

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-HLH/78

- Applicants** : Messrs TANG Kun Nin Tony and TANG Hung Ngai (Managers of Tang Ha Kung Tso) represented by Ching Wan Engineering Consultants Company
- Site** : Lot 223 RP (Part) in D.D. 83, Siu Hang Tsuen, Fanling, New Territories
- Site Area** : About 508.91m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Lung Hang Outline Zoning Plan (OZP) No. S/NE-HLH/11
- Zoning** : “Village Type Development” (“V”)
- Application** : Proposed Temporary Private Vehicle Park (Private Cars Only) for a Period of Three Years

1. The Proposal

- 1.1 The applicants seek planning permission for proposed temporary private vehicle park (private cars only) for a period of three years at the application site (the Site) (**Plan A-1**). The Site falls within an area zoned “V” on the OZP. According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is hard-paved and currently vacant (**Plan A-4**).
- 1.2 The Site is accessible from its west via local tracks leading to Sha Tau Kok Road – Lung Yuek Tau to the south (**Plan A-2**). According to the applicants, the proposed use is for a temporary private vehicle park with 14 parking spaces for private cars. An ingress/egress with 8m in width is proposed at the west of the Site and sufficient space will be provided within the Site for manoeuvring of vehicles. The proposed use will only serve local villagers and not be opened to the public. No structure will be erected at the Site. The operation hours of the proposed use are 24 hours daily (including public holidays). To ensure the safety of pedestrians, a warning sign indicating a speed limit of 15km/h will be installed at the ingress/egress of the Site. The layout plan submitted by the applicants is shown in **Drawing A-1**.
- 1.3 In support of the application, the applicants have submitted the following documents:
- (a) Application Form with attachments received on 9.1.2025 (**Appendix I**)
 - (b) Supplementary Information (SI) received on 15.1.2025 (**Appendix Ia**)

(c) Further Information (FI) received on 17.2.2025

(Appendix Ib)

** accepted and exempted from publication and recounting requirements*

2. **Justifications from the Applicants**

The justifications put forth by the applicants in support of the application are detailed in the Application Form, SI and FI at **Appendices I to Ib**, as summarised below:

- (a) the proposed use will serve local villagers to ease the shortage of parking spaces;
- (b) the application is to regularise the proposed use at the Site;
- (c) no structure will be erected at the Site and no adverse visual impact is anticipated; and
- (d) the proposed temporary private vehicle park will not be opened to the public and no adverse traffic impact is anticipated.

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

The applicants 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 a notice to Fanling District Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

The Site is subject to planning enforcement action against unauthorized development (UD) involving use of place for parking of vehicles (No. E/NE-HLH/156) (**Plan A-2**). Enforcement Notice (EN) was issued on 3.9.2024 requiring discontinuation of the UD. Subsequent site inspection revealed that the UD has been discontinued. A Compliance Notice for the EN was issued on 20.2.2025.

5. **Previous Application**

There is no previous application at the Site.

6. **Similar Application**

There is no similar application within the same “V” zone in the past five years.

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

7.1 The Site is:

- (a) hard-paved and currently vacant;
- (b) situated at the eastern fringe of the village proper of Siu Hang Tsuen; and
- (c) accessible from its west via local tracks leading to Sha Tau Kok Road – Lung Yeuk Tau to the south.

7.2 The surrounding areas are of rural character comprising village houses/domestic structures, active/fallow agricultural land, unused land and tree clusters. A cluster of village houses is found to the immediate west of the Site. Ng Tung River is located about 35m to the south of the Site.

8. Planning Intention

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. 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

All 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 II** and **III** respectively.

10. Public Comments Received During Statutory Publication Period

On 17.1.2025, the application was published for public inspection. During the statutory public inspection period, two public comments were received (**Appendix IV**). A comment from an individual queries whether the proposed private vehicle park is fee-charging and considers that any revenue generated should be taxed. Another comment from a member of the North District Council indicates no comment on the application.

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary private vehicle park (private cars only) for a period of three years at the Site zoned “V” on the OZP (**Plan A-1**). While the proposed use is not entirely in line with the planning intention of the “V” zone where land is primarily intended for development of Small Houses by indigenous villagers, the applicants advise that it could serve the parking needs of the local villagers. Besides, the District Lands

Officer/North of Lands Department has no objection to the application and advises that there is no Small House application at the Site. In this regard, it is considered that approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “V” zone.

- 11.2 The Site, situated at the eastern fringe of the village proper of Siu Hang Tsuen, is hard-paved and currently vacant, which is accessible via local tracks leading to Sha Tau Kok Road – Lung Yeuk Tau to the south (**Plans A-2 and A-4**). The proposed use is considered not incompatible with the surrounding areas which are predominated by village houses/domestic structures, active/fallow agricultural land, unused land and tree clusters (**Plan A-3**). The Chief Town Planner/Urban Design and Landscape of Planning Department advises that the Site falls within non-landscape sensitive zoning and no significant landscape impact arising from the proposed use is anticipated.
- 11.3 Concerned departments consulted, including the Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department, Director of Environmental Protection and Director of Fire Services, have no objection to or no adverse comment on the application. 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 applicants will also be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimise the possible environmental nuisance on the surroundings.
- 11.4 Regarding the public comment expressing concerns on whether the proposed vehicle park is fee-charging as mentioned in paragraph 10 above, they are not relevant to the consideration of the current application.

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 28.2.2028. 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 28.8.2025;
- (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 28.11.2025;
- (c) in relation to (b) above, the implemented drainage facilities should 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 28.8.2025;
- (e) in relation to (d) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 28.11.2025;
- (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 proposed use is not in line with the planning intention of the "V" zone, which is to provide land primarily for development of Small Houses by indigenous villagers. There is no strong planning justification in the submission for a departure from such 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 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 applicants.

14. Attachments

Appendix I	Application Form with attachment received on 9.1.2025
Appendix Ia	SI received on 15.1.2025
Appendix Ib	FI received on 17.2.2025
Appendix II	Government Departments' General Comments
Appendix III	Recommended Advisory Clauses
Appendix IV	Public Comments
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan

Plan A-3

Aerial Photo

Plan A-4

Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2025**