

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/512

- Applicant** : Teng Fei Consultancy Company represented by Allgain Land Administrators (Hong Kong) Limited
- Site** : Lots 1621, 1623 (Part), 2700, 2703, 2704 (Part), 2705 (Part), 2706, 2707, 2708 (Part), 2709 (Part), 2710 (Part), 2711 (Part) and 2713 (Part) in D.D. 129, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 5,220m²
- 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 for a period of three years at the application site (the Site) (**Plan A-1a**) zoned “GB” on the OZP. According to the Notes of the OZP for the “GB” zone, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently hard paved and used for vehicle park without valid planning permission (**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**), with the ingress/egress located at the south of the Site. As shown on the layout plan at **Drawing A-1**, 32 parking spaces for medium goods vehicles (11m × 3.5m each) are provided. No structure is proposed at the Site. Drainage facilities (surface U-channels and catchpits) (**Drawing A-3**), fire service installations (FSIs) (**Drawing A-4**) and fencing (**Drawing A-5**) would be provided. According to the applicant, the operation hours are between 7 a.m. and 7 p.m. from Mondays to Saturdays. There is no operation on Sundays and public holidays.
- 1.3 The Site is involved in 11 previous applications, including three (No. A/YL-LFS/372, 376 and 433) for temporary public vehicle parks for private cars or medium good vehicles. All of them were approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2020 and 2022. However, all the

planning permissions were subsequently revoked between 2022 and 2024 due to non-compliance with time-limited approval conditions (details at paragraph 6 below).

- 1.4 Compared with the last previous application No. A/YL-LFS/433, the current application is submitted by the same applicant for the same applied use. A comparison of the major development parameters between the last previous application and the current application is as follows.

	Previous Application No. A/YL-LFS/433 (a)	Current Application No. A/YL -LFS/512 (b)	Difference (b) – (a)
Site Area	About 6,700m ² (all private land)	About 5,220m ² (all private land)	-1,480m ² (-22.1%)
Applied Uses	Temporary Public Vehicle Park for Medium Goods Vehicles for a Period of 3 Years		No change
No. of Structure(s)	Nil		No change
No. of Parking Space(s)	50 (Medium Goods Vehicle)	32 (Medium Goods Vehicle)	-18 (-36.0%)
No. of Loading/ Unloading Space(s)	Nil		No change
Operation Hours	7 a.m. to 7 p.m. from Mondays to Saturdays (No operation on Sundays and public holidays)		No Change

- 1.5 In support of the application, the applicant has submitted the following documents¹:

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|-----|--|----------------------|
| (a) | Application Form with attachments received on 9.2.2024 | (Appendix I) |
| (b) | Supplementary Information (SI) received on 15.2.2024 | |
| (c) | SI received on 19.2.2024 | (Appendix Ia) |
| (d) | Further Information (FI) received on 13.5.2024* | (Appendix Ib) |
| (e) | FI received on 3.6.2024* | (Appendix Ic) |

** accepted and exempted from publication requirements*

- 1.6 On 5.4.2024, the Committee agreed to defer making a decision on the application for two months as requested by the applicant.

2. Justifications from the Applicant

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

- (a) 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 those working in the transport sector in the area.

¹ The drainage proposals vide SI and FI received on 15.2.2024 and 13.5.2024 have been superseded by the latest version vide FI received on 3.6.2024. The superseded drainage proposals are not attached in this paper. Similarly, the FSIs proposal vide SI received on 19.2.2024 has been superseded by the latest version received vide FI on 13.5.2024. The superseded FSIs proposal is not attached in this paper.

- (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. The applied use would not involve clearance of vegetation, but better utilise the Site.
- (c) No vehicle apart from medium goods vehicles would be parked at the Site.
- (d) Similar applications have been approved in the vicinity of the Site within the same “GB” zone.
- (e) Due to land boundary dispute, the applicant cannot comply with the time-limited approval conditions of the approved previous application No. A/YL-LFS/433 for the same use on time. The dispute has now been resolved.

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 Ordinance (TPB PG-No. 31B) 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 parking of vehicles use on-site would be subject to planning enforcement action.

6. Previous Applications

- 6.1 The Site is the subject of 11 previous applications for various uses/developments. Seven of them were approved whilst four were rejected by 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 for temporary golf driving range and recreational development for a period of three years each were approved by the Committee and the Board on review in 1999 and 2002 respectively. 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 in 2007 and 2008 respectively. The considerations for these four applications were not relevant

to the current applied use.

- 6.3 Applications No. A/YL-LFS/372, 376 and 433 submitted by the same applicant of the current application for temporary public vehicle park for private cars or medium goods vehicles for a period of three years were approved with conditions by the Committee between 2020 and 2022 mainly on considerations that the application sites fell/largely fell within area covered by approved planning applications for recreational uses with ancillary vehicle parks; the sites had largely been hard-paved before the land filling restriction was first incorporated into the OZP in 2004²; the applied use did not involve extensive clearance of vegetation and were not entirely incompatible with the surroundings; there was no adverse comment from concerned government departments and the technical concerns could be addressed by approval conditions. Nevertheless, the planning permissions for all the three applications were subsequently revoked between 2022 and 2024 due to non-compliance with time-limited approval conditions regarding submission and implementation of drainage proposal (for applications No. A/YL-LFS/372, 376 and 433), submission and implementation of FSIs proposal (for application No. A/YL-LFS/433), and provision of fencing (A/YL-LFS/372, 376 and 433).

Rejected Applications

- 6.4 Application No. A/YL-LFS/8 for proposed electricity overhead poles transmission line and underground cable reserves was rejected by the Board on review in 1997. Application No. A/YL-LFS/31 for proposed pond filling and various recreational facilities was rejected by the Board upon review in 1998. Application No. A/YL-LFS/358 for temporary open storage of construction materials for a period of three years was rejected by the Committee in 2020. The considerations of these three rejected applications were not relevant to the current application.
- 6.5 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 three years was rejected by the Committee on 6.3.2020 mainly on the grounds of being not in line with the planning intention of the “GB” zone, TPB PG-No. 10, and 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 an undesirable precedent.

7. Similar Applications

- 7.1 Within the same “GB” zone, there were seven similar applications for temporary public vehicle park with or without filling and excavation of land in the past five years. Five applications were approved while two were rejected. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1a**.

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.

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

Approved Applications

- 7.2 Applications No. A/YL-LFS/364, 375, 394, 501 and 520 for temporary public vehicle park for private cars and/or light goods vehicles with/without filling of land within/straddling the “GB” zone were approved with conditions by the Committee between 2020 and 2024 mainly on similar considerations as summarised in paragraph 6.4 above.

Rejected Applications

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

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

- 8.1 The Site is:

- (a) hard-paved, partially fenced off, and used for the applied use without valid planning permission.
- (b) is accessible from Tin Wah Road via a local track.

- 8.2 The surrounding areas are predominated by vehicle parks to the south, and shrubland to the east and west. Other uses such as storage yard/open storage yard, hobby farm, ponds and site under works in progress are also located in the vicinity. Some of the uses are covered by valid planning permissions, while some are suspected unauthorized developments subject to planning enforcement action.

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 the government department as set out in paragraph 10.2 below, other 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 Commissioner for Transport (C for T):

- (a) she supports the application from traffic engineering perspective to meet the public demand for car parking spaces; and
- (b) the applicant should note her advisory comments at **Appendix V**.

11. Public Comment Received During Statutory Publication Period

On 23.2.2024, the application was published for public inspection. During the statutory public inspection period, a public comment from an individual (**Appendix VI**) was received objecting to the application on grounds that the application is a ‘destroy first, build later’ case; the applied use is merely for disguising open storage use; and the conditions of the permission under application No. A/YL-LFS/433 are yet to be complied with.

12. Planning Considerations and Assessments

12.1 The application is for temporary public vehicle park for medium goods vehicles for a period of three years within the “GB” zone of the OZP (**Plan A-1a**). While the applied use is not in line with the planning intention of the “GB” zone, the planning background of the Site is unique in that it was previously granted with planning permissions for temporary recreational uses in 1999 and 2002, and had been hard-paved before the incorporation of land filling restriction to the subject “GB” zone in 2004. 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 and taking into account the planning assessments below, sympathetic consideration may be given to the application.

12.2 The Site is located just outside the fringe of the Tin Shui Wai New Town to the east, in an area predominated by vehicle parks. 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; and the development and its vehicular access road should not involve extensive clearance of existing natural vegetation and affect the existing natural landscape. The issue of compatibility has been discussed in paragraph 12.2 above. Regarding existing natural vegetation, the Site was previously granted with planning permissions for temporary recreational uses in 1999 and 2002, and had been hard-paved before the incorporation of land filling restriction to the subject “GB” zone in 2004. Hence, the applied use did not involve clearance of vegetation. In this regard, the 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 respectively.

- 12.4 Other concerned government departments including the Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department (CE/MN of DSD) and Director of Fire Services (D of FS) have no objection to/no adverse comment on the application from environmental, drainage and fire safety perspectives respectively. The technical requirements of CE/MN of DSD and D of FS could be addressed by imposing approval conditions recommended in paragraph 13.2 below.
- 12.5 The Site is involved in 11 previous applications, including the last three (No. A/YL-LFS/372, 376 and 433) for temporary vehicle park for private cars or medium goods vehicles which were approved with conditions by the Committee between 2020 and 2022. However, the three planning permissions were all revoked between 2022 and 2024 due to non-compliance with time-limited approval conditions regarding submission and implementation of drainage proposal (for applications No. A/YL-LFS/372, 376 and 433), submission and implementation of FSIs proposal (for application No. A/YL-LFS/433), and provision of fencing (A/YL-LFS/372, 376 and 433). In this regard, the applicant claims that the compliance of approval conditions of the previous application had been hindered by land boundary dispute which has now been resolved. In support of the current application, the applicant has also submitted drainage, FSIs and fencing proposals (**Drawings A-3 to A-5**), with the former two accepted by CE/MN, DSD and D of FS respectively. As such, sympathetic consideration may be given to the current application. Should the application be approved, the applicant will be advised that should it fail to comply with any of the approval conditions resulting in revocation of the planning permission, sympathetic consideration would not be given to any further application.
- 12.6 There are five approved similar applications for temporary private cars and/or light goods vehicles within/straddling the same “GB” zone in the past five years. Although the Committee rejected two similar applications, the circumstances of the rejected applications as stated in paragraph 7.3 above are different from the current application in that vegetation clearance was involved. Approval of the current application is not in conflict with the previous decisions of the Committee.
- 12.7 There is one public comment received objecting to the application on grounds as summarised in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.6 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 comment 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 **5.7.2027**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) the implementation of the accepted 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 **5.1.2025**;
- (b) in relation to (a) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (c) the implementation of the accepted 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 **5.1.2025**;
- (d) if the above planning condition (b) 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; and
- (e) if any of the above planning condition (a) or (c) 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.

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 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 attachments received on 9.2.2024
Appendix Ia	SI received on 19.2.2024
Appendix Ib	FI received on 13.5.2024
Appendix Ic	FI received on 3.6.2024
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 Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment Received During Statutory Publication Period
Drawing A-1	Layout Plan
Drawing A-2	Vehicular Access Plan
Drawing A-3	Drainage Plan
Drawing A-4	Fire Service Installations Plan
Drawing A-5	Fencing Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Site Plan with Previous Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
JULY 2024**