

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

APPLICATION NO. A/YL-PH/1087

Applicant : 夏佩娟女士

Site : Lots 2808 (Part), 2811 RP (Part), 2812 (Part), 2813 (Part), 2814 (Part) and 2815 (Part) in D.D. 111, Wang Toi Shan, Pat Heung, Yuen Long

Site Area : About 831.44m²

Lease : Block Government Lease (demised for agricultural use)

Plan : Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11

Zoning : “Agriculture” (“AGR”)

Application : Proposed Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles Only) with Ancillary Facilities 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 and light goods vehicles only) with ancillary facilities and associated filling of land for a period of three years at the application site (the Site), which falls within an area zoned “AGR” 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 “AGR” zone also requires planning permission from the Board. The Site is currently hard-paved, fenced off, and largely vacant with two temporary structures (**Plan A-4**).
- 1.2 The Site is accessible from Kam Tin Road via a local track (**Plan A-2**). According to the applicant, the proposed use will provide 16 parking spaces, including 11 for private cars and six for light goods vehicles (LGVs), serving the local residents, such as villagers in Wang Toi Shan Tsuen, and local workers. Only licensed private cars and LGVs will be allowed to be parked within the Site. The proposed use also involves two structures, including a two-storey structure with a height of 6m for ancillary office and an open shed with a height of 5m, with a total floor area of about 340m² (**Drawing A-1**). No vehicle dismantling, repairing, maintenance or workshop activities will be conducted at the Site at all times. The applicant also applies for regularisation of associated filling of land for the entire Site with

concrete of about 0.1m in depth, raising the site levels ranging from about +32.8mPD to about +33.3mPD for site formation to support the proposed use (**Drawing A-2**). No further land filling will be undertaken. The proposed use will be operated 24 hours daily, including public holidays. 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 supporting documents received on (Appendix I)
28.8.2025 and 3.9.2025
- (b) Further Information (FI) received on 19.12.2025[#] (Appendix Ia)

#accepted and not exempted from publication and recounting requirements

1.4 On 24.10.2025, 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 is intended to serve the nearby residents, such as villagers in Wang Toi Shan Shan Tsuen, and workers on monthly rental basis. Only licensed private cars and LGVs are allowed to park within the Site should the current application be approved. Electric vehicle charging facilities will not be installed at the Site due to the predominant use of gasoline-powered vehicles nearby.
- (b) The Site has been filled and no further land filling will be undertaken. The proposed use will not cause any adverse environmental, traffic and drainage impacts on the surrounding areas. The existing trees within the Site will be retained and will not be in conflict with the proposed use. Drainage proposal has been submitted in support of the current application. The applicant will apply for Short Term Waiver (STW) for the proposed use should the current application be approved.

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 not subject to any active enforcement action.

5. Previous Applications

The Site, in part or in whole, is the subject of two previous planning applications (No. A/YL-PH/209 and 634) for various temporary open storage uses which were rejected by the Committee in 1998 and 2012 respectively and the considerations of these applications are not relevant to the current application due to different use involved. Details of these applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

6. Similar Applications

There are six similar applications (No. A/YL-PH/976, 1028, 1044, 1046, 1060 and 1063) for proposed temporary public/private vehicle park (all with filling of land) within or partially within the same “AGR” zone in the vicinity of the Site in the past five years. All these applications were approved with conditions by the Committee between 2023 and 2025, mainly on the considerations that the temporary approval would not frustrate the long-term planning intention of the “AGR” zone; the proposed use was not incompatible with the surrounding land uses; 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. 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 Kam Tin Road via a local track; and
- (b) currently hard-paved, fenced off, and largely vacant with two temporary structures.

The surrounding areas are rural in character comprising mainly open storage/storage yards (one with valid permission) intermixed with motor-vehicle showrooms (two with valid permissions), a car service area, a vehicle dismantle workshop, a vehicle park, a mosque (with valid permission), vacant land, grassland, and settlement of Wang Toi Shan Wing Ning Lei and Shan Tsuen within the “Village Type Development” zone to the west.

8. Planning Intention

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.

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 IV** and **V** 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 to address the local demand for parking spaces; and
- (b) advisory comments are at **Appendix V**.

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, Lands Department (DLO/YL, LandsD):

- (a) has adverse comment on the planning application;
- (b) the Site comprises Old Schedule Agricultural Lots 2808, 2811 RP, 2812, 2813, 2814 and 2815 all in D.D. 111 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) there is/are unauthorised structure(s) and uses on Lots 2808, 2811 RP, 2813 and 2814 all in D.D. 111 which 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; and
- (d) if the planning application is approved, the lot owner(s) shall apply to his office for a STW to permit the structure(s) erected within the

said private lots. The application(s) for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that it 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.

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” zone and is generally vacant with some structures. Agricultural infrastructures such as road access and water source are available in the area. The Site can be used for agricultural activities such as open-field cultivation, greenhouses and plant nurseries, etc.; and
- (c) no comment on the application from nature conservation perspective.

10. Public Comments Received During Statutory Publication Periods

On 5.9.2025 and 6.1.2026, the application was published for public inspections. During the statutory public inspection periods, two public comments were received, with one objecting to the application from an individual and another one expressing concerns on the application from the Kadoorie Farm and Botanic Garden were received (**Appendix VI**). Their major concerns are that since a planning application with the same proposed use at the adjacent lots was approved by the Committee in May 2025 and the Site is the subject of rejected and withdrawn planning applications for open storage use, the intention of the proposed use at the Site is doubtful; the unauthorized development/use at the Site should be investigated; the proposed use is not in line with the planning intention of the “AGR” zone; and reinstatement of the filled area of the Site should be required under approval condition if the application is approved.

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary public vehicle park (private cars and light goods vehicles only) with associated filling of land for a period of three years at the Site zoned “AGR” (**Plan A-1**). Whilst 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, the applicant claims that the proposed use is intended to serve the local residents and workers, and C of T supports the application from traffic engineering perspective for addressing the local parking demand. 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” zone 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 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 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 comprising mainly open storage/storage yards intermixed with motor-vehicle showrooms, a car service area, a vehicle dismantle workshop, a vehicle park, a mosque, vacant land and grassland. The village settlements of Wang Toi Shan Shan Tusen and Wang Toi Shan Wing Ning Lei are located to the west of the Site. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment from landscape planning perspective and considers that the proposed use is considered not entirely incompatible with the landscape setting in the proximity and 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, 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 applicant 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. Regarding DLO/YL, LandsD’s concerns on the unauthorized structures and uses 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 There are six similar applications within or partially within the same “AGR” zone in the vicinity of the Site approved by the Committee in the past five years as mentioned in paragraph 6 above. Approving the current application is in line 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 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) the submission of a revised 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 6.8.2026;
- (d) in relation to (c) above, the implementation of the revised 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 6.11.2026;
- (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 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 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 “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 purpose. 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 and supporting documents received on 28.8.2025 and 3.9.2025
Appendix Ia	FI received on 19.12.2025
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	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
FEBRUARY 2026**