

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

**APPLICATION NO. A/NE-STK/28**

- Applicant** : Mr. HO Pak Hei represented by DeSpace (International) Limited
- Site** : Lot 233 S.B ss.1 in D.D. 41 and Adjoining Government Land (GL), Sha Tau Kok, New Territories
- Site Area** : About 230.5m<sup>2</sup> (including about 17.5m<sup>2</sup> of GL, or about 8% of the Site)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Sha Tau Kok Outline Zoning Plan (OZP) No. S/NE-STK/2
- Zoning** : “Recreation (1)” (“REC(1)”)
- Application** : Proposed Temporary Public Vehicle Park (excluding container vehicle) for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary public vehicle park (excluding container vehicle) for a period of three years at the application site (the Site) which falls within an area zoned “REC(1)” on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use within the “REC(1)” zone which requires planning permission from the Town Planning Board (the Board). The Site is hard-paved and vacant.
- 1.2 The Site is accessible via Sha Tau Kok Road – Shek Chung Au (**Plan A-2**). According to the applicant, a total of five parking spaces for private cars will be provided at the Site. No structure will be erected at the Site. The operation hours of the proposed use are 24 hours daily including public holidays. The applicant advises that the proposed public vehicle park serves to meet the growing parking demand arising from the opening-up of Sha Tau Kok and the nearby residents. The layout plan submitted by the applicant is shown in **Drawing A-1**.
- 1.3 According to the applicant, adequate space for manoeuvring of vehicles will be provided within the Site and queuing of vehicles along Sha Tau Kok Road – Shek Chung Au is not expected. Only private car as defined in the Road Traffic Ordinance will be allowed to enter/exit the Site. A notice will be posted at the site ingress/ egress to indicate that no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailers/tractors will be allowed to be parked/stored on the Site. No car washing, vehicle repair or other workshop activities will be allowed at the Site. The applicant will also

construct an ingress/ egress at the Site in accordance with the standards of Highways Department (HyD) and Transport Department (TD).

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

- (a) Application Form with attachments on 12.12.2024 (Appendix I)
  - (b) Supplementary Information (SI) received on 17.12.2024 (Appendix Ia)
  - (c) Further Information (FI) received on 13.1.2025 and 15.1.2025\* (Appendix Ib)
  - (d) FI received on 12.2.2025 and 14.2.2025\* (Appendix Ic)
  - (e) FI received on 17.3.2025\* (Appendix Id)
- \*accepted and exempted from the publication and recounting requirements*

1.5 On 24.1.2025, the Rural and New Town Planning Committee (the Committee) of the Board agreed to the applicant's request to defer making a decision on the application for two months.

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

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

- (a) the opening-up of Sha Tau Kok has led to a higher demand for parking space in the area. The proposed use could meet the car parking needs arising from the visitors as well as the local villagers;
- (b) public transport service to the surrounding village clusters and recreational developments is limited. The proposed public vehicle park could take full locational advantage of the Site;
- (c) there were two approved applications for temporary eating place with ancillary vehicle park in the same "REC(1)" zone, and an approved application for temporary public vehicle park (coaches and private cars only) in the "Agriculture" zone along Sha Tau Kok Road – Shek Chung Au. The proposed use is considered compatible with the surrounding area and the approval of the application on a temporary basis of three years would not jeopardize the long-term planning intention of the "REC(1)" zone;
- (d) no insurmountable traffic, visual, landscape, environmental and drainage impacts are anticipated; and
- (e) the applicant undertakes to resolve the illegal occupation of GL and unauthorised structure matters with the Lands Department (LandsD).

## 3. **Compliance with the "Owner's Consent/Notification" Requirements**

The applicant is the sole "current land owner" of the Site. Detailed information would be deposited at the meeting for Members' inspection. For the GL portion within the Site, 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) are not applicable to the application.

#### **4. Background**

The Site was the subject of a planning enforcement case against an unauthorized development (UD) involving storage use. An Enforcement Notice was issued on 2.8.2021. Subsequent site inspection revealed that the UD has been discontinued. The compliance notice was issued on 14.2.2023.

#### **5. Previous Application**

5.1 The Site is the subject of a previous application (No. A/DPA/NE-STK/2) submitted by a different applicant for proposed Small House, which was rejected by the Committee on 18.3.2011. In view of the different use, the considerations for previous application are not relevant to the current application.

5.2 Details of the previous application are summarized at **Appendix II** and its location is shown on **Plan A-1**.

#### **6. Similar Application**

There is no similar application within the same “REC(1)” zone in the vicinity of the Site in the past five years.

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

7.1 The Site is:

- (a) hard-paved and vacant;
- (b) located at the fringe of the village proper of San Tsuen; and
- (c) accessible via Sha Tau Kok Road – Wo Hang.

7.2 The surrounding areas are of rural character mainly comprising village houses, fallow agricultural land and vacant/ unused land.

#### **8. Planning Intention**

The planning intention of the “REC(1)” zone is primarily for low-intensity recreational developments to promote agri-tourism and eco-tourism. Major recreational facilities and uses in support of the recreational developments may be permitted subject to planning permission.

## 9. Comments from Relevant Government Departments

9.1 Apart from the government department as set out in paragraph 9.2 below, other 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 IV** and **V** respectively.

9.2 The following government department objects to the application:

### Land Administration

9.2.1 Comments of the District Lands Officer/North, LandsD (DLO/N, LandsD):

- (a) she objects to the application;
- (b) the Site comprises Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. No right of access via GL is granted to the Site;
- (c) the applicant confirms in the Application Form that no structure is proposed;
- (d) no consent is given for inclusion of GL (about 17.5m<sup>2</sup> mentioned in the Application Form) for the access of the proposed use;
- (e) the following irregularity covered by the subject planning application has been detected by her office:

#### unlawful occupation of GL adjoining the said private lots covered by the planning application

LandsD objects to the planning application since there is illegal occupation of GL which regularisation would not be considered according to the prevailing land policy. The lot owner should immediately cease the illegal occupation of GL as demanded by LandsD. Her office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;

- (f) the following irregularity not covered by the subject planning application has been detected by her office:

#### unlawful occupation of GL not covered by the planning application

the GL adjoining the Site has been fenced off without permission. The GL being illegally occupied is not included in the application. The applicant should clarify the extent of the Site. Any occupation of GL without Government's prior approval is an offence under Cap. 28. Her office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;

- (g) the lot owner shall cease the illegal occupation of GL immediately. LandsD reserves the right to take land control action for any unlawful occupation of

GL; and

- (h) unless and until the unlawful occupation of GL is duly rectified by the lot owner, her office objects to the application which must be brought to the attention of the Board when they consider the application.

## **10. Public Comments Received During Statutory Publication Period**

On 17.5.2024, the application was published for public inspection. During the statutory public inspection period, four comments were received (**Appendix V**). One comment from an individual supports the application mainly on the considerations that the proposed use could alleviate the parking demand in the area, especially during the holidays. One comment from an individual objects to the application mainly on the grounds that there is no indication that the proposed use would enhance the planning intention of the “REC(1)” zone and the Site has already been paved. The remaining two comments from a member of the North District Council and an individual indicate no comment on the application.

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

- 11.1 The application is for proposed temporary public vehicle park (excluding container vehicle) for a period of three years at the Site zoned “REC(1)” on the OZP. The planning intention of the “REC(1)” zone is primarily for low-intensity recreational developments to promote agri-tourism and eco-tourism, and major recreational facilities and uses in support of the recreational developments may be permitted subject to planning permission. According to the applicant, the proposed use is intended to meet the growing parking demand from the visitors to Sha Tau Kok area and the nearby residents. It is considered that the proposed use is not entirely in conflict with the planning intention of the “REC(1)” zone. Also, there is no known development proposal at the Site. Taking into account the planning assessment below, there is no objection to the proposed use on temporary basis of three years.
- 11.2 The Site, which is hard-paved and vacant, is situated in an area of rural character mainly comprising village houses, fallow agricultural land and vacant/ unused land. In view of its nature and small-scale, the proposed use is considered not incompatible with the surrounding area. The Chief Town Planner/Urban Design and Landscape of Planning Department has no adverse comment on the application and advises that significant adverse impact on the landscape character and existing landscape resources within the Site arising from the proposed use is not anticipated.
- 11.3 The Site is accessible via Sha Tau Kok Road – Shek Chung Au. The Commission for Transport has no comment on the application from traffic engineering perspective. Other government departments consulted, including the Chief Highway Engineer/New Territories East of HyD, Director of Environmental Protection, Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department have no objection to or no adverse comment on the application. To address the technical requirements of concerned government departments, relevant approval conditions are recommended in paragraph 12.2 below. Regarding DLO/N, LandsD’s concern on the illegal occupation of GL, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.

- 11.4 Regarding the public comments as detailed in paragraph 10, the government departments' comments and 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 in paragraph 10 above, the Planning Department has no objection to the application.
- 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 11.4.2028. The following conditions of approval and advisory clauses are 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 11.10.2025;
- (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 11.1.2026;
- (c) in relation to (b) above, the implemented drainage facilities 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 11.10.2025;
- (e) in relation to (d) above, the implementation of the fire service installations proposal 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 11.1.2026;
- (f) the submission of the design of vehicular run-in/run-out to the Site within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 11.10.2025;
- (g) in relation to (f) above, the provision of vehicular run-in/run-out to the Site within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 11.1.2026;
- (h) 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
- (i) if any of the above planning condition (a), (b), (d), (e), (f) or (g) 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 IV**.

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

the proposed use is not in line with the planning intention of the "REC(1)" zone which is primarily for low-intensity recreational developments to promote agri-tourism and eco-tourism. There is no strong planning justification in the submission for 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 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**

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| <b>Appendix I</b>        | Application Form with attachments on 12.12.2024 |
| <b>Appendix Ia</b>       | SI received on 17.12.2024                       |
| <b>Appendix Ib</b>       | FI received on 13.1.2025 and 15.1.2025          |
| <b>Appendix Ic</b>       | FI received on 12.2.2025 and 14.2.2025          |
| <b>Appendix Id</b>       | FI received on 17.3.2025                        |
| <b>Appendix II</b>       | Previous Application                            |
| <b>Appendix III</b>      | Government Departments' General Comments        |
| <b>Appendix IV</b>       | Recommended Advisory Clauses                    |
| <b>Appendix V</b>        | Public Comments                                 |
| <b>Drawing A-1</b>       | Proposed Layout Plan                            |
| <b>Plan A-1</b>          | Location Plan                                   |
| <b>Plan A-2</b>          | Site Plan                                       |
| <b>Plan A-3</b>          | Aerial Photo                                    |
| <b>Plans A-4a and 4b</b> | Site Photos                                     |

**PLANNING DEPARTMENT  
APRIL 2025**