

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

**APPLICATION NO. A/NE-TKL/747**

- Applicants** : Victory Villa Management Limited represented by Lanbase Surveyors Limited
- Site** : Lots 1497 S.B ss.4 and 1497 S.B RP in D.D. 76, Hung Leng, Fanling, New Territories
- Site Area** : 675m<sup>2</sup> (about)
- 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
- Zoning** : (i) “Agriculture” (“AGR”) (about 75% of the Site)  
(ii) “Village Type Development” (“V”) (about 25% of the Site)
- Application** : Proposed Temporary Private Vehicle Park (Excluding Container Vehicles) for a Period of Three Years and Associated Filling of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission for a proposed temporary private vehicle park (excluding container vehicles) for a period of three years and associated filling of land at the application site (the Site) which falls within an area zoned “AGR” and “V” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, any temporary use or development of any land or building not exceeding a period of three years and filling of land within the “AGR” zone require planning permission from the Town Planning Board (the Board). The Site is hard-paved and vacant.
- 1.2 The Site is accessible via Sha Tau Kok Road – Ma Mei Ha (**Plan A-2**). According to the applicant, the proposed use will provide a total of 10 private carparking spaces for the residents of a nearby private residential development, Victory Villa (百勝山莊) in Hung Leng Village (**Plan A-2**). The applicant also applies to regularize filling of land of not more than 0.2 m in depth by concrete on the “AGR” portion of the Site. The temporary private vehicle park will operate 24 hours daily. The proposed layout plan is shown in **Drawing A-1**.
- 1.3 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 26.1.2024 (**Appendix I**)

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|---|---------------|
| (b) Further Information (FI) received on 27.3.2024^ | (Appendix Ia) |
| (c) FI received on 27.5.2024*                       | (Appendix Ib) |
| (d) FI received on 14.6.2024^                       | (Appendix Ic) |
| (e) FI received on 2.7.2024 & 4.7.2024^             | (Appendix Id) |

*^ accepted and exempted from the publication and recounting requirements*

*\* accepted but not exempted from the publication and recounting requirements*

- 1.4 On 15.3.2024 and 24.5.2024, the Rural and New Town Planning Committee (the Committee) of the Board agreed to the applicant's requests to defer making a decision on the application for two months.

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed at **Appendices I and Ib**, as summarized below:

- (a) there is a lack of public car park in the locality and there is no car parking provision within the Victory Villa. The proposed use could cater for the parking demand from the residents of Victory Villa and is supported by the Indigenous Inhabitant Representative (IIR) of Hung Leng;
- (b) the proposed use is considered compatible with the surrounding areas which are generally local parking area and open storage yards;
- (c) application No. A/NE-LYT/749 involving temporary public vehicle park for private cars and light goods vehicles is located in proximity to the Site (**Plan A-1**) and was approved on 25.6.2021;
- (d) the Site partly falls within "V" zone on the OZP. Approval of the proposed use on a temporary basis will not prejudice the future long-term planning of the area and will not contravene the long-term planning intention of the "V" zone; and
- (e) no adverse drainage, environmental and traffic impacts are anticipated.

## **3. Compliance with the "Owner's Consent/Notification" Requirements**

The applicant is the sole "current land owner". Detailed information would be deposited at the meeting for Members' inspection.

## **4. Background**

Part of the Site was subject to planning enforcement action against an unauthorized development (UD) for parking of vehicles. The UD was discontinued and Compliance Notice was issued on 26.4.2024.

## **5. Previous Application**

The Site is not the subject of any previous application.

## **6. Similar Applications**

- 6.1 There were three similar applications in the vicinity of the Site in the past five years. Application No. A/NE-TKL/646 for proposed temporary public vehicle park located to the further northeast of the Site within the same “AGR” zone in the Ping Che and Ta Kwu Ling area was rejected by the Committee on 6.11.2020 for the reasons of not in line with the planning intention of the “AGR” zone and failing to demonstrate that the proposed use would not cause adverse traffic impact on the surrounding areas.
- 6.2 To the south of the Site across Sha Tau Kok Road – Ma Mei Ha within an area zoned “AGR” in the Lung Yeuk Tau and Kwan Tei South area were two similar applications involving temporary public vehicle park use (Applications No. A/NE-LYT/741 and 749), which were approved by the Committee in 2021 mainly on considerations that the sites were the subject of previously approved applications and there were no adverse departmental comments on the applications.
- 6.3 Details of the similar applications are 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) hard-paved and vacant;
  - (b) the western portion of the Site falls within the “V” zone of Hung Leng; and
  - (c) directly accessible via Sha Tau Kok Road – Ma Mei Ha from the southwest.
- 7.2 The surrounding areas are rural in character mainly comprising village houses, parking of vehicles, storage yards and temporary structures. Across Sha Tau Kok Road – Ma Mei Ha are parking of vehicles under approved planning application No. A/NE-LYT/749, a car repair workshop and fallow agricultural land.

## **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, as filling of land within the “AGR” zone may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.
- 8.3 The planning intention of “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.

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

- 9.1 Apart from the government departments as set out in paragraph 9.2 below, other government departments consulted have no objection to/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 departments do not support the application and conveyed local views on the application:

### **Agriculture**

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

- (a) does not support the application from agricultural perspective;
- (b) the Site possesses potential for agricultural rehabilitation. 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.; and
- (c) the Site is paved and no comment on the application from nature conservation perspective.

### **District Officer's Comments**

#### **9.2.2 Local views/comments conveyed by the District Officer (North), Home Affairs Department (DO(N) of HAD):**

- (a) one member of the North District Council (NDC) supports the application; and
- (b) the Chairman of Fanling District Rural Committee, the IIR and the Resident Representative of Hung Leng and 5 members of NDC have no comment. The Chairman of Lung Shan Area Committee has no comment but supplements that proper traffic management of the private vehicle park should be arranged to avoid obstruction of road.

## **10. Public Comments Received During Statutory Publication Period (Appendix V)**

On 2.2.2024 and 4.6.2024, the application was published for public inspection. During the statutory public inspection periods, a total of three public comments were received, including two from a member of NDC indicating no comment on the application and one from an individual indicating that the application should be considered in tandem with application No. A/NE-TKL/742<sup>1</sup>; questioning the number of parking spaces at the Site; and the Site has been used for car park.

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<sup>1</sup> Application No. A/NE-TKL/742 for temporary private car park (private cars and light goods vehicles) was withdrawn on 22.5.2024.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for a proposed temporary private vehicle park (excluding container vehicles) for a period of three years and associated filling of land at the Site within an area zoned “AGR” (about 75%) and “V” (about 25%) on the OZP. The planning intentions of the “AGR” and “V” zones are 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; and primarily for development of Small Houses by indigenous villagers respectively. DAFC does not support the application from the agricultural perspective as the Site possess potential for agricultural rehabilitation. Although the proposed temporary private vehicle park is not entirely in line with the planning intentions of the Site, part of the Site falls within the “V” zone and the proposed use is to serve the residents of Hung Leng Village. District Land Officer/North of the Lands Department also advised that currently there is no Small House application received at the Site. Given the nature of the proposed use and taking into account the planning assessments below, the proposed use could be tolerated on a temporary basis of three years.
- 11.2 The application involves regularization of filling of land in the “AGR” portion of the Site. Filling of land within the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, Chief Engineer/Mainland North of Drainage Services Department and Director of Environmental Protection have no objection to the proposed filling of land from drainage and environmental perspectives. 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 to the east of Victory Villa and is directly accessible via Sha Tau Kok – Ma Mei Ha from the southwest. The proposed use with a total of 10 parking spaces for private cars is considered not entirely incompatible with the surrounding areas comprising village houses, parking of vehicles, storage yards, temporary structures and fallow agricultural land. Given the relatively small scale of the proposed use, it is unlikely that it would generate significant environmental nuisance. Chief Town Planner/Urban Design and Landscape of the Planning Department has no objection to the application from landscape planning perspective and advises that significant adverse impact on the existing landscape resources within the Site arising from the proposed use is not anticipated. Commissioner for Transport has no comment on the application. Other consulted departments including Chief Engineer/Construction of Water Supplies Department and Director of Fire Services have no objection to/no adverse comment on the application.
- 11.4 There are two similar applications (No. A/NE-LTY/741 and 749) for temporary public vehicle park approved by the Committee in 2021 mainly on the considerations that they were subject to previously approved applications and no adverse departmental comments were received. Another similar application (No. A/NE-TKL/646) for proposed temporary public vehicle park was rejected by the Committee in 2020 mainly for the reasons of failing to demonstrate that the proposed use would not induce adverse traffic impact on the surrounding areas. The planning circumstances of the rejected similar application are not applicable to the current application.

- 11.5 Regarding the local comment conveyed by DO(N) of HAD and public comments on the application as detailed in paragraphs 9.2.2 and 10 above respectively, 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 local views conveyed by DO(N) of HAD and public comments in paragraphs 9.2.2 and 10 above, the Planning Department considers that the proposed use under the application 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 19.7.2027. 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 19.1.2025;
- (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 19.4.2025;
- (c) in relation to (b) above, the implemented drainage facilities at the Site shall be maintained at all times during the planning approval period;
- (d) the submission of a fire service installations proposal (FSIs) 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 19.1.2025;
- (e) in relation to (d) above, the implementation of the FSIs 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 19.4.2025;
- (f) the submission of the design of vehicular run-in/out to the Site within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 19.1.2025;
- (g) in relation to (f) above, the provision of the vehicular run-in/out to the Site within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 19.4.2025;
- (h) if 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;
- (i) if any of the above planning condition (a), (b), (d), (e), (f) or (g) 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 intentions of the “AGR” and “V” zones, which are primarily intended 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; and for development of Small Houses by indigenous villagers respectively. There is no strong justification in the submission to justify 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**

<b>Appendix I</b>	Application Form with attachments received on 26.1.2024
<b>Appendix Ia</b>	FI received on 27.3.2024
<b>Appendix Ib</b>	FI received on 27.5.2024
<b>Appendix Ic</b>	FI received on 14.6.2024
<b>Appendix Id</b>	FI received on 2.7.2024 & 4.7.2024
<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>	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  
JULY 2024**