

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

**APPLICATION NO. A/NE-SSH/155**

<b><u>Applicant</u></b>	Mr. LEUNG Wo Ping represented by Goldrich Planners and Surveyors Limited
<b><u>Site</u></b>	Lots 537 (Part), 538 (Part), 540 s.A (Part) and 541 s.A (Part) in D.D. 218, Ma Kwu Lam Village, Shap Sz Heung, Sai Kung North, New Territories
<b><u>Site Area</u></b>	About 219m <sup>2</sup>
<b><u>Lease</u></b>	Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	Approved Shap Sz Heung Outline Zoning Plan (OZP) No. S/NE-SSH/11
<b><u>Zoning</u></b>	“Village Type Development” (“V”)
<b><u>Application</u></b>	Temporary Private Car Park (Private Cars Only) for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary private car park (private cars only) for a period of three years at the application site (the Site) which falls within an area zoned “V” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site, comprising two parcels of land, is hard paved and occupied by the applied use without valid planning permission.
- 1.2 The Site is accessible from Sai Sha Road via an existing local track (**Drawing A-1**). According to the applicant, the applied use will provide a total of eight private car parking spaces (5m (L) x 2.5m (W) each) (**Drawing A-2**). The car park will operate 24 hours daily. The car park layout is shown in **Drawing A-2**.
- 1.3 In support of the application, the applicant has submitted the following documents:
  - (a) Application Form with attachments received on 27.2.2024 (**Appendix I**)
  - (b) Further Information (FI) received on 8.4.2024<sup>^</sup> (**Appendix Ia**)
  - (c) FI received on 22.4.2024\* (**Appendix Ib**)
  - (d) FI received on 24.6.2024\* (**Appendix Ic**)
  - (e) FI received on 31.7.2024\* (**Appendix Id**)
  - (f) FI received on 19.8.2024\* (**Appendix Ie**)
  - (g) FI received on 3.9.2024\* (**Appendix If**)

(^accepted but not exempted from publication and recounting requirements)  
(\*accepted and exempted from publication and recounting requirements)

- 1.4 On 6.7.2024 and 16.8.2024, the Rural and Town Planning Committee (the Committee) agreed to defer making a decision on the application for two months respectively as requested by the applicant.

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FIs at **Appendices I to If** as summarized below:

- (a) the applied use will provide parking spaces to cater for the parking demand of local residents and reduce roadside illegal parking;
- (b) approval of the application will not frustrate the long-term planning intention of the “V” zone. Also, it is not incompatible with the surrounding land uses; and
- (c) the applied use will not induce adverse traffic, environmental and drainage impacts on the surrounding areas.

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

The applicant is not the “current land owner” of the Site but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) to give notification to the owner by sending notice to Sai Kung North Rural Committee and posting site notices. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Background**

Part of the Site is subject to an active planning enforcement action against unauthorized development (UD) involving parking of vehicles under the case No. E/NE-SSH/89 (**Plan A-2**). An Enforcement Notice (EN) was issued to the landowners concerned on 4.3.2024 requiring discontinuation of the UD by 4.6.2024. If the notice is not complied with, prosecution action by the Planning Authority may be followed.

## **5. Previous Application**

There is no previous application at the Site.

**6. Similar Application**

- 6.1 There is no similar application within the same “V” zone on the OZP.
- 6.2 There is another application for proposed temporary private vehicle park (private cars only) for a period of three years (No. A/NE-SSH/156) to the north of the Site (**Plans A-1 and A-2**), which will be considered by the Committee at this meeting.

**7. The Site and Their Surrounding Areas (Plans A-1 to A-4)**

- 7.1 The Site are:
- (a) hard paved and occupied by the applied use without valid planning permission;
  - (b) located at the western fringe of the Ma Kwu Lam Village; and
  - (c) accessible from Sai Sha Road via an existing local track.
- 7.2 The surrounding areas are predominated by village houses of Ma Kwu Lam Village. To the immediate west is a strip of “Green Belt” (“GB”) zone, and to further west is Sai Sha Road.

**8. Planning Intention**

The planning intention of the “V” zone is primarily to designate both existing recognized villages and areas of land considered suitable for village expansion and reprovisioning of village houses affected by government projects. 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 department 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 recommended advisory clauses are provided at **Appendices II and III** respectively.
- 9.2 The following department supports the application:

## **Traffic**

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

- (a) supports the application in view of 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 5.3.2024 and 23.4.2024, the application was published for public inspection. During the statutory public inspection periods, two public comments were received from the same individual (**Appendix IV**) objecting to the application mainly for reasons that the applied use may have landscape impact and the parking need was not justified taking account of the parking situation in the village.

## **11 Planning Considerations and Assessment**

- 11.1 The application is for temporary private car park (private car only) for a period of three years at the Site in the “V” zone of Ma Kwu Lam Village. Whilst the applied use is not entirely in line with the planning intention of “V” zone which is primarily for development of Small Houses by indigenous villagers, it is noted that the temporary private car park is to serve the residents of Ma Kwu Lam Village. C for T supports the application in view of parking needs of the parking demand in the vicinity. According to District Land Officer/Tai Po, Lands Department (DLO/TP, LandsD), no Small House application has been received for the Site and she has no objection to the application. The applied private car park on a temporary basis would not frustrate long-term planning intention of “V” zone for village type development.
- 11.2 The applied temporary private car park will provide a total of eight private car parking spaces (**Drawing A-2**). The Site is surrounded by village houses of Ma Kwu Lam Village. The applied use is considered not incompatible with the surrounding environment. Other relevant government departments concerned, including the Chief Town Planner/Urban Design and Landscape of Planning Department.
- 11.3 Chief Engineer/Mainland North, Drainage Services Department, Director of Environmental Protection and Director of Fire Services have no objection to or no adverse comment on the application. It is anticipated that the applied use would not cause adverse landscape, drainage, environmental and fire safety impacts on the surroundings.
- 11.4 Regarding the public comments as summarized in paragraph 10 above, government departments’ comments and the planning assessments above are 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 applied use 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 until 4.10.2027. The following conditions of approval and advisory clauses are suggested for Members' reference:

### Approval Conditions

- (a)      the implementation of the accepted 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 4.7.2025;
- (b)      in relation to (a) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (c)      the submission of proposal for water supplies for fire-fighting and fire service installations 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 4.4.2025;
- (d)      in relation to (c) above, the implementation of proposal for water supplies for fire-fighting and fire service installations 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 4.7.2025;
- (e)      if the above planning condition (b) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (f)      if any of the above planning condition (a), (c) or (d) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

### Advisory Clauses

The recommended advisory clauses are at **Appendix III**.

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

the applied use 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. 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 the permission.
- 13.2     Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 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**

<b>Appendix I</b>	Application Form with Attachments Received on 27.2.2024
<b>Appendix Ia</b>	FI received on 8.4.2024
<b>Appendix Ib</b>	FI received on 22.4.2024
<b>Appendix Ic</b>	FI received on 24.6.2024
<b>Appendix Id</b>	FI received on 31.7.2024
<b>Appendix Ie</b>	FI received on 19.8.2024
<b>Appendix If</b>	FI received on 3.9.2024
<b>Appendix II</b>	Government Department's General Comments
<b>Appendix III</b>	Recommended Advisory Clauses
<b>Appendix IIIa</b>	Requirement of Fireman's Emergency Switch
<b>Appendix IV</b>	Public Comment
<b>Drawing A-1</b>	Location Plan submitted by the applicant
<b>Drawing A-2</b>	Site Plan submitted by the applicant
<b>Plan A-1</b>	Location plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plan A-4</b>	Site photos

**PLANNING DEPARTMENT  
OCTOBER 2024**