

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-SK/421

- Applicant** : 夏佩娟女士
- Site** : Lot 387 (Part) in D.D.112, Lin Fa Tei, Shek Kong, Yuen Long, New Territories
- Site Area** : About 852.56m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/10
(*currently in force*)

Approved Shek Kong OZP No. S/YL-SK/9
(*at the time of submission*)
- Zoning** : “Agriculture” (“AGR”) (about 88.9%)
(*no change on the current OZP*)

“Village Type Development” (“V”) (about 11.1%)
[*restricted to maximum building height of 3 storeys (8.23m)*]
(*no change on the current OZP*)
- Application** : Proposed Temporary Public Vehicle Park (Private Cars, Motorcycles and Light Goods Vehicles Only) with Ancillary Office and Associated Filling of Land for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary public vehicle park (private cars, motorcycles and light goods vehicles only) with ancillary office and associated filling of land for a period of three years at the application site (the Site), which falls within an area mainly zoned “AGR” (about 88.9%) with a portion zoned “V” (about 11.1%) on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘Public Vehicle Park (excluding container vehicle), which is a Column 2 use within “V” zone, and temporary use or development of any land or building not exceeding a period of three years require planning permission from the Town Planning Board (the Board). Filling of land within the “V” and “AGR” zones also requires planning permission from the Board. The Site is partly fenced off and

hard-paved, with the northern portion covered by artificial grass and the central portion erected with a structure (**Plan A-4**).

1.2 The Site is accessible from Kam Sheung Road via a local track (**Plan A-2**). According to the applicant, the proposed use will provide a total of 18 parking spaces (six for each of private cars, motorcycles and light goods vehicles) on monthly rental basis. The existing single-storey structure with height of about 2.62m and a total floor area of about 76.58m² in the central portion of the Site is for proposed ancillary office use. The applicant also applies for regularisation of associated filling of land for the entire site with asphalt of about 0.1m in depth (**Drawing A-2**) and no further filling is required. The proposed temporary public vehicle park will operate 24 hours daily including public holidays. No maintenance and workshop activities will be involved, and no vehicles without valid licences and no medium or heavy vehicles are allowed to enter the Site at all times. 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 attachments and Supplementary (**Appendix I**)
Information received on 9.7.2025 and 14.7.2025
respectively
- (b) Further Information (FI) received on 5.11.2025* (**Appendix Ia**)

**accepted but not exempted from publication and recounting requirements*

1.4 On 5.9.2025, 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 intentions of the “AGR” and “V” zones. The applicant has committed to reinstating the Site upon expiry of the planning approval period.
- (b) Residents of the neighbourhood typically own multiple vehicles, and nearby workers often commute to the area by car. The proposed use aims to serve the local community by providing car parking spaces on a monthly rental basis which can help alleviate road congestion caused by roadside parking.
- (c) Only private cars, motorcycles and light goods vehicles are allowed to be parked at the Site. Although part of the Site will not be fenced off, video surveillance cameras will be applied to monitor the operation of the proposed use with a view to avoiding unauthorised car parking. The proposed use will not bring adverse traffic impact on surrounding areas. In support of the application, the applicant has submitted a drainage proposal.

- (d) Upon approval of the application, the applicant will submit to the Lands Department (LandsD) the necessary applications for Short Term Waiver (STW) as appropriate for implementing the proposed use.
- (e) Upon expiry of the of the planning permission, the applicant will reinstate 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.

4. Background

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

5. Previous Application

The Site was the subject of a previous planning application (No. A/YL-SK/368) for temporary place of recreation, sports or culture with ancillary office for a period of three years and filling of land submitted by a different applicant. The application was approved with conditions by the Committee of the Board in September 2024 and the considerations of which are not relevant to the current application due to different use involved. Details of the application are summarised in **Appendix II** and the location is shown on **Plan A-1**.

6. Similar Applications

There are two similar applications (No. A/YL-SK/342 and 411) for proposed temporary public/private vehicle park (one of which involved shop and services) with filling of land within the same “V” zone in the vicinity of the Site in the past five years. The applications were approved with conditions by the Committee in May 2023 and April 2025 respectively, mainly on the considerations that the temporary approval would not frustrate the long-term planning intention; the proposed use was not incompatible with the surrounding areas; and the relevant government departments consulted in general had no adverse comment and/or their concerns, if any, could be addressed by approval conditions. There is no similar application within the same “AGR” zone. Details of the similar applications are summarised in **Appendix II** 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) accessible from Kam Sheung Road via a local track of about 120m; and
- (b) partly fenced off and hard-paved, with the northern portion covered by artificial grass and the central portion erected with a structure.

7.2 The surrounding areas are rural in character with an intermix of low-rise residential developments (such as Lotus Hill), fallow agricultural land, workshops, storages, a plant nursery and an animal boarding establishment.

8. Planning Intentions

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.

8.3 The planning intention of the “V” zone is to reflect existing recognised 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 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 III and IV 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; and

- (b) advisory comments are at **Appendix IV**.

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, LandsD (DLO/YL, LandsD):

- (a) has adverse comment on the planning application;
- (b) the Site comprises Old Schedule Agricultural Lot No. 387 in D.D. 112 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) LandsD has reservation on the application since there is/are unauthorised structure(s) and/or uses on the private lot(s) within the Site which is/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;
- (d) the lot owner(s) shall apply to his office for a STW to permit the structure(s) erected within the said private lot(s). The application(s) for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW, if approved, will be subject to such terms and conditions including the payment of waiver fee 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; and
- (e) there are no Small House applications approved or under processing at the Site.

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” and “V” zones and is generally vacant with some structures. 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.; and

- (c) no comment on the application from nature conservation perspective.

10. Public Comments Received During Statutory Publication Periods

On 18.7.2025 and 11.11.2025, the application and the FI were published for public inspection. During the statutory public inspection periods, five public comments were received, including two from the Kadoorie Farm & Botanic Garden Corporation and two from an individual objecting to the application mainly on the grounds that the proposed use is not in line with the planning intention of the “AGR” zone; there are parking space within the “V” zone and no demand for additional parking facilities; and concern about the potential conflict with the proposed Agricultural Priority Area; and one from a member of the North District Council indicating no comment on the application (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary public vehicle park (private cars, motorcycles and light goods vehicles only) with ancillary office and associated filling of land for a period of three years at the Site mainly zoned “AGR” (88.9%) with a portion zoned “V” (11.1%) (**Plan A-1**). The proposed use is not in line with the planning intentions of “AGR” and “V” zones. DAFC does not support the application from agricultural perspective. Notwithstanding the above, according to the applicant, the proposed use is intended to serve the local community by providing parking spaces on a monthly rental basis and C for T supports the application from traffic engineering perspective. Besides, DLO/YL, LandsD advises that there is no Small House application approved or under processing at the Site. The proposed use of temporary nature would not adversely affect the land availability for the New Territories Exempted House/Small House within the “V” zone in the long term. Taking into account the above and the 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” and “V” zones 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, who also considers the submitted drainage proposal acceptable, and the Director of Environmental Protection have no objection to the application from public drainage and environmental planning perspectives respectively. As part of the Site is zoned “AGR”, an approval condition requiring the reinstatement of the “AGR” portion 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 low-rise residential developments, fallow agricultural land, workshops, storages, a plant nursery and an animal boarding

establishment. 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 the proposed use is not incompatible with the surrounding landscape setting and significant adverse impact on landscape resources arising from the proposed use is not anticipated.

- 11.4 Other concerned 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 the 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 any potential environmental nuisance caused by the proposed use on the surrounding areas. Regarding DLO/YL, LandsD’s concerns on the unauthorised structure 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 While there is no similar application within the “AGR” zone where the Site is located in, there are two approved similar applications within the same “V” zone in the vicinity of the Site in the past five years as mentioned in paragraph 6 above. Approving the current application is not in conflict 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 19.12.2028. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) the implementation of the accepted 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;
- (b) in relation to (a) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (c) the submission of a 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 19.6.2026;

- (d) in relation to (d) above, the implementation of the 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 19.9.2026;
- (e) if the above planning condition (b) 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;
- (f) if any of the above planning condition (a), (c) 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; and
- (g) upon expiry of the planning permission, the reinstatement of the “Agriculture” portion 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 proposed use with associated filling of land is not in line with the planning intentions of the “AGR” and “V” zones. The planning intention of the “AGR” zone 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, whilst the planning intention of the “V” zone 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 the planning intentions, 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 and Supplementary Information received on 9.7.2025 and 14.7.2025
Appendix Ia	FI received on 5.11.2025
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	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
DECEMBER 2025**