

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SK-HC/351

- Applicant** : Ms. Chiu To Yin represented by Goldrich Planners and Surveyors Limited
- Site** : Government Land (GL) Adjoining Lot 2072 in D.D. 244, Ho Chung New Village, Sai Kung, New Territories
- Site Area** : About 19.38m² (entirely on GL)
- Plan** : Approved Ho Chung Outline Zoning Plan (OZP) No. S/SK-HC/11
- Zoning** : “Village Type Development” (“V”) (about 6.27m² or 32%)
Area shown as ‘Road’ (about 13.11m² or 68%)
- 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. 6, Dynasty Lodge in Lot 2072 in D.D. 244) (**Plan A-2**).
- 1.2 The Site is the subject of two previous applications No. A/SK-HC/245 and 298, which were submitted by the same applicant for the same use approved with/ without conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2015 and 2018 respectively. The last planning permission (No. A/SK-HC/298) lapsed on 17.8.2021. Details of the previous applications are in paragraph 5 below and at **Appendix II**.
- 1.3 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with attachments received on (Appendix I)
5.3.2024
- (b) Further Information (FI) received on 5.4.2024* (Appendix Ia)
**exempted from publication and recounting requirements*

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the planning statement attached to the Application Form and FI at **Appendices I** and **Ia** and summarised below:

- (a) the temporary nature of the applied use would not frustrate the long-term planning intention of the Site;
- (b) the Site is involved in previous planning approvals. Planning context of the adjacent areas has not changed;
- (c) the boundary of the Site is delineated with reference to the Short Term Tenancy (STT) covering the Site. The existing fencing outside the Site would be removed so as to rectify the illegal occupation of GL and to tally the Site boundary and the STT; and
- (d) adverse visual and landscape impacts are not envisaged.

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 Applications**

The Site is the subject of two previous applications No. A/SK-HC/245 and 298 submitted by the same applicant for the same temporary private garden use with minor difference in site boundaries. The two applications were approved with/without conditions by the Committee on a temporary basis for a period of three years on 7.8.2015 and 17.8.2018 respectively, 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. The last planning permission (No. A/SK-HC/298) lapsed on 17.8.2021. Details of the previous applications are at **Appendix II** and their locations are at **Plans A-1** and **A-2**.

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 Committee of the Board between 2020 and 2024 mainly on the grounds similar to those stated in paragraph 5 above. Details of the similar applications are at **Appendix III** and their locations are at **Plans A-1** and **A-2**.
- 6.2 Application No. A/SK-HC/350 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 emergency vehicular access (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 IV** and **V** respectively.

10. Public Comments Received During Statutory Publication Period

On 12.3.2024, 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' (68%) and partly zoned "V" (32%) 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. 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. The Director of Fire Services also has no objection to the application. 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. 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 The Site is the subject of two previously approved applications No. A/SK-HC/245 and 298 for the same use submitted by the same applicant. The last planning permission lapsed on 17.8.2021 and the Site is currently used by the applicant as private garden without valid planning permission. Nevertheless, there has been no change in planning circumstances since the approval of the last previous application. In addition, 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

Appendix I	Application Form with attachments received on 5.3.2024
Appendix Ia	Further Information received on 5.4.2024
Appendix II	Previous applications
Appendix III	Similar applications
Appendix IV	Government departments' general comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Location plan submitted by the applicant
Drawing A-2	Layout plan submitted by the applicant
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial Photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
APRIL 2024**