

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

**APPLICATION NO. A/NE-LYT/866**

<b><u>Applicants</u></b>	:	Ms. LEE Yuet Sum and Mr. WONG Kwok Cheong Ricky
<b><u>Site</u></b>	:	Lot 1021 (Part) in D.D. 83, Hak Pai Tsai Tsuen, Lung Yeuk Tau, Fanling, New Territories
<b><u>Site Area</u></b>	:	About 335m <sup>2</sup>
<b><u>Lease</u></b>	:	Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	:	Approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP) No. S/NE-LYT/19
<b><u>Zoning</u></b>	:	“Agriculture” (“AGR”)
<b><u>Application</u></b>	:	Temporary Private Vehicle Park (Private Cars Only) and Associated Filling of Land for a Period of Three Years

**1. The Proposal**

- 1.1 The applicants seek planning permission for temporary private vehicle park (private cars only) 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 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 generally hard-paved, fenced-off, and currently used as the applied use without valid planning permission (**Plan A-4**).
- 1.2 The Site is accessible from Sha Tau Kok Road – Lung Yeuk Tau via a local access to the immediate west (**Plan A-1**). According to the applicants, the applied use involves 10 parking spaces (5m (L) × 2.5m (W) each) for private cars serving local villagers/residents (**Drawing A-1**). The operation hours of the applied use are 24 hours daily (including public holidays). The ingress/egress of the applied use is located at the western boundary of the Site. No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities would be conducted on-site. Only private cars with valid licence issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations are allowed to be parked on the Site. Road sign of ‘Be aware of Vehicles’ would be provided near the ingress/egress of the Site. The applicants also apply for regularisation of

filling of land for the entire Site of about 0.15m in depth by asphalt. The layout plan submitted by the applicants are shown in **Drawing A-1**.

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

- (a) Application Form with Attachments received on 20.10.2025 (**Appendix I**)
- (b) Supplementary Information (SI) received on 23.10.2025 (**Appendix Ia**)
- (c) Further Information (FI) received on 16.12.2025^ (**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, SI and FI at **Appendices I to Ib**, as summarised below:

- (a) the applicants are local residents living in Hak Pai Tsai Tsuen for over 40 years;
- (b) there are inadequate parking spaces within Hak Pai Tsai Tsuen, and therefore the local parking demand could not be accommodated; and
- (c) the applied use would not induce adverse traffic, environmental, drainage and landscape impacts on the surrounding areas.

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

The applicants are the sole “current land owners” of the Site. 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**

There is no previous application at the Site.

## **6. Similar Applications**

- 6.1 There are 10 similar applications involving five sites for temporary public vehicle park (PVP) or private vehicle park within/straddling the “AGR” zones in the vicinity of the Site in the past five years (**Plan A-1**).
- 6.2 Nine of these applications (No. A/NE-LYT/742, 747, 777, 806, 815, 820, 828, 837 and 851) were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 2021 and 2025 mainly on the

considerations that the proposed/applied use intended to serve residents nearby at the application site could be tolerated on a temporary basis; it was not incompatible with the surrounding areas; and no significant adverse traffic, drainage and landscape impacts on the surrounding areas were anticipated.

- 6.3 For the remaining application (No. A/NE-LYT/795) involving a site within the different “AGR” zone in Kwan Tei that partly covered by a vegetated area with some trees of common species, it was rejected by the Board on review in December 2023 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 for a departure from the planning intention. Part of the same site (i.e. the hard-paved area with previous planning permission under application No. A/NE-LYT/742), was subsequently covered by an approved application (No. A/NE-LYT/815) for the same use mainly on the considerations as mentioned in paragraph 6.2 above.
- 6.4 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) generally hard-paved, fenced-off and currently used as the applied use without valid planning permission; and
  - (b) accessible from Sha Tau Kok Road – Lung Yeuk Tau via the local access to the northwest.
- 7.2 The surrounding areas are of rural landscape character mainly comprising village houses/domestic structures, vacant/unused land, tree groups or vegetation area and active/fallow agricultural land. To the immediate north is a cluster of village houses/temporary domestic structures. To the further east is a PVP with valid planning permission under application No. A/NE-LYT/851.

## **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 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 III** and **IV** 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):

he does not support the application from agricultural perspective as the Site zoned “AGR” possesses potential for agricultural rehabilitation. There are active agriculture activities in 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, and plant nurseries etc.

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

On 28.10.2025, the application was published for public inspection. During the statutory public inspection period, five public comments were received (**Appendix V**). Two comments from the World Wide Fund for Nature and an individual object to the application mainly on the grounds that the Site has been filled and used as the applied use without any planning permission; and/or no electric charging facilities are proposed under the current proposal. Two comments from the Chairman and Vice-Chairman of Fanling District Rural Committee object to the application mainly on the grounds that the applied use would worsen the traffic and pedestrian safety issues in the area. The remaining comment from the Chairman of Lung Shan Area Committee indicates no comment on the application.

**11. Planning Considerations and Assessments**

- 11.1 The application is for temporary private vehicle park (private cars only) and associated filling of land for a period of three years at the Site zoned “AGR” on the OZP (**Plan A-1**). The applied use is not in line with the planning intention of “AGR” zone and DAFC does not support the application from agricultural perspective. Nevertheless, the applicants advise that the applied use could help serve the parking needs of local villagers/residents, and the Commissioner for Transport has no objection to the application from traffic engineering perspective. Taking into account above and the planning assessments below, there is no objection to the applied use with associated filling of land on a temporary basis of three years.
- 11.2 The proposal involves regularisation of filling of land at the entire Site with a depth of about 0.15m by asphalt as detailed in paragraph 1.2 above. Filling of land within “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 public drainage and environmental planning perspectives respectively. As

the Site is zoned “AGR”, an approval condition requiring the reinstatement of the Site zoned “AGR” 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, being accessible from Sha Tau Kok Road – Lung Yeuk Tau via the local access, is generally hard-paved, fenced-off and currently used as the applied use without valid planning permission (**Plans A-2 to A-4**). The applied use is considered not incompatible with the surrounding areas which are of rural landscape character mainly comprising village houses/domestic structures, vacant/unused land, tree groups or vegetated areas and active/fallow agricultural land (**Plan A-3**). The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective, and considers that significant adverse landscape impact arising from the applied use is not anticipated.
- 11.4 Other concerned government departments consulted, including the Director of Fire Services, have no objection to or no comment on the application. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below. Should the planning application be approved, the applicants will also be advised to follow the requirements of the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimise possible environmental nuisance on the surroundings.
- 11.5 There are nine approved similar applications within/straddling the “AGR” zones on the OZP in the vicinity of the Site over the past five years (**Plan A-1**) as detailed in paragraph 6.2 above. The planning circumstances of the current application are similar to those of the approved applications. Approval of the current application is in line with the Committee’s previous decisions.
- 11.6 Regarding public comments as detailed in paragraph 10 above, the government departments’ comments and the 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 in paragraph 10, 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 19.12.2028. 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 19.6.2026;

- (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 19.9.2026;
- (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) and (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 IV**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applied use with associated filling of land is not in line with the planning intentions 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 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.
- 13.3 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**

<b>Appendix I</b>	Application Form with Attachments received on 20.10.2025
<b>Appendix Ia</b>	SI received on 23.10.2025
<b>Appendix Ib</b>	FI received on 16.12.2025
<b>Appendix II</b>	Similar Applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendix V</b>	Public Comments
<b>Drawing A-1</b>	Site Layout Plan
<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  
DECEMBER 2025**