

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/1063

- Applicant** : Consense Development Limited (港昇發展有限公司)
- Site** : Lots 2813 (Part), 2823 RP (Part), 2825 (Part) and 2826 (Part) in D.D. 111 and Adjoining Government Land (GL), Pat Heung, Yuen Long, New Territories
- Site Area** : About 1,610m² (including GL of about 465m² (28.9%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Private Vehicle Park (Private Cars Only) and Associated Filling of Land 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) and associated filling of land for a period of three years at the application site (the Site), which falls 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 within the “AGR” zone also requires planning permission from the Board. The Site is currently hard-paved, fenced off, and vacant with a temporary structure (**Plan A-4**).
- 1.2 The Site is accessible from Kam Tin Road via a local track (**Plan A-2**). According to the applicant, the proposed use will provide 30 parking spaces for private cars serving only the residents of the nearby Wang Toi Shan Wing Ning Lei and will not open to the general public. The proposed use involves a two-storey structure with a height of not more than 4.5m and a total floor area of about 110m² for ancillary office use (**Drawing A-1**). Only private cars with valid licences are allowed to be parked within the Site, while no heavy goods vehicles will be allowed to enter or park at the Site. The applicant also applies for regularisation of associated filling of land for the entire Site with concrete with a depth of about 0.03m, raising the site level to about +34.4mPD for site formation to support the

proposed use (**Drawing A-2**) and no further filling is required. The existing trees within and around the Site will not be affected by the proposed use and will be retained intact. The operation hours will be between 8:00 a.m. and 8:00 p.m. daily, including public holidays. The layout plan and land filling plan submitted by the applicant are at **Drawings A-1** and **A-2** respectively.

1.3 In support of the application, the applicant has submitted the following documents:

(a) Application Form with supporting documents received (**Appendix I**) on 16.4.2025 and 24.4.2025

(b) Further Information (FI) received on 6.8.2025* (**Appendix Ia**)

**accepted and exempted from publication and recounting requirements*

1.4 On 6.6.2025, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months as requested by the applicant.

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**, and can be summarised as follows:

- (a) The proposed use on a temporary basis will not jeopardise the long-term planning intention of the “AGR” zone.
- (b) A similar application (No. A/YL-PH/1028) for private vehicle park was approved by the Committee in 2024 within the same “AGR” zone on the OZP and it is considered that the planning circumstances of the current application are similar to this approved application.
- (c) The proposed use is intended to serve the residents of the nearby Wang Toi Shan Wing Ning Lei, on monthly rental basis. Only licensed private cars are allowed to park within the Site. Electric vehicle charging facilities will not be installed at the Site due to challenges in applying for power supply.
- (d) The proposed use will not cause any adverse environmental, traffic and drainage impacts on the surrounding areas. The existing trees within and around the Site will be retained and will not be in conflict with the proposed use. Fire service installations (FSIs) and drainage proposals have been submitted in support of the current application. The applicant will apply for Short Term Waiver (STW) and Short Term Tenancy (STT) for the proposed use should the current application be approved, and will regularise the unauthorised structure at the Site.

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

The applicant is not the “current land owner” of the Site but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the

“Owner’s Consent/Notification” Requirements under Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by posting site notices and sending notice to the Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements as set out at TPB PG-No. 31B are not applicable.

4. Background

The Site is subject to planning enforcement action against unauthorized development (UD) involving storage use (No. E/YL-PH/941) (**Plan A-2**). Enforcement Notice was issued on 13.12.2024 requiring discontinuation of the UD. Subsequent site inspection revealed that the UD has been discontinued. The Compliance Notice was issued on 28.5.2025.

5. Previous Applications

Part of the Site is the subject of two previous planning applications (No. A/YL-PH/209 and 629) for various temporary open storage uses. Both of them were rejected by the Committee in 1998 and 2011 respectively and the considerations of these applications are not relevant to the current application due to different use involved. Details of these applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

6. Similar Applications

There are five similar applications (No. A/YL-PH/976, 1028, 1044, 1046 and 1060) for proposed temporary public/private vehicle park and filling of land within or partially within the same “AGR” zone in the vicinity of the Site in the past five years. All these applications were approved with conditions by the Committee between 2023 and 2025, mainly on the considerations that the temporary approval would not frustrate the long-term planning intention of the “AGR” zone; the proposed use was not incompatible with the surrounding areas; and the concerned government departments consulted in general had no adverse comment or their technical concerns could be addressed by relevant approval conditions. Details of the similar applications are summarised in **Appendix III** and the locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) currently hard-paved, fenced off, and vacant with a temporary structure; and
- (b) accessible from Kam Tin Road via a local track.

7.2 The surrounding areas are rural in character comprising mainly village settlement of Wang Toi Shan Wing Ning Lei within the “Village Type Development” zone, open storage/storage yards (two sites with valid permissions), vehicle

repair/dismantle workshops, a vehicle park, a mosque, vacant land, grassland, and woodland with graves. There is a streamcourse to the southwest of the Site.

8. Planning Intention

- 8.1 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fishponds 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 for “AGR” zone, 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 departments as set out in paragraphs 9.2 and 9.3 below, other 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, if any, are provided in **Appendices IV** and **V** respectively.
- 9.2 The following government department supports the application:

Transport

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

- (a) supports the application from traffic engineering perspective to address the local demand for parking spaces; and
- (b) advisory comments are at **Appendix V**.

- 9.3 The following government departments have adverse comment on or do not support the application:

Land Administration

9.3.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) has adverse comment on the planning application;
- (b) the Site comprises GL and Old Schedule Agricultural Lots No. 2813, 2823 RP, 2825 and 2826 all in D.D. 111 held under the Block Government Lease which contains restriction that no structures are allowed to be erected without the prior approval of the Government;
- (c) there is/are unauthorized structure(s) on Lot No. 2813 in D.D. 111

which are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD; and

- (d) if the planning application is approved, the lot owner(s) shall apply to his office for a STW and/or STT to permit the structure(s) erected within the said private lot(s) and the occupation of the GL. The application(s) for STW and/or STT will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW and/or STT, if approved, will be subject to such terms and conditions including the payment of waiver fee/rent and administrative fee as considered appropriate by LandsD. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered.

Agriculture and Nature Conservation

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

- (a) does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation;
- (b) the Site falls within the “AGR” zone and is generally vacant. Agricultural infrastructures such as road access and water source are available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses and plant nurseries, etc.; and
- (c) no comment on the application from nature conservation perspective.

10. Public Comments Received During Statutory Publication Period

On 25.4.2025, the application was published for public inspection. During the statutory public inspection period, two public comments objecting to the application were received from an individual and the Kadoorie Farm and Botanic Garden respectively (**Appendix VI**). Their major concerns are that the Site is not close to any village and the intention of the proposed use is in doubt; the proposed use is not in line with the planning intention of the “AGR” zone; and the proposed use would cause potential impacts to the nearby proposed Agricultural Priority Area.

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary private vehicle park (private cars only) with associated filling of land for a period of three years at the Site zoned “AGR” (**Plan A-1**). Whilst the proposed use is not in line with the planning intention of the “AGR” zone and DAFC does not support the application from agricultural perspective, the applicant claims that the proposed use is intended to serve the residents of the nearby Wang Toi Shan Wing Ning Lei and C of T supports the

application for addressing the local parking demand. Taking into account the above and planning assessments below, there is no objection to the proposed use with associated filling of land on a temporary basis for a period of three years.

- 11.2 Filling of land within the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department and Director of Environmental Protection have no objection to the application from public drainage and environmental planning perspectives respectively. 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.
- 11.3 The proposed use is considered not incompatible with the surrounding areas which are rural in character comprising mainly village settlement of Wang Toi Shan Wing Ning Lei, open storage/storage yards, residential structures, vehicle repair/dismantle workshops, a vehicle park, a mosque, vacant land, grassland, and some woodland with graves. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment from landscape planning perspective and considers that significant adverse landscape impact on the Site from the proposed use is not anticipated.
- 11.4 Other relevant government departments consulted, including the Director of Fire Services, have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 12.2 below. It is also recommended to advise the applicant to follow the revised ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimise the potential environmental nuisance on the surrounding land uses. Regarding DLO/YL, LandsD’s concerns on the unauthorized structures within the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.5 There are five similar applications within or partially within the same “AGR” zone in the vicinity of the Site approved by the Committee in the past five years as mentioned in paragraph 6 above. Approving the current application is in line with the Committee’s previous decisions.
- 11.6 Regarding the public comments mentioned in paragraph 10 above, the departmental comments and planning assessments above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and taking into account the public comments mentioned in paragraph 10 above, PlanD 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 conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the submission of a revised 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 revised 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) the submission of a revised fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 19.3.2026;
- (e) in relation to (d) above, the implementation of the revised fire service installations proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 19.6.2026;
- (f) 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;
- (g) if any of the above planning condition (a), (b), (d) or (e) 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
- (h) upon expiry of the planning permission, the reinstatement of the site, including the removal of fill materials and hard paving, 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 purpose. 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 and supporting documents received on 16.4.2025 and 24.4.2025
Appendix Ia	FI received on 6.8.2025
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Land Filling Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2025**