall between 15 and 16 which is **not on the house of No.16**. I did object to the contractor.

I raised concerns with DLO about the additions and alterations to the drainage in January 2024 via telephone conversations and emails. I also contacted DSD regarding the same issue, and they wrote that they would transfer to Lands D. I am waiting for a conclusive reply.

The application is for a site of 326 sq m. This is the size of 5 NTEH. If it were the case that houses were to be built on this site, then surely the government would require a drainage plan. Houses and an STT have the same effect on drainage, as an STT site may be paved.



Picture 6 shows the extended drain pipe

Objections have been made to No16 regarding their additions and alterations, but they have been dismissed.



Picture 7 shows the multiple uninstalled pipes

There are currently MULTIPLE uninstalled drainage pipes stored on government land around the renovation site of No16. See the picture above. This shows clear intention to add additional areas to the existing drainage. The existing drainage was not designed for

additional areas of land. It is noted in the application form for the proposed temporary private garden, that there is NO “DRAINAGE IMPACT ASSESSMENT”.

From my understanding the original approved drainage by the government does NOT INCLUDE areas outside of the original **built over** site formation. The drainage relates to the houses and the formed platform, meaning the patioed area, around the houses and is constructed according to the grant conditions.

Additional areas cannot now be added to the drainage. However it is clearly planned for. See the pictures below.





Picture 8 shows an additional drainage pipe, connecting to the existing drainage.

The previous STT at No16 DID NOT ADD any area to the drainage, it was left as natural land to drain naturally. The fence that existed around some of the boundary was constructed of metal posts and chain link fence, so there was no physical barrier which interfered with rain water runoff.

The terms and conditions of an STT have changed over the years. The holder of an STT today is allowed to pave the land and construct a boundary wall.

Concreted or paved land drains at a different rate to natural land.

A wall interrupts the flow of water.

According to scientists worldwide, events of extreme rainfall are likely to increase in the years to come.

Hong Kong Observatory website under 'our services' ... 'climate change Hong Kong' states that 'Extreme precipitation events have become more frequent'.

The policy address of the Chief Executive in 2023 states " with global climate change intensifying, it is likely that we will experience extreme weather more often".

In recent years there has been flooding outside of my house, on a number of occasions.

These are some, not all, of the occasions:



Picture 9, 8th June 2022

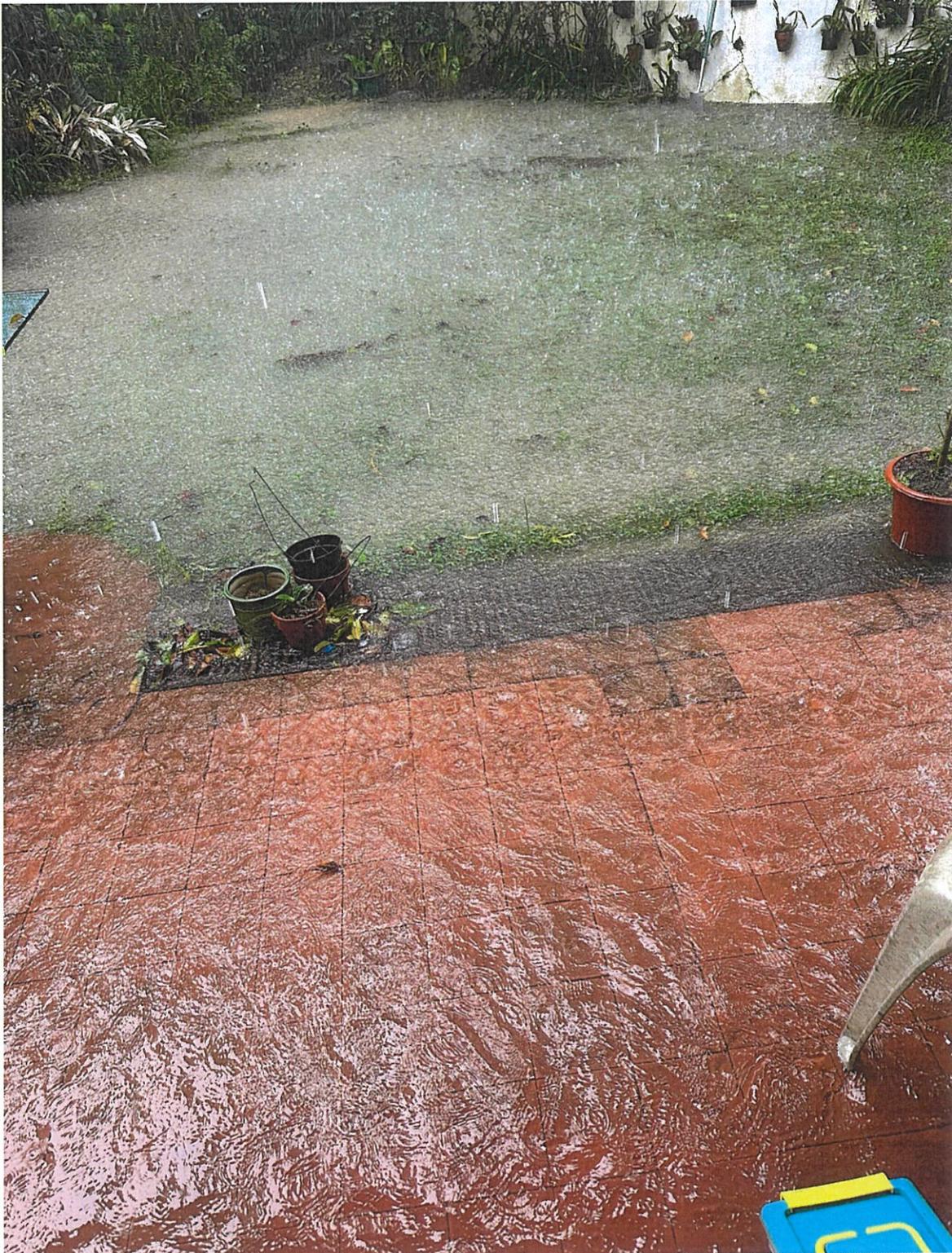


Picture 10, 17th June 2023

Picture 11, 6th
September 2024



On 4th May 2024 my garden and patio were flooded and the drains could not cope with the volume of water arriving in the garden drain, which is the drain No.16 has added everything to. In all the time I have lived in my house, the garden and patio has never flooded like this before, but we have had similar rain events.









Pictures nos 12,13,14 and 15 above. 4th May 2024

This clearly shows that no additional area should be added to the existing drainage, as it would create a serious flood risk to my property.

Furthermore, the drainage is on my **private land** and I **OBJECT** to any additions.

A short video has been provided of this flooding event.

My property is NOT LOW LYING

The proposed private garden at No16 therefore would have a **harmful impact** on my property.

2) TOPOGRAPHY

There are slopes surrounding the proposed STT area. If the area is paved and a wall built all the way around, what impact does the change have on the surrounding area? What happens to the land adjacent to and underneath the wall and paving, particularly in extreme weather conditions?

The stability of the STT area could be impacted if the surrounding tree roots are impacted by paving.

The wall already built around the STT at No14 has clearly had an effect on the natural drainage of Lot 5. Please see the pictures above.

There is no impact assessment.

3) THE RETAINING WALL

The existing retaining wall, between 15 and 16 was presumably approved by the government, when the 3 houses were built.



Picture 16 shows the wall between 15 and 16

A wall cannot be built on top of this wall, without accessing my private land. The wall, which has already been built on a portion of the retaining wall, was erected when I was away and a **worker trespassed multiple times on my private land. No permission to access my private land was requested.**

Additionally, at the same time, a mature firecracker vine was removed from my garden.



Garden



2024-06-22 14:00

22:07



Garden



2024-06-22 14:06

Picture 17 above shows images from my camera



Picture 18 shows the newly built wall



Picture 19 above shows the mature firecracker vine before

The firecracker vine was completely removed, whilst I was away.

4)THE ENVIRONMENT

a) BLOCKING OF NATURAL LIGHT

Building a wall around the application site will block natural light into my property and my garden, lot 5. As there is a site level difference, the effect would be significant.

The installed GAF block my natural light.

The high balcony walls block my natural light.

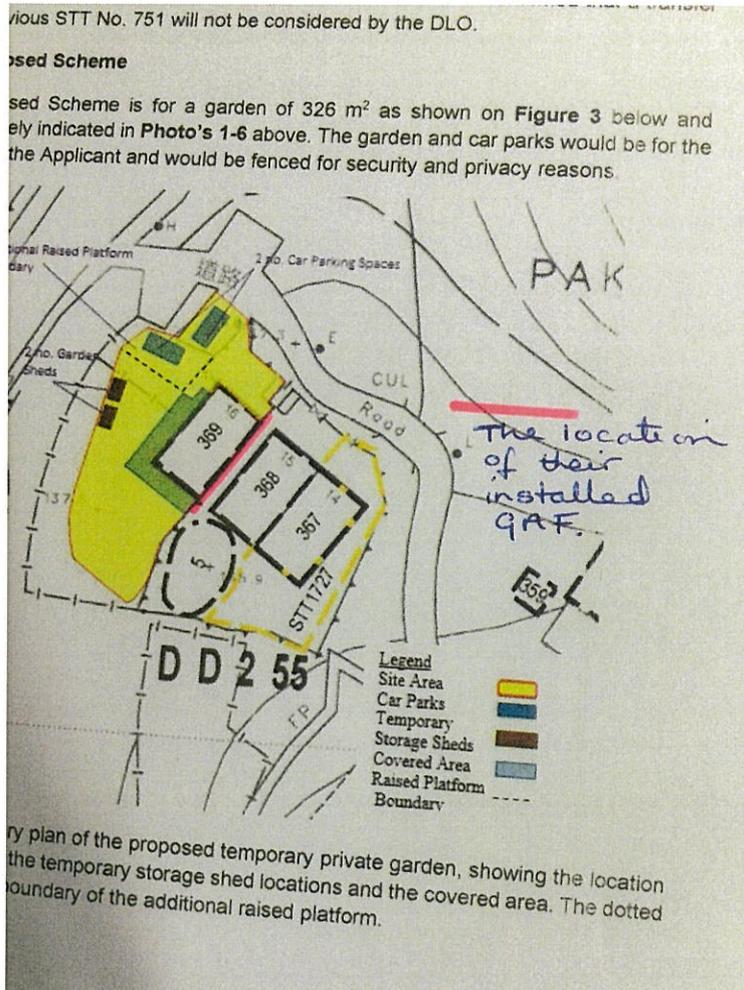
The recently built boundary walls block my natural light.

The proposed covered area may also block my natural light. Its style of construction is unclear.

b) GREEN AND AMENITY FACILITIES, known as GAF, NOISE and NUISANCE

Multiple GAF have been installed on the wall of No16 adjacent to my property.

This is outside of the site area of the application.



Picture 20

The application shows that House 16 wouldn't be able to access their GAF from their own property.

It is normal domestic practice to have one's utilities within the boundary of your own property and not be sending people 'next door' to service one's domestic utilities, thereby disturbing your neighbour.



Picture 21 shows the 2 houses prior to renovation



Picture 22

The photo above shows the corridor between 15 and 16, house 16 being on the left hand side, prior to renovation



Picture 23 above shows a similar view after the renovation



location of Lot 5

Picture 24 shows the GAF from the



15, the village road side of the house

Picture 25 above shows the GAF from House

House 16 cannot apply for the land underneath their installed GAF and other installations, as the land is at a different site level to their house. House 16 claims that they “need unfettered access to the area to maintain and service House 16 as and when necessary “as it is government land.”

It is, however, the only access for my property House 15 and my private lot, and it is the site level of my house. I walk around this area many times everyday. I have applied for an STT for the area, however my application was interrupted.

Additionally, on building department’s website, regarding GAF and NTEH it states:

“For the avoidance of doubt, owner of the lot should have a realistic prospect of control of the land or have the right to use the land on which the above said GAF is/are to be erected or installed.”

The effect of this situation is that there would likely be an objection from No16, to me securing my property No15 in the form of an STT. (which I had applied for).

The permitted overhang, which they are using for their GAF installations, from the original grant gives no access to the land. The original aircons were window type aircons which would have been installed and serviced from inside the house, like many high rise apartments in Hong Kong. Many of the older style NTEH have an overhang all around, due to the design of the roofs.



Picture 26 shows a Hong Kong apartment block with air conditioners which are accessible from **inside** each unit. The aircons are housed in concrete.

The previous roof and aircon of house 16 required no access to the land between No15 and 16. House 16 did not claim any right to this land in the past decades. However, the newly installed GAF and other installations, cannot be accessed from inside the house of No16. The new owner of house16 claims that “as the land is government land it is essentially open to the public”.

The large piece of land that they are applying for is government land and open to the public. They wish to claim an historic right to an STT, but they do not wish to acknowledge a historic situation.

The government land between these 2 houses is on the site level of 15 and only goes to the private lot 5, so whilst there may be an alternative use for the large piece of government land around 16, it is extremely unlikely that there would be any alternative use for the small piece of government land around part of 15.

These GAF installations create significant noise to my property, house 15. Additionally, there is a hot air impact from 10 air conditioners. They are also visually polluting from inside and outside my house. The negative impact to me and my property cannot be overstated.

The water heater, which is not listed as a GAF, is installed metal on metal.

Please see the picture below.



Picture 27

The walls create a tunnelling effect, bouncing the noise of the GAF to house 15 and blocking the noise to house 16.

I therefore object to the walls that have already been built and object to the section 16 application, as more walls will negatively impact me further. I also object to the location of the installed GAF and other installations.

The covered area in the application proposal may also further bounce the noise to me, it's style and material are not clear.

For clarity I have objected to the owner regarding the installations.

c).THE CREATED NUISANCE

Please view the short videos that I have provided, they are a small sample but hopefully represent the situation clearly.

Videos 2&3 Created Nuisance Inside and Outside

Videos 4&5 Open Pipe and Dripping Solar Panels

Videos 6&7 Water Running Down the Wall

Video 8 Dripping Nuisance

Video 9 Dripping in Sunshine

Rain water, and water during cleaning, runs down the wall of house 16 in various places.

The little open pipes, (there are 2 such pipes) please see the two pictures below, coming from the roof drip onto the metal below.



picture 28 above

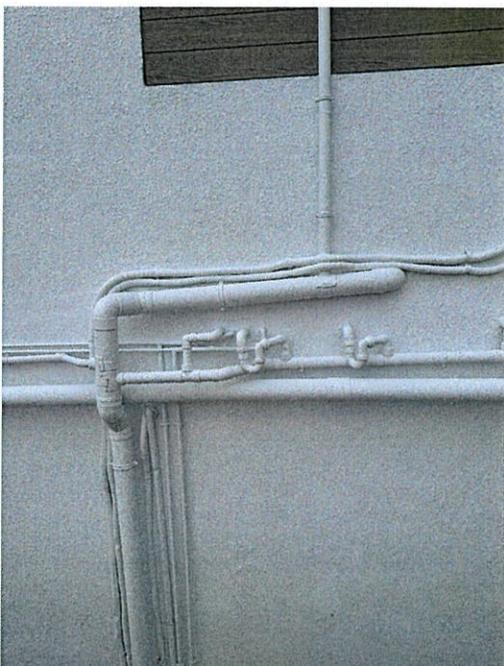


picture 29

The solar panels are not draining correctly and drip onto the metal below.

The hot water installation shows metal on metal as shown above, picture 30. It's auditory effect is currently unknown, as the gas has not yet been installed, and the property is uninhabited. However the water pipes can be heard inside my house.

There is an excessive amount of pipe work on the building adjacent to number 15 which all drips. The pipes go in every direction and drip onto the metal installations below.



Picture 30 shows a small sample of the pipe work

There is significant noise when there is rain, as a large amount of metal is exposed to the elements. In many thousands of HK apartments, the aircon is housed in a concrete box as in the apartment block pictured above. It was a similar situation with house 16 before the renovation.

The same owner and contractor managed to renovate House 14, the other neighbouring property to me, without such installations.

d) TRANQUILLITY

The zoning plan, no. 5.3.4, mentions the “tranquil rural character and woodlands of Pak Tam Au”. My house is located between the Fung shui wood and wooded conservation area.

The GAF interfere dramatically with the tranquillity of my environment, inside and outside my house. The GAF have been installed in a manner and style which create maximum disturbance to my property and my private lot.

The walls then create a tunnelling effect. The noise is therefore amplified to 15, whilst shielding No16. I therefore object to the newly built walls, and any more walls.

e) SAFETY AND SECURITY

No16 state in their application that they would like privacy and security for their property, at the same time requiring “unfettered access” to unallocated government land, to service their GAF.

No15 would like privacy, safety and security also.

5)TREE FELLING

The application states that there will be no tree felling.

During the renovation period there has been significant clearance of ‘greenery’ from the site.



picture 31 shows the view from the lapsed STT looking towards the car parking spaces before the renovation



picture 32 shows the view today from a very similar location



picture 33 shows the view from the lamppost to the lawned area



picture 34 shows almost the same view today

SUMMARY

Country Parks are an important resource for Hong Kong in terms of recreation and conservation. Many universities and individuals use the locality in question for study and research.

People choose to reside in the country park because they value peace and tranquillity, and interaction with nature in a natural setting. Residents do not expect to be affected by the daily life of their neighbours. In fact **no one, wherever they live**, wants to be disturbed by their neighbour inside their own home. The situation with the installations of No.16, is that No.15 is disturbed every time someone in 16 turns on a water tap, flushes a toilet, or turns on an air conditioner. During the hot summer months the air conditioning has been running continuously. Then there is the noise of water on metal whenever it rains and the additional predictable disturbance when any maintenance is required.

Installation of GAF is supposed to enhance an environment, not create a deliberate nuisance to a neighbour.

The drainage has been added to and altered, despite my objections, with the effect being that there is an increase in the volume of rain water going into the garden side drain which is on my private land. **If this application is approved my house and garden will be flooded.**

Additionally, there is the completely unreasonable concept that No 16 wishes to have a large piece of government land around their house for their private enjoyment, and would also like to have unfettered access to the government land which is the only access of the neighbouring house and Lot 5. Whilst old grant conditions are being claimed, there is no consideration for the original 'intention' or the original "situation".

The reality of the situation is that the land between 15 and 16 only leads to the house of 15 and Lot 5. It is not possible to go anywhere else. Lot 5 is still subject to survey.

If the application is granted, the negative effects on house 15 of the renovation of house 16, will be amplified and enhanced.

Whilst the application quotes at length from the zoning plan, it has no details of what would actually be done to the government land.

Granting this application will have a significant harmful impact on me and my property, in terms of:

Harmful Flood Risk

Geotechnical Risk

Adverse environmental impact due to noise and nuisance

Adverse visual impact due to blocking of natural light

Adverse landscape impact due to interference with my natural environment.

Additionally there is the interference of a public utility, the lamppost.

I have no choice but to **object to this application** in the strongest possible terms.

It should also be noted that concerns about negative impact have been raised privately to the owner and contractor of House 16, but have been ignored.

Should any further information or knowledge be required on the history of the situation, I am happy to share what I know since I was close to the previous owners of House 16 prior to their deaths. In fact, I am happy to supply any further information if required.

TINA ELDRIDGE

