

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKL/851

- Applicant** : Rank Glory Development Limited represented by Toco Planning Consultants Limited
- Site** : Lots 1902 S.B ss.6, 1902 S.B ss.7 RP and 1902 S.B ss.8 (Part) in D.D. 76, Leng Tsai Village, Fanling
- Site Area** : About 785.6m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP)
No. S/NE-TKL/14
- Zonings** : (i) “Village Type Development” (“V”) (about 395.2m² or 50.3% of the Site)
(ii) “Agriculture” (“AGR”) (about 390.4m or 49.7% of the Site)
- Application** : Temporary Public Vehicle Park (Private Cars Only) for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary public vehicle park (private cars only) for a period of three years at the application site (the Site) falling within an area zoned “V” and “AGR” on the OZP (**Plan A-1**). According to the Notes of the OZP, while ‘public vehicle park (excluding container vehicle)’ is a Column 2 use in the “V” zone which requires planning permission from the Town Planning Board (the Board), temporary use or development of any land or building not exceeding a period of three years 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 Sha Tau Kok Road – Ma Mei Ha (**Plan A-2**). According to the applicant, the applied use provides 24 parking spaces for private cars (2.5m (W) x 5m (L) each) at the Site for the villagers of Leng Tsai only. No vehicle without valid licence issued under the Road Traffic Ordinance will be allowed to be parked/stored or enter/exit the Site. No structure or kiosk will be erected at the Site and no electric vehicle (EV) charging facility will be provided. A warning sign will be placed at the entrance to ensure pedestrian safety. The applied use operates 24 hours daily, including public holidays. The layout plan submitted by the applicant is shown in **Drawing A-1**.
- 1.3 In support of the application, the applicant has submitted an Application Form with Attachment received on 18.8.2026 (**Appendix I**).

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form at **Appendix I**, as summarised below:

- (a) there is continuous demand for car parking spaces to serve the local residents and villagers in the area. The Site is suitable for the applied use since it is easily accessible by vehicles, paved and without vegetation, and the location is preferred by the local villagers. The applied use is supported by the Indigenous Inhabitant Representative (IIR) of Leng Tsai;
- (b) the applied use will help relieve the parking problem and reduce the number of illegal roadside parking in the area;
- (c) the applied use is small in scale and compatible with the surrounding land uses which comprise predominantly village houses and local tracks. Approval of the applied use on a temporary basis of three years will not frustrate the long-term planning intentions of the “V” and “AGR” zones. Besides, there is no Small House application submitted to the Lands Department (LandsD) at the Site, and no current or planned agricultural activity at the Site. The “AGR” portion of the Site has been hard paved before the draft Ping Che and Ta Kwu Ling OZP No. S/NE-TKL/10 gazetted on 29.4.2005¹;
- (d) there are similar applications in the vicinity of the Site involving “V” and “AGR” zones which were approved by the Rural and New Town Planning Committee (the Committee) of the Board; and
- (e) no significant adverse traffic, environmental and drainage impacts are anticipated.

3. Compliance with the ‘Owner’s Consent/Notification’ Requirements

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

4. Background

Recent site inspection revealed parking of vehicles at the Site. Warning letter was posted on site. The Site and its vicinity are under regular monitoring. The Site may be subject to planning enforcement actions if there is sufficient evidence to prove an “unauthorized development” under the Town Planning Ordinance.

5. Previous Application

The Site is not the subject of any previous application.

6. Similar Applications

- 6.1 There are five similar applications (No. A/NE-TKL/747, 772, 797, 817 and 825) involving four sites for temporary public/private vehicle park for a period of three years falling within the “V” and/or “AGR” zones in the vicinity of the Site in the past five years.

¹ The control on filling of land in “AGR” zone was included in the draft Ping Che and Ta Kwu Ling OZP No. S/NE-TKL/10 gazetted on 29.4.2005. Filling of land in the “V” zone does not require planning permission from the Board.

All of them were approved with conditions by the Committee between 2024 and 2026 mainly on the considerations that the proposed use was not entirely incompatible with the surrounding area; and there were no major adverse departmental comments or concerns of relevant government departments could be addressed through imposition of approval conditions.

- 6.2 Application No. A/NE-TKL/849 for temporary private vehicle park (excluding container vehicle) and associated filling of land 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 II** 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 used as the applied use without valid planning permission; and
 - (b) accessible via a local track leading to Sha Tau Kok Road – Ma Mei Ha.
- 7.2 The surrounding areas are of rural character comprising mainly village houses, parking of vehicles, fallow agricultural land, unused land and vacant land (**Plan A-2**).

8. Planning Intentions

- 8.1 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.
- 8.2 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 cultivate and other agricultural purposes.

9. Comments from Relevant Government Departments

- 9.1 Apart from the government department as set out in paragraph 9.2 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 III** and **IV** respectively.

9.2 The following government department does not support the application:

Agriculture

9.2.1 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. Agricultural infrastructures such as road access and water source are available in the area. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. The Site possesses potential for agricultural rehabilitation.

10. Public Comments Received During Statutory Publication Period

On 25.8.2026, the application was published for public inspection. During the statutory public inspection period, 18 public comments were received (**Appendix V**). 15 comments from the IIR and villagers of Leng Tsai support the application on the considerations that the applied use can provide parking spaces to meet the parking need and help reducing illegal roadside parking. A comment from an individual raises concerns that no EV charging facility is provided in the application. The remaining two 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 public vehicle park (private cars only) for a period of three years at the Site falling within an area zoned “V” (about 50.3%) and “AGR” (about 49.7%) on the OZP. The applied use is not in line with the planning intentions of the “V” and “AGR” zones and DAFC does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation. Notwithstanding the above, the District Lands Officer/North of LandsD advises that there is no Small House application approved or being processed at the Site. The applicant also advises that the applied use is to serve the local villagers and the Commissioner for Transport has no objection to the application. In view of the above and taking into account the planning assessments below, there is no objection to the applied use on a temporary basis of three years.
- 11.2 The Site is located in an area of rural character comprising mainly village houses, parking of vehicles, fallow agricultural land, unused land and vacant land. 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.
- 11.3 Other relevant government departments consulted, including the Director of Environmental Protection and Chief Engineer/Mainland North of Drainage Services Department have no objection to or no adverse comment on the application. To address the technical requirements of concerned department, relevant approval conditions are recommended in paragraph 12.2 below. The applicant will be advised to follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimise any possible environmental nuisance. As part of the Site is zoned “AGR”, an

approval condition requiring the reinstatement of that part 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.

- 11.4 There are five approved similar applications for temporary public/private vehicle park falling within the “V” and/or “AGR” 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 largely similar to those of the approved similar applications. Approval of the current application is in line with the Committee’s previous decisions.
- 11.5 Regarding the public comment raising concerns on the application as detailed in paragraph 10, the provision of EV charging facility or not is not a relevant consideration of the application.

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 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 9.4.2027;
- (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 9.7.2027;
- (c) in relation to (b) above, the implemented drainage facilities 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;
- (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; and
- (f) upon the 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 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 intentions of the "V" and "AGR" zones which are to provide land primarily for development of Small House by indigenous villagers, and to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes 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 18.8.2026
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4b	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2026**