

**Agenda Item 14**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKP/2            Proposed Temporary Private Garden for a Period of 3 Years in “Village Type Development” Zone, Government Land in D.D. 255, Pak Tam Au, Sai Kung North  
  
(RNTPC Paper No. A/NE-TKP/2)

---

**Presentation and Question Sessions**

36.            With the aid of a PowerPoint presentation, Mr Jeffrey P.K. Wong, STP/STN, briefed Members on the background of the application, the proposed use, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department (PlanD) did not support the application.

37.            Members had no question on the application.

**Deliberation Session**

38.            Noting PlanD’s recommendation to reject the application, with one of the reasons being that the application site (the Site) was excessive in size and scale, and was out of proportion to the adjoining house, a Member enquired about the general assessment criteria adopted to determine whether a proposed private garden was considered proportionate. The Chairperson said that there was no hard and fast rule to determine whether a proposed private garden was proportionate, and each application would be considered on its individual merits, taking into account relevant planning considerations, including zonings, site history, site context and site area, which should be well-justified. The Committee noted that there were applications for temporary private garden involving larger area that were approved due to exceptional circumstances, for instance, being the subject of previously approved applications (No. A/SK-HC/348) or where majority of the subject site was ‘existing use’ which was in existence before the first statutory plan with a minor portion requiring planning application (No. A/SK-TLS/63), while another similar application (No. A/SK-HC/354) with justification mainly on security grounds was rejected upon review in 2025.

39. A Member pointed out that the Site was the subject of a previous application for proposed temporary private garden with a larger area (No. A/NE-TKP/1) which was rejected for the reason of having no strong justification for utilising a large piece of land in the “Village Type Development” (“V”) zone for the proposed use, despite that the concerned Small House was in line with the planning intention of the “V” zone. The Chairperson said that for the subject application, as the previous Short Term Tenancy covering the Site granted by the Lands Department before the gazettal of the first statutory plan was already terminated in 2014, planning permission for the proposed private garden use was required. The Site, with an area of about 177m<sup>2</sup>, was not irregular in shape and could be used for Small House development. Another two Members concurred and expressed that the application was not justified from land utilisation perspective, and on the other hand, residual land and/or land in irregular shape not suitable for Small House development might be considered for temporary private garden with justifications.

40. After deliberation, the Committee decided to reject the application. The reasons were:

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

[The Chairperson thanked PlanD’s representatives for attending the meeting. They left the meeting at this point.]