

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TK/847

<u>Applicant</u>	: Mr. TSANG Sau Keung
<u>Site</u>	: Lots 455 S.H ss.6 (Part), 455 S.H RP (Part) and 455 RP (Part) in D.D. 23, Po Sam Pai, Ting Kok, Tai Po, New Territories
<u>Site Area</u>	: About 90m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/19
<u>Zoning</u>	: “Agriculture” (“AGR”)
<u>Application</u>	: Proposed Temporary Private Vehicle Park (Light Goods Vehicles Only) for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary private vehicle park (light goods vehicles (LGVs) only) 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 requires planning permission from the Town Planning Board (the Board). The Site is currently vacant and cleared of vegetation (**Plan A-4**).
- 1.2 The Site is accessible via a local track leading to Tung Tsz Road (**Plan A-1**). According to the applicant, a total of five parking spaces for van-type LGVs (6m (L) x 3m (W) each) will be provided at the Site (**Drawing A-1**), mainly for serving the local villagers nearby. As advised by the applicant, the proposed use will only allow parking of LGVs without private cars, and no LGVs without valid licence issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374E) will be allowed to park at the Site. The proposed private vehicle park will operate 24 hours daily. While it is observed that the Site has been cleared of vegetation, the applicant clarifies that the application does not involve additional filling/excavation of land and clearance of vegetation. The layout plan submitted by the applicant is shown at **Drawing A-1**.

- 1.3 The Site is in part/in whole the subject of two previous applications (No. A/NE-TK/739 and 757) submitted by the same applicant as the current application (**Plans A-1 and A-2**). Application No. A/NE-TK/739 for temporary private vehicle park (private cars only) with pedestrian and vehicular access for a period of three years and filling of land and application No. A/NE-TK/757 for proposed footpath and access road for house development with filling of land were both rejected by the Rural and New Town Planning Committee (the Committee) of the Board in 2022. Details of the previous applications are set out in paragraph 5 below.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on **(Appendix I)**
4.12.2025
 - (b) Further Information (FI) received on 18.12.2025 **(Appendix Ia)**
 - (c) FI received on 29.12.2025 **(Appendix Ib)**
 - (d) FI received on 6.1.2026 **(Appendix Ic)**
 - (e) FI received on 14.1.2026 **(Appendix Id)**

**accepted and 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 FIs at **Appendices I to Id**, as summarised below:

- (a) while there is no public vehicle park for LGVs within close proximity of the villages in Shuen Wan area, the proposed private vehicle park could help address the local demand for LGV parking spaces and illegal parking problem causing destruction to surrounding agricultural land;
- (b) application No. A/NE-TK/839 of similar nature was approved, and the proposed private vehicle park at the Site will not be in conflict with the approved scheme under application No. A/NE-TK/839 (**Plan A-2**);
- (c) each parking space at the Site will be delineated by markings. The applicant will be responsible for the routine maintenance of the proposed private vehicle park and comply with relevant requirements to ensure that no environment, traffic, drainage, water supplies and slope impact on the surrounding areas will be induced;
- (d) the local villagers have been consulted and raised no objection to the application. In addition, since the local track leading to the Site involves private lots, consent(s) have been obtained from the lot owner(s) for access use; and
- (e) while the applicant acknowledges the Site's potential for agricultural rehabilitation, he affirms that the proposed use is temporary in nature and the Site will be reinstated back to agricultural use after three years. Should the Government require the Site for other use(s) within the three-year approval period, the applicant is willing to hand over the Site.

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

The applicant is one of the two “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 obtaining consent of another “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 Applications**

- 5.1 The Site is in part/in whole the subject of two previous applications (No. A/NE-TK/739 and 757) submitted by the same applicant as the current application (**Plans A-1** and **A-2**), which were both rejected by the Committee in 2022.
- 5.2 Application No. A/NE-TK/739¹ for temporary private vehicle park (private cars only) with pedestrian and vehicular access for a period of three years and filling of land was rejected by the Committee on 28.1.2022 for the reasons of not being in line with the planning intention of the “AGR” zone and having no strong planning justification for a departure from the planning intention; and failing to demonstrate in the submission that adverse landscape impacts on the area would not be resulted.
- 5.3 Application No. A/NE-TK/757 for proposed footpath and access road for house development with filling of land was rejected by the Committee on 9.9.2022, for the reasons of not being in line with the planning intention of the “AGR” zone and having no strong planning justification for a departure from the planning intention; and failing to demonstrate the need to provide the proposed footpath and access road. The planning circumstances of application No. A/NE-TK/757 are not relevant to the current application.
- 5.4 Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plans A-1** and **A-2**.

6. **Similar Applications**

- 6.1 There are two similar applications (No. A/NE-TK/740 and 839) in the vicinity of the Site within the same “AGR” zone in the past five years (**Plans A-1** and **A-2**).

¹ Compared with the previous application No. A/NE-TK/739, the current application involves a much smaller site area (from about 1,046m² to 90m², i.e. about -91.4%) with fewer number of parking spaces (from nine private car parking spaces to five LGV parking spaces, i.e. about -44.4%) and without filling of land.

- 6.2 Application No. A/NE-TK/740 for proposed temporary private vehicle park (private cars and LGVs only) for a period of three years, at the site being located further away from the village cluster, was rejected by the Board on review on 13.5.2022 for the same reasons as application No. A/NE-TK/739 as mentioned in paragraph 5.2 above.
- 6.3 Application No. A/NE-TK/839^{2&3} for proposed temporary private vehicle park (private cars only) for a period of three years was approved with conditions by the Committee on 19.9.2025, with valid planning permission until 19.9.2028, mainly on the considerations that there was parking demand in the vicinity; the proposed use was not incompatible with the surrounding areas; and significant adverse landscape impact on the existing landscape resources was not anticipated.
- 6.4 Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plans A-1** and **A-2**.

7. The Site and Its Surrounding Areas (Plans A-1 to A-4)

- 7.1 The Site is:
- (a) currently vacant and cleared of vegetation (**Plan A-4**);
 - (b) situated near the northern fringe of San Tau Kok Village and sandwiched between the village houses to its southwest and east/southeast (**Plans A-2** and **A-3**); and
 - (c) accessible via a local track leading to Tung Tsz Road (**Plan A-1**).
- 7.2 The surrounding areas are predominantly rural in character comprising vacant/unused land, vegetated areas, village houses and temporary structures. To its northeast are mainly vegetated areas (**Plan A-3**). To its southwest and east/southeast are the village proper of San Tau Kok and Po Sam Pai respectively (**Plan A-1**). To the west is dense woodland with permitted burial grounds within the “Green Belt” zone (**Plans A-2** and **A-3**).

8. Planning Intention

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.

² Compared with the previous application No. A/NE-TK/839, the current application involves a much smaller site area (from about 536m² to 90m², i.e. about -83.2%) with fewer number of parking spaces (from nine private car parking spaces to five LGV parking spaces, i.e. about -44.4%).

³ A very minor portion at southeastern corner of the Site (i.e. about 2.5m²) overlaps with the site of application No. A/NE-TK/839 at its northwestern corner.

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 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 supports the application:

Traffic

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

- (a) she supports the application in view of the parking demand in the vicinity, noting that the night-time illegal parking survey at Tung Tsz Road and Tung Tsz Shan Road (**Plan A-1**) reveals that there is parking demand for private cars and goods vehicles;
- (b) as the applicant clarifies that all five parking spaces at the Site are for van-type LGVs (**Appendix Ia**), she has no further comment on the size of parking spaces (i.e. 6m (L) x 3m (W) each);
- (c) for the village access road connecting Ting Kok Road, it is not under the Transport Department's management; and
- (d) her advisory comments are at **Appendix V**.

9.3 The following government department does not support the application:

Agriculture

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

the Site falls within the "AGR" zone and is generally abandoned. 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. As the Site possesses potential for agricultural rehabilitation, the proposed use is not supported from agricultural perspective.

10. Public Comments Received During Statutory Publication Period

On 12.12.2025, the application was published for public inspection. During the statutory public inspection period, 10 public comments from local villagers and individuals were received (**Appendix VI**). Eight comments support the application mainly on the grounds that there are insufficient parking spaces within the local village(s) and absence of public vehicle park for LGVs in the area; the problem of illegal/roadside parking with obstruction to emergency vehicular access could be resolved; safety risks to elderly and vulnerable groups arise due to long walking distance under unsafe conditions; public

perception on the government's fairness may be affected if the idle land is not allowed for interim use beneficial to the community; and livelihood of local residents could be improved as they rely on LGVs for daily commute, delivery and earning a living. Two comments object to the application mainly on the grounds that the operator intends to enlarge private vehicle park under the approval of application No. A/NE-TK/839; and agricultural land should not be used for car parking.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary private vehicle park (LGVs only) for a period of three years at the Site zoned "AGR" on the OZP (**Plan A-1**). 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 as the Site possesses potential for agricultural rehabilitation. Nevertheless, the applicant advises that the proposed use mainly intends to address the local demand for LGV parking spaces serving the local villagers nearby, while there is no public vehicle park for LGVs within close proximity of the villages in Shuen Wan area. In this regard, C for T supports the application noting that there is parking demand for goods vehicles according to the night-time illegal parking survey at Tung Tsz Road and Tung Tsz Shan Road (**Plan A-1**). Taking into account the above and the planning assessments below, there is no objection to the proposed use on temporary basis of three years.
- 11.2 The Site, which is currently vacant and cleared of vegetation (**Plan A-4**), is situated near the northern fringe of San Tau Kok Village and sandwiched between the village houses to its southwest and east/southeast (**Plans A-2** and **A-3**). The proposed use comprising five parking spaces for van-type LGVs is not incompatible with the surrounding areas which are predominantly rural in character comprising vacant/unused land, vegetated areas, village houses and temporary structures (**Plans A-2** and **A-3**). According to the applicant, the application does not involve additional filling/excavation of land and clearance of vegetation. The Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L, PlanD) has no adverse comment on the application from landscape planning perspective and advises that adverse landscape impact arising from the application is not anticipated.
- 11.3 Other relevant government departments consulted including the Chief Engineer/Mainland North of Drainage Services Department, Director of Environmental Protection and Director of Fire Services have no objection to or no adverse 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 application be approved, the applicant will be advised to follow the environmental mitigation measures as set out in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Site' to minimise any potential nuisance on the surroundings. 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.

- 11.4 The Site is in part/in whole the subject of two previous applications (No. A/NE-TK/739 and 757⁴) submitted by the same applicant as the current application, which were both rejected by the Committee in 2022 as detailed in paragraphs 5.2 and 5.3 above respectively. There are two similar applications (No. A/NE-TK/740⁵ and 839) in the vicinity of the Site within the same “AGR” zone in the past five years, which were rejected by the Board on review in 2022 and approved with conditions by the Committee in 2025 as detailed paragraphs 6.2 and 6.3 above respectively. Unlike the rejected previous and similar applications, C for T tenders support to the current application in view of the parking demand in the vicinity and CTP/UD&L, PlanD has no adverse comment on the application from landscape planning perspective⁶. The planning circumstances of the rejected previous and similar applications are not entirely the same as those of the current application and sympathetic consideration could be given to the current application. As compared with the approved similar application, its planning considerations are applicable to the current application. Approval of the current application is in line with the Committee’s previous decision.
- 11.5 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, 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 23.1.2029. The following approval conditions 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 23.7.2026;
- (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 23.10.2026;
- (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 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

⁴ The planning circumstances of application No. A/NE-TK/757 are not relevant to the current application.

⁵ The site of application No. A/NE-TK/740 was located further away from the village cluster.

⁶ For applications No. A/NE-TK/739 and 740, C for T had no in-principle objection to the applications from traffic engineering point of view, and CTP/UD&L, PlanD had some reservations on the applications from landscape planning perspective.

on the same date be revoked without further notice;

- (e) 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; and
- (f) upon the expiry of the planning permission, the reinstatement of the Site, including the removal of 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 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 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 4.12.2025
Appendix Ia	FI received on 18.12.2025
Appendix Ib	FI received on 29.12.2025
Appendix Ic	FI received on 6.1.2026
Appendix Id	FI received on 14.1.2026
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments

Drawing A-1
Plan A-1
Plan A-2
Plan A-3
Plan A-4

Layout Plan submitted by the Applicant
Location Plan
Site Plan
Aerial Photo
Site Photos

PLANNING DEPARTMENT
JANUARY 2026