

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKL/817

- Applicants** : Messrs. YIP Tin Fat, YIP Tim Fu and YIP Tin Kwai represented by Mr. PANG Hing Yeun
- Site** : Lot 1495 S.B ss.2 RP in D.D. 76, Hung Leng, Fanling, New Territories
- Site Area** : About 275.6m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP)
No. S/NE-TKL/14
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Private Car Park (Private Cars and Light Goods Vehicles) and Associated Filling of Land for a Period of Three Years

1 The Proposal

- 1.1 The applicants seek planning permission for proposed temporary private car park (private cars and light goods vehicles (LGVs)) and associated filling of land 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 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 currently vacant, paved with asphalt and partly covered with grass.
- 1.2 The Site is accessible from Sha Tau Kok Road – Ma Mei Ha (**Plan A-2**). According to the applicants, a total of six parking spaces (four for private cars and two for LGVs) will be provided at the Site. The proposed use will serve nearby residents only and no parking service will be provided to the public. Vehicles without valid licenses issued under the Road Traffic Ordinance are not allowed to enter into the Site. No structure will be erected at the Site. Fencing will be erected along the site boundary and no gate will be installed. Signs will be installed at the entrance and exit to remind pedestrian safety. The applicants also apply for regularisation of filling of land at the entire Site with asphalt of about 0.15m in depth as the site level was slightly lower than the adjacent road. No further land filling is required. The operation hours of the proposed use are 24 hours from Mondays to Sundays. The layout plan and land filling plan submitted by the applicants are shown in **Drawings A-1** and **A-2** respectively. To support the application, the applicants have

submitted a drainage proposal and a fire service installations (FSIs) proposal (**Drawings A-3 and A-4**).

1.3 The Site is the subject of a previous application (No. A/NE-TKL/772) for the same use submitted by the same applicants as the current application which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 6.12.2024. The planning approval was subsequently revoked on 6.6.2025 due to non-compliance with an approval condition. Details of the previous application are set out in paragraph 5.1 below.

1.4 In support of the application, the applicants have submitted the following documents:

- | | |
|---|------------------------|
| (a) Application Form with attachments received on 9.9.2025 | (Appendix I) |
| (b) Further Information (FI) received on 17.9.2025 [^] | (Appendix Ia) |
| (c) FI received on 28.10.2025 [^] | (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 and Ib**, as summarised below:

- (a) there is no public car park in Hung Leng. The only car parking area is located at the entrance of Hung Leng which is shared with the villagers from the nearby Ng Uk Village. As such, there is severe shortage in car parking spaces in the area;
- (b) the Site is surrounded by open storage yards, private car parks and Sha Tau Kok Road – Ma Mei Ha. No agricultural activity has been found at the Site. The proposed use is compatible with the landscape of the surrounding areas. In view of the small scale of the proposed use, limited environmental impact is anticipated; and
- (c) the Site is the subject of a previously approved application for the same use submitted by the same applicants as the current application. The applicants forgot to apply for extension of time for compliance with planning conditions under the previous approval, resulting in revocation of the planning permission. The applicants therefore submit the current application and commit to comply with the comments of relevant departments.

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

The applicants are the sole “current land owner”. 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**

- 5.1 The Site is the subject of a previous application No. A/NE-TKL/772 for the same use submitted by the same applicants as the current application which was approved with conditions by the Committee on 6.12.2024 mainly on the considerations that the proposed use was not incompatible with the surrounding areas; significant environmental nuisance was unlikely in view of the small scale of the proposed use; no major adverse departmental comments were received; and there were similar approvals in the vicinity of the Site. While the applicants complied with the approval condition of submission of FSIs proposal, the application was subsequently revoked on 6.6.2025 due to non-compliance with the approval condition relating to the submission of drainage proposal. Compared with the previous approved application, the proposed use, layout and development parameters (including the number of car parking spaces) of the current application remain the same.
- 5.2 Details of the previous application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

6 **Similar Applications**

- 6.1 There are five similar applications (No. A/NE-TKL/646, 747, A/NE-LYT/741, 749 and 827) for temporary private/public vehicle park within/partly within the “AGR” zones in the vicinity of the Site in the past five years. Four applications (No. A/NE-TKL/747, A/NE-LYT/741, 749 and 827) involving three sites for proposed temporary public/private vehicle park were approved with conditions by the Committee between 2021 and 2024 mainly on the considerations that the proposed use was not incompatible with the surrounding areas; no major adverse departmental comments were received; and the site was subject to previous approval (except for application No. A/NE-TKL/747).
- 6.2 Application No. A/NE-TKL/646 was rejected by the Committee on 6.11.2020 mainly on the grounds that the proposed use was not in line with the planning intention of the “AGR” zone and there was no strong planning justification in the submission for a departure from such planning intention; and the applicant failed to demonstrate that the proposed use would not cause adverse traffic impact on the surrounding areas.
- 6.3 Details of the similar applications are summarised at **Appendix III** 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) vacant, paved with asphalt and partly covered with grass; and
 - (b) accessible from Sha Tau Kok Road – Ma Mei Ha.
- 7.2 The surrounding areas are of rural character comprising mainly village houses within the “Village Type Development” zone of Hung Leng, parking of vehicles/car parks (including two located to the immediate north of the Site and south of the Site across Sha Tau Kok Road – Ma Mei Ha which are covered with valid planning permissions under applications

No. A/NE-TKL/747 and A/NE-LYT/827 respectively), warehouses, storage use and active/fallow agricultural land.

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, as filling of land within the “AGR” zone 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 department as set out in paragraph 9.2 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 does not support the application:

Agriculture

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

- (a) the application is not supported from the agricultural perspective; and
- (b) the Site falls within the “AGR” zone and is generally vacant. The agricultural activities are active 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 open-field cultivation, greenhouses, plant nurseries, etc. The Site possesses potential for agricultural rehabilitation.

10 Public Comments Received During Statutory Publication Period

On 16.9.2025, the application was published for public inspection. During the statutory public inspection period, four public comments were received (**Appendix VI**). One comment from the Indigenous Resident Representative of Hung Leng supports the application mainly on the considerations that there is a shortage of private car parking spaces in Hung Leng and the nearby area. One comment from an individual expresses that the Site and the adjacent car park should be combined to achieve economies of scale and efficiency. The remaining two comments from a member of the North District Council and the Chairman of Lung Shan Area Committee indicate no comment on the application.

11 Planning Considerations and Assessments

- 11.1 The application is for proposed temporary private car park (private cars and LGVs) and associated filling of land for a period of three years at the Site falling within an area zoned “AGR” on the OZP. While the proposed use is not in line with the planning intention of the “AGR” zone and DAFC does not support the application from the agricultural perspective as the Site possesses potential for agricultural rehabilitation, the applicants state that the proposed use is to address the shortage of car parking spaces in the area and will serve the nearby residents only. Taking into account the planning assessments below, there is no objection to the proposed use with associated filling of land on a temporary basis of three years.
- 11.2 The application involves regularisation of filling of land at the entire Site with asphalt of about 0.15m in depth as the site level was slightly lower than the adjacent road. Filling of land within “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 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 Site is located in an area of rural character comprising mainly village houses of Hung Leng, parking of vehicles/car parks, warehouses, storage use and active/fallow agricultural land. The Chief Town Planner/Urban Design and Landscape of Planning Department has no adverse comment on the application from the landscape planning perspective and considers that the proposed use is not entirely incompatible with the landscape character of the surroundings.
- 11.4 Other concerned government departments consulted, including the Commissioner for Transport, Chief Engineer/Construction of Water Supplies Department and Director of Fire Services have no objection to or no adverse comment on the application. To address the technical requirements of the concerned government department, relevant approval conditions are recommended in paragraph 12.2 below. Should the application be approved, the applicants will be advised to follow the environmental mitigation measures as set out in the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimise any potential environmental nuisance.
- 11.5 The Site is the subject of a previous application No. A/NE-TKL/772 for the same use submitted by the same applicants as the current application, which was approved with conditions by the Committee on 6.12.2024 mainly on the considerations as detailed in paragraph 5.1 above. The planning approval was subsequently revoked on 6.6.2025 due to non-compliance with the approval condition relating to the submission of drainage proposal. To support the application, the applicants have submitted drainage and FSIs proposals. Should the Committee decide to approve the application, the applicants will be advised that should the applicants fail to comply with the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 11.6 There are five similar applications within/partly within the “AGR” zones in the vicinity of the Site in the past five years. Four of them were approved with conditions by the

Committee between 2021 and 2024 as mentioned in paragraph 6.1 above. The remaining similar application was rejected by the Committee in 2020 mainly on the grounds as mentioned in paragraph 6.2 above, including failing to demonstrate that the proposed use would not cause adverse traffic impact. The planning circumstances of the current application are similar to those of the approved similar applications, but different from those of the rejected similar application. Approval of the current application is in line with the Committee's previous decisions.

- 11.7 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 7.11.2028. The following conditions of approval and advisory clauses are 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 7.5.2026;
- (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 7.8.2026;
- (c) in relation to (b) above, the implemented drainage facilities 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 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 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 applicants.

14 Attachments

Appendix I	Application Form with attachments received on 9.9.2025
Appendix Ia	FI received on 17.9.2025
Appendix Ib	FI received on 28.10.2025
Appendix II	Previous Application
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix Va	Mains Record Plan
Appendix VI	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Land Filling Plan
Drawing A-3	Drainage Proposal
Drawing A-4	FSIs Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos