

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKL/849

<u>Applicant</u>	: Victory Villa Management Limited represented by Lanbase Surveyors Limited
<u>Site</u>	: Lots 1497 S.B ss.4 and 1497 S.B RP in D.D. 76, Hung Leng, Fanling
<u>Site Area</u>	: About 675m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP) No. S/NE-TKL/14
<u>Zonings</u>	: (i) "Agriculture" ("AGR") (about 506m ² or 75% of the Site) (ii) "Village Type Development" ("V") (about 169m ² or 25% of the Site)
<u>Application</u>	: Temporary Private Vehicle Park (Excluding Container Vehicle) and Associated Filling of Land for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary private vehicle park (excluding container vehicle) and associated filling of land for a period of three years at the application site (the Site) falling within an area largely zoned "AGR" (about 75%) and partly zoned "V" (about 25%) on the OZP (**Plan A-1**). According to the Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years and filling of land within the "AGR" zone require planning permission from the Town Planning Board (the Board). The Site is currently hard-paved and being used as the applied use without valid planning permission.
- 1.2 The Site is accessible via Sha Tau Kok Road – Ma Mei Ha (**Plan A-2**). According to the applicant, the applied use involves a total of 10 parking spaces for private cars (2.5m (W) x 5m (L) each) to serve the residents of Victory Garden at Hung Leng. A 4.5m-wide ingress/egress is proposed at the southern boundary of the Site. No vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked at the Site. No structure will be erected within the Site. The applicant also applies for regularisation of filling of land at the "AGR" portion of the Site (about 506m² or 75% of the Site) with concrete of not more than 0.2m in depth (i.e. the current site level is about +17mPD) to meet the operational needs of the applied use. No further filling of land will be carried out at the Site. The applicant proposes traffic management measures including provision of a waiting area for vehicle and erection of traffic sign to prevent vehicles from queuing outside the Site and ensure traffic safety. The applied use operates 24 hours daily, including public holidays. The layout plan and land filling plan submitted by the

applicant are shown in **Drawings A-1** and **A-2** respectively. The applicant has also submitted drainage and fire service installations (FSIs) proposals in support of the application, which are shown in **Drawings A-3** and **A-4** respectively.

1.3 The Site is the subject of a previous application No. A/NE-TKL/747 submitted by the same applicant for the same use as the current application, which was approved with conditions for a period of three years by the Rural and New Town Planning Committee (the Committee) of the Board on 19.7.2024. The planning approval was subsequently revoked on 19.4.2026 due to non-compliance with approval conditions. Details of the previous application are set out in paragraph 5.1 below. According to the applicant, the layout and development parameters under the current application remain unchanged from the previous application.

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

- (a) Application Form with Attachments received on 11.8.2026 (Appendix I)
 - (b) Further Information (FI) received on 21.9.2026* (Appendix Ia)
 - (c) FI received on 30.9.2026* (Appendix Ib)
- * accepted and exempted from the 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 and FIs at **Appendices I to Ib**, as summarised below:

- (a) there is a lack of public car park in the locality to serve the residents in Hung Leng and there is no car parking provision within Victory Garden. The applied use could help meet the parking demand of the residents of Victory Garden;
- (b) approval of the applied use on a temporary basis would not frustrate the long-term planning intentions of the “AGR” and “V” zones. The applied use is considered compatible with the surrounding areas occupied by residential structures, parking of vehicles and storage yards. Besides, there are similar planning approvals in the vicinity of the Site. The applicant commits to reinstate the Site upon expiry of the planning approval;
- (c) the Site is the subject of a previously approved application No. A/NE-TKL/747 submitted by the same applicant for the same use as the current application. The applicant complied with approval conditions on the submission of drainage and FSIs proposals and design of vehicular run-in/out to the site, as well as the implementation of FSIs proposal under the previous application. However, as the excavation permit application was still being processed by the Highways Department, the applicant could not comply with the approval conditions on the provision of drainage facilities and vehicular run-in/out to the site, resulting in revocation of the planning approval. The applicant undertakes to comply with all approval conditions upon obtaining planning approval. As there are no major change in planning circumstances and the nature of use, and the layout remains unchanged, approval of the current application is in line with the Committee’s previous decision; and
- (d) no adverse traffic and drainage impacts arising from the applied use are anticipated. Illegal occupation of the adjoining Government land (GL) has been ceased.

3. **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.

4. **Background**

Site inspection on 13.8.2026 revealed that vehicles were parked at the Site. The Site is currently not subject to any active planning enforcement action. The Site and its vicinity are under regular monitoring. Appropriate enforcement action would be undertaken should there be “unauthorized development” under the Town Planning Ordinance identified.

5. **Previous Application**

5.1 The Site is the subject of a previous application No. A/NE-TKL/747 submitted by the same applicant for the same use as the current application, which was approved with conditions for a period of three years by the Committee on 19.7.2024 mainly on the considerations that the proposed use was not entirely incompatible with the surrounding areas; and there were no major adverse departmental comments or concerns of relevant government departments could be addressed through imposition of approval conditions. While the applicant complied with approval conditions on the submissions of drainage and FSIs proposals and design of vehicular run-in/out to the site, as well as the implementation of FSIs proposal, the planning approval was subsequently revoked on 19.4.2026 due to non-compliance with approval conditions in relation to the provision of drainage facilities and vehicular run-in/out to the site.

5.2 Details of the previous application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

6. **Similar Applications**

6.1 There are four similar applications (No. A/NE-TKL/772, 797, 817 and 825) involving three sites for temporary public/private vehicle park for a period of three years falling within the “AGR” and/or “V” zones in the vicinity of the Site in the past five years. All of them were approved with conditions by the Committee between 2024 and 2026 mainly on similar considerations as mentioned in paragraph 5.1 above.

6.2 Application No. A/NE-TKL/851 for temporary public vehicle park (private cars only) for a period of three years falling within the “AGR” and “V” zones in the vicinity of the Site will be considered at this meeting (**Plan A-1**).

6.3 Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) currently hard-paved and being used as the applied use without valid planning permission; and

(b) accessible via Sha Tau Kok Road – Ma Mei Ha.

7.2 The surrounding areas are of rural character comprising mainly village houses within the “V” zone of Hung Leng to the west, parking of vehicles and warehouses.

8. Planning Intentions

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.

8.3 The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. 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.

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 government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and the recommended advisory clauses are provided at **Appendices IV** and **V** respectively.

9.2 The following government departments object to or do not support the application:

Land Administration

9.2.1 Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) he objects to the application;
- (b) the Site comprises Old Schedule Agricultural 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. The proposed ingress/egress of the Site is required to pass through GL but no right of access via GL is granted to the Site;
- (c) the following irregularities not covered by the planning application have been detected by his office:

illegal occupation of GL not covered by the planning application

the GL adjoining Lot 1497 S.B RP in D.D. 76 has been fenced off/illegally occupied without permission. The GL being illegally occupied is not included in the application. The applicant should clarify

the extent of the Site. Any occupation of GL without the 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;

according to the photos provided by the applicant, the GL adjoining Lot 1497 S.B RP in D.D. 76 are still fenced off with concrete wall erected. Illegal occupation of GL is not allowed and cannot be regularised under the prevailing policy. The lot owner/occupier/applicant should stop the illegal occupation of GL immediately;

- (d) unless and until the illegal occupation of GL is duly rectified by the lot owner/applicant or entirely included in the planning application, his office objects to the application which must be brought to the attention of the Board when they consider the application;
- (e) the Site is not the subject of any processing or approved Small House application; and
- (f) her advisory comments are at **Appendix V**.

Agriculture

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

- (a) the application is not supported from agricultural perspective; and
- (b) the Site falls within the "AGR" and "V" zones and is generally vacant. The agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. The Site possesses potential for agricultural rehabilitation.

9.3 The following government department provides views on the application:

Traffic

9.3.1 Comments of the Commissioner for Transport (C for T):

- (a) she has no comment on the application;
- (b) considering the traffic safety along the access road linking Sha Tau Kok Road – Ma Mei Ha and the Site, approval condition on implementation of traffic management measures, as proposed by the applicant, is recommended. Also, the implemented traffic management measures should be maintained during the planning approval period; and
- (c) her advisory comments are at **Appendix V**.

10. Public Comments Received During Statutory Publication Period

On 18.8.2026, the application was published for public inspection. During the statutory public inspection period, four public comments were received (**Appendix VI**). One comment from the Indigenous Inhabitant Representative and the Resident Representative of Hung Leng supports the application on the consideration that the provision of parking spaces at Hung Leng is insufficient. One comment from an individual provides views that planning approval for the current application should be limited to no more than one year due to the non-compliance with approval conditions under the previous planning approval. The two remaining comments from a member of the North District Council and an individual indicate no comment on the application.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary private vehicle park (excluding container vehicle) and associated filling of land for a period of three years at the Site falling within an area largely zoned “AGR” (about 75%) and partly zoned “V” (about 25%) on the OZP. The applied use is not in line with the planning intentions of “AGR” and “V” zones and DAFC does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation. Notwithstanding the above, DLO/N, LandsD advises that there is no Small House application approved or under processing at the Site. The applicant also states that the applied use is to serve the residents of Victory Garden at Hung Leng. Taking into account the above and the planning assessments below, there is no objection to the applied use with associated filling of land on a temporary basis of three years.
- 11.2 The application involves regularisation of filling of land at the “AGR” portion of the Site with concrete of not more than 0.2m in depth to meet the operational needs of the applied use. Filling of land within “AGR” zone 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 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 Site is located in an area of rural character comprising mainly village houses, parking of vehicles and warehouses. 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 applied use is not incompatible with the surrounding environment and significant adverse landscape impact arising from the application is not anticipated.
- 11.4 Other relevant government departments consulted, including the Director of Fire Services and Chief Highway Engineer/New Territories East of Highways Department have no objection to or no adverse comment on the application. While C for T has no comment on the application, she recommends imposing approval conditions on the implementation and maintenance of traffic management measures as proposed by the applicant, taking into consideration traffic safety along the access road linking Sha Tau Kok Road – Ma Mei Ha and the Site. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 12.2 below. Should the application be approved, the applicant will be advised to follow the environmental mitigation measures as

set out in the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimise any possible environmental nuisance. Regarding DLO/N, LandsD’s concern on the illegal occupation of GL, the applicant will be advised to liaise with LandsD on the land administration matter should the Committee approve the application.

- 11.5 The Site is the subject of a previously approved application No. A/NE-TKL/747 which was submitted by the same applicant for the same use as the current application as detailed in paragraph 5.1 above. The planning permission was subsequently revoked on 19.4.2026 due to non-compliance with approval conditions in relation to the provision of drainage facilities and vehicular run-in/out to the site. In the current application, the layout and development parameters remain unchanged from the previous application and the applicant undertakes to comply with all approval conditions upon obtaining planning approval. Should the Committee decide to approve the application, the applicant will be advised that should there be failure to comply with the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 11.6 There are four approved similar applications for temporary public/private vehicle park falling within the “AGR” and/or “V” zones in the vicinity of the Site in the past five years as mentioned in paragraph 6.1 above. The planning circumstances of the current application are similar to those of the approved applications. Approval of the current application is in line with the Committee’s previous decisions.
- 11.7 Regarding the public comments on the application 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 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 9.10.2029. The following conditions of approval and advisory clauses are 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 9.7.2027;
- (b) in relation to (a) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (c) the implementation of the traffic management measures, as proposed by the applicant, within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 9.7.2027;
- (d) in relation to (c) above, the implemented traffic management measures shall be maintained at all times during the planning approval period;

- (e) the provision of the accepted vehicular run-in/out to the Site within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 9.7.2027;
- (f) if any of the above planning condition (b) or (d) 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), (c) 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; and
- (h) upon expiry of the planning permission, the reinstatement of the “AGR” portion of the Site, including the removal of fill materials and hard paving, and grassing of the “AGR” portion 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 V**.

- 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 intentions of the “AGR” and “V” zones which are to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to provide land primarily for development of Small Houses by indigenous villagers respectively. 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

Appendix I	Application Form with Attachments received on 11.8.2026
Appendix Ia	FI received on 21.9.2026
Appendix Ib	FI received on 30.9.2026
Appendix II	Previous Application
Appendix III	Similar Applications
Appendix IV	Government Departments’ General Comments
Appendix V	Recommended Advisory Clauses

Appendix VI	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Land Filling Plan
Drawing A-3	Drainage Plan
Drawing A-4	FSIs Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2026**