

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-LT/782

<u>Applicant</u>	:	Mr. CHAN Pak Yau represented by Grandmax Surveyors Limited
<u>Site</u>	:	Lot 697 (Part) in D.D. 19, Lam Tsuen, Tai Po, New Territories
<u>Site Area</u>	:	About 473m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Lam Tsuen Outline Zoning Plan (OZP) No. S/NE-LT/11
<u>Zoning</u>	:	“Village Type Development” (“V”)
<u>Application</u>	:	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 a proposed temporary private vehicle park (PVP) (private cars only) for a period of three years at the application site (the Site). The Site falls within an area zoned “V” 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-paved and currently vacant.
- 1.2 The Site is accessible via a local track leading to She Shan Road (**Plan A-2**). According to the applicant, the temporary PVP provides 14 parking spaces for private cars serving local villagers. The operating hours of the temporary car park would be 24 hours daily (including public holidays). No vehicle without valid licence issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374E) will be allowed at the Site. No toilet facilities will be erected on the Site and preventive measures such as erection of boundary fencing and installation of drainage traps and oil absorbent pads will be adopted to prevent water pollution in the upper indirect water gathering ground (WGG). A plan showing the layout and vehicular ingress/egress of the car park submitted by the applicant is shown in **Drawing A-1**.
- 1.3 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachment received on 23.6.2025 **(Appendix I)**
 - (b) Further Information (FI) received on 1.9.2025* **(Appendix Ia)**
* *accepted and exempted from publication and recounting requirement*

- 1.4 On 15.8.2025, the Rural and New Town Planning Committee (the Committee) of the Board agreed to the applicant's request to defer making a decision on the application for two months.

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) the proposed temporary PVP aims to address the parking needs of local villagers as there are very limited parking spaces in the vicinity;
- (b) the proposed use would not cause adverse impacts on traffic, drainage, water supply, visual and noise;
- (c) appropriate preventive measures such as erection of boundary fencing and installation of drainage traps and oil absorbent pads will be adopted to prevent water pollution in the WGG; and
- (d) there are approved planning applications for similar use in the same OZP.

3. **Background**

The Site is part of the subject of a planning enforcement action (No. E/NE-LT/90) against unauthorized development (UD) involving use for place for parking of vehicles (**Plan A-2**). Enforcement Notice (EN) was issued on 3.6.2024 requiring discontinuation of the UD by 3.9.2024. Since the UD has not been discontinued upon expiry of the EN, the landowners were prosecuted and fined on 11.6.2025. Subsequent site inspections revealed that the parking of vehicles had been discontinued, therefore Compliance Notice was issued on 1.9.2025.

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

The applicant is one of the three “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 giving notification to the other “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

5. **Previous Application**

There is no previous application at the Site.

6. **Similar Applications**

- 6.1 There are five similar applications (No. A/NE-LT/511, 544, 774, 778 and 779) covering four sites falling entirely within/ straddling the same “V” zone of the Site for temporary public/ private vehicle park use for a period of three years (**Plan A-1**).

- 6.2 Two applications (No. A/NE-LT/778 and 779) falling entirely within the same “V” zone were approved with conditions by the Committee on 2.5.2025 mainly on the considerations that the applied use was not incompatible with the surrounding land uses; the applied use was to serve the local villagers; no significant adverse traffic, environmental and drainage impacts on the surrounding areas were expected; and the applied use would not frustrate the long-term planning intention of the “V” zone.
- 6.3 Two applications (No. A/NE-LT/511 and 544) were rejected by the Committee between 2014 and 2015 mainly on considerations that the applicant failed to demonstrate that the development would not cause adverse geotechnical and drainage impacts on the surrounding areas, and the proposed vehicular access for the vehicle park located at the existing passing-bay was not acceptable from traffic engineering point of view respectively. For application No. A/NE-LT/774 straddling the same “V” zone and falling largely within the “Agriculture” (“AGR”) zone, it was rejected by the Committee on 2.5.2025 mainly on the consideration that the proposed use is not in line with the planning intention of the “AGR” zone and there was no strong justification for a departure from the planning intention.
- 6.4 Details of the similar applications are at **Appendix II** and their 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) hard-paved and currently vacant
 - (b) located at the northern fringe of She Shan Village and accessible via a local track leading to She Shan Road; and
 - (c) falling within the She Shan Tsuen Site of Archaeological Interest and upper indirect WGG.
- 7.2 The surrounding areas are predominantly rural in character comprising village houses and farmlands (**Plan A-2**). To the east, southeast and south of the Site are the village proper of She Shan Village. The Site is sandwiched by two approved applications (No. A/NE-LT/778 and 779) for temporary private vehicle park (private cars only) use.

8. Planning Intention

The planning intention of the “V” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. 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 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 department as set out in paragraph 9.2, other government 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 III** and **IV** respectively.

- 9.2 The following government department supports the application:

Transport

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

- (a) she supports the application in view of the parking demand in the vicinity; and
- (b) her advisory comments are set out at **Appendix IV**.

10. Public Comment Received During Statutory Publication Period

On 4.7.2025, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual expresses concern on no provision of electric vehicle charging facilities at the Site (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for temporary PVP (private cars only) for a period of three years at the Site zoned “V” on the OZP (**Plan A-1**). While the proposed use is not in line with the planning intention of “V” zone which is primarily intended for development of Small Houses by indigenous villagers, C for T supports the application in view of the parking demand in the vicinity and the proposed use is to serve the local villagers of She Shan Village. There is also no Small House application received for the Site as advised by the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD). In view of the above and taking into account the planning assessments below, there is no objection to the proposed use on a temporary basis for a period of three years.
- 11.2 The Site, being located within the village proper of She Shan Village, is hard-paved and currently vacant. The proposed temporary PVP, which will provide a total of 14 parking spaces for private cars, is considered not incompatible with the surrounding village setting predominated by village houses and farmlands (**Plans A-2 and A-3**).
- 11.3 The Site is located within the upper indirect WGG and the applicant has confirmed that no toilet facility will be erected and preventive measures such as erection of boundary fencing and installation of drainage traps will be adopted to prevent water pollution in the upper indirect WGG (**Appendix Ia**). In this connection, the Director of Environmental Protection and Chief Engineer/Construction of Water Supplies Department have no objection to/no comment on the application on condition that the development should not cause any water pollution to the upper indirect WGG. Other relevant government departments consulted including the Chief Engineer/Mainland North of Drainage Services Department, Director of Fire Services and Executive Secretary of Antiquities and Monuments Office of Development Bureau have no objection to the application. To address the technical requirements of concerned government departments, appropriate approval conditions and advisory clauses are recommended in paragraph 12.2 below and **Appendix IV** respectively.
- 11.4 There are five similar applications for temporary public/private vehicle park use for a period of three years falling entirely within/ straddling the same “V” zone in the vicinity

of the Site, of which two were approved and three was rejected by the Committee on the considerations as detailed in paragraphs 6.2 and 6.3 above respectively. The planning circumstances of the current application are similar to those of the approved similar applications. As such, approval of the current application is in line with the Committee's previous decisions.

- 11.5 Regarding the public comment as detailed in paragraph 10 above, it is noted from the applicant's submission that no electric vehicle charging facility is proposed at the Site.

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 24.10.2028. 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 of the Town Planning Board by 24.4.2026;
- (b) in relation to (a) above, the provision of drainage facilities 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 24.7.2026;
- (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 implementation of preventive, control and mitigation measures identified in the accepted risk assessment report on pollution or contamination to the Water Gathering Ground within 9 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the Town Planning Board by 24.7.2026;
- (e) the proposed use should not cause any water pollution to the upper indirect Water Gathering Ground at any time during the planning approval period;
- (f) if any of the above planning condition (c) or (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; and
- (g) if any of the above planning condition (a), (b) or (d) 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.

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 proposed 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 for a departure from such 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), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 13.2 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 23.6.2025
Appendix Ia	FI received on 1.9.2025
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Lot Index Plan
Drawing A-2	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photo

**PLANNING DEPARTMENT
OCTOBER 2025**