

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

**APPLICATION NO. A/YL-KTN/1089**

<b><u>Applicant</u></b>	: Mr LAI Kwok Man represented by Goldrich Planners and Surveyors Limited
<b><u>Site</u></b>	: Lot 936 RP (Part) in D.D. 109, Lots 34 (Part) and 750 S.B RP (Part) in D.D. 110, Yuen Long, New Territories
<b><u>Site Area</u></b>	: About 1,713m <sup>2</sup>
<b><u>Leases</u></b>	: (i) Block Government Lease (demised for agricultural use) (ii) New Grant Agricultural Lot
<b><u>Plan</u></b>	: Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11
<b><u>Zoning</u></b>	: “Agriculture” (“AGR”)
<b><u>Application</u></b>	: Proposed Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of Three Years and Associated Filling of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary public vehicle park (excluding container vehicle) for a period of three years and associated filling of land 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 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 paved, vacant and largely fenced-off (**Plans A-2 to A-4**).
- 1.2 The Site abuts and is accessible from Kong Tai Road (**Plans A-2 and A-3**). According to the applicant, the proposed use involves 38 and five parking spaces for private car and light goods vehicle respectively (**Drawing A-1**) and no container vehicle/tractor or vehicle exceeding 5.5 tonnes will be involved. No dismantling, maintenance, repairing, cleaning, paint-spraying, workshop-related activity, or usage of public announcement system, whistle blowing or portable loudspeaker will be allowed at the Site. The applicant also applies for regularisation of filling of land for the entire Site with asphalt, concrete and soil of about 0.2m in depth (to level of about +7.6mPD) for vehicular circulation (**Drawing A-2**). The proposed operation hours will be 24 hours daily including

Sundays and public holidays. The site layout plan and land filling plan submitted by the applicant are at **Drawings A-1** and **A-2** respectively.

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

- (a) Application Form with attachments received on 14.1.2025 (**Appendix I**) and 20.1.2025
- (b) Further Information (FI) received on 4.3.2025\* (**Appendix Ia**)

*\* accepted and exempted from 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 FI at **Appendices I** and **Ia** and can be summarised as follows:

- (a) The proposed use is intended to provide parking spaces to meet the demand of nearby villagers (e.g. Tai Kong Po Tsuen), operators and visitors so as to alleviate the illegal parking in the vicinity. The temporary nature of the application will not frustrate the long-term intention of the “AGR” zone.
- (b) The proposed use will not induce adverse traffic, environmental, fire safety and drainage impacts on the surrounding areas.

## **3. Compliance with the ‘Owner’s Consent/Notification’ Requirements**

The applicant is not a ‘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 publishing newspaper notice and sending notice to the Kam Tin Rural Committee. Detailed information would be deposited at the meeting for Member’s inspection.

## **4. Background**

The Site is currently not subject to any active planning enforcement action. Subject to collection of sufficient evidence, appropriate enforcement action under the Town Planning Ordinance would be undertaken.

## **5. Previous Application**

There is no previous application covering the Site.

## **6. Similar Applications**

- 6.1 Whilst there is no similar application for temporary public vehicle park, there are seven similar applications (No. A/YL-KTN/694, 710, 827, 888, 915, 961 and

1025), involving five sites, for temporary private vehicle park (including five renewals of temporary approval granted, two with filling of land and one also involving storage use) within the same “AGR” zone in the vicinity of the Site in the past five years. All these applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 2020 and 2024 mainly on the considerations that the applied/proposed use on a temporary basis would not frustrate the long-term planning intention of the “AGR” zone or could be tolerated; it was not incompatible with the surrounding land uses; and the relevant government departments consulted generally had no adverse comments or their technical concerns could be addressed by approval conditions. The planning permission under application No. A/YL-KTN/961 was subsequently revoked in October 2024 due to non-compliance with approval conditions.

- 6.2 Details of the similar applications are summarised in **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) paved, vacant and largely fenced-off; and
- (b) abutting and accessible from Kong Tai Road.

- 7.2 The surrounding areas are rural in character with an intermix of the village settlement of Tai Kong Po (mainly to the south of the Site), residential structures (including In Keen Garden Phase III), storage/open storage yards, warehouse and grassland.

## **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 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 the 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 advisory comments in the Recommended Advisory Clauses, if any, are provided at **Appendices III** and **IV** respectively.

9.2 The following government department supports the application:

**Traffic**

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

- (a) supports the application from traffic engineering perspective to address the local demand for parking spaces; and
- (b) detailed advisory comments are at **Appendix IV**.

9.3 The following government department does not support the application:

**Agriculture and Nature Conservation**

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

- (a) does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation;
- (b) the Site falls within the “AGR” zone and is generally vacant. 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 and plant nurseries, etc.; and
- (c) no comment from nature conservation perspective.

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

On 21.1.2025, the application was published for public inspection. During the statutory public inspection period, two public comments were received, including one from a Member of the Yuen Long Town Centre and Rural East Area Committee indicating no comment on the application and one from an individual objecting to the application mainly on the grounds that the Site involves ‘destroy to build’ activities; there is insufficient information in the submission to demonstrate the genuine use of the Site; and there are agricultural activities in the vicinity (**Appendix V**).

**11. Planning Considerations and Assessments**

11.1 The application is for proposed temporary public vehicle park (excluding container vehicle) for a period of three years and associated filling of land at the Site zoned “AGR” (**Plan A-1**). Whilst the proposed use is not in line with the planning intention of the “AGR” zone and DAFC does not support the application from agricultural perspective, according to the applicant, the proposed use is intended to meet the needs of villagers and operators nearby and C for T supports the application as it could help address the local parking demand. In view of the above and taking into account the planning assessments below, there is no

objection to the proposed use on a temporary basis for three years with associated filling of land.

- 11.2 Filling of land within the “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 perspectives respectively. As the Site is zoned “AGR”, an approval condition requiring the reinstatement of the Site 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 proposed use is considered not incompatible with the surrounding areas which are rural in character with an intermix of village settlement, residential structures, storage/open storage yards, warehouse and grassland. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective considering that significant adverse landscape impact is not anticipated.
- 11.4 Other relevant government departments consulted, including the Director of Fire Services, have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 12.2 below. It is also recommended to advise the applicant to follow the revised ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimise any potential environmental nuisance caused by the proposed use.
- 11.5 There are seven approved similar applications for temporary private vehicle park within the same “AGR” zone in the vicinity of the Site in the past five years as mentioned in paragraph 6.1 above. Approving the current application is in line with the Committee’s previous decisions.
- 11.6 Regarding the public comments as mentioned in paragraph 10, the departmental 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 mentioned in paragraph 10 above, 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 14.3.2028. The following conditions of approval and advisory clauses are also 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 14.9.2025;
- (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 14.12.2025;
- (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 14.9.2025;
- (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 14.12.2025;
- (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 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 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 planning justification given 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 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 14.1.2025 and 20.1.2025
<b>Appendix Ia</b>	FI received on 4.3.2025
<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>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  
MARCH 2025**