

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-HT/24

<u>Applicant</u>	:	Mr. TANG Yan Loi represented by R-riches Property Consultants Limited
<u>Site</u>	:	Lots 855 S.D (Part), 855 S.E (Part), 857 and 858 (Part) in D.D. 76, Hok Tau Wai, Fanling, New Territories
<u>Site Area</u>	:	About 539m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Hok Tau Outline Zoning Plan No. S/NE-HT/7
<u>Zoning</u>	:	“Village Type Development” (“V”)
<u>Application</u>	:	Proposed Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of Five Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary public vehicle park (PVP) (excluding container vehicle) for a period of five years at the application site (the Site), which 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 hard-paved, partly fenced-off, and currently largely vacant and occupied by a container-converted structure and a rain shelter (**Plans A-4a and A-4b**).
- 1.2 The Site is accessible from Hok Tau Road via a local access to the west (**Plan A-1**). According to the applicant, the proposed use is to serve the local villagers/residents. A total of 10 parking spaces (5m (L) x 2.5m (W) each) for private cars are proposed at the Site. One single-storey structure with a building height of about 3m and a floor area of 18m² would be provided for site office and guardroom (**Drawing A-1**). The operation hours of the proposed use are 24 hours daily (including public holidays). Sufficient manoeuvring space is provided within the Site and no vehicle would queue back to or reverse onto/from the Site to the public road. No vehicles without valid license under the Road Traffic Ordinance is allowed to be parked at the Site. To remind the users that no light, medium or heavy goods vehicles exceeding 5.5 tonnes, including

container tractors/trailers, is allowed to be parked/stored on or enter/exist the Site, a notice will be posted at a prominent location of the Site. Road signs of ‘Stop and Give Away’ and ‘Beware of Pedestrians’ will be erected to ensure pedestrian safety. The layout plan with vehicular access points submitted by the applicant is shown in **Drawing A-1**.

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

- (a) Application Form with Attachments received on 5.2.2025 **(Appendix I)**
- (b) Further Information (FI) received on 25.4.2025[^] **(Appendix Ia)**
- (c) FI received on 23.5.2025[^] **(Appendix Ib)**
- (d) FI received on 28.5.2025[^] **(Appendix Ic)**

[^] accepted and exempted from the publication and recounting requirements

1.4 On 28.3.2025, the Rural and New Town Planning Committee (the Committee) of the Board agreed to the applicant’s request to defer making a decision on the application for two months.

2. Justifications from the Applicant

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

- (a) the proposed use, which is to serve the villagers/residents nearby, could cater for the high demand of parking spaces in Hok Tau Wai;
- (b) the PVP is temporary in nature, and approval of the application is considered in line with the long-term planning intention of the “V” zone;
- (c) the proposed use is not incompatible with the surrounding environment; and it would not induce adverse traffic, environmental, drainage and landscape impacts and fire safety issue on the surrounding areas; and
- (d) the applicant will strictly comply with the environmental protection/pollution control ordinances and follow the requirements of the revised ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (‘COP’) in order to minimise the possible environmental nuisance on the surroundings.

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 posting site notice and sending notice to the Fanling District Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is currently not subject to any active planning enforcement action. Warning letter was issued on 6.12.2024 in respect of the use for place for parking of vehicle on part of the Site.

5. Previous Application

There is no previous application at the Site.

6. Similar Applications

- 6.1 There were two similar applications (No. A/NE-HT/19 and 25) involving one same site for temporary PVP within another “V” zone on the same OZP in the past five years (**Plan A-1**). Both applications were approved with conditions by the Committee on 20.5.2022 and 2.5.2025 respectively, mainly on 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, drainage and landscape impacts on the surrounding areas were anticipated.
- 6.2 Details of the similar applications is summarised at **Appendix II** and their locations are shown on **Plan A-1**

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

- 7.1 The Site is:
- (a) hard-paved, partly fenced off, currently largely vacant and occupied by a container-converted structure and a rain shelter;
 - (b) situated within the village proper of Hok Tau Wai; and
 - (c) comprising two platforms (i.e. upper ground and lower ground) and abutting a local access to the west leading to Hok Tau Road.
- 7.2 The surrounding areas mainly comprise village houses/domestic structures, active/fallow farmland and vacant/unused land covered by tree clusters or vegetated areas.

8. 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 ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

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 comment on the application. Their general comments on the application and the Recommended Advisory Clauses are provided at **Appendices III and IV** respectively.

9.2 The following government department supports the application:

Traffic

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

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

10. Public Comments Received During Statutory Publication Period

10.1 On 14.2.2025, the application was published for public inspection. During the statutory public inspection period, seven public comments were received (**Appendix V**).

10.2 Five comments from the Chairman, Vice-Chairman of Fanling District Rural Committee and three individuals including one who claims himself as one of the land owners of the subject site (i.e. Lot 858 in D.D. 76) object to the application mainly on the grounds that the Site is the subject of an unauthorized development; the applicant has not obtained consent from the lot owner(s) prior to submission of the application; the ingress/egress of the proposed use does not comply with the relevant standard(s) on road design, which might result in pedestrian safety issue; the proposed use would induce environmental nuisance on the surroundings; there was insufficient local/public consultation for the application; and/or a five-year period planning approval should not be granted as the applicant might delay the progress of compliance with approval conditions imposed under the planning permission. The remaining two comments from the Chairman of Lung Shan Area Committee and a member of North District Council indicate no comment on the application.

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary PVP (excluding container vehicle) for a period of five years at the Site zoned “V” on the OZP (**Plan A-1**). While the

proposed use is not entirely in line with the planning intention of the “V” zone which is primarily intended for development of Small Houses by indigenous villagers, the applicant advises that it could serve the local villages/residents for meeting their needs on car parking facilities. C for T supports the application from traffic engineering perspective as the proposed use could accommodate the strong demand for vehicle parking spaces in the vicinity. Besides, the District Lands Officer/North of Lands Department (DLO/N, LandsD) advises that there is no Small House application at the Site. In this regard, approval of the application on a temporary basis for a period of five years would not frustrate the long-term planning intention of the “V” zone.

- 11.2 The Site, abutting a local access to the west and situated within the village proper of Hok Tau Wai, is hard-paved, partly fenced off and currently largely vacant and occupied by a container-converted structure and a rain shelter (**Plans A-2, A-4a and A-4b**). The proposed use is considered not incompatible with the surrounding areas which comprise mainly village houses/domestic structures, active/fallow farmland and vacant/unused land (**Plan A-3**).
- 11.3 Other concerned 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 comment on the application. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below. Should the application be approved, the applicant will also be advised to follow the requirements of the revised ‘COP’ in order to minimise the possible environmental nuisance on the surroundings. Regarding DLO/N, LandsD’s comment on the unauthorised structure erected within the Site which is subject to lease enforcement action, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.4 There are two approved similar applications for PVP in the past five years as detailed in paragraph 6 above. The planning circumstances of the current application are similar to those of the approved similar applications. Approval of the current application is in line with the Committee’s previous decisions.
- 11.5 Regarding the public comments as detailed in paragraph 10 above, the government departments’ comments and planning assessments above are relevant. For the public comments expressing that the applicant had not obtained consent from the land owner(s) to submit the application, the applicant has complied with the relevant requirements as set out in TPB PG-No. 31B in that reasonable steps have been taken to give the necessary notification as detailed in paragraph 3 above.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments 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 five years until 20.6.2030. The following conditions of approval and advisory clauses are

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 Board by 20.12.2025;
- (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 20.3.2026;
- (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 20.12.2025;
- (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 20.3.2026;
- (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; and
- (g) if any of the above planning condition (a), (b), (d) and (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.

Advisory Clauses

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

- 12.3 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 "V" zone, which is primarily to provide land 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.

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), 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 with Attachments received on 5.2.2025
Appendix Ia	FI received on 25.4.2025
Appendix Ib	FI received on 23.5.2025
Appendix Ic	FI received on 28.5.2025
Appendix II	Government Departments' General Comments
Appendix III	Similar Applications
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and 4b	Site Photos

**PLANNING DEPARTMENT
JUNE 2025**