

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-MUP/209

- Applicant** : Tang Tsung Fuk Tso Ltd. represented by Honest Land Surveys Company
- Site** : Lots 236 S.I, 236 S.K (Part), 236 RP (Part) and 237 in D.D. 46, Loi Tung, Sha Tau Kok, New Territories
- Site Area** : About 891.5m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Man Uk Pin Outline Zoning Plan (OZP) No. S/NE-MUP/11
- Zonings** : (i) “Village Type Development” (“V”) (about 723m² or 81% of the Site)
(ii) “Agriculture” (“AGR”) (about 168.5m² or 19% of the Site)
- Application** : Proposed Temporary Private Car Park (Private Cars and Light Goods Vehicles Only) for a Period of Three Years and Associated Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary private car park (private cars and light goods vehicles only) for a period of three years and associated filling of land at the application site (the Site) which falls within areas zoned “V” (81%) and “AGR” (19%) 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 within the “V” and “AGR” zones 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 vacant.
- 1.2 The Site is accessible via Sha Tau Kok Road – Wo Hang (**Plan A-2**). According to the applicant, a total of 19 parking spaces will be provided at the Site, including 17 for private cars and two for light goods vehicles. An 4.5m-wide ingress/egress is proposed at the north of the Site and sufficient space will be provided within the Site for manoeuvring of vehicles. No car washing or vehicle repairing will be allowed on the Site, and no fencing will be erected at the entrance of the Site. The proposed temporary private car park will only serve the residents in Loi Tung and will not be opened to the public. The operation hours of the proposed use are 24 hours daily including public holidays. The layout plan submitted by the applicant is shown in **Drawing A-1**.
- 1.3 The applicant also applies for regularisation of filling of land for the “AGR” portion of the Site (about 19%) with a depth of about 0.2m by concrete. The applicant submits a drainage proposal in support of the application. The applicant also undertakes to reinstate the Site

upon expiry of the planning permission.

1.4 According to the applicant, all 19 parking spaces will be allocated to registered vehicles and parking of other vehicles will not be allowed. To ensure the safety of the pedestrians and road users, warning signs and speed limit signs will be installed at the Site. The existing accesses within the Site being used by villagers will remain unobstructed, with no fences or gates installed.

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

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|-----|--|---------------|
| (a) | Application Form with attachments on 28.10.2024 | (Appendix I) |
| (b) | Further Information (FI) received on 12.11.2024* | (Appendix Ia) |
| (c) | FI received on 30.11.2024* | (Appendix Ib) |
| (d) | FI received on 3.12.2024 and 5.12.2024* | (Appendix Ic) |
| (e) | FI received on 11.12.2024* | (Appendix Id) |
| (f) | FI received on 16.12.2024* | (Appendix Ie) |

**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 Ie**, as summarised below:

- (a) as the village continues to develop, there is a strong demand in parking spaces, leading to illegal parking in the area. The proposed temporary private car park will allow better management of the parking situation;
- (b) the Site falls within an area primarily zoned “V” and Small House application is unlikely in the near future. The proposed temporary private car park, which is generally supported by the villagers, could make a better use of the land resources; and
- (c) no adverse noise, drainage and landscape impacts are anticipated.

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

The applicant 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 notice at the Site and sending notice to the Sha Tau Kok District Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is not subject to any active planning enforcement action.

5. Previous Application

The Site is not the subject of any previous application.

6. Similar Application

- 6.1 There was a similar application (No. A/NE-MUP/203) for temporary private car park (private cars and light goods vehicles only) for a period of three years falling within the same “V” zone in the vicinity of the Site in the past five years. The application was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 4.10.2024 mainly on the considerations that the proposed use was considered not incompatible with the surrounding areas; and there was no adverse departmental comment or their concerns could be addressed by relevant approval condition.
- 6.2 There is no similar application for the same use within the same “AGR” zone in the Man Uk Pin area in the past five years.
- 6.3 Details of the similar application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

7. The Site and Its Surrounding Areas (Plans A-1 to A-2, aerial photo on **Plan A-3 and site photos on **Plans A-4a and 4b**)**

- 7.1 The Site is:
 - (a) currently hard-paved and vacant;
 - (b) located at the fringe of the village proper of Loi Tung; and
 - (c) accessible via Sha Tau Kok Road – Wo Hang.
- 7.2 The surrounding areas are of rural character mainly comprising village houses, parking of vehicles and plant nurseries.

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. 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.
- 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 cultivation and other agricultural purposes.

- 8.3 According to the Explanatory Statement of the OZP for “AGR” zone, as filling of land may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

9. Comments from Relevant Government Departments

- 9.1 Apart from the government department as set out in paragraph 9.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in 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) as the Site processes potential for agricultural rehabilitation, the proposed use is not supported from agricultural perspective;
- (b) the Site falls within the “AGR” and “V” zones and is generally vacant; and
- (c) 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 17.5.2024, the application was published for public inspection. During the statutory public inspection period, four comments were received (**Appendix V**). One comment from Designing Hong Kong objects to the application mainly on the grounds that the proposed use is not in line with the planning intention of “AGR” zone; approval of the application may reward a “destroy first, development later” practice; and the approval of the application would set an undesirable precedent of other application within the “AGR” zone. An individual provides views that the Site is located at an existing access hence the proposed use should be regarded as a public facility. The remaining two comments from the Chairman of Lung Shan Area Committee and a member of the North District Council indicate no comment on the application.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary private car park (private car and light goods vehicle only) and associated filling of land for a period of three years at the Site partly zoned “V” (about 81%) and partly zoned “AGR” (about 19%) on the OZP. The proposed use is not in line with the planning intentions of the “V” and “AGR” zones which are primarily for development of Small Houses by indigenous villagers, and to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes respectively. DAFC does not support the application from the agricultural perspective as the Site possesses potential for agricultural rehabilitation. Nonetheless, the applicant

advises that the proposed temporary private car park will only serve the local residents in Loi Tung and will not be opened to the public. Only about 19% of the Site falls within the “AGR” zone. Also, the District Lands Officer/North, Lands Department (DLO/N, LandsD) advises that there is no Small House application at the Site. Taking into account the planning assessments below, the proposed use could be tolerated on a temporary basis of three years.

- 11.2 The proposed use involves regularisation of land filling at the “AGR” portion of the Site with a depth of about 0.2m by concrete. 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 has no objection to the application from the public drainage viewpoint, while the Director of Environmental Protection (DEP) has no objection to the filling of land from environmental perspective. An approval condition requiring the reinstatement of the “AGR” portion of the Site to an amenity area is recommended should the Committee decide to approve the application.
- 11.3 The Site, which is hard-paved and vacant, is situated in an area of rural character mainly comprising village houses, parking of vehicles and plant nurseries. The proposed use is considered not entirely incompatible with the surrounding areas. The Chief Town Planner/Urban Design and Landscape of Planning Department has no adverse comment on the application and advises that significant adverse impact on the landscape character and existing landscape resources within the Site arising from the proposed use is not anticipated.
- 11.4 The Site is accessible via Sha Tau Kok Road – Wo Hang. The Commission for Transport has no comment on the application from traffic engineering perspective, and advises to impose approval conditions on the implementation and maintenance of the proposed traffic management measures as stated in paragraph 12.2 below in view of the context of the Site including its location, carpark layout, and requirement for public access, etc. Other government departments consulted, including the DEP, 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.
- 11.5 Regarding the public comments as detailed in paragraph 10, 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, the Planning Department considers that the proposed 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 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 20.6.2025;
- (b) in relation to (a) above, the provision of drainage facilities 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;
- (c) in relation to (b) above, the implemented drainage facilities 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 20.6.2025;
- (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 20.9.2025;
- (f) 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 20.9.2025;
- (g) in relation to (f) above, the implemented traffic management measures shall be maintained at all times during the planning approval period;
- (h) if any of the above planning condition (c) or (g) 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;
- (i) if any of the above planning condition (a), (b), (d), (e) or (f) 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
- (j) upon expiry of the planning permission, the reinstatement of the “AGR” portion of the Site to an amenity area 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 intention of the “V” and “AGR” zones which are primarily for development of Small Houses 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 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 on 28.10.2024
Appendix Ia	FI received on 12.11.2024
Appendix Ib	FI received on 30.11.2024
Appendix Ic	FI received on 3.12.2024 and 5.12.2024
Appendix Id	FI received on 11.12.2024
Appendix Ie	FI received on 16.12.2024
Appendix II	Similar Application
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix IVa	Requirements for the Fireman's Emergency Switch
Appendix V	Public Comment
Drawing A-1	Proposed Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and 4b	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2024**