

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/520

- Applicant** : Yik Tat Property Development Limited represented by Metro Planning & Development Company Limited
- Site** : Lots 2841 S.A RP (Part) and 2841 S.B RP (Part) in D.D. 129, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 1,180m²
- 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 (Private Cars) with Electric Vehicle Charging Facility for a Period of 3 Years and Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary public vehicle park (private cars) with electric vehicle (EV) charging facility for a period of three years and filling of land at the application site (the Site) (**Plan A-1**) zoned “GB” on the OZP. According to the Notes of the OZP for the “GB” zone, ‘Public Vehicle Park (excluding container vehicle)’, which is a Column 2 use, as well as filling of land require planning permission from the Town Planning Board (the Board). The Site is currently hard- paved, largely fenced off and used for vehicle park without valid planning permission (**Plans A-2 and A-4a**).
- 1.2 The Site is accessible from Tin Wah Road via a local track (**Plans A-2 and A-3**), with the ingress/egress located at the east of the Site (**Drawing A-1**). As shown on the layout plan at **Drawing A-1**, 15 parking spaces for private cars (5m × 2.5m each) are provided. EV charging facilities (15 charging structures, each about 2.5m high, with a total floor area of 60m²) will be provided for all parking spaces. Peripheral landscape planting (**Drawing A-2**) and drainage facilities (surface U-channels and catchpits) (**Drawing A-3**) will be provided. According to the applicant, the operation hours would be between 7 a.m. to 11 p.m. daily, including Sundays and public holidays.
- 1.3 Moreover, the applicant would like to regularise the land filling works on the Site. As shown on the land filling plan at **Drawing A-4**, the existing concrete paving covers the entire Site (about 1,180m²) with a depth of about 0.2m for manoeuvring

and parking of vehicles.

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

- (a) Application Form with attachments received on 16.4.2024 (Appendix I)
- (b) Supplementary Information (SI) received on 22.4.2024 (Appendix Ia)
- (c) Further Information (FI) received on 16.5.2024 (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) the applied use is a Column 2 use in the “GB” zone;
- (b) the applied use is not incompatible with the surrounding environment;
- (c) there is a shortfall of parking spaces to meet the demand from Sha Kong Wai Village. Moreover, there is no EV charging facilities in the vicinity of the Site;
- (d) the applied use intends to address the parking demand of villagers and therefore would not generate additional traffic to Sha Kong Wai Village. The traffic impact would be minimal;
- (e) no light goods vehicles, medium goods vehicle, heavy goods vehicle and container tractor/trailer would be allowed to be parked at the Site. No vehicle without valid licence would be permitted to be stored at the Site. No car beauty, car repairing and other workshop activity would be carried out on the Site. The environmental impact generated by the applied use would be insignificant; and
- (f) similar applications have been approved within the same “GB” zone.

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**

The Site is involved in two previous applications (A/YL-LFS/39 and 424) for recreational uses on a permanent basis and temporary place of recreation, sports or culture for a period of three years with associated filling of land and ponds respectively. Both of them were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 1999 and 2022 respectively. The considerations of these previous applications are not relevant to the current application which involves a different use. The planning permission for application No. A/YL-LFS/424 is valid until 6.5.2025. Details of the previous applications are summarised in **Appendix III** and their boundaries are shown on **Plan A-1**.

7. **Similar Applications**

- 7.1 Within the same “GB” zone, there were ten similar applications for temporary public vehicle park for private cars, light goods vehicles, medium goods vehicles and/or heavy goods vehicles with or without filling and excavation of land in the past five years. Seven applications were approved while three were rejected. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

Approved Applications

- 7.2 Seven applications (No. A/YL-LFS/364, 372, 375, 376, 394, 433 and 501) involving three sites for temporary public vehicle park for private cars, light goods vehicles and/or medium goods vehicles with or without filling of land within/straddling the “GB” zone were approved with conditions by the Committee between 2020 and 2024 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 2004¹; the applied use did not involve extensive clearance of vegetation and was 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.

Rejected Applications

- 7.3 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

¹ 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.

under Section 16 of the Town Planning Ordinance”²; and setting an undesirable precedent.

- 7.4 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 and 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, largely fenced off and used for vehicle park 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/parking of vehicles and village houses. To the further south are the “Residential (Group A)” (“R(A)”) zone of the OZP/“R(A)1” zone of the Tin Shui Wai OZP under development for Tin Wah Road public housing development. Other uses such as recreational use, temple and shrine 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

- 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 OZP, as filling of land/pond or 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 in the Recommended Advisory Clauses are provided in **Appendices IV**

² 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.

and V respectively.

10.2 The following government bureau and department support the application:

Policy Aspect

10.2.1 Comments of the Secretary for Environment and Ecology (SEE):

- (a) To echo with the revision of the Chapter 8 of Hong Kong Planning Standards and Guidelines (HKPSG) about EV charging facilities and to support the Government's policies in promoting the wider adoption of EVs, he suggests the applicant to comply with the requirement of HKPSG, i.e. EV chargers with output power of not less than 7kW (i.e., medium chargers) should be equipped at all parking spaces for private cars, light goods vehicles and motorcycles at the Site.
- (b) The Government aims to formulate a citywide green transformation roadmap and timetable for public buses and taxis in 2024, and provide support to realise the goal of introducing about 3,000 electric taxis by end-2027. A comprehensive quick charging network is needed to effectively support the operations of electric commercial vehicles and achieve the aforesaid target. In this connection, he suggests the applicant to consider installing some quick chargers (e.g. with output power of 100kW or higher) at the Site and opening up a certain number of charging spaces for electric commercial vehicles for use, e.g. electric taxis and electric light goods vehicles.

Traffic

10.2.2 Comments of the 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 23.4.2024, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual (**Appendix VI**) was received objecting to the application on grounds that large number of parking spaces are available in the vicinity and additional parking spaces are not required; and that tree felling may be involved.

12. Planning Considerations and Assessments

12.1 The application is for temporary public vehicle park (private cars) with EV charging facility for a period of three years and filling of land within the “GB” zone of the OZP (**Plan A-1**). While the applied use and associated filling of land are not in line with the planning intention of the “GB” zone, the planning background of the Site is

unique in that the Site formed part of a larger site previously granted with planning permissions for permanent and temporary recreational uses with ancillary car parks in 1999 and 2022 respectively. Under the approved scheme of application No. A/YL-LFS/424 which the planning permission is valid until 6.5.2025, the portion where the Site falls within is proposed to be used as an ancillary car park. Moreover, the Site had largely been hard-paved before the incorporation of land filling restriction to the subject “GB” zone in 2004. Also, SEE and C for T support the application from policy and traffic engineering perspectives. In view of the above and taking into account the planning assessment below, sympathetic consideration may be given to the application.

- 12.2 The applicant also intends to regularise the existing concrete-paving of 0.2m in depth covering the entire Site (about 1,180m²). Filling of land within the “GB” zone requires planning permission from the Board as it may cause adverse drainage impacts on the adjacent areas and adverse impact on the natural environment. In this regard, the Chief Engineer/Mainland North of Drainage Services Department (CE/MN of DSD) and the Director of Agriculture, Fisheries and Conservation have no objection to/no adverse comment on the application from drainage and nature conservation perspectives.
- 12.3 The Site is located at the southern tip of the “GB” zone and sandwiched between the recognised village of Sha Kong Wai to the west which is intermixed with vehicle parks/parking of vehicles, the Tin Wah Road public housing development to the south, and the Tin Shui Wai New Town to the east. There are also vehicle parks/parking of vehicles, including some covered by valid planning permission, in the immediate surroundings. The applied use and associated filling of land are considered not entirely incompatible with the surrounding environment.
- 12.4 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 existing natural landscape. The issue of compatibility has been discussed in paragraph 12.3 above. Regarding the existing natural vegetation, the Site was previously granted with planning permissions for permanent and temporary recreational uses with ancillary car parks in 1999 and 2022 respectively, and had largely been hard-paved before the incorporation of land filling restriction to the subject “GB” zone in 2004. Meanwhile, the applicant has submitted a landscape proposal for provision of landscape planting along the periphery of the Site (**Drawing A-2**). In this regard, the Chief Town Planner/Urban Design and Landscape of Planning Department has no comment on the application from landscape planning perspective.
- 12.5 Other concerned government departments including the Director of Environmental Protection and Director of Fire Services (D of FS) have no objection to/no adverse comment on the application from environment 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.
- 12.6 There are seven approved similar applications for temporary public vehicle park for private cars, light goods vehicles and/or medium goods vehicles with or without filling of land within/straddling the “GB” zone in the past five years. Although the Committee rejected three similar applications, the circumstances of the rejected

applications as stated in paragraphs 7.3 and 7.4 above are different from the current application. As such, 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 **7.6.2027**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) all parking spaces provided at the Site shall be equipped with electric vehicle charging facilities;
- (b) 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 **7.12.2024**;
- (c) in relation to (b) 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 **7.3.2025**;
- (d) in relation to (c) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (e) 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 **7.12.2024**;
- (f) in relation to (e) 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 **7.3.2025**;
- (g) if any of the above planning condition (a) or (d) 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;
- (h) if any of the above planning condition (b), (c), (e) or (f) 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

- (i) upon 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 and associated filling 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. There is no strong planning justification 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

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| Appendix I | Application Form with attachments received on 16.4.2024 |
| Appendix Ia | SI received on 22.4.2024 |
| Appendix Ib | FI received on 16.5.2024 |
| 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 |
| Appendices VI | Public Comment Received During Statutory Publication Period |
| Drawing A-1 | Layout Plan |
| Drawing A-2 | Landscape Plan |
| Drawing A-3 | Drainage Plan |
| Drawing A-4 | Land Filling Plan |
| Plan A-1 | Location Plan with Previous and Similar Applications |
| Plan A-2 | Site Plan |
| Plan A-3 | Aerial Photo |
| Plans A-4a and A-4b | Site Photos |

**PLANNING DEPARTMENT
JUNE 2024**