

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

APPLICATION NO. A/NE-LT/774

<u>Applicants</u>	:	Messrs CHAN Wai Lun Allan and CHAN Lap Lun Eddie, and Ms. CHAN Chui Shan Anita represented by Ms. CHENG Chun Ha
<u>Site</u>	:	Lots 882 S.A and 882 RP in D.D. 19, She Shan Village, Tai Po, New Territories
<u>Site Area</u>	:	About 440m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Lam Tsuen Outline Zoning Plan (OZP) No. S/NE-LT/11
<u>Zonings</u>	:	“Agriculture” (“AGR”) (about 88% of the Site) “Village Type Development” (“V”) (about 12% of the Site)
<u>Application</u>	:	Proposed Temporary Public Vehicle Park (Private Cars Only) for a Period of Three Years

1. The Proposal

- 1.1 The applicants seek planning permission for a proposed temporary public vehicle park (PVP) (private cars only) for a period of three years at the application site (the Site). The Site falls within an area largely zoned “AGR” (about 88%) with a minor portion zoned “V” (about 12%) on the OZP (**Plan A-1**). While ‘public vehicle park (excluding container vehicle)’ is a Column 2 use under the “V” zone, it is neither a Column 1 nor 2 use within the “AGR” zone. 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). Filling of land in the “AGR” zone also requires planning permission from the Board. The Site is currently vacant, largely filled and hard-paved without valid planning permission (**Plan A-4**).
- 1.2 The Site is accessible via She Shan Road. According to the applicants, the proposed temporary PVP provides 11 parking spaces for private cars serving local villagers. The operating hours of the proposed use would be 24 hours daily (including public holidays). Excavation of about 16m² in area and 0.225m in depth is required for the proposed drainage channels. It is observed that the Site has largely been paved, but the applicants do not apply for regularisation for “AGR” portion and claim that the proposed use will not involve any filling of land. Appropriate measures such as postage of signage forbidding the use or storage of oil, chemicals, fertilizers and detergents at the Site; regular cleaning and sweeping of site surface; and provision of grease traps at the drainage outlets will be adopted to prevent water pollution in the upper indirect water

gathering ground (WGG). A plan showing the layout of the car park submitted by the applicants is shown in **Drawing A-1**.

1.3 In support of the application, the applicants have submitted the following documents:

- (a) Application Form with attachment received on 19.9.2024 **(Appendix I)**
- (b) Further Information (FI) received on 13.12.2024[^] **(Appendix Ia)**
- (c) FI received on 7.3.2025[^] **(Appendix Ib)**
[^] accepted and exempted from publication and recounting requirement

1.4 On 8.11.2024 and 24.1.2025, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months each as requested by the applicants.

2. Justifications from the Applicants

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

- (a) the car parking spaces are to serve the local villagers;
- (b) there will be no land filling activities for the proposed use; and
- (c) appropriate measures would be implemented to avoid polluting WGG.

3. Background

3.1 The Site was covered with vegetation when the Lam Tsuen Interim Development Permission Area (IDPA) Plan No. IDPA/NE-LT/1 was gazetted on 31.8.1990 and when the planning control of land filling clause was imposed on “AGR” zone when the draft Lam Tsuen OZP No. S/NE-LT/9 was gazetted on 1.4.2005 (**Plan A-3a**).

3.2 The Site was part of the subject of a previous planning enforcement case (No. E/NE-LT/81) against an unauthorized development (UD) involving parking of vehicles (**Plan A-2**). Compliance Notice was issued by the Planning Authority on 12.1.2024 upon the discontinuation of the UD. The Site is not subject to any active enforcement action.

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

The applicants are the sole “current land owners” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

5. Previous Applications

5.1 The Site is the subject of two previous applications (No. A/NE-LT/667 and 683) for proposed House (New Territories Exempted House – Small House), which were rejected by the Committee of the Board on 6.9.2019 and 10.7.2020 respectively. As these applications are for a different use, the planning considerations are not relevant to the current application.

- 5.2 Details of the above previous applications are summarised at **Appendix II** and their locations are shown on **Plans A-1** and **A-2**.

6. Similar Applications

- 6.1 There are 12 similar applications (No. A/NE-LT/250, 314, 372, 403, 501, 511, 544, 702, 715, 746, 757 and 766) covering eight sites for temporary public/private vehicle park use for a period of three years falling within the “V” and/or “AGR” zones in the vicinity of the Site (**Plan A-1**).
- 6.2 For the seven applications (No. A/NE-LT/250, 314, 372, 403, 501, 511 and 766) falling entirely within “V” zone, six applications (No. A/NE-LT/250, 314, 372, 403, 501 and 766) covering two sites were approved with conditions by the Committee between 2001 and 2024 mainly on the considerations that the proposed use was not incompatible with the surrounding land uses; the proposed/applied use was to serve the local villagers; no significant adverse traffic, environmental and drainage impacts on the surrounding areas were expected; the application was the subject of previous planning approval(s) and would not frustrate planning intention of the “V” zone in the longer term. The remaining application No. A/NE-LT/511 was rejected by the Committee in 2014 mainly on the considerations that the proposed use was not in line with the planning intention of “V” zone and the applicant failed to demonstrate that the proposed use would not cause adverse geotechnical and drainage impacts on the surrounding areas.
- 6.3 For the three applications covering two sites that fall entirely within “AGR” zone (No. A/NE-LT/715, 746 and 757), all were rejected by the Committee/the Board on review between 2022 and 2023 mainly on the considerations that the proposed/applied use was not in line with the planning intention of the “AGR” zone, and the applicant(s) failed to demonstrate that the proposed use would not cause adverse landscape/water quality impact on the area.
- 6.4 For the remaining two applications straddling “V” and “AGR” zones, application No. A/NE-LT/544 at the site falling mainly within “V” (about 93%) with a small portion in “AGR” (about 7%) was rejected by the Committee in 2015 mainly on the considerations that the proposed use was not in line with the planning intention of the “V” and “AGR” zones and the proposed vehicular access was located at the existing passing-bay at She Shan Road that was not acceptable from traffic engineering point of view. Application No. A/NE-LT/702 was approved with conditions by the Committee in 2022 mainly on the considerations that only a small portion of the site was zoned “AGR” zone (about 26%); the proposed use was unlikely to generate significant environmental nuisances; and it would not jeopardise the long-term planning intentions of the “V” and “AGR” zones.
- 6.5 Details of the similar applications are at **Appendix III** and their locations are shown on **Plan A-1**.
- 6.6 There are another three similar applications for temporary vehicle park for a period of three years (No. A/NE-LT/778, 779 and 780¹) within the “V” and/or “AGR” zones in the vicinity of the Site (**Plan A-1**), which will be considered by the Committee at this meeting.

¹ The applicant of application No. A/NE-LT/780 also applies for filling of land within the “AGR” portion of the site.

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

7.1 The Site is:

- (a) vacant and situated at the northwestern fringe of She Shan Village;
- (b) filled and hard-paved without any valid planning permission;
- (c) accessible via She Shan Road; and
- (d) located within the She Shan Tsuen Site of Archaeological Interest and upper indirect WGG.

7.2 The surrounding areas are predominantly rural in character comprising village houses, farmlands and tree clusters. She Shan River runs to the east of the Site (**Plan A-2**). To the east and south of the Site is the village proper of She Shan Village. To the further southwest of the Site across “V” zone of She Shan Village are active and fallow farmlands.

8. Planning Intention

8.1 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

8.2 As filling of land within “AGR” zone may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

8.3 The planning intention of the “V” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and re-provisioning 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.

9. Comments from Relevant Government Departments

9.1 Apart from the government departments as set out in paragraphs 9.2 and 9.3 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.

9.2 The following government department supports the application:

Traffic

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

she supports the application in view of the parking demand in the vicinity.

9.3 The following government department does not support the application:

Agriculture

9.3.1 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) the Site falls within the “AGR” and “V” zones and is generally vacant. Agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available; and
- (b) the Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, the proposed use is not supported from agricultural perspective.

10. Public Comment Received During Statutory Publication Period

On 27.9.2024, the application was published for public inspection. During the statutory public inspection period, one public comment received from an individual objects to the application that there is already another parking lot nearby, and the proposed use may cause adverse impact on the water quality of a significant water course adjacent to the Site (**Appendix VI**).

11. Planning Considerations and Assessments

- 11.1 The application is for a proposed temporary PVP (private cars only) for a period of three years at the Site largely zoned “AGR” (about 88%) with a minor portion zoned “V” (about 12%) on the OZP (**Plan A-1**). The proposed use is not in line with the planning intention of the “AGR” and “V” zones, which are primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and intended for development of Small Houses by indigenous villagers respectively. DAFC does not support the application from agricultural development point of view as the Site possesses potential for agricultural rehabilitation. Although the applicants claim that the proposed temporary PVP is to serve the local villagers, and C for T supports the application in view of the parking demand in the vicinity and the District Lands Officer/Tai Po of Lands Department advises that there is no Small House application received for the Site, there is no strong justification in the submission for a departure from the planning intention of the “AGR” and “V” zones, even on a temporary basis.
- 11.2 The Site is located at the northwestern fringe of She Shan Village, and accessible from She Shan Road. According to the aerial photos (**Plan A-3a**), the Site was covered with vegetation when the Lam Tsuen IDPA Plan No. IDPA/NE-LT/1 was gazetted on 31.18.1990 and also when the draft Lam Tsuen OZP No S/NE-LT/9 was gazetted on 1.4.2005 to impose the planning control over filling of land in the “AGR” zone. Currently, the Site has largely been paved without valid planning permission (**Plans A-3b and 4**). However, the applicants do not apply for regularisation of the land filling and claim that the proposed use will not involve any filling of land. The proposed use will provide a total of 11 parking spaces for private cars, which is considered not incompatible with the landscape character of its surrounding village setting (**Plans A-2 and A-3**). The Chief Town Planner/Urban Design and Landscape of the Planning Department advises that significant adverse impact on existing landscape resources is not anticipated. Notwithstanding this, approval of the application would probably induce proliferation of

land filling for car parks in the “AGR” zone, which would result in a general degradation of the environment in the area.

- 11.3 The Site is located within the upper indirect WGG. Chief Engineer/Construction of Water Supplies Department has no objection to the application on condition that the development should not cause any water pollution to the upper indirect WGG. Other relevant government departments consulted including the Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to or no adverse comment on the application from environmental, drainage and fire safety perspectives respectively.
- 11.4 There are two similar applications (No. A/NE-LT/544 and 702) for temporary public/private vehicle park use for a period of three years straddling “V” and “AGR” zones in the vicinity of the Site, which were respectively rejected and approved by the Committee mainly on the considerations as detailed in paragraph 6.4 above. The planning circumstances of the current application with majority of the Site within the “AGR” zone (about 88%) are different from those of the approved similar application (No. A/NE-LT/702). Three similar applications (No. A/NE-LT/715, 746 and 757) which fall entirely within “AGR” zone were rejected by the Committee/the Board on review mainly on the considerations as detailed in paragraph 6.3 above. Rejection of the current application is generally in line with the Committee’s previous decisions.
- 11.5 Regarding the public comment on the application as detailed in paragraph 10 above, the government departments’ comments and planning assessments above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10 above, the Planning Department does not support the application for the following reason:

the proposed use is not in line with the planning intention of the “Agriculture” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. It is also 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 intentions, even on a temporary basis.

- 12.2 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 2.5.2028. The following conditions of approval and recommended 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 2.11.2025;
- (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 2.2.2026;

- (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 implementation of preventive, control and mitigation measures identified in the accepted risk assessment report on pollution or contamination to the upper indirect Water Gathering Ground within 9 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the Town Planning Board by 2.2.2026;
- (e) the proposed use should not cause any water pollution to the upper indirect Water Gathering Ground at any time during the planning approval period;
- (f) 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 2.11.2025;
- (g) in relation to (f) 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 2.2.2026;
- (h) if any of the above planning condition (c) or (e) 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;
- (i) if any of the above planning condition (a), (b), (d), (f) or (g) 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
- (j) upon expiry of the planning permission, the reinstatement of the “Agriculture” portion of the application site, including the removal of fill materials and hard paving, and back filling and grassing of the application site to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

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

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 13.2 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicants.
- 13.3 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.

14. Attachments

Appendix I	Application Form with Attachments received on 19.9.2024
Appendix Ia	FI received on 13.12.2024
Appendix Ib	FI received on 7.3.2025
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendix IV	Detailed Comments from Relevant Government Departments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment
Appendix VII	“Requirements of Fireman’s Emergency Switch” issued by Fire Services Department
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3a and 3b	Aerial Photos
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MAY 2025**