

APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-LYT/859

- Applicants** : Mr. LAI Chow Lun and Ms. WONG Siu Ling represented by Metro Planning & Development Company Limited
- Site** : Lots 1532 S.A ss.1 to 1532 S.A ss.15 and 1532 S.A RP in D.D. 76, Kan Tau Tsuen, Fanling, New Territories
- Site Area** : About 400m²
- 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** : “Agriculture” (“AGR”)
- Application** : Renewal of Planning Approval for Temporary Public Vehicle Park (Private Cars Only) for a Period of Three Years

1. The Proposal

- 1.1 The applicants seek renewal of planning permission to continue using the application site (the Site) for temporary public vehicle park (PVP) (private cars only) for a further period of three years. The Site falls within an area zoned “AGR” on the OZP (**Plan A-1**). According to the 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-paved¹ and currently used for the applied use with valid planning permission until 15.11.2025 (**Plans A-4a** and **A-4b**).
- 1.2 The Site is accessible from Sha Tau Kok Road – Ma Mei Ha via a local access (**Plan A-2**). According to the applicants, the applied use involves 14 private car parking spaces (5m (L) × 2.5m (W) each) serving the villagers of Kan Tau Tsuen (**Drawing A-1**). The operation hours of the applied use are 24 hours daily (including Sundays and public holidays). No structure would be erected on-site. Only private cars with valid licence issued under the Road Traffic (Registration

¹ According to record, the Site zoned “AGR” has been largely hard-paved before the date of imposing a land filling clause pertaining to the zone under the draft Lung Yeuk Tau and Kwan Tei South OZP No. S/NE-LYT/10 gazetted on 29.4.2005.

and Licensing of Vehicle) Regulation are allowed to be parked/stored on the Site. No car washing, vehicle repair, dismantling, paint spraying or other workshop activities is allowed on the Site at any time. The layout plan submitted by the applicants is at **Drawing A-1**.

- 1.3 The Site is the subject of three previous applications (No. A/NE-LYT/698, 712 and 768) for the same use submitted by one of the applicants under the current application². Details of the previous applications are set out in paragraph 6 below. The last application (No. A/NE-LYT/768) was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 11.11.2022 with validity up to 15.11.2025. All the approval conditions have been complied with. Compared with the last approved application, the applied use, layout and major development parameters under the current application remain the unchanged.
- 1.4 In support of the application, the applicants have submitted the following documents:
- (a) Application Form with Attachments received on 6.8.2025 (Appendix I)
 - (b) Further Information (FI) received on 19.8.2025[^] (Appendix Ia)
 - (c) FI received on 12.9.2025[^] (Appendix Ib)
- [^] *accepted and exempted from the publication and recounting requirements*

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 Ib**, as summarised below:

- (a) the applied use is intended to serve the villagers of Kan Tau Tsuen for meeting the demand of private car parking space;
- (b) the Site is the subject of two previously approved applications (No. A/NE-LYT/712 and 768) for the same use. All the approval conditions have been complied with. In support of the current application, drainage and FSIs proposals with corresponding condition records and certificate of fire service installations and equipment (FS251) are submitted;
- (c) there are similar applications within the same “AGR” zone in the vicinity of the Site approved by the Committee; and
- (d) the applied use is not incompatible with the surrounding land uses; and would not induce adverse traffic, environmental, drainage, sewerage and landscape impacts on the surroundings.

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

The applicants are two of the “current land owners” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the

² Applications No. A/NE-LYT/698, 712 and 768 were submitted by Mr. LAI Chow Lun.

“Owner’s Consent/ Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by obtaining consent from the remaining current land owner of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

Town Planning Board Guidelines No. 34D on ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ (TPB PG-No. 34D) are relevant to this application. The relevant assessment criteria are attached at **Appendix II**.

5. Background

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

6. Previous Applications

- 6.1 The Site is the subject of three previous applications (No. A/NE-LYT/698, 712 and 768) for the same use submitted by one of the applicants under the current application. Application No. A/NE-LYT/698 was rejected by the Committee in July 2019 on the grounds that the applied use was not in line with the planning intention of “AGR” zone, and there was no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis; and the applicant failed to demonstrate that the applied use would not cause adverse traffic impacts on the surrounding areas.
- 6.2 Further to the submission of traffic information, application No. A/NE-LYT/712 was approved by the Committee in November 2019 mainly on the considerations that the applied use would not frustrate the long-term planning intention of “AGR” zone; it was not incompatible with the surrounding areas; it would not induce significant adverse traffic, environmental and drainage impacts on the surroundings; and there were approved similar applications within the same “AGR” zone in the vicinity of the Site. Subsequently, application No. A/NE-LYT/768 was approved with conditions by the Committee in 2022 mainly on considerations similar to those of application No. A/NE-LYT/712; and it generally complied with TPB PG-No 34D for renewal of planning approval for temporary use or development.
- 6.3 Details of the applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

7. Similar Applications

- 7.1 There are five similar applications (No. A/NE-LYT/741, 749, 771, 827 and 845) involving four sites for temporary PVP within/partly within the same “AGR” zone in the past five years (**Plan A-1**). Whilst application No. A/NE-LYT/771 was rejected by the Committee in 2022 on the same grounds as those of application

No. A/NE-LYT/698 as detailed in paragraph 6.1 above, the other four applications (No. A/NE-LYT/741, 749, 827 and 845) were approved with conditions by the Committee between 2021 and 2024 on similar considerations as detailed in paragraph 6.2 above.

- 7.2 Details of the applications are summarised at **Appendix IV** and their locations are shown on **Plan A-1**.

8. The Site and Its Surrounding Areas (Plans A-1 to A-4b)

- 8.1 The Site is:

- (a) hard-paved, fenced-off and currently used for the applied use with valid planning permission; and
- (b) accessible from Sha Tau Kok Road – Ma Mei Ha via a local access.

- 8.2 The surrounding areas are of rural character comprising village houses/domestic structures, active/fallow farmlands, open storage yards, workshops, vacant lands, unused lands covered by tree groups and vegetation. To the east is the village proper of Kan Tau Tsuen. To the further north across Sha Tau Kok Road – Ma Mei Ha are open storage yard for construction materials, warehouse and workshop.

9. Planning Intention

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.

10. Comments from Relevant Government Departments

- 10.1 Apart from the government department as set out in paragraph 10.2 below, 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 V** and **VI** respectively.

- 10.2 The following government department supports the application:

Traffic

Comments of the Commissioner for Transport (C for T):

- (a) she supports the application from traffic engineering perspective, considering that the proposed applied use could accommodate the strong demand for vehicle parking spaces in the vicinity; and
- (b) her advisory comments are at **Appendix VI**.

11. Public Comments Received During Statutory Publication Period

On 19.8.2025, the application was published for public inspection. During the statutory public inspection period, two public comments from a member of North District Council and the Chairman of Lung Shan Area Committee were received, indicating no comment on the application (**Appendix VII**).

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning permission for temporary PVP (private cars only) for a further period of three years at the Site zoned “AGR” on the OZP (**Plan A-1**). Whilst the applied use is not in line with the planning intention of the “AGR” zone, the Director of Agriculture, Fisheries and Conservation has no strong view against the application from agricultural perspective. According to the applicants, the applied use is intended to meet the parking demand of the villagers. C for T supports the application from traffic engineering perspective as the applied use could accommodate the strong demand for vehicle parking spaces in the vicinity. Taking into account the planning assessment below, there is no objection to the applied use on temporary basis for a further period of three years.
- 12.2 The Site is hard-paved, fenced off and currently used for the applied use with valid planning permission (**Plans A-4a and A-4b**). It is considered not incompatible with the surroundings areas of rural character comprising mainly comprising village houses/domestic structures, active/fallow farmlands, open storage yards, workshops, vacant lands, unused lands covered by tree groups and vegetation (**Plans A-2 and A-3**). The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective as further significant adverse impact on the landscape resources within the Site arising from the applied use is not anticipated. As the Site is zoned “AGR”, an approval condition requiring the reinstatement 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.
- 12.3 The Director of Environmental Protection has no objection to the application from environmental planning perspective, and advises that no environmental complaint case related to the Site was received over the last three years. Other concerned government departments consulted, including the Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to or no adverse comment on the application. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 13.2 below. Should the application be approved, the applicants 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” in order to minimise the possible environmental nuisance on the surroundings.
- 12.4 The application generally complies with the TPB PG-No. 34D in that there has been no material change in planning circumstances since the approval of the last application (No. A/NE-LYT/768); all the approval conditions under the last

application have been complied with; and the approval period sought which is the same as the last approval granted by the Committee is not unreasonable.

- 12.5 There are four approved similar applications in the same “AGR” zone as detailed in paragraph 7 above. Regarding the rejected similar application (No. A/NE-LYT/771), it was rejected by the Committee mainly on the ground that the applicant failed to demonstrate that the applied use would not cause adverse traffic impact on the surroundings. The planning considerations of the rejected application are not applicable to the current application. As such, approval of current application is in line with Committee’s previous decisions.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments in paragraph 11 above, PlanD has no objection to the application.
- 13.2 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 and be renewed from 16.11.2025 until 15.11.2028. The following conditions of approval and advisory clauses are suggested for Members’ reference:

Approval Conditions

- (a) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (b) if the above planning condition (a) 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
- (c) 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 VI**.

- 13.3 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 “AGR” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and also to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 14.2 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.
- 14.3 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.

15. Attachments

Appendix I	Application Form received on 6.8.2025
Appendix Ia	FI received on 19.8.2025
Appendix Ib	FI received on 12.9.2025
Appendix II	Relevant Extract of TPB PG-No. 34D
Appendix III	Previous Applications
Appendix IV	Similar Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Appendix VII	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
SEPTEMBER 2025**