

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-KLH/652

- Applicant** : Mr. KO Ming Chuen Franki
- Site** : Lots 859 S.A, 859 RP and Taxlord Lot 860 (Part) in D.D. 9, Yuen Leng, Tai Po, New Territories
- Site Area** : About 420m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kau Lung Hang Outline Zoning Plan (OZP) No. S/NE-KLH/11
- Zonings** : “Agriculture” (“AGR”) (about 65% of the Site) and
“Village Type Development” (“V”) (about 35% of the Site)
- Application** : Proposed Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary public vehicle park (private cars and light goods vehicles) 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 hard-paved, vacant and partly fenced (**Plan A-4**).
- 1.2 The Site is accessible via a local track leading to Tai Wo Service Road East (**Plans A-1 and A-2**). According to the applicant, the proposed public vehicle park comprises 12 parking spaces (5m (L) x 2.5m (W) each) in total, of which nine are for private cars and three are for light goods vehicles (**Drawing A-1**). The public vehicle park operates 24 hours daily. While it is observed that the Site has been filled, the applicant clarifies that the Site has been hard-paved and vacant for a long time and no regularisation of land filling for the “AGR” portion of the Site is applied for under the current application. The site layout plan submitted by the applicant is at **Drawing A-1**.

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

- (a) Application Form with attachments received on (Appendix I)
17.2.2025
- (b) Further information (FI) received on 25.2.2025* (Appendix Ia)
- (c) FI received on 24.3.2025* (Appendix Ib)
- (d) FI received on 30.4.2025* (Appendix Ic)
- (e) FI received on 8.5.2025* (Appendix Id)

** accepted and exempted from publication and recounting requirements*

1.4 On 11.4.2025, 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 Id**, as summarised below:

- (a) the Site is within close proximity of Yuen Leng Village and there is a genuine demand from the villagers for car parking spaces due to limited public transport services in the area. The proposed use helps relieve illegal parking and road safety problems in the area. The application has obtained support from Yuen Leng Village Representative and local villagers;
- (b) although a small portion of the Site falls within "AGR" zone, the Site has been hard-paved and vacant for a long time. The chance of agricultural rehabilitation is very low;
- (c) the proposed use is on a temporary basis, small in scale and compatible with surrounding areas, which is considered able to optimise the use of the Site and at the same time not contravening the long-term planning intention of "AGR" zone; and
- (d) the applicant will comply with all relevant requirements and regulations required by the government bureaux and departments to minimise adverse traffic, environmental, drainage, water quality and landscape impacts to 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 publishing notices in local newspapers and posting notices at the Site. Detailed information would be deposited at the meeting for Members' inspection.

4. Background

4.1 Although the Site was covered with vegetation when the planning control over filling of land in "AGR" zone was imposed on the draft Kau Lung Hang OZP No. S/NE-KLH/9 gazetted on 1.4.2005, it is observed that the vegetation within the Site had been cleared and subsequently paved since 2006.

4.2 The Site is currently not subject to any active planning enforcement action.

5. Previous Application

5.1 Part of the Site is the subject of a previous application No. A/NE-KLH/409 for proposed house (New Territories Exempted House – Small House) use (**Plans A-1 and A-2**) which was approved with conditions by the Committee on 30.7.2010. However, the planning permission already lapsed on 30.7.2018. The planning considerations of this previous application are not relevant to the current application which involves a different use.

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 a similar application (No. A/NE-KLH/633) for a proposed temporary public vehicle park (private car only) and electric vehicle charging station within the same "AGR" zone in the vicinity of the Site in the past five years (**Plan A-1**), which was approved with conditions by the Committee on 7.6.2024 on a temporary basis for a period of three years, mainly on sympathetic consideration that the site had already been cleared of vegetation and hard-paved before the land filling clause under the OZP was imposed on 1.4.2005; adverse landscape impact arising from the proposed use was not envisaged; the proposed use was considered not incompatible with the surrounding environment; and relevant departments consulted had no objection to or no adverse comment on the application.

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) flat, hard-paved, vacant and partly fenced (**Plan A-4**); and

- (b) accessible via a local track which is close to one of the entrances of Yuen Leng Village and leading to Tai Wo Service Road East (**Plans A-1 and A-2**).
- 7.2 The surrounding areas are predominantly rural in character mainly with village houses, fallow farmland, open storage and vacant land. To its north is village cluster of Yuen Leng Village and to its south across the local track is a mix of village houses, vegetation and fallow farmland (**Plans A-2 and A-3**).
- 7.3 Another application (No. A/NE-KLH/651) for the same use of this application within the same “V” zone in the vicinity of the Site (**Plans A-1 and A-2**) will also be considered by the Committee at this meeting.

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 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 activity.
- 8.3 The planning intention of the “V” zone is primarily 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:

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**.

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 subject 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, plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, the proposed development is not supported from agricultural perspective.

10. Public Comments Received During Statutory Publication Period

On 25.2.2025, the application was published for public inspection. During the statutory public inspection period, three public comments were received. Two comments (**Appendix VIa**) from a local villager and an individual object to the application mainly for the reasons that there is always dispute over the right of ways or blocking of the road, and increasing traffic flow will affect the access of emergency vehicles and hence the safety of the residents; the proposed use will attract vehicles from areas outside Yuen Leng Village causing adverse traffic and safety impacts; and the proposed use will cause adverse environmental impact, including air, water and light pollution. The remaining comment (**Appendix VIb**) from an individual raises concern on electric vehicle charging facilities not being provided at the Site.

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary public vehicle park (private cars and light goods vehicles) for a period of three years at the Site zoned “AGR” (about 65%) and “V” (about 35%) on the OZP (**Plan A-1**). For the “AGR” portion, 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. Nevertheless, the Site is currently hard-paved and surrounded by village houses located at the fringe of the village cluster of Yuen Leng Village. The provision of car parking spaces can meet the local parking demand, and C for T supports the application in view of the parking demand in the vicinity. For the portion zoned “V”, whilst the applied use is not entirely in line with the planning intention of the “V” zone, the District Lands Officer/Tai Po of Lands Department has no objection to the application and advises that the Small House Grants on Lots 859 S.A and Taxlord Lot 860 in D.D. 9 have not been executed at this juncture, whereas there is no Small House application received for Lot 859 RP. Taking account of the above and the planning assessment below, there is no objection to the proposed use on

temporary basis of three years.

- 11.2 The Site is located at the southern fringe of the village proper of Yuen Leng and within its village 'environs' (**Plan A-2**). It is also close to one of the entrances of Yuen Leng Village and Tai Wo Service Road East. The proposed use comprising 12 parking spaces for private cars and light goods vehicles is considered not incompatible with the surrounding village settings which are predominantly rural in character with mainly village houses, fallow farmland, open storage and vacant land (**Plans A-2 and A-3**). The Chief Town Planner/Urban Design and Landscape of Planning Department considers that significant adverse impact on existing landscape resources arising from the proposed use is not anticipated and has no adverse comment on the application from landscape planning perspective. 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 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. While the Site falls within the upper indirect Water Gathering Grounds (WGG), the Chief Engineer/Construction of Water Supplies Department has no objection to the application and advises that the applicant shall implement preventive, control and mitigation measures identified in the accepted risk assessment report on pollution or contamination to the WGG. Other relevant government departments consulted including the Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to/no adverse comment on the application.
- 11.4 There is a similar application (No. A/NE-KLH/633) for a proposed temporary public vehicle park (private car only) and electric vehicle charging station within the same "AGR" zone in the vicinity of the Site in the past five years (**Plan A-1**), which was approved with conditions by the Committee in 2024 for the reasons detailed in paragraph 6.1 above. The planning circumstances of this approved application are largely similar to those of the current application, in that both sites have already been hard-paved and no significant adverse impact on existing landscape resources arising from the proposed use is anticipated. Approving the current application is considered generally in line with the Committee's previous decision.
- 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 above 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 20.6.2028. The following conditions of approval 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 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), 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) the implementation of preventive, control and mitigation measures on pollution or contamination to the Water Gathering Grounds as identified in the accepted risk assessment report 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 20.3.2026;
- (g) in relation to (f) above, the proposed use should not cause any water pollution to the upper indirect WGG at any time during the planning approval period;
- (h) if any of the above planning condition (a), (b), (d), (e) or (f) 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;
- (i) if any of the above planning condition (c) or (g) 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
- (j) upon the expiry of the planning permission, the reinstatement of the "Agriculture" portion of the Site, including the removal of hard paving, and grassing of the "Agriculture" 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**.

- 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 "AGR" and "V" zones which are primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and for development of Small Houses by indigenous villagers respectively. There is no strong planning justification in the submission for a departure from such planning intentions, 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 17.2.2025
Appendix Ia	FI received on 25.2.2025
Appendix Ib	FI received on 24.3.2025
Appendix Ic	FI received on 30.4.2025
Appendix Id	FI received on 8.5.2025
Appendix II	Previous application
Appendix III	Similar application
Appendix IV	Government departments' general comments
Appendix V	Recommended advisory clauses
Appendix VI	Public comments
Drawing A-1	Site layout plan submitted by the applicant
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photos
Plan A-4	Site photo