

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

**APPLICATION NO. A/NE-TK/834**

<b><u>Applicant</u></b>	: Mr. PANG Chung Yein represented by Mr. HUI Kwan Yee
<b><u>Site</u></b>	: Lots 256 S.A ss.3 and 256 S.A RP in D.D. 17, Ting Kok, Tai Po
<b><u>Site Area</u></b>	: About 176.5m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/19
<b><u>Zonings</u></b>	: “Agriculture” (“AGR”) (about 89%); and “Village Type Development” (“V”) (about 11%)
<b><u>Application</u></b>	: Proposed Temporary Public Vehicle Park (Private Cars Only) for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary public vehicle park (private cars only) for a period of three years at the application site (the Site) falling within areas zoned “AGR” and “V” on the OZP (**Plan A-1**). While ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use within the “V” zone, it is neither a Column 1 nor Column 2 use within “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). The Site is currently vacant, hard-paved<sup>1</sup> and partly fenced-off (**Plan A-4**).
- 1.2 The Site is accessible via a local track leading to Ting Kok Road (**Plan A-2**). According to the applicant, a total of seven parking spaces for private cars (5m (L) x 2.5m (W) each) will be provided mainly for serving the residents of Ting Kok Village, which will also be opened to the public (**Drawing A-1**). The operation hours of the proposed public vehicle park will be 24 hours daily. The layout plan submitted by the applicant is shown at **Drawing A-1**.

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<sup>1</sup> According to the record, the Site (including the “AGR” portion) was paved in 1995, i.e. before the date of imposing a land filling clause pertaining to the “AGR” zone under the draft Ting Kok OZP No. S/NE-TK/11 on 15.7.2005.

- 1.3 The Site is the subject of a previous application No. A/NE-TK/790 submitted by the same applicant for temporary private vehicle park (private cars only) for a period of three years, which was rejected by the Rural and New Town Planning Committee (the Committee) of the Board in 2024 (**Plans A-1 and A-2**). Details of the previous application are set out in paragraph 5 below. Compared with the previous application, the proposed use under the current application has been changed from temporary private vehicle park to temporary public vehicle park.
- 1.4 In support of the application, the applicant has submitted the following documents :
- (a) Application Form with attachments and (**Appendix I**)  
Supplementary Information (SI) received on  
11.3.2025 and 12.3.2025 respectively
  - (b) Further Information (FI) received on 21.3.2025\* (**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, SI and FI at **Appendices I to Ia**, as summarised below:

- (a) there are inadequate parking spaces in Ting Kok Village due to the increase in village houses and population over time;
- (b) the applicant intends to use the Site for car parking purpose as the Site abuts Ting Kok Road and is not suitable for agricultural use taking into account its current conditions;
- (c) the proposed use could improve pedestrian safety by preventing accidents caused by random parking. Sufficient spaces for ingress/egress will be provided without affecting traffic in the public road;
- (d) the Site had been hard-paved long time ago, which was not carried out by the applicant, and no excavation and filling of land will be involved for the proposed use; and
- (e) should the application be approved by the Board, the applicant is committed to comply with all approval conditions and requirements by the government.

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

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

#### **4. Background**

- 4.1 The Site was covered with vegetation when the Ting Kok Interim Development Permission Area (IDPA) Plan No. IDPA/NE-TK/1 was gazetted on 7.9.1990 (**Plan A-3a**). Between 1993 and 1995, construction of a cluster of village houses to the immediate north of the Site within the “V” zone commenced. Vegetation within the Site and in the surrounding areas was cleared, and the Site was subsequently paved in 1995 when the draft Ting Kok OZP No. S/NE-TK/1 was still in force (**Plan A-3a**). According to the Notes of the draft Ting Kok OZP No. S/NE-TK/1, planning permission for filling of land within the “AGR” zone is not required. It was not until 15.7.2005 when the draft Ting Kok OZP No. S/NE-TK/11 was gazetted that planning control over filling of land in “AGR” zone was imposed. The Site has remained hard-paved since 1995 (**Plan A-3b**).
- 4.2 The Site is currently not subject to any active planning enforcement action.

#### **5. Previous Application**

- 5.1 The Site is the subject of a previous application No. A/NE-TK/790 submitted by the same applicant for temporary private vehicle park (private cars only) for a period of three years (**Plans A-1** and **A-2**), which was rejected by the Committee on 26.1.2024 mainly on the consideration that the applied use was not in line with the planning intention of the “AGR” zone and there was no strong planning justification for a departure from the planning intention. Under the current application, the proposed use has been changed from temporary private vehicle park to temporary public vehicle park with the same number of parking spaces.
- 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 Application**

- 6.1 There is no similar application within the same “AGR” zone, but there is a similar application No. A/NE-TK/692 for proposed temporary public vehicle park (private cars only) in the vicinity of the Site within the same “V” zone in the past five years (**Plan A-1**), which was rejected by the Committee in 2020 mainly on the consideration that the applicant failed to demonstrate the feasibility of parking layout from traffic engineering point of view.
- 6.2 Details of the similar application are summarised at **Appendix III** and its location is shown on **Plan A-1**.

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

- 7.1 The Site is:
- (a) currently vacant, hard-paved and partly fenced-off (**Plan A-4**);

- (b) situated near the southeastern fringe of Ting Kok Village, which falls on an elongated and narrow strip sandwiched between Ting Kok Village and Ting Kok Road (**Plans A-1, A-2 and A-3b**); and
  - (c) accessible via a local track leading to Ting Kok Road (**Plan A-2**).
- 7.2 The surrounding areas are predominantly rural in character with village houses, parking of vehicles and clusters of tree groups (**Plans A-2 and A-3b**). To its immediate north is the village proper of Ting Kok (**Plans A-1, A-2 and A-3b**). To its south across Ting Kok Road are mainly active/fallow farmland, vacant land and temporary barbecue sites (**Plan A-2**).

## **8. Planning Intentions**

- 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 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 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 advisory comments in the Recommended Advisory Clauses are provided at **Appendices IV and V** respectively.
- 9.2 The following government department supports the application:

### **Transport**

#### **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) the concerned area and the village road connecting to the Site from Ting Kok Road are not managed by the Transport Department.

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):

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

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

On 18.3.2025, the application was published for public inspection. During the statutory public inspection period, two comments received from individuals (**Appendix VI**) object to the application for the reasons that the proposed use would lead to increase in vehicle entering and exiting the Site, which would pose road safety risks to the locals, elderly and children in the area; the Site designated as agricultural land should not be changed to other uses affecting rural environment; the application is for personal interest only; and there should be no change of assessment criteria over short period of time since the rejection of previous application No. A/NE-TK/790 in 2024.

**11. Planning Considerations and Assessments**

- 11.1 The application is for proposed temporary public vehicle park (private cars only) for a period of three years at the Site largely zoned “AGR” (about 89%) with a minor portion zoned “V” (about 11%) (**Plan A-1**). While the proposed use is not in line with the planning intention of the “AGR” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and DAFC does not support the application from agricultural perspective, it is not entirely in line with the planning intention of the “V” zone for development of Small Houses by indigenous villagers. Nevertheless, the District Lands Officer/Tai Po of Lands Department has no objection to the application and advises that there is no Small House application received for the Site. Moreover, according to the applicant, the proposed use is intended to serve the residents of Ting Kok Village and also the public. C for T supports the application in view of the parking demand in the vicinity. Taking into account above and the planning assessments below, there is no objection to the proposed use on temporary basis of three years.
- 11.2 The proposed use only involves seven parking spaces for private cars at the Site, which is situated near the southeastern fringe of Ting Kok Village and at an elongated and narrow strip sandwiched between Ting Kok Village and Ting Kok Road (**Plans A-1, A-2 and A-3b**). Also, the Site was paved in 1995 before planning control over filling of land in “AGR” zone was imposed in 2005 (**Plan**

**A-3a).** The surrounding areas are predominantly rural in character comprising village houses, parking of vehicles and clusters of tree groups (**Plans A-2 and A-3b**). The Chief Town Planner/Urban Design and Landscape of Planning Department considers that the proposed use is not incompatible with its surrounding environment and significant adverse impact on the existing landscape resources arising from the proposed use is not anticipated. 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. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below. *Also, as part of the Site is zoned “AGR”, an approval condition requiring the reinstatement of the “AGR” portion of the Site upon expiry of the planning permission so as to uphold the planning intention of the “AGR” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.*

- 11.3 The Site is the subject of a previous application No. A/NE-TK/790 submitted by the same applicant for temporary private vehicle park (private cars only) for a period of three years (**Plans A-1 and A-2**), which was rejected by the Committee on 26.1.2024 mainly on the considerations as mentioned in paragraph 5.1 above. Compared with the previous application, the proposed use under the current application has been changed from temporary private vehicle park to temporary public vehicle park. Unlike the previous application, the proposed public vehicle park under the current application will provide private car parking spaces not only to meet the parking demand of local villagers but also to serve the wider community in Ting Kok area (**Plan A-2**). C for T also tenders support to the current application in view of the parking demand in the vicinity<sup>2</sup>. In this regard, the planning considerations of the rejected previous application are not entirely applicable to the current application.
- 11.4 There is a similar application No. A/NE-TK/692 for proposed temporary public vehicle park (private cars only) in the vicinity of the Site within the same “V” zone in the past five years (**Plan A-1**), which was rejected by the Committee in 2020 mainly on traffic engineering ground as mentioned in paragraph 6.1 above. The planning circumstances of the current application are different to those of the rejected similar application.
- 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

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<sup>2</sup> For the previous application No. A/NE-TK/790, C for T did not have in-principle objection to the application.

2.5.2028. The following approval conditions and 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 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;
- (e) in relation to (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;
- (f) if any of the above planning condition (a), (b), (d) or (e) 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~~
- (g) if the above planning condition (c) 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; **and**
- (h) ***upon the expiry of the planning permission, the reinstatement of the "AGR" portion of the Site, including the removal of hard paving, and grassing of the "AGR" portion of the 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**.

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

the proposed use is not in line with the planning intention of the "AGR" 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. There is no strong planning justification in the submission for 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 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**

<b>Appendix I</b>	Application Form with attachments and SI received on 11.3.2025 and 12.3.2025 respectively
<b>Appendix Ia</b>	FI received on 21.3.2025
<b>Appendix II</b>	Previous Application
<b>Appendix III</b>	Similar Application
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	Public Comments
<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>Plans A-3a and A-3b</b>	Aerial Photos
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT**  
**MAY 2025**