

APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-HT/25

- Applicant** : Mr. WONG Wong Sang
- Site** : Lot 292 in D.D. 76, Sze Tau Leng, Fanling, New Territories
- Site Area** : About 2,180m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hok Tau Outline Zoning Plan (OZP) No. S/NE-HT/7
- Zoning** : “Village Type Development” (“V”)
- Application** : Renewal of Planning Approval for Temporary Public Vehicle Park (Private Cars Only) for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission to continue using the application site (the Site) for temporary public vehicle park (PVP) (private cars only) for a further period of three years. The Site falls within an area zoned “V” 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 “V” zone, which requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use with valid planning permission (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Sha Tau Kok Road – Ma Mei Ha via a local access (**Plan A-1**). According to the applicant, the applied use is to serve the local villagers/residents. There are 40 private car parking spaces (5m (L) x 2.5m (W) each) on-site, including 38 for PVP users and two for staff members. Two container-converted structures with building height of 2.5m and a total floor area of about 30m² are erected near the ingress/egress at the western-end of Site for ancillary site offices (**Drawing A-1**). The operation hours of the applied use are 24 hours daily (including public holidays). Only private cars with valid licence issued under the Road Traffic (Registration and Licensing of Vehicle) Regulation are allowed to be parked/stored on the Site. No car washing, vehicle repair, dismantling, paint spraying or other workshop activities is allowed on the Site at any time. The existing boundary fencing within the Site would be maintained

properly. The layout plan submitted by the applicant is shown in **Drawing A-1**.

1.3 The Site is the subject of two previous applications (No. A/NE-HT/10 and 19) for the same use submitted by the same applicant as the current application. Details of the previous applications are set out in paragraph 6 below. The last application (No. A/NE-HT/19) was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 20.5.2022 with validity up to 31.5.2025. All the approval conditions have been complied with. Compared with the last approved application, the applied use, site area/boundary, layout and major development parameters (including the number of parking spaces) of the current application remain the same.

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

- (a) Application Form with Attachments received on 4.3.2025 (**Appendix I**)
- (b) Supplementary Information (SI) received on 6.3.2025 (**Appendix Ia**)
- (c) SI received on 10.3.2025 (**Appendix Ib**)

2. Justifications from the Applicant

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

- (a) the applied use, which is mainly to cater for the parking demand of local residents/villagers, is considered in line with the planning intention of the “V” zone;
- (b) the Site has been operating properly with valid planning permissions since 2019. There is no change in the layout and major development parameters as compared with the last approved application (No. A/NE-HT/19). Whilst all the approval conditions under the last application have been complied with, the boundary fencing as well as the drainage facilities and fire service installations (FSIs) implemented on-site are properly maintained; and
- (c) the applied use is not incompatible with the surrounding land uses and it would not induce adverse traffic, environment and drainage impacts as well as fire safety issue on the surroundings. In support of the current application, drainage and FSIs proposals with corresponding condition records and certificate of FSIs and equipment (FS251) are submitted (**Appendices Ia and Ib**).

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

The applicant is one of the three “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 consent of the other two “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

Town Planning Board Guidelines No. 34D on ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ (TPB PG-No. 34D) are relevant to this application. The relevant assessment criteria are attached at **Appendix II**.

5. Background

The Site is currently not subject to any active planning enforcement action.

6. Previous Applications

- 6.1 The Site is the subject of two previous applications (No. A/NE-HT/10 and 19) for the same use submitted by the same applicant as the current application. Both applications were approved with conditions by the Committee in 2019 and 2022 respectively, mainly on the considerations that the applied use would not frustrate the long-term planning intention of the “V” zone; it was not incompatible with the surrounding areas; and no significant adverse traffic, environmental and drainage impacts on the surrounding areas were anticipated.
- 6.2 Compared with the last previous application No. A/NE-HT/19, the applied use, site area/boundary, layout and major development parameters (including the number of car parking spaces) of the current application remain the same. All approval conditions have been complied with and the planning permission under the last previous application is valid until 31.5.2025.
- 6.3 Details of the applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

7. Similar Application

There is no similar application for temporary PVP within the “V” zone in the vicinity of the Site in the past five years.

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

- 8.1 The Site is:
 - (a) hard-paved, fenced off and currently used for the applied use with valid planning permission;
 - (b) situated within the village proper of Sze Tau Leng; and
 - (c) accessible from Sha Tau Kok Road – Ma Mei Ha via a local access.
- 8.2 The surrounding areas mainly comprise village houses/domestic structures, parking of vehicles, vacant/unused land covered by tree groups or vegetation, active/fallow agricultural land and a section of watercourse. To the immediate

northwest and southwest across the watercourse are existing village clusters of Sze Tau Leng. To the immediate west is a public toilet. To the further east of the Site is covered by dense vegetation including trees within the “Green Belt” zone.

9. Planning Intention

The planning intention of the “V” zone is to designate both existing recognised 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. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board

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 application. Their general comments on the application and recommended advisory clauses are provided at **Appendices IV** and **V** respectively.

10.2 The following government department supports the application:

Transport

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

- (a) she supports the application from traffic engineering perspective, considering that the applied use could accommodate the strong demand for vehicle parking spaces in the vicinity; and
- (b) her advisory comments are at **Appendix V**.

11. Public Comments Received During Statutory Publication Period

On 14.3.2025, the application was published for public inspection. During the statutory public inspection period, five public comments were received (**Appendix VI**). One comment from the indigenous village representative of Sze Tau Leng supports the application in that the PVP has been operating effectively without causing any adverse impacts on the surrounding area since 2019; and the applied use is considered necessary for the villagers/residents nearby due to the limited public transport services in the area. Two comments from the Chairman and First Vice Chairman of the Fanling District Rural Committee object to the application mainly on the grounds that applied use would induce environmental nuisance and there are concerns regarding hygiene and traffic/pedestrian safety in the area. Two remaining comments from a member of the North District Council and the Chairman of the Lung Shan Area Committee indicate no comment on the application.

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning permission for temporary PVP (private cars only) for a further period of three years at the Site zoned “V” on the OZP (**Plan A-1**). Whilst the applied use is not entirely in line with planning intention of the “V” zone which is to provide land primarily for development of Small Houses by indigenous villagers, the applicant advises that it could serve the local villagers/residents for meeting their needs on car parking facilities. C for T supports the application from traffic engineering perspective as the applied use could accommodate the strong demand for vehicle parking spaces in the vicinity. Besides, the District Lands Officer/North of Lands Department advises that there is no Small House application at the Site. In this regard, approval of the application on a temporary basis for a further period of three years would not frustrate the long-term planning intention of the “V” zone.
- 12.2 The Site, situated within the villager proper of Sze Tau Leng, is hard-paved, fenced off and currently used for the applied use with valid planning permission (**Plans A-2 to A-4**). It is considered not incompatible with the surroundings areas which mainly comprise village houses/domestic structures, parking of vehicles, vacant/unused land covered by tree groups or vegetation, active/fallow agricultural land and a section of watercourse. Whilst the Site is located close to the cluster of village houses to the immediate northwest, the Director of Environmental Protection has no objection to the application from environmental perspective, and advises that no complaint case related to the Site was received over the last three years. Should the application be approved, the applicant will be advised to follow the requirements of the revised ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ in order to minimise the possible environmental nuisance on the surrounding areas.
- 12.3 Concerned government departments consulted, including the Chief Engineer/Mainland North of Drainage Services Department (CE/MN of DSD) and Director of Fire Services (D of FS), have no objection to the application. In support of the current application, the applicant has submitted drainage and FSIs proposals with corresponding condition records of the existing drainage facilities and FS 251. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 13.2 below.
- 12.4 The application generally complies with the TPB PG-No. 34D in that there has been no material change in planning circumstances since the approval of the last application (No. A/NE-HT/19); all the time-limited approval conditions under the last application have been complied with; and the three-year approval period sought which is the same as the previous approval granted by the Committee is not unreasonable. Besides, the Site is the subject of two previously approved applications for the same use of the current application as mentioned in paragraph 6 above. As there has been no major change in planning circumstances, approval of current application is generally in line with Committee’s previous decisions.
- 12.5 Regarding the public comments as mentioned in paragraph 11 above, the government departments’ comments and planning assessments above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments in paragraph 11 above, the Planning Department has no objection to the application.
- 13.2 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 and be renewed from 1.6.2025 until 31.5.2028. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (b) the existing fire service installations implemented on the site shall be maintained in efficient working order at all times during the planning approval period; and
- (c) if any of the above planning condition (a) or (b) 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.

Advisory Clauses

The recommended advisory clauses are at **Appendix V**.

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

the applied use is not in line with the planning intention of the "V" zone, which is to provide land primarily for development of Small Houses by indigenous villagers. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 14.2 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.
- 14.3 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.

15. Attachments

Appendix I	Application Form with Attachments received on 4.3.2025
Appendix Ia	SI received on 6.3.2025
Appendix Ib	SI received on 10.3.2025
Appendix II	Relevant Extract of TPB PG-No. 34D
Appendix III	Previous Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MAY 2025**