

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

**APPLICATION NO. A/NE-LYT/845**

<b><u>Applicant</u></b>	:	Mr. CHAN Kwai Fuk represented by Lawson David & Sung Surveyors Limited
<b><u>Site</u></b>	:	Lots 1752 (Part), 1753 and 1762 in D.D. 76, Leng Pei Tsuen, Fanling, New Territories
<b><u>Site Area</u></b>	:	About 1,632m <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>Zonings</u></b>	:	(i) “Agriculture” (“AGR”) (about 71% of the Site) (ii) “Village Type Development” (“V”) (about 29% of the Site)
<b><u>Application</u></b>	:	Proposed Temporary Public 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 proposed temporary public vehicle park (PVP) (private cars only) and associated filling of land for a period of three years at the application site (the Site), which falls within an area mainly zoned “AGR” (about 71%) and partly zoned “V” (about 29%) on the OZP (**Plan A-1**). Whilst ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use within “V” zone, it is neither a Column 1 nor Column 2 use within “AGR” zone. According to the covering Notes of the OZP, temporary use or development of any land not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). Filling of land in the “AGR” zone also requires planning permission from the Board. The Site is largely hard-paved, partly covered with vegetation, and currently vacant (**Plan A-4**).
- 1.2 The Site is accessible from Sha Tau Kok Road – Ma Mei Ha via a local access (**Plan A-1**). According to the applicant, the proposed use is for a temporary PVP serving the local villagers/residents. There will be 38 parking spaces (5m (L) x 2.5m (W) each) for private cars at the Site (**Drawing A-1**). The operation hours of the proposed use are 24 hours daily (including public holidays). No

dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities will be conducted on-site. Sufficient manoeuvring space is provided within the Site and no vehicle would queue back to or reverse onto/from the Site to the public road. Only private cars with valid licence issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations are allowed to be parked on the Site. Road signs of 'Be aware of Pedestrians' and 'Speed Limit' are proposed near the ingress/egress of the Site to alert drivers and pedestrian respectively (**Appendix Ib**).

1.3 The applicant also applies for regularisation of filling of land for the majority part of the Site (except for the tree planting buffer with an area of about 26m<sup>2</sup>) of not more than 0.2m in depth (to level of about +20.9mPD) by concrete for site formation and vehicular circulation space<sup>1</sup> (**Drawing A-2**). One existing tree at the south of the Site will be retained, whilst three at the northern part of the Site are proposed to be felled. To compensate the felled trees, three trees will be planted along the eastern boundary of the Site (**Drawing A-3**). The layout plan, land filling plan and landscape plan submitted by the applicant are shown in **Drawings A-1 to A-3** respectively.

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

- |     |  |                        |
|-----|--|------------------------|
| (a) | Application Form received on 11.2.2025                     | ( <b>Appendix I</b> )  |
| (b) | Planning Statement received on 11.2.2025                   | ( <b>Appendix Ia</b> ) |
| (c) | Further Information (FI) received on 7.3.2025 <sup>^</sup> | ( <b>Appendix Ib</b> ) |
| (d) | FI received on 24.3.2025 <sup>^</sup>                      | ( <b>Appendix Ic</b> ) |
| (e) | FI received on 8.4.2025 <sup>^</sup>                       | ( <b>Appendix Id</b> ) |

*<sup>^</sup>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 Id**, as summarised below:

- (a) the proposed use, which is mainly to serve the villagers/residents nearby, could cater for the high demand of parking spaces in Leng Pei Tsuen and Ma Mei Ha Leng Tsui village cluster, and reduce improper parking activities along local access;
- (b) the proposed use is temporary in nature and approval of the application would not frustrate the long-term planning intentions of the "AGR" and "V" zones. Besides, the temporary use of the Site could also better utilise the land resources;
- (c) the proposed 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) there were approved similar applications for PVP within "AGR" and "V" zones in the vicinity of the Site and approval of the current application is generally in line with the Board's previous decisions.

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<sup>1</sup> According to the Notes of the OZP, no planning permission is required for filling of land within the "V" zone (about 29 % of the Site).

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

The applicant is not the “current land owner” but 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 notice to the Fanling District Rural Committee by registered post. 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.

**5. Previous Application**

There is no previous application at the Site.

**6. Similar Applications**

- 6.1 There were six similar applications (No. A/NE-LYT/725, 749, 768, 771, 827 and 833) involving four sites for temporary PVP within “AGR” or “V” zone in the vicinity of the Site in the past five years (**Plan A-1**). Five of these applications (No. A/NE-LYT/725, 749, 768, 827 and 833) involving three sites were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 2021 and 2024 mainly on the considerations that the proposed/applied use would not frustrate the long-term planning intention of the area; it was not incompatible with the surrounding areas; and no significant adverse traffic, environmental, drainage and landscape impacts on the surrounding areas were anticipated.
- 6.2 The remaining application (No. A/NE-LYT/771) was rejected by the Committee in 2022 mainly on the grounds that the proposed use was not in line with the planning intention of the “AGR” zone; and the applicant failed to demonstrate that the proposed use would not cause adverse traffic impact on the surrounding areas.
- 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-4)**

- 7.1 The Site is:
  - (a) largely hard-paved, partly covered with vegetation, and currently vacant;
  - (b) situated within the village proper of Ma Mei Ha Leng Tsui and Leng Pei Tsuen and generally surrounded by existing village houses; and

- (c) accessible from Sha Tau Kok Road – Ma Mei Ha via the local access to the south.
- 7.2 The surrounding areas mainly comprise village houses/domestic structures, parking of vehicles, vacant/unused land covered by scattered tree groups or vegetation and active/fallow agricultural land. To the immediate west and the south across the access road is a cluster of village houses with previous planning approval within the “AGR” zone. To the north and east is another cluster of village houses within the “V” zone of Ma Mei Ha Leng Tsui and Leng Pei Tsuen. To the further northeast of the Site is a knoll covered by dense vegetation including trees within the “Green Belt” zone on the approved Hok Tau OZP No. S/NE-HT/7.

## **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, planning permission from the Board is required for filling of land within the “AGR” zone, as the activity may cause adverse drainage and environmental impacts on the adjacent areas.
- 8.3 The planning intention of the “V” zone is to designate both existing recognised 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 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**

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

### **Transport**

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

- (a) she supports the application from traffic engineering perspective, considering that the proposed use could accommodate the strong demand for vehicle parking spaces in the vicinity; and
- (b) her advisory comments are provided at **Appendix IV**.

- 9.3 The following government department does not support the application:

**Agriculture and Natural Conservation**

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

- (a) he does not support the application from agricultural perspective as the “AGR” portion of the Site possesses potential for agricultural rehabilitation. There are active agricultural activities in the vicinity of the Site, and agricultural infrastructures such as road access and water source are also available. The “AGR” portion of the Site can be used for agricultural activities such as open-field cultivation, greenhouses, and plant nurseries etc.; and
- (b) he has no comment on the application from nature conservation perspective.

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

On 18.2.2025, 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 expresses views on the application in that the Site has been paved and used as parking of vehicles without prior planning permission; and no electric charging facilities and ancillary solar panels are proposed in the current proposal. The two remaining comments from a member of North District Council and the Chairman of Lung Shan Area Committee both indicate no comment on the application.

**11. Planning Considerations and Assessments**

- 11.1 The application is for proposed temporary PVP (private cars only) and associated filling of land for a period of three years at the Site mainly zoned “AGR” (about 71%) and partly zoned “V” (about 29%) on the OZP (**Plan A-1**). The proposed use is not in line with the planning intentions of “AGR” and “V” zones which are primarily to retain fallow arable land with good potential for rehabilitation for agricultural purposes, and for development of Small Houses by indigenous villagers respectively. DAFC does not support the application from agricultural perspective as the “AGR” portion of the Site possess potential for agricultural rehabilitation. Nevertheless, the applicant advises that the proposed PVP could help serve the parking needs of local villagers/residents. C for T supports the application from traffic engineering perspective as the proposed use could accommodate the strong demand for vehicle parking spaces in the vicinity. Besides, the District Lands Officer/North of Lands Department advises there is no Small House application at the Site. Taking into account above and the planning assessments below, there is no objection to the proposed use with associated filling of land on temporary basis of three years.
- 11.2 The proposed use involves filling of land at the majority part of the Site with a depth of about 0.2m (to level of about +20.9mPD) by concrete as mentioned in paragraph 1.3 above (**Drawing A-2**). Filling of land within “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the surrounding 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 portion of the Site is zoned “AGR”, an approval condition requiring the reinstatement of the portion of the Site zoned “AGR” 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 accessible from Sha Tau Kok Road – Ma Mei Ha via the local access to its south and situated within the village proper of Ma Mei Ha Leng Tsui and Leng Pei Tsuen, is largely hard-paved, partly covered with vegetation, and currently vacant (**Plans A-2 to A-4**). The proposed use is considered not incompatible with the surrounding areas which mainly comprise village houses/domestic structures, parking of vehicles, vacant/unused land covered by scattered tree groups or vegetation and active/fallow agricultural land (**Plan A-3**). 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 significant adverse impact on the landscape character and the existing landscape resources within the Site arising from the proposed use is not anticipated.
- 11.4 Other concerned government departments consulted, including the Director of Fire Services, have no objection to or no 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 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.
- 11.5 There were five approved similar applications for PVP as mentioned in paragraph 6.1 above (**Plan A-1**). The planning circumstances of the current application are similar to those of the approved similar applications. For the rejected application No. A/NE-LYT/771, it was rejected by the Committee mainly on the ground that the applicant failed to demonstrate that the proposed use would not induce adverse traffic impact on the surrounding areas. The planning considerations of the rejected application are not applicable to the current application. As such, approving current application is generally in line with the Committee’s previous decisions.
- 11.6 Regarding public comments 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 in paragraph 10, 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 11.4.2028. 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 11.10.2025;
- (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 11.1.2026;
- (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 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 11.10.2025;
- (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 11.1.2026;
- (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;
- (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; and
- (h) upon expiry of the planning permission, the reinstatement of the “Agriculture” portion of the site, including the removal of hard paving and fill materials, 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 proposed use with associated filling of land is not in line with the planning intentions of the “AGR” and “V” zones, which are primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and 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**

<b>Appendix I</b>	Application Form received on 11.2.2025
<b>Appendix Ia</b>	Planning Statement received on 11.2.2025
<b>Appendix Ib</b>	FI received on 7.3.2025
<b>Appendix Ic</b>	FI received on 24.3.2025
<b>Appendix Id</b>	FI received on 8.4.2025
<b>Appendix II</b>	Similar Applications
<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>	Site Layout Plan
<b>Drawing A-2</b>	Land Filling Plan
<b>Drawing A-3</b>	Landscape 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  
APRIL 2025**