

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

APPLICATION NO. A/YL-PH/1069

<u>Applicants</u>	: Mr CHEUNG Muk Wing and Mr CHEUNG Fook Hing represented by Miss WAI Siu Yiu
<u>Site</u>	: Lot 741 (Part) in D.D. 111, Pat Heung, Yuen Long, New Territories
<u>Site Area</u>	: About 1,265m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
<u>Zoning</u>	: “Village Type Development” (“V”) [restricted to maximum building height of 3 storeys (8.23m)]
<u>Application</u>	: Proposed Temporary Private Vehicle Park 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 vehicle park and associated filling of land for a period of three years at the application site (the Site), which falls within an area zoned “V” on the OZP (**Plan A-1**). According to the covering 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). Filling of land within the “V” zone also requires planning permission from the Board. The Site is currently vacant and hard-paved (**Plan A-4**).
- 1.2 The Site is accessible from Fan Kam Road via a local track (**Plan A-2**). According to the applicants, the proposed use will provide 37 parking spaces for private cars serving only the residents of the nearby Sheung Che Tsuen and will not be open to the general public. Only licensed private cars will be allowed to be parked within the Site. The proposed use involves a single-storey structure with a height of not more than 3m and a floor area of about 10m² for guard room (**Drawing A-1**). The applicants also apply for regularisation of associated filling of land for the entire Site with cement with depths ranging from 0.5m to 1.3m, raising the site level from +21.7mPD (the lowest point) to +23mPD for site formation to support the proposed use (**Drawing A-2**). No further land filling is required. The proposed use will be

operated 24 hours daily, including public holidays. The layout plan submitted by the applicants is at **Drawings A-1**.

1.3 The Site is the subject of one previous application No. A/YL-PH/1003 (details in paragraph 5 below) submitted by the same applicants for the same use as the current application which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 24.5.2024. The planning permission was subsequently revoked on 24.11.2025 due to non-compliance with approval conditions. Compared with the last application, the current application has the same layout and development parameters and involves an increase in the depth of the associated filling of land from 0.5m to a range of 0.5m to 1.3m.

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

- (a) Application Form with supporting documents received on 9.5.2025 and 13.5.2025
- (b) Further Information (FI) received on 4.9.2025* **(Appendix Ia)**
- (c) FI received on 18.12.2025* **(Appendix Ib)**

**accepted and exempted from publication and recounting requirements*

1.5 On 4.7.2025 and 24.10.2025, the Committee agreed to defer making a decision on the application for two months each as requested by the applicants.

2. **Justifications from the Applicants**

The justifications put forth by the applicants in support of the application are detailed in the Application Form and FI at **Appendices I to Ib**, and can be summarised as follows:

- (a) The proposed use is intended to serve the residents of the nearby Sheung Che Tsuen and to meet their demand for parking spaces and will not be open to the general public. It will utilise the vacant land, help reduce flooding through site formation, prevent mosquito proliferation, and address the problem of illegal parking in the vicinity.
- (b) The Site is the subject of an approved previous application (No. A/YL-PH/1003) for private vehicle park and filling of land at a depth of about 0.5m (from +21.7mPD to +22.2mPD). The Site was originally characterised by irregular and undulating topography. To improve water drainage, the entire Site has been filled with cement to depths ranging from 0.5m to 1.3m up, reaching up to +23mPD. Hence, the current application is submitted to regularise the completed land filling works at the Site. No further land filling will be required.
- (c) Upon approval of the current application including the drainage proposal, drainage facilities including the U-channel along the site boundary will be implemented to effectively collect rainwater and mitigate flooding in the area during the wet season.

(d) The proposed use will not cause any adverse environmental, traffic and drainage impacts on the surrounding areas. Drainage and fire service installations (FSIs) proposals have been submitted in support of the current application.

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

The applicants are one of the “current land owner” of the Site and have 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 not subject to any active enforcement action.

5. Previous Application

The Site is the subject of a previous application No. A/YL-PH/1003 submitted by the same applicants as the current application for the same use which was approved with conditions by the Committee on 24.5.2024, mainly on the considerations that the temporary approval would not frustrate the long-term planning intention of the “V” zone; the proposed use was not incompatible with the surrounding land uses; and the concerned government departments consulted in general had no objection to or no adverse comment on the application or their concerns could be addressed by relevant approval conditions. The planning permission was subsequently revoked on 24.11.2025 due to non-compliance with approval conditions related to the submission and implementation of the drainage proposal and implementation of the FSIs proposal. Compared with the last application, the current application involves changes as set out in paragraph 1.3 above. Details of this application are summarised in **Appendix II** and the location is shown on **Plan A-1**.

6. Similar Applications

There are four similar applications (No. A/YL-PH/872, 931, 996 and 997) for various temporary public/private vehicle park uses (including two renewal of planning approvals granted and two with filling of land) within the same ‘V’ zone in the vicinity of the Site in the past five years. All these applications were approved with conditions by the Committee between April 2021 and April 2024 on similar considerations as mentioned in paragraph 5 above. The planning permissions under Applications No. A/YL-PH/996 and 997 were subsequently revoked on 19.1.2026 due to non-compliance with approval conditions. Details of these similar applications are summarised in **Appendix III** 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 Fan Kam Road via a local track; and
- (b) currently vacant and hard-paved.

7.2 The surrounding areas are rural in character comprising mainly village settlements of Sheung Che Tsuen, Fu Hing Garden and Fu Shing Garden intermixed with vehicle parks (two with valid permissions), an open storage yard, a village office, a private club (with valid permission), vacant land and grassland.

8. **Planning Intention**

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. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House (NTEH). Other commercial, community and recreational uses may be permitted on application to the Board.

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, if any, are provided in **Appendices IV** and **V** respectively.

9.2 The following government department supports the application:

Traffic

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

- (a) supports the application from traffic engineering perspective to address the local demand for parking spaces; and
- (b) advisory comments are at **Appendix V**.

10. Public Comment Received During Statutory Publication Period

On 16.5.2025, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary private vehicle park and associated filling of land for a period of three years at the Site zoned “V” (**Plan A-1**). Whilst the proposed use is not in line with the planning intention of the “V” zone, according to the applicants, the proposed use is intended to serve the residents of the nearby Sheung Che Tsuen and C for T supports the application for addressing the local parking demand. Besides, the District Lands Officer/Yuen Long, Lands Department 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 NTEH/Small House within the “V” zone in the long term. Approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “V” zone. 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 “V” zone requires planning permission from the Board. In this regard, the Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD), who also considers the submitted drainage proposal acceptable, and Director of Environmental Protection have no objection to the application from public drainage and environmental planning perspectives respectively.
- 11.3 The proposed use is considered not incompatible with the surrounding areas which are rural in character comprising mainly village settlements of Sheung Che Tsuen, Fu Hing Garden and Fu Shing Garden intermixed with vehicle parks, an open storage yard, a village office, a private club, vacant land and grassland. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) considers that significant adverse landscape impact on the Site from the proposed use is not anticipated.
- 11.4 Other relevant government departments consulted, including the Director of Fire Services (D of FS), have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 12.2 below. It is also recommended to advise the applicants to follow the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimise the potential environmental nuisance on the surrounding areas.
- 11.5 The Site is the subject of one approved previous application submitted by the same applicants for same use as detailed in paragraph 5 above. The planning permission was subsequently revoked in November 2025 due to non-compliance with approval conditions related to the submission and/or implementation of the

drainage and FSIs proposals. In this regard, the applicants have submitted drainage and FSIs proposals in support of the current application which are considered acceptable by CE/MN, DSD and D of FS respectively. In this regard, sympathetic considerations may be given to the current application. Should the application be approved, the applicants will be advised that sympathetic consideration may not be given to any further applications should they fail to comply with any of the approval conditions again resulting in revocation of planning permission.

11.6 There are four approved similar applications within the “V” zone in the vicinity of the Site in the past five years as detailed in paragraph 6 above respectively. Approving the current application is in line with the Committee’s previous decisions.

12. Planning Department’s Views

12.1 Based on the assessments made in paragraph 11 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 6.2.2029. 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 6.11.2026;
- (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) 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; and
- (d) if the above planning condition (a) 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 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 "V" zone which 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 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 and supporting documents received on 9.5.2025 and 13.5.2025
Appendix Ia	FI received on 4.9.2025
Appendix Ib	FI received on 18.12.2025
Appendix II	Previous Application
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2026**