

**APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/YL-LFS/529

- Applicant** : Mega Rich Logistics Limited represented by R-riches Property Consultants Limited
- Site** : Lot ~~2482~~ 2842 RP (Part) in D.D. 129, Sha Kong Wai, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 2,435m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plans** : Approved Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/11
- Zoning** : “Green Belt” (“GB”)
- Application** : Proposed Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 5 Years and Associated Filling of Pond and Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary public vehicle park (excluding container vehicle) for a period of five years 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)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently hard paved and vacant (**Plans A-2, and A-4a and A-4b**).
- 1.2 The Site is accessible from Tin Wah Road via a local track, with the ingress/egress located at the southeast of the Site (**Drawing A-2**). As shown on the layout plan at **Drawing A-1**, 61 parking spaces for private cars (5m × 2.5m each) and 8 for light goods vehicles (7m × 3.5m each) are provided. Peripheral landscape planting (**Drawing A-4**) and drainage facilities (surface U-channels and catchpits) (**Drawing A-5**) will also be provided. According to the applicant, the operation hours would be 24 hours daily, including public holidays.
- 1.3 The applicant also seeks planning permission to regularise the pond¹/land filling works on the Site. As shown on the pond/land filling plan at **Drawing A-3**, the existing concrete paving, which is to facilitate manoeuvring and parking of vehicles, covers the entire Site (about 2,435m²) with a depth of about 0.2m.

¹ The Site was previously a pond. Details are provided in paragraph 5.1 below.

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

- | | | |
|-----|---------------------------------------------------------|---------------|
| (a) | Application Form with attachments received on 12.8.2024 | (Appendix I) |
| (b) | Further Information (FI) on 16.9.2024* | (Appendix Ia) |
| (c) | FI on 25.9.2024* | (Appendix Ib) |

** accepted and exempted from publication and recounting requirements*

2. Justifications from the Applicant

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

- (a) There is a shortage of parking spaces in the area as several vehicle parks at the adjacent “R(A)” zone had been resumed and reverted to the Government in 2024 to pave way for public housing development at Tin Wah Road. The proposed development can address the pressing parking needs of the villagers of Sha Kong Wai Village and residents of Tin Shui Wai.
- (b) Similar applications were previously approved by the Board within the same “GB” zone. Approval of the current application is in line with the Board’s previous decisions.
- (c) Sufficient space is provided for vehicles to manoeuvre to, from and within the Site to ensure no queuing and turn back outside the Site. Also, the trips generated by the proposed development would be insignificant. Hence, adverse traffic impact to the surrounding road network is not anticipated.
- (d) The applicant will strictly follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ and statutory requirements under relevant pollution control ordinances to minimise adverse environmental impacts and nuisance to the surrounding area.
- (e) Adequate mitigation measures (i.e. submission of drainage and fire service installations proposals) will be provided by the applicant to mitigate any adverse impact arising from the proposed development.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is the sole “current land owner” of the Site. 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**

- 5.1 The Site was largely a pond when the pond filling restriction was first introduced with the gazettal of the draft Lau Fau Shan and Tsim Bei Tsui OZP No. S/YL-LFS/1 on 10.6.1994 (**Plan A-3b**). The Site was the subject of a previous application (No. A/YL-LFS/9) for pond filling for agricultural use (fruit tree plantation) approved with conditions on 23.8.1996. Subsequently, another previous application (No. A/YL-LFS/39) for recreational uses was approved with conditions on 14.5.1999, of which all the ponds (including the one at the Site) were proposed to be retained. Notwithstanding the above, the pond at the Site was subsequently filled by 2000 after the planning permission under Application No. A/YL-LFS/9 lapsed².
- 5.2 The Site is currently not subject to any active planning enforcement action.

6. **Previous Applications**

- 6.1 The Site is the subject of three previous applications for pond filling for agricultural use, recreational use and temporary open storage use. Two of them were approved whilst one was rejected by the Committee. Details of these previous applications are summarised in **Appendix III** and their locations are shown on **Plan A-1**.

Approved Applications

- 6.2 Application No. A/YL-LFS/9 for pond filling for agricultural use (fruit tree plantation) within the “GB” and the then “Residential (Group C)” zones covering a much larger site area was approved with conditions by the Committee on 23.8.1996.
- 6.3 Application No. A/YL-LFS/39 for recreational uses including barbecue spot, playground, refreshment kiosk, visitor centre, public car park and ancillary uses within the “GB” and “Village Type Development” zones covering a much larger site area was approved with conditions on a permanent basis by the Committee on 14.5.1999. Considerations of these previous applications are not relevant to the current application which involves a different use.

Rejected Application

- 6.4 Application No. A/YL-LFS/443 for temporary open storage of building materials for a period of three years was rejected by the Board upon review on 24.2.2023. Considerations of this application are also not relevant to the current application which involves a different use.

7. **Similar Applications**

- 7.1 Within the same “GB” zone, there were 11 similar applications for temporary public vehicle park for private cars, light goods vehicles and/or medium goods vehicles with or without filling and excavation of land in the past five years. Eight applications were approved while three were rejected. Details of the similar

² According to approval condition (b) of the application, the permission shall cease to have effect on 23.8.1998 unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.

applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

Approved Applications

- 7.2 Eight applications (No. A/YL-LFS/364, 372, 375, 376, 394, 433, 501 and 520) involving four 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 2004³; 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 under Section 16 of the Town Planning Ordinance”⁴; 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; 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-1 to A-4b)

8.1 The Site is:

- (a) hard-paved, fenced off and vacant; and
- (b) accessible from Tin Wah Road via a local track.

8.2 The surrounding areas are predominated by vehicle parks/parking of vehicles and

³ 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.

⁴ 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.

recreational uses. To the 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. 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, filling of land/pond 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 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 Comments Received During Statutory Publication Period

On 20.8.2024, 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 the application is a ‘destroy first, build later’ case; the proposed use would cause potential drainage impact; and the previous application had been rejected by the Committee.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary public vehicle park (excluding container vehicle) for a period of five years and filling of pond and land within the “GB” zone

of the OZP (**Plan A-1**). While the proposed use with associated filling of pond and land is not entirely in line with the planning intention of the “GB” zone, the planning circumstances of the Site is unique in that the Site is currently sandwiched between the Tin Wah Road public housing site within the adjacent “R(A)” zone, recreational uses with ancillary car park, and public vehicle parks with valid planning permissions (No. A/YL-LFS/424 and 520 respectively) (**Plan A-2**). Moreover, C for T supports the current application from traffic engineering perspective as it could meet the 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 on a temporary basis for a period of five years.

- 12.2 The applicant also applies to regularise the existing concrete-paving of 0.2m in depth covering the entire Site (about 2,435m²). Filling of land/pond 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 respectively.
- 12.3 The Site is located at the southern tip of the “GB” zone, and the recognised village of Sha Kong Wai, intermixed with vehicle parks, is located to its west (**Plan A-3a**). As mentioned in paragraph 12.1 above, the Site is surrounded by the Tin Wah Road public housing site, temporary recreational uses with ancillary car parks and public vehicle parks with valid planning permissions. The proposed use is considered not entirely incompatible with the surrounding land uses. The Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L of PlanD) also considers that the proposed use is not incompatible with the landscape character of the surrounding areas.
- 12.4 According to TPB PG-No. 10, the design and layout of any development within the “GB” zone should be compatible with the surrounding areas and should not affect the existing landscape. The issue of compatibility has been discussed in paragraph 12.3 above. Regarding the existing landscape, the applicant has submitted a landscape proposal for preservation of 17 existing trees and provision of 14 new trees at the periphery of the Site (**Drawing A-4**) to mitigate the potential landscape impact arising from the proposed development. In this regard, the CTP/UD&L of PlanD 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 environmental 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 eight 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 same “GB” zone in the past five years. Although the Committee rejected three similar applications, the circumstances of the applications are different as stated in paragraphs 7.3 and 7.4 above. 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. It should also be noted that the rejected previous application for the Site is for temporary open storage use, rather than temporary public vehicle park use under the current application.

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 five years until **4.10.2029**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) 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 **4.4.2025**;
- (b) in relation to (a) 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 **4.7.2025**;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) the implementation of the accepted 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 **4.7.2025**;
- (e) if the above planning condition (c) 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
- (f) if any of the above planning condition (a), (b) or (d) 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.
- (g) 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 proposed use with associated filling of pond and land 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 12.8.2024
Appendix Ia	FI received on 16.9.2024
Appendix Ib	FI received on 25.9.2024
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	Pond/Land Filling Plan
Drawing A-4	Tree Preservation and Landscape Plan
Drawing A-5	Drainage Plan
Plan A-1	Location Plan with Previous and Similar Applications
Plan A-2	Site Plan
Plans A-3a and A-3b	Aerial Photos taken in 2023 and 1994
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2024**