

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

**APPLICATIONS NO. A/NE-TK/802 to 820**

<b><u>Applications No.</u></b>	<b><u>Applicants</u></b> (all represented by Ms. LEE Fung Yee Vendra)	<b><u>Sites</u></b> (all in D.D. 26, Ting Kok, New Territories)	<b><u>Site Area</u></b>
A/NE-TK/802	Ms. KWOK Ka Ho Keiko	Lots 298 S.AC (Part) and 298 RP (Part)	About 195.6m <sup>2</sup>
A/NE-TK/803	Mr. HO Yiu Keung and Mrs. CHAN Pui Ling Fiona	Lot 298 S.AA	About 11.5m <sup>2</sup> each
A/NE-TK/804	Mr. IP Wai Kay	Lot 298 S.AB	
A/NE-TK/805	Ms. AU Po Chu	Lots 298 S.AE, 298 S.AF and 298 S.AG	About 34.5m <sup>2</sup>
A/NE-TK/806	Mr. CHU Wai Hung Johnnie	Lot 298 S.AH	About 11.5m <sup>2</sup> each
A/NE-TK/807	Mr. TSANG Chun Ho	Lot 298 S.AI	
A/NE-TK/808	Ms. MA Yee Man Daisy	Lot 298 S.AJ	
A/NE-TK/809	Ms. LUM Mei King Doreen	Lot 298 S.AK	
A/NE-TK/810	Ms. IP Wing Shi Wendy	Lot 298 S.AL	
A/NE-TK/811	Mr. LAW King Hei with Ms. WONG Wai Lan (as the Power of Attorney)	Lot 298 S.AM	
A/NE-TK/812	Mr. LEE Hok Sau	Lot 298 S.AN	
A/NE-TK/813	Mr. TSUI Chi Sheung	Lot 298 S.AO	About 23m <sup>2</sup>
A/NE-TK/814	Ms. LEE Fung Yee Vendra	Lots 298 S.R and 298 S.S	
A/NE-TK/815	Ms. SIU Ka Yu	Lot 298 S.T	About 11.5m <sup>2</sup> each
A/NE-TK/816	Mr. LI Kwok Wing	Lot 298 S.U	
A/NE-TK/817	Ms. LAM Hoi Yan	Lot 298 S.V	About 23m <sup>2</sup>
A/NE-TK/818	Mrs. TANG Fung Yi	Lots 298 S.X and 298 S.Y	
A/NE-TK/819	Mrs. LAM Choi Tung	Lot 298 S.Z	About 11.5m <sup>2</sup> each
A/NE-TK/820	Mr. LIN Kai Horng	Lot 298 S.W	
Total area			About 448.6m <sup>2</sup>

**Lease** : Block Government Lease (demised for agricultural use)

**Plan** : Approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/19

**Zoning** : “Green Belt” (“GB”)

**Applications** : Access Road for Connecting the (Application No. A/NE-  
Adjoining Temporary Private Car TK/802)  
Parking Spaces for a Period of Three  
Years

Temporary Private Vehicle Park (Applications No. A/NE-  
(Private Cars Only) for a Period of TK/803, 806 to 809, 811 to  
Three Years 816, 818 and 820)

Temporary Private Vehicle Park (Applications No. A/NE-  
(Private Cars and Light Goods TK/804, 805, 810, 817 and  
Vehicles Only) for a Period of Three 819)  
Years

## 1. The Proposals

- 1.1 The applicants seek renewal of planning permissions to continue using the application sites (the Sites) for temporary private vehicle parks (private cars and/or light goods vehicles (LGVs) only) and access road connecting the adjoining temporary private car parking spaces for a further period of three years. The Sites adjoin together and cover an area of about 448.6m<sup>2</sup> falling within “GB” zone 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 Sites are currently occupied by the applied uses with valid planning permission until 15.10.2024. Noting that the planning permission granted under the previous applications (No. A/NE-TK/714 to 731 and 733) already lapsed on 16.10.2024, the current applications will be regarded as fresh applications.
- 1.2 The Sites are accessible from Ting Kok Road via a local track at the northeast of the Sites within a development of village houses, Treasure Spot Garden (江庫花園). According to the applicants, the applied uses are mainly to provide 22 parking spaces for private cars and/or LGVs<sup>1</sup>, with 19 movable canopies with a height of 2.4m covering the parking spaces at the Sites except the applications No. A/NE-TK/803, 815 and 819. There are also five electricity vehicle charging facilities at the Sites of applications (No. A/NE-TK/807, 808, 812, 813 and 815) respectively. The applicants are all owners/residents of the village houses in Treasure Spot Garden and the applied uses are for their private uses.
- 1.3 The Sites are the subject of 19 previous applications (No. A/NE-TK/714 to 731 and 733) for the same uses for a period of three years, which were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2021 (**Plans A-1** and **A-2**). Details of the previous applications are set out in paragraph 6.1 below. All approval conditions under these previous applications have been complied with and the planning permissions lapsed on 16.10.2024. Compared with the previous applications, there is no change in the major development parameters, except the inclusion of five electricity vehicle charging facilities and smaller site area under the current application No. A/NE-TK/805<sup>2</sup>.

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<sup>1</sup> Applications No. A/NE-TK/803, 804, 806 to 813, 815 to 817, 819 and 820 provide one parking space for private car and/or LGV each. Application No. A/NE-TK/805 provides three parking spaces for private cars and LGVs and applications No. A/NE-TK/814 and 818 provides two parking spaces for private cars each.

<sup>2</sup> The site area of the current application No. A/NE-TK/805 (i.e. 34.5m<sup>2</sup>) is smaller than the previous application No. A/NE-TK/717 (i.e. 40.5m<sup>2</sup>) to reflect the existing site boundary.

1.4 In support of the applications, the applicants have submitted the following documents:

- (a) Application Forms with attachments received on 23.8.2024 (**Appendices Ia to Is**)
- (b) Further Information (FI) received on 3.9.2024\* (**Appendix It**)
- (c) FI received on 12.9.2024\* (**Appendix Iu**)
- (d) FI received on 19.9.2024 and 20.9.2024\* (**Appendix Iv**)
- (e) FI received on 7.10.2024\* (**Appendix Iw**)

*\*accepted and exempted from publication and recounting requirements*

1.5 On 4.10.2024, the Committee agreed to the applicants' request to defer making decisions on the applications for two months each to address departmental comments.

## 2. **Justifications from the Applicants**

The justifications put forth by the applicants in support of the applications are detailed in the Application Forms and FIs at **Appendices Ia to It** and **Iv**, as summarized below:

- (a) the Sites applied for private vehicle parks were purchased by the applicants between 2002 and 2021 to satisfy their personal and/or family parking needs. They have been utilised as private vehicle parks for many years and no adverse traffic and environmental impacts have been resulted;
- (b) the Rating and Valuation Department has charged rates on the Sites for car parking use for many years;
- (c) since there is no alternative vehicle park in the vicinity to meet the applicants' parking needs and the existing public transport services in the area are insufficient, it is necessary for the applicants to use their own vehicles for daily commute;
- (d) application No. A/NE-TK/802 is required to provide the access road for connecting the private vehicle parks to major road;
- (e) the applicants have obtained the consent from land owner(s) of the local track to use it to access to the Sites from Ting Kok Road (**Plan A-2**); and
- (f) the Sites have been occupied by the applied use in the past three years without additional developments, while the implemented fire service installations (FSIs) will remain unchanged.

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

The applicants of applications No. A/NE-TK/803 to 805, 807, 811, 813, 815 to 818 and 820 are the sole "current land owners" of the respective Sites. The applicants of

applications No. A/NE-TK/806, 808 to 810, 814 and 819 are one of the “current land owners” of the respective Sites and have 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 consents from the other “current land owners”. The applicants of applications No. A/NE-TK/802 and 812 are not the “current land owners” but have complied with the requirements as set out in the TPB PG-No. 31B by sending notice to or obtaining consent from the “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 extract of the Guidelines is at **Appendix II**.

#### **5. Background**

5.1 The Sites had been cleared of vegetation and used for open storage when the Ting Kok Interim Development Permission Area (IDPA) Plan No. IDPA/NETK/1 was gazetted on 7.9.1990 (**Plan A-3a**). Around 2001, construction commenced at the land to the immediate east of the Sites for the development of a cluster of village houses, Treasure Spot Garden<sup>3</sup>. The Sites were also paved around 2002 (**Plan A-3a**), with a car park first observed in 2003 (**Plan A-3b**).

5.2 The Sites are currently not subject to any active planning enforcement action.

#### **6. Previous Applications**

6.1 The Sites are the subject of 19 previous applications (No. A/NE-TK/714 to 731 and 733) for the same uses for a period of three years, which were approved with conditions by the Committee in 2021 (**Plans A-1** and **A-2**). All current applications<sup>4</sup> (except applications No. A/NE-TK/807 and 812) are submitted by the same applicants as the previous applications (except applications No. A/NE-TK/719 and 724). These previous 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 regularization of the applied uses with planning conditions and address the parking need in a coordinated manner. All approval conditions under these previous applications in relation to the submission and implementation of FSIs

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<sup>3</sup> Majority of the developments falls within “Village Type Development” zone with a minor portion zoned “GB” on the OZP. Planning approval was granted for the 4 Small Houses partly within the “GB” zone under application (No. A/NE-TK/72) on 24.10.1997 (**Plan A-2**).

<sup>4</sup> The current applications No. A/NE-TK/803 and 811 are submitted by the same applicants as the previous applications No. A/NE-TK/715 and 723, but with one additional applicant each.

proposal have been complied with and the planning permissions lapsed on 16.10.2024. Compared with the previous applications, there is no change in the major development parameters, except that five electricity vehicle charging facilities have been included and smaller site area of the current application No. A/NE-TK/805.

- 6.2 Details of the previous applications are summarized at **Appendix III** and their locations are shown on **Plans A-1** and **A-2**.

## **7. Similar Application**

- 7.1 There is one similar application No. A/NE-TK/758 for a temporary private vehicle park (private cars only) for a period of three years within the same “GB” zone in the vicinity of the Sites in the past five years, which 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.
- 7.2 Details of the similar application are summarized at **Appendix IV** and its location is shown on **Plan A-1**.

## **8. The Sites and Their Surrounding Areas (Plans A-1 to A-4)**

- 8.1 The Sites are :
- (a) hard-paved and currently occupied by the applied uses (**Plans A-3b** and **A-4**);
  - (b) adjoining a cluster of village houses, Treasure Spot Garden, to the east (**Plans A-2**);
  - (c) accessible from Ting Kok Road via a local track at the northeast of the Sites within Treasure Spot Garden (**Plan A-2**); and
  - (d) situated in the vicinity of a transitional housing development known as Lok Sin Village to the west, which is covered by a valid planning permission until 26.3.2026 under application No. A/NE-TK/702 (**Plan A-2**).
- 8.2 The surrounding areas are rural in character with clusters of village houses, vacant land and vegetated areas (**Plans A-2** and **A-3b**). To the immediate east of the Sites are the village houses of Treasure Spot Garden. To the west and north of the Sites are vacant land/vegetated areas and the ponds/marsh of Shuen Wan respectively. To the south of the Sites are the transitional housing development and vegetated area.

## **9. Planning Intention**

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.

## **10. Comments from Relevant Government Departments**

10.1 Apart from the government department as set out in paragraph 10.2 below, other government departments consulted have no objection to or no adverse comment on the applications. Their general comments on the applications and advisory comments in the Recommended Advisory Clauses are provided at **Appendices V and VI** respectively.

10.2 The following government department supports the applications:

### **Transport**

10.2.1 Comments of the Commissioner for Transport (C for T):

(a) supports the applications in view of the parking demand in the vicinity; and

(b) her advisory comment is set out at **Appendix VI**.

## **11. Public Comment Received During Statutory Publication Period**

On 30.8.2024, the applications were published for public inspection. During the statutory public inspection period, no public comment was received.

## **12. Planning Considerations and Assessments**

12.1 The applications are 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 at the Sites zoned “GB” on the OZP (**Plan A-1**). The applied uses are 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. However, it is noted that the 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 (**Plan A-3a**). Around 2001, construction commenced at the land to the immediate east of the Sites for the development of a cluster of village houses, Treasure Spot Garden. The Sites were also paved around 2002 (**Plan A-3a**), with a car park first observed in 2003 (**Plan A-3b**). The Director of Agriculture, Fisheries and Conservation has no comment on the applications from nature conservation point of view. Taking into account the planning assessments below, the applied uses on a temporary basis for a period of three years could be tolerated.

- 12.2 According to the TPB PG-No. 10, the design and layout of any proposed development within “GB” zone should be compatible with the surrounding areas, and should not involve extensive clearance of natural vegetation nor affect the existing natural landscape. The applied uses under the applications are not considered incompatible with their surrounding areas predominated by clusters of village houses, vacant land and vegetated areas (**Plans A-2 and A-3b**). Given that the Sites are hard-paved and currently in operation for the applied uses, the Chief Town Planner/Urban Design and Landscape of Planning Department advises that further adverse impact on the existing landscape resources arising from the continuous use is not anticipated and she has no objection to the applications from landscape planning perspective.
- 12.3 The applied uses comprise a total of 22 parking spaces for private cars and/ or LGVs with 19 movable canopies at the Sites except the applications No. A/NE-TK/803, 815 and 819. There are also five electricity vehicle charging facilities at the Sites of applications No. A/NE-TK/807, 808, 812, 813 and 815 respectively. The Sites are accessible from Ting Kok Road via a local track at the northeast of the Sites within Treasure Spot Garden, while the applicants state that they have obtained the consent from land owner(s) of the local track to use it to access to the Sites from Ting Kok Road. According to the applicants, they are all owners/residents of the village houses in Treasure Spot Garden and the applied uses are for their private uses. C for T supports the applications in the view of parking demand in the vicinity. Other relevant government departments consulted including the Chief Highway Engineer/New Territories East of Highways Department, Chief Engineer/Mainland North of Drainage Services Department, Chief Engineer/Construction of Water Supplies Department, Director of Environmental Protection and Director of Fire Services have no objection to/no adverse comment on the applications.
- 12.4 The Sites are the subject of 19 previous applications (No. A/NE-TK/714 to 731 and 733) for the same uses for a period of three years (**Plans A-1 and A-2**), which were approved with conditions by the Committee in 2021. These previous applications were approved mainly on sympathetic considerations as set out in paragraph 6.1 above. All approval conditions under these previous applications have been complied with and the planning permissions lapsed on 16.10.2024. Compared with the previous applications, there is no change in the major development parameters, except the inclusion of five electricity vehicle charging facilities and smaller site area under the current application No. A/NE-TK/805.
- 12.5 There is one similar application No. A/NE-TK/758 for a temporary private vehicle park (private cars only) for a period of three years within the same “GB” zone in the vicinity of the Sites in the past five years, which was rejected by the Committee in 2022 mainly on the considerations as set out in paragraph 7.1 above. The planning circumstances of the current applications are different from the said similar application.
- 12.6 The Sites have been occupied by the applied uses for years. Approving the applications would facilitate regularization of the uses and put them under proper control and monitoring through imposition of planning conditions to ensure no adverse impact would be caused in the locality. It would also help

addressing the parking need in a coordinated manner thus relieving the risk of illegal parking in the area. Taking into account the land use history of the Sites and the merits of regularizing the uses, there are special circumstances that warrant sympathetic considerations to the applications.

### **13. Planning Department's Views**

- 13.1 Based on the assessments made in paragraph 12 above, Planning Department considers that the applied uses could be tolerated for a temporary period of three years.
- 13.2 Should the Committee decide to approve the applications, it is suggested that the permissions shall be valid on a temporary basis for a period of three years until 6.12.2027. The following approval conditions and advisory clauses are suggested for Members' reference:

#### Approval Conditions

- (a) the existing drainage facilities on the Sites shall be maintained at all times during the planning approval period;
- (b) the submission of a record of the existing drainage facilities on the Sites within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 6.3.2025;
- (c) if the above planning condition (a) 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;
- (d) if the above planning condition (b) 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; and
- (e) upon expiry of the planning permissions, the reinstatement of the Sites to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

#### Advisory Clauses

The recommended advisory clauses are attached at **Appendix VI**.

- 13.3 There is no strong reason to recommend rejection of the applications.

### **14. Decision Sought**

- 14.1 The Committee is invited to consider the applications and decide whether to grant or refuse to grant permissions.



- 14.2 Should the Committee decide to approve the application(s), Members are invited to consider the approval condition(s) and advisory clause(s) to be attached to the permission(s), and the period of which the permission(s) should be valid on a temporary basis.
- 14.3 Alternatively, should the Committee decide to reject the application(s), Members are invited to advise what reason(s) for rejection should be given to the applicant(s).

**15. Attachments**

<b>Appendices Ia to Is</b>	Application Forms with attachments received on 23.8.2024
<b>Appendix It</b>	FI received on 3.9.2024
<b>Appendix Iu</b>	FI received on 12.9.2024
<b>Appendix Iv</b>	FI received on 19.9.2024 and 20.9.2024
<b>Appendix Iw</b>	FI received on 7.10.2024
<b>Appendix II</b>	Relevant Extracts of TPB PG-No. 10
<b>Appendix III</b>	Previous Applications
<b>Appendix IV</b>	Similar Application
<b>Appendix V</b>	Government Departments' General Comments
<b>Appendix VI</b>	Recommended Advisory Clauses
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plans A-3a to A-3b</b>	Aerial Photos
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
DECEMBER 2024**