

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-SSH/153

- Applicant** : Keenco Investment Limited represented by Grandmax Surveyors Limited
- Site** : Lots 449 S.F, 449 RP, 450 RP (Part), 450 S.B (Part), 464, 465 (Part), 466 S.A (Part), 466 S.B ss.1, 467, 524 (Part) and 528 (Part) in D.D. 209, Shap Sz Heung, Tai Po, New Territories
- Site Area** : About 867m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Shap Sz Heung Outline Zoning Plan (OZP) No. S/NE-SSH/11
- Zoning** : “Village Type Development” (“V”)
- Application** : Temporary Private Car Park (Private Cars and Light Goods Vehicles) for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) (**Plan A-1**) for temporary private car park (private cars and light goods vehicles) for a period of three years. According to the Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires permission of the Town Planning Board (the Board). The Site is currently occupied for the applied use without valid planning permission.
- 1.2 The temporary private car park will provide 26 parking spaces (23 for private cars and three for light goods vehicles). The Site is accessible from Sai Sha Road via a local track (**Drawing A-1**). The layout of the temporary private car park is shown in **Drawing A-2**.
- 1.3 The Site is the subject of two previous previous applications (No. A/NE-SSH/105 and 135) which were submitted by the same applicant for the same temporary private car park use as the current application. Details of the applications are summarized at paragraph 5.
- 1.4 In support of the application, the applicant has submitted the following documents:

- (a) Application Form and attachments received on (Appendix I)
30.1.2024
- (b) Further Information (FI) received on 27.2.2024* (Appendix Ia)

*(*accepted and exempted from publication and
recounting requirements)*

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed at **Appendices I and Ia** and summarized as follows:

- (a) the Site is located in Kei Ling Ha San Wai which is accessible via a local road which connects to Sai Sha Road. The applied use will only serve local residents of Kei Ling Ha San Wai. It is expected that traffic in/out will be mostly between 7:00 a.m. to 11 p.m. daily;
- (b) apart from limited bus services, private vehicles are the main means of transportation of the local residents in Kei Ling Ha San Wai. However, there is no proper parking area available in the area. The applied use will address the basic parking needs of the local residents;
- (c) no site formation works will be undertaken, and the applicant will provide proper maintenance of the existing drainage facilities over the approval period. The applied use will not induce any adverse drainage impact;
- (d) the Site was the subject of a previously approved application (No. A/NE-SSH/135). The applicant has overlooked to submit a renewal application on time. The development parameters of the current application, including the type of vehicles and layout (except for one private car parking space slightly re-orientated) are the same as the last approved application. The applicant has complied with all approval conditions and has not come across any issue in the actual operation; and
- (e) there are six similar approved applications (No. A/NE-SSH/119, 121, 124¹, 134, 135 and 141¹) within the “V” zones in Shap Sz Heung area.

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. 31A) by posting site notice and giving notification to the sole “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

¹ Application Nos. A/NE-SSH/124 and 141 are covering the same site.

4. **Background**

The Site is part of the subject of an active enforcement case against unauthorized development (UD) involving use for place for parking of vehicle (**Plan A-2**). Enforcement Notice (EN) was issued to the landowners concerned on 22.11.2023 requiring discontinuation of the UD by 22.1.2024. Subsequent site inspection on 23.1.2024 revealed that the UD still continued. Prosecution action by the Planning Authority may be followed.

5. **Previous Applications**

The Site is involved in two previous applications (No. A/NE-SSH/105 and 135) which were submitted by the same applicant for the same temporary private car park use as the current application. The applications were approved with conditions by the Committee in 2017 and 2020 mainly on considerations that approval of the application on a temporary basis would not frustrate the long-term development of the area; the applied use was not incompatible with the surrounding uses; and the concerns of relevant government departments could be addressed by imposing approval conditions. Compared with the last approved application, the development parameters of the current application, including the type of vehicles and layout (except for one private car parking space slightly re-orientated) are the same as the last approved application. Details of the applications are summarized at **Appendix II** and the boundaries of the sites are shown on **Plan A-2**.

6. **Similar Applications**

6.1 There are two similar planning applications for temporary private car park use (No. A/NE-SSH/106 and 134) within the subject “V” zone which were approved with conditions for a period of three years by the Committee on 28.7.2017 and 10.7.2020 respectively mainly on similar considerations as mentioned in paragraph 5 above. Details of the applications are summarized at **Appendix III** and the locations of the sites are shown on **Plans A-1 and A-2**.

6.2 A similar application No. A/NE-SSH/154 (**Plan A-2**) for proposed temporary private car park (private cars only) for a period of three years will also be considered at this meeting.

7. **The Site and Its Surrounding Areas** (**Plans A-1, A-2** and photos on **Plans A-3 and A-4**)

7.1 The Site is:

- (a) hard-paved and currently used for parking of vehicles;
- (b) situated within the villager proper of Kei Ling Ha San Wai; and
- (c) abutting a local track leading to Sai Sha Road.

- 7.2 The surrounding areas are predominantly rural in character with a mix of village houses and tree groups. A cluster of village houses is situated to the north of the Site.

8. Planning Intention

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. Comments from Relevant Government Departments

- 9.1 Apart from the government departments as set out in paragraph 9.2 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 at **Appendices IV and V** respectively.

- 9.2 The following government department supports the application:

Traffic

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

- (a) she supports the application in view of the parking demand in the vicinity; and
- (b) the village area concerned is not managed by her office.

10. Public Comment Received During Statutory Publication Period

On 9.2.2024, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for a temporary private car park in the “V” zone of Kei Ling Ha San Wai. Whilst the applied use is not totally in line with the planning intention of “V” zone where land is primarily intended for development of Small Houses by indigenous villagers, it is noted that the temporary private car park is to serve the residents of Kei Ling Ha San Wai. According to DLO/TP, LandsD, no Small House application has been received for the Site. DLO/TP, LandsD has no objection to the application. The temporary private car park

would not frustrate the planning intention of the Site for village type development.

- 11.2 The temporary private car park under application will provide a total of 26 parking spaces, including 23 for private cars and three for light goods vehicles (**Drawing A-2**). The Site is hard-paved (**Plan A-3**). The applied use is considered not incompatible with the surrounding village setting (**Plans A-3 and A-4**). According to the applicant, the applied use could meet the car parking needs of the local residents. C for T supports the application in view of the parking demand in the vicinity. DEP advises that no environmental complaint against the Site has been received in the past three years. Other relevant government departments consulted have no adverse comment on the application.
- 11.3 Regarding the previous and similar applications for temporary private car park within the “V” zones on the OZP, they were approved by the Committee between 2017 and 2020 on the grounds as mentioned in paragraph 5 and 6. The planning circumstances of approving these applications are largely applicable to the current application.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11, the Planning Department considers that the temporary private car park (private cars and light goods vehicles) could be tolerated for a period of three years.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of three years until **15.3.2027**. The following approval conditions and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no vehicle without valid licence issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations is allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (b) only private cars and light goods vehicles as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (c) 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 **15.9.2024**;
- (d) in relation to (c) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **15.12.2024**;

- (e) in relation to (d) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) the submission of proposals for fire service installations and water supplies for fire-fighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 15.9.2024;
- (g) in relation to (f) above, the implementation of proposals for fire service installations and water supplies for fire-fighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 15.12.2024;
- (h) if any of the above planning condition (a), (b) or (e) is not complied with at any time during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (i) if any of the above planning condition (c), (d), (f) or (g) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall be revoked on the same date without further notice.

Advisory Clauses

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

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

the development is not in line with the planning intention of the "V" zone which is to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for the 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. There is no strong planning justification in the submission to justify a departure from the planning intention, even on a temporary basis.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval conditions and advisory clauses to be attached to the permission, and the date when the validity of the permission should expire.

- 13.3 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.

14. Attachments

Appendix I	Application form and attachments received on 30.1.2024
Appendix Ia	FI received on 27.2.2024
Appendix II	Previous applications
Appendix III	Similar applications
Appendix IV	Government departments' general comments
Appendix V	Recommended advisory clauses
Appendix Va	Requirement of Fireman's Emergency Switch
Drawing A-1	Location plan submitted by the applicant
Drawing A-2	Site plan submitted by the applicant
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photo

**PLANNING DEPARTMENT
MARCH 2024**