

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-HTF/1183

- Applicant** : First Champion Limited represented by R-riches Property Consultants Limited
- Site** : Various Lots in D.D. 125 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 41,569m² (including GL of about 5,568m², or 13%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plans and Zonings** : (i) “Green Belt” (“GB”) (about 41,561m²; 99.98%) on approved Ha Tsuen Fringe (HTF) Outline Zoning Plan (OZP) No. S/YL-HTF/12
- (ii) Area shown as ‘Road’ (about 8m²; 0.02%)¹ on approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2
- Application** : Proposed Temporary Warehouse for Storage of Construction Materials and Machineries, Parking of Special Purpose Vehicles (SPVs) and Rural Workshop with Ancillary Facilities for a Period of 3 Years and Associated Filling of Land and Pond and Excavation of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse for storage of construction materials and machineries, parking of SPVs² and rural workshop with ancillary facilities for a period of three years and associated filling of land and pond and excavation of land at the application site (the Site) zoned “GB” on the HTF OZP (**Plan A-1**). According to the covering Notes of the HTF OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). According to the Notes of the HTF OZP for the “GB” zone, filling of land and pond as well as excavation of land also require planning permission from the Board. The Site is currently vacant, partly hard paved with some temporary structures and partly covered by vegetation with a pond and some agricultural land at the periphery (**Plans A-2 and A-4a to A-4c**).

¹ Regarded as minor boundary adjustment allowed under the covering Notes of the OZPs.

² According to the applicant, the SPVs include small dump trucks, concrete mixers, backhoe loaders, etc.

- 1.2 According to the applicant, the application seeks to facilitate the relocation of three existing open storage and/or storage operations spanning a total area of about 38,471m² at various lots in D.D. 124, Hung Shui Kiu affected by the land resumption and clearance exercise under the Second Phase Development of the Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA). Part of the original premises of those operators has already been resumed by the Government. Thus, there is an imminent need for the applicant to secure a relocation site for the affected operations.
- 1.3 The Site comprises two portions (i.e. eastern and western portions) (**Drawing A-2**). The eastern portion of the Site is accessible via a local track leading from a road underneath the Kong Sham Western Highway, while the western portion will be served by a new access road with a minimum width of 7.3m as proposed by the applicant leading to the same local track (**Plans A-2 and A-3a and Drawing A-1**). As shown on the proposed layout plan at **Drawing A-2**, the Site will be subdivided into three units for three operators (i.e. Tenants A, B and C) and seven single-storey (8m in height) structures with a total floor area of about 11,299m² for warehouse (storage of construction machineries and materials), repair workshop (for construction machineries and SPVs) and office uses are proposed. Workshop activities will be carried out within enclosed structures. The uncovered area of the Site is mainly designated for parking of vehicles (including SPVs) and circulation purposes. There will be a total of 18 parking spaces for private cars and 32 parking spaces for SPVs, as well as three loading/unloading (L/UL) spaces for light goods vehicles (LGVs) and six L/UL spaces for medium goods vehicles (MGVs). In order to minimise the potential geotechnical impact, part of the eastern portion and southern part of the western portion of the Site have been designated as “no-build zone” where no car parking space or building structure will be located (**Drawing A-3**). The major development parameters concerning each of the three subdivided units within the Site for the three operators are summarised in the table below:

	Operators to be Accommodated within the Site		
	<i>Tenant A</i>	<i>Tenant B</i>	<i>Tenant C</i>
Proposed Use(s)	Warehouse for Storage of Construction Materials and Machineries	Warehouse for Storage of Construction Materials and Machineries, Parking of SPV and SPV Repair Workshop	Warehouse for Storage of Construction Materials and Machineries and Machinery Repair Workshop
Site Area³	About 13,838m ²	About 13,032m ²	About 4,817m ²
Total Floor Area	About 7,353m ²	About 1,614m ²	About 2,332m ²
No. of Structures	3 • 2 warehouses for storage of	2 • 1 warehouse for storage of	2 • 1 warehouse for storage of

³ The total area designated for the three operators amounts to about 31,687m² (or about 76% of the Site). The remaining area is designated for landscaping and road use.

	construction materials • 1 warehouse for storage of construction machineries and office	construction materials and machineries • 1 SPV repair workshop	construction materials and machineries and office • 1 construction machinery repair workshop
Height of Structures	About 8m (1 storey)		
Parking Spaces	• 14 for private cars • 13 for SPVs	• 19 for SPVs	• 4 for private cars
L/UL Spaces	• 6 for MGVs	--	• 3 for LGVs

- 1.4 As shown on the landscape master plan (LMP) (**Drawing A-4**), a 3m-wide landscape buffer area with peripheral planting including retained, transplanted and new trees will be provided for majority of the Site. Out of the 350 trees on the Site, 217 (all of common species and generally of poor tree form and/or health condition) will be felled, 119 will be retained and 14 will be transplanted. A total of 238 new trees of standard size will be planted on the Site with a compensation ratio of 1:1.1. No Old and Valuable Trees or protected species are identified on the Site. According to the applicant, the operation hours will be from 9:00 a.m. to 7:00 p.m. from Mondays to Saturdays, and there will be no operation on Sundays and public holidays. Boundary fencing will be erected along the site boundary to minimise disturbance to the surrounding areas and soakaway system will be provided for sewage disposal. The applicant also undertakes to explore the feasibility of road improvement works at the junction of access road underneath Kong Sham Western Highway and Ha Tsuen Road (i.e. junction J4 as shown on **Drawing A-5**) to mitigate the traffic impact.
- 1.5 The application also involves land and pond filling as well as excavation of land. The Site currently has a sloping topographic profile ranging from 17.9mPD at the northeast to 29.1mPD at the southwest. As shown on the proposed site formation plan at **Drawing A-6**, excavation of land with a depth of not more than 3.1m will be undertaken mainly at the eastern portion and southern part of the western portion of the Site (about 34%). Majority of the Site (about 88%) will then be filled with soil and concrete with a depth of not more than 4.1m, including the existing pond which accounts for about 2% of the site area and with a depth of about 1m. Apart from the above proposed site formation works, the applicant seeks regularisation on filling of ponds with 1m in depth which had been undertaken mainly along the western periphery of the Site (about 14%).
- 1.6 The proposed vehicular access plan, layout plans, LMP, traffic survey plan and site formation plan and drainage plan submitted by the applicant are at **Drawings A-1 to A-7** respectively. The applicant has also submitted a traffic impact assessment, tree preservation and landscape proposal (TPLP), drainage impact assessment and fire service installations proposal to demonstrate that the proposed development would not have adverse impacts on the surrounding areas.

- 1.7 In support of the application, the applicant submitted the following documents:
- (a) Application Form with attachment received on (Appendix I) 3.1.2025
 - (b) Planning Statement (Appendix Ia)
 - (c) Supplementary Information (SI) received on 9.1.2025 (Appendix Ib)
 - (d) Further Information (FI) received on 17.2.2025 (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 Planning Statement and SI at **Appendices Ia and Ib** respectively. They can be summarised as follows:

- (a) The current application aims to facilitate the relocation of three existing open storage and/or storage operations (i.e. Vanquish Engineering and Transportation Limited, Kanson Crane & Heavy Transport Company Limited and Chicardo Investment Limited⁴) affected by the Second Phase Development of HSK/HT NDA.
- (b) The Site is identified as the most suitable relocation site after a lengthy and thorough site search process. It is located in close proximity to the original premises in HSK and the Kong Sham Western Highway. Although the Site is slightly larger than the total area of the original premises, a significant portion of the Site is intended for landscaping area and road use.
- (c) The applicant has previously identified another relocation site with a view to accommodating affected business operators including Kanson Crane & Heavy Transport Company Limited and Chicardo Investment Limited under applications No. A/YL-HTF/1133 and 1166, which were approved by the Rural and New Town Planning Committee (the Committee) of the Board. However, subsequent land survey has revealed that there is insufficient space in the site to fully accommodate these two operators⁵. The current application intends to compensate for the reduced usable area under applications No. A/YL-HTF/1133 and 1166, as well as to accommodate Vanquish Engineering and Transportation Limited. The applicant will strictly follow the approved scheme and no additional relocation site is anticipated to be required.
- (d) While the three original premises in HSK involve open storage and workshop activities, the applicant intends to accommodate these activities within structures under the current application to minimise the potential visual, noise and air quality impacts on the surrounding areas. This also echoes with the Government's intention to consolidate brownfield operations in a land-efficient

⁴ The applicant is the authorised representative of Vanquish Engineering and Transportation Limited, Kanson Crane & Heavy Transport Company Limited and Chicardo Investment Limited. These three operators are also referred to as Tenants A, B and C respectively in the current application.

⁵ Only part of the original premises of Chicardo Investment Limited could be relocated to the site, while Kanson Crane & Heavy Transport Company Limited could not be accommodated there.

manner.

- (e) According to the Broad Land Use Concept Plan for the Lau Fau Shan area released by the Government⁶, the Site is designated for sewage treatment works (**Drawing A-8**). Permitting the temporary use under application would better utilise land resource and support the local warehousing and workshop industries.
- (f) The proposed uses are not incompatible with the surrounding areas. A 3m-wide landscape buffer area will be provided along the site boundary where possible to enhance the interface with the surrounding natural environment and Ling To Monastery. Preservation and transplantation of trees are also proposed to retain the important landscape resources within the Site. 119 existing trees, which are mainly situated at the periphery of the Site, will be retained. 14 trees will be transplanted. In response to the felling of 217 trees, a total of 238 new trees, with a compensation ratio of 1:1.1, are proposed to be planted within the Site to enhance the overall appearance and visual quality.
- (g) Adverse traffic, environmental, drainage, landscape and fire safety impacts are not anticipated.
- (h) The proposed uses would not frustrate the long-term planning intention of the “GB” zone. Given its special background, approval of the current application would not set an undesirable precedent.

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. 31B) by publishing newspaper notices and sending registered post to the Ha Tsuen Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. The “Owner’s Consent/Notification” requirements under TPB PG-No. 31B are not applicable to the GL portion.

4. Background

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

5. Town Planning Board Guidelines

The 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 the application. Relevant assessment criteria are at **Appendix II**.

⁶ As set out in the Northern Metropolis Action Agenda promulgated in late October 2023, the Lau Fau Shan area (covering Lau Fau Shan, Tsim Bei Tsui and Pak Nai) will be an extension of HSK/HT NDA. The Broad Land Use Concept Plan for the Lau Fau Shan area was published for a 2-month public engagement exercise in March 2024.

6. Previous Applications

- 6.1 Parts of the Site were involved in two s.16 applications and a s.12A application previously. Details of the applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

s.16 Applications

- 6.2 Applications No. A/YL-HT/165 and 641 for temporary open storage of containers and place of recreation, sports or culture were rejected by the Committee in 2000 and 2009 respectively. The considerations of these applications are not relevant to the current application, which involves different uses.

s.12A Application

- 6.3 Application No. Y/YL-HTF/3 for rezoning the site from “GB” to “Government, Institution or Community” (“G/IC”) and area shown as ‘Road’ for temple and columbarium uses was not agreed by the Committee in 2019. The considerations of this application are not relevant to the current application, which involves different uses.

7. Similar Application

There is no similar application within the same “GB” zone on the HTF OZP in the past five years.

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

- 8.1 The Site is:

- (a) currently vacant, partly hard paved⁷ with some temporary structures and partly covered by vegetation with a pond and some agricultural land at the periphery; and
- (b) accessible via a local track leading from a road underneath the Kong Sham Western Highway.

- 8.2 The surrounding areas are predominated by woodland in the subject “GB” zone and the adjoining “Conservation Area” (“CA”) zone, agricultural land, ponds and graveyards. Warehouses, logistic centre and open storage yard, which are suspected unauthorized developments subject to planning enforcement action, are located further east of the Site within the boundary of HSK/NT NDA across Kong Sham Western Highway. The Ling To Monastery, a Grade 3 historic building, is located about 80m to the southwest of the Site.

⁷ According to the aerial photo taken in 1990 (**Plan A-3b**), some portions of the Site were formed before the Ha Tsuen Interim Development Permission Area Plan was gazetted on 17.8.1990.

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 of the HTF OZP for the “GB” zone, as filling of land/pond and excavation 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 bureau/departments as set out in paragraphs 10.2 and 10.3 below, other 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 bureau supports the application:

Policy Support

10.2.1 Comments of the Secretary for Development (SDEV):

- (a) the application is to facilitate relocation of three brownfield operations mainly engage in storage of construction materials and repairing workshops which are currently situated at various lots in D.D. 124 in Yuen Long. The three brownfield operations will be affected by the Second Phase Development of HSK/HT NDA;
- (b) according to the applicant, a site search was conducted with a view to identifying suitable site for re-establishment of the businesses elsewhere, and the Site under the current application is the most suitable relocation site. Other than accommodating the three affected brownfield operators, part of the Site will also be reserved for landscaping area, internal road network and a proposed road connecting the Site to the nearby local road. The site area under the current application is considered appropriate vis-a-vis the areas of the original premises of the affected brownfield operations; and
- (c) subject to no adverse comments on land use compatibility and technical aspects from concerned departments, the application is supported from the policy perspective.

- 10.3 The following government departments have reservation/concerns on/do not support the application:

Land Administration

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

- (a) the Site comprises Old Schedule Agricultural Lots 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, and GL;
- (b) no permission is given for occupation of GL (about 5,568m² subject to verification) included in the Site. Any occupation of GL without the Government's prior approval is not allowed;
- (c) Short Term Tenancy (STT) application for the piece of GL (about 1,409m² subject to verification) (i.e. the proposed access road to the western portion of the Site) will not be considered. According to the established practice, STT application for the purpose of access road on GL will normally not be entertained, even if the application is approved by the Board. If an emergency vehicular access on GL is requested by the Board and/or other government departments, a non-exclusive right of way (ROW) clause over GL in the Short Term Waiver (STW) application may be considered by his office;
- (d) the following irregularities covered by the subject planning application have been detected by his office:

LandsD has reservation on the planning application since there are unauthorized structure(s) on Lots 1375, 1387, 1392, 1393 and 1399 S.B all in D.D. 125 which are already subject to lease enforcement actions according to case priority. The lot owner(s) should apply for regularization on the lease breaches as demanded by LandsD; and

- (e) if the planning application is approved, the lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularities on site, if any. The applicant has to either exclude the GL from the Site or immediately apply for a formal approval prior to the actual occupation of the GL. The application(s) for STW/STT/ROW clause over GL will be considered by the Government in its capacity as a landlord and there is no guarantee that such application(s) will be approved. The application(s), if approved, will be subject to such terms and conditions including the payment of waiver fee/rent and administrative fee as considered appropriate by LandsD. Besides, given the proposed uses are temporary in nature, only erection of temporary structure(s) will be considered.

Agriculture, Fisheries and Nature Conservation

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

- (a) given the current circumstances, he has no strong view on the application from agricultural point of view;
- (b) pond filling is generally not recommended from a fisheries viewpoint. Although the fish pond in the Site is currently of unknown status, it has the potential to be used for fish culture operations in the future. As such, the application is not supported from a fisheries viewpoint; and
- (c) the Site is partly paved. It is noted that erection of boundary wall (2.5m high), peripheral planting as landscape buffer area, good site practice and water pollution control have been proposed by the applicant to minimise disturbance to the surrounding areas. Besides, the Site would be re-instated to an amenity area after the planning approval period. He has no major adverse comments from nature conservation perspective.

Landscaping

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

- (a) according to the aerial photo of 2023 (**Plan A-3a**), the Site is situated in an area of rural landscape character predominated by village houses, vacant land, graveyards, ponds and woodland. Based on the site photos dated January 2025, large areas of the eastern portion of the Site have already been hard-paved with concrete, and temporary structures are found at the western portion of the Site. Scattered existing tree groups with vegetation within the Site are also found;
- (b) based on paragraphs 5.15 and 5.16 of the submitted Planning Statement and the TPLP (**Appendix Ia**), a total of 350 existing trees within the Site are identified, of which 119 trees are proposed to be retained, 14 trees are proposed to be transplanted, and 217 trees of common species are proposed to be removed. According to the Planting Proposal and LMP in TPLP, a total of 238 new trees of standard size are proposed to be planted at the periphery within the Site. The proposed planting species (including native and exotic tree species) are listed in Table 4.0 of the TPLP; and
- (c) she has no comment on the Planting Proposal and LMP from landscape planning perspective. However, there is concern that approval of the proposed uses will result in alteration of the

landscape character of the green belt and further degrade the landscape quality of surrounding environment.

11. Public Comments Received During the Statutory Publication Period

On 10.1.2025, the application was published for public inspection. During the statutory public inspection period, two public comments from Kadoorie Farm & Botanic Garden Corporation and an individual (**Appendix VI**) were received objecting to the application mainly on the grounds that the Site is zoned “GB” and should not be converted into brownfield use; the proposed uses are not in line with the planning intention of the “GB” zone and approval of the application would set an undesirable precedent; the applicant has not provided justifications for the proposed brownfield operation which is situated at the fringe of country park and near a monastery as well as involves substantial GL and tree felling; the Site was involved in s.16 and s.12A applications which were rejected/not agreed by the Committee; and considering the large scale of the proposed uses, the applicant should submit a s.12A application.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary warehouse for storage of construction materials and machineries, parking of SPVs and rural workshop with ancillary facilities for a period of three years and associated filling of land and pond and excavation of land at the Site zoned “GB” on the HTF OZP. There is a general presumption against development within the “GB” zone. The proposed uses with filling of land and pond and excavation of land are not in line with the planning intention of the “GB” zone. Nonetheless, taking into account the planning assessments below and with the policy support from SDEV, sympathetic consideration may be given to allow the proposed uses on a temporary basis of three years.
- 12.2 According to the applicant, the application is to facilitate the relocation of three existing business operations affected by the Second Phase Development of HSK/HT NDA. Part of the original premises of those operators has already been resumed by the Government. Thus, there is an imminent need for the applicant to secure a relocation site for the affected operations. The applicant has conducted a lengthy and thorough site search and the Site is identified as the most suitable relocation site. The Site is located in close proximity to the original premises in HSK and the Kong Sham Western Highway. The size of the Site (i.e. about 41,569m²) is also generally comparable to that of the existing operations (i.e. about 38,471m²) in HSK. To facilitate the relocation of brownfield operators displaced by the HSK/HT NDA Development, SDEV supports the application from policy perspective.
- 12.3 The applicant also proposes to carry out excavation as well as land and pond filling works at the Site. Excavation of land with a depth of not more than 3.1m will be undertaken at part of the Site (about 34%). Majority of the Site (about 88%) will then be filled with soil and concrete with a depth of not more than 4.1m, including the existing pond which accounts for about 2% of the site

area. In addition, the applicant seeks regularisation on pond filling which had previously been undertaken at part of the Site (about 14%). Filling of land and pond as well as excavation of land within the “GB” zone require planning permission from the Board as they may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment. While the Chief Engineer/Mainland North, Drainage Services Department has no objection to the application from drainage perspective and DAFC has no adverse comment/strong view on the application from agricultural and nature conservation perspectives, DAFC does not support the application from fisheries perspective as the pond within the Site (**Plan A-2**) possesses potential for fish culture operation. In this regard, according to the applicant, the filling and excavation works are proposed in response to the sloping topographic profile of the Site and essential to create a flat surface to meet operational needs. As the site is zoned “GB”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “GB” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.

- 12.4 The Site is situated in an area of rural landscape character predominated by woodland, ponds, active agricultural land and graveyards. To the further east of the Site across Kong Sham Western Highway is HSK/HT NDA, which is currently predominated by warehouses, logistic centres and open storage yards. Regarding landscape aspect, while CTP/UD&L, PlanD has concerns on the alteration of the landscape character of the green belt as a result of the proposed uses and that the landscape quality of the surrounding environment will be further degraded, the applicant has submitted LMP and Planting Proposal which involves retaining 119 trees, transplanting 14 trees and planting 238 new trees to compensate for the felling of 217 trees, and proposes a 3m-wide landscape buffer area for majority of the Site to blend in with the adjacent natural landscape and Ling To Monastery. In this regard, CTP/UD&L, PlanD has no comment on the LMP and Planting Proposal from landscape planning perspective. Regarding the nature conservation aspect, taking into consideration the applicant’s proposals to provide fencing and landscape buffer area along the site boundary, as well as to implement good site practice and water pollution control to minimise disturbance to the surrounding areas, and that the Site will be reinstated upon expiry of the planning permission, DAFC has no adverse comment from nature conservation perspective. Considering the overall land use context of the locality and the wider area, the proposed uses are considered not entirely incompatible with the surrounding areas.
- 12.5 According to TPB PG-No. 10, an application for new development in “GB” zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds. In addition, the design and layout of any proposed development within the “GB” zone should be compatible with the surrounding areas; and the development should not involve extensive clearance of existing natural vegetation and affect the existing natural landscape. The issues of compatibility as well as impact on existing natural vegetation and landscape have been discussed in paragraph 12.4 above. As such, the proposed uses are generally considered not contravening TPB PG-No. 10.

- 12.6 Other relevant government departments, including the Commissioner for Transport, Director of Environmental Protection, Director of Fire Services and Head of the Geotechnical Engineering Office of Civil Engineering and Development Department, have no objection to or no adverse comment on the application from traffic, environmental, fire safety and geotechnical perspectives respectively. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 13.2 below. Should the application be approved, the applicant will also be advised to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimise any possible environmental nuisance on the surrounding areas.
- 12.7 Regarding DLO/YL, LandsD's concerns on the unauthorised structure(s) on the Site which are already subject to lease enforcement actions, the applicant has committed to demolish the concerned structure(s) and submit STW application(s) to LandsD for erection of proposed structures upon approval of the application. The applicant will also be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 12.8 There is no previous planning approval covering the Site nor similar application for the same uses within the same "GB" zone in the past five years. Noting the unique circumstances of the application and SDEV's policy support as detailed above, sympathetic consideration may be given to the current application.
- 12.9 Regarding the public comments objecting to the application as summarised in paragraph 11 above, the planning considerations and assessments in paragraphs 12.1 to 12.8 above are relevant and the Site is not located at the fringe of country park.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11 above, the Planning Department has no objection to the application.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of three years until 28.2.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a detailed road improvement proposal and associated engineering drawings within **6 months** from the date of planning approval to the satisfaction of the Commissioner of Transport, Director of Highways or of the Town Planning Board by **28.8.2025**;
- (b) in relation to (a) above, the implementation of the detailed road

improvement proposal and associated engineering works within **9 months** from the date of planning approval to the satisfaction of the Commissioner of Transport, Director of Highways or of the Town Planning Board by **28.11.2025**;

- (c) in relation to (b) above, the implemented road improvement works shall be maintained at all times during the planning approval period;
- (d) the submission of a drainage proposal including revised 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 **28.8.2025**;
- (e) in relation to (d) above, the implementation of the drainage proposal including mitigation measures identified in the revised 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 **28.11.2025**;
- (f) in relation to (e) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (g) 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 **28.8.2025**;
- (h) in relation to (g) 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 **28.11.2025**;
- (i) if any of the above planning condition (c) or (f) 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;
- (j) if any of the above planning condition (a), (b), (d), (e), (g) or (h) 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
- (k) 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 attached at **Appendix V**.

13.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:

- (a) the proposed uses with associated filling of land and pond and excavation of land are 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. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis; and
- (b) the proposed uses with associated filling of land and pond and excavation of land are not in line with the Town Planning Board Guidelines for 'Application for Development within Green Belt zone under Section 16 of the Town Planning Ordinance' (TPB PG-No. 10) in that the proposed uses with associated filling of land and pond and excavation of land are incompatible with the surrounding areas and may cause adverse landscape impacts.

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

15. Attachments

Appendix I	Application Form with Attachment received on 3.1.2025
Appendix Ia	Planning Statement
Appendix Ib	SI received on 9.1.2025
Appendix Ic	FI received on 17.2.2025
Appendix II	Relevant Extract of TPB PG-No. 10
Appendix III	Previous Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses

Appendix VI	Public Comments
Drawing A-1	Proposed Vehicular Access Plan
Drawings A-2 and A-3	Proposed Layout Plans
Drawing A-4	Landscape Master Plan
Drawing A-5	Traffic Survey Plan
Drawing A-6	Proposed Site Formation Plan
Drawing A-7	Drainage Plan
Drawing A-8	Location of the Site on the Broad Land Use Concept Plan of the Lau Fau Shan Area
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3a and A-3b	Aerial Photos
Plans A-4a to A-4c	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2025**