

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

**APPLICATION NO. A/NE-SSH/154**

- Applicants** : Mr. HO Yat Sang, Mr. HO Tak On and Mr. HO Shu Sang John
- Site** : Lot 462 in D.D. 209, Kei Ling Ha San Wai, Shap Sz Heung, Tai Po, New Territories
- Site Area** : About 121.4m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Shap Sz Heung Outline Zoning Plan (OZP) No. S/NE-SSH/11
- Zoning** : “Village Type Development” (“V”)
- Application** : Proposed Temporary Private Car Park (Private Cars Only) for a Period of Three Years

**1. The Proposal**

- 1.1 The applicants seek planning permission to use the application site (the Site) (**Plan A-1**) for proposed temporary private car park (private cars only) 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 vacant.
- 1.2 The proposed temporary private car park will provide six private car parking spaces. The Site is accessible from Sai Sha Road via a local track (**Plan A-1**). The car park layout is shown on **Drawing A-1**.
- 1.3 The Site is the subject of two previous applications (No. A/NE-SSH/106 and 134) which were submitted by applicant different from the applicants for temporary private car park (private cars and light goods vehicles) for a period of three years. Details of the applications are summarized at paragraph 5.
- 1.4 In support of the application, the applicants have submitted the following documents:
- (a) Application Form and attachments received on (**Appendix I**) 31.1.2024

- |     |   |               |
|-----|---|---------------|
| (b) | Further Information (FI) received on 22.2.2024* | (Appendix Ia) |
| (c) | FI received on 1.3.2024*                        | (Appendix Ib) |

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

## 2. **Justifications from the Applicants**

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

- (a) there are insufficient car parking spaces in Kei Ling Ha Sun Wai Village. The subject car park is to meet the demand as requested by the local villagers and the proposed use will operate 24 hours daily from Mondays to Sundays;
- (b) the proposed use would not involve excavation/filling of land and change of site level. There are existing drainage facilities in the vicinity of the Site for discharging surface runoff (**Appendix Ia**); and
- (c) the applicants have reserved a setback at the southeastern boundary of their lot to provide adequate space for emergency vehicular access (EVA) (**Appendix Ib**).

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

The applicants are the sole “current land owners” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

## 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 concerned landowners on 22.11.2023 requiring discontinuation of the UD by 22.1.2024. Subsequent site inspection on 23.1.2024 revealed that the site was vacant. The Site is kept under monitoring according to established procedures by the Planning Authority.

## 5. **Previous Applications**

Part of the Site is involved in two previous applications (No. A/NE-SSH/106 and 134) which were submitted by applicant different from the current applicants for temporary private car park (private cars and light goods vehicles) for a period of three years. Application No. A/NE-SSH/106 was approved with conditions by the Committee in 2017 and renewal application No. A/NE-SSH/134 was approved in 2020 with validity up to 28.7.2023 mainly on considerations that the proposed use on a temporary basis would not frustrate the long-term development of the area; not incompatible with the surrounding uses; and the concerns of relevant government departments could be

addressed by imposing approval conditions. 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/105 and 135) within the subject “V” zone which were approved with conditions for a period of three years by the Committee in 2017 and 2020 respectively mainly on similar considerations as mentioned in paragraph 5. 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/153 (**Plan A-2**) for temporary private car park (private cars and light goods vehicles) 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 vacant;
- (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 west of the Site.

## **8. Planning Intention**

The planning intention of the “V” zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services.

## **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 Comments Received During Statutory Publication Period**

On 9.2.2024, the application was published for public inspection. During the statutory public inspection period, seven public comments from the local villagers objecting to the application were received (**Appendix VI**). The objecting comments are mainly for reasons that the proposed use at the Site would obstruct the main access as well as the EVA of the village.

## **11. Planning Considerations and Assessments**

11.1 The application is for a proposed temporary private car park in the “V” zone of Kei Ling Ha San Wai. While 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 proposed 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 proposed temporary private car park will provide a total of six private car parking spaces (**Drawing A-1**). The Site is hard-paved. The proposed use is considered not incompatible with the surrounding village setting (**Plans A-3 and A-4**). According to the applicants, the proposed 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” zone 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.
- 11.4 Regarding the public comments as mentioned in paragraph 9 above, D of FS has no in-principle objection to the application and DLO/TP advised that the Site does not encroach upon any existing or planned EVA under application. Government departments’ comments and planning assessments as stated above are also relevant.

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

- 12.1 Based on the assessments made in paragraph 11, and having taken into account the public comments mentioned in paragraph 10, the Planning Department considers that the proposed temporary private car park (private cars only) 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 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 proposed 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 applicants.

**14. Attachments**

<b>Appendix I</b>	Application form and attachments received on 31.1.2024
<b>Appendix Ia</b>	FI received on 22.2.2024
<b>Appendix Ib</b>	FI received on 1.3.2024
<b>Appendix II</b>	Previous applications
<b>Appendix III</b>	Similar applications
<b>Appendix IV</b>	Government departments' general comments
<b>Appendix V</b>	Recommended advisory clauses
<b>Appendix Va</b>	Requirement of Fireman's Emergency Switch
<b>Appendix VI</b>	Public comments
<b>Drawing A-1</b>	Site plan submitted by the applicants
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photo

**PLANNING DEPARTMENT  
MARCH 2024**