

TOWN PLANNING BOARD

TPB Paper No. 10998

**For Consideration by
the Town Planning Board on 7.3.2025**

**REVIEW OF APPLICATION NO. A/NE-TK/824
UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE**

**Proposed Temporary Public Vehicle Park
(Private Cars and Medium Goods Vehicles Only) for a Period of Three Years
and Associated Filling of Land in “Agricultural” Zone**

**Lots 408 RP, 410 RP (Part), 411 RP, 412 RP, 422 in D.D. 14,
Tung Tsz, Tai Po, New Territories**

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1. Background

1.1. On 3.10.2024, the applicant, Mr. YIP Wai Yin, sought planning permission for a proposed temporary public vehicle park (private cars and medium goods vehicles (MGVs) only) for a period of three years and associated filling of land at the application site (the Site) under section 16 of the Town Planning Ordinance (the Ordinance). The Site falls within an area zoned “Agriculture” (“AGR”) on the approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/19 (**Plan R-1**).

1.2. On 22.11.2024, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the application and the reason was:

the proposed use and associated filling of land were not in line with the planning intention of the “Agriculture” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

1.3. For Members’ reference, the following documents are attached:

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| (a) RNTPC Paper No. A/NE-TK/824 | (Annex A) |
| (b) Extract of minutes of the RNTPC Meeting held on 22.11.2024 | (Annex B) |
| (c) Secretary of the Board’s letter dated 6.12.2024 | (Annex C) |

2. Application for Review

2.1. On 19.12.2024, the applicant applied, under section 17(1) of the Ordinance, for a review of the RNTPC’s decision to reject the application with support of written representation (**Annex D**).

2.2. As compared with the section 16 application, there is no change to the

development proposal in the review application. To recapitulate, the Site is directly accessible via Tung Tsz Road. As shown on the layout plan submitted by the applicant (**Drawing A-1 of Annex A**), 15 parking spaces for private cars (5m (L) x 2.5m (W) each) and eight parking spaces for MGVs (11m (L) x 3.5m (W) each) will be provided at the Site. The proposed vehicle park will operate 24 hours daily (including public holidays). The proposal also involves filling of land for the entire Site of about 1,418m² with bituminous materials of about 0.1m in depth to cover the existing soil surface (**Drawing A-2 of Annex A**).

3. Justifications from the Applicant

The justifications put forth by the applicant in support of the review application are detailed in the written representation at **Annex D**, as summarised below:

Agricultural Perspective

- (a) there is excessive supply of abandoned agricultural land and the demand for agricultural use on private lots is low, which is supported by the following statistics:
 - the Director of Agriculture, Fisheries and Conservation (DAFC) advised that there are about 3,188 ha of abandoned farmland in Hong Kong and the usage rate of farmland in Hong Kong is about 19% in 2023; and
 - among 13 farms with crop production in the Agri-Park, three farms were in full production and 10 farms only had crop production in part of the leased areas with the remaining areas laid fallow. The remaining two farms had been laid fallow respectively for about eight and nine months since lease commencement up to 24.11.2023.
- (b) DAFC also understood that the owners of private agricultural land are commonly reluctant to let their land to farmers, while the Site is currently not subject to Agricultural Land Rehabilitation Scheme;
- (c) the members of Social Welfare, Housing and Development Planning Committee of Tai Po District Council suggested relaxing the restrictions and optimising the use of suitable agricultural land for car parking use, as some of them have been vacant for many years;
- (d) the Director of Hong Kong and Macao Work Office of the Communist Party of China Central Committee agrees that there is sufficient food supply from mainland, in which the agricultural land in New Territories should be released for development;
- (e) the Site has not been utilised for agricultural use in the past 24 years, which is hard to prove any intention for agricultural use by farmers;
- (f) the proposed use is on a temporary basis for a period of three years. If the land owner needs to use the Site for rehabilitation for cultivation, the applicant could

reinstate the Site to agricultural land;

Parking Demand Perspective

- (g) the closest two public vehicle parks to the Site is located in at least 1 km apart from the Site (**Plan R-1**), providing 52 parking spaces for private cars and 7 parking spaces for light goods vehicles to serve the population of 477 in Shuen Wan, which was planned in year 1996-1997. However, the supply of parking spaces is not sufficient to cater for the demand, while there are private cars, MGVs and heavy goods vehicles (HGVs) parking at the roadside;
- (h) while the Hong Kong Planning Standard and Guidelines (HKPSG) mentions up to one car parking space for each standard New Territories Exempted House with 10% to 15% of provision for overnight goods vehicles, there is no such overnight parking provision for goods vehicles in the neighbouring villages (i.e. Tung Tsz and Wai Ha). Roadside parking of MGVs and HGVs would cause obstruction and safety issues. Regarding the objecting public comment received from an individual under the section 16 application due to availability of parking lots in the nearby “Village Type Development” (“V”) zones, the above justifications are relevant;

Planning Perspective

- (i) the Board should consider each application individually based on its own merits and circumstances;
- (j) although the proposed use is not line with the planning intention of the “AGR” zone, the proposed use intends to serve the nearby villagers and the long-term planning intention of the “AGR zone will not be affected. Also, the Highways Department (HyD), Water Services Department (WSD), Fire Services Department (FSD) and Transport Department (TD) had no objection to/support the section 16 application; and
- (k) regarding the objecting public comment received from the individual under the section 16 application due to the intention of extending the open storage use next to the Site, the Board could impose approval conditions on the proposed temporary use and the planning permission would revoke in case of non-compliance of approval conditions.

4. The Section 16 Application

Background

- 4.1. The Site was covered with vegetation when the Ting Kok Interim Development Permission Area (IDPA) Plan No. IDPA/NE-TK/1 was gazetted on 7.9.1990 (**Plan R-3a**). On 15.7.2005, the draft Ting Kok OZP No. S/NE-TK/11 was gazetted and planning control over filling of land in “AGR” zone was imposed. The Site was still mainly covered with vegetation in 2005 (**Plan R-3a**).

- 4.2. The Site is currently not subject to any active planning enforcement action. Site inspection in May 2024 revealed that vehicles were found on the Site. Warning letter was issued in May 2024. Consecutive site inspection in June and July 2024 revealed that the Site was vacant and largely covered with vegetation.

The Site and its Surrounding Area (Plans R-1 to R4)

- 4.3. The situation of the Site and the surrounding areas at the time of consideration of the section 16 application by the RNTPC are set out in paragraph 7 of **Annex A**. There has been no material change in the situation of the Site and the surrounding areas since then.
- 4.4. The Site is:
- (a) currently covered with grass and partly fenced off (**Plan R-4**);
 - (b) situated at the northwest of Wai Ha Village (**Plans R-1, R-2 and R-3b**); and
 - (c) directly accessible via Tung Tsz Road.
- 4.5. The surrounding areas are predominantly rural in character comprising fallow farmland, dense woodland and vegetated areas to the north and east of the Site (**Plans R-2 to R-4**). The cluster of village houses in Wai Ha Village is situated about 35m to the southeast of the Site (**Plans R-1, R-2 and R-3b**).
- 4.6. To the west of Tung Tsz Road are mainly storage/open storage and site office uses falling within the coverage of the approved Tai Po OZP No. S/TP/30 (**Plans R-2 to R-4**).
- 4.7. There is active farmland within the two “AGR” zones sandwiching the “V” zone at Wai Ha (**Plan R-1**).

Planning Intention

- 4.8. There is no change in the planning intention of the “AGR” zone as mentioned in paragraph 8 of **Annex A**, 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.
- 4.9. According to the Explanatory Statement (ES) of the OZP, as filling of land may cause adverse drainage and environmental impacts on the adjacent areas, planning permission from the Board is required for such activities.

Previous Application

- 4.10. There is no previous application at the Site.

Similar Applications

- 4.11. When the section 16 application was considered by the RNTPC on 22.11.2024, there is no similar application for temporary public/private vehicle park within the same “AGR” zone. There are four similar applications (No. A/NE-TK/636, 671, 739 and 740) within other “AGR” zones or straddling “AGR” and “V” zones in the vicinity of the Site on the OZP, which were all rejected by the RNTPC or the Board on review between 2018 and 2022, mainly on consideration of being not in line with the planning intention of “AGR” zone. Except for application No. A/NE-TK/671, the other three applications were also rejected as the applicants failed to demonstrate no adverse landscape and/or traffic impacts.
- 4.12. Details of the similar applications are summarised at **Annex E** and their locations are shown on **Plan R-1**.

5. Comments from Relevant Government Departments

- 5.1. Comments on the section 16 application made by relevant government departments are stated in paragraph 9 and **Appendix III** of **Annex A**. Their advisory comments in the Recommended Advisory Clauses, if any, are at Appendix IV of **Annex A** and recapped at **Annex F**.
- 5.2. For the review application, the relevant government departments have been further consulted and maintain their previous views on the section 16 application. Comments from the Commissioner for Transport (C for T), DAFC and Director of Environmental Protection (DEP) as set out in paragraph 9 of **Annex A** are recapitulated as follows:

Traffic

5.2.1. Comments of C for T:

- (a) she supports the application in view of the parking demand in the vicinity; and
- (b) she has no in-principle objection to the application from the traffic engineering viewpoint.

Agriculture

5.2.2. Comments of DAFC:

- the Site falls within the “AGR” zone and is generally abandoned. The agricultural infrastructures such as road access and water source are available in the area. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. As the Site possesses potential for

agricultural rehabilitation, the proposed development is not supported from agricultural perspective.

Environment

5.2.3. Comments of DEP:

- (a) he could not lean support to the application as it involves heavy vehicles and there are a number of sensitive receivers (i.e. the nearest residential dwellings are less than 40m away to the southeast and the north (**Plan R-2**)), and environmental nuisance is expected;
- (b) no environmental complaint in relation to the Site was received in the past three years; and
- (c) his advisory comments are at **Annex F**.

6. Public Comments Received During Statutory Publication Period

- 6.1. On 3.1.2025, the review application was published for public inspection. During the statutory public inspection period, seven public comments were received from individuals (**Annex G**) objecting to the application mainly on the grounds that the proposed use with clearance of vegetation would cause ecological impacts as the Site is providing habitats for flora and fauna; traffic congestion will be worsened and delay emergency services; circulation of vehicles in large and medium size will pose road safety concerns for pedestrians and cyclists, which will also cause causes noise, air quality, water quality pollution affecting well-being of local residents; environmental assessment is deficient without provision of adequate mitigation measures while environmental damage would negatively affect local business and property values; the proposed use with increasing carbon emission is not in line with the government policy related for promoting sustainable development and the use of public transportation; the community consultation is insufficient and there is a lack of transparency; proposed use would alter the existing drainage system, leading to flooding and soil erosion; the Site falls within the “Agricultural Priority Areas” proposed by the Agriculture, Fisheries and Conservation Department, which should be prioritised for greenery areas or public other uses with community interests; and the silent and safe local environment should be maintained.
- 6.2. At the section 16 application stage, one public comment was received from an individual objecting to the application. The summary of the comment is in paragraph 10 of **Annex A**.

7. Planning Considerations and Assessments

- 7.1. The application is for a review of the RNTPC’s decision on 22.11.2024 to reject

the section 16 application for a proposed temporary public vehicle park (private cars and MGVs only) for a period of three years and associated filling of land at the Site, which is zoned “AGR” on the OZP (**Plan R-1**) with the reason stated in paragraph 1.2 above. To support the review application, the applicant has submitted written representation as set out in paragraph 3 above. Since the consideration of the section 16 application by RNTPC, there has been no material change in planning circumstances of the Site and the subject “AGR” zone. Having considered the written representation, the planning considerations and assessments on the review application are detailed below.

Agricultural Perspective

- 7.2. The Site falls within an area zone “AGR”, which is primarily intended to retain and safeguard good quality agricultural land/fish ponds for agricultural purposes and to refrain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purpose. While the applicant claims that there are excessive supply of abandoned agricultural land and low level of demand for agricultural use within private lots; and the proposed use is on a temporary basis and the Site could be reinstated into agricultural land when necessary, DAFC maintains his view of not supporting the application from agricultural point of view as agricultural infrastructures such as road access and water source are available in the area that the Site can be used for agricultural activities, such as open-field cultivation, greenhouses, plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, the proposed development is not supported from agricultural perspective. It should be noted that there is active farmland within the two “AGR” zones sandwiching the “V” zone at Wai Ha (**Plan R-1**).

Parking Demand Perspective

- 7.3. The applicant claims that there is insufficient supply of private car parking spaces and absence of parking spaces for MGVs and HGVs in the vicinity leading to roadside parking and road safety concerns. C for T supports the application in view of the parking demand in the vicinity and has no in-principle objection to the application from the traffic engineering viewpoint. However, from planning point of view, having regard that the Site falls within the “AGR” zone, it is considered that provision of vehicle park should better be confined to areas intended for development purposes such as those within the “V” zone. Parking problem should be addressed by provision of vehicle parks at suitable locations and traffic enforcement action.

Planning Perspective

- 7.4. The applicant also claims that the Board should consider each application individually based on its own merits and circumstances; and the proposed use would serve the community needs that will not affect the long-term planning intention of the “AGR” zone. However, there are no strong planning justifications in the submission to justify a departure from the planning intention of “AGR” zone, even on a temporary basis.

- 7.5. The proposed use is not incompatible with the surrounding area which is predominantly rural in character comprising fallow farmland, dense woodland, vegetated areas and village houses to the north and east of the Site (**Plans R-2 to R-4**). The Chief Town Planner/Urban Design and Landscape of Planning Department maintains her views that significant adverse landscape impact on the existing landscape resources arising from the proposed use is not anticipated. Notwithstanding the above, the Site was already covered with vegetation when the Ting Kok IDPA Plan No. IDPA/NE-TK/1 was gazetted on 7.9.1990 (**Plan R-3a**) and also the draft Ting Kok OZP No. S/NE-TK/11 was gazetted on 15.7.2005 to impose the planning control over filling of land in “AGR” zone (**Plan R-3a**). Currently, the Site is still covered with grass and partly fenced off (**Plan R-4**).
- 7.6. The application involves proposed filling of land with bituminous materials for the entire Site to cover the existing soil surface (**Drawing A-2 of Annex A**). 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. The Chief Engineer/Mainland North of Drainage Services Department maintains no adverse comment on the application. Nevertheless, although the proposed use intends to serve the community needs, taking into account the green setting with clusters of vegetation at and surrounding the Site (**Plans R-2 to R-4**), approval of the application would probably induce the proliferation of land filling for car parks in the “AGR” zone, which would result in a general degradation of the environment of the area.
- 7.7. DEP maintains his view that he could not lean support to the application as it involves heavy vehicles and there are a number of sensitive receivers, and environmental nuisance is expected. Other relevant government departments consulted including the Chief Highway Engineer/New Territories East of Highways Department, Chief Engineer/Construction of Water Supplies Department and Director of Fire Services no objection to or no adverse comment on the application.

Similar Applications

- 7.8. The Site is not the subject of any previous application. There is no similar application for temporary public/private vehicle park within the same “AGR” zone. Nevertheless, there are four similar applications (No. A/NE-TK/636, 671, 739 and 740) within other “AGR” zones or straddling “AGR” and “V” zones in the vicinity of the Site on the OZP, which were all rejected by the Committee or the Board on review between 2018 and 2022, mainly on consideration of being not in line with the planning intention of “AGR” zone. The planning circumstances of the current application are largely similar to those of the rejected applications. Rejection of the current application is in line with the previous decisions of the Committee and the Board.

Public Comments

- 7.9. Regarding the seven public comments objecting to the review application as

detailed in paragraph 6 above, the government departments' comments and planning assessments above are relevant. For the concern on the insufficiency of community consultation and the lack of transparency, the subject section 16 and section 17 review applications submitted by the applicant were published for public inspection and all public comments received have been submitted for consideration of the Committee and the Board respectively.

8. Planning Department's Views

- 8.1. Based on the assessments made in paragraph 7, having taken into account the public comments in paragraph 6 and given that there is no material change in the planning circumstances since the consideration of the subject application by the RNTPC, the Planning Department maintains its previous view of not supporting the review application for the following reason:

the proposed use and associated filling of land are 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.

- 8.2. Alternatively, should the Board decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for three years until 7.3.2028. 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 7.9.2025;
- (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 7.12.2025;
- (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 7.9.2025;
- (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 7.12.2025;

- (f) 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;
- (g) 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; 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 attached at **Annex F**.

9. Decision Sought

- 9.1. The Board is invited to consider the application for a review of the RNTPC's decision and decide whether to accede to the application.
- 9.2. Should the Board decide to reject the review application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 9.3. Alternatively, should the Board decide to approve the review 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.

10. Attachments

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| Annex A | RNTPC Paper No. A/NE-TK/824 |
| Annex B | Extract of Minutes of the RNTPC Meeting held on 22.11.2024 |
| Annex C | Secretary of the Board's Letter dated 6.12.2024 |
| Annex D | Letter from the Applicant dated 19.12.2024 |
| Annex E | Similar Applications |
| Annex F | Recommended Advisory Clauses |
| Annex G | Public Comments |
| Plan R-1 | Location Plan |
| Plan R-2 | Site Plan |
| Plans R-3a and R-3b | Aerial Photos |
| Plan R-4 | Site Photos |

**PLANNING DEPARTMENT
MARCH 2025**