

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-SSH/160

- Applicant** : Tai Tung Tsuen Management Committee
- Site** : Lots 1497 RP (Part), 231 (Part), 235, 236 (Part), 240, 241 and 245 (Part) in D.D. 165, Tai Tung, Shap Sz Heung, Sai Kung North, New Territories
- Site Area** : About 1,191m²
- Lease** : For Lot 1497 RP (Part)
New Grant Lot (No. TP 2706)
- For the Remaining Lots
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 renewal of planning permission to continue using the application site (the Site) for temporary private car park (private cars and light goods vehicles) for a further period of three years at the Site falling 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 four parcels of land, is currently used for the applied use with a planning permission lapsed on 19.10.2024 (**Plan A-2**). Noting that the planning permission granted under the previous application (No. A/NE-SSH/141) already lapsed, the current application will be regarded as a fresh application.
- 1.2 The Site is accessible via local tracks leading to Hoi Ying Road (**Plan A-2**). According to the applicant, the applied use provides a total of 35 private parking spaces, of which 31 are for private cars and four for light goods vehicles, in order to solely serve parking needs of the local residents of Tai Tung Village. The car park operates 24 hours daily. The site layout with vehicular access points is shown at **Drawing A-1**.

1.3 The Site is the subject of five previous applications (No. A/NE-SSH/64, 82, 101, 124 and 141) for the same use submitted by the same applicant (**Plan A-2**). The latest one (No. A/NE-SSH/141) was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2021 for a period of three years up to 19.10.2024. Compared with the last previous application, the site layout and key development parameters under the current application remain unchanged. All the approval conditions under the last previous application had been complied with. There has been no material change in planning circumstances since the approval of the last application. Details of the previous applications are set out in paragraph 5 below.

1.4 In support of the application, the applicant has submitted the following documents:

- | | | |
|-----|---|------------------------|
| (a) | Application Form with Attachments received on 23.8.2024 | (Appendix I) |
| (b) | Further Information (FI) received on 25.9.2024* | (Appendix Ia) |
| (c) | FI received on 13.11.2024* | (Appendix Ib) |

**accepted and exempted from publication and recounting requirements*

1.5 On 4.10.2024, the Committee agreed to the applicant's request to defer making a decision on the application for two months to address departmental comments.

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 **Ib**, as summarised below:

- (a) the applicant previously obtained planning approvals for using the Site for temporary private car park to cope with the parking demand in Tai Tung Village. The latest application No. A/NE-SSH/141 was renewed in 2021. The current application is to renew the planning approval for a further period of three years;
- (b) compared with the last previous application, the site layout and use under the current application remain unchanged;
- (c) the applicant is committed to comply with the approval conditions of the planning approval if granted; and
- (d) the applicant has obtained the Certificate of Fire Service Installation and Equipment (FS251) covering the Site (**Appendix Ib**).

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 posting site notices and sending notices to Sai Kung North Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is currently not subject to any active planning enforcement action.

5. Previous Applications

5.1 The Site is the subject of five previous applications (No. A/NE-SSH/64, 82, 101, 124 and 141) for the same use submitted by the same applicant. These applications were approved with conditions by the Committee between 2009 and 2021 each for a period of three years, mainly on the considerations that the applied use on a temporary basis would not frustrate the long-term planning intention of “V” zone; was not incompatible with the surrounding village setting; and would unlikely cause adverse traffic, environmental, drainage and landscape impacts on the surrounding area. All approval conditions under these previous applications had been complied with and the planning permission for the last application (No. A/NE-SSH/141) lapsed on 20.10.2024. Compared with the last previous application, the key development parameters and site layout of the current application remain unchanged.

5.2 Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plans A-1** and **A-2**.

6. Similar Application

There is no similar application for public/private car park use within the same “V” zone in the vicinity of the Site in the past five years.

7. The Site and Its Surrounding Areas (Plans A-1 to A-4b)

7.1 The Site is:

- (a) hard-paved and currently occupied by the applied use (**Plans A-3 to A-4b**); and
- (b) accessible via local tracks leading to Hoi Ying Road.

- 7.2 The surrounding areas are predominantly rural in character with a mix of village houses and tree groups. To its immediate south is a cluster of village houses in Tai Tung Village, and to its east and north are the comprehensive residential and commercial development sites zoned “Comprehensive Development Area” on the OZP currently under construction (**Plans A-2 and A-3**).

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 provided at **Appendices III and IV** respectively.

- 9.2 The following government department supports the application:

Traffic

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

- (a) supports the application in view of the parking demand in the vicinity; and
- (b) her advisory comments are set out at **Appendix IV**.

10. Public Comment Received During Statutory Publication Period

On 30.8.2024, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual (**Appendix V**) was received, querying if the private car park is fee-charging and if there is any mechanism to ensure that the revenue generated is taxed.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary private car park (private cars and light goods vehicles) for a period of three years at the Site zoned “V” on the OZP (**Plan A-1**). While the applied 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, it is noted that the temporary private car park is to mainly serve the residents of Tai Tung Village. C for T supports the application in view of parking demand in the vicinity. The District Lands Officer/Tai Po of Lands

Department has no objection to the application and advises that there is no Small House application received for the Site. Taking into account the planning assessments below, the applied use on a temporary basis for a period of three years could be tolerated.

- 11.2 The applied use comprising 35 private parking spaces is considered not incompatible with the surrounding village setting (**Plans A-2 and A-3**). According to the Director of Environmental Protection, no environmental complaint in relation to the Site has been received in the past three years. Other relevant government departments consulted, including the Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services, have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 12.2 below. The applicant will also be advised to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' to minimise any potential environmental nuisance caused by the proposed use.
- 11.3 The Site is the subject of five previous planning applications (No. A/NE-SSH/64, 82, 101, 124 and 141) submitted by the same applicant for the same use as the current application. All these previous applications were approved mainly on the considerations as set out in paragraph 5.1 above. All approval conditions under previous applications have been complied with and the planning permission for the last previous application lapsed on 20.10.2024. Compared with the last previous application, the site layout and key development parameters under the current application remain unchanged. There is no major change in planning circumstances since the approval of the previous application. The planning circumstances of previously approved applications are largely the same as those of the current application. The approval of the current application is in line with the Committee's previous decisions.
- 11.4 Regarding the public comment as detailed in paragraph 10, government departments' comments and the planning assessments above are relevant. For the concern on whether the proposed temporary car park is fee-charging and the revenue generated is taxed, they are not relevant to the consideration of the current application.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 above and taking into account the public comment in paragraph 10 above, 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 on a temporary basis for a period of three years until 10.1.2028. 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 10.7.2025;
- (b) in relation to (a) above, the implementation of the 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 10.10.2025;
- (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 fire service installations proposal 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 10.7.2025;
- (e) in relation to (d) above, the implementation of the 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 10.10.2025;
- (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 IV**.

12.3 There is no strong reason to recommend rejection of the application.

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 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

Appendix I	Application Form with Attachments received on 23.8.2024
Appendix Ia	FI received on 25.9.2024
Appendix Ib	FI received on 13.11.2024
Appendix II	Previous Applications
Appendix III	Government Department's General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Site Layout submitted by the Applicant
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
JANUARY 2025**