

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATIONS NO. A/YL-LFS/375 and 376

- Applicant** : Teng Fei Consultancy Company represented by Allgain Land Administrators (Hong Kong) Limited
- Sites** : Lots 2729 (Part), 2753 (Part), 2754 (Part), (Application No. A/YL-LFS/375)
2756 (Part) and 2757 (Part) in D.D. 129,
Lau Fau Shan, Yuen Long, New Territories
- Lots 1621 (Part), 2700 (Part), 2701 (Part), (Application No. A/YL-LFS/376)
2702 (Part), 2704 (Part), 2720 (Part),
2722 (Part), 2723 (Part), 2724 (Part),
2726 (Part), 2728 (Part) and 2729 (Part)
in D.D. 129, Lau Fau Shan, Yuen Long,
New Territories
- Site Areas** : About 1,954 m² (about) (Application No. A/YL-LFS/375)
About 3,800 m² (about) (Application No. A/YL-LFS/376)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/9
- Zoning** : “Green Belt” (“GB”)
- Application** : Proposed Temporary Public Vehicle Park (Private Cars) for a Period of 3 Years

1. The Proposals

- 1.1 The applicant seeks planning permission for proposed temporary public vehicle park (private cars) for a period of 3 years at each of the application sites (the Sites) (**Plan A-1a**). The Sites fall within an area zoned “GB” on the OZP. According to the Notes of the OZP for “GB” zone, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Sites are currently hard-paved, partly fenced-off, partly vacant and partly occupied by temporary structures (converted containers and shelter) (**Plans A-3 to A-4b**).

- 1.2 The Sites involve 5 previous planning applications for various uses (**Plans A-1b**). Amongst them, two applications (No. A/YL-LFS/40 and 74) were approved while the other 3 applications (No. A/YL-LFS/31, 357 and 358) were rejected. Details of the previous applications are at paragraph 6 and **Appendix III**. Compared with the last two applications No. A/YL-LFS/357 and 358, the current applications were submitted by the same applicant for different use (temporary public vehicle park (private car, medium goods vehicle, heavy goods vehicle and container vehicle) in Application No. A/YL-LFS/357 and temporary open storage of construction materials in Application No. A/YL-LFS/358) on smaller sites with different layouts and development parameters.
- 1.3 The Sites are accessible via New Sha Kong Wai Road leading to Tin Wah Road (**Drawings A-1a and A-1b, Plans A-2 and A-3**). The ingress/egress points are located at the northern (Application No. A/YL-LFS/375) and southern (Application No. A/YL-LFS/376) boundaries of the Sites respectively. As shown on **Drawings A-2a and A-2b** and indicated in the submissions, 49 (Application No. A/YL-LFS/375) and 50 (Application No. A/YL-LFS/376) parking spaces for private cars (5m x 2.5m) are proposed on the Sites respectively. The operation hours of the Sites are from 7 a.m. to 11 p.m. from Mondays to Sundays including public holidays.
- 1.4 In support of the applications, the applicant has submitted Application Forms with development proposals and plans on 5.10.2020 and 12.10.2020 respectively (**Appendices Ia and Ib**).
- 1.5 Location plans, proposed layout plans, drainage plans and fire services installation plans submitted by the applicant for the two applications are at **Drawings 1a and 1b, 2a and 2b, 3a and 3b and 4a and 4b** respectively.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the applications are detailed at **Appendices Ia and Ib**. They are summarized as follows:

- (a) The proposed use is to meet the demand for private car parking spaces from the residents and drivers who are living in Sha Kong Wai and Tin Shui Wai nearby.
- (b) The Sites will be used for parking of private cars only.
- (c) Given the previous approved applications (No. A/YL-LFS/40 and 74) and hard paved condition at the Sites since 1999, the proposed use will only fully utilise the land use of the Sites.
- (d) Given that similar applications (No. A/YL-LFS/339, 341 and 364) in the vicinity for public vehicle park use have been granted, approval of these applications should be given.
- (e) The proposed drainage plan and fire services installation plan indicate that the applicant will make an effort to minimize the possible impact to the environment.

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

The applicant is not the “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. 31A) by posting site notices and sending notices to the Ping Shan Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Sites are subject to an active enforcement case (No. E/YL-LFS/498) (**Plan A-2**) and the alleged unauthorized development (UD) is parking of vehicles, storage use and fuel filling station. For Application No. A/YL-LFS/376, the Site is also subject to another three active planning enforcement cases (Nos. E/YL-LFS/499, 500 and 502) (**Plan A-2**) and the alleged UD are parking of vehicles; parking of vehicles and storage use; and storage use respectively. Upon expiry of the Enforcement Notices, all 4 UD’s discontinued. The Reinstatement Notices were issued to the registered lot owners on 15.9.2020 requiring to remove hard paving and to grass the land by 15.12.2020. The Sites will be kept under close monitoring for further action.

5. Town Planning Board Guidelines

The Town Planning Board Guidelines for “Application for Development within the Green Belt zone under Section 16 of the Town Planning Ordinance” (TPB PG-No. 10) are relevant to the applications. The relevant assessment criteria are summarized as follows and detailed at **Appendix II**.

- (a) there is a general presumption against development (other than redevelopment) in “GB” zone. In general, the Board will only be prepared to approve applications for development in the context of requests to rezone to an appropriate use;
- (b) an application for new development in “GB” zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds;
- (c) passive recreational uses which are compatible with the character of surrounding areas may be given sympathetic consideration;
- (d) the design and layout of any proposed development should be compatible with the surrounding area. It should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, and cause any adverse visual impact on the surrounding environment;
- (e) the proposed development should not overstrain the capacity of existing and planned infrastructure such as sewerage, road and water supply. It should not adversely affect drainage or aggravate flooding in the area;
- (f) the vehicular access road and parking provision proposed should be appropriate to the scale of the development and comply with relevant standards. Access and

parking should not adversely affect existing trees or other natural landscape features;
and

- (g) any proposed development on a slope or hillside should not adversely affect slope stability.

6. Previous Applications

- 6.1 The Sites involve 5 previous applications (No. A/YL-LFS/31, 40, 74, 357 and 358 (for Application No. A/YL-LFS/376 only)) (**Plans A-1a and A-1b**) for pond filling and development of golf driving range, temporary golf driving range, recreational use, temporary public vehicle park and temporary open storage of construction materials respectively. Applications No. A/YL-LFS/40 and 74 were approved while Applications No. A/YL-LFS/31, 357 and 358 were rejected. Details of these applications and the Committee's/ Board's decisions are summarized at **Appendix III** and their locations are shown on **Plan A-1b**.
- 6.2 Application No. A/YL-LFS/31 (an area of about 3.53 ha) for pond filling and development of golf driving range with ancillary private club, conservation and recreational facilities was rejected upon review by the Board on 18.12.1998 mainly on the grounds of not in line with the planning intention of the "GB" zone, insufficient information to demonstrate no significant environmental, drainage and flooding impacts on the surrounding areas, unacceptable proposed vehicular access arrangement and undesirable precedent.
- 6.3 Application No. A/YL-LFS/40 (an area of about 2.2 ha) for temporary golf driving range with ancillary pro-shop, storage area, washroom and parking area (38 car parking spaces; 2 coach parking spaces and 1 loading/unloading space) for a period of 3 years was approved by the Committee on 28.5.1999 mainly on the considerations that the application was temporary in nature and all technical issues had been addressed, the proposed use was not incompatible with the surrounding land use, there would be no significant traffic impact to the area and relevant departments had no adverse comments on the application.
- 6.4 Application No. A/YL-LFS/74 (an area of about 3.4 ha) for recreational use (i.e. proposed extension to the "Greenfield Garden" (including flea market for green/environmental friendly products)) for a period of 3 years was approved by the Board upon review on 8.3.2002 mainly on the considerations that similar use (i.e. Application No. A/YL-LFS/39) for recreational uses including barbecue spot, playground, refreshment kiosk, visitor centre, public car park (140 car parking spaces and 10 coach parking spaces) and ancillary uses (i.e. the Greenfield Garden) had been approved within the same "GB" zone.
- 6.5 Application No. A/YL-LFS/357 (an area of about 1.6 ha) for temporary public vehicle park (private car, medium goods vehicle, heavy goods vehicle and container vehicle) for a period of 3 years was rejected by the Committee on 6.3.2020 mainly on the grounds of not in line with the planning intention of the "GB" zone, the TPB PG-No. 10, the then TPB PG-No. 13E for "Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance" (TPB PG-No. 13E) and undesirable precedent.

- 6.6 Application No. A/YL-LFS/358 (an area of about 1 ha) for temporary open storage of construction materials for a period of 3 years was rejected by the Committee on 6.3.2020 mainly on the grounds of not in line with the planning intention of the “GB” zone, the TPB PG-No. 10, the then TPB PG-No. 13E and undesirable precedent.
- 6.7 Compared with the last two previous applications No. A/YL-LFS/357 and 358, the current applications were submitted by the same applicant for different use (public vehicle park (private cars) in this application) on smaller sites with different layouts and development parameters.

7. Similar Applications

- 7.1 Within the same “GB” zone, there are 4 similar applications (No. A/YL-LFS/118, 341, 364 and 372) for parking of vehicle uses. Details of the applications and the Committee’s/Board’s decisions are summarized at **Appendix IV** while the locations are shown on **Plan A-1a**.
- 7.1 Application No. A/YL-LFS/118 for temporary vehicle park for private cars and light goods vehicles for a period of 3 years was rejected by the Committee on 21.11.2003 mainly on the grounds that the proposed development was not in line with the planning intention of the “GB” zone; the proposed development did not comply with the then TPB-PG No. 12B for “Application for Developments within Deep Bay Area” in that there was insufficient information to demonstrate no adverse impacts on the ecological integrity and ecological values of the adjoining fish ponds as well as those within the Deep Bay area, there was no information to demonstrate no adverse drainage, traffic and landscape impacts on the surrounding area and undesirable precedent.
- 7.2 Application No. A/YL-LFS/341 for proposed temporary public vehicle park for private cars for a period of 3 years was approved by the Committee on 31.5.2019 mainly on the considerations that the proposed development (involving the provision of 65 private car parking spaces on a site of about 0.4 ha) was not incompatible with the surrounding area and land uses which mainly comprise recreational development with public vehicle park for private cars/coaches; the proposed development would not generate adverse ecological, environmental, traffic, drainage and landscape impacts on the surrounding areas; and there were no adverse comment from concerned Government departments.
- 7.3 Application No. A/YL-LFS/364 for proposed temporary public vehicle park (private car and light goods vehicle) for a period of 3 years was approved by the Committee on 26.6.2020 mainly on the considerations of not jeopardizing the long-term planning intention of the “GB” zone, not incompatible with the surrounding land uses, not involving clearance of vegetation, no adverse comment from other concerned Government departments and outside the Wetland Buffer Area (WBA).
- 7.4 Application No. A/YL-LFS/372 for proposed temporary public vehicle park (medium goods vehicle) for a period of 3 years was approved by the Committee on 6.11.2020 mainly on the similar considerations as mentioned in paragraph 7.3 above.

8. The Sites and Their Surrounding Areas (Plans A-1a to A-4b)

8.1 The Sites are:

- (a) currently hard-paved, partly fenced-off, partly vacant and partly occupied by temporary structures (converted containers and shelter); and
- (b) accessible from Tin Wah Road via New Sha Kong Wai Road which is a local road with about 6-8m wide (**Drawings A-1a and A-1b and Plans A-2 and A-3**).

8.2 The surrounding areas have the following characteristics (**Plans A-1a to A-4b**):

- (a) to the north is vacant land;
- (b) to the west are temporary public vehicle parks for private car and light goods vehicle with valid planning permission (Application No. A/YL-LFS/364) and medium goods vehicle with valid planning permission (Application No. A/YL-LFS/372), unused land and residential dwellings (the closest residential dwelling is about 60m and 90m away from the Sites under Applications No. A/YL-LFS/375 and 376 respectively);
- (c) to the south and south-west are unused land and fallow agricultural land; and
- (d) to its immediate east are parking of vehicles which is suspected UD and unused land. To its further east is the “Open Space (1)” zone with presence of fish ponds and vegetation; and to its further east across Tin Ying Road are the nullah and public housing developments named Tin Yan Estate and Tin Chak Estate.

9. Planning Intention

The planning intention of “GB” is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl, as well as to provide passive recreational outlets. There is a general presumption against development within this zone. However, limited development may be permitted if they are justified on strong planning grounds.

10. Comments from Relevant Government Departments

10.1 The following Government departments have been consulted and their views on the applications are summarized as follows:

Land Administration

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

- (a) The Sites comprise Old Schedule Agricultural Lots (OSALs) held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) For Application No. A/YL-LFS/376, Lot No. 1621 in D.D.129 is covered by Short Term Waiver (STW) No. 3367 for the purpose of “Radio Base Station”.
- (c) Should planning approvals be given to the planning applications, the STW holder(s) will need to apply to his office for modification of the STW conditions where appropriate (for Application No. A/YL-LFS/376 only). The lot owner(s) of the lot(s) without STW will need to apply to his office for permitting the structures to be erected or regularize any irregularity on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Application(s) for any of the above will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by LandsD.

Traffic

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

- (a) He has no adverse comment on the applications from traffic engineering point of view.
- (b) Sufficient manoeuvring space shall be provided within each of the Sites. No vehicles are allowed to queue back to public roads or reverse onto/from public roads.
- (c) The local track leading to the Sites is not under Transport Department (TD)’s purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Sites.

10.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) The access arrangement should be commented by TD.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Sites to nearby public roads/drains.
- (c) HyD shall not be responsible for the maintenance of any access connecting the Sites and Tin Wah Road.

Environment

10.1.4 Comment of the Director of Environmental Protection (DEP):

- (a) He has no adverse comment on the applications.
- (b) No environmental complaint pertaining to the Sites have been received in the past three years.
- (c) Should the applications be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (“COP”).

Landscaping

10.1.5 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) According to the aerial photo of 2019 and site photos on 30.10.2020 and 17.11.2020, the Sites are primarily hard paved with temporary structures occupying the southeastern and northern corners of the Sites under Applications No. A/YL-LFS/375 and 376 respectively. No existing trees are observed within the Site under Application No. A/YL-LFS/375 whereas 2 nos. of existing *Ficus microcarpa* (細葉榕) in good condition are observed adjacent to the temporary structures within the Site under Application No. A/YL-LFS/376.
- (b) The Sites are situated in an area of rural coastal plains landscape character predominated by tree clusters, village houses and open storage yards with graveyards in the vicinity. A similar planning application No. A/YL-LFS/364 for the proposed temporary public vehicle park (private car and light goods vehicle) in the vicinity was approved by the Committee on 26.6.2020. The proposed uses are considered not entirely incompatible with the landscape character of the surrounding area. In view that significant adverse landscape impact arising from the proposed developments are not envisaged, she has no objection to the applications from landscape planning perspective.
- (c) For Application No. A/YL-LFS/376, it is noted that proposed car park at northeastern corner of the Site is adjacent to the existing trees. The applicant is reminded that car parking should not encroach into the planting area of the existing trees. Should the applicant demolish the current temporary structures around the trees in the future, appropriate tree protective measures should be carried out to avoid damage to the trees especially to their roots and barks.
- (d) For Application No. A/YL-LFS/375, in view that the Site is not facing any prominent public frontage and that there are existing trees along

the peripheries adjoining the Site, it is considered not necessary to impose any landscape condition should the application be approved by the Board. However, for Application No. A/YL-LFS/376, though the Site is not facing any prominent public frontage, there are existing trees within the Site, it is considered appropriate to impose an approval condition to maintain all existing trees within the Site in good condition for the duration of the planning approval period should the application be approved by the Board.

Nature Conservation

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

It is noted from the aerial photos of 2018-19 that the Sites were used for storage or the proposed use without obtaining planning approval from the Board. It should be considered that if the proposed development is in line with the planning intention of “GB” zone.

Drainage

10.1.7 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection in principle to the applications from drainage point of view.
- (b) Should the Board consider that the applications are acceptable from planning point of view, he would suggest that a condition should be stipulated requiring the applicant to submit a revised drainage proposal, to implement and maintain the proposed drainage facilities to the satisfaction of his department.
- (c) His comments on the drainage plans are detailed at **Appendix VI**.

Fire Safety

10.1.8 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the proposals subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy.
- (c) Provision of FSIs shall be provided in form of F.S. Notes.
- (d) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Building Matters

10.1.9 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Building Authority (BA), they are unauthorized building works (UBW) under the BO and should not be designated for any proposed use under the applications.
- (b) For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with the prevailing enforcement policy against UBW as and when necessary. The granting of any planning approvals should not be construed as an acceptance of any existing building works or UBW on the Sites under the BO.
- (c) Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Sites, prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (d) The Sites shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively.
- (e) The Sites do not abut on a specified street of not less than 4.5m wide and their permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.
- (f) Detailed checking under the BO will be carried out at building plan submission stage.

District Officer's Comments

10.1.10 Comments of the District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD):

His office has not received any comment from the locals on the applications.

10.2 The following Government departments have no comment on the applications:

- (a) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (b) Head of Geotechnical Engineering Office, CEDD (H(GEO), CEDD);
- (c) Principal Project Coordinator/Special Duty, DSD (PPC/SD, DSD);
- (d) Director of Electrical and Mechanical Services (DEMS);

- (e) Director of Leisure and Cultural Services (DLCS);
- (f) Commissioner of Police (C of P); and
- (g) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

11. Public Comments Received During Statutory Publication Period

- 11.1 On 13.10.2020, Application No. A/YL-LFS/375 was published for public inspection. During the statutory public inspection period, 11 public comments objecting to the application were received from Hong Kong Bird Watching Society (**Appendix V-1**), Kadoorie Farm and Botanic Garden Corporation (**Appendix V-2**), World Wide Fund for Nature Hong Kong (**Appendix V-3**) and individuals (3 in standard letter in **Appendix V-4**, 3 in standard letter in **Appendix V-5**, and 2 in **Appendices V-6 and V-7**). All the public comments received are deposited at the meeting for Members' inspection.
- 11.2 On 20.10.2020, Application No. A/YL-LFS/376 was published for public inspection. During the statutory public inspection period, 6 public comments objecting to the application were received from Hong Kong Bird Watching Society (**Appendix V-8**), Kadoorie Farm and Botanic Garden Corporation (**Appendix V-9**), World Wide Fund for Nature Hong Kong (**Appendix V-10**), Designing Hong Kong Limited (**Appendix V-11**) and individuals (**Appendices V-12 and V-13**). All the public comments received are deposited at the meeting for Members' inspection.
- 11.3 Major reasons of objection to the applications are:
- (a) the proposed development is not in line with the planning intention of the "GB" zone;
 - (b) the proposed use will generate adverse traffic and environmental impacts, air, noise and light pollution and lead to degradation of the surrounding environment;
 - (c) the Board should not encourage "destroy first, build later" attitude; and
 - (d) approval of the application would set an undesirable precedent for similar applications within the same "GB" zone.

12. Planning Considerations and Assessments

- 12.1 The applications are for proposed temporary public vehicle park (private cars) for a period of 3 years at each of the Sites zoned "GB" on the OZP. The planning intention of "GB" zone is to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl, as well as to provide passive recreational outlets. There is a general presumption against development within this zone. Although the proposed developments are not in line with the planning intention of the "GB" zone, the Sites are located at the peripheral area of the subject "GB" zone which have subsequently been formed and used for approved development (as elaborated in paragraphs 12.3 and 12.5 below). Hence, approval

of the applications on a temporary basis would not jeopardize the long-term planning intention of the “GB” zone.

- 12.2 The Sites are situated in an area of rural coastal plains landscape character predominated by tree clusters, village houses, graves and temporary public vehicle parks with valid planning permissions (Applications No. A/YL-LFS/341, 364 and 372) (**Plan A-2**). The proposed use at the Sites is considered not entirely incompatible with the landscape character of the surrounding environment.
- 12.3 According to the TPB PG-No.10, the design and layout of any development should be compatible with the surrounding areas and should not affect the existing landscape. CTP/UD&L, PlanD has no objection to the applications from landscape planning perspective in view that significant adverse landscape impact arising from the proposed developments are not envisaged. Besides, previous approvals (Applications No. A/YL-LFS/40 and 74) have been granted for the Sites and their adjoining area in 1999 and 2002 for recreational uses with parking spaces, and the Sites and their adjoining areas have subsequently been formed and used for the approved developments. The Sites are currently hard-paved and mainly vacant and the proposed developments do not involve clearance of vegetation. DAFC has no strong view on the applications from nature conservation point of view.
- 12.4 There is no adverse comment from the concerned Government departments, including DEP, C for T, CE/MN of DSD and D of FS. The proposed developments will unlikely create significant adverse environmental, traffic, drainage and fire safety impacts to the surrounding areas. To minimize any possible environmental impacts and nuisance on the surrounding developments, and to address the technical requirements of the concerned Government departments, relevant approval conditions are recommended in paragraph 13.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permissions and unauthorized development on the Sites will be subject to enforcement action by the Planning Authority. Should the planning applications be approved, the applicant will be advised to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize the possible environmental impacts on the nearby sensitive receivers.
- 12.5 Given that two previous approvals (Applications No. A/YL-LFS/40 and 74) for recreational development with ancillary car/coach parking spaces and three similar applications (No. A/YL-LFS/341, 364 and 372) for public vehicle park (private cars, light goods vehicles and/or medium goods vehicles) have been granted in the vicinity, approval of the current applications is considered in line with the Committee’s previous decisions. Whilst the last two previous applications (No. A/YL-LFS/357 and 358) and a similar application (No. A/YL-LFS/118) for temporary public vehicle park and temporary open storage of construction materials were rejected by the Committee mainly on grounds of involving parking of heavy goods vehicles and container vehicles as well as open storage uses, the current applications are different in that they only involve parking of private cars at the Sites and no open storage use will be involved.
- 12.6 A total of 11 and 6 public comments objecting to the applications were received for Applications No. A/YL-LFS/375 and 376 respectively and the grounds are

detailed in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.5 are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comments mentioned in paragraph 11 above, the Planning Department has no objection to the applications.
- 13.2 Should the Committee decide to approve the applications, it is suggested that the permissions shall be valid on a temporary basis for a period of 3 years until **4.12.2023**. The following conditions of approval and advisory clauses for each application are also suggested for Members' reference:

Approval Conditions (for Application No. A/YL-LFS/375)

- (a) no operation from 11:00p.m. to 7:00a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no light, medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on the Site at any time during the planning approval period;
- (c) a notice shall be posted at a prominent location of the Site to indicate that no light, medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (d) no vehicle without valid licence issued under the Road Traffic Ordinance, is allowed to be parked/stored on the Site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public roads at any time during the planning approval period;
- (f) the provision of fencing of the Site within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **4.6.2021**;
- (g) 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 **4.6.2021**;
- (h) in relation to (g) 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 **4.9.2021**;

- (i) the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (j) 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 **4.6.2021**;
- (k) in relation to (j) 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 **4.9.2021**;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e) or (i) 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;
- (m) if any of the above planning conditions (f), (g), (h), (j) or (k) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) upon the 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.

Approval Conditions (for Application No. A/YL-LFS/376)

- (a) no operation from 11:00p.m. to 7:00a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no light, medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on the Site at any time during the planning approval period;
- (c) a notice shall be posted at a prominent location of the Site to indicate that no light, medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (d) no vehicle without valid licence issued under the Road Traffic Ordinance, is allowed to be parked/stored on the Site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public roads at any time during the planning approval period;
- (f) the existing trees within the Site shall be maintained in good condition at all times during the planning approval period;

- (g) the provision of fencing of the Site within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **4.6.2021**;
- (h) 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 **4.6.2021**;
- (i) in relation to (h) 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 **4.9.2021**;
- (j) the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (k) 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 **4.6.2021**;
- (l) in relation to (k) 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 **4.9.2021**;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (j) 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;
- (n) if any of the above planning conditions (g), (h), (i), (k) or (l) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon the 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 attached at **Appendix VI**.

- 13.3 Alternatively, should the Committee decide to reject the application(s), the following reason for rejection is suggested for Members' reference:

the proposed use is not in line with the planning intention of the "Green Belt" zone, which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl, as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

14. Decision Sought

- 14.1 The Committee is invited to consider the applications and decide whether to grant or refuse the planning permission(s).
- 14.2 Should the Committee decide to approve the application(s), Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission(s), and the period of which the permission(s) should be valid on a temporary basis.
- 14.3 Alternatively, should the Committee decide to reject the application(s), Members are invited to advise what reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix Ia	Application Form received on 5.10.2020 (A/YL-LFS/375)
Appendix Ib	Application Form received on 12.10.2020 (A/YL-LFS/376)
Appendix II	Relevant Extracts of Town Planning Board Guidelines for Application for Development within the Green Belt Zone (TPB PG-No. 10)
Appendix III	Previous Applications covering the Sites
Appendix IV	Similar Applications within the same “GB” Zone
Appendices V-1 to V-13	Public Comments
Appendix VI	Advisory Clauses
Drawing A-1a	Location Plan with Vehicular Access (A/YL-LFS/375)
Drawing A-1b	Location Plan with Vehicular Access (A/YL-LFS/376)
Drawing A-2a	Proposed Layout Plan (A/YL-LFS/375)
Drawing A-2b	Proposed Layout Plan (A/YL-LFS/376)
Drawing A-3a	As-built Drainage Plan (A/YL-LFS/375)
Drawing A-3b	As-built Drainage Plan (A/YL-LFS/376)
Drawing A-4a	Proposed Fire Service Installations Plan (A/YL-LFS/375)
Drawing A-4b	Proposed Fire Service Installations Plan (A/YL-LFS/376)
Plan A-1a	Location Plan with Similar Application
Plan A-1b	Previous Application Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and 4b	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2020**