

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TK/800

<u>Applicant</u>	: Ms. CHEUNG Suk Fan Fennie
<u>Site</u>	: Various lots in D.D. 26, Shuen Wan Chim Uk, Ting Kok, Tai Po, New Territories
<u>Site Area</u>	: About 1,512m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/19
<u>Zonings</u>	: “Green Belt” (“GB”) (about 86% of the Site); “Village Type Development” (“V”) (about 6% of the Site); and Area shown as ‘Road’ (about 8% of the Site)
<u>Application</u>	: Temporary Private Vehicle Park (Private Cars and Light Goods Vehicles Only) for a Period of Three Years and Associated Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary private vehicle park (private cars and light goods vehicles (LGVs) only) for a period of three years and associated filling of land at the application site (the Site) falling within areas largely zoned “GB”, partly zoned “V” and partly shown as ‘Road’ on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development within the “GB” and “V” zones not exceeding a period of three years and all uses or developments within an area shown as ‘Road’ require planning permission from the Town Planning Board (the Board). Filling of land within the “GB” zone also requires planning permission from the Board. The Site has been filled and partly hard-paved, which is currently occupied by the applied use without any valid planning permission (**Plans A-4a** and **A-4b**).
- 1.2 The Site is accessible via a local track leading to Ting Kok Road (**Plans A-1** and **A-2**). According to the applicant, 37 parking spaces for private cars and one parking space for LGVs are provided for the use by residents of Houses No. 361 to 365 and 371 to 379, Shuen Wan Chim Uk adjacent to the Site (**Plan A-2**). 33 out of the 38 parking spaces under application are covered by movable canopies (**Drawing A-1**). The applied use will operate 24 hours daily. The applicant also seeks to regularise filling of land on the Site to facilitate operation of the applied

use. Although the Site has been partly hard-paved, the applicant advises that the application involves filling of land of about 625m² (about 41.3% of the Site) within part of the “GB” zone with concrete of not more than 0.4m in depth for providing parking and circulation spaces (**Drawing A-1**). The applicant is committed that the existing hard-paved concrete surface within part of the “GB” zone, which is not included in the current application for filling of land (**Drawing A-1**), will be removed if the application is approved by the Board. The layout plan submitted by the applicant is at **Drawing A-1**.

1.3 Part of the Site is the subject of a previous application No. A/NE-TK/314 for a proposed house (New Territories Exempted House (NTEH) – Small House), which was rejected by the Board on review in 2011 (**Plans A-1** and **A-2**). Details of the previous application are set out in paragraph 6.1 below.

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

- (a) Application Form with attachments and supplementary information (SI) received on 26.7.2024 and 5.8.2024 respectively (**Appendix I**)
- (b) Further Information (FI) received on 2.9.2024* (**Appendix Ia**)
- (c) FI received on 12.11.2024 and 13.11.2024# (**Appendix Ib**)
- (d) FI received on 13.1.2025* (**Appendix Ic**)
- (e) FI received on 6.2.2025 and 10.2.2025* (**Appendix Id**)
- (f) FI received on 12.2.2025* (**Appendix Ie**)

* *accepted and exempted from publication and recounting requirements*

accepted but not exempted from publication and recounting requirements

1.5 On 20.9.2024 and 10.1.2025, the Rural and New Town Planning Committee (the Committee) of the Board decided to defer making a decision on the application as requested by the applicant for two months each.

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 FI at **Appendices I** to **Ie**, as summarised below:

- (a) the applied use is to meet the personal and family parking needs of the residents of Houses No. 361 to 365 and 371 to 379, Shuen Wan Chim Uk adjacent to the Site¹ (**Plan A-2**);
- (b) the existing public transport services in the area are insufficient. It is necessary for the residents to use their own vehicles for daily commute;

¹ Houses No. 361 to 365 and 371 to 379, Shuen Wan Chim Uk fall within the “GB” zone, with planning approvals granted under applications No. A/NE-TK/242, 246-251, 254-256 and 374 between 2008 and 2011 respectively (**Plan A-2**). It is noted that the areas to the south of the Site and adjoining the Houses No. 361 to 365 and 371 to 379, Shuen Wan Chim Uk subject to planning approvals under the above-mentioned applications are currently occupied by private garden use within the “GB” zone without any valid planning permission (**Plans A-2** and **3b**).

- (c) the applicant has submitted a drainage proposal (**Appendices Ib to Id**) to demonstrate that the applied use with associated filling of land will not cause adverse drainage impacts on the adjacent areas; and
- (d) the existing canopies at the Site are covered by the current application, while the land administrative matters will be resolved after the approval of the current application.

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

The applicant is one of the “current land owners” and 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 obtaining the consents of the remaining “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for ‘Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 10) is relevant to the application. Relevant extracts of the Guidelines are at **Appendix II**.

5. Background

- 5.1 The Site was partly covered with vegetation, cleared of vegetation and used for open storage when the Ting Kok Interim Development Permission Area (IDPA) Plan No. IDPA/NE-TK/1 was gazetted on 7.9.1990 (**Plan A-3a**). During 2013 to 2015, construction of a cluster of village houses to the south of the Site commenced. Vegetation within the Site and in the surrounding areas was cleared and part of the Site was subsequently hard-paved (**Plan A-3b**).
- 5.2 The Site is not subject to any active planning enforcement action. Recent site inspection revealed that vehicles are found on-site. Warning letters were issued to the land owners.

6. Previous Application

- 6.1 Part of the Site is the subject of a previous application No. A/NE-TK/314 for a proposed house (NTEH – Small House) (**Plans A-1 and A-2**), which was rejected by the Board on review in 2011 mainly on the consideration that the proposed development did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories as the site encroached onto the possible future road widening area. The planning consideration of this previous application is not relevant to the current application.

- 6.2 Details of the previous application are summarised at **Appendix III** and its location is shown on **Plans A-1** and **A-2**.

7. Similar Applications

- 7.1 There are 39 similar applications No. A/NE-TK/714-731, 733, 758 and 802 to 820 for temporary private vehicle park and/or access road for connecting the adjoining temporary private car parking spaces in the vicinity of the Site within the same “GB” zone in the past five years (**Plans A-1** and **A-2**).
- 7.2 Applications No. A/NE-TK/714-731 and 733² for temporary private vehicle parks (private cars and/or LGVs only) and access road connecting the adjoining temporary private car parking spaces for a period of three years, were approved with conditions by the Committee in 2021. Applications No. A/NE-TK/802 to 820³ covering the same sites as applications No. A/NE-TK/714-731 and 733 for the same uses for a period of three years, were approved with conditions by the Committee in 2024. These application sites had been cleared of vegetation and used for open storage when the Ting Kok IDPA Plan No. IDPA/NE-TK/1 was gazetted on 7.9.1990, which were subsequently occupied for parking of vehicles in 2003. These applications were approved mainly on sympathetic considerations that the sites had been cleared of vegetation and hard-paved for years; adverse landscape impact arising from the applied uses were not envisaged; the applied uses were considered not entirely incompatible with the surrounding environment; and approving applications would facilitate regularisation of the applied uses with planning conditions and address the parking need in a coordinated manner.
- 7.3 Application No. A/NE-TK/758 for a temporary private vehicle park (private cars only) for a period of three years was rejected by the Committee in 2022, mainly on the considerations of being not in line with the planning intention of the “GB” zone and TPB PG-No. 10. The application site was mainly covered by vegetation when the Ting Kok IDPA Plan No. IDPA/NE-TK/1 was gazetted on 7.9.1990.
- 7.4 Details of the similar applications are summarised at **Appendix IV** and their locations are shown on **Plans A-1** and **A-2**.

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

- 8.1 The Site is :
- (a) filled and partly hard-paved, which is currently occupied by the applied use without any valid planning permission (**Plans A-4a** and **A-4b**);

² Applications No. A/NE-TK/714 and 802 are for access road connecting the adjoining temporary private car parking spaces, while applications No. A/NE-TK/715-731, 733 and 803 to 820 are for temporary private vehicle parks (private cars and/or LGVs only).

- (b) located adjacent to a cluster of village houses to the south (**Plans A-2 and A-3b**);
 - (c) surrounded by a transitional housing development known as Lok Sin Village (樂善村), under application No. A/NE-TK/702 approved with conditions by the Committee on 26.3.2021 with the validity of planning permission up to 26.3.2026 (**Plan A-2**); and
 - (d) accessible via a local track leading to Ting Kok Road (**Plans A-1 and A-2**).
- 8.2 The surrounding areas are rural in character with clusters of low-rise residential developments/village houses, unused land, fallow farmland, vegetated areas and clusters of trees groups (**Plans A-1, A-2 and A-3b**). To its immediate north and west are the said transitional housing development (**Plan A-2**). To its further west is fallow farmland within “Conservation Area” (“CA”) zone (**Plans A-1 and A-2**).

9. **Planning Intentions**

- 9.1 The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.
- 9.2 Filling of land within the “GB” zone may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities.
- 9.3 The planning intention of the “V” zone is to designate both existing recognized 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.
- 9.4 Part of the Site falls within an area shown as ‘Road’ on the OZP which forms part of the area reserved for future road use.

10. **Comments from Relevant Government Departments**

- 10.1 Apart from the government departments as set out in paragraph 10.2 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 V and VI** respectively.
- 10.2 The following government department supports the application:

Transport

10.2.1 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) her advisory comment is at **Appendix VI**.

11. Public Comments Received During Statutory Publication Period

- 11.1 On 9.8.2024 and 26.11.2024, the application and FI submitted by the applicant were published for public inspection respectively. During the statutory public inspection periods, a total of 23 public comments were received.
- 11.2 Three comments from individuals support the application on the considerations of optimising land use of the Site; providing benefits and convenience to residents for daily commute; provision of canopies to ease the accessibility of elderly with wheel chairs in rainy days; being small in scale with minimal environmental impacts in comparison to the adjacent transitional housing; infrequent existing public transport services and no public car park nearby; and the Site already paved for the residents' usage and emergency services (**Appendix VIIa**).
- 11.3 17 comments from local residents and individuals object to the application mainly for the reasons of blockage of access to the adjacent private properties; negative impacts on property values in the surrounding area; obstructed and gated route deterring/delaying emergency services; security concerns due to increase in strangers in the community; not being in line with public interests and community character; traffic congestion with overburdened infrastructure and pollution; road safety concerns for pedestrians and cyclists; noise and disturbance affecting the quality of life and well-being of local residents; sufficiency of existing parking spaces; environmental, noise, air quality and ecological impacts during construction; and being suspected to cater for the adjacent transitional housing (**Appendix VIIb**).
- 11.4 Two comments from The Conservancy Association and one comment from World Wide Fund for Nature Hong Kong raise objection to the application mainly for the reasons of not being in line with the planning intention of "GB" zone; and setting an undesirable precedent for "destroy first, build later" cases (**Appendix VIIb**).

12. Planning Considerations and Assessments

- 12.1 This application is for a temporary private vehicle park (private cars and LGVs only) for a period of three years and associated filling of land at the Site largely zoned "GB" (86% of the Site), partly zoned "V" (6% of the Site) and partly shown as 'Road' (8% of the Site) on the OZP (**Plan A-1**). The applied use with associated filling of land is not in line with the planning intention of the "GB"

zone, which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within the “GB” zone. Although C for T supports the application in view of the parking demand in the vicinity, there is no strong planning justification in the current submission for a departure from the planning intentions of the “GB” zone, even on a temporary basis.

- 12.2 According to TPB PG-No.10, an application for new development in “GB” zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds. The development should not involve extensive clearance of existing natural vegetation and affect the existing natural landscape (**Appendix II**). The aerial photo taken in 2015 reveals that vegetation on the concerned area were cleared (**Plan A-3b**), and the Site has been filled and partly hard-paved, which is currently occupied by the applied use without any valid planning permission (**Plans A-4a and 4b**). While the Site is surrounded by the transitional housing development, which is temporary in nature under the application No. A/NE-TK/702 approved with conditions by the Committee on 26.3.2021 with the validity of planning permission up to 26.3.2026. The transitional housing development is in line with the government policy with in-principle policy support given by the Housing Bureau (HB) to provide short-term accommodation for those in need, and the site with scrutiny of HB would need to be reinstated to an amenity area upon the expiry of the planning permission to uphold the planning intention of the “GB” zone. From the land use perspective, the Site falling within “GB” zone is located at the northern periphery of the village cluster, serving as a buffer area between the village cluster and the marsh at Shuen Wan within “CA” zone to the north to conserve its ecological value. Nevertheless, it is noted that the areas to the south of the Site and adjoining the Houses No. 361 to 365 and 371 to 379, Shuen Wan Chim Uk subject to planning approvals under applications No. A/NE-TK/242, 246-251, 254-256 and 374 are currently occupied by private garden use within the “GB” zone without any valid planning permission (**Plans A-2 and 3b**). There are no other strong planning grounds in the submission to merit an exceptional consideration for the current application. In view of the above, the application is considered not in line with TPB PG-No.10. Approval of the application would probably induce the proliferation of development within the “GB” zone, which would result in a general degradation of the environment of the area.
- 12.3 The applied use with associated filling of land is considered not incompatible with its surrounding areas predominated by low-rise residential developments/village houses, unused land, fallow farmland, vegetated areas and clusters of trees groups (**Plans A-1, A-2 and A-3b**). Given that part of the Site is hard-paved and currently occupied by a car park, the Chief Town Planner/Urban Design and Landscape of Planning Department considers that significant adverse landscape impact on the existing landscape resources arising from the applied use is not anticipated.
- 12.4 Noting that the Site is currently filled and partly hard-paved, the applicant also seeks to regularise filling of land of about 625m² (about 41.3% of the Site) within part of the “GB” zone on the Site to facilitate operation of the applied use (**Drawing A-1**). Filling of land within the “GB” zone requires planning

permission from the Board as it may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment. The Chief Engineer/Mainland North of Drainage Services Department has no adverse comment on the application subject to approval condition for maintenance of existing drainage facilities and submission of drainage record. The Director of Environmental Protection has no objection to the application from environmental perspective. Considering that the Site is formed and occupied by some existing structures, the Director of Agriculture, Fisheries and Conservation has no comment on the application. As part of the Site is zoned “GB”, an approval condition requiring the reinstatement of the “GB” portion of the Site upon expiry of the planning permission so as to uphold the planning intention of the “GB” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.

- 12.5 There are 39 similar applications No. A/NE-TK/714-731, 733, 758 and 802 to 820 for temporary private vehicle parks (private cars and/or LGVs only) and access road connecting the adjoining temporary private car parking spaces for a period of three years in the vicinity of the Site within the same “GB” zone in the past five years (**Plans A-1 and A-2**). These applications were approved by the Committee between 2021 and 2024 mainly on sympathetic considerations as stated in paragraph 7.2 above. As these application sites had been cleared of vegetation and used for open storage when the Ting Kok IDPA Plan No. IDPA/NE-TK/1 was gazetted on 7.9.1990 and were subsequently occupied for parking of vehicles in 2003, the planning circumstances of these similar applications are different from those of the current application. On the contrary, application No. A/NE-TK/758 for a temporary private vehicle park (private cars only) for a period of three years at the site mainly covered by vegetation when the Ting Kok IDPA Plan No. IDPA/NE-TK/1 was gazetted on 7.9.1990, was rejected by the Committee in 2022 mainly on the considerations of being not in line with the planning intention of the “GB” zone and TPB PG-No. 10. The planning considerations of this rejected application are applicable to the current application. Rejection of the current application is in line with the previous the Committee’s decision.
- 12.6 Regarding the public comments on the application as detailed in paragraph 11, the government departments’ comments and planning assessments above are relevant. For the concerns on obstructed and gated route deterring/delaying emergency services, the Director of Fire Services has no in-principle objection to the application subject to fire service installations and water supplies for firefighting being provided to his satisfaction.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11 above, the Planning Department does not support the application for the following reasons:

the applied use with associated filling of land is not in line with the planning intention of the “Green Belt” zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban

sprawl as well as to provide passive recreational outlets, and the Town Planning Board Guidelines for 'Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance' (TPB PG-No. 10). There is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from such planning intention.

- 13.2 Alternatively, 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 28.2.2028. 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 28.8.2025;
- (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 28.11.2025;
- (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 28.8.2025;
- (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 28.11.2025;
- (f) 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;
- (g) 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
- (h) upon the expiry of the planning permission, the reinstatement of the "Green Belt" portion of the Site, including the removal of fill materials and hard paving, and grassing of the "Green Belt" portion of the Site to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

The Recommended Advisory Clauses are at **Appendix VI**.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 14.3 Alternatively, 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.

15. Attachments

Appendix I	Application Form with attachments and SI received on 26.7.2024 and 5.8.2024
Appendix Ia	FI received on 2.9.2024
Appendix Ib	FI received on 12.11.2024 and 13.11.2024
Appendix Ic	FI received on 13.1.2025
Appendix Id	FI received on 6.2.2025 and 10.2.2025
Appendix Ie	FI received on 12.2.2025
Appendix II	Relevant Extracts of TPB PG-No. 10
Appendix III	Previous Application
Appendix IV	Similar Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Appendices VIIa and VIIb	Public Comments
Drawing A-1	Layout Plan submitted by the Applicant
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3a and 3b	Aerial Photos
Plans A-4a and 4b	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2025**