

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

**APPLICATION NO. A/NE-LYT/837**

<b><u>Applicant</u></b>	:	Anson Technology Limited represented by LCH Planning & Development Consultants Limited
<b><u>Site</u></b>	:	Lot 1508 S.A RP in D.D. 83, Lung Yeuk Tau, Fanling, New Territories
<b><u>Site Area</u></b>	:	About 843m <sup>2</sup>
<b><u>Lease</u></b>	:	Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	:	Approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP) No. S/NE-LYT/19
<b><u>Zoning</u></b>	:	“Agriculture” (“AGR”)
<b><u>Application</u></b>	:	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 (PVP) (private cars only) for a period of three years at the application site (the Site), which falls 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 requires planning permission from the Town Planning Board (the Board). The Site is hard-paved<sup>1</sup>, fenced-off and currently used as the applied use without valid planning permission (**Plan A-4**).
- 1.2 The Site is accessible from Sha Tau Kok Road – Lung Yeuk Tau via Sui Wan Road (**Plan A-2**). According to the applicant, the applied use is for a temporary PVP serving the local villagers/residents. There are 21 parking spaces (5m (L) x 2.5m (W) each) for private cars at the Site (**Drawing A-1**). Two temporary structures, including a two-storey container for site office and an open shed structure with ancillary solar panels on top for supply of electricity (covering 4 parking spaces below) with building height of not more than 5.3m and a total floor area of about 116m<sup>2</sup>, would be erected at the southeastern and eastern parts of the Site respectively. The operation hours of the applied use are 24 hours daily

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<sup>1</sup> According to record, the Site zoned “AGR” has been largely hard-paved before the date of imposing a land filling clause pertaining to the zone under the draft Lung Yeuk Tau and Kwan Tei South OZP No. S/NE-LYT/10 gazetted on 29.4.2005.

(including public holidays). No vehicle without valid licence issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations is allowed to be parked on the Site. Only private car as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the Site. The PVP users would be reminded of such requirement, and a notice board has been erected at the ingress/egress of the Site. Warning signs will be provided at the ingress/egress of the Site to improve the pedestrian safety of the area. Four existing trees at the northern part of the Site will be retained. The layout plan submitted by the applicant is in **Drawing A-1**.

- 1.3 The Site is the subject of three previous applications including two (i.e. A/NE-LYT/706 and 777) for the same use submitted by same applicant as the current application (detailed in paragraph 5 below). The last application (No. A/NE-LYT/777) was approved with the conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 13.1.2023, whilst its planning permission was revoked on 13.10.2024 due to non-compliance with approval condition in relation to the implementation of drainage proposal. Compared with the last approved application No. A/NE-LYT/777, the applied use, site area/boundary and major development parameters (including the number of parking spaces) of the current application remain the same.
- 1.4 In support of the application, the applicant has submitted the following documents:
- |     |  |               |
|-----|--|---------------|
| (a) | Application Form received on 6.11.2024           | (Appendix I)  |
| (b) | Planning Statement received on 6.11.2024         | (Appendix Ia) |
| (c) | Further Information (FI) received on 13.12.2024^ | (Appendix Ib) |
| (d) | FI received on 16.12.2024^                       | (Appendix Ic) |
- ^ 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, Planning Statement and FIs at **Appendices I to Ic**, as summarised below:

- (a) the applied use could cater for the high demand of parking spaces in the village clusters of Lung Yeuk Tau, serving local villagers and residents as well as their visitors. It could reduce improper parking activities along local access and minimise traffic congestion resulting from those activities;
- (b) the applicant intends to continue using the Site for PVP to serve the residents nearby, and considers that approval of the application on a temporary basis would not frustrate the long-term planning intention of “AGR” zone;
- (c) the applied use is not incompatible with the surrounding environment; and it would not induce adverse traffic, environmental, drainage and landscape impacts and fire safety issue on the surrounding areas;
- (d) the Site is the subject of two previously approved applications for the same use and there are approved similar applications within the same “AGR” zone in the vicinity; and

- (e) the applicant has made his best effort to comply with all of the approval conditions under the last approved application No. A/NE-LYT/777, whilst a considerable amount of time has been taken to liaise with the relevant government departments in reviewing the previously submitted drainage proposal. Prior to the submission of the current application, the applicant has obtained an Excavation Permit from the Lands Department, and the relevant works for the implementation of drainage proposal could timely commence.

### **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**

The Site is currently not subject to any active planning enforcement action. Recent site inspection revealed that the Site was used for parking of vehicles and warning poster was posted on-site.

### **5. Previous Applications**

- 5.1 The Site is the subject of three previous applications (No. A/NE-LYT/281, 706 and 777). The last two previous applications (No. A/NE-LYT/706<sup>2</sup> and 777) for the same use submitted by the same applicant as the current application were approved with conditions by the Committee in 2019 and 2023 respectively mainly on considerations that it would not frustrate the long-term planning intention of the area; it was not incompatible with the surrounding areas; and no significant adverse traffic, drainage and landscape impacts on the surrounding areas were anticipated.
- 5.2 Compared with the last approved application No. A/NE-LYT/777, the applied use, site area/boundary and major development parameters (including the number of parking spaces) of the current application remain the same. The planning permission under application No. A/NE-LYT/777 was revoked on 13.10.2024 due to the non-compliance with approval condition in relation to the implementation of drainage proposal, whilst approval conditions in relation to the submission and implementation of fire services installations (FSIs) proposal as well as submission of drainage proposal have all been complied with.
- 5.3 The remaining application No. A/NE-LYT/281 for temporary open storage of washroom accessories was rejected by the Committee in 2004 and its consideration is not relevant to the current application which involves a different use.
- 5.4 Details of the applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

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<sup>2</sup> The planning permission under Application No. A/NE-LYT/706 was lapsed on 7.9.2022.

## **6. Similar Applications**

- 6.1 There are four similar applications for temporary PVP (No. A/NE-LYT/704, 747, 820 and 828) involving three sites within the same “AGR” zone in the vicinity of the Site in the past five years (**Plan A-1**). The applications were all approved with conditions by the Committee between 2019 and 2024 respectively mainly on similar considerations as stated in paragraph 5.1 above
- 6.2 Details of these 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-4)**

- 7.1 The Site is:
- (a) hard-paved, fenced-off and currently used as the applied use without valid planning permission;
  - (b) situated at the fringe of Lung Yeuk Tau surrounded by village houses; and
  - (c) accessible from Sha Tau Kok Road – Lung Yeuk Tau via Sui Wan Road.
- 7.2 The surrounding areas are of rural character comprising village houses/domestic structures, vehicle parks and unused land covered by tree groups. To the south and the further south are the village proper of Lung Yeuk Tau zoned “Village Type Development” (“V”) and Ma Wat River respectively. There is a PVP with valid planning permission under application No. A/NE-LYT/828 to the east.

## **8. Planning Intention**

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.

## **9. Comments from Relevant Government Departments**

- 9.1 Apart from the government department as set out in paragraphs 9.2 and 9.3, other 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 **Appendices IV** and **V** respectively.
- 9.2 The following government department supports the application:

### **Transport**

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

- (a) support the application from traffic engineering perspective, considering that the applied use could accommodate the strong demand for vehicle parking spaces in the vicinity; and

- (b) her advisory comments are provided at **Appendix V**.

9.3 The following government department does not support the application:

**Agriculture**

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

- (a) does not support the application from agricultural development perspective, considering that the Site possesses potential for agricultural rehabilitation; and
- (b) the Site zoned “AGR” is generally occupied by some vehicles. 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.

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

On 15.11.2024, the application was published for public inspection. During the statutory public inspection period, three public comments were received (**Appendix VI**). One comment from an individual objects to the application mainly on the ground that the applicant fails to timely comply with the approval condition under the previous application. The two remaining comments from a member of North District Council and the Chairman of Area Committee (North) – Lung Shan indicate no comment on the application.

**11. Planning Considerations and Assessments**

- 11.1 The application is for temporary PVP (private cars only) for a period of three years at the Site zoned “AGR” on the OZP. Though the applied use 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 and DAFC does not support the application from agricultural development perspective, it could help serve the parking needs of the local villagers/residents. In this regard, C for T supports the application from traffic engineering perspective. Taking into account the planning assessments below, approval of the application on a temporary basis for a period of three years could be tolerated.
- 11.2 The Site, being accessible from Sha Tau Kok Road – Lung Yeuk Tau via the abutting Sui Wan Road to the south and situated at the fringe of Lung Yeuk Tau surrounded by village houses/domestic structures, is hard-paved and occupied by the applied use (**Plans A-3 and A-4**). The applied use is considered not incompatible with the surrounding areas comprising village houses/domestic structures, vehicle parks and unused land covered by tree groups. The Chief Town Planner/Urban Design and Landscape of Planning Department has no adverse comment on the application from landscape planning perspective as significant adverse impact on the existing landscape resources is not anticipated.

- 11.3 Other concerned government departments consulted, including the Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) and Director of Fire Services (D of FS) have no objection to or no comment on the application from 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 planning application be approved, the applicant will also be advised to follow the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimise possible environmental nuisance on the surroundings.
- 11.4 The Site is the subject of two previously approved applications for the same use submitted by the same applicant as detailed in paragraph 5 above. Compared with the last approved application (No. A/NE-LYT/777), the major development parameters (including the number of parking spaces) of the current application remain the same. There is no major change in planning circumstances since the approval of the previous application. The planning permission under the last approved application was revoked on 13.10.2024 due to the non-compliance with approval condition in relation to the implementation of drainage proposal. In support of the application, the applicant has submitted drainage and FSIs proposals which are considered acceptable by CE/MN, DSD and D of FS respectively. Besides, the applicant advises that Excavation Permit has been obtained from LandsD and the relevant works for the implementation of drainage proposal could timely commence. Should the Committee approve the application, the applicant will be advised that should there be failure to comply with any of the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration will not be given to any further applications.
- 11.5 There are four approved similar applications for PVP involving three sites within the same “AGR” zone as detailed in paragraph 6 above. The planning circumstances of the current application are similar to those of the previously approved applications. Approval of the current application is in line with the Committee’s previous decisions.
- 11.6 Regarding the adverse public comment as detailed in paragraph 10 above, the government departments’ comments and the 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 considers that the applied use could be tolerated for a period of three years.
- 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 20.12.2027. 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 20.9.2025;
- (b) in relation to (a) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (c) the implementation of the accepted 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 20.9.2025;
- (d) if the above planning condition (b) 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
- (e) if any of the above planning condition (a) or (c) 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 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 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, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong 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 applicant.

**14. Attachments**

<b>Appendix I</b>	Application Form received on 6.11.2024
<b>Appendix Ia</b>	Planning Statement received on 6.11.2024
<b>Appendix Ib</b>	FI received on 13.12.2024
<b>Appendix Ic</b>	FI received on 16.12.2024
<b>Appendix II</b>	Previous Applications
<b>Appendix III</b>	Similar Applications
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix Va</b>	"Requirements of Fireman's Emergency Switch" issued by Fire Services Department
<b>Appendix VI</b>	Public Comments
<b>Drawing A-1</b>	Site 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  
DECEMBER 2024**