

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/1044

- Applicant** : Consense Development Limited (港昇發展有限公司)
- Site** : Lots 2827 S.B. (Part) and 2827 S.C. (Part) in D.D. 111, Pat Heung, Yuen Long, New Territories
- Site Area** : About 335m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Private Vehicle Park (Private Cars 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 vehicle park (private cars only) 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 or building 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 currently formed with gravel and largely vacant with some temporary structures (**Plan A-4**).
- 1.2 The Site is accessible from Kam Tin Road via a local track (**Plan A-2**). According to the applicant, the proposed use will provide six parking spaces for private cars, two of which will be equipped with EV charging facilities and be sheltered by a structure with a height of 3m and a total gross floor area of about 56m² (**Drawing A-1**). The proposed use will only serve the residents of Wang Toi Shan Shan Tsuen and will not be open to the public. While the Site is already formed with gravel, the applicant applies for associated filling of land for the entire Site with concrete of about 0.03m in depth further up to +35.3mPD for site formation. The existing trees within the Site will be retained and will not be in conflict with the proposed use. The operation hours will be between 8:00 a.m. and 8:00 p.m., daily including public holidays. Only private cars will be allowed to park within the Site. The

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 received on 6.1.2025 (Appendix I)
- (b) Further Information (FI) received on 24.2.2025* (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 on a temporary basis will not jeopardise the long-term planning intention of the “AGR” zone.
- (b) A similar application (No. A/YL-PH/1028) for private vehicle park was approved in September 2024 within the same “V” zone on the OZP and it is considered that the planning circumstances of the current application are similar to this approved application.
- (c) The proposed private vehicle park will be charged by monthly rental. Only two parking spaces are equipped with EV charging facilities due to the stability of the electricity supply.
- (d) Fire service installations and drainage proposals have been submitted in support of the current application. The unauthorized structures previously erected on the Site have been removed and the applicant will apply for Short Term Waiver/Short Term Tenancy should the current application be approved.

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

The applicant is not the “current land owner” of the Site but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by posting site notices and sending notice to the Pat Heung Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

The Site is subject to planning enforcement action against unauthorized development (UD) involving storage use (No. E/YL-PH/936) (**Plan A-2**). Enforcement Notice was issued on 6.11.2024 requiring discontinuation of the UD. Site inspection on 7.1.2025 revealed

that the UD has been discontinued. The Site is under monitoring under current enforcement procedures.

5. Previous Application

There is no previous application involving the Site.

6. Similar Applications

6.1 There are two similar applications (No. A/YL-PH/976 and 1028) for proposed temporary public/private vehicle park for a period of three years and filling of land within the same “AGR” zone in the vicinity of the Site in the past five years. The applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 8.12.2023 and 4.10.2024 respectively, mainly on the considerations that the temporary approval would not frustrate the long-term planning intention of the “AGR” zone; the proposed use was not incompatible with the surrounding land uses; and the concerned government departments consulted in general had no adverse comment or their technical concerns could be addressed by relevant approval conditions. Details of the similar applications are summarised in **Appendix II** and the locations are shown on **Plan A-1**.

6.2 Other than the similar applications mentioned above, one application (No. A/YL-PH/1046) for temporary private vehicle park (private cars only) within the same “AGR” zone on the OZP will be considered at the same meeting (**Plan A-1**).

7. The Site and Its Surrounding Areas (Plans A-1 to A-4)

7.1 The Site is:

- (a) currently formed with gravel and largely vacant with some temporary structures; and
- (b) accessible from Kam Tin Road via a local track.

7.2 The surrounding areas are rural in character comprising mainly open storage/storage yards and vacant land intermixed with a hobby farm (with valid permission under application No. A/YL-PH/992), grassland and woodland/grave.

8. Planning Intention

8.1 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fishponds 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 Relevant Bureau/Government Departments

- 9.1 Apart from the government departments as set out in paragraphs 9.2 and 9.3 below, other bureau/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 in **Appendices III** and **IV** respectively.

- 9.2 The following government department supports the application:

Transport

- 9.2.1 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) advisory comments are at **Appendix IV**.

- 9.3 The following government departments have adverse comment on or do not support the application:

Land Administration

- 9.3.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) has adverse comment on the planning application;
- (b) the Site comprises Old Schedule Agricultural Lots 2827 S.B. and 2827 S.C. all in D.D. 111 held under the Block Government Lease which contains restriction that no structures are allowed to be erected without the prior approval of the Government;
- (c) there is/are unauthorized structure(s) on both private lot(s) which is/are subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/regularise the lease breaches as demanded by LandsD; and
- (d) advisory comments are at **Appendix IV**.

Agriculture and Nature Conservation

9.3.2 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 with some structures. 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.; and
- (c) no comment on the application from nature conservation perspective.

10. Public Comment Received During Statutory Publication Period

On 14.1.2025, the application was published for public inspection. During the statutory public inspection period, one comment was received from an individual objecting to the application mainly on the grounds that as the Site does not involve any previous application for vehicle park and it is not close to any village, the intention of the proposed use is in doubt (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary private vehicle park (private cars only) for a period of three years and associated filling of land at the Site zoned “AGR” (**Plan A-1**). While 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, the applicant claims that the proposed use is intended to serve the demand of residents nearby. C for T supports the application for addressing 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 of temporary basis of 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 drainage and environmental perspectives. 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 land uses which are rural in character comprising mainly open storage/storage yards and

vacant land intermixed with a hobby farm, grassland and woodland/grave. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application and considers that significant landscape impact arising from the proposed use is not anticipated.

- 11.4 Other relevant bureau/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, relevant 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” issued by the Environmental Protection Department to minimise the potential environmental nuisance on the surrounding land uses. Regarding DLO/YL, LandsD’s concerns on the unauthorized structures within the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.5 There are two similar applications for temporary public/private vehicle park within the same “AGR” zone in the vicinity of the Site approved by the Committee in the past five years as detailed in paragraph 6.1 above. Approving the current application is in line with the Committee’s previous decisions.
- 11.6 Regarding the public comment mentioned in paragraph 10 above, 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 taking into account the public comment 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 28.2.2028. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) the submission of a revised 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 28.8.2025;
- (b) in relation to (a) above, the implementation of the revised 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 28.11.2025;
- (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 revised 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 28.8.2025;
- (e) in relation to (d) above, the implementation of the revised 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 28.11.2025;
- (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 the expiry of the planning permission, the reinstatement of the site including the removal of fill materials and hard paving, 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 purpose. 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

Appendix I	Application Form received on 6.1.2025
Appendix Ia	FI received on 24.2.2025
Appendix II	Similar Applications
Appendix III	Government Bureau/Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Land Filling Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2025**