

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

**APPLICATION NO. A/YL-LFS/534**

- Applicant** : Rich Tone Management Limited represented by R-riches Property Consultants Limited
- Site** : Lots 1530, 1539 (Part), 1540, 1542, 1543 (Part) and 1549 (Part) in D.D. 129, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 3,868m<sup>2</sup>
- 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** : “Village Type Development” (“V”)  
[Restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Proposed Temporary Public Vehicle Park (Excluding Container Vehicle) and Shop and Services with Ancillary Facilities 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) and shop and services with ancillary facilities for a period of five years and associated filling of pond and land at the application site (the Site) zoned “V” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “V” zone, ‘Public Vehicle Park (excluding container vehicle)’ and ‘Shop and Services’, which are Column 2 uses, as well as filling of land/pond require planning permission from the Town Planning Board (the Board). The Site is currently hard paved and largely vacant with a few containers (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site is accessible from Tin Yuet Road via a local track (**Drawing A-2**), with the ingress/egress located at the west of the Site. As shown on the layout plan at **Drawing A-1**, 49 parking spaces for private cars (5m × 2.5m each), 11 parking spaces for light goods vehicle and two loading/unloading spaces for light goods vehicle are provided. Moreover, three single-storey structures (about 3.5m in height) with a total floor area of about 137m<sup>2</sup> would be erected for shop and services (grocery), site office and portable toilet uses. Peripheral landscape planting (**Drawing A-4**) and 2.5m high peripheral boundary fencing will also be provided. According to the applicant, the temporary public vehicle park would operate 24 hours daily while the shop and services would operate from 9 a.m. to 10 p.m. daily, including public holidays. No workshop activity would be carried out on the Site.

- 1.3 The applicant also seeks planning permission to regularise the pond/land filling works<sup>1</sup> on the Site. As shown on the pond/land filling plan at **Drawing A-3**, the existing asphalt paving, which is to facilitate site formation of structures, manoeuvring and parking of vehicles, covers the entire Site (about 3,868m<sup>2</sup>) with a depth of about 0.1m. The applicant will remove a portion of the hard paved area (about 182m<sup>2</sup>) for the soil trench of peripheral landscape planting.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 12.9.2024 (**Appendix I**)
  - (b) Supplementary Information (SI) received on 19.9.2024 (**Appendix Ia**)
  - (c) Further Information (FI) received on 23.10.2024\* (**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, SI and FI at **Appendices I to Ib**. They can be summarised as follows:

- (a) the proposed uses intend to address the demand for public parking spaces and shop and services from villagers of the adjacent Mong Tseng Tsuen;
- (b) the proposed uses are not incompatible with the surrounding environment;
- (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. One caretaker will stay overnight at the Site to handle any potential complaint to minimise nuisance to the surrounding area; and
- (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 uses.

## **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’

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<sup>1</sup> Part of the Site was previously a pond. Details are provided in paragraph 5.1 below.

inspection.

#### **4. Town Planning Board Guidelines**

According to Town Planning Board Guidelines for “Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance” (TPB PG-No. 12C), the Site falls within the Wetland Buffer Area (WBA). The relevant assessment criteria are detailed at **Appendix II**.

#### **5. Background**

- 5.1 A minor portion of the Site in the west was part of 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 pond in relation to the Site was filled in around 2004 without planning permission, whereas the majority of the adjacent pond was covered by planning permission under applications No. A/YL-LFS/58 and 72 approved by the Committee in 2000 and 2001 for pond filling for New Territories Exempted House and agricultural use.
- 5.2 The Site was the subject of planning enforcement action (No. E/YL-LFS/634) against unauthorized development (UD) involving filling of land. Enforcement Notice was issued on 16.9.2024 requiring the discontinuation of the UD by 23.9.2024. Reinstatement Notice was issued on 26.9.2024 requiring removal of the leftovers, debris and fill materials (including asphalt, gravels and construction waste) on the land by 26.12.2024. If the notice is not complied with, prosecution action will be considered.

#### **6. Previous Application**

The Site is not involved in any previous application.

#### **7. Similar Application**

- 7.1 Within the same “V” zone, there is a similar application (No. A/YL-LFS/367) for proposed temporary private vehicle park (private cars) for a period of three years and filling of land in the past five years. The application was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2021 mainly on the considerations that temporary use would not jeopardise the long-term planning intention of the “V” zone; the applied use was not incompatible with the surrounding land uses; and there were no adverse comments from concerned government departments and the technical concerns could be addressed by approval conditions. Details of the similar application are summarised in **Appendix III** and its location is shown on **Plan A-1**.
- 7.2 Within the same “V” zone, there is no similar application for shop and services use in the past five years.

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

8.1 The Site is:

- (a) hard-paved and largely vacant with a few containers; and
- (b) accessible from Tin Yuet Road via a local track.

8.2 The surrounding areas are predominated by village houses, vacant land, cultivated farmland and shrubland. Other uses such as parking of vehicle and open storage of converted container are also located in the vicinity, some of which are suspected unauthorized developments subject to planning enforcement action.

## **9. Planning Intention**

9.1 The planning intention of the “V” zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

9.2 According to the Explanatory Statement of the OZP, as filling of land/pond may cause adverse drainage impacts on the adjacent areas and adverse impacts on the 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 has adverse comments on the application.

### **Land Administration**

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

- (a) There is no Small House application approved or under processing at the Site.
- (b) He has reservation on the application since there are unauthorized structures and/or uses on the Lots 1530 and 1543 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.

(c) The applicant should note his advisory comments at **Appendix V**.

10.3 The following government department conveyed local objections to the application:

**District Officer's Comments**

10.3.1 Comments of the District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD):

He has consulted the locals regarding the application. Five local comments from villagers of Mong Tseng Wai were received objecting to the application mainly on the grounds of being not in line with planning intention of “V” zone; and traffic and drainage concerns (**Appendix VI**).

**11. Public Comment 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 (**Appendix VII**) was received objecting to the application mainly on grounds that the proposed uses would cause environmental pollution, traffic congestion and traffic safety problems; and there is no need for shop and services as there are few residents nearby.

**12. Planning Considerations and Assessments**

12.1 The application is for proposed temporary public vehicle park (excluding container vehicle) and shop and services with ancillary facilities for a period of five years and associated filling of pond and land within the “V” zone on the OZP (**Plan A-1**). Although the proposed uses are not entirely in line with the planning intention of the “V” zone, they could help serve the local villagers/residents and meet their car parking and shopping needs. Besides, DLO/YL of LandsD advises that there is no Small House application approved or under processing at the Site. Approval of the application on a temporary basis for five years would not jeopardise the long-term planning intention of the “V” zone.

12.2 The applicant also applies to regularise the existing concrete-paving of 0.1m in depth covering most of the Site (about 3,686m<sup>2</sup>). Filling of land/pond within the “V” 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. The Site, which is within the “V” zone, also falls within the WBA under TPB PG-No. 12C. In this regard, the Chief Engineer/Mainland North Division of Drainage Services Department (CE/MN of DSD), Director of Agriculture, Fisheries and Conservation and Director of Environmental Protection have no objection to/no adverse comment on the application from drainage, nature conservation and environmental perspectives respectively.

12.3 The Site is located at the southwestern part of the recognised village of Mong Tseng Tsuen. The surrounding areas comprise predominately village houses intermixed

with, inter alia, vacant land, cultivated agricultural land and parking of vehicles. The proposed uses are considered not incompatible with the surrounding land uses. The Chief Town Planner/Urban Design and Landscape of Planning Department also considers that the proposed uses are not incompatible with the landscape character of the surrounding areas.

- 12.4 Other concerned government departments including Commissioner for Transport and Director of Fire Services (D of FS) have no objection to/adverse comments on the application from traffic and fire safety perspectives respectively. The technical requirements of CE/MN of DSD and D of FS could be addressed by imposing approval conditions in paragraph 13.2 below.
- 12.5 Regarding DLO/YL of LandsD's concern on the unauthorized structures erected within the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 12.6 There is a similar application for temporary public vehicle park and filling of land within the same "V" zone approved by the Committee in the past five years (**Plan A-1**). Approval of the current application is in line with the previous decision of the Committee.
- 12.7 Regarding the local views conveyed by DO/YL of HAD and the public comment objecting to the application as summarised in paragraphs 10.3.1 and 11 above respectively, 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 local views and public comment mentioned in paragraphs 10.3.1 and 11 respectively, 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 **8.11.2029**. 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 **8.5.2025**;
- (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 **8.8.2025**;
- (c) in relation to (b) above, the implemented drainage facilities on the Site 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 **8.5.2025**;

- (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 **8.8.2025**;
- (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; and
- (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.

#### 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 uses with associated filling of pond and land are not in line with the planning intention of the "V" zone which is primarily for development of Small Houses by indigenous villagers. 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**

<b>Appendix I</b>	Application Form with attachments received on 12.9.2024
<b>Appendix Ia</b>	SI received on 19.9.2024
<b>Appendix Ib</b>	FI received on 23.10.2024
<b>Appendix II</b>	Extracts of Town Planning Board Guidelines for Application for Development within Deep Bay Area (TPB PG-No. 12C)
<b>Appendix III</b>	Similar Application
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses

<b>Appendix VI</b>	Local Views conveyed by District Officer/Yuen Long
<b>Appendix VII</b>	Public Comment Received During Statutory Publication Period
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Vehicular Access Plan
<b>Drawing A-3</b>	Pond/Land Filling Plan
<b>Drawing A-4</b>	Landscape Plan
<b>Plan A-1</b>	Location Plan with Previous and Similar Applications
<b>Plan A-2</b>	Site Plan
<b>Plans A-3a and A-3b</b>	Aerial Photos in 2023 and 1994
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT**  
**NOVEMBER 2024**