RNTPC Paper No. A/TM-LTYY/522
For Consideration by the
Rural and New Town
Planning Committee
on 20.11.2026

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM-LTYY/522

Applicant	:	Mr. FOK Ming Yiu
Site	:	Lot 2407 S.B in D.D.130, Tak Fuk Road, Nai Wai, Lam Tei, Tuen Mun
Site Area	:	About 232m^2
Lease	:	Block Government Lease (demised for agricultural use)
Plan	:	Approved Lam Tei and Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTYY/14
Zoning	:	"Green Belt" ("GB")
Application	:	Proposed Temporary Private Vehicle Park (Excluding Container Vehicle) with Ancillary Electric Vehicle (EV) Charging Facilities and Other Ancillary Facilities and Associated Filling of Land for a Period of 3 Years

1. The Proposal

1.1 The applicant seeks planning permission for proposed temporary private vehicle park (excluding container vehicle) with ancillary EV charging facilities and other ancillary facilities and associated filling of land for a period of three years at the application site (the Site) falling within an area zoned "GB" on the OZP (**Plan A-1a**). According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years and filling of land within the "GB" zone require planning permission from the Town Planning Board (the Board). The Site is currently formed, hard-paved, fenced off and occupied by some temporary structures (**Plan A-4**).

1.2 The Site is accessible from Tat Fuk Road (**Plan A-2**). According to the applicant, the proposed use involves three private car parking spaces (2.5m x 5m each), two vehicle charging facilities with a 220v supply for an output power of not less than 7kW and ancillary facilities including one metal shed for shelter, one two-storey converted container for resting place and storage of cleaning tools (not more than 4.88m in height each), and two structures for meter boxes with a total floor area of about 120.92m^2. Only vehicles with valid licence will be allowed to park at the Site. No goods or commercial vehicles (including medium or heavy goods vehicles) or vehicles without valid licence will be allowed to park at the Site. No car washing, car beauty

services, vehicle repairing or dismantling and workshop activities will be carried out at the Site. The applicant also proposes to plant six trees and three planters along the periphery of the Site.

1.3 The application also applies for filling of land for the entire Site with concrete (about 0.1m in depth) for rectifying the level differences of the Site and vehicle maneuvering. Plans showing the proposed layout with land filling area and proposed landscape treatment and drainage proposal submitted by the applicant are at **Drawings A-1** to **A-3** respectively.

1.4 The Site is the subject of four previous applications of which two (No. A/TM-LTYY/254 and A/TM-LTYY/262) for similar proposed temporary private vehicle park (private cars and light goods vehicles (LGVs)) for a period of three years each which were rejected by the Rural and New Town Planning Committee (the Committee) of the Board/the Board upon review in 2013 and 2014 respectively (details at paragraph 6 below). Compared with the last rejected application No. A/TM-LTYY/262 for similar use, the current application is submitted by a different applicant. A comparison of the major development parameters of the current application and the last rejected application is summarised as follows:

Major Development Parameters	**Last Rejected Application No. A/TM-LTYY/262 (a)**	**Current Application No. A/TM-LTYY/522 (b)**	**Difference (b) - (a) (%)**
Proposed Use	Proposed Temporary Private Vehicle Park (Private Cars and LGVs) for a Period of 3 Years	Proposed Temporary Private Vehicle Park (Excluding Container Vehicle) with Ancillary EV Charging Facilities and Other Ancillary Facilities and Associated Filling of Land for a Period of 3 Years	With additional EV charging and ancillary facilities, and filling of land
Site Area (About)	264m^2 (Includes Government land (GL) of about 13m^2)	232m^2	-32m^2 (-12%)
Total Floor Area (About)	110.15m^2	120.92m^2	+10.77m^2 (+9.8%)
No. of Structures	3 (1 for storage and 2 for sheds)	4 (1 for shelter, 1 for resting place and storage of cleaning tools and 2 for meter boxes)	+1
Height of Structure(s)	1-2 storeys (up to 4.88m)	1-2 storeys (up to 4.88m)	No Change
No. of Parking Spaces	4 (for private cars or van-type LGVs)	3 (for private cars)	-1

Operation Hours	8:00 a.m. to 8:00 p.m. daily, including Sundays and public holidays	24 hours daily, including Sundays and public holidays	Extended operation hours

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

(a) Application Form with attachments received on 29.9.2026 **(Appendix I)**

(b) Supplementary Information (SI) received on 7.10.2026 **(Appendix Ia)**

(c) Further Information (FI) received on 28.10.2026* **(Appendix Ib)**

(d) FI received on 11.11.2026* **(Appendix Ic)**

**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, SI and FIs at **Appendices I** to **Ic** respectively. They can be summarised as follows:

(a) the proposed use is intended to provide parking spaces to meet the parking demand of nearby villagers. It is also in line with the Government's policy to promote EV vehicles, address the storage of EV charging facilities in the village and alleviate the illegal parking problem in the vicinity;

(b) the proposed use is low-intensity and temporary in nature and will not jeopardise the long-term planning intention of the "GB" zone. The applicant will also reinstate the Site upon expiry of the planning permission and if no renewal of planning approval is granted to minimise adverse environmental impacts arising from the proposed use;

(c) the applicant will follow the instruction from the Lands Department (LandsD) to remove the fences and structures outside the Site, and commits to revise and optimise the parking layout, drainage proposal, landscape treatment and output power of EV charging facilities to not less than 7kw should the application be approved; and

(d) adverse environment impact on the surrounding areas is not anticipated.

3. Compliance with the "Owner's Consent/Notification" Requirements

The applicant is not a "current land owner" but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the "Owner's Consent/Notification" Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by obtaining consents from the current land owners. 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 (including deposit of containers) and use for place for parking of vehicles. Enforcement Notice (EN) was issued on 15.8.2025 requiring discontinuation of the UD. Since the UD had not been discontinued upon expiry of the notice, prosecution action against the notice recipient for non-compliance with EN was pursued. The notice recipient was convicted on 5.8.2026. The case is currently under monitoring.

5. Town Planning Board Guidelines

Town Planning Board Guidelines for 'Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance' (TPB PG-No. 10) are relevant to this application. The relevant assessment criteria are detailed at **Appendix II**.

6. Previous Applications

6.1 The Site was involved in four previous applications (No. A/DPA/TM-LTYY/59 and A/TM-LTYY/254, 262 and 341) all submitted by different applicants. Details of the previous applications are at **Appendix III** and the locations are shown on **Plan A-1b**.

6.2 Applications No. A/TM-LTYY/254 and A/TM-LTYY/262 involving largely the same site area as the current application but including the adjoining GL for proposed temporary private vehicle park (private cars and LGVs) for a period of three years each were rejected by the Committee/the Board upon review on 8.2.2013 and 24.1.2014 respectively mainly on the grounds of no strong planning justification for a departure from the planning intention even on a temporary basis; not in line with the TPB PG-No. 10; and setting of undesirable precedent.

6.3 Applications No. A/DPA/TM-LTYY/59 and A/TM-LTYY/341 for open storage of machineries and ancillary repairing yard, and proposed temporary bike hire and maintenance workshop for a period of one year were rejected by the Committee on 21.7.1995 and 8.9.2017 respectively. The considerations of the previous applications are not relevant to the current application which involves a different use.

7. Similar Application

There is no similar application within the same "GB" zone in the past five years.

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

8.1 The Site is:

(a) formed, hard-paved, fenced off and occupied by some temporary structures (**Plan A-4**); and

(b) accessible from Tat Fuk Road (**Plan A-2**).

8.2 The surrounding areas are sub-rural in nature predominantly occupied by rural settlements and domestic structures intermixed with open storage/storage yards, vehicle repair workshop, workshop, agricultural and vacant land (**Plans A-2** and **A-3**). The open storage/storage yards, vehicle repair workshop and workshop uses in the vicinity of the Site are suspected UDs subject to planning enforcement action. To the east of the Site across Tat Fuk Road are the Kong Sham Western Highway and Yuen Long Highway (YLH).

9. Planning Intention

9.1 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.

9.2 According to the Explanatory Statement (ES) of the OZP for the "GB" zone, the strip of land along the western side of YLH is zoned "GB" in order to provide a buffer area for the adjoining uses. In addition, as filling of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities.

10. Comments from Relevant Government Bureau/Departments

10.1 Apart from the government departments as set out in paragraphs 10.2 and 10.3 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 are provided in **Appendices IV** and **V** respectively.

10.2 The following government departments object to/have reservation on the application:

Land Administration

10.2.1 Comments of the District Lands Officer/Tuen Mun, LandsD (DLO/TM, LandsD):

(a) she objects to the application from land administration point of view;

(b) the Site comprises Old Schedule Agricultural Lot 2407 S.B in D.D. 130 ("the Lot") 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;

(c) the following irregularity covered by the application has been detected by her office:

unauthorised structure(s) within the Lot covered by the application

LandsD has reservation on the application since there are unauthorised structures on the Lot which are already subject to lease enforcement

actions according to case priority. The Lot owner should rectify/ regularise the lease breaches as demanded by LandsD;

(d) the following irregularities not covered by the application have been detected by her office:

unauthorised structure(s) within the Lot not covered by the application

(i) there are unauthorised structures within the Lot not covered by the application. The Lot owner should immediately rectify the lease breaches and her office reserves the rights to take necessary lease enforcement action against the breaches without further notice; and

unlawful occupation of GL not covered by the application

(ii) the GL adjoining the Lot has been illegally occupied with unauthorised structures without permission. Please clarify the extent of the Site with the applicant. Any occupation of GL without Government's prior approval is an offence under Cap. 28. Her office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;

(e) the Lot owner/applicant shall either (i) remove the unauthorised structures and cease the illegal occupation of the GL not covered by the application immediately; or (ii) include the unauthorised structures and the adjoining GL being illegally occupied in the application for the further consideration by the relevant departments and, subject to the approval of the Board to the application which shall have reflected the rectification or amendment as aforesaid required, apply to her office for an Short Term Waiver (STW) and/or Short Term Tenancy (STT) to permit the structures erected and the occupation of the GL. The applications for STW and/or STT will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW and/or STT, if approved, will be subject to such terms and conditions including the payment of waiver fee/rent and administrative fee as considered appropriate to be imposed by LandsD. In addition, LandsD reserves the right to take enforcement action against the Lot owner/applicant for any breach of the lease conditions, including the breach(es) already in existence or to be detected at any point of time in future and land control action for any unlawful occupation of GL;

(f) her advisory comments as detailed in **Appendix V**.

Landscape

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

(i) she has reservation on the application from landscape planning perspective;

(ii) based on the aerial photo taken in 2025, the Site is situated in an area of miscellaneous rural fringe landscapes characterised by tree clusters and temporary structures. The proposed use is considered not entirely compatible with the landscape character of the area;

(iii) the Site falls within a "GB" zone, which is considered as distinctive landscape character. Tree clusters are observed to the northwest and east of the Site adjacent to YLH. With reference to the above aerial photo and site photos taken in October 2026, the Site is largely paved. Some temporary structures and a few existing trees are found on it;

(iv) according to the submitted Landscape Plan (**Drawing A-2**), it is noted that no tree felling will be involved and six trees and three planters will be planted along the boundaries of the Site to mitigate the landscape impact of the proposed use. According to the FI submitted (**Appendix Ic**), native tree species will be considered. However, as tree clusters are located in the vicinity within the same "GB" zone, the proposed six trees and three planters along the boundaries of the Site are considered insufficient to mitigate the adverse landscape impact of the proposed use and preserve the integrity of the zone as a buffer area for the adjoining uses;

(v) as the Site falls within "GB" zone, should the application be approved by the Board, approval conditions on submission and implementation of a revised Landscape Proposal are recommended to be included in the planning permission; and

(vi) her advisory comments as detailed in **Appendix V**.

10.3 The following government department provide comments on the application:

Traffic

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

(i) the applicant shall demonstrate the feasibility of the proposed driving route. Otherwise, the applicant shall revise the scheme for her consideration;

(ii) **Drawing A-1** refers, the applicant should rectify the blockage of the entry route by the proposed Parking Space No.1; and

(iii) her advisory comments as detailed in **Appendix V**.

11. Public Comment Received During the Statutory Publication Period

On 9.10.2026, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual (**Appendix VI**) objecting to the application on the grounds that the proposed use is a greenwash proposal and the UD at the Site has not been removed even though enforcement action has been taken.

12. Planning Considerations and Assessments

12.1 The application is for proposed temporary private vehicle park (excluding container vehicle) with ancillary EV charging facilities and other ancillary facilities and associated filling of land for a period of three years at the Site zoned "GB" on the OZP, 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 the "GB" zone. Moreover, the application also applies for filling of land for the entire Site with concrete (about 0.1m in depth) for rectifying the level differences of the Site and vehicle maneuvering. Filling of land within the "GB" zone requires planning permission from the Board as it may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment. While the Site has already been formed and hard-paved, the applicant has not clarified whether the applied filling of land is intended for regularisation purpose and further land filling will be carried out. There is also no information in the submission demonstrating whether the proposed landscape treatments will be affected by the land filling area. While the applicant has submitted a drainage proposal (**Drawing A-3**) in support of the application and the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no adverse comment on the land filling works from drainage perspective, the proposed use with associated filling of land is not in line with the planning intention of the "GB" zone. Taken into the account the above and the assessments below, there is no strong planning justification in the submission for a departure from the planning intention of the "GB" zone, even on a temporary basis.

12.2 According to the applicant, the proposed use involves three private car parking spaces with two vehicle charging facilities (a 220v supply for an output power of not less than 7kW) and ancillary facilities including one metal shed, one two-storey converted container and two structures with a total floor area of about 120.92m^2 and a height of not more than 4.88m. While the applicant claims that the proposed structures are for shelter, resting place and storage of cleaning tools and E&M purposes, there is no strong justification in the submission that the structures are essential for the operation of the proposed private vehicle park with three parking spaces. The Site is situated in an area that is sub-rural in nature predominantly occupied by rural settlements and domestic structures intermixed with agricultural and vacant land (**Plans A-2** and **A-3**). Although there are open storage/storage yards, vehicle repair workshop and workshop uses in the vicinity, they are suspected UDs subject to planning enforcement action. According to the ES of the OZP, the strip of land along the western side of YLH is zoned "GB" and intended to provide a buffer area for the adjoining uses. Currently, while the Site is formed and hard-paved, tree clusters are observed within the same "GB" zone along YLH, particular for area to the northwest and east of the Site adjacent to YLH (**Plans A-1a and A-3**). The proposed use is considered not compatible with the surrounding land uses as well as the wider context of the "GB" zone.

12.3 According to TPB PG-No. 10, an 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 land use incompatibility of the proposed use has been discussed in paragraph 12.2 above. While the Director of Agriculture, Fisheries and

Conservation has no strong view on the application from nature conservation perspective as the Site is an existing disturbed area occupied by some structures, CTP/UD&L of PlanD has reservation on the application from landscape planning perspective as the proposed use is considered incompatible with the landscape character of a "GB" zone given tree clusters are observed to the northwest and east of the Site adjacent to YLH. While the applicant has submitted a Landscape Plan (**Drawing A-2**), the proposed six trees and three planters along the boundaries of the Site are considered insufficient to mitigate the adverse landscape impact of the proposed use and preserve the integrity of the zone as a buffer area for the adjoining uses. There is also no information on whether the applied filling of land would have conflict with the proposed trees and planters. There are no strong planning grounds in the submission to merit an exceptional consideration for the current application. As such there is insufficient information in the submission that the proposed use would not have adverse landscape impact to the surrounding areas. In view of the above, the application is considered not in line with TPB PG-No. 10.

12.4 In addition, the applicant has yet addressed the concerns raised by C for T regarding the feasibility of the proposed driving route and the parking layout and arrangement as the applicant has not submitted a revised layout in the submission. In this regard, there is insufficient information in the submission that the proposed use is technically feasible and would not have adverse traffic impact to the surrounding areas. DLO/TM, LandsD objects to the application as there are unauthorised structures at the Site and unlawful occupation of GL. Other concerned government bureau/departments consulted, including the Secretary for Environment and Ecology, Director of Environmental Protection and Director of Fire Services have no objection to or no adverse comment on the application from EV charging policy, environmental and fire safety aspects respectively.

12.5 The Committee/the Board had rejected four previous applications involving the Site, including two applications for similar use for temporary private vehicle park (private cars and LGVs) as detailed in paragraph 6 above. There is no similar application within the same "GB" zone approved by the Committee/the Board in the past five years. Rejecting the current application is in line with the previous decisions of the Committee/the Board.

12.6 Regarding the public comment objecting to the application as summarised 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 and taking into account the public comment mentioned in paragraph 11 above, the Planning Department does not support the application for the following reasons:

(a) the proposed use with associated filling of land 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; and

(b) the proposed use with associated filling of land 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 proposed use is considered not compatible with the surrounding areas, and the applicant fails to demonstrate that the proposed development would not have adverse traffic and landscape impacts 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 **20.11.2029**. 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 **20.5.2027**;

(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 **20.8.2027**;

(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 **20.5.2027**;

(e) in relation to (d) above, the implementation of the fire service installations proposal within **9 months** from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **20.8.2027**;

(f) the submission of a revised Landscape Proposal within **6 months** from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **20.5.2027**;

(g) in relation to (f) above, the implementation of the revised Landscape Proposal within **9 months** from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **20.8.2027**;

(h) 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;

(i) if any of the above planning condition (a), (b), (d), (e), (f) or (g) 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

(j) upon 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 V**.

14. Decision Sought

14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant 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 with attachments received on 29.9.2026
Appendix Ia	SI received on 7.10.2026
Appendix Ib	FI received on 28.10.2026
Appendix Ic	FI received on 11.11.2026
Appendix II	Extract of the TPB PG-No. 10
Appendix III	Previous Applications
Appendix IV	Government Bureau/Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment
Drawing A-1	Layout Plan with Land Filling Area
Drawing A-2	Landscape Plan
Drawing A-3	Drainage Proposal
Plans A-1a and A-1b	Location Plans
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

PLANNING DEPARTMENT
NOVEMBER 2026