

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-PK/214

- Applicants** : Messrs HAU Kan Sum and HAU Joey Aui Yin represented by Mr. PANG Hing Yeun
- Site** : Lots 2351 S.B ss.1, 2351 S.B RP, 2351 S.C ss.1 (Part), 2351 S.C RP (Part), 2351 S.E ss.1 (Part), 2351 S.E ss.2 (Part), 2351 S.E ss.3 RP (Part), 2351 S.E RP (Part), 2351 S.F & 2351 RP in D.D. 91, Ping Kong, Sheung Shui, New Territories
- Site Area** : About 786.58m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Kong Outline Zoning Plan (OZP) No. S/NE-PK/11
- Zoning** : “Village Type Development” (“V”)
- Application** : Temporary Private Vehicle Park (Private Car and Light Goods Vehicle) for a Period of 3 Years

1. The Proposal

- 1.1 The applicants seek planning permission for temporary private vehicle park (private car and light goods vehicle (LGV)) for a period of three years at the application site (the Site) falling within an area zoned “V” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently hard-paved and used for the applied use without valid planning permission (**Plan A-4**).
- 1.2 The Site is abutting Ping Kong Road to the east and within Yat Tung Villa (逸東花園) (**Plan A-2**). According to the applicants, the applied use comprises 28 parking spaces (5m (L) x 2.5m (W) each) (including 25 for private cars and three for LGVs) with two existing single-storey (2.5m in height) shelters (with a total floor area of about 83.62m²) (**Drawing A-1**). The applied use solely serves the residents of Ping Kong Village. The operation hours of the vehicle park are 24 hours daily. The applicant proposes traffic management measures, including installation of safety signage at visible locations. The site layout plan submitted by the applicants is shown at **Drawing A-1**.
- 1.3 In support of the application, the applicants have submitted the following documents:

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|---|---------------|
| (a) Application Form with attachments received on 12.3.2025 | (Appendix I) |
| (b) Further Information (FI) received on 16.4.2025* | (Appendix Ia) |
| (c) FI received on 30.5.2025* | (Appendix Ib) |
| (d) FI received on 30.6.2025* | (Appendix Ic) |

**accepted and exempted from publication and recounting requirements*

- 1.4 On 2.5.2025, the Rural and New Town Planning Committee (the Committee) of the Board agreed to the applicants' request to defer making a decision on the application for two months.

2. Justifications from the Applicants

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

- (a) the Site is located in Ping Kong Village and within close proximity of Cheung Lung Wai Estate where residents also park their cars within Ping Kong Village. There is a genuine demand from the villagers for car parking spaces due to limited public/private vehicle parks in the area. The applied use helps relieve illegal parking and road safety problems in the area;
- (b) the Site has been used for vehicle park for years, and the applicants seek to regularise the said use. The additional traffic flow generated by the applied use is deemed insignificant. Adequate manoeuvring space is provided within the Site and at the entrance, as well as along the local track leading to Ping Kong Road. Also, traffic management measures will be implemented, thereby minimising the potential traffic congestion and ensuring the safety of both pedestrians and motorists;
- (c) the applicants will obtain consent of other owners or managing department for using the concerned local track or area (within Yat Tung Villa) as the vehicular access;
- (d) the applicant will apply to Lands Department (LandsD) for Short Term Waiver (STW) to permit the two shelters in the Site; and
- (e) the applied use does not involve felling of trees and filling/excavation of land, and hence would not cause adverse environmental impact.

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

The applicants are the sole “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

The use for place for parking of vehicles at the Site would be subject to planning enforcement action. A warning letter has been issued to concerned registered land owners on 28.1.2025.

5. **Previous Application**

There is no previous application at the Site.

6. **Similar Applications**

6.1 There are five similar applications (No. A/NE-PK/141, 156, 191, 192 and 202)¹ for temporary private vehicle parks (private cars and LGVs) covering three sites within the same “V” zone in the vicinity of the Site in the past five years. All these applications were approved with conditions between 2021 and 2024 mainly on the considerations of not frustrating the long-term planning intention of the “V” zone; being not incompatible with the surrounding rural setting; and no significant adverse impact on the surrounding areas. Details of the similar applications are summarised at **Appendix II** and their locations are shown on **Plans A-1** and **A-2**.

6.2 Other than the above similar applications, another two applications (No. A/NE-PK/213 and 215) for the same applied use as the current application will be considered by the Committee at the same meeting (**Plans A-1** and **A-2**).

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

7.1 The Site is:

- (a) flat, hard-paved and currently used for applied use without valid planning permission (**Plan A-4**); and
- (b) abutting Ping Kong Road to the east and within Yat Tung Villa.

7.2 The surrounding areas are predominantly rural in character comprising village houses, car parks, open storage and vacant land (**Plans A-2** and **A-3**).

8. **Planning Intention**

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

¹ While part of the site under application No. A/NE-PK/156 overlaps with the site of application No. A/NE-PK/192, two applications (No. A/NE-PK/191 and 202) cover the same site.

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 III** and **IV** 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;
- (b) she has no adverse comment on the application from traffic engineering point of view; and
- (c) her advisory comments are at **Appendix IV**.

9.3 The following government department objects the application:

Land Administration

9.3.1 Comments of the District Lands Officer/North, LandsD (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. The proposed ingress/egress of the Site is required to pass through Government Land (GL) but no right of access via GL is granted to the Site;
- (b) the following irregularity covered by the application has been detected:

Unauthorised structure within the said private lots covered by the application

- there are unauthorised structures within Lots 2351 S.E ss.1, 2351 S.E ss.2 and 2351 S.F in D.D. 91. The lot owners should immediately rectify the lease breaches and his office reserves the

rights to take necessary lease enforcement action against the breaches without further notice;

- (c) the following irregularities not covered by the application have been detected:

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

- there are unauthorised structures within Lots 2351 S.E ss.2 and 2351 S.E ss.3 RP in D.D. 91 not covered by the application. The lot owners 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 not covered by the planning application

- the GL adjoining the Site has been illegally occupied with unauthorised structures extended from Lots 2351 S.E ss.2 and 2351 S.E ss.3 RP in D.D. 91 without permission. The GL being illegally occupied is not included in the application. Any occupation of GL without Government's prior approval is an offence under Cap. 28. His office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;
- (d) erection of unauthorised structures and illegal occupation of GL should not be encouraged. The lot owners shall remove the unauthorised structures and cease the illegal occupation of GL not covered by the application immediately and, subject to the approval of the Board to the application which shall have reflected the rectification as aforesaid required, apply to his office for a STW to permit the structures erected/to be erected within the said private lots. The application for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STW, if approved, will be on whole lot basis and subject to such terms and conditions including the payment of back-dated waiver fee from the first date when the unauthorised structures were erected and administrative fee as considered appropriate to be imposed 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 breach(es) 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 applied use is temporary in nature, only erection of temporary structure(s) will be considered;
- (e) unless and until cessation of unlawful occupation of GL and the unauthorised structures not covered by the application are duly rectified by the lot owners, his office has objection to the application

which must be brought to the attention to the Board when they consider the application; and

(f) there is no Small House application received at the Site.

10. Public Comments Received During Statutory Publication Period

- 10.1 On 21.3.2025, the application was published for public inspection. During the statutory public inspection period, 109 comments were received (**Appendix V**).
- 10.2 Among them, 97 comments from the Indigenous Inhabitant Representative of Ping Kong Village and 96 individuals support the application on the grounds that the applied use can address local demand for parking spaces and the current location is suitable for the applied use.
- 10.3 Three comments from the Resident Representative of Ping Kong Village and two individuals object to the application mainly for the reasons that the applicants fail to demonstrate local demand for parking spaces and the estimated daily vehicle trips are considered unreasonable; traffic congestion and safety issues will be induced in the area, having considered inadequate turnaround space within the Site and the narrow width of the local track; the LGV parking spaces do not meet standard dimensions; the applied use will cause adverse environmental impact, including noise and air pollution; the applied use disturbs the rural character of the village; and the illegal land use should be rectified prior to the approval of the application.
- 10.4 There are also four comments from individuals expressing views on the acute local parking demand and lack of parking spaces in the area; raising concerns on why no electric vehicle charging facilities proposed in the Site.
- 10.5 The remaining five comments from individuals indicate no comment on the application or do not indicate any comment.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary private vehicle park (private car and LGV) for a period of three years at the Site zoned “V” on the OZP (**Plan A-1**). While the applied 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, it can provide car parking spaces to meet the local parking demand. C for T supports the application in view of the parking demand in the vicinity. Besides, the DLO/N, LandsD advises that there is no Small House application received at the Site. Taking into account the above and the planning assessments below, there is no objection to the proposed use on temporary basis of three years.
- 11.2 The Site is currently hard-paved and used for applied use without valid planning permission. The applied use comprising 28 parking spaces for private cars and

LGVs is considered not incompatible with the surrounding village settings which are predominantly rural in character with village houses, car parks, open storage and vacant land (**Plans A-2 and A-3**).

- 11.3 The Director of Environmental Protection has no objection to the application from environmental planning perspective and advises that no environmental complaint in relation to the Site has been received in the past three years. Other relevant government departments consulted including the Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) have no objection to or no adverse comment on the application. To address the technical requirements of CE/MN, DSD, appropriate approval conditions are recommended in paragraph 12.2 below. Regarding DLO/N, LandsD's concern on the unauthorised structures erected within and outside the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.4 There are five similar applications for the same use as current application covering three sites within the same "V" zone in the vicinity of the Site (**Plans A-1 and A-2**) which were approved by the Committee between 2021 and 2024 mainly on the considerations as set out in paragraph 6.1 above. Approving the current application is in line with the previous decisions of the Committee.
- 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 **18.7.2028**. 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 the Board by 18.1.2026;
- (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 18.4.2026;

- (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) 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; and
- (e) 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.

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 applied 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 to justify 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 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) 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 applicants.

14. Attachments

Appendix I	Application Form with attachments received on 12.3.2025
Appendix Ia	FI received on 16.4.2025
Appendix Ib	FI received on 30.5.2025
Appendix Ic	FI received on 30.6.2025
Appendix II	Similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comments

Drawing A-1	Layout plan submitted by the applicants
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photo

**PLANNING DEPARTMENT
JULY 2025**