

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/NE-TK/839**

<b><u>Applicant</u></b>	: Mr. TSANG Sau Keung
<b><u>Site</u></b>	: Lot 455 S.H RP in D.D. 23, Po Sam Pai, Ting Kok, Tai Po, New Territories
<b><u>Site Area</u></b>	: About 536m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/19
<b><u>Zoning</u></b>	: “Agriculture” (“AGR”)
<b><u>Application</u></b>	: Proposed Temporary Private Vehicle Park (Private Cars Only) for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary private vehicle park (private cars only) 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 and filling of land within the “AGR” zone require planning permission from the Town Planning Board (the Board). The Site is largely vacant and partly covered by vegetation, with minor encroachment onto a stream course at its southeastern boundary (**Plans A-2 and A-4**).
- 1.2 The Site is accessible via a local track leading to Tung Tsz Road (**Plan A-1**). According to the applicant, a total of nine parking spaces for private cars (6m (L) x 3m (W) each) will be provided at the northern portion of the Site (**Drawing A-1**), mainly for serving the local villagers nearby. The operation hours of the proposed private vehicle park will be 24 hours daily. While it is observed that part of the Site has been cleared of vegetation, the applicant clarified that the current application does not involve filling of land. The layout plan submitted by the applicant is shown at **Drawing A-1**.

- 1.3 Part of the Site is the subject of a previous application No. A/NE-TK/739 submitted by the same applicant for the same use with pedestrian and vehicular access for a period of three years and filling of land, which was rejected by the Rural and New Town Planning Committee (the Committee) of the Board in 2022 (**Plans A-1 and A-2**). Details of the previous application are set out in paragraph 5 below. Compared with the previous application, the current application involves a smaller site area with the same number of private cars parking spaces and without filling of land.
- 1.4 In support of the application, the applicant has submitted the following documents :
- (a) Application Form with attachments and Supplementary Information (SI) received on 28.7.2025 and 30.7.2025 respectively (**Appendix I**)
  - (b) Further Information (FI) received on 12.8.2025\* (**Appendix Ia**)
  - (c) FI received on 22.8.2025\* (**Appendix Ib**)
  - (d) FI received on 3.9.2025\* (**Appendix Ic**)

*\*accepted and exempted from 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, SI and FIs at **Appendices I to Ic**, as summarised below:

- (a) there is no public vehicle park within close proximity of the villages in Shuen Wan area, while the local villagers have been consulted and raised no objection to the application;
- (b) the applicant will be responsible for the routine maintenance of the Site and comply with relevant requirements to ensure that no impact on the surrounding environment, traffic, existing drainage/sewerage facilities and slopes will be induced;
- (c) while the local track leading to the Site involves private lots, consent(s) have been obtained from the lot owner(s) for access use; and
- (d) the proposed parking spaces are located at the northern portion of the Site, whereas the existing footpath and stream course at the southern portion of the Site (**Plans A-2 and A-4**) will not be affected, and there will be no temporary or permanent structure erected within 3m buffer from the embankment of the existing stream course. No removal/alteration of existing vegetation at the Site will be involved.

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

The applicant is one of the two “current land owners”. He 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 from another “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

### 4. **Background**

4.1 The Site was covered with vegetation when the Ting Kok Interim Development Permission Area Plan No. IDPA/NE-TK/1 was gazetted on 7.9.1990 and the draft Ting Kok OZP No. S/NE-TK/11 was gazetted on 15.7.2005 that planning control over filling of land in “AGR” zone was imposed. Vegetation within part of the Site and its immediate surroundings was cleared since 2016.

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

### 5. **Previous Application**

5.1 Part of the Site is the subject of a previous application No. A/NE-TK/739 submitted by the same applicant for the same use with pedestrian and vehicular access for a period of three years and filling of land (**Plans A-1 and A-2**), which was rejected by the Committee on 28.1.2022 for the reasons of no strong planning justification for a departure from the planning intention of the “AGR” zone and failing to demonstrate in the submission that adverse landscape impacts on the area would not be resulted. Compared with the previous application, the current application involves a smaller site area (from about 1,046m<sup>2</sup> to 536m<sup>2</sup>, i.e. about -48.8%) with the same number of private cars parking spaces (i.e. nine) and without filling of land.

5.2 Details of the previous application are summarised at **Appendix II** and its location is shown on **Plans A-1 and A-2**.

### 6. **Similar Application**

6.1 There is one similar application No. A/NE-TK/740 for proposed temporary private vehicle park (private cars and light goods vehicles only) for a period of three years in the vicinity of the Site within the same “AGR” zone in the past five years (**Plans A-1 and A-2**), which was rejected by the Board on review on 13.5.2022, for the same reasons as mentioned in paragraph 5.1.

6.2 Details of the similar application are summarised at **Appendix III** and its location is shown on **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) largely vacant and partly covered by vegetation, with minor encroachment onto a stream course at its southeastern boundary (**Plans A-2 and A-4**);
- (b) situated near the northern fringe of San Tau Kok Village and sandwiched between the village houses to its southwest and east/southeast (**Plans A-1 and A-2**); and
- (c) accessible via a local track leading to Tung Tsz Road (**Plan A-1**).

**7.2** The surrounding areas are predominantly rural in character comprising vacant land, vegetated areas, village houses and temporary structures (**Plans A-2 and A-3**). To its north and northeast are mainly vegetated areas (**Plan A-3**). To its southwest and east/southeast are the village proper of San Tau Kok and Po Sam Pai respectively (**Plan A-1**). To the west is dense woodland with permitted burial grounds within the “Green Belt” zone on the OZP (**Plans A-2 and Plan A-3**).

## **8. 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.

## **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 IV and V** 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 and has no in-principle objection to the application from traffic engineering viewpoint;
- (b) the village access road and village areas are not under the Transport Department’s management; and
- (c) her advisory comments are at **Appendix V**.

9.3 The following government department does not support the application:

**Agriculture**

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

the Site falls within “AGR” zone and part of the Site is filled. There are some agricultural activities in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as greenhouses and plant nurseries, the proposed use is not supported from agricultural perspective.

**10. Public Comments Received During Statutory Publication Period**

On 5.8.2025, the application was published for public inspection. During the statutory public inspection period, six public comments from individuals were received (**Appendix VI**). Five comments support the application mainly for the reasons of addressing the long-term shortage of parking provision through better utilisation of idle agricultural land; improving local traffic conditions by providing short-term solutions at an accessible parking location near residential dwellings; enhancing quality of life of the local community by enhancement of security and convenience. The remaining comment objects to the application mainly for the reason of no justifications for deviating from the rejection of previous applications No. A/NE-TK/739 and 757<sup>1</sup>.

**11. Planning Considerations and Assessments**

- 11.1 The application is for proposed temporary private vehicle park (private cars only) for a period of three years at the Site zoned “AGR” on the OZP (**Plan A-1**). The proposed use is not in line with the planning intention of the “AGR” zone. DAFC does not support the application from agricultural perspective as the Site can be used for agricultural activities. Nevertheless, according to the applicant, the proposed use mainly intends to serve the local villagers nearby. C for T supports the application in view of the parking demand in the vicinity and has no in-principle objection to the application from traffic engineering viewpoint. 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 proposed use only involves nine parking spaces for private cars at the Site, which is situated near the northern fringe of San Tau Kok Village and sandwiched between the village houses to its southwest and east/southeast. According to the applicant, the proposed parking spaces are located at the northern portion of the Site, whereas the existing footpath and stream course at the southern portion of the Site will not be affected, and no removal/alteration of existing vegetation at the Site will be involved. The proposed use is not incompatible with the surrounding area which is predominantly rural in character comprising vacant

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<sup>1</sup> Application No. A/NE-TK/757 (**Plan A-2**) for proposed footpath and access road for house development with filling of land was rejected by the Committee on 9.9.2022 for the reasons of not being in line with the planning intention of the “AGR” zone and failing to demonstrate the need to provide the concerned footpath and access road for houses.

land, vegetated areas, village houses and temporary structures (**Plans A-2 and A-3**). The Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L, PlanD) has no adverse comment on the application from the landscape planning perspective and advises that significant adverse landscape impact on the existing landscape resources arising from the proposed use is not anticipated.

- 11.3 Other relevant government departments consulted including the Chief Engineer/Mainland North of Drainage Services Department, Director of Environmental Protection 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 12.2 below. Also, 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.
- 11.4 Part of the Site is the subject of a previous application No. A/NE-TK/739 submitted by the same applicant for the same use for a period of three years and filling of land (**Plans A-1 and A-2**), which was rejected by the Committee in 2022 for the reasons as mentioned in paragraph 5.1 above. Compared with the previous application, the current application involves a smaller site area with the same number of parking spaces and without filling of land. There is also one similar application No. A/NE-TK/740 for proposed temporary private vehicle park (private cars and light goods vehicles only) for a period of three years in the vicinity of the Site within the same “AGR” zone in the past five years (**Plans A-1 and A-2**), which was rejected by the Board on review in 2022, mainly for the reasons as mentioned in paragraph 6.1 above. As C for T tenders support to the current application in view of the parking demand in the vicinity and CTP/UD&L, PlanD has no adverse comment on the current application from landscape planning perspective<sup>2</sup>, the planning considerations of the rejected previous and similar applications are not entirely applicable to the current application and sympathetic consideration could be given to the current application.
- 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 19.9.2028. The following approval conditions and advisory clauses are also suggested for Members’ reference:

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<sup>2</sup> For applications No. A/NE-TK/739 and 740, C for T had no in-principle objection to the applications from traffic engineering point of view and CTP/UD&L, PlanD had some reservations on the applications from landscape planning perspective.

### 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 19.3.2026;
- (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 19.6.2026;
- (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;
- (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; and
- (f) upon the expiry of the planning permission, the reinstatement of the Site, including the removal of 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 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 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) 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**

<b>Appendix I</b>	Application Form with attachments and SI received on 28.7.2025 and 30.7.2025 respectively
<b>Appendix Ia</b>	FI received on 12.8.2025
<b>Appendix Ib</b>	FI received on 22.8.2025
<b>Appendix Ic</b>	FI received on 3.9.2025
<b>Appendix II</b>	Previous Application
<b>Appendix III</b>	Similar Application
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	Public Comments
<b>Drawing A-1</b>	Layout Plan submitted by the Applicant
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
SEPTEMBER 2025**