

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKL/772

- Applicants** : Messrs. YIP Tin Fat, YIP Tim Fu and YIP Tin Kwai represented by Mr. PANG Hing Yeun
- Site** : Lot 1495 S.B ss.2 RP in D.D. 76, Hung Leng, Fanling, New Territories
- Site Area** : About 275.6m²
- 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** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Private Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of Three Years and Associated Filling of Land

1. The Proposal

- 1.1 The applicants seek planning permission for proposed temporary private vehicle park (private cars and light goods vehicles) for a period of three years and associated filling of land at the application site (the Site). The Site 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 and filling of land within the “AGR” zone require planning permission from the Town Planning Board (the Board). The Site is currently vacant and hard-paved.
- 1.2 The Site is accessible via Sha Tau Kok Road – Ma Mei Ha (**Plan A-2**). According to the applicants, a total of six parking spaces (four for private cars and two for light goods vehicles) will be provided at the Site. The proposed temporary private vehicle park will serve nearby residents only and no parking service will be provided to the public. Signs will be installed at the entrance and exit of the Site to enhance safety of the pedestrian and road users. A fence will be erected to prevent vehicles entering the Site from locations other than the entrance and exit. The applicants also apply for regularisation of filling of land of the entire Site with asphalt of about 0.15m in depth (**Drawing A-2**). The operation hours are 24 hours from Mondays to Sundays. 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 attachment received on 16.8.2024 (Appendix I)
- (b) Further Information (FI) received on 24.9.2024* (Appendix Ia)
- (c) FI received on 21.10.2024* (Appendix Ib)
- (d) FI received on 29.10.2024* (Appendix Ic)
- (e) FI received on 6.11.2024* (Appendix Id)
- (f) FI received on 26.11.2024* (Appendix Ie)

** accepted and exempted from publication and recounting requirements*

1.4 On 4.10.2024, the Rural and New Town Planning Committee (the Committee) of the Board agreed to the applicant's request to defer making a decision on the application for two months to address departmental comments.

2. Justifications from the Applicants

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

- (a) there is no public vehicle park within Hung Leng Tsuen. The only vehicle parking area is located at the entrance of Hung Leng Tsuen, which is also used by villagers from Ng Uk Tsuen. As such, more parking areas are required to serve the nearby villagers;
- (b) the surrounding area mainly comprises village houses, open storage yards, road and private vehicle parks. The proposed use is not incompatible with the surrounding areas. There is no agricultural activity at the Site; and
- (c) in view of the small scale of the proposed use, no adverse environmental impact is anticipated.

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

The applicants are the sole "current land owner". 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

There is no previous application covering the Site.

6. Similar Applications

- 6.1 There were five similar applications for temporary private/public vehicle park within/partly within the “AGR” zone in the vicinity of the Site in the past five years.
- 6.2 Application No. A/NE-TKL/747 located to the immediate north of the Site for proposed temporary private vehicle park (excluding container vehicles) for a period of three years and associated filling of land was approved with conditions by the Committee on 19.7.2024 mainly on the consideration that no major adverse departmental comments were received.
- 6.3 Application No. A/NE-TKL/646 for proposed temporary public vehicle park was rejected by the Committee on 6.11.2020 mainly on the grounds that the proposed use was not in line with the planning intention of the “AGR”; and the applicant failed to demonstrate that the proposed use would not cause adverse traffic impact on the surrounding areas.
- 6.4 There were three similar applications involving temporary public vehicle park use (No. A/NE-LYT/741, 749 and 827) 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. They were approved with conditions by the Committee in 2021 mainly on the considerations that the sites were the subject of previously approved applications and there were no adverse departmental comments on the applications.
- 6.5 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-4b)

- 7.1 The Site is:
 - (a) currently vacant and hard-paved; and
 - (b) accessible via Sha Tau Kok Road – Ma Mei Ha.
- 7.2 The surrounding areas are of rural character mainly comprising village houses, vehicle parks, storages, active and fallow agricultural land and temporary structures. The approved application for proposed temporary private vehicle park (No. A/NE-TKL/747) is located to the immediate north of the Site.

8. Planning Intention

- 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.

9. Comments from Relevant Government Department

9.1 Apart from the government department as set out in paragraphs 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) the application is not supported from the agricultural perspective; and
- (b) the Site falls within the “AGR” zone. 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 greenhouses, plant nurseries, etc. The Site possesses potential for agricultural rehabilitation.

10. Public Comments Received During Statutory Publication Period

On 23.8.2024, the application was published for public inspection. During the statutory public inspection period, four comments were received (**Appendix V**). A comment from two individuals expresses support to the application on the ground that there is a lack of private car parking spaces in the village. Two comments from individuals object to the application mainly on the grounds that there is adverse impact on pedestrian safety; the vehicle park has been operating illegally; and the proposed use should operate with the adjoining vehicle park to enhance land use efficiency. The remaining 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 and light goods vehicles) for a period of three years and associated filling of land at the Site zoned “AGR” on the OZP. The proposed 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. DAFC does not support the application from the agricultural perspective as the Site possess potential for agricultural rehabilitation. However, taking into account the planning assessments below, the proposed use on a temporary basis of three years could be tolerated.

11.2 The application involves regularisation of filling of land at the entire Site with asphalt of about 0.15m in depth. 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, the Chief Engineer/Mainland North of Drainage Services Department and Director of Environmental Protection have no objection to the application from the public drainage and environmental perspectives respectively. An approval condition

requiring the reinstatement of the Site to an amenity area is recommended should the Committee decide to approve the application.

- 11.3 The proposed use with a total of six parking spaces (four for private cars and two for light goods vehicles) is considered not incompatible with the surrounding areas mainly comprising village houses, vehicle parks, storages, active and fallow agricultural land and temporary structures. Given the relatively small scale of the proposed use, it is unlikely that it would generate significant environmental nuisance. The Chief Town Planner/Urban Design and Landscape of Planning Department has no objection to the application from the 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. Other consulted departments including the Commissioner for Transport, Chief Engineer/Construction of Water Supplies Department and Director of Fire Services have no objection to or no adverse comment on the application.
- 11.4 There were four similar applications (No. A/NE-TKL/747, A/NE-LYT/741, 749 and 827) for temporary private/public vehicle park in the vicinity of the Site, with one of them located at the immediate north of the Site. They were approved with conditions by the Committee between 2021 and 2024 mainly on the considerations as detailed in paragraphs 6.2 and 6.4 above. The planning circumstances of the current application are similar to that of the approved applications. As such, approval of the current application is in line with the Committee's previous decisions. Another similar application (No. A/NE-TKL/646) for temporary public vehicle park was rejected by the Committee in 2020 mainly on the grounds 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 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 6.12.2027. 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 6.6.2025;
- (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 6.9.2025;

- (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 6.6.2025;
- (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 6.9.2025;
- (f) the implementation of the traffic management measures, as proposed by the applicants, within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 6.9.2025;
- (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 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 "AGR" zone which 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. There is no strong planning justification in the submission for a departure from the 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 16.8.2024
Appendix Ia	FI received on 24.9.2024
Appendix Ib	FI received on 21.10.2024
Appendix Ic	FI received on 29.10.2024
Appendix Id	FI received on 6.11.2024
Appendix Ie	FI received on 26.11.2024
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix IVa	Requirements for the Fireman's Emergency Switch
Appendix IVb	Fresh Water Mains Record Plan
Appendix V	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Land Filling Area Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4b	Site Photo

**PLANNING DEPARTMENT
DECEMBER 2024**