

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM-LTYYY/512

- Applicant** : Mr. TO Ka Lung represented by Mr. WONG Sun Wo William
- Site** : Various Lots in D.D.130 and Adjoining Government Land (GL), Wong Kong Wai Road, Lam Tei, Tuen Mun
- Site Area** : About 1,122m² (including GL of about 60m² or 5%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lam Tei and Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTYYY/14 (*currently in force*)

Draft Lam Tei and Yick Yuen OZP No. S/TM-LTYYY/13 (*at the time of submission*)

[No change to the zoning and development restrictions]
- 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 (Private Cars Only) with Ancillary Facility for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary public vehicle park (private cars only) with ancillary facility for a period of five years at the application site (the Site) falling within an area 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 from Wong Kong Wai Road (**Plan A-2**). According to the applicant, the applied use involves 36 parking spaces for private cars (5m x 2.5m) and one single-storey E&M structure (3.5m in height) with a floor area of about 15m². No goods vehicle would be allowed to enter/be parked at the Site. No car washing, car beauty services, vehicle repairing or dismantling activities would be

carried out at the Site. The operation hours are 24 hours daily, including Sundays and public holidays. The layout plan and as-built drainage plan submitted by the applicant are at **Drawings A-1** and **A-2** respectively.

1.3 The Site is the subject of three previous applications, including two applications (No. A/TM-LTY Y/379 and 432) for the same use which were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2019 and 2023 respectively (details in paragraph 5 below) (**Plan A-1b**). Compared with the previous application (No. A/TM-LTY Y/432), the current application is submitted by a different applicant with a different layout and increased number of parking spaces (from 28 to 36).

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

- (a) Application Form with attachments received on 10.2.2026 (**Appendix I**)
- (b) Supplementary Information (SI) received on 23.2.2026 (**Appendix Ia**)
- (c) Further Information (FI) received on 15.3.2026* (**Appendix Ib**)

**accepted and exempted from publication and recounting requirements*

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 FI at **Appendices I** to **Ib** respectively. They can be summarised as follows:

- (a) the planning permission of the last approved application No. A/TM-LTY Y/432 was revoked due to non-compliance regarding the implementation of drainage proposal because of the public drainage works near the Site. The implementation of drainage proposal within the Site was subsequently completed; and
- (b) the run-in/out of the Site was completed in accordance with Highways Department's (HyD) standard and the fire service installations (FSIs) facilities had been installed.

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 notifying the current land owner. 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 parking of vehicles use at the Site would be subject to planning enforcement action.

5. Previous Applications

- 5.1 The Site was involved in three previous applications (No. A/TM-LTY Y/379, 380 and 432), all submitted by a different applicant from 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-LTY Y/379 and 432 for temporary public vehicle park (private cars only) with ancillary office and/or guard room for a period of three and five years respectively were approved with conditions by the Committee in 2019 and 2023 mainly on the considerations that the development was not incompatible with surrounding land uses; no significant adverse traffic, drainage, landscape and environmental impacts on the surrounding areas were anticipated; and there was no objection or no adverse comments from government departments. However, both planning permissions were revoked in 2022 and 2024 respectively due to non-compliance with time-limited approval conditions, including the submission/implementation of drainage, FSIs and run-in/out proposals.
- 5.3 Application No. A/TM-LTY Y/380 for proposed temporary shop and services (pet supplies and food shop) for a period of three years was approved with conditions by the Committee in 2019. However, the planning permission was revoked in 2021. The considerations of this previous application are not relevant to the current application which involves a different use.

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:
- (a) currently used for the applied use without valid planning permission (**Plan A-4**); and
 - (b) accessible from **Wol A/TM-LTY Y/452** (**Plan A-2**).
- 7.2 The surrounding areas are rural in character comprising mainly temporary structures for warehouses, open storage yards and parking of vehicles intermixed with scattered residential dwellings, and vacant and unused land. The Kong Sham Western Highway is located to the west of the Site (**Plans A-2 and A-3**).

8. Planning Intention

The planning intention of the “R(C)” zone is 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

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 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; and
- (b) her advisory comments are detailed in **Appendix IV**.

9.3 The following government department objects 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 Old Schedule Agricultural Lots 1156 RP (Part), 1157 (Part) and 1158 (Part) in D.D.130 (“the Lots”) 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 and GL;
- (c) the following irregularities covered by the application have been detected by his office:

unlawful occupation of GL adjoining Lot 1156 RP in D.D.130 covered by the application

- (i) the GL within the Site (about 60m² as mentioned in the Application Form (**Appendix I**)) has been illegally occupied with unauthorised structure (i.e. an electricity box with CCTV) without any permission. Any occupation of GL without government’s prior approval is an offence under Cap. 28; and
- (ii) a portion of GL at the northwestern end of the Site abutting onto Wong Kong Wai Road formed part of an existing footpath leading to adjoining lots. As such, Short Term Tenancy application to cover this strip of GL by way of direct grant would not be considered from land administration point of view. His office reserves the rights to take necessary land control

action against the illegal occupation of GL without further notice;

- (d) the following irregularities not covered by the application have been detected by his office:

unauthorised structure(s) within the Lots not covered by the application

there are:

- (i) unauthorised toilet on Lot 1156 RP in D.D.130 and a storage with porch straddled Lot 1156 RP and adjoining Lot 1159 both in D.D.130; and
- (ii) unauthorised car chargers and distribution box on adjoining Lot 1159 in D.D. 130 in connection with the operation of the existing vehicle park;

not covered by the application. The Lots 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;

- (e) the Lots owner/applicant shall either (i) remove the unauthorised structures not covered by the application immediately; or (ii) include the unauthorised structures 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 an Short Term Waiver (“STW”) to permit the structures erected. The application 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 to be imposed by LandsD. In addition, LandsD reserves the right to take enforcement action against the Lots owner/applicant for any breach of the lease conditions, including the breaches already in existence or to be detected at any point of time in future;
- (f) unless and until the unauthorised structures are duly rectified by the Lots owner/applicant or entirely included in the application and the unlawful occupation of GL is ceased, his office’s objection to the application must be brought to the attention of the Board when they consider the application;
- (g) the Site is accessible via a strip of GL leading from Wong Kong Wai Road. His office does not carry out maintenance works for the said access nor guarantee that any right-of-way to the Site will be given. The applicant shall be responsible for his own access arrangement;

- (h) as the proposed ingress and egress would encroach upon the footway under the management of the Transport Department (TD) and the maintenance of HyD, comments from TD and HyD should be sought; and
- (i) his advisory comments are detailed in **Appendix IV**.

10. Public Comment Received During the Statutory Publication Period

On 24.2.2026, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual (**Appendix V**) objecting the application on the ground that the applied use might cause adverse drainage, fire safety and environmental impacts on the surrounding areas.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary public vehicle park (private cars only) with ancillary facility for a period of five years at the Site which is zoned “R(C)” on the OZP. Whilst the applied use is not in line with the planning intention of the “R(C)” zone, there is no known development proposal at the Site. Besides, C for T supports the application from traffic engineering perspective. 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 rural in character comprising mainly temporary structures for warehouses, open storage yards and parking of vehicles intermixed with scattered residential dwellings, and vacant and unused 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 be advised to observe and follow the environmental measures in the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ and comply with relevant environmental protection and pollution control ordinances.
- 11.4 Regarding DLO/TM, LandsD’s concerns on the unlawful occupation of GL and unauthorised structure(s) within the Lots covered/not covered by the application, the applicant will be advised to liaise with LandsD on land administration matters should the Committee approve the application.
- 11.5 The Site was involved in two previously approved applications for temporary public vehicle park use as mentioned in paragraph 5 above. Approval of the current application is 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 27.3.2031. 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 27.12.2026;
- (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 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 10.2.2026
Appendix Ia	SI received on 23.2.2026
Appendix Ib	FI received on 15.3.2026
Appendix II	Previous Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Layout Plan
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
MARCH 2026**