

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/433

- Applicant** : Teng Fei Consultancy Company represented by Allgain Land Administrators (Hong Kong) Limited
- Site** : Lots 1621, 1623 (Part), 2698, 2699, 2700, 2701 (Part), 2702 (Part), 2703, 2704 (Part), 2705 (Part), 2706, 2707, 2708 (Part), 2709 (Part), 2710 (Part), 2711 (Part), 2713 (Part) and 2722 (Part) in D.D. 129, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 6,700 m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/11
- Zoning** : “Green Belt” (“GB”)
- Application** : Temporary Public Vehicle Park for Medium Goods Vehicles for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary public vehicle park for medium goods vehicles (MGV) for a period of 3 years at the application site (the Site) (**Plan A-1a**). The Site falls within an area zoned “GB” on the approved Lau Fau Shan and Tsim Bei Tsui OZP No. S/YL-LFS/11. According to the Notes of the OZP for the “GB” zone, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use requiring planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use. The western portion of the Site is covered by valid planning permission (under Application No. A/YL-LFS/372) for parking of MGV until 6.11.2023, whilst the eastern portion was not covered by any valid planning permission for parking of MGV¹ (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site is accessible from Tin Wah Road via a local track (**Drawing A-2**). As shown on the layout plan at **Drawing A-1**, the proposal comprises 50 parking spaces for MGV (11m × 3.5m each). The ingress/egress point is located at the southeast of the Site. No structure is proposed at the Site.

¹ Although the eastern portion of the Site is also covered by a valid planning permission (under Application No. A/YL-LFS/376), the permission is for parking of private cars only.

- 1.3 According to the applicant, the operation hours would be between 7 a.m. and 7 p.m. from Mondays to Saturdays. There would be no operation on Sundays and public holidays. Drainage facilities (i.e. surface U-channel) and peripheral fencing would be provided.
- 1.4 The layout plan, vehicular access plan, proposed drainage plan and proposed fencing plan are at **Drawing A-1 to A-4** respectively.
- 1.5 The Site is the subject of 9 previous applications (No. A/YL-LFS/31, 40, 74, 155, 173, 357, 358, 372 and 376) (details at paragraph 6 below).
- 1.6 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form received on 5.7.2022 (Appendix I)
 - (b) Further Information (FI) received on 19.7.2022* (Appendix Ia)
 - (c) FI received on 8.8.2022* (Appendix Ib)

** accepted and exempted from publication requirements*

2. Justifications from the Applicant

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

- (a) There is shortage of parking spaces in Sha Kong Wai and Tin Shui Wai, leading to proliferation of illegal parking, which generates significant adverse impact on the local road network. The applied use can address the huge parking demand of the villagers of Sha Kong Wai Village and residents of Tin Shui Wai, many of them are working in the transport sector.
- (b) Although the Site falls within the “GB” zone, the Town Planning Board has granted permissions for various recreational uses thereat. In fact, the Site has been hard-paved since 1999. Hence, the applied use would not involve clearance of vegetation, but to better utilise the Site.
- (c) Due to the pandemic, the applicant had still yet to comply with the approval conditions of the previously approved application No. A/YL-LFS/372 for the same use. A fresh application is therefore submitted.
- (d) The Board has granted permissions for a number of similar temporary public vehicle parks in the vicinity of the Site. Similar preferential treatment should also be granted to the current application.

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 Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting notice at the Site and sending notification letter to the Ping Shan Rural Committee. Detailed information would be deposited at the

meeting for Members' inspection.

4. Town Planning Board Guidelines

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. Relevant extract of the Guidelines is at **Appendix II**.

5. Background

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

6. Previous Applications

6.1 The Site is the subject of 9 previous applications (No. A/YL-LFS/31, 40, 74, 155, 173, 357, 358, 372 and 376) for various recreational uses, public utility installation, and temporary public vehicle park and open storage. 6 of them were approved with conditions whilst 3 were rejected by the Rural and New Town Planning Committee (the Committee). Details of these previous applications are summarised in **Appendix III** and their locations are shown on **Plan A-1b**.

Approved Applications

6.2 Applications No. A/YL-LFS/40 and 74 covering a much larger extent of area for temporary golf driving range and recreational development for a period of 3 years each were approved by the Committee and the Board on review on 28.5.1999 and 8.3.2002 respectively mainly on the considerations not relevant to the current applied use.

6.3 Applications No. A/YL-LFS/155 and 173 for public utility installation (telecommunications radio base station) were approved by the Board on review and the Committee on 6.7.2007 and 18.4.2008 respectively. The considerations for them were not relevant to the current applied use.

6.4 Applications No. A/YL-LFS/372 and 376 for temporary public vehicle park for MGW or private cars respectively for a period of 3 years were approved with conditions by the Committee on 6.11.2020 and 4.12.2020 respectively mainly on considerations that the application sites fell within area covered by approved planning applications for recreational uses with ancillary vehicle parks; the sites had largely been hard-paved before the land filling restriction was first incorporated into the OZP in 2004²; the applied uses did not involve clearance of vegetation and were not incompatible with the surroundings; there was no adverse comment from concerned government departments and technical concerns could be addressed by approval conditions. For Application No. A/YL-LFS/372 for the same applied use as the current application, while the approval condition requiring the implementation

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

of fire service installations proposal has been complied with, approval conditions requiring the submission and implementation of the revised drainage proposal, as well as the provision of fencing have not been complied with to date.

- 6.5 Compared with the last previous application for the same applied use (A/YL-LFS/372), the current application is submitted by the same applicant covering a larger area (i.e. including also the northern portion of the site of Application No. A/YL-LFS/376), with provision of 12 more parking spaces.

Rejected Applications

- 6.6 Application No. A/YL-LFS/31 involving more or less the same site as applications No. A/YL-LFS/40 and 74 for proposed pond filling and various recreational facilities was rejected by the Board upon review on 18.12.1998. The considerations thereof were not relevant to the current applied use.
- 6.7 Application No. A/YL-LFS/357 for temporary public vehicle park (private car, MGW, 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, TPB PG-No. 10, the then TPB PG-No. 13E for “Application for Open Storage and Port Backup Uses under Section 16 of the Town Planning Ordinance”³; and setting undesirable precedent.
- 6.8 Application No. A/YL-LFS/358 for temporary open storage of construction materials for a period of 3 years was rejected by the Committee on 6.3.2020. The considerations thereof were not relevant to the current applied use.

7. Similar Applications

- 7.1 Within the same “GB” zone, there were 5 similar applications (No. A/YL-LFS/341, 364, 375, 394 and 417) for temporary public vehicle park for private cars and/or light goods vehicles with or without filling and excavation of land in the past 5 years. 4 applications were approved while 1 was rejected. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1a**.

Approved Applications

- 7.2 Applications No. A/YL-LFS/341, 364, 375 and 394 involving 4 sites for temporary public vehicle park for private cars and/or light goods vehicles within/straddling the “GB” zone were approved with conditions by the Committee between 2019 and 2021 mainly on similar considerations as summarised in paragraph 6.4 above.

Rejected Application

- 7.3 Application No. A/YL-LFS/417 for temporary public vehicle park for private cars for a period of 3 years and filling and excavation of land, which involved clearance

³ The then TPB PG-No. 13E was relevant to Application No. A/YL-LFS/357, for container vehicle park was involved. The Site falls within Category 4 areas, where application would normally be rejected except under exceptional circumstances.

of vegetation and hard-paving between 2015 and 2018 was rejected by the Committee on 14.1.2022 mainly on the grounds of not in line with the planning intention of the “GB” zone; and not in line with the TPB PG-No. 10 due to being incompatible to the surrounding areas, and failure to demonstrate no significant adverse landscape impact.

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

8.1 The Site is:

- (a) currently hard-paved and being used for the applied use. The western portion of the Site is covered by valid planning permission (under Application No. A/YL-LFS/372) for parking of MGW until 6.11.2023, whilst the eastern portion is not covered by any valid planning permission for parking of MGW; and
- (b) accessible from Tin Wah Road to its south via a local track on private land and Government Land.

8.2 The surrounding areas have the following characteristics. Some of the uses are suspected unauthorised developments (UDs) subject to enforcement action by the Planning Authority:

- (a) to the northeast is a cultivated agricultural land;
- (b) to the east is parking of vehicles. Across a local track are ponds falling within the “Open Space (1)” zone of the Tin Shui Wai OZP. To the further east across the Tin Shui Wai Nullah is the Tin Shui Wai New Town;
- (c) to the immediate south is a public vehicle park covered by valid planning permission (Application No. A/YL-LFS/364); and
- (d) to the west is woodland intermixed with burial urns. To the southwest is a vehicle park.

9. Planning Intention

The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

10. Comments from Relevant Government Departments

10.1 Apart from government departments as set out in paragraph 10.2 below, other bureau/departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices IV and V** respectively.

10.2 The following government department supports the application:

Traffic

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

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

11. Public Comments Received During the Statutory Publication Period

On 12.7.2022, the application was published for public inspection. During the statutory public inspection period, 2 public comments were received from individuals (**Appendices VI-1 and VI-2**) objecting to the application on grounds that the applied use would generate adverse traffic, environmental and fire safety impacts; there are approvals for parking facilities already; and the application is a 'Destroy to Build' case.

12. Planning Considerations and Assessments

- 12.1 The application is for temporary public vehicle park for MGW for a period of 3 years at the Site. The Site falls within the "GB" zone, which is primarily intended for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. Although the applied use is not in line with the planning intention of the "GB" zone, the Site was granted with previous planning permissions for temporary recreational uses and public vehicle parks. Moreover, C for T supports the current application from traffic engineering perspective as it could meet public demand for car parking spaces. In view of the above, sympathetic consideration may be given to the application.
- 12.2 The Site is located adjacent to the Tin Shui Wai New Town to its east, and in a locality predominated by vehicle parks with valid planning permissions. The applied use is considered not entirely incompatible with the surrounding land uses.
- 12.3 According to the TPB PG-No. 10, the design and layout of any development should be compatible with the surrounding areas. The development and its vehicular access road should not involve extensive clearance of existing natural vegetation and affect the existing natural landscape. In this regard, the Site has been formed under Applications No. A/YL-LFS/40 and 74 and used for the approved developments. Hence, the applied use will not involve clearance of vegetation. Director of Agriculture, Fisheries and Conservation and Chief Town Planner/Urban Design and Landscape of Planning Department have no comment on the application from nature conservation and landscape planning perspectives.
- 12.4 Other concerned government departments including Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department and

Director of Fire Services have no objection to/adverse comment on the application. The applied use will unlikely generate significant adverse environmental, drainage and fire safety impacts on the surroundings. To address the technical requirements of the concerned government departments, relevant approval conditions have been recommended in paragraph 13.2 below.

- 12.5 The Committee has approved 2 previous applications (No. A/YL-LFS/372 and 376) for temporary public vehicle park for MGVS or private cars at different portions of the Site. There are also 4 similar applications (No. A/YL-LFS/341, 364, 375 and 394) for temporary public vehicle park for private cars and/or light goods vehicles within/straddling the same “GB” zone in the past 5 years. Although the Committee had rejected a similar application (No. A/YL-LFS/417), the circumstances of the application is different in that the concerned site is not subject to any previous planning permission, and had been cleared of vegetation for the applied use. As such, approval of the current application is in line with the previous decisions of the Committee.
- 12.6 There are 2 public comments received objecting to the application on grounds as summarised in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.5 above are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comments mentioned in paragraphs 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 3 years until **26.8.2025**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no vehicle exceeding 24 tonnes, including heavy goods vehicle and container tractor/trailer, as defined in the Road Traffic Ordinance, is allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (b) 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;
- (c) 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 **26.2.2023**;
- (d) in relation to (c) 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 **26.5.2023**;

- (e) in relation to (d) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) 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 **26.2.2023**;
- (g) in relation to (f) 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 **26.5.2023**;
- (h) 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 **26.2.2023**;
- (i) if any of the above planning condition (a), (b) or (e) 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 (c), (d), (f), (g) or (h) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (k) upon the expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

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

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

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

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant planning 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 received on 5.7.2022
Appendix Ia	Further Information received on 19.7.2022
Appendix Ib	Further Information received on 8.8.2022
Appendix II	Extracts of Town Planning Board Guidelines for Application for Development within Green Belt Zone (TPB PG-No. 10)
Appendix III	Previous and Similar Applications
Appendix IV	Government Bureau/Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendices VI-1 and VI-2	Public Comments Received During Statutory Publication Period
Drawing A-1	Layout Plan
Drawing A-2	Vehicular Access Plan
Drawing A-3	Proposed Drainage Plan
Drawing A-4	Proposed Fencing 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 A-4b	Site Photos

**PLANNING DEPARTMENT
AUGUST 2022**