APPLICATION FOR PERMISSION UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-LYT/851

Applicant : Shun Yu Development Consultant Limited represented by R-riches

Planning Limited

Site : Lot 2435 (Part) in D.D. 83, Lung Ma Road, Queen's Hill, Fanling, New

Territories

Site Area : About 14,446m²

Lease : New Grant No. 22694 (for private residential use)

Plan : Approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan

(OZP) No. S/NE-LYT/19

Zonings : "Agriculture" ("AGR") (about 99%)

"Residential (Group C)" ("R(C)") (about 1%)¹

Application: Proposed Temporary Public Vehicle Park (Excluding Container Vehicle)

and Associated Filling of Land for a Period of Three Years

1. The Proposal

1.1 The applicant seeks planning permission for proposed temporary public vehicle park (PVP) (excluding container vehicle) and associated filling of land for a period of three years at the application site (the Site) falling within an area zoned "AGR" 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). Filling of land in the "AGR" zone also requires planning permission from the Board. The Site is currently largely hard-paved and used as temporary PVP without valid planning permission (Plans A-1, A-4a and A-4b).

1.2 The Site is accessible from Sha Tau Kok Road – Lung Yeuk Tau via the abutting Lung Ma Road at its immediate east (**Plans A-1** and **A-2**). The applicant states that the proposed temporary PVP is to serve the residents nearby. There would be 275 parking spaces at the Site, including 205 for private cars (5m (L) × 2.5m

A minor portion of the Site (i.e. about 141.7m² or 0.7%) encroaches onto the "R(C)" zone, which is considered as minor boundary adjustment under the covering Notes of the OZP. In view of this, the planning assessment does not include "R(C)" zone.

(W) each), 58 for light goods vehicles (LGVs) ($7m (L) \times 3.5m (W)$ each) and 12 for minibus ($8m (L) \times 3m (W)$ each) (**Drawing A-1**). According to the applicant, no structure will be erected at the Site. 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 from the Site to the public road. Only private cars, LGVs and minibuses are allowed to be enter/exit and parked at the Site. No vehicles without valid license under the Road Traffic Ordinance is allowed to be parked at the Site. Road sign of 'Slow Pedestrians' will be erected within the Site to remind the drivers to pay attention to the pedestrians, whilst a closed-circuit television system will be installed to monitor the traffic condition of the Site.

- 1.3 The Site is traversed by an existing nullah and adjoins a box culvert to its immediate west, and both drainage facilities are under the Drainage Services Department (DSD)'s management (Plan A-2). According to the applicant, an area of drainage reserve (i.e. 3m distance away from the top of the banks of the nullah and outermost surfaces of box culvert) will be designated to ensure a free and unrestricted access at all times for construction, repairs and maintenance works to the drainage facilities on-site, and no filling of land will be involved with the designated drainage reserve area (**Drawing A-3**). The applicant also applies for regularisation of filling of land/proposed filling of land for the majority part of the Site (about 13,784m² or about 90%)² of not more than 0.1m in depth (to level of a range from +11.5mPD to +12mPD) by concrete for site formation and circulation purpose (Drawing A-2). The layout, land filling and drainage reserve area plans submitted by the applicant are shown in **Drawings A-1** to **A-3** respectively.
- 1.4 Part of the Site is the subject of a last previously approved application (No. A/NE-LYT/820)³ covering the northern corner of the Site (**Plan A-1**) for the same use submitted by the same applicant as the current application. Compared with the last approved application (No. A/NE-LYT/820), the current application involves a much larger site area with additional parking spaces for private cars, LGVs and minibus⁴. Details of the previous applications are set out at paragraph 5 below.
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with Attachments received on 9.6.2025⁵ (Appendix I)
 - (b) Further Information (FI) received on 28.7.2025 (Appendix Ia)

^ accepted and exempted from the publication and recounting requirements

Based on the approved scheme under Application No. A/NE-LYT/820, the PVP covering a site area of about 2,051m² provides a total of 60 parking spaces, including 54 for private vehicles and six for LGVs.

Whilst a portion of the Site (about 9,151m²) had already been filled, the applicant proposes to fill the remaining portion of the Site (about 4,633m²), excluding the drainage reserve area, to a depth not exceeding 0.1m for site formation and circulation purposes.

The planning permission was revoked on 26.7.2025 as detailed in paragraph 5.2 below.

Revised supplementary statement and layout plans were submitted by the applicant on 28.7.2025 (**Appendix Ia**) to supersede the original supplementary statement and layout plan.

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) in view of the growing population and shortage of parking spaces in the Queen's Hill area where Queen's Hill Estate, Shan Lai Court and Ma Liu Shui Shan Tsuen are located, the proposed PVP could cater for the parking needs of residents nearby and address the on-street parking problems along Lung Ma Road and Lung Chun Road;
- (b) the proposed use is temporary in nature and approval of the application would not frustrate the long-term planning intention of the "AGR" zone;
- (c) the proposed use is not incompatible with the surrounding areas. Relevant traffic survey and assessment were conducted to demonstrate that the development would not induce any traffic impacts to nearby road link and junctions including Lung Ma Road. It would not induce adverse environmental, drainage and landscape impacts and fire safety issue on the surrounding areas;
- (d) the applicant undertakes to strictly follow the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' (COP) issued by Environmental Protection Department to minimise environmental impacts on and nuisances to the surrounding areas;
- (e) the extent of land filling, which is to meet the operational needs of the proposed use, has been kept to the minimum. Except the applied land filling, no further land will be carried out by the applicant during the planning approval period;
- (f) the northern-end of the Site is the subject of a previously approved application (No. A/NE-LYT/820) for PVP. The applicant has made efforts in complying with approval conditions under the previous approval ⁶. Approval of the current proposal covering a larger site area with a different layout and more car parking spaces is generally in line with Board's previous decision;
- (g) should the application be approved, the applicant will strictly adhere to the proposed scheme as submitted, and the unauthorised structures on-site will be removed accordingly. Besides, the applicant has also undertaken to apply for a Short-term Wavier (STW) for regularisation of the proposed use at the concerned private lot.

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

The applicant is not the "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 notice in local newspapers and sending notice to the Fanling District Rural Committee by registered post. Detailed information would be deposited at the meeting for Members' inspection.

Approval conditions requiring the submission of fire services installations (FSIs) proposal and the submission and implementation of run-in/out proposal were compiled in March and April 2024.

4. Background

The Site is currently not subject to any active planning enforcement action. Recent site inspection revealed that the Site was used for parking of vehicles and warning poster was posted on-site.

5. Previous Applications

- 5.1 The Site, in part or in whole, is the subject of six previous applications (No. A/DPA/NE-LYT/83, A/NE-LYT/210, 230, 231, 546 and 820) (**Plan A-1**). Two of these applications (No. A/DPA/NE-LYT/83 and A/NE-LYT/231)⁷ covering Lot 2435 in D.D. 83 (**Plan A-2**) for proposed low-density residential development with recreational facilities were approved with conditions by the Board on review and the Rural and New Town Planning Committee (the Committee) in 1996 and 2002 respectively. Subsequently, the validity of the planning permission has been extended to 2010. The corresponding general building plans (GBPs) submission for the proposed low-density residential was approved in 2010, while lease modification was also executed in 2022.
- 5.2 The last previous application (No. A/NE-LYT/820), with a site area of about 2,051m², covering the northern-end of the Site for the same use submitted by the same applicant as the current application was approved with conditions by the Committee in 2024 mainly on the considerations that the proposed use intended to serve residents nearby at the application site could be tolerated on a temporary basis; it was not incompatible with the surrounding areas; and no significant adverse traffic, drainage and landscape impacts on the surrounding areas were anticipated. The planning permission under application No. A/NE-LYT/820 was revoked on 26.7.2025 due to non-compliance with approval conditions in relation to submission and/or implementation of drainage and FSIs proposal.
- 5.3 The remaining three previous applications (No. A/NE-LYT/210, 230 and 546) for temporary container trailer park, agricultural trade wholesale market and open storage of construction machinery and materials were rejected by the Committee or the Board on review in 2001, 2002 and 2014 respectively. The planning considerations of these previous applications are not relevant to the current application which involves different use.
- 5.4 Details of the applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

6. <u>Similar Applications</u>

There are eight similar applications for temporary PVP (No. A/NE-LYT/742, 747, 777, 795, 806, 815, 828 and 837) involving four sites within the "AGR" zones in the vicinity of the Site in the past five years (**Plan A-1**). Seven of these applications (No. A/NE-LYT/742, 747, 777, 806, 815, 828 and 837) were approved with conditions by the Committee between 2021 and 2024 respectively

⁷ Both applications No. A/DPA/NE-LYT/83 and A/NE-LYT/231 were submitted by a different applicant (i.e. Country Rich Development Ltd), and with same development parameters (i.e. domestic plot ratio of 0.2 and building height restriction of 6m (2 storeys)).

- mainly on similar considerations as stated in paragraph 5.2 above.
- 6.2 For the remaining application (No. A/NE-LYT/795), it was rejected by the Board on review in 2023 mainly on the ground that the proposed use was not in line with the planning intention of "AGR" zone and there was no strong planning justification for a departure from the planning intention.
- 6.3 Details of these applications are summarised at **Appendix III** 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) largely hard-paved, with portions covered by tree groups or vegetated areas;
 - (b) currently used as temporary PVP without valid planning permission;
 - (c) traversed by an existing nullah and adjoining an box culvert to its immediate west, and both drainage facilities are currently under DSD's management; and
 - (d) accessible from Sha Tau Kok Road Lung Yeuk Tau via Lung Ma Road at its immediate east.
- 7.2 The surrounding areas are mainly a mixed rural landscape character dominated by low-rise residential buildings, village houses/domestic structures, active/fallow agricultural land, workshops and unused land covered with tree groups or vegetated area. To the east across Lung Ma Road is Ma Liu Shui San Tsuen zoned "Village Type Development" and "R(C)". To the further southeast is the Queen's Hill public housing development within the "Residential (Group A)".

8. Planning Intention

- 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 According to the Explanatory Statement of the OZP, as filling of land may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

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 recommended advisory clauses are provided at **Appendices IV** and **V** respectively.

9.2 The following government department does not support the application:

Agriculture and Nature Conservation

Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

Agricultural Perspective

(a) he does not support the application from agricultural development perspective as the Site zoned "AGR" possesses potential for agricultural rehabilitation. There are active agricultural activities in the vicinity of the Site, 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, and plant nurseries etc.;

Nature Conservation Perspective

- (b) he has no comment on the application from nature conservation perspective;
- (c) site inspection conducted by his office reveals that the majority part of the Site has been used as parking of vehicles. The Site is traversed by an existing nullah (**Plan A-2**). Based on the applicant's submissions, no structure will be erected on the nullah and regular patrolling of security guards on-site will ensure that parking activities on-site would not affected the existing nullah; and
- (d) his advisory comments are at **Appendix V**.
- 9.3 The following government departments provide specific comments on the application:

Traffic

9.3.1 Comments from the Commissioner for Transport (C for T):

- (a) she has no objection to the application from traffic engineering perspective, noting that the traffic survey and traffic assessment submitted by the applicant demonstrated that the proposed use would not induce adverse traffic impacts on Lung Ma Road⁸; and
- (b) should the application be approved, the following approval conditions are recommended;
 - (i) the submission of a traffic review to the satisfaction of C for T or of the Board;
 - (ii) in relation to (i) above, the provision of traffic management measure(s) identified in the traffic review to the satisfaction of C for T or of the Board; and

According to the traffic survey and traffic assessment submitted by the applicant, the existing volume to capacity (v/c) ratio of Lung Ma Road was 0.72, whilst the planned v/c ratio with the proposed use at the Site would be 0.82. Noting that the planned v/c ratio is still within the acceptable threshold (i.e. v/c ratio < 1), no significant traffic impact is anticipated.

(iii) in relation to (ii) above, the implemented traffic management measure(s) shall be maintained at all times during the planning approval period.

Drainage

- 9.3.2 Comments from the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):
 - (a) she has no adverse comment on the application from public drainage perspective, noting that drainage reserve areas are proposed in the submission to protect the existing drainage facilities and the applicant has committed to submit a Drainage Impact Assessment (DIA) to evaluate the potential drainage impacts and propose appropriate mitigation measures; and
 - (b) should the application be approved, the following conditions are recommended:
 - (i) the submission of a DIA to the satisfaction of the Director of Drainage Services or of the Board;
 - (ii) in relation to (i) above, the implementation of drainage facilities identified in the DIA to the satisfaction of the Director of Drainage Services or of the Board; and
 - (iii) in relation to (ii) above, the implemented drainage facilities shall be maintained at all times during the planning approval period; and
 - (c) her advisory comments are at **Appendix V**.

10. Public Comments Received During Statutory Publication Period

- 10.1 On 20.6.2025, the application was published for public inspection. During the statutory public inspection period, 10 public comments were received (**Appendix VI**).
- Nine comments from three members of North District Council, the Chairman and Vice-Chairman of Fanling District Rural Committee, the Chairman of Lung Shan Area Committee, a group of village representatives of Fanling District Rural Committee (a joint letter with 23 signatures), a group of villagers/residents of Fanling area (a joint letter with 152 signatures) and an individual object to the application mainly on the grounds that the Site zoned "AGR" should be used for cultivation purpose instead of temporary PVP; the oil spills arising from the vehicles will contaminate the adjoining farmland; the proposed PVP will worsen the traffic congestion and pedestrian safety issues in the area; relevant technical assessments shall be submitted by the applicant to demonstrate the feasibility of the proposed use; there is no strong justifications for temporary PVP at the Site as there is lack of car parking demand; there is no provision of electric vehicle charging facilities in the application; the proposal involving filling of land might result in flooding risk in the area; there is a concern that the Site will be ultimately

- used as open storage and warehouse purposes; the approval conditions under the previous application No. A/NE-LYT/820 have not been fully complied with; and the majority part of the Site not covered by valid planning permission is suspected to be unauthorized development.
- 10.3 The remaining one comment from the Indigenous Inhabitant Representative of Ma Liu Shui San Tsuen expresses concern on the traffic issues in the area, such as pedestrian safety and illegal on-street parking along Lung Ma Road, and provides views on the development proposal under current application which includes provision of parking space for heavy goods vehicles, additional ingress/egress to the Site and traffic management measures.

11. Planning Considerations and Assessments

- The application is for proposed temporary PVP (excluding container vehicle) and 11.1 associated filling of land for a period of three years (Plan A-1). The proposed use is not in line with the planning intention of the "AGR" zone and DAFC does not support the application from the agricultural perspective as the Site possesses potential for agricultural rehabilitation. Nevertheless, the Site is the subject of the previously approved scheme under application No. A/DPA/NE-LYT/83 and A/NE-LYT/231 for the proposed low-density residential development with approved GBPs and completed lease modification, and part of the Site at the northern corner is the subject of a previously approved application (No. A/NE-LYT/820) submitted by the same applicant for the same temporary PVP use (Plans **A-1** and **A-2**). According to the applicant, the proposed temporary use is to meet the parking demand of the residents nearby. In this regard, C for T has no objection to the application from traffic engineering perspective subject to incorporation of approval conditions in paragraphs 12.2(d) to 12.2(f) below. Taking into account of the above and the planning assessment below, there is no objection to the proposed use on a temporary basis of three years.
- The proposed use also involves regularisation of filling of land/proposed filling of 11.2 land at the majority part of the Site with a depth of not more than 0.1m by concrete (to level of a range from +11.5mPD to +12mPD) (Drawing A-2) as detailed in Filling of land within "AGR" zone requires planning paragraph 1.3 above. permission from the Board as it may cause adverse drainage and environmental impacts on the surrounding areas. According to the applicant, a DIA will be submitted, and relevant drainage facilities identified in the concerned DIA will also be implemented. In this regard, CE/MN, DSD has no adverse comment on the application from public drainage perspective subject to the incorporation of approval conditions in paragraphs 12.2(a) to 12.2(c) below, whilst the Director of Environmental Protection (DEP) has no objection to the application from environmental planning perspective. As the Site is zoned "AGR", an approval condition requiring the reinstatement of the Site zoned "AGR" 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 Site, being accessible from Sha Tau Kok Road Lung Yeuk Tau via the abutting Lung Ma Road at its immediate east, is traversed by an existing nullah and adjoins a box culvert under DSD's management (**Plans A-1** and **A-2**).

According to the applicant, the drainage reserve areas as detailed in paragraph 3 above will be designated to address CE/MN, DSD's concern on the operation and maintenance of the existing drainage facilities (**Drawing A-3**). The Chief Highways Engineer/New Territories East of Highways Department has no comment on the application from highway maintenance perspectives. DEP advises that no environmental complaint case related to the Site was received over the last three years. Other concerned government departments consulted also have no objection to or no comment on the application. Should the application be approved, the applicant will also be advised to follow the revised 'COP' in order to minimise possible environmental nuisance on the surroundings.

- 11.4 The Site, which is entitled to be developed for a low-density residential development under previously approved applications (No. A/DPA/NE-LYT/83 and A/NE-LYT/231) (**Plan A-1**), is located in a mixed rural landscape character dominated by low-rise residential buildings, village houses/domestic structures, active/fallow agricultural land, workshops and unused land covered with tree groups or vegetated area (**Plans A-2 to A-4a**). The public housing development at Queen's Hill is also close to the Site. The proposed temporary PVP is considered not entirely incompatible with the setting of the surrounding areas. Both the Chief Town Planner/Urban Design and Landscape of Planning Department and DAFC have no comment/adverse comment on the application from landscape planning and nature conservation perspectives respectively.
- There are eight similar applications within the "AGR" zones on the OZP in the vicinity of the Site over the past five years (Plan A-1). Amongst these eight similar applications, seven were approved with conditions by the Committee as detailed in paragraph 6.1, whilst one involving a site in the different "AGR" zone in Kwan Tei Tsuen was rejected by the Board on review in 2023 mainly on the ground of not being in line with the planning intention of the "AGR" zone and there was no strong planning justification for a departure from the planning intention. Taking into account the history and context of the Site as detailed in paragraphs above, the planning consideration and circumstances of the current application are different from those of the rejected application.
- 11.6 Regarding the public comments as detailed in paragraph 10 above, the government departments' comments and the planning assessments above are relevant. For the public comments on pedestrian safety issue, C for T advises that no traffic blackspot was identified on Lung Ma Road or the junctions along it since 2020, and clear pedestrian-vehicle separations and pedestrian cautionary crossing facilities are also provided along Lung Ma Road. Regarding the suggestions on provision of traffic lights and refuge island at the ingress/egress of the Site, C for T advises that the sightlines at the run-in/out of the Site to footpath, cycle tracks and carriageways are all sufficient.

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 1.8.2028. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the submission of a drainage impact assessment 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 1.2.2026;
- (b) in relation to (a) above, the implementation of drainage facilities identified in the drainage impact assessment 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 1.5.2026;
- (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 traffic review within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 1.2.2026;
- (e) in relation to (d) above, the implementation of traffic management measures identified in the traffic review within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 1.5.2026;
- (f) in relation to (e) above, the implemented traffic management measures shall be maintained at all times during the planning approval period;
- (g) if any of the above planning condition (a), (b), (d) and (e) 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;
- (h) if any of the above planning condition (c) and (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; and
- (i) upon expiry of the planning permission, the reinstatement of the Site, including the removal of hard paving and fill materials, and grassing 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 with associated filling of land 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 to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong justification in the submission for a departure from such planning intention, even on a temporary basis.

13. <u>Decision Sought</u>

- 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 9.6.2025

Appendix II FI received on 28.7.2025
Appendix II Previous Applications
Appendix III Similar Applications

Appendix IV Government Departments' General Comments

Appendix V Recommended Advisory Clauses

Appendix VI
Drawing A-1
Drawing A-2
Drawing A-3
Public Comments
Site Layout Plan
Land Filling Plan
Drainage Reserve 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 AUGUST 2025