

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-PK/216

- Applicant** : Miss POON Mo Kuen Joe represented by Mr. PANG Hing Yeun
- Site** : Lots 1128 RP, 1130 S.A, 1130 S.B, 1130 RP, 1131 S.A, 1131 S.B and 1131 RP in D.D. 91, Kai Leng, Sheung Shui, New Territories
- Site Area** : About 637.45m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Kong Outline Zoning Plan (OZP) No. S/NE-PK/11
- Zoning** : “Village Type Development” (“V”)
- Application** : Temporary Private Vehicle Park (Private Car and Light Goods Vehicle) for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary private vehicle park (private car and light goods vehicle (LGV)) for a period of three years at the application site (the Site) falling within an area zoned “V” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is hard-paved and currently used for the applied use without valid planning permission (**Plan A-4**).
- 1.2 The Site is accessible via local track to Yu Tai Road (**Plan A-2**). According to the applicant, the applied use comprises 20 parking spaces (5m (L) x 2.5m (W) each), of which 16 are for private cars and four are for LGVs (**Drawing A-1**) to solely serve the residents of Kai Leng Village. The operation hours of the vehicle park are 24 hours daily. The layout plan submitted by the applicant is shown at **Drawing A-1**.
- 1.3 The Site is the subject of a previous application (No. A/NE-PK/173) submitted by the same applicant for the same use for a period of three years, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 13.1.2023. Subsequently, the planning permission was revoked on 13.10.2024 due to non-compliance with the approval conditions in relation to the implementation of drainage and fire service installations (FSIs) proposals. Details of the previous application are set out in paragraph 5 below. Compared with the previous application, the site layout

and number/types of parking spaces under the current application remains unchanged.

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

- (a) Application Form with attachments received on 17.3.2025 (Appendix I)
- (b) Further Information (FI) received on 16.4.2025* (Appendix Ia)

**accepted and 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 Application Form and FI at **Appendices I and Ia**, as summarised below:

- (a) the Site is located in Kai Leng Village with inadequate parking spaces to meet the demand of the local villagers and residents nearby, which leads to illegal parking near Yu Tai Road, causing traffic and pedestrian safety concerns;
- (b) the Site is accessible via an existing local track leading to Yu Tai Road, and the applicant will obtain consent from relevant land owner(s)/managing department(s) of using the concerned local track if necessary. The estimated vehicle trips per day are from 15 to 20. Adequate manoeuvring space is provided within the Site;
- (c) the applied use does not involve felling of trees and filling/excavation of land, and hence would not cause adverse environmental impact;
- (d) part of the Site is the subject of Small House grant applications. The applied use will cease operation once the Small House grant applications are executed. Consents of relevant land owners to support the applied use have been obtained; and
- (e) the last planning approval under application No. A/NE-PK/173 was revoked due to non-compliance with the approval conditions in relation to the implementation of drainage and FSIs proposals. For the current application, the applicant has already obtained consent of relevant land owners to construct stormwater drains at the Site.

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

The applicant is not a “current land owner” but 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 consents of the “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

The use for place for parking of vehicles at the Site would be subject to planning enforcement action. Warning poster was posted on site on 24.1.2025.

5. **Previous Application**

- 5.1 The Site is the subject of a previous application (No. A/NE-PK/173) submitted by the same applicant for the same use for a period of three years, which was approved with conditions by the Committee on 13.1.2023 mainly on the considerations that it would not frustrate the long-term planning intention of the “V” zone; it was not incompatible with the surrounding areas; and no significant adverse impact arising from the applied use was anticipated. However, the planning permission was revoked on 13.10.2024 due to non-compliance with approval conditions relating to the implementation of the drainage and FSIs proposals. Compared with the previous application, the site layout and number/types of parking spaces under the current application remains unchanged.
- 5.2 Details of the previous application are summarised at **Appendix II** and its location is shown on **Plans A-1** and **A-2**.

6. **Similar Applications**

- 6.1 There are three similar applications (No. A/NE-PK/174, 184 and 198) for temporary private car park (private car and LGV) within the same “V” zone in the vicinity of the Site in the past five years (**Plan A-1**), which were approved with conditions by the Committee between 2023 and 2024 mainly on similar considerations as stated in paragraph 5.1 above.
- 6.2 Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plans A-1** and **A-2**.

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

- 7.1 The Site is:
- (a) currently used for applied use without valid planning permission (**Plan A-4**);
 - (b) located at the northeastern fringe of Kai Leng Village; and
 - (c) accessible via a local track leading to Yu Tai Road.
- 7.2 The surrounding areas are predominantly rural in character comprising village houses, low-density residential developments, parking of vehicles and active farmland (**Plans A-2** and **A-3**).

8. **Planning Intention**

The planning intention of the “V” zone is to designate both existing recognized 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.

9. **Comments from Relevant Government Departments**

9.1 Apart from the government department as set out in paragraph 9.2 below, other 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 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):

- (a) she supports the application in view of the parking demand in the vicinity; and
- (b) her advisory comments are at **Appendix V**.

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

On 25.3.2025, the application was published for public inspection. During the statutory public inspection period, three comments were received. Among them, one comment from an individual raises objection to the application (**Appendix VIa**). Another comment from an individual expresses concern/view that the applicant makes use of the statutory planning process to delay the compliance with relevant approval conditions and shorter compliance periods should be given (**Appendix VIb**). The remaining one from a North District Council member indicates no comment on the application (**Appendix VIc**).

11. **Planning Considerations and Assessments**

11.1 The application is for temporary private vehicle park (private car and LGV) for a period of three years at the Site zoned “V” on the OZP (**Plan A-1**). While the applied use is not entirely in line with the planning intention of the “V” zone which is to provide land primarily for development of Small Houses by indigenous villagers, it can provide car parking spaces to meet the local parking demand. C for T supports the application in view of the parking demand in the vicinity. Besides, the District Lands Officer/North of Lands Department

has no comment on the application and advises that Lot No. 1131 S.A in D.D. 91 is covered by a building licence for non-industrial purposes with a building covenant that the building should be completed by the licensee before the expiration of 36 months from 9.2.2024. Taking into account the above and the planning assessments below, there is no objection to the proposed use on temporary basis of three years.

- 11.2 The applied use comprising 20 parking spaces for private cars and LGVs is considered not incompatible with the surrounding village setting which are predominantly rural in character. The Director of Environmental Protection has no objection to the application and advises that no environmental complaint in relation to the Site has been received in the past three years. Other relevant government departments consulted including the Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to or no adverse comment on the application. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below.
- 11.3 The Site is the subject of a previously approved application (No. A/NE-PK/173) (**Plan A-2**) submitted by the same applicant for the same use as detailed in paragraph 5.1 above. The planning permission was revoked due to non-compliance with approval conditions relating to the implementation of drainage and FSIs proposals. The applicant states that consent from relevant land owners has been obtained for the construction of stormwater drains at the Site in order to implement the drainage proposal. In view of the above and that there is no significant change in planning circumstances, sympathetic consideration may be given to the current application. Should the application be approved by the Committee, the applicant will be advised that if there is further non-compliance with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 11.4 There are three similar applications for the same use as current application within the same “V” zone in the vicinity of the Site (**Plan A-2**) which were approved by the Committee between 2023 and 2024 mainly on the considerations as set out in paragraph 6.1. The planning circumstances of the approved similar applications are largely applicable to the current application. Approving the current application is in line with the previous decisions of the Committee.
- 11.5 Regarding the public comments 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 comments mentioned in paragraph 10 above, the Planning Department has no objection to the application.

- 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 **2.5.2028**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the implementation of the accepted 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;
- (b) in relation to ~~(a)~~(b) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (c) the submission of a revised 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;
- (d) in relation to ~~(c)~~(d) 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;
- (e) if any of the above planning condition (a), (c) or (d) 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
- (f) if the above planning condition (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**.

- 12.3 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 to justify a departure from the planning intention, even on a temporary basis.

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 approve the application, Members are invited

to consider the approval condition(s) and advisory clause(s) 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 17.3.2025
Appendix Ia	FI received on 16.4.2025
Appendix II	Previous application
Appendix III	Similar applications
Appendix IV	Government departments' general comments
Appendix V	Recommended advisory clauses
Appendix VI	Public comments
Drawing A-1	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
MAY 2025**