

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/394

- Applicant** : Mr. To Sum Kau represented by Metro Planning and Development Company Limited
- Site** : Lots 2804 (Part), 2826, 2827, 2844, 2845 (Part), 2846 and 2853 in D.D.129, Sha Kong Wai, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 8,306 m²
- Lease** : Block Government Lease (Demised for Agricultural Use)
- Plan** : Draft Lau Fau Shan and Tsim Bei Tsui (LFS & TBT) Outline Zoning Plan (OZP) No. S/YL-LFS/10 currently in force
- Approved LFS & TBT OZP No. S/YL-LFS/9 at the time of submission
- Zonings** : On the draft LFS & TBT OZP No. S/YL-LFS/10 currently in force:
- “Village Type Development” (“V”) (about 4,462m² or 54% of the Site)
[Restricted to a maximum building height (BH) of 3 storeys (8.23 m)]
 - “Residential (Group A)” (about 2,891m² or 35% of the Site)
[Restricted to a maximum plot ratio (PR) of 6.9 and a maximum BH of 165mPD]
 - “Green Belt” (“GB”) (about 953m² or 11% of the Site)
- On the then approved LFS & TBT OZP No. S/YL-LFS/9 at the time of submission:
- “V” (about 4,462m² or 54% of the Site)
 - “GB” (about 3,659m² or 44% of the Site)
 - “Residential (Group C)” (“R(C)”) (about 185m² or 2% of the Site)
[Restricted to a maximum PR of 0.4 and maximum BH of 3 storeys (9 m)]
- Application** : Proposed Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years and Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary public vehicle park for private cars and light goods vehicles for a period of 3 years and filling of land at the application site (the Site) (**Plan A-1**). The Site falls within an area zoned “V” (54%), “R(A)” (35%) and “GB” (11%) on the draft LFS & TBT OZP No. S/YL-LFS/10 currently in force. According to the Notes of the OZP, ‘Public Vehicle Park

(excluding container vehicle)' is a Column 2 use and filling of land requires planning permission from the Town Planning Board (the Board) under "V" and "GB" zones whereas 'Public Vehicle Park (excluding container vehicle)' is a Column 1 use always permitted under "R(A)" zone. The Site is currently vacant, partly hard paved and partly covered with loose soil and grass (**Plans A-4a and A-4b**).

- 1.2 The Site involves 5 previous planning applications for various uses (**Plan A-1b**). Amongst them, 2 applications (No. A/YL-LFS/9 and 39) were approved while the other 3 applications (No. A/YL-LFS/24, 231 and 263) were rejected. Details of the previous applications are at paragraph 6 and **Appendix III**. Compared with the last application No. A/YL-LFS/263, the current application was submitted by a different applicant for different use (proposed house (New Territories Exempted House – Small House under Application No. A/YL-LFS/263) on a much larger site.
- 1.3 The Site is accessible via a local track leading from Tin Wah Road (**Drawing A-1, Plans A-2 and A-3**). The ingress/egress point is located at the south-eastern boundary of the Site (**Drawing A-3 and Plan A-2**). According to the applicant, about 1,800m² of land (21.7%) will be filled with concrete of about 0.2m depth in the northern portion of the Site within the "V" zone (**Drawing A-6**). The remaining portion of the Site has been paved with concrete, sand and gravel and no additional filling will be carried out at that area. As shown on **Drawings A-3 and A-4** and indicated in the submission, 138 parking spaces for private cars (5m x 2.5m) and 8 parking spaces for light goods vehicles (7m x 3.5m) will be provided. One single-storey (3 m height) temporary structure with total gross floor area of about 25 m² for guard room and toilet will also be provided. The operation hours of the Site are from 7 a.m. to 11 p.m. daily. The location plan with vehicular access, site plan, proposed layout plan, proposed tree preservation plan, proposed drainage plan and land filling area plan are at **Drawings A-1 to A-6** respectively.
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments received on 19.3.2021 (**Appendix I**)
 - (b) Further Information (FI) received on 29.4.2021 providing (**Appendix Ia**) clarification on site area, proposed land filling area and paved area
(*exempted from publication requirement*)

2. Justifications from the Applicant

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

- (a) The public vehicle park is compatible with the surrounding environment within Sha Kong Wai and in line with the planning intention of the "V" zone. Similar planning applications have been approved by the Rural and New Town Planning Committee (the Committee) /the Board in the "V", "GB" and then "R(C)" zones of the OZP.
- (b) The public vehicle park is intended to serve the local villagers and alleviate the problem of insufficient parking spaces in the village. Only private cars and light

goods vehicles are allowed to be parked at the Site. No medium goods vehicles, heavy goods vehicles and container/trailer will be allowed to access/park at the Site. No vehicle without valid licences issued under the Traffic Regulations is permitted to be parked at the Site. So the traffic impact is minimal.

- (c) No car beauty, car repairing, spraying, dismantling or other workshop activity will be carried out at the Site and noise and environmental impacts would be insignificant.
- (d) The proposed filling of land will be conducted in “V” zone only and the surface of land would be hard paved for the passage and parking of private cars and light goods vehicles.

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 posting site notice and sending notice to the Ping Shan Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

Unauthorized filling of land was observed at the northwestern and southeastern parts of the Site according to the site inspection on 9.4.2021. The Site would be under close monitoring and enforcement action would be instigated under the Town Planning Ordinance subject to sufficient evidence collected.

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 application. 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 Site involves 5 previous applications (No. A/YL-LFS/ 9, 24, 39, 231 and 263) (**Plan A-1b**) for various uses. Applications No. A/YL-LFS/9 and 39 were approved while Applications No. A/YL-LFS/24, 231 and 263 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**.

Approved Applications

- 6.2 Application No. A/YL-LFS/9 for pond filling for agricultural use (fruit tree plantation) covering the "GB" and then "R(C)" zones was approved with conditions by the Committee on 23.8.1996 on the considerations of in line with the planning intention of the "GB" zone, compatible with the surrounding area, not within the Deep Bay Buffer Zone and the study area of the "Study on the Ecological Value of Fish Ponds in the Deep Bay Area", and no objection/adverse comment from relevant departments including Environmental Protection Department (EPD) and Drainage Services Department (DSD).
- 6.3 Application No. A/YL-LFS/39 for proposed recreational uses including barbecue spot, playground, refreshment kiosk, visitor centre, public car park and ancillary uses within the "GB" and "V" zones was approved with conditions by the Committee on 14.5.1999 mainly on the considerations of the proposed use primarily rural in character and not affecting natural landscape, no filling of existing pond, compatible with the surrounding land uses and no adverse environmental and traffic impacts.

Rejected Applications

- 6.4 Application No. A/YL-LFS/24 for temporary container trailer park for a period of 12 months within the then "R(C)" and "GB" zones was rejected upon review by the Board on 26.6.1998 mainly on the grounds of not compatible with the adjoining village developments, insufficient information in the submission to demonstrate no adverse environmental, drainage and traffic impacts on the area, and setting an undesirable precedent.

- 6.5 Applications No. A/YL-LFS/231 and 263 for proposed house(s) (NTEH – SH) within the then “GB”, “R(C)” and “V” zones were rejected by the Committee in 2011 and 2014 respectively mainly on the grounds of not complying with the TPB-PG No. 10, setting undesirable precedent for similar applications, failing to demonstrate no adverse drainage and landscape impacts on the surrounding areas.

7. **Similar Applications**

Applications within the “V” zone

- 7.1 Within the same “V” zone, there are 8 similar applications (No. A/YL-LFS/281, 309, 310, 319, 327, 345, 388 and 390) for temporary public/private vehicle park for private cars and/or light goods vehicles with/without involving filling of land. All of them were approved with conditions by the Committee between 2016 and 2021 for a period of 3 years on the considerations that temporary approvals would not jeopardize the long-term planning intention of the “V” zone, the developments were not incompatible with the surrounding land uses, there were no adverse comments from the concerned Government departments and planning approvals were in line with the previous decision. Details of the applications and the Committee’s decisions are summarized at **Appendix IV** and their locations are shown on **Plan A-1a**.
- 7.2 However, the planning permissions of 3 applications (No. A/YL-LFS/309, 310 and 319) were revoked in 2020 due to non-compliance with several approval conditions including the implementation of revised drainage proposal, implementation of tree preservation and landscape proposal and provision of fencing.

Applications within the “GB” zone

- 7.3 Within the same “GB” zone, there are 5 similar applications (No. A/YL-LFS/341, 364, 357, 375 and 376) for temporary public vehicle park for private cars and/or light/medium/heavy goods/container vehicles without involving filling of land. Four of them (No. A/YL-LFS/341, 364, 375 and 376) were approved while the other one (No. A/YL-LFS/357) was rejected. Details of the applications and the Committee’s decisions are summarized at **Appendix IV** and their locations are shown on **Plan A-1a**.

Approved Applications

- 7.4 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.

- 7.5 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 concerned Government departments and outside the Wetland Buffer Area.
- 7.6 Applications No. A/YL-LFS/375 and 376 for proposed temporary public vehicle park (private cars) for a period of 3 years was approved by the Committee on 4.12.2020 mainly on the considerations of not jeopardizing the long-term planning intention of the “GB” zone, not entirely incompatible with the landscape character of the surrounding environment, no adverse comment from the concerned Government departments and in line with the Committee’s previous decisions.

Rejected Application

- 7.7 Application No. A/YL-LFS/357 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 setting an undesirable precedent.

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

8.1 The Site is:

- (a) currently vacant, partly hard paved and partly covered with loose soil and grass; and
- (b) accessible via a local track leading from Tin Wah Road (**Plans A-2 and A-3**).

8.2 The surrounding areas have the following characteristics:

- (a) to its north and northeast are a pond, recreational uses including barbecue spot, playground, refreshment kiosk, visitor centre, public car park and ancillary uses with valid planning permission (Application No. A/YL-LFS/39), cultivated agricultural land and unused land;
- (b) to its east is parking of vehicles which is suspected unauthorised development;
- (c) to its south is temporary public vehicle park for private cars, light goods vehicles and medium goods vehicles with valid planning permission (Application No. A/YL-LFS/333) and unused land; and
- (d) to its southwest is filling of land for permitted agricultural use with valid planning permission (Application No. A/YL-LFS/365), village houses (the

closest residential dwelling is about 1m away) and vacant land.

9. Planning Intentions

“V” Zone

9.1 The planning intention of “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

9.2 Any 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.

“R(A)” Zone

9.3 The “R(A)” zone is intended primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building.

“GB” Zone

9.4 The planning intention of “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. However, limited development may be permitted if they are justified on strong planning grounds.

9.5 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 Departments

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

Land Administration

10.1.1 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.

- (b) Should planning approval be given to the planning application, the lot owner(s) of the lots will need to immediately apply to his office for permitting the structures to be erected or to 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.
- (c) There is no New Territories Exempted Houses (NTEH) or Small House application received/under processing/approved at the Site.

Environment

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

- (a) He has no objection to the application.
- (b) No environmental complaint pertaining to the Site has been received in the past three years.
- (c) The applicant is advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (COP) issued by the DEP to minimize potential environmental nuisance to the surrounding area.

Traffic

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

- (a) He has no adverse comment on the application from traffic engineering point of view.
- (b) Sufficient manoeuvring spaces shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from the public roads.
- (c) The local track leading to the Site 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 Site.

10.1.4 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 Site to the nearby public roads/drains.
- (c) HyD shall not be responsible for the maintenance of any access connecting the Site and Tin Wah Road.

Landscape

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

Visual Aspect

- (a) The application involves a 1-storey structure of GFA not exceeding 25 m² and height not exceeding 3m within a site area of about 8,306 m², and 1800 m² of the land will be filled with concrete of about 0.2m depth. Although the scale of the application is a low-rise development and is temporary in nature, the filling of land (about 1800 m²) with 0.2m depth of concrete would likely involve changes to the visual perception on the surrounding environment which is predominated by rural and village character.

Landscape

- (b) The Site is the subject of 6 previous planning applications and she had objection to the last application No. A/YL-LFS/263 for proposed NTEHs from landscape planning perspective. The current application seeks planning permission for proposed temporary vehicle park for private cars and light goods vehicles for a period of 3 years and filling of land of 1,800m² with concrete of about 0.2m depth within the “V” zone.
- (c) With reference to the aerial photo of 2020, the Site is located in an area of rural coastal plains landscape character predominated by ponds, tree clusters, village houses and vehicle parking areas in the vicinity. According to site photos and site inspection, the Site is partly hard paved and partly bare soil. There are around 65 existing trees of common species mainly along the site boundary within the Site. According to the record, similar planning applications No. A/YL-LFS/364 and 375 for proposed temporary public vehicle park (private car) to the north of the Site were approved by the Board. The proposed use is considered not entirely incompatible with the landscape character of the surrounding area.
- (d) By comparing the aerial photos since 2015 and the site photos taken

on 30.3.2021, vegetation clearance including tree removal was observed within the “GB” zone of the Site. Significant landscape impact, in particular on the original landscape resources within the Site has taken place. There is concern that approval of the planning application may encourage similar applications encroaching into the “GB” zone. The cumulative impact of which would result in further degradation of the landscape quality of the surrounding environment in the “GB” zone. Hence, she has reservation on the application from landscape planning perspective.

- (e) The applicant should note that approval of the planning application by the Board does not imply approval of the tree works such as pruning, transplanting and/or felling under lease. The applicant is reminded to approach relevant authority / government department(s) direct to obtain the necessary approval on tree works.
- (f) In view that the Site is not facing any prominent public frontage and that there are existing trees along the site boundary for screening, a landscape condition is considered not required should the application be approved by the Board.
- (g) The applicant should be reminded of the detailed comments at **Appendix VI**.

Building Matters

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

- (a) If the existing structures (not being a NTEH) are erected on leased land without the approval of the Building Authority, they are unauthorized building works under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application.
- (b) The applicant should be reminded of the detailed comments at **Appendix VI**.

Drainage

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

- (a) He has no objection in principle to the application from drainage point of view.
- (b) Should the application be approved, he would suggest that a condition should be stipulated in the approval letter requiring the applicant to submit a revised drainage proposal including flood mitigation measures, to implement and maintain the proposed drainage facilities to the satisfaction of his department.

- (c) The applicant should be reminded of the detailed comments 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 application subject to fire service installations being provided to his satisfaction.
- (b) The applicant should be reminded of the detailed comments at **Appendix VI**.

Geotechnical

10.1.9 Comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD):

He has no adverse comment on the application. GEO is not responsible for the control of land filling activities. The applicant should be reminded to submit the proposed building work plans to the BD for approval as required under the provisions of the BO.

Others

10.1.10 Comments of the Chief Engineer/Housing Projects (Special Duty), CEDD (CE/HP(SP), CEDD):

The proposed temporary public vehicle park partly falls within the proposed housing development at Tin Wah Road. The target site handover date from LandsD to CEDD for site formation works is 31.1.2026 tentatively.

District Officer's Comments

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

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

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

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Chief Engineer/Land Works, CEDD (CE/LW, CEDD);
- (c) Chief Engineer/Fill Management, CEDD (CE/FM, CEDD);
- (d) Project Manager (West), CEDD (PM(W), CEDD);
- (e) Principal Project Coordinator/Special Duty, DSD (PPC/SD, DSD);
- (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

On 30.3.2021, the application was published for public inspection. During the statutory public inspection period, 27 public comments were received. Amongst the public comments received, 1 of them raised concerns that the proposed development associates with unauthorized development at the Site (**Appendix V-1**) and 26 (including the Kadoorie Farm and Botanic Garden Corporation (**Appendix V-2**), the World Wide Fund for Nature Hong Kong (**Appendix V-3**), villagers and individuals (6 in standard letter in **Appendix V-4**, 8 with standard letter in **Appendices V-5 to 12**, and the others in **Appendices V-13 to V-22**)) raise objection to the application. All the public comments received are deposited at the meeting for Members' inspection. Major reasons of objection to the application are:

- (a) the Site has been occupied by the proposed use without valid planning permission;
- (b) the proposed use is not in line with the planning intention of the "GB" zone;
- (c) the proposed use will generate possible adverse traffic, air, noise, environmental, drainage, ecological, as well as road, fire, mosquito breeding and personal safety problems and lead to poor quality of life for the nearby residents and degradation of the surrounding environment;
- (d) the Board should not encourage "develop first, apply later" attitude; and
- (e) 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 application is for proposed temporary public vehicle park for private cars and light goods vehicles for a period of 3 years and filling of land in the "V" (54%), "R(A)" (35%) and "GB" (11%) zones on the OZP. 'Public Vehicle Park (excluding container vehicle)' is a Column 1 use always permitted in "R(A)" zone. However, 'Public Vehicle Park (excluding container vehicle)' is a Column 2 use and filling of land requires planning permission under "V" and "GB" zones. Although the proposed use is not entirely in line with the planning intention of the "V" zone which is primarily intended for development of Small Houses by indigenous villagers, the proposed use could serve the local villagers/residents for meeting their car parking needs. Besides, DLO/YL of LandsD advises that there is no Small House application approved or under processing within the Site at present. As such, approval of the application on a temporary basis of 3 years would not jeopardize the long-term planning intention of the "V" zone.

12.2 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 development is not in line with the planning intention of the "GB" zone, the Site is located at the peripheral area of the subject "GB" zone, major part of which has subsequently been formed and used for approved development (Tin Shui Wai Greenfield Garden, recreational

uses including barbecue spot, playground, refreshment kiosk, visitor centre, public car park and ancillary uses under Application No. A/YL-LFS/39) (**Plan A-1b**).

- 12.3 The Site is situated in an area of rural coastal plains landscape character predominated by ponds, tree clusters, village houses and vehicle parking areas in the vicinity. The proposed use is considered not entirely incompatible with the surrounding land uses, which mainly comprise rural residential dwellings, and the landscape character of the surrounding area (**Plan A-2**).
- 12.4 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. Although CTP/UD&L, PlanD has reservation on the application in view that the Site involves vegetation clearance including tree removal since 2015, significant landscape impact, in particular on the original landscape resources within the Site has taken place, and approval of the application would encourage other similar applications to the area, it is observed that previous approvals (Applications No. A/YL-LFS/9 and 39) have been granted for large part of the Site and its adjoining area in 1996 and 1999 for pond filling for agricultural use and recreational uses with public car park, the Site and its adjoining area were used for the approved developments. The Site is currently vacant, partly hard paved and partly covered with loose soil and grass and there are existing trees along the site boundary for screening. DAFC has no comment on the application.
- 12.5 The requirement for planning permission for filling of land within “V” zone is to address the possible drainage impact. In this regard, CE/MN of DSD advises that he has no objection to the application from drainage point of view, and the applicant should submit a revised drainage proposal including flood mitigation measures and to implement the proposed drainage facilities to the satisfaction of his department. As such, relevant approval conditions are recommended in paragraph 13.2 below to address DSD’s concern. Any non-compliance with the approval conditions would result in revocation of the planning permission.
- 12.6 There is no adverse comment from other concerned Government departments, including DEP, C for T and D of FS. The proposed use will unlikely create significant adverse environmental, traffic 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. Should the planning application be approved, the applicant will be advised to follow the latest “COP” in order to minimize the potential environmental nuisance to the surrounding area.
- 12.7 Given that 2 previous approvals for pond filling for agricultural use and recreational uses with public car park and 12 similar applications for public vehicle park use (private cars, light goods vehicles and/or medium goods vehicles) with/without filling of land have been granted in the vicinity covering the subject “V” and/or “GB” zones, approval of the current application is considered in line with the Committee’s previous decisions.

- 12.8 One similar application (No. A/YL-LFS/357) for temporary public vehicle park was rejected by the Committee mainly on grounds of involving parking of container vehicles and heavy goods vehicles. The current application is different in that it only involves parking of private cars and light goods vehicles at the Site without heavy vehicles.
- 12.9 There are 27 public comments received, in which 1 raising concerns and 26 objecting to the application on the grounds as summarized in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.8 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 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 for a temporary basis for a period of 3 years until **14.5.2024**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation from 11:00 p.m. to 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) only private cars and light goods vehicles as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to be parked on or enter/exit the Site at any time during the planning approval period;
- (c) no car beauty, car repairing, spraying, dismantling or other workshop activity, as proposed by the applicant, are allowed to be carried out at the Site at any time during the planning approval period;
- (d) a notice shall be posted at a prominent location of the Site at all times to indicate that only private cars and light goods vehicles as defined in the Road Traffic Ordinance are allowed to be parked on or enter/exit the Site during the planning approval period;
- (e) 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;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time 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 **14.11.2021**;

- (h) the submission of a revised drainage proposal including flood mitigation measures 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 **14.11.2021**;
- (i) in relation to (h) above, the implementation of the revised drainage proposal including flood mitigation measures 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 **14.2.2022**;
- (j) in relation to (i) above, 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 **14.11.2021**;
- (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 **14.2.2022**;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (j) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (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.

Advisory Clauses

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

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

the proposed use is not in line with the planning intentions of the "V" and "GB" zones, for which the former is primarily intended for development of Small Houses by indigenous villagers; and the latter 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, and 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 intentions, even on a temporary basis.

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.

14. Attachments

Appendix I	Application Form Received on 19.3.2021
Appendix Ia	Further Information received on 29.4.2021
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 Site
Appendix IV	Similar Applications within the “V”, “GB” and “R(A)” (the then “R(C)”) zones on the Lau Fau Shan and Tsim Bei Tsui OZP
Appendices V-1 to V-22	Public Comments Received During Statutory Publication Period
Appendix VI	Advisory Clauses
Drawing A-1	Location Plan with Vehicular Access
Drawing A-2	Site Plan
Drawing A-3	Proposed Layout Plan
Drawing A-4	Proposed Tree Preservation Plan
Drawing A-5	Proposed Drainage Plan
Drawing A-6	Land Filling Area Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Location Plan with Previous Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and 4b	Site Photos

**PLANNING DEPARTMENT
MAY 2021**