

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

**APPLICATION NO. A/NE-LT/792**

<b><u>Applicant</u></b>	: Mr. YAU Shu Wah represented by Solar-lil Design Consulting Limited
<b><u>Site</u></b>	: Lot 253 RP in D.D. 19, San Uk Tsai, Lam Tsuen, Tai Po, New Territories
<b><u>Site Area</u></b>	: About 536.7 m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Lam Tsuen Outline Zoning Plan (OZP) No. S/NE-LT/11
<b><u>Zoning</u></b>	: “Agriculture” (“AGR”)
<b><u>Application</u></b>	: Temporary Private Vehicle Park (Private Cars Only) and Associated Filling of Land for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for a temporary private vehicle park (PVP) (private cars only) and associated filling of land for a period of three years at the application site (the Site) falling 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 require 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 and used as the applied use without valid planning permission.
- 1.2 The Site is accessible via a local track leading to Lam Kam Road (**Plans A-1 and A-2**). According to the applicant, the temporary PVP will provide 16 parking spaces for private cars serving local villagers. The operating hours of the temporary car park would be 24 hours daily (including public holidays). No vehicle without valid licence issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374E) will be allowed at the Site. Preventive measures such as erection of boundary fencing and installation of drainage ditches, grease separators, gasoline traps and oil absorbent pads have been/will be adopted to prevent water pollution in the upper indirect water gathering grounds (WGG). The applicant also applies for regularisation of filling of land at the Site (100% of the Site) with concrete of about 0.15m in depth. A plan showing the layout and vehicular ingress/egress of the car park submitted by the applicant is shown in **Drawing A-1**.

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

- (a) Application Form with attachment received on 9.4.2026 **(Appendix I)**
- (b) Further Information (FI) received on 28.5.2026 and 29.5.2026<sup>^</sup> **(Appendix Ia)**  
*^ accepted and exempted from publication and recounting requirement*

## **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**, as summarised below:

- (a) there is a genuine parking need of local villagers that the applied use could resolve the problems and disputes aroused from road-side parking around the village;
- (b) the Site is located within the village cluster and is connected to the main road. There is no tree within the Site and no pond filling will be involved; and
- (c) no vehicle without valid licence issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374E) will be allowed at the Site.

## **3. Background**

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

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

The applicant is the sole “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

## **5. Previous Application**

There is no previous application at the Site.

## **6. Similar Application**

6.1 There is one similar application (No. A/NE-LT/715) for temporary public vehicle park providing a total of 28 parking spaces for private cars and light goods vehicles within the same “AGR” zone (**Plan A-1**). The application was rejected by the Rural and New Town Planning Committee (the Committee) of the Board on 24.6.2022 mainly on the considerations that there was no strong planning justification in the submission for a departure of the planning intention of the “AGR” zone and the applicant failed to demonstrate that the development would not cause adverse landscape impacts on the area.

6.2 Details of the application is summarised at **Appendix II** and the location is shown on **Plan A-1**.

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

7.1 The Site is:

- (a) hard-paved and currently occupied by the applied use without any valid planning permission;
- (b) located at the northern fringe of San Uk Tsai and the upper indirect WGG; and
- (c) served by a local track connected to Lam Kam Road.

7.2 The surrounding areas are rural in character mainly comprising village houses, tree clusters and vacant/unused land. To its immediate southwest and northeast are public toilet and refuse collection point respectively. To the east, south and west are village houses within “Village Type Development” zone. To its immediate north is a vegetated downhill slope and Lam Tsuen River is about 50m to its further north.

## **8. Planning Intention**

8.1 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds 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, as filling of land within the “AGR” zone 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 to 9.3 below, other government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and recommended advisory clauses are provided at **Appendix 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) she supports the application in view of the parking demand in the vicinity; and
- (b) her advisory comments are set out at **Appendix IV**.

9.3 The following government department does not support the application:

### **Agriculture**

9.3.1 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

the Site can be used for agricultural activities such as open-field cultivation,

greenhouses, plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, the applied use is not supported from agricultural perspective.

## **10. Public Comments Received During Statutory Publication Period**

On 17.4.2026, the application was published for public inspection. During the statutory public inspection period, three public comments were received (**Appendix V**). One comment from an individual supports the application as there are inadequate parking spaces within the area. The remaining two comments from an individual and World Wide Fund for Nature Hong Kong object to the application mainly on the grounds that there are concerns on pedestrian safety, massive vegetation clearance and site formation have been undergone through the years before obtaining planning approval.

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

- 11.1 The application is for a temporary PVP (private cars only) and associated filling of land for a period of three years at the Site zoned “AGR” on the OZP (**Plan A-1**). While the applied use is not in line with the planning intention of “AGR” zone and DAFC does not support from agricultural perspective as the Site possesses potential for agricultural rehabilitation, according to the applicant, the applied use is to serve the local villagers of San Uk Tsai, and C for T supports the application in view of the parking demand in the vicinity. In view of the above and taking into account the planning assessments below, there is no objection to the applied use with associated filling of land on a temporary basis for a period of three years.
- 11.2 The application also involves regularisation of filling of land of about 536.7m<sup>2</sup> (about 100% of the Site) with concrete of about 0.15m in depth. Filling of land within the “AGR” zone requires planning permission 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 and Director of Environmental Protection have no objection to the application from public drainage and environmental 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 Site, being located at the northern fringe of San Uk Tsai and connected to Lam Kam Road via a local track, is mainly hard-paved and currently occupied by the applied use without any valid planning permission. The temporary PVP will provide a total of 16 parking space for private cars and is considered not incompatible with the surrounding village setting which predominantly comprises village houses, tree cluster and vacant/unused land (**Plans A-3 and A-4**).
- 11.4 While the Site is located within the upper indirect WGG, the applicant advises that various measures have been/will be adopted to prevent water pollution in the upper indirect WGG as mentioned in paragraph 1.2 above. In this connection, CE/C, WSD has no objection to the application on condition that the applicant should follow and implement the preventive, control and mitigation measures identified in the submission and the applied use should not cause any water pollution to the upper indirect WGG. Other relevant government departments consulted including the Director of Fire Services have no objection to the application. To address the concerns on the possible environmental

nuisances or the technical requirements of concerned government departments, appropriate approval conditions and advisory clauses are recommended in paragraph 12.2 below and **Appendix IV** respectively. The applicant is also advised to follow the relevant requirements of the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Site' and to meet the statutory requirements under relevant pollution control ordinances.

- 11.5 There is one similar application for temporary public vehicle park use for a period of three years falling within the "AGR" zone which was rejected by the Committee in 2022 as detailed in paragraph 6.1 above. The planning circumstances of the rejected similar application are different from those of the current application in that the Site is largely bounded by village houses; C for T supports the application in view of the parking demand in the vicinity; and there are no adverse comments from relevant departments.
- 11.6 Regarding the public comments as detailed in paragraph 10 above, the government departments' comments and planning assessments 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 5.6.2029. 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 5.12.2026;
- (b) in relation to (a) above, the provision of drainage facilities 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 5.3.2027;
- (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 implementation of preventive, control and mitigation measures identified in the accepted risk assessment report on pollution or contamination to the Water Gathering Grounds within 9 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the Town Planning Board by 5.3.2027;
- (e) the applied use should not cause any water pollution to the upper indirect Water Gathering Grounds at any times during the planning approval period;
- (f) if any of the above planning condition (c) or (e) 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;

- (g) if any of the above planning condition (a), (b) 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
- (h) upon the 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 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 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. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intentions, 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 the 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 9.4.2026
<b>Appendix Ia</b>	FI received on 28.5.2026 and 29.5.2026
<b>Appendix II</b>	Similar Application
<b>Appendix III</b>	Government 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>Plans A-4a and 4b</b>	Site Photos