

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

**APPLICATION NO. A/TM-LTY Y/508**

- Applicant** : Mr. TANG Kam-chai represented by Derby Engineering Co., Ltd.
- Site** : Lot 3067 in D.D. 124 and Adjoining Government Land (GL), Lam Tei, Tuen Mun
- Site Area** : About 445m<sup>2</sup> (including GL of about 55m<sup>2</sup> or 12.3%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lam Tei and Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTY Y/14 (*currently in force*)
- Draft Lam Tei and Yick Yuen OZP No. S/TM-LTY Y/13 (*at the time of submission*)
- [No change to the zoning and development restrictions]*
- Zoning** : “Village Type Development” (“V”)  
*[Restricted to a maximum building height of 3 storeys (8.23m)]*
- Application** : Temporary Private Vehicle Park (Exclude Container Vehicles) with Ancillary Electric Vehicle (EV) Charging Facilities for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary private vehicle park (exclude container vehicles) with ancillary EV charging facilities for a period of three years at the application site (the Site) falling 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 within the “V” zone 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 from Tin Tei Yan Road (**Plan A-2**). According to the applicant, a total of nine parking spaces, including eight parking spaces for private cars (5m x 2.5m) and one parking space for light goods vehicle (3.5m x 7m) are provided. Four vehicle charging facilities with a three-phase 16A supply for an output power of 11kW are provided. No medium and heavy goods vehicle are

allowed to park at the Site. No car beauty services, vehicle repairing, maintenance, workshop and other commercial or industrial activities will be carried out at the Site. The operation hours are 24 hours daily, including Sundays and public holidays, and the applied use will not be open to the public. The site layout plan submitted by the applicant is shown at **Drawing A-1**.

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

- (a) Application Form with attachments received on 8.1.2026 **(Appendix I)**
- (b) Supplementary Information (SI) received on 13.1.2026 **(Appendix Ia)**
- (c) Further Information (FI) received on 10.2.2026<sup>#</sup> **(Appendix Ib)**
- (d) FI received on 3.3.2026\* **(Appendix Ic)**

<sup>#</sup>*accepted but not exempted from publication and recounting requirements*

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## **2. Justifications from the Applicant**

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

- (a) the applied use is intended to provide parking spaces to meet the parking demand of nearby villagers so as to alleviate the illegal parking problem in the vicinity;
- (b) no permanent structures will be erected at the Site; and
- (c) adverse traffic and environment impacts on the surrounding areas are not anticipated.

## **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 obtaining consents from the current land owners. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements as set out in TPB PG-No.31B are not applicable.

## **4. Background**

The Site is currently not subject to any active planning enforcement action.

## 5. Previous Applications

The Site was involved in two previous applications (No. A/TM-LTYT/44 and 161) submitted by different applicants for temporary open storage of marbles and temporary open storage of marble and granite, which were rejected by the Board upon review and the Rural and New Town Planning Committee (the Committee) in 1998 and 2007 respectively. The considerations of these previous applications are not relevant to the current application which involves a different use. Details of these applications are at **Appendix II** and their locations are shown on **Plan A-1**.

## 6. Similar Application

There is no similar application within the same “V” zone.

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

7.1 The Site is:

- (a) currently used for the applied use without valid planning permission (**Plan A-4**); and
- (b) accessible from Tin Tei Yan Road (**Plan A-2**).

7.2 The surrounding areas are predominantly occupied by village settlements (i.e. Chung Uk Tsuen) and a medium-density residential development (i.e. Bauhinia Garden) intermixed with open storage yards, warehouses and vacant land (**Plans A-2 and A-3**).

## 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 (SHs) 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. Other commercial, community and recreational uses may be permitted on application to the Board.

## 9. Comments from Relevant Government Bureau/Departments

9.1 Apart from the government departments as set out in paragraphs 9.2 and 9.3 below, other government bureau/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.

9.2 The following government department supports the application:

**Traffic**

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

- (a) she supports the application from traffic engineering perspective to meet the demand for car parking spaces; and
- (b) her advisory comments are detailed at **Appendix IV**.

9.3 The following government department objects to the application:

**Land Administration**

9.3.1 Comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD):

- (a) he objects to the application from land administration point of view;
- (b) the Site comprises an Old Schedule Agricultural Lot 3067 in D.D. 124 (“the Lot”) held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
- (c) the following irregularities not covered by the application have been detected by his office:

unauthorised structures on and extended from the Lot not covered by the application

- (i) there are unauthorised structures on and extended from the Lot. The Lot owner should immediately rectify/regularise the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice; and

unlawful occupation of GL not covered by the application

- (ii) the GL adjoining the Site has been fenced off/illegally occupied with unauthorised structures without permission. The GL being illegally occupied is not included in the application. Any occupation of GL without Government’s prior approval is an offence under Cap. 28. His office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;
- (d) the Lot owner/applicant shall either (i) remove the unauthorised structures and cease the illegal occupation of the GL not covered by the application immediately; or (ii) include the unauthorised structures and the adjoining GL being illegally occupied in the

application for the further consideration by the relevant departments and, subject to the approval of the Board to the application which shall have reflected the rectification or amendment as aforesaid required, apply to his office for a Short Term Waiver (STW) and/or Short Term Tenancy (STT) to permit the structures erected and the occupation of the GL. The application(s) for a STW and/or STT will be considered by the Government in its capacity as a landlord and there is no guarantee that it/they will be approved. The STW and/or STT, if approved, will be subject to such terms and conditions including the payment of waiver fee/rent and administrative fee as considered appropriate to be imposed by LandsD. In addition, LandsD reserves the right to take enforcement action against the Lot owner/applicant for any breach of the lease conditions, including the breach(es) already in existence or to be detected at any point of time in future and land control action for any unlawful occupation of GL;

- (e) unless and until the unauthorised structures and the unlawful occupation of GL are duly rectified by the Lot owner/applicant or entirely included in the application, his office's objection to the application must be brought to the attention of the Board when they consider the application;
- (f) the Site is accessible via the GL sandwiched between the Site and Tin Tei Yan Road. His office does not carry out maintenance works for the said GL nor guarantee that any right-of-way to the Site will be given. The applicant shall be responsible for his own access arrangement;
- (g) there is no SH application approved or under processing at the Site; and
- (h) his advisory comments are detailed in **Appendix IV**.

## **10. Public Comments Received During the Statutory Publication Periods**

On 16.1.2026 and 13.2.2026, the application and relevant FI were published for public inspection. During the statutory public inspection periods, four public comments were received from three individuals (**Appendix V**). Two individuals object to the application mainly on the grounds that the application is not in line with the planning intention of "V" zone; adverse pedestrian safety, environmental (i.e. air, light and noise pollutions) and visual impacts on the surrounding areas are anticipated, and question if the application is indeed temporary in nature. One individual objects to the application mainly on illegal occupation of GL and expresses views on the application regarding the parking fee of the applied use.

## **11. Planning Considerations and Assessments**

11.1 The application is for temporary private vehicle park (exclude container vehicles) with ancillary EV charging facilities for a period of three years at the Site which

is zoned “V” on the OZP. Whilst the applied use is not in line with the planning intention of the “V” zone, C for T supports the application from traffic engineering perspective to meet the demand for car parking spaces. DLO/TM, LandsD advises that there is currently no SH application approved or under processing at the Site. In this regard, approval of the application on a temporary basis of three years would not jeopardise the long-term planning intention of the “V” zone.

- 11.2 The surrounding areas are predominantly occupied by village settlements (i.e. Chung Uk Tsuen) and a medium-density residential development (i.e. Bauhinia Garden) intermixed with open storage yards, warehouses and vacant land (**Plan A-2**). The applied use is considered not incompatible with the surrounding areas.
- 11.3 Other concerned government departments consulted, including the 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 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 also be advised 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.
- 11.4 Regarding DLO/TM, LandsD’s concerns on the unauthorised structures on and extended from the Lot and unlawful occupation of GL, the applicant will be advised to liaise with LandsD on the land administration matters should the Committee approve the application.
- 11.5 Regarding the public comments as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.4 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, 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 three years until **27.3.2029**. The following conditions of approval and advisory clauses are also 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 **27.9.2026**;

- (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 **27.12.2026**;
- (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 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
- (e) 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 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 "Village Type Development" zone which is primarily to designate both existing recognized villages and areas of land considered suitable for village expansion. 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**

<b>Appendix I</b>	Application Form with attachments received on 8.1.2026
<b>Appendix Ia</b>	SI received on 13.1.2026
<b>Appendix Ib</b>	FI received on 10.2.2026
<b>Appendix Ic</b>	FI received on 3.3.2026
<b>Appendix II</b>	Previous Applications
<b>Appendix III</b>	Government Bureau/Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendix V</b>	Public Comments
<b>Drawing A-1</b>	Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
MARCH 2026**