

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/1070

- Applicant** : 鄧傑行 represented by 郭凱琳
- Site** : Lots 2808 (Part), 2809 (Part), 2810 (Part), 2811 RP (Part), 2814 (Part), 2815 (Part) and 2816 (Part) in D.D. 111, Wang Toi Shan, Pat Heung, Yuen Long
- Site Area** : About 1,310.53m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
- Zoning** : “Agriculture” (“AGR”) (about 61%)
“Village Type Development” (“V”) (about 39%)
[restricted to maximum building height of 3 storeys (8.23m)]
- Application** : Proposed Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles Only) 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) and associated filling of land for a period of three years at the application site (the Site), which falls within an area partly zoned “AGR” (about 61%) and partly zoned “V” (about 39%) 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” and “V” zones also requires planning permission from the Board. The Site is currently fenced off, hard-paved, largely vacant, overgrown with weeds and some trees along the boundary and erected with a temporary structure (**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 30 parking spaces, including 20 for private cars and 10 for light goods vehicles (LGVs), serving the nearby villagers and workers. Only licensed private cars and LGVs will be allowed to be parked within the Site. No structure will be erected on the Site. The applicant also applies

for regularisation of associated filling of land for the entire site (except for the minor portion where the existing trees are located) with concrete of about 0.1m in depth, raising the site level to about +33.4mPD for site formation to support the proposed use (**Drawing A-2**). No further land filling will be undertaken. The existing trees along the site boundary will not be affected. 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 (**Appendix I**) on 21.5.2025 and 28.5.2025
- (b) Further Information (FI) received on 18.9.2025[#] (**Appendix Ia**)
- (c) FI received on 7.1.2026* (**Appendix Ib**)

[#] *accepted and not exempted from publication and recounting requirements*

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1.4 On 18.7.2025 and 7.11.2025, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months each 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 FIs at **Appendices I** to **Ib**, and can be summarised as follows:

- (a) The proposed use is intended to serve the villagers in Wang Toi Shan Shan Tsuen and the nearby workers. Only licensed private cars and LGVs will be allowed to be parked within the Site should the current application be approved. Closed-circuit television cameras will be installed at the Site to enhance security. Electric vehicle charging facilities will not be installed at the Site, having regard to the predominant use of gasoline-powered vehicles in the vicinity.
- (b) The Site has been filled and no further land filling will be undertaken. The existing trees within the Site are along the site boundary and will not be affected, nor they will give rise to any conflict with the proposed use. Drainage and fire service installations proposals have been submitted in support of the current application. The applicant will also remove the unauthorised structure on 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 not subject to any active enforcement action.

5. **Previous Application**

There is no previous application involving the Site.

6. **Similar Applications**

6.1 There are 10 similar applications (No. A/YL-PH/912, 976, 1004, 1028, 1044, 1046, 1060, 1063, 1079 and 1087) for proposed temporary public/private vehicle park with associated filling of land within or straddling the same “AGR” and/or “V” zones in the vicinity of the Site in the past five years. All these applications were approved with conditions by the Committee between April 2022 and February 2026, mainly on the considerations that the temporary approval would not frustrate the long-term planning intention of the “AGR” and/or “V” zones; the proposed/applied 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 II** and the locations are shown on **Plan A-1**.

6.2 Other than the similar applications mentioned above, two applications (No. A/YL-PH/1100 and 1101) both for temporary public vehicle park (excluding container vehicle) within the adjacent “V” zone on the OZP will be considered at the same meeting (**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 fenced off, hard-paved, largely vacant, overgrown with weeds and some trees along the site boundary and erected with a temporary structure.

7.2 The surrounding areas are rural in character comprising mainly open storage/storage yards intermixed with motor-vehicle showrooms (two with valid permissions), vehicle parks (one with valid permission), scattered residential structures, a mosque (with valid permission), vacant land and grassland. The main village settlements of Wang Toi Shan Shan Tsuen are located to the west.

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 the “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. 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 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 to address the local demand for parking spaces; 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, Lands Department (DLO/YL, LandsD):

- (a) has adverse comment on the planning application;
- (b) the Site comprises Old Schedule Agricultural Lots 2808, 2809, 2810, 2811 RP, 2814, 2815 and 2816 all in D.D. 111 which are Old Schedule Agricultural Lots held under the Block Government Lease which contains restriction that no structure is allowed to be erected without the prior approval of the Government. It is noted that no structure is proposed in the application;
- (c) there are unauthorised building works and/or uses on Lots 2808, 2809 and 2814 all in D.D. 111 (advisory letters were issued on 26.6.2013 and registered against the Lots in Land Registry on 3.9.2013) as well as Lots 2811 S.A and 2811 RP both in D.D. 111 (warning letters were issued on 12.8.2016 and registered against the Lots in Land Registry on 17.11.2017) which are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/regularize on the lease breaches as demanded by LandsD;
- (d) there is no Small House application approved or under processing at the Site; and
- (e) advisory comments are at **Appendix IV**.

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 one temporary structure. 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 30.5.2025 and 30.9.2025, the application was published for public inspection. During the statutory public inspection periods, two public comments from the same individual were received, expressing concerns on the application that there has been a notable increase in brownfield operations which were originally applied for public vehicle park use in the ‘V’ zone of Wang Toi Shan, and the genuine intention of the proposed use is in doubt (**Appendix V**).

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 which is partly zoned “AGR” and partly zoned “V” (**Plan A-1**). The proposed use is not in line with the planning intentions of the “AGR” and “V” zones, and DAFC does not support the application from agricultural perspective. Notwithstanding this, according to the applicant, the proposed use is intended to serve the nearby villagers and workers and C for T supports the application for addressing the local parking demand. 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 NTEH/Small House development 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 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 comprising mainly open storage/storage yards intermixed with motor-vehicle showrooms, vehicle parks, scattered residential structures, a mosque, vacant land and grassland. The main village settlements of Wang Toi Shan Shan Tsuen are located to the west of the Site. 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 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 unauthorised building works and/or 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 10 approved similar applications within or straddling the same “AGR” and/or “V” zones in the vicinity of the Site in the past five years as mentioned in paragraph 6.1 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. Regarding the concern on using the Site for brownfield operations, any unauthorized development on the Site would be subject to planning enforcement action.

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 27.2.2029. 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 27.11.2026;
- (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;
- (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; and
- (e) 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 "AGR" zone is intended 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, and the "V" zone is intended 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 of the "AGR" and "V" zones, 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 supporting documents received on 21.5.2026 and 28.5.2025
Appendix Ia	FI received on 18.9.2025
Appendix Ib	FI received on 7.1.2026
Appendix II	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