

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

**APPLICATION NO. A/TM-LTY Y/510**

- Applicant** : To Lin Kai Tso (Manager: To Ching Wan) represented by 黃榮健
- Site** : Lot 2000 in D.D.130, Nai Wai, Tuen Mun
- Site Area** : About 898m<sup>2</sup>
- 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 of the application site (the Site)]*
- Zoning** : “Village Type Development” (“V”)  
*[Restricted to a maximum building height of 3 storeys (8.23m)]*
- Application** : Temporary Private Vehicle Park (Private Cars Only) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary private vehicle park (private cars only) for a period of three years at 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 via a local track leading from Castle Peak Road – Lam Tei (**Plan A-2**). According to the applicant, 22 parking spaces for private cars (5m x 2.5m) are provided to serve local villagers. No structures would be erected within

the Site<sup>1</sup>. No car washing, vehicle repairing or maintenance activities would be carried out at the Site. The operation hours are 24 hours daily, including Sundays and public holidays. The 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 attachment received on 20.2.2026 (Appendix I)
- (b) Supplementary Information (SI) received on 25.2.2026 (Appendix Ia)
- (c) Further Information (FI) received on 31.3.2026\* (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**. They can be summarised as follows:

- (a) the Site is owned by To Lin Kai Tso and is not eligible for Small House (SH) application under the prevailing SH policy. Therefore, the Site has been left vacant for years and currently occupied by the applied use to meet the parking demand from local villagers. The current application is to regularise the applied use;
- (b) the local track connecting the Site and Castle Peak Road – Lam Tei has existed for over half a century and was refurbished with roadside lighting system via fund granted by the Rural Public Works Programme by District Office (Tuen Mun) (DO(TM)); and
- (c) there were precedents of approving applications for temporary private vehicle park located within local villages in the New Territories.

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

The applicant is one of the “current land owners” and 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 posting site notice and sending notification letter to the Tuen Mun Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

## 4. **Background**

The parking of vehicles use at the Site would be subject to planning enforcement action.

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<sup>1</sup> The applicant claims that the existing canopies at the Site are not affixed to the ground, and thus they are not regarded as structures (**Appendices Ia and Ib**).

**5. Previous Application**

There is no previous application within the Site.

**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 via a local track leading from Castle Peak Road – Lam Tei (**Plan A-2**).

7.2 The surrounding areas are predominantly occupied by village settlements intermixed with parking of vehicles, 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 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 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 are provided in **Appendices II** and **III** respectively.

9.2 The following government department objects to the application:

**Land Administration**

9.2.1 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 2000 in D.D. 130 (“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 irregularity not covered by the application has been detected by his office:

unauthorised structures within the Lot not covered by the application

there are unauthorised structures within the Lot not covered by the application. 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;

- (d) the Lot owner/applicant shall either (i) remove the unauthorised structures not covered by the application immediately; or (ii) include the unauthorised structures 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”) 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 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;
- (e) unless and until the unauthorised structures 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 a local track on other private lot and Government land (GL) leading from Castle Peak Road – Lam Tei. 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 as detailed in **Appendix III**.

## 10. **Public Comment Received During the Statutory Publication Period**

On 27.2.2026, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual (**Appendix IV**) expressing views that the applied use is a suspected unauthorized development and the provision of charging facilities for electric vehicles should become mandatory for new carparks.

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

11.1 The application is for temporary private vehicle park (private cars only) for a period of three years at the Site zoned “V” on the OZP. Whilst the applied use is not in line with the planning intention of the “V” zone, the applied use can serve the demand for parking spaces from local villagers. DLO/TM, LandsD advises that there is currently no SH application approved or under processing at the Site. 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 intermixed with parking of vehicles, open storage yards, warehouses and vacant land (**Plan A-2**). The applied use is considered not incompatible with the surrounding areas.

11.3 Concerned government departments consulted, including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to or no adverse comment on the application from traffic, environmental, drainage and fire safety aspects respectively. To address the technical requirements of concerned government departments, 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 latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ and comply with the relevant environmental protection and pollution control ordinances.

11.4 Regarding DLO/TM, LandsD’s concerns on the unauthorised structures within the Lot not covered by the application, the applicant will be advised to liaise with LandsD on land administration matters should the Rural and New Town Planning Committee (the Committee) approve the application.

11.5 Regarding the public comment 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 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 three years until **17.4.2029**. 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 **17.10.2026**;
- (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 **17.1.2027**;
- (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) the submission of a 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 **17.10.2026**;
- (e) in relation to (d) above, the implementation of the fire service installations proposal within **9 months** from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **17.1.2027**;
- (f) 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
- (g) if any of the above planning condition (a), (b), (d) or (e) 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 III**.

- 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 attachment received on 20.2.2026
<b>Appendix Ia</b>	SI received on 25.2.2026
<b>Appendix Ib</b>	FI received on 31.3.2026
<b>Appendix II</b>	Government Departments' General Comments
<b>Appendix III</b>	Recommended Advisory Clauses
<b>Appendix IV</b>	Public Comment
<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  
APRIL 2026**