

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/1060

- Applicant** : Consense Development Limited (港昇發展有限公司)
- Site** : Lots 2804 (Part) and 2808 (Part) in D.D. 111 and Adjoining Government Land (GL), Pat Heung, Yuen Long, New Territories
- Site Area** : About 1,695m² (including GL of about 175m² (10.3%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
- Zoning** : “Agriculture” (“AGR”) (about 50%)
“Village Type Development” (“V”) (about 50%)
[restricted to maximum building height of 3 storeys (8.23m)]
- Application** : Proposed Temporary Private Vehicle Park (Private Cars Only) and Associated Filling of Land for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary private vehicle park (private cars only) and associated filling of land for a period of three years at the application site (the Site), which falls within an area partly zoned “V” (about 50%) and partly zoned “AGR” (about 50%) on the OZP (**Plan A-1**). 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 within the “V” and “AGR” zones also requires planning permission from the Board. The Site is currently hard-paved, vacant and partly fenced off (**Plan A-4**).
- 1.2 The Site is accessible from Kam Tin Road via a local track (**Plan A-2**). According to the applicant, the proposed use will provide 30 parking spaces for private cars serving only the residents of the nearby Wang Toi Shan Wing Ning Lei and will not be open to the public. No structure will be erected on the Site (**Drawing A-1**). The applicant also applies for regularisation of associated filling of land for the entire Site with asphalt of about 0.03m in depth up to about +32.5mPD for site formation (**Drawing A-2**) and no further filling is required. The existing trees within the Site will be retained and will not be in conflict with the proposed use.

The operation hours will be between 9:00 a.m. and 8:00 p.m. daily, including public holidays. No heavy goods vehicles will be allowed to enter or park at the Site. The layout plan and land filling plan submitted by the applicant are at **Drawings A-1** and **A-2** respectively.

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

(a) Application Form with supporting documents received (**Appendix I**)
on 26.3.2025 and 7.4.2025

(b) Further Information (FI) received on 19.5.2025* (**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**, and can be summarised as follows:

- (a) The proposed use on a temporary basis will not jeopardise the long-term planning intentions of the “AGR” and “V” zones.
- (b) A similar application (No. A/YL-PH/1028) for private vehicle park was approved in September 2024 within the same “V” zone on the OZP and it is considered that the planning circumstances of the current application are similar to this approved application. The proposed private vehicle park will be charged by monthly rental. No electric vehicle (EV) charging facilities will be installed at the Site due to the difficulties in applying for electricity.
- (c) Fire service installations (FSIs) and drainage proposals have been submitted in support of the current application. The unauthorized structures previously erected on the Site have been removed and no structure will be erected on the Site for the proposed use.

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

The applicant is not the “current land owner” of the Site but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by posting site notices and sending notice to the Pat Heung Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements as set out at TPB PG-No. 31B are not applicable.

4. Background

The Site is subject to planning enforcement action against unauthorized development (UD) involving storage use (No. E/YL-PH/946) (**Plan A-2**). Enforcement Notice was issued

on 18.12.2024 requiring discontinuation of the UD. Subsequent site inspection revealed that the UD has been discontinued. The Site is under close monitoring.

5. Previous Applications

Part of the Site is the subject of three previous planning applications (No. A/YL-PH/208, 209 and 634) for various temporary open storage uses. All of them were rejected by the Rural and New Town Planning Committee (the Committee) of the Board between August 1998 and February 2012 and the considerations of these applications are not relevant to the current application due to different use involved. Details of these applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

6. Similar Applications

There are six similar applications (No. A/YL-PH/912, 976, 1004, 1028, 1044 and 1046) for proposed temporary public/private vehicle park and filling of land within or partially within the same “AGR” or “V” zones in the vicinity of the Site in the past five years. The applications were approved with conditions by the Committee between April 2022 and February 2025, mainly on the considerations that the temporary approval would not frustrate the long-term planning intentions of the “AGR” and/or “V” zones; the proposed use was not incompatible with the surrounding land uses; and the concerned government departments consulted in general had no adverse comment or their technical concerns could be addressed by relevant approval conditions. Details of the similar applications are summarised in **Appendix III** and the locations are 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 hard-paved, vacant and partly fenced off; and
- (b) accessible from Kam Tin Road via a local track.

7.2 The surrounding areas are rural in character comprising mainly open storage/storage yards (one with valid permission under application No. A/YL-PH/942), village houses of Wang Toi Shan Wing Ning Lei, vehicle parks, a car service area, a mosque, vacant land and grassland.

8. Planning Intentions

8.1 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fishponds 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 According to the Explanatory Statement of the OZP for “AGR” zone, as filling of land 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 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.

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 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, if any, are provided in **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) supports the application from traffic engineering perspective to address the local demand for parking spaces; and
- (b) advisory comments are at **Appendix V**.

- 9.3 The following government departments have adverse comment on or do not support the application:

Land Administration

- 9.3.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) has adverse comment on the planning application;
- (b) the Site comprises GL and Old Schedule Agricultural Lots No. 2804 and 2808 both in D.D. 111 held under the Block Government Lease which contains restriction that no structures are allowed to be erected without the prior approval of the Government;
- (c) there is/are unauthorized structure(s) on Lot No. 2808 in D.D. 111 which is/are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for

regularisation on the lease breaches as demanded by LandsD;

- (d) if the planning application is approved, the lot owner(s) shall apply to this office for a Short Term Waiver (STW) and/or Short Term Tenancy (STT) to permit the structure(s) erected within the said private lot(s) and the occupation of the GL. The application(s) for STW and/or STT will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW and/or STT, if approved, will be subject to such terms and conditions including the payment of waiver fee/rent and administrative fee as considered appropriate by LandsD. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered; and
- (e) no Small House application approved or under processing at the Site.

Agriculture and Nature Conservation

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

- (a) does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation;
- (b) the Site falls within the “AGR” and “V” zones and is a vacant land paved with asphalt. Agricultural infrastructures such as road access and water source are available. The Site can be used for agricultural activities such as greenhouses and plant nurseries, etc.; and
- (c) no comment on the application from nature conservation perspective.

10. Public Comments Received During Statutory Publication Period

On 8.4.2025, the application was published for public inspection. During the statutory public inspection period, two public comments were received from individuals. Their major concerns were mainly related to that the proposed use would cause adverse traffic impact to the nearby village; the proposed vehicle park should be regarded as a public vehicle park as it would be used by villagers in general; and the proposed use should include EV charging facilities to support the Government’s policy to promote wider use of EVs (**Appendix VI**).

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary private vehicle park (private cars only) and associated filling of land for a period of three years at the Site partly zoned “V” (50%) and partly zoned “AGR” (50%) (**Plan A-1**). Whilst the proposed use is not entirely in line with the planning intention of the “V” zone, according to the applicant, the proposed use is intended to serve the residents of the nearby Wang

Toi Shan Wing Ning Lei and C for T supports the application for addressing the local parking demand. Besides, DLO/YL, LandsD advises that there is no Small House application approved or under processing at the Site. The proposed use of temporary nature would not adversely affect the land availability for the New Territories Exempted House/Small House within the “V” zone in the long term. It is considered that approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “V” zone. Although the proposed use is not in line with the planning intention of the “AGR” zone and DAFC does not support the application from agricultural perspective, taking into account the above and the planning assessments below, there is no objection to the proposed use with associated filling of land on a temporary basis for a period of three years.

- 11.2 Filling of land within the “AGR” and “V” zones requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department and Director of Environmental Protection have no objection to the application from public drainage and environmental planning perspectives respectively. 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 proposed use is considered not incompatible with the surrounding areas which are rural in character comprising mainly open storage/storage yards, village houses of Wang Toi Shan Wing Ning Lei, vehicle parks, a car service area, a mosque, vacant land and grassland. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment from landscape planning perspective and considers that significant adverse landscape impact within the Site from the proposed use is not anticipated.
- 11.4 Other relevant government departments consulted, including the Director of Fire Services, have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 12.2 below. It is also recommended to advise the applicant to follow the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise the potential environmental nuisance on the surrounding land uses. Regarding DLO/YL, LandsD’s concerns on the unauthorized structures within the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.5 There are six similar applications within or partially within the same “AGR” or “V” zones in the vicinity of the Site approved by the Committee in the past five years as mentioned in paragraph 6 above. Approving the current application is in line with the Committee’s previous decisions.

- 11.6 Regarding the public comments mentioned in paragraph 10 above, the departmental comments and planning assessments above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and taking into account the public comments mentioned in paragraph 10 above, PlanD 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 23.5.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the submission of a revised 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 23.11.2025;
- (b) in relation to (a) above, the implementation of the revised 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 23.2.2026;
- (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 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 23.11.2025;
- (e) in relation to (d) above, the implementation of the revised 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 23.2.2026;
- (f) 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;
- (g) 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
- (h) upon expiry of the planning permission, the reinstatement of the "Agriculture" portion of the site, including the removal of fill materials and hard paving, and grassing 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**.

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

the proposed use with associated filling of land is not in line with the planning intentions of the "AGR" and "V" zones. The "AGR" zone is intended 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 purpose. The "V" zone is to provide land primarily for development of Small Houses by indigenous villagers. There is no strong planning justification given in the submission for a departure from the planning intentions of "AGR" and "V" zones, 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), 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 and supporting documents received on 26.3.2025 and 7.4.2025
Appendix Ia	FI received on 19.5.2025
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Land Filling Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos