

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

**APPLICATION NO. A/SK-HC/350**

- Applicant** : Mr. Kwong Ho Kwai
- Site** : Government Land (GL) Adjoining Lot 2142 in D.D. 244, Ho Chung New Village, Sai Kung, New Territories
- Site Area** : About 20m<sup>2</sup> (entirely on GL)
- Plan** : Approved Ho Chung Outline Zoning Plan (OZP) No. S/SK-HC/11
- Zoning** : “Village Type Development” (“V”) (about 14m<sup>2</sup> or 70%)  
Area shown as ‘Road’ (about 6m<sup>2</sup> or 30%)
- Application** : Temporary Private Garden for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for a temporary private garden for a period of three years. The Site falls within an area partly shown as ‘Road’ and partly zoned “V” on the approved Ho Chung OZP No. S/SK-HC/11 (**Plan A-1**). According to the Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). Planning permission is also required for all uses or developments within area shown as ‘Road’. The Site is paved and currently used as a private garden without planning permission for the adjoining New Territories Exempted House (i.e. House No. 274, Ho Chung New Village at Lot 2142 in D.D. 244) (**Plan A-2**).
- 1.2 In support of the application, the applicant has submitted an application form with attachments which was received on 27.2.2024 (**Appendix I**).

**2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in Part 7 of the Application Form at **Appendix I**. According to the applicant, he intends to rent the Site from the Government for private garden use on a temporary

basis. With sufficient space of 5m maintained, the Site will not obstruct the emergency vehicular access (EVA).

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

The Site falls entirely on GL. The “owner’s consent/notification” requirements are not applicable.

**4. Background**

The Site is not subject to planning enforcement action.

**5. Previous Application**

There is no previous application covering the Site.

**6. Similar Applications**

6.1 There are five similar applications for temporary private garden use for a period of three years involving three sites in the “V” zones in Ho Chung New Village and area shown as ‘Road’ on the OZP over the past five years. The five applications (No. A/SK-HC/319, 320, 344, 346 and 348) were approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2020 and 2024 mainly on the grounds that the temporary approval would not jeopardize the long-term planning intention of the area shown as ‘Road’ and no significant adverse impacts were anticipated. Details of the similar applications are at **Appendix II** and their locations are at **Plans A-1** and **A-2**.

6.2 Application No. A/SK-HC/351 for the same applied use on the same area shown as ‘Road’ will be considered by the Committee at the same meeting.

**7. The Site and Its Surrounding Areas (Plans A-1, A-2, aerial photo on Plan A-3 and site photos on Plan A-4)**

7.1 The Site is paved, completely fenced off by wall and currently used as a private garden for the adjoining house. It is located entirely within the village ‘environs’ of Ho Chung and served by an access road leading to Nam Pin Wai Road.

7.2 The surrounding areas are mainly rural in character with clusters of village houses.

## **8. Planning Intention**

- 8.1 The planning intention of “V” zone is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. 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.
- 8.2 The planning intention of the area shown as ‘Road’ is to make land reservation for road access to serve the local residents. The subject road reserve running north-south in Ho Chung New Village is intended to link up Ho Chung, Nam Pin Wai, Mok Tse Che and Wo Mei Villages. It will facilitate the internal traffic circulation within the area and also serve as an EVA of Ho Chung New Village.

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

All government departments consulted have no objection to or no adverse comments on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices III** and **IV** respectively.

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

On 8.3.2024, the application was published for public inspection. No public comment was received during the statutory public inspection period.

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

- 11.1 The application is for temporary private garden at the Site for a period of three years which falls within an area partly shown as ‘Road’ (30%) and partly zoned “V” (70%) on the OZP. While the temporary private garden use is not in line with the planning intention of area shown as ‘Road’ which land is reserved for road access to serve the local residents and as EVA, the Commissioner for Transport (C for T) and Chief Highway Engineer/New Territories East, Highways Department advise that there is no plan / programme to implement a road nor any planned road works at the Site. In this connection, approval of the application on a temporary basis for three years could be tolerated and would not frustrate the long-term use of the Site.
- 11.2 The temporary private garden under application is considered not incompatible with the surrounding land uses which are predominantly occupied by village houses. While the District Lands Officer/Sai Kung, Lands Department advises that the Site is partly within the EVA in Ho Chung New Village, the Director of Fire Services has no adverse comment

on the application. In view of the small scale of the proposal, it is not anticipated to have adverse traffic, landscape, environmental and infrastructural impacts on the surrounding areas. Relevant departments consulted including C for T, the Director of Environmental Protection, the Chief Engineer/Mainland South, Drainage Services Department and the Chief Engineer/Construction, Water Supplies Department have no adverse comments on/ no objection to the application.

- 11.3 Five similar applications for temporary private garden use involving three other sites in the “V” zones in Ho Chung New Village and area shown as ‘Road’ in the vicinity were approved by the Committee over the past five years. Approval of the application is in line with the Committee’s previous decisions.

## **12. Planning Department’s Views**

- 12.1 Based on the assessments made in paragraph 11, the Planning Department considers that the temporary private garden 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 19.4.2027. The Recommended Advisory Clauses are at **Appendix V**.
- 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**

<b>Appendix I</b>	Application Form with attachments received on 27.2.2024
<b>Appendix II</b>	Similar applications
<b>Appendix III</b>	Government departments’ general comments
<b>Appendix IV</b>	Recommended Advisory Clauses

<b>Drawing A-1</b>	Layout plan submitted by the applicant
<b>Plan A-1</b>	Location plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site photos

**PLANNING DEPARTMENT  
APRIL 2024**