

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-SSH/159

- Applicant** : Keenco Investment Limited represented by Grandmax Surveyors Limited
- Site** : Lots 453 (Part), 461 S.A (Part) and 461 S.B (Part) in D.D. 209, Kei Ling Ha San Wai, Shap Sz Heung, Tai Po, New Territories
- Site Area** : About 333m²
- 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 and Light Goods Vehicles) for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for a proposed temporary private car park (private cars and light goods vehicles) for a period of three years at the application site (the Site) zoned “V” on the OZP (**Plan A-1**). According to the Notes of the OZP, temporary use or development not exceeding a period of three years requires planning permission of the Town Planning Board (the Board). The Site is currently vacant.
- 1.2 The proposed private car park will provide seven private car parking spaces and one light goods vehicle parking space (**Drawing A-1**). According to the applicant, the car park will operate 24 hours daily and serve the local residents of Kei Ling Ha San Wai only. No structures will be erected within the Site. The Site is accessible from Sai Sha Road via a local track (**Plan A-1**). The location plan and site layout plan submitted by the applicant are shown in **Drawings A-1** and **A-2** respectively.

- 1.3 The Site is the subject of two previously approved applications (No. A/NE-SSH/106 and 134) submitted by the same applicant for the same use as the current application. The latter one (renewal application) was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 10.7.2020 with a validity period up to 28.7.2023. All approval conditions were complied with. The development parameters of the current application are largely similar as the last approved application. Details of the applications are summarised in paragraph 5.
- 1.4 In support of the application, the applicant has submitted Application Form with attachments received on 19.6.2024 (**Appendix I**).

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed at **Appendix I** and summarised 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. 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 major means of transport of the local residents in Kei Ling Ha San Wai. However, there is no proper parking area available in the area. The proposed use will address the parking needs of the local residents;
- (c) the Site was the subject of a previously approved application (No. A/NE-SSH/134). The applicant has overlooked to submit a renewal application on time. Except for the reduced site area, the development parameters of the current application are largely similar as the last approved application;
- (d) the applicant has complied with all approval conditions of the last approved application (No. A/NE-SSH/134). The Site and the existing drainage facilities remain unchanged. The proposed use will not induce any adverse impacts; and
- (e) there are five similar approved applications (No. A/NE-SSH/134, 135¹, 141², 153¹ and 154) within the “V” zones in the 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. 31B) by giving notification to the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

¹ Application Nos. A/NE-SSH/135 and 153 are largely covering the same site.

² Application No. A/NE-SSH/141 is located in another “V” zone in Tai Tung.

4. Background

The Site is not subject to active planning enforcement action.

5. Previous Applications

The Site is the subject of two previous applications (No. A/NE-SSH/106 and 134) which were submitted by the same applicant for the same temporary private car park use as the current application. Application No. A/NE-SSH/106 was approved with conditions by the Committee on 28.7.2017, while the renewal application No. A/NE-SSH/134 was approved with conditions on 10.7.2020 with a validity period 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 “V” zone; the proposed use was not incompatible with the surrounding uses; and concerns of relevant government departments could be addressed by imposing approval conditions. All approval conditions were complied with. Details of the applications are summarised at **Appendix II** and their locations are shown on **Plans A-1** and **A-2**.

6. Similar Applications

There were three similar planning applications for temporary private car park use (No. A/NE-SSH/135, 153 and 154) within the same “V” zone as the Site in the past five years, which were approved with conditions for a period of three years by the Committee between 2020 and 2024 mainly on similar considerations as mentioned in paragraph 5. Details of the applications are summarised at **Appendix III** and their locations are shown on **Plans A-1** and **A-2**.

7. The Site and Its Surrounding Areas (Plans A-1 to 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, vacant land, cultivated land 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 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 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 area concerned and village road connecting to the Site from Sai Sha Road are not managed by her office.

10. Public Comment Received During Statutory Publication Period (Appendix VI)

The application was published for public inspection. During the statutory public inspection period, one objecting comment from two local villagers was received (**Appendix VI**), mainly for reason that the proposed use at the Site would likely obstruct the only vehicular access of the village, thus affecting the daily commuting of the villagers and the emergency vehicular access (EVA).

11. Planning Considerations and Assessment

11.1 The application is for a proposed temporary private car park (private cars and light goods vehicles) for a period of three years at the Site within the “V” zone of Kei Ling Ha San Wai. While the proposed use is not entirely in line with the planning intention of “V” zone where land is primarily intended for development of Small Houses by indigenous villagers, the proposed temporary private car park is to serve the local residents of Kei Ling Ha San Wai. C for T supports the application in view of the parking demand in the vicinity. According to the District Lands Officer/Tai Po of Lands Department (DLO/TP, LandsD), no Small House application has been received for the Site, and she has no objection to the application. In view of the above, it is considered that approval of the application on a temporary basis would not frustrate the long-term planning intention of the “V” zone and affect the implementation of Small House developments.

- 11.2 The proposed temporary private car park will provide a total of seven private car parking spaces and one light goods vehicle parking space (**Drawing A-1**). The Site is hard-paved and vacant. The proposed use is considered not incompatible with the surrounding village setting (**Plans A-3 and A-4**).
- 11.3 Other relevant departments consulted including the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD), Director of Environmental Protection (DEP) and Director of Fire Services (D of FS) have no objection to or adverse comment on the application from drainage, environmental and fire safety perspective respectively.
- 11.4 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 2024 on the grounds set out in paragraphs 5 and 6. The planning circumstances of approving these applications are largely applicable to the current application. Approving the current application is in line with the previous decisions of the Committee.
- 11.5 Regarding the public comment as mentioned in paragraph 10 above, D of FS has no in-principle objection to the application and DLO/TP, LandsD advises that the Site does not encroach onto any existing or planned EVA. Government departments’ comments and planning assessment 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 comment mentioned in paragraph 10 above, the Planning Department considers that the proposed 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 **16.8.2027**. The following approval conditions and advisory clauses are also suggested for Members’ reference:

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 16.2.2025;
- (b) in relation to (a) above, the provision of drainage facilities 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 16.5.2025;
- (c) in relation to (b) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;

- (d) the submission of a 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 16.2.2025;
- (e) in relation to (d) above, the provision of 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 16.5.2025;
- (f) 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; and
- (g) if any of the above planning condition (a), (b), (d) or (e) 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 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. 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 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

Appendix I	Application form and attachments received on 19.6.2024
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
Appendix VI	Public comment
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
AUGUST 2024**