

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKL/797

- Applicant** : Mr. CHOI Kin Ming represented by Toco Planning Consultants Limited
- Site** : Lots 1874 RP (Part) and 1875 RP in D.D. 76, Leng Tsai Tsuen, Ta Kwu Ling, New Territories
- Site Area** : About 575.3m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP)
No. S/NE-TKL/14
- Zoning** : “Village Type Development” (“V”)
- Application** : 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) 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 currently hard-paved and vacant.
- 1.2 The Site is accessible via a local track leading to Sha Tau Kok Road – Ma Mei Ha (**Plan A-2**). According to the applicant, the proposed use will provide a total of 21 private car parking spaces for the villagers of Leng Tsai. No vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked at the Site. The operating hours of the proposed use is 24 hours daily (including public holidays). No structure or kiosk will be erected on site and no electric vehicle (EV) charging facility will be provided. No car washing, vehicle repair, dismantling, paint spraying or other workshop activities will be allowed within the Site. Fencing will not be erected to allow villagers’ easy access. A warning sign will be placed at the entrance of the proposed public vehicle park to ensure pedestrian safety. The layout plan submitted by the applicant is shown in **Drawing A-1**.
- 1.3 In support of the application, the applicant has submitted the following documents:

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| (a) Application Form with attachments received on 24.4.2025 | (Appendix I) |
| (b) Further Information (FI) received on 6.6.2025 [^] | (Appendix Ia) |

[^] accepted and exempted from the 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**, as summarised below:

- (a) the applicant is the Indigenous Inhabitant Representative of Leng Tsai. The Site is in a relatively remote location with limited access to public transportation and there is a continuous demand for car parking facilities in the vicinity. The proposed use will serve the need of the villagers of Leng Tsai and the location is preferred by them;
- (b) the proposed use will help relieve the parking problem and reduce the number of illegal roadside parking in the area;
- (c) the proposed use is small scale and is compatible with the surrounding land uses which are predominantly village houses, village tracks and vacant land. Approval of the proposed use on a temporary basis of three years will not frustrate the long-term planning intention of the “V” zone. Besides, there is no Small House application submitted to the Lands Department (LandsD) at the Site;
- (d) the unauthorised structures within the Site and the adjoining Government Land (GL) have already been removed;
- (e) there were similar applications in the vicinity of the Site involving “V” and “Agriculture” zones which were approved by the Rural and New Town Planning Committee (the Committee) of the Board; and
- (f) no significant adverse traffic, environmental, drainage and landscape impacts are anticipated.

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 giving notification to the “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

Part of the Site is subject to an active enforcement case No. E/NE-TKL/494 regarding unauthorized use for place for parking of vehicles. Enforcement Notice was issued on 24.2.2025 requiring discontinuation of the unauthorized development (**Plan A-2**). Recent site inspection

revealed that the Site was vacant. The Site will be monitored according to the established procedures.

5. Previous Application

The Site is not the subject of any previous application.

6. Similar Application

6.1 There was a similar application in the vicinity of the Site in the past five years. Application No. A/NE-TKL/747 for proposed temporary private vehicle park (excluding container vehicles) was approved with conditions by the Committee on 19.7.2024 mainly on the considerations that the proposed use was not entirely incompatible with the surrounding areas; there were no major adverse departmental comments and the concerns of the relevant government departments could be addressed through the imposition of approval conditions; and there were similar approved applications in the vicinity.

6.2 Details of the similar application are at **Appendix II** 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) hard-paved and vacant;
- (b) located within the “V” zone of Leng Tsai; and
- (c) accessible via a local track leading to Sha Tau Kok Road – Ma Mei Ha.

7.2 The surrounding areas are rural in character comprising mainly village houses, parking of vehicles, warehouses and open storage yards.

8. Planning Intention

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

All 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 in **Appendices III** and **IV** respectively.

10. Public Comments Received During Statutory Publication Period

On 2.5.2025, the application was published for public inspection. During the statutory public inspection period, a total of 23 public comments were received (**Appendix V**). 20 comments from the Chairman and the 1st Vice-chairman of Fanling District Rural Committee, and the Resident Representative and the villagers of Leng Tsai support the application on the considerations that the proposed use will utilise the unused land and provide parking spaces to fulfil the parking need of the residents; it will help reduce illegal roadside parking; and the small scale of the proposed use will not cause adverse impacts. One comment from an individual provides view that the application does not include information of the provision of EV charging facility at the Site which should be an integral factor for consideration of the application. The remaining two comments from a member of the North District Council and the Chairman of Lung Shan Area Committee indicate no comment on the application.

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 zoned “V” on the OZP. While the proposed use is not entirely in line with the planning intention of the “V” zone which is primarily for development of Small Houses by indigenous villagers, the applicant states that the proposed use is to serve the villagers of Leng Tsai. Besides, the District Lands Officer/North of LandsD advises that there is no Small House application received for the Site. In this regard, it is considered that the approval of the application for a period of three years would not frustrate the long-term planning intention of the “V” zone.
- 11.2 The Site, being located within the village proper of Leng Tsai, is hard-paved and vacant. The proposed use is considered not entirely incompatible with the surrounding areas comprising mainly village houses, parking of vehicles, warehouses and open storage yards.
- 11.3 Concerned government departments consulted, including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department, Chief Engineer/Construction of Water Supplies Department and Director of Fire Services have no objection to/no adverse comment on the application. To address the technical requirements of the concerned government department, relevant approval conditions are recommended in paragraph 12.2 below.
- 11.4 There was a similar application in the vicinity of the Site in the past five years which was approved with conditions by the Committee as mentioned in paragraph 6.1 above. The planning circumstances of the current application are similar to those of the approved similar application. Approval of the current application is 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 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 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 provision of drainage facilities 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 shall be maintained at all times during the planning approval period;
- (d) 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
- (e) if any of the above planning condition (a) or (b) 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 to provide land primarily for development of Small Houses by indigenous villagers. 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), 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 24.4.2025
Appendix Ia	FI received on 6.6.2025
Appendix II	Similar Application
Appendix III	Government Departments' General Comments
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
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JUNE 2025**