

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

**APPLICATION NO. A/YL-LFS/533**

- Applicant** : Mr. Mok Fook Keung represented by Top Planning Property Consultants Limited
- Site** : Lots 2749, 2750, 2751, 2752 (Part), 2762 RP, 2764 RP (Part), 2765 RP (Part), 2766 RP (Part), 2768 (Part), 2770 (Part), 2771, 2772, 2773, 2779 (Part) and 2780 (Part) in D.D.129, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 5,630m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plans** : (i) Approved Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/11  
(ii) Approved Tin Shui Wai OZP No. S/TSW/18
- Zonings** : (i) “Green Belt” (“GB”) on the approved Lau Fau Shan and Tsim Bei Tsui OZP No. S/YL-LFS/11 (about 99.6%)  
(ii) “Village Type Development” (“V”) on the approved Lau Fau Shan and Tsim Bei Tsui OZP No. S/YL-LFS/11 (about 0.2%)<sup>1</sup>  
[Restricted to a maximum building height of 3 storeys (8.23m)]  
(iii) “Open Space (1)” (“O(1)”) on the approved Tin Shui Wai OZP No. S/TSW/18 (about 0.2%)<sup>1</sup>
- Application** : Proposed Temporary Public Vehicle Park (Private Cars, Light Goods Vehicles and Medium Goods Vehicles) for a Period of 3 Years and Associated Filling of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary public vehicle park (private cars, light goods vehicles and medium goods vehicles) for a period of three years and associated filling of land at the application site (the Site) zoned “GB” on the OZP (**Plan A-1**). 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 vacant, partly hard-paved and partly vegetated (**Plans**

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<sup>1</sup> Regarded as minor boundary adjustment permitted under the covering Notes of the OZP.

**A-2, A-4a and A-4b).**

- 1.2 The Site is accessible from Tin Wah Road via a local track (**Plan A-2**), with the ingress/egress located at the southeast of the Site. As shown on the layout plan at **Drawing A-1**, the proposed public vehicle park would provide 52 parking spaces for private cars (5m × 2.5m each), 10 for light goods vehicle (7m × 3.5m each) and six for medium goods vehicle (11m × 3.5m each). Also, a single-storey structure (about 3m in height) with a floor area of about 18m<sup>2</sup> would be erected for guard room use. The applicant would provide a 2m buffer along the eastern boundary, preservation of existing trees at the southern portion and planting of 60 new trees, as well as a 2.5m high noise barrier at the western periphery of the Site to mitigate the landscape and environmental impacts (**Drawing A-1**). According to the applicant, the temporary public vehicle park would operate between 7 a.m. and 11 p.m. daily, including Sundays and public holidays. No car beauty, car repairing and other workshop activity would be carried out on the Site.
- 1.3 Moreover, the applicant proposes to regularise the filling of land and fill the remaining part of the Site with concrete of about 0.2m in depth for parking of vehicles (**Drawing A-3**).
- 1.4 The Site was involved in four previous applications (Applications No. A/YL-LFS/39, 74, 341 and 444) including two applications (No. A/YL-LFS/341 and 444) for proposed temporary public vehicle park. Details of the previous applications are at paragraph 6 below.
- 1.5 In support of the application, the applicant has submitted the following documents:
- |     |  |                      |
|-----|--|----------------------|
| (a) | Application Form with attachments received on 9.9.2024 | <b>(Appendix I)</b>  |
| (b) | Supplementary Information (SI) received on 13.9.2024   | <b>(Appendix Ia)</b> |
| (c) | Further Information* (FI) received on 7.1.2025         | <b>(Appendix Ib)</b> |
- \* accepted and exempted from publication and recounting requirements*
- 1.6 On 8.11.2024, the Rural and New Town Planning Committee (the Committee) of the Board 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) The applicant has been operating a public vehicle park at the “R(A)” zone (Application No. A/YL-LFS/333) to the South (**Plan A-1a**). In April 2024, the Site had been resumed and reverted to the Government to pave way for public housing development. The current application is for relocation of the public vehicle park to address the 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) The proposed total number of parking spaces in the current application (i.e. 68) is less than that of the applicant's affected public vehicle park (under Application No. A/YL-LFS/333) with 120 parking spaces. The proposed development would not cause adverse traffic, environmental and drainage impacts on the surrounding areas.
- (d) The applicant will strictly comply with the approval conditions (i.e. submission and implementation of drainage and fire service installations proposals) imposed by the Committee.

### **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 site 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 western part of the Site is subject to a planning enforcement action (Case No. E/YL-LFS/629) against unauthorized development (UD) involving use for place for parking of vehicles (**Plan A-2**). Enforcement Notice (EN) was issued on 16.7.2024 requiring discontinuation of the UD by 16.10.2024. Recent site inspection revealed that the UD was discontinued. The case is currently under monitoring.

### **6. Previous Applications**

- 6.1 Parts of the Site were involved in four previous applications for recreational use and public vehicle park uses. Three 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-1b**.

#### *Approved Applications*

- 6.2 Application No. A/YL-LFS/39 (covering the southern portion of the Site and the land at its southwest in a much larger site context) for recreational uses including barbecue spot, playground, refreshment kiosk, visitor centre, public car park<sup>2</sup> and

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<sup>2</sup> The application involved the provision of 64 car parking spaces for the recreational use.

ancillary uses within the “GB” and “V” zones was approved with conditions on a permanent basis by the Committee on 14.5.1999 mainly on the considerations that the proposed development was primarily rural in character and would not affect the existing natural landscape within the “GB” zone; the agricultural use was mainly located within the “V” zone and was always permitted under the OZP; the visitors centre, refreshment kiosk, barbecue area and playground were relatively small in scale; the proposed development was considered compatible with the surrounding land uses; the proposed development was not expected to generate adverse environmental and traffic impacts and there was no adverse comment from the concerned government departments.

- 6.3 Application No. A/YL-LFS/74 (covering a minor portion on the northern side of the Site and the land at its north in a much larger site context) for recreational use (i.e. proposed extension to the Greenfield Garden (including flea market for green/environmental friendly products)<sup>3</sup>) for a period of three years was approved by the Board upon review on 8.3.2002 mainly on the consideration that similar use (Application No. A/YL-LFS/39) had been approved within the same “GB” zone. The planning permission lapsed on 9.3.2005.
- 6.4 Application No. A/YL-LFS/341 covering the eastern part of the Site for proposed temporary public vehicle park for private cars for a period of three years was approved with conditions by the Committee on 31.5.2019 mainly on considerations that the application site fell largely within area covered by approved planning applications for recreational uses with ancillary vehicle parks; the applied use did not involve clearance of vegetation and was not incompatible with the surroundings; there was no adverse comment from concerned government departments and technical concerns could be addressed by approval conditions. However, the planning permission was subsequently revoked on 30.6.2021 due to non-compliance with time-limited approval condition regarding the implementation of drainage proposal.

#### *Rejected Application*

- 6.5 Application No. A/YL-LFS/444 for proposed temporary public vehicle park (private car and light goods vehicle) for a period of three years and filling of land, which involved hard-paving and removal of trees at the northwestern part of the site prior to the application for planning permission, was rejected by the Committee on 28.10.2022 mainly on the grounds of not in line with the planning intention and TPB PG-No. 10; and failure to demonstrate no significant adverse landscape impact as no information has been provided in the submission regarding the mitigation of the adverse landscape impact.

## **7. Similar Applications**

- 7.1 Within the same “GB” zone, there were 13 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. 11 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**.

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<sup>3</sup> The application involved the provision of 140 car parking spaces and 10 coach parking spaces for the recreational use.

### *Approved Applications*

- 7.2 11 applications (No. A/YL-LFS/364, 372, 375, 376, 394, 433, 501, 512, 520, 529 and 536) involving five 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 2004<sup>4</sup>; 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”<sup>5</sup>; and setting an undesirable precedent.
- 7.4 Application No. A/YL-LFS/417 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 of the Site was not subject to previous planning permission, was 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) vacant, partly hard-paved and partly vegetated; 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 recreational uses. To the west in the “V” zone are residential dwellings in Sha Kong Wai. Some of the uses are covered by valid planning permissions, while some are suspected UD's subject to planning enforcement action.

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<sup>4</sup> 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.

<sup>5</sup> 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.

## **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 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 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 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.
- (b) The applicant should note her advisory comments at **Appendix V**.

- 10.3 The following government department has reservation on the application.

### **Land Administration**

- 10.3.1 Comments of the District Lands Officer/Yuen Long, LandsD (DLO/YL, LandsD):

- (a) He has reservation on the application since there are unauthorised structures and/or uses on Lots 2765 RP, 2766 RP and 2771 in D.D. 129 which are already subject to lease enforcement action according to case priority. The lot owner(s) should rectify and/or apply for regularization the lease breaches as demanded by LandsD.
- (b) The applicant should note his advisory comments at **Appendix V**.

## **11. Public Comments Received During Statutory Publication Period**

On 20.9.2024, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received (**Appendix VI**) objecting to the application mainly on the grounds that the application involved

destroy to build, and the previous application (No. A/YL-LFS/444) for the same use was rejected.

## **12. Planning Considerations and Assessments**

- 12.1 The application is for proposed temporary public vehicle park (private cars, light goods vehicles and medium goods vehicles) for a period of three years and associated filling of land within the “GB” zone of the OZP. There is a general presumption against development within the “GB” zone. While the proposed use with associated filling of land is not in line with the planning intention of the “GB” zone, the planning circumstances of the Site is unique in that part of the Site (about 75%) has been covered by three previously approved applications involving recreational uses with provision of parking spaces (i.e. 64 car parking spaces under No. A/YL-LFS/39 and 140 car parking spaces and 10 coach parking spaces under No. A/YL-LFS/74) and public vehicle park (i.e. No. A/YL-LFS/341) (**Plan A-1b**). 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 three years.
- 12.2 The applicant also proposes to regularise the filling of land and fill the remaining part of the site (about 5,630m<sup>2</sup>) with concrete of about 0.2m in depth. 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 respectively. As the Site is zoned “GB”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “GB” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.
- 12.3 The Site is located at the southern fringe of the “GB” zone, and sandwiched between the recognised village of Sha Kong Wai to the west and temporary recreational uses to the south. There are also a number of temporary public vehicle parks with valid planning permissions (No. A/YL-LFS/485, 501 and 528) in the vicinity (**Plans A-1a and A-2**). The proposed use is considered not entirely incompatible with the surrounding land uses. In this regard, 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, an application for new development in “GB” zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds. In addition, the design and layout of any proposed development within the “GB” zone should be compatible with the surrounding areas; and the development should not involve extensive clearance of existing natural vegetation and affect the existing natural landscape. The issue of compatibility has been discussed in paragraph 12.3 above. Regarding the landscape aspect, the applicant has submitted a landscape proposal for preservation of existing trees at the

southern portion and provision of 60 new trees at the periphery of the Site (**Drawing A-1**) to mitigate the potential landscape impact arising from the proposed use. In this regard, the CTP/UD&L of PlanD has no comment on the application from landscape planning perspective. As such, the proposed use is considered not in conflict with TPB PG-No. 10.

- 12.5 The Director of Environmental Protection has no objection to the application as the parking spaces for heavy vehicles would be located 100m away from the nearby village houses. To minimise the potential environmental nuisances, the applicant has proposed to erect a 2.5m high noise barrier at the western boundary facing the adjacent “V” zone (**Drawing A-1**). Should the application be approved, the applicant will also be advised to follow the latest ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’. Other concerned government departments including Director of Fire Services (D of FS) have no adverse comment on the application. 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 DLO/YL of LandsD has reservation on the application as there are unauthorised structures and/or uses on Lots 2765 RP, 2766 RP and 2771 in D.D. 129 which are already subject to lease enforcement action. Regarding DLO/YL’s concern on the unauthorised structures within the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 12.7 There are 11 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 has rejected two similar applications, the circumstances of the applications are different as stated in paragraphs 7.3 and 7.4 above. Compared with the last previous application No. A/YL-LFS/444 which has a different site boundary and adverse departmental comment on landscape aspect, the current applicant has submitted a landscape proposal and the CTP/UD&L of PlanD has no adverse comment on the application from landscape planning perspective. Approval of the current application is not in conflict with the previous decisions of the Committee on the rejected cases.
- 12.8 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 12.7 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 **28.2.2028**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:



### Approval Conditions

- (a) the submission of a 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 **28.8.2025**;
- (b) in relation to (a) above, the implementation of the 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 **28.11.2025**;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) 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 **28.8.2025**;
- (e) in relation to (d) 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 **28.11.2025**;
- (f) 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;
- (g) if any of the above planning condition (a), (b), (d) or (e) 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
- (h) upon expiry of the planning permission, the reinstatement of the Site, including the removal of fill materials and hard paving and grassing of the Site 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 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**

<b>Appendix I</b>	Application Form with attachments received on 9.9.2024
<b>Appendix Ia</b>	SI received on 13.9.2024
<b>Appendix Ib</b>	FI received on 7.1.2025
<b>Appendix II</b>	Extracts of Town Planning Board Guidelines for Application for Development within Green Belt Zone (TPB PG-No. 10)
<b>Appendix III</b>	Previous and Similar Applications
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	Public Comment Received During Statutory Publication Period
<b>Drawing A-1</b>	Layout Plan with Landscape Proposal
<b>Drawing A-2</b>	Vehicular Access Plan
<b>Drawing A-3</b>	Land Filling Plan
<b>Plan A-1a</b>	Location Plan with Similar Applications
<b>Plan A-1b</b>	Previous Applications Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
FEBRUARY 2025**