

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM-LTYY/505

Applicant : Mr TO Kin Chung represented by Goldrich Planners and Surveyors Limited

Site : Lot 827 RP (Part) in D.D. 130, Lam Tei, Tuen Mun

Site Area : About 1,304m²

Lease : Block Government Lease (demised for agricultural use)

Plan : Draft Lam Tei and Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTYY/13

Zoning : “Residential (Group C)” (“R(C)”) *[Restricted to a maximum plot ratio of 0.4 and a maximum building height of 3 storeys (9m) including car park]*

Application : Temporary Public Vehicle Park (Excluding Container Vehicles) for a Period of 5 Years

1. **The Proposal**

- 1.1 The applicant seeks planning permission for temporary public vehicle park (excluding container vehicles) for a period of five years at the application site (the Site) zoned “R(C)” on the OZP (**Plan A-1a**). According to the Notes of the OZP for the “R(C)” zone, ‘Public Vehicle Park (excluding container vehicles)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by the applied use without valid planning permission (**Plan A-4**).
- 1.2 The Site is accessible via a strip of Government land (GL) leading to Fuk Hang Tsuen Road (**Plan A-2**). According to the applicant, a total of 38 parking spaces (including 32 for private cars and six for light goods vehicles (LGVs)) are provided. No vehicle without valid licences issued under Road Traffic Ordinance would be permitted to park at the Site. No vehicle exceeding 5.5 tonnes (i.e. medium and heavy goods vehicle) and container vehicles would be allowed to enter/park at the Site. No car beauty services, vehicle repairing, dismantling or other workshop activities would be carried out at the Site. The layout plan with swept path analysis and as-built drainage plan submitted by the applicant are shown at **Drawings A-1** and **A-2** respectively.

1.3 The Site is the subject of six previous applications for temporary public vehicle park approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2012 and 2023 (details in paragraph 5 below) (**Plan A-1b**). The last application No. A/TM-LTYY/ 442 was submitted by the same applicant of the current application. However, the planning permission was subsequently revoked due to non-compliance with time-limited approval condition.

1.4 A comparison of the major development parameters of the current application and the last approved application is summarised as follows:

Major Development Parameters	Last Approved Application No. A/TM-LTYY/442 (a)	Current Application No. A/TM-LTYY/505 (b)	Difference (b)-(a)
Applied Use	Temporary Public Vehicle Park (Private Cars Only) for a Period of 3 Years	Temporary Public Vehicle Park (Excluding Container Vehicles) for a Period of 5 Years	N/A
Site Area (about)	1,303m ²	1,304m ²	+1m ² (+0.08%)
Floor Area	194m ²	N/A	-194 m ²
Number of Structures	2 (1 for rain shelter and 1 for portable toilet)	N/A	-2
Maximum Building Height	Not exceeding 3.5m and 1 storey	N/A	N/A
Car Parking Spaces	30 (5m x 2.5m) (for private cars only)	32 (5m x 2.5m) (for private cars) 6 (7m x 3.5m) (for LGVs)	+2 (private cars) +6 (LGVs)
Operation hours	7:00 a.m. to 11:00 p.m. daily (including Sundays and public holidays)	24 hours daily (including Sundays and public holidays)	Extended operation hours

1.5 In support of the application, the applicant has submitted the following documents:

- Application Form with attachments received on 16.12.2025 (**Appendix I**)
- Supplementary Information (SI) received on 22.12.2025 (**Appendix Ia**)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and SI at **Appendices I** and **Ia** respectively. They can be summarised as follows:

- (a) the applied use is intended to provide parking spaces to meet the parking demand of nearby residents and operators. As no structures would be erected at the Site, approval of the application on a temporary basis would not frustrate the long-term planning intention of the “R(C)” zone;
- (b) the Site was involved in six previous applications for the same use. Given that the planning context of the adjacent areas has not been significantly altered, the planning circumstances of the Site remain in line with the previous considerations of the Board;
- (c) the applicant has explained that the non-compliance of approval condition of the previous planning permission (No. A/TM-LTYY/442) was mainly due to time constraints in compliance with the implementation of run-in/out proposal. He also clarifies that the approval conditions regarding the implementation of drainage and fire service installations (FSIs) proposals of the previous permission have been complied with. To support the current application, he has submitted as-built drainage plan (**Drawing A-2**);
- (d) adverse visual, traffic, environment, drainage and fire safety impacts on the surrounding areas are not anticipated; and
- (e) the applicant would follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (‘CoP’) to minimise adverse environmental impacts arising from the applied use.

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

The applicant is not a “current land owner” but 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 publishing notices in local newspapers and sending notice to the Tuen Mun 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 Applications

- 5.1 The Site was involved in six previous applications (No. A/TM-LTYY/230, 294, 306, 349, 399 and 442) for temporary public vehicle park which were approved by the Committee each for a period of two/three years between 2012 and 2023. The first four applications were submitted by different applicants while the last two applications were submitted by the same applicant of the current application. Details of these applications are at **Appendix II** and their locations are shown on **Plan A-1b**.

5.2 Applications No. A/TM-LTYY/230 and 294 for temporary public vehicle park (private cars only) for a period of three years were approved with conditions by the Committee in 2012 and 2015 respectively mainly on the considerations of not incompatible with the surrounding land uses and no objection or no adverse comments from government departments. However, the planning permissions were revoked in 2013 and 2015 respectively due to non-compliance with time-limited approval conditions regarding the provision of peripheral/boundary fencing, implementation of run-in/run-out proposal and submission and implementation of drainage and FSIs proposals.

5.3 Application No. A/TM-LTYY/306 for temporary public vehicle park (private cars only) and the renewal application No. A/TM-LTYY/349, both for a period of two years, were approved with conditions by the Committee in 2016 and 2018 respectively on similar considerations as stated in paragraph 5.2 above. All time-limited approval conditions had been complied with and the planning permission of A/TM-LTYY/349 lapsed in 2020.

5.4 Applications No. A/TM-LTYY/399 and 442 for temporary public vehicle park (private cars only), both for a period of three years, were approved with conditions by the Committee in 2020 and 2023 respectively mainly on similar considerations as stated in paragraph 5.2 above. Nevertheless, the planning permissions were revoked in 2023 and 2024 respectively due to non-compliance with time-limited approval condition regarding the implementation of the run-in/out proposal.

6. Similar Application

There is no similar application within the same “R(C)” zone.

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

7.1 The Site is:

- currently used for the applied use without valid planning permission (**Plan A-4**); and
- accessible to Fuk Hang Tsuen Road via a strip of GL (**Plan A-2**).

7.2 The surrounding areas are sub-urban in nature predominantly occupied by medium-density residential developments (i.e. GreenView and Botania Villa) and rural settlements (i.e. Fuk Hang Tsuen) intermixed with warehouses, storage, open storage yards, a church and vacant land (**Plans A-2 and A-3**).

8. Planning Intention

The “R(C)” zone is intended primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

9. Comments from Relevant Government Departments

All government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments are provided in **Appendices III** and **IV** respectively.

10. Public Comment Received During the Statutory Publication Period

On 23.12.2025, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual (**Appendix V**) expressing views that the Site has been occupied for parking of vehicles without permission; non-compliance with approval conditions of the previous application; and concerns on pedestrian safety and lack of charging facilities for electric vehicles.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary public vehicle park (excluding container vehicles) for a period of five years at the Site zoned “R(C)” on the OZP. Whilst the applied use is not entirely in line with the planning intention of the “R(C)” zone, there is no known development proposal at the Site. In this regard, approval of the application on a temporary basis of five years would not jeopardise the long-term planning intention of the “R(C)” zone.
- 11.2 The surrounding areas are predominantly occupied by medium-density residential developments and rural settlements intermixed with warehouses, storage, open storage yards, a church and vacant land (**Plan A-2**). The applied use is considered not incompatible with the surrounding areas.
- 11.3 Concerned government departments consulted, including the Commissioner for Transport (C for T), Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) and Director of Fire Services have no objection to or no adverse comment on the application from traffic, environmental, drainage and fire safety aspects respectively. To address the technical requirements of CE/MN, DSD, appropriate approval conditions are recommended in paragraph 12.2 below. Should the application be approved, the applicant will be advised to follow the latest ‘CoP’ to minimise possible environmental nuisance on the surrounding areas.
- 11.4 The Site was involved in six previous applications for the same use, which were approved with conditions each for a period of two or three years between 2012 and 2023. The last two applications (No. A/TM-LTYY/399 and 442) were submitted by the same applicant of the current application. However, these two planning permissions were revoked due to non-compliance with time-limited approval condition regarding the implementation of the run-in/out proposal. For the current application, C for T advises that approval conditions in relation to run-in/out proposal are no longer applicable as the road widening works under the project of “Widening of Fuk Hang Tsuen Road (between Castle Peak Road - Lam Tei and Fuk Hang Tsuen Lane)” (Contract No. HY/2022/05) has been substantially completed. Besides, the applicant has submitted as-built drainage plan in support of the current application, and CE/MN, DSD has no adverse comment on the

submitted proposal. As such, sympathetic consideration may be given to the current application. 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 further applications.

- 11.5 There has been no major change in the planning circumstances since the approval of previous applications for the same use as detailed in paragraph 5 above. Approval of the current application is generally in line with the Committee's previous decisions.
- 11.6 Regarding the public comment as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.5 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 comment 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 five years until 6.2.2031. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (b) the submission of a condition record of the existing drainage facilities within **3 months** from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 6.5.2026;
- (c) if the above planning condition (a) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (d) if the above planning condition (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.

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 is not in line with the planning intention of the "Residential (Group C)" zone, which is primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on

application to the Board. No strong planning justification has been given 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 16.12.2025
Appendix Ia	SI received on 22.12.2025
Appendix II	Previous Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Layout Plan with Swept Path Analysis
Drawing A-2	As-built Drainage Plan
Plan A-1a	Location Plan
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

PLANNING DEPARTMENT
FEBRUARY 2026