

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/544

- Applicant** : Right Spread Investment Limited represented by Grandmax Surveyors Limited
- Site** : Lots 1595 (Part), 1597 (Part), 1598, 1599, 1600 and 1601 (Part) in D.D. 129 and Adjoining Government Land (GL), Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 14,605m² (including GL of 1,760m² or 12.1%)
- 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/11
- Zoning** : “Green Belt” (“GB”)
- Application** : Proposed Temporary Public Vehicle Park (Excluding Container Vehicle) with Ancillary Electric Vehicle Charging Facilities and Solar Panels for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary public vehicle park (excluding container vehicle) with ancillary electric vehicle (EV) charging facilities and solar panels for a period of three years at the application site (the Site) (**Plan A-1a**) zoned “GB” on the OZP. According to the Notes of the OZP for the “GB” zone, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use and requires planning permission from the Town Planning Board (the Board). The Site is currently vacant, partly covered with vegetation and partly formed without valid planning permission¹ (**Plans A-2 and A-4a to A-4b**).
- 1.2 The Site is accessible from Tin Yuet Road via a local track, with the ingress/egress located at the east of the Site (**Plan A-2**). As shown on the layout plan at **Drawing A-1**, 116 parking spaces for private cars (5m × 2.5m each), 81 parking spaces for light goods vehicles (7m × 3.5m each) and 30 parking spaces for coaches (12m × 3.5m each) are provided. Also, five single-storey structures (about 3m in height), including a service counter and four open-shed structures (covering 116 private car parking spaces) with ancillary solar panels on top to supply electricity to the EV charging facilities, with a total floor area of about 1,454m² would be erected. 10 EV

¹ The Site has been partially formed without planning permission. The applicant has not applied for planning permission for land filling in the current application.

charging facilities (180kW supercharger) would be provided in the private car parking area. Two electricity package substations and an energy storage unit would also be provided. The proposed vehicle park would operate 24 hours daily.

1.3 The Site was involved in seven previous applications (No. A/YL-LFS/101, 118, 132, 133, 136, 166 and 273) and their details are at paragraph 6 below.

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

- | | | |
|-----|--|---------------|
| (a) | Application Form received on 27.11.2024 | (Appendix I) |
| (b) | Supporting Planning Statement | (Appendix Ia) |
| (c) | Further Information (FI) received on 3.2.2025* | (Appendix Ib) |
| (d) | FI received on 21.2.2025* | (Appendix Ic) |
| (e) | FI received on 20.3.2025 [#] | (Appendix Id) |

** accepted and exempted from publication and recounting requirements*

[#] accepted but not exempted from publication and recounting requirements

1.5 On 24.1.2025, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months as requested by the applicant.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form at **Appendix I**. They can be summarised as follows:

- (a) the proposed use responds to the “Hong Kong Roadmap on Popularisation of Electric Vehicles” announced in 2021, which sets out the target of ceasing new registration of fuel-propelled private cars including hybrid vehicles in 2035 or earlier, and the proposed use is conducive to the promotion of green transport;
- (b) the proposed use supports the development of renewable energy and reduces carbon footprint;
- (c) the proposed use helps alleviate electric vehicle parking demand in the area;
- (d) the Site is suitable for the proposed use, given its remote location with good accessibility;
- (e) sufficient space for manoeuvring of vehicles will be provided within the Site and no waiting or queuing of vehicles along Tin Yuet Road nor adverse traffic impact will arise;
- (f) no adverse environmental impacts are anticipated; and

- (g) the proposed use is considered not incompatible with the surrounding environment. Besides, similar applications have been approved by the Board within the same “GB” zone.

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. 31A) by obtaining the consent of the “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements as set out in TPB PG-No. 31B are not applicable.

4. Town Planning Board Guidelines

- 4.1 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 application. The relevant assessment criteria are detailed at **Appendix II**.
- 4.2 According to Town Planning Board Guidelines for “Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance” (TPB PG-No. 12C), part of the Site falls within the Wetland Buffer Area (WBA). The relevant assessment criteria are detailed at **Appendix III**.

5. Background

The Site is currently not subject to any active planning enforcement action.

6. Previous Applications

- 6.1 Part of the Site was involved in seven previous applications for various uses/developments. Two of them were approved whilst five were rejected by the Committee/the Board on review. Details of the applications are summarised in **Appendix IV** and their locations are shown on **Plan A-1b**. The Site is also involved in two on-going rezoning applications (No. Y/YL-LFS/12 and 13) submitted by a different applicant for private residential development as shown in **Plan A-1c**.

Approved applications

- 6.2 Application No. A/YL-LFS/132 which involved land filling for agricultural use (plant nursery) was approved by the Board upon review with conditions on 19.8.2005 mainly on the grounds that the applicant was a genuine farmer and the land filling for plant nursery could be regarded as planning gain that sympathetic consideration could be given to the application. The permission lapsed on 19.8.2009 as the development was not commenced and the approval conditions were not complied with.

- 6.3 Application No. A/YL-LFS/166 for temporary hobby farming (organic farm and education centre) for a period of three years was approved with conditions by the Committee on 14.12.2007. The considerations of these two approved applications are not relevant to the current application for a different use.

Rejected applications

- 6.4 Application No. A/YL-LFS/118 for temporary public vehicle park (private car and light goods vehicle) for a period of three years was rejected by the Committee in 2003 mainly on the grounds of being not in line with the planning intention of the “GB” zone and TPB PG-No. 12B; no information to demonstrate that the proposed development would not have adverse drainage, traffic and landscape impacts on the surrounding area; and setting an undesirable precedent for similar applications.
- 6.5 Applications No. A/YL-LFS/101, 133 and 136 for pond filling for agricultural use or plant nursery use were rejected by the Committee/the Board on review between 2003 and 2005. Application No. A/YL-LFS/273 for temporary logistics center with ancillary office for a period of three years was rejected by the Committee in 2015. The considerations of these applications are not relevant to the current application for a different use.

7. Similar Applications

- 7.1 Within the same “GB” zone, there were 16 similar applications for temporary public vehicle park for private cars, light goods vehicles, medium goods vehicles and/or heavy goods vehicles with or without filling and excavation of land in the past five years. 13 applications were approved while three were rejected. Details of the similar applications are summarised at **Appendix IV** and their locations are shown on **Plan A-1a**.

Approved Applications

- 7.2 13 applications (No. A/YL-LFS/364, 372, 375, 376, 394, 433, 501, 512, 520, 528, 529, 533 and 536) involving seven sites for temporary public vehicle park for private cars, light goods vehicles and/or medium goods vehicles with or without filling of land within/straddling the “GB” zone were approved with conditions by the Committee between 2020 and 2025 mainly on considerations that the application sites fell/largely fell within area covered by approved planning applications for recreational uses with ancillary vehicle parks; the sites had largely been hard-paved before the land filling restriction was first incorporated into the OZP in 2004²; the applied use did not involve extensive clearance of vegetation and was not entirely incompatible with the surroundings; and/or there was no adverse comment from concerned government departments and the technical concerns could be addressed by approval conditions.

Rejected Applications

- 7.3 Application No. A/YL-LFS/357 for temporary public vehicle park (private car,

² There was no land filling restriction in the “GB” zone before the gazettal of the draft Lau Fau Shan and Tsim Bei Tsui OZP No. S/YL-LFS/6 on 26.3.2004.

medium goods vehicle, heavy goods vehicle and container vehicle) for a period of three years was rejected by the Committee on 6.3.2020 mainly on the grounds of being not in line with the planning intention of the “GB” zone and TPB PG-No. 10 and No. 13E³; and setting an undesirable precedent for similar applications involving heavy goods vehicle and container vehicle.

- 7.4 Applications No. A/YL-LFS/417 and 444 for temporary public vehicle park for private cars and/or light goods vehicles for a period of three years and filling and/or excavation of land, which involved clearance of vegetation and hard-paving prior to the application for planning permission and all / majority of the sites were not subject to previous planning permission, were rejected by the Committee in 2022 mainly on the grounds of being not in line with the planning intention of the “GB” zone and TPB PG-No. 10; and failure to demonstrate no significant adverse landscape impact.

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

8.1 The Site is:

- (a) vacant, fenced off, partly formed and partly covered with vegetation; and
- (b) accessible from Tin Yuet Road to its east via a local track.

- 8.2 The surrounding areas are predominated by woodland, unused land, cultivated farmland and ponds. Other uses such as storage, residential dwellings, plant nursery and training centre are also found in the vicinity of the Site. The storage use located to the immediate northeast of the Site is a suspected unauthorized development (UD) subject to planning enforcement action. To the further east along the nullah is Hong Kong Wetland Park Special Area. To the further southeast across Tin Ying Road and nullah is Tin Shui Wai New Town.

9. Planning Intention

The planning intention of the “GB” zone 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.

10. Comments from Relevant Government Bureau / Departments

- 10.1 Apart from the government bureau / departments as set out in paragraphs 10.2 to 10.4 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 are provided in **Appendices V and VI** respectively.

- 10.2 The following government department supports the application:

³ TPB PG-No. 13E was applicable as parking of container vehicles was involved.

Traffic

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

- (a) she supports the application from traffic engineering perspective to meet the public demand on car parking spaces; and
- (b) the applicant should be reminded of the advisory comments at **Appendix VI**.

10.3 The following government bureau / department provide comments on the application:

Policy Aspect

10.3.1 Comments of the Secretary for Environment and Ecology (SEE):

- (a) to echo with the revision of the Chapter 8 of Hong Kong Planning Standards and Guidelines (HKPSG) about EV charging facilities and to support the Government's policies in promoting the wider adoption of EVs, he suggests the applicant to comply with the requirement of HKPSG, i.e. EV chargers with output power of not less than 7kW (i.e., medium chargers) should be equipped at all parking spaces for private cars, light goods vehicles and motorcycles at the Site; and
- (b) the applicant should be reminded of the advisory comments at **Appendix VI**.

Nature Conservation

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

- (a) the Site falls within the WBA under TPB PG-No. 12C;
- (b) as there are ponds to the north and east of the Site, the applicant is advised to adopt appropriate measures to prevent disturbing and polluting these ponds nearby; and
- (c) *Aquilaria sinensis* (土沉香) were reported along the western boundary of the Site. The applicant is advised to conduct a tree survey and preserve any *Aquilaria sinensis* and any other trees of particular value within and in the vicinity of the Site.

10.4 The following government department has concerns on the application:

Landscaping

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

- (a) the Site is situated in area of miscellaneous rural fringe predominated

by temporary structures, residential blocks, graveyard, farmland, ponds and woodland. The Site was covered by bare soil surface and wild grass; and

- (b) when comparing the site condition as shown on the aerial photos taken between 2020 and 2023 (**Plans A-3a to A-3c**) and the site photos taken in March 2025 (**Plans A-4a and A-4b**), extensive tree felling and site formation have been carried out at the northern portion of the Site. Significant adverse landscape impact arising from the proposed use has already taken place. Moreover, noting that there are existing tree groups in the vicinity within the same “GB” zone, she has concern on the proposed use as it would further degrade the landscape resources and quality of the “GB” zone. The proposed use is considered incompatible with the surrounding landscape resources from the landscape planning perspective.

11. Public Comments Received During Statutory Publication Periods

On 6.12.2024 and 28.3.2025, the application was published for public inspection. During the statutory public inspection periods, a total of seven public comments from Kadoorie Farm & Botanic Garden Corporation, the Conservancy Association and four individuals were received (**Appendix VII**) objecting to the application mainly on grounds that the application is a ‘destroy first, build later’ case; being not in line with the planning intention of the “GB” zone; the proposed use would cause potential adverse traffic, environmental and landscape impacts; unauthorized filling of land had already taken place; and the Site is located far away from residential dwellings and could not serve the residents.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary public vehicle park (excluding container vehicle) with ancillary electric vehicle charging facilities and solar panels for a period of three years at the Site. The Site falls within the “GB” zone of the OZP (**Plan A-1a**), which is primarily intended 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 “GB” zone. While C for T supports the application from traffic engineering perspective, the proposed use, which involves vegetation clearance at the Site, is not in line with the planning intention of the “GB” zone. There is no strong planning justification given in the submission for a departure of such planning intention, even on a temporary basis.
- 12.2 Part of the Site falls within the WBA designated under TPB PG-No. 12C, and is located in an area predominated by woodland, unused land, cultivated farmland and ponds, including Hong Kong Wetland Park Special Area to the further east (**Plan A-1a**). Although there is a storage use in the vicinity of the Site, it is a suspected UD subject to planning enforcement action. Although the application is for a temporary use which is exempted from the requirement of Ecological Impact Assessment under TPB PG-No. 12C, DAFC points out that there are ponds to the north and east of the Site and the applicant is required to adopt appropriate measures to prevent disturbing and polluting these ponds nearby. Furthermore, there are also *Aquilaria sinensis* (±

沉香) along the western boundary of the Site and the applicant should conduct a tree survey and preserve any *Aquilaria sinensis* and any other trees of particular value within and in the vicinity of the Site. In this regard, the proposed public vehicle park use is considered not compatible with the surrounding land uses and environment which is predominated by woodland, unused land, cultivated farmland and ponds.

- 12.3 According to TPB PG-No. 10, application for new development within “GB” zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds. The development should not involve extensive clearance of existing natural vegetation and affect the existing natural landscape. The design and layout of any proposed development within “GB” zone should also be compatible with the surrounding areas. The issue on land use compatibility has been discussed in paragraph 12.2 above. Regarding the impact on existing natural vegetation and landscape, the Site was involved in land filling works without planning permission. By comparing the site condition through aerial photos taken from 2020 to 2023 (**Plans A-3a to A-3c**), it is noted that tree felling and site formation were undertaken at the northern portion of the Site. However, the current applicant has not applied to regularise the land filling works that had already been carried out at the Site. In this regard, CTP/UD&L of PlanD considers that significant adverse landscape impact has taken place. However, no information is provided in the submission on the mitigation of the adverse landscape impacts arising from the proposed use. She also concerns that approval of the application would alter the landscape character of the “GB” zone and further degrade the landscape quality of surrounding environment. In view of the above, the proposed use is considered not in line with TPB PG-No. 10.
- 12.4 Other concerned departments including the Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to or no comment on the proposed use from environmental, drainage and fire safety perspectives respectively.
- 12.5 There is no previous application for public vehicle park use approved at the Site. Although the Committee has approved 13 similar applications involving six sites for temporary public vehicle park within the subject “GB” zone between 2020 and 2024, they are approved mainly on considerations that the sites were generally covered by planning permissions for recreation uses with ancillary vehicle parks; the sites had generally been hard-paved before the first introduction of land filling restriction into the OZP in 2004, and clearance of vegetation was not involved. For the current application, the Site is not the subject of previous planning approval for public vehicle park use, and tree felling and site formation have been undertaken at the Site. Hence, the circumstances of the current application are different from those of the approved similar applications. In fact, the Committee rejected a previous planning application (No. A/YL-LFS/118) in 2003 and two similar applications (No. A/YL-LFS/417 and 444) in 2022 with similar planning circumstances as detailed in paragraphs 6 and 7 above. As such, rejecting the current application is in line with the previous decisions of the Committee.
- 12.6 Regarding the six public comments objecting to the application as summarised in paragraph 11 above, the planning considerations and assessments in paragraphs 12.1 to 12.5 above 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 does not support the application for the following reasons:

- (a) the proposed use is not in line with the planning intention of the “GB” 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; and
- (b) the proposed use is not in line with 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) in that the applicant fails to demonstrate that the proposed use would not have significant adverse landscape impact on the surrounding areas.

13.2 Alternatively, 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 **2.5.2028**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) the submission of a drainage impact assessment 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 **2.11.2025**;
- (b) in relation to (a) above, the implementation of the drainage facilities identified in the drainage impact assessment 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 **2.2.2026**;
- (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 **2.11.2025**;
- (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 **2.2.2026**;
- (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 above 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 the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are attached at **Appendix VI**.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant planning permission.
- 14.2 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 14.3 Alternatively, 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 permission should be valid on a temporary basis.

15. Attachments

Appendix I	Application Form received on 27.11.2024
Appendix Ia	Supporting Planning Statement
Appendix Ib	FI received on 3.2.2025
Appendix Ic	FI received on 21.2.2025
Appendix Id	FI received on 20.3.2025
Appendix II	Extracts of Town Planning Board Guidelines for Application for Development within Green Belt Zone (TPB PG-No. 10)
Appendix III	Extracts of Town Planning Board Guidelines for Application for Development within Deep Bay Area (TPB PG-No. 12C)
Appendix IV	Previous and Similar Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Appendix VII	Public Comments Received During Statutory Publication Period
Appendix VIII	Fireman's Emergency Switch Requirements
Drawing A-1	Layout Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Location Plan with Previous Applications
Plan A-1c	Location Plan with On-going Rezoning Applications
Plan A-2	Site Plan
Plans A-3a to A-3c	Aerial Photos taken in 2020 and 2023
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
MAY 2025**