

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1152

<u>Applicant</u>	: Mr. ZHANG Mingzhao represented by Goldrich Planners and Surveyors Limited
<u>Site</u>	: Lots 176 (Part) and 179 RP (Part) in D.D. 110, Kam Tin North, Yuen Long, New Territories
<u>Site Area</u>	: About 1,518m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11
<u>Zoning</u>	: “Agriculture” (“AGR”)
<u>Application</u>	: Proposed Temporary Public Vehicle Park (Excluding Container Vehicles) and Associated Filling of Land and Pond for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary public vehicle park (excluding container vehicles) and associated filling of land and pond 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 not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). Filling of land/pond in the “AGR” zone also requires planning permission from the Board. The Site is hard-paved, largely vacant and partly fenced-off (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Kong Po Road via local tracks (**Plans A-1 to A-3**). According to the applicant, the proposed use involves 49 parking spaces for private car and four parking spaces for light goods vehicle (**Drawing A-1**). No structure will be erected. The applicant also applies for regularisation of filling of land and pond for about 1,478m² (97.4% of the Site) with concrete of not more than 0.2m in depth and for about 40m² (2.6% of the Site) with soil and concrete of not more than 1.5m in depth respectively (to a level of not more than 17.8mPD) for site formation and vehicular circulation (**Drawing A-2**). No open storage of unlicensed vehicles and vehicle parts, car beauty services, vehicle repairing, dismantling or other workshop activities will be involved, and no container vehicle or vehicle exceeding 5.5 tonnes will be allowed to enter or park at the Site

at all times. The operation hours will be 24 hours daily including Sundays and public holidays. Plans showing the site layout and land/pond filling area submitted by the applicant are on **Drawings A-1** and **A-2** respectively.

- 1.3 The Site is the subject of a previous application No. A/YL-KTN/961 for the same use submitted by the same applicant as the current application (details at paragraph 5 below). The previous application was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in April 2024 and the planning permission was subsequently revoked in October 2024 due to non-compliance with approval conditions. Compared with the previous application, the current application involves reduction in site area (-789m² / -34.2%), omission of structures (from 3 to 0) and increase in number of parking spaces (+23 / +77%).
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 21.7.2025 (**Appendix I**)
 - (b) Further Information (FI) received on 5.9.2025[#] (**Appendix Ia**)
- [#] *accepted but not 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 and FI at **Appendices I** and **Ia**, and can be summarised as follows:

- (a) The proposed use is intended to provide parking spaces to meet the needs of nearby residents and business operators. The temporary nature of the current application will not frustrate the long-term planning intention of the “AGR” zone. The proposed use is not incompatible with the surrounding areas and there were similar applications approved in the vicinity of the Site.
- (b) Sufficient space will be provided for vehicle to manoeuvre smoothly within the Site. Adverse impacts are not anticipated. In support of the current application, the applicant has submitted a drainage proposal.

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

The applicant is not a ‘current land owner’ but has complied with the requirement 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 notices in local newspapers and sending notice to the Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

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

5. **Previous Application**

The Site is the subject of a previous application No. A/YL-KTN/961 for the same use submitted by the same applicant approved with conditions by the Committee in April 2024, mainly on the considerations that the proposed use on a temporary basis could be tolerated; the proposed use was not incompatible with the surrounding areas; and the relevant government departments consulted generally had no adverse comments or the concerns could be addressed by approval conditions. The planning permission was subsequently revoked in October 2024 due to non-compliance with approval conditions related to submission and/or implementation of drainage and fire services installations (FSIs) proposals. Compared with the previous application No. A/YL-KTN/961, the current application involves reduction in site area, omission of structures and increase in number of parking spaces as mentioned in paragraph 1.3 above. Details of the previous application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

6. **Similar Applications**

There are six similar applications for temporary vehicle park (including three renewals of temporary approvals granted; and three involving filling of land) 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 2022 and 2025 on the similar considerations as mentioned in paragraph 5 above. Details of the similar applications are summarised 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, largely vacant and partly fenced-off; and
- (b) accessible from Kong Po Road via local tracks.

7.2 The surrounding areas are rural in character with an intermix of open storage/storage yards/warehouses, parking of vehicles, animal boarding establishments (including one with valid planning application), residential structures, farmland, grassland and vacant land. Existing village settlement of Tsat Sing Kong within the “Village Type Development” zone is to the further east of the Site (**Plan A-1**).

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 for the “AGR” zone, as filling of land/pond 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 at **Appendices III** and **IV** respectively.

9.2 The following government department supports the application:

Traffic

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

- (a) supports the application from traffic engineering perspective; and
- (b) advisory comments are at **Appendix IV**.

9.3 The following government department does not support the application:

Agriculture and Nature Conservation

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 cemented vacant land. 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;
- (c) the historical use of the subject pond in the past is uncertain and the pond had been disturbed for years; and
- (d) no comment on the application with filling of land and pond from nature conservation and fisheries perspectives.

10. Public Comments Received During Statutory Publication Periods

On 29.7.2025 and 16.9.2025, the application and FI were published for public inspection. During the statutory public inspection periods, two public comments were received from the same individual objecting to the application mainly on the grounds that the approval conditions under the previous application were not complied with; there would be adverse drainage impact on the surrounding areas; and the intention of the application is for brownfield use (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary public vehicle park (excluding container vehicles) and associated filling of land and pond 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, according to the applicant, the proposed use is intended to serve the nearby residents and business operators and C for T supports the application. Taking into account the above and the planning assessments below, there is no objection to the proposed use with associated filling of land and pond on a temporary basis of three years.
- 11.2 Filling of land/pond in the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the surrounding 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 drainage and environmental planning perspectives respectively, and DAFC has no comment on the applied filling of land and pond from nature conservation and fisheries perspectives. 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 with an intermix of open storage/storage yards/warehouses, parking of vehicles, animal boarding establishment, residential structures, farmland, grassland and vacant land. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective considering that significant adverse landscape impact is not anticipated.
- 11.4 Other relevant government departments consulted have no objection to or no adverse comment on the application. To address the technical requirements of concerned department, appropriate 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 Aspect of Temporary Uses and Open Storage Sites’ to minimise any potential environmental nuisance caused by the proposed use.
- 11.5 The Site is the subject of a previously approved application No. A/YL-KTN/961 for the same use submitted by the same applicant as detailed in paragraph 5 above. Whilst the planning permission under the previous application was revoked in 2024 due to non-compliance with approval conditions related to submission and/or implementation of drainage and FSIs proposals, the applicant has submitted drainage proposal in support of the current application and the Director of Fire Services has no comment on the current application which involves no structure. In this regard, sympathetic consideration may be given to the current application. Should the application be approved by the Committee, the applicant will be advised that should he fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application.

- 11.6 In addition to an approved previous application at the Site, there are six approved similar applications for temporary vehicle park within the same “AGR” zone in the vicinity of the Site in the past five years as mentioned in paragraph 6 above. Approving the current application is in line with the Committee’s previous decisions.
- 11.7 Regarding the public comments as mentioned in paragraph 10, the departmental comments and planning assessments above are relevant. Moreover, any unauthorized development on the Site would be subject to planning enforcement action.

12. Planning Department’s View

- 12.1 Based on the assessments made in paragraph 11 and having taken 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 24.10.2028. 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 24.4.2026;
- (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 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) 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;
- (e) 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; and
- (f) 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 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 with associated filling of land and pond 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), 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 21.7.2025
Appendix Ia	FI received on 5.9.2025
Appendix II	Previous and similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comments
Drawing A-1	Site layout plan
Drawing A-2	Land/pond filling plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
OCTOBER 2025**