

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-LYT/836

- Applicant** : Mr. TANG Wai Ping represented by Mr. PANG Hing Yeun
- Site** : Lots 1406 S.B ss.1 S.A, 1406 S.B ss.1 RP, 1406 S.B ss.2 RP, 1406 S.B ss.3 RP, 1406 S.B RP, 1407 S.A. RP and 1407 RP (Part) in D.D. 83 and Adjoining Government Land (GL), San Uk Tsuen, Lung Yuek Tau, Fanling, New Territories
- Site Area** : About 511m² (including GL of about 31m², or 6.1% of the Site)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP) No. S/NE-LYT/19
- Zoning** : “Village Type Development” (“V”)
- Application** : Proposed Temporary Private Vehicle Park (Private Cars and Light Goods Vehicles Only) with Ancillary Office and Storage Room for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary private vehicle park (private cars and light goods vehicles (LGVs) only) with ancillary office and storage room for a period of three years at the application site (the Site), which falls within an area zoned “V” 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). The Site is hard-paved, fenced off, and currently largely vacant and occupied by a container converted structure for storage of some miscellaneous items (**Plans A-4a** and **A-4b**).
- 1.2 The Site is accessible from Sha Tau Kok Road – Lung Yeuk Tau via a local access (**Plans A-1** and **A-2**). According to the applicant, the proposed use is intended for private use only and would not be opened to the public. Seven parking spaces including two for private cars (5m (L) x 2.5m (W)) and five for LGVs (7m (L) x 3.5m (W)) are proposed at the Site (**Drawing A-1**). Five single-storey temporary structures with building height of not more than 3m and a total floor area of about 65m² are proposed for ancillary office and storage room (for storage of documents

and miscellaneous items). The operation hours of the proposed use are 24 hours daily (including public holidays). No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the Site. Traffic management measures including (i) deployment of staff to manage vehicle entering/exiting the Site; and (ii) installation of signboards and warning devices at the entrance, are proposed to ensure that no queue back from the Site onto the public roads and enhance pedestrian safety of the area. The layout plan submitted by the applicant is 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 7.10.2024 (**Appendix I**)
- (b) Further Information (FI) received on 20.11.2024[^] (**Appendix Ia**)
- (c) FI received on 4.2.2025[^] (**Appendix Ib**)
- (d) FI received on 28.4.2025[^] (**Appendix Ic**)

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

1.4 On 6.12.2024 and 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 each for a period of two months as requested by the applicant.

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 Site, which is subject to planning enforcement action, has long been used as parking of vehicles and storage purposes. The current application is submitted to regularise the unauthorized use at the Site;
- (b) the proposed use only generate a few traffic trips, and no filling of land and tree felling are involved. Should the application be approved, fire service installations (FSIs) and drainage proposals will be submitted to the satisfaction of the relevant departments. The proposed use would not induce adverse traffic, environmental, drainage and landscape impacts on the surroundings; and
- (c) the applicant undertakes to apply for Short Term Waiver (STW) from the Lands Department for regularisation of unauthorised structures under the land administrative regime.

3. Compliance with the "Owner's Consent/Notification" Requirements

The applicant is one of the two "current land owners" and 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 consent of the another "current land owner". Detailed information would be deposited at the meeting for Members' inspection. For GL within the Site, the TPB PG-No. 31B is not applicable.

4. Background

The Site is subject to planning enforcement action (No. E/NE-LYT/287) against unauthorized development (UD) involving use for place for parking of vehicles and storage use. Enforcement Notice was issued on 23.7.2024 requiring discontinuation of the UD by 23.10.2024. As site inspection after the EN expiry revealed that the UD still continued upon expiry of the notice, the landowners were prosecuted and convicted on 4.6.2025. The case is now under close monitoring under prevailing enforcement practice.

5. Previous Application

There is no previous application at the Site.

6. Similar Applications

- 6.1 There were five similar applications (No. A/NE-LYT/710, 755, 760, 813 and 824), involving two sites, for private vehicle park or public vehicle park (PVP) within “V” zones in the vicinity of the Site in the past five years (**Plan A-1**). They were all approved with conditions by the Committee between 2019 and 2024 mainly on considerations that the proposed/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 are 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, fenced off, currently largely vacant and occupied by a container converted structure for storage of some miscellaneous items;
 - (b) situated at the southern fringe of the village proper of San Uk Tsuen; and
 - (c) located at the entrance of San Uk Tsuen bounded by local accesses on three sides and accessible from Sha Tau Kok Road – Lung Yeuk Tau via a local access to the east.
- 7.2 The surrounding areas mainly comprise village houses/domestic structures, vacant/unused land, tree clusters and a pond. To the south across the local track are San Uk Tsuen Sitting-out Area and Ma Wat River.

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, other 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 objects to the application:

Land Administration

Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) the Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. No right of access via GL is granted to the Site;
- (b) the following irregularities covered by the application have been detected:

Unauthorised structures within the said private lots covered by the planning application

there are unauthorised structures erected on the private lots. The lot owners/applicant should immediately rectify the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;

Unlawful occupation of GL adjoining the said private lots with unauthorised structure covered by the planning application

the GL within the Site (about 31.17m²) has been fenced off and illegally occupied without any permission. Any occupation of GL without Government's prior approval is an offence under the Land (Miscellaneous Provisions) Ordinance (Cap. 28). His office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;

- (c) the following irregularity not covered by the planning application has been detected:

Unauthorised structure within the said private lots not covered by the planning application

LandsD has reservation on the application since there are unauthorised structures on the private lots which are already subject to lease enforcement actions according to case priority. The lot owners/applicant should rectify the lease breaches as demanded by LandsD;

- (d) erection of unauthorised structures and illegal occupation of GL should not be encouraged. The lot owners/applicant should rectify the lease breaches and cease the illegal occupation of GL. The lot owners shall either (i) remove the unauthorised structures not covered by the planning application immediately; or (ii) include the unauthorised structures in the planning application for the further consideration by the relevant departments and, subject to the approval of the Board to the planning application which shall have reflected the rectification or amendment as aforesaid required, apply to his office for STW and Short Term Tenancy (STT) to permit the structures erected/to be erected and occupation of GL. The STW/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 STT, if approved, will be on whole lot basis and subject to such terms and conditions including the payment of back-dated waiver fee/rent from the first date of the erection of the unauthorised structures/occupation of GL as well as administrative fee as considered appropriate by LandsD. In addition, LandsD reserves the right to take enforcement action against the lot owners for any breach of the lease conditions, including the breaches already in existence or to be detected at any point of time in future and land control action for any unlawful occupation of GL. Besides, given the proposed use is temporary in nature, only erection of temporary structures will be considered;
- (e) unless and until the unauthorised structures are duly rectified by the lot owners or entirely included in the planning application, his office would object the planning application; and
- (f) part of the Site¹ is the subject of a Small House grant application being processed by LandsD. If the Small House application is approved, the lot owner will be required to demolish any structure(s) within the Site and cancel the STW before execution of the licence documents.

10. Public Comments Received During Statutory Publication Period

On 18.10.2024, the application was published for public inspection. During the statutory public inspection period, seven public comments were received (**Appendix V**). Four comments from individuals object to the application mainly on the grounds that the proposed use would induce adverse impacts on traffic and pedestrian safety; the Site is an suspected illegal fuel station and car repairing workshop, which is subject to air pollution,

¹ It involves Lots 1406 s.B ss.1 RP and 1406 s.B ss.2 RP in D.D. 83. The applicant has obtained consent of the concerned land owner to make this application.

fire safety and water pollution issues; and the proposed use would create flooding threat to the surrounding areas. One comment from an individual queries the nature of the proposed use and considers that the proposed use is not compatible with the surrounding land uses. The remaining two comments from a member of North District Council and an individual respectively indicate no comment on the application.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary private vehicle park with ancillary office and storage room for a period of three years at the Site zoned “V” on the OZP. The proposed 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. DLO/N, LandsD advises that part of the Site is the subject of a Small House grant application under processing. Nevertheless, as the proposed use is on temporary basis for a period of three years, it is considered that approval of the application would not frustrate the long-term planning intention of the “V” zone.
- 11.2 The Site, being accessible from Sha Tau Kok Road – Lung Yeuk Tau via the local access to the east, is located at the entrance of San Uk Tsuen bounded by local access on three sides (**Plans A-3 and A-4a**). The proposed use for private vehicle park with ancillary office and storage room is considered not entirely incompatible with the surrounding land uses which are predominated by village houses/domestic structures and vacant/unused land.
- 11.3 Concerned government departments consulted, including the Commissioner for Transport, Director of Environmental Protection (DEP), Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services (D of FS) 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 ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’.
- 11.4 Regarding DLO/N, LandsD’s comments on the unauthorised structures erected within and outside the Site and the illegal occupation of GL, the applicant has undertaken to submit STW for regularisation under land administrative regime. The applicant will also be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.5 There were five approved similar applications for private vehicle park or 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.
- 11.6 Regarding the public comments as detailed in paragraph 10 above, the government departments’ comments and planning assessments above are relevant. For the public comments on the allegation of a suspected illegal fuel station at the Site and its associated environmental nuisances, the concerned departments including

DEP and D of FS advise that there are no relevant records of such illegal fuel station nor complaint record related to the Site.

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 three years until 20.6.2028. 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 Town Planning 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) 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.

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 7.10.2024
Appendix Ia	FI received on 20.11.2024
Appendix Ib	FI received on 4.2.2025
Appendix Ic	FI received on 28.4.2025
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Site Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
JUNE 2025**