

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/535

- Applicant** : Mr. Chan Yik Fai represented by Top Planning Property Consultants Ltd.
- Site** : Lots 2530 (Part), 2531 (Part) and 2918 (Part) in D.D. 129, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 1,926m²
- 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** : Temporary Public Vehicle Park (Private Cars) for a Period of 3 Years and Associated Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary public vehicle park (private cars) for a period of three years and associated filling of 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)’ which is a Column 2 use and filling of land require planning permission from the Town Planning Board (the Board). The Site is currently hard-paved and occupied by the applied use without valid planning permission (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site is accessible via Man Tak Road from Tin Wah Road with the ingress/egress point located at the southern side of the Site (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, the Site will provide 36 parking spaces for private cars (5m × 2.5m each) (**Drawing A-1, Plans A-4a and A-4b**) and one single-storey (about 3m in height) temporary structure with a floor area of about 4m² is proposed for electricity meter room. The operation hours of the public vehicle park are from 7 a.m. to 11 p.m. daily including public holidays. Vehicles without valid license will not be parked at the Site. The applied use does not involve car washing, vehicle repairing, dismantling, paint spraying and other workshop activities. The location plan with vehicular access and site layout plan submitted by the applicant are at **Drawings A-1 and A-2** respectively.
- 1.3 The applicant also applies to regularise the land filling works which have been undertaken at the entire Site (area of filling about 1,926m²), with concrete of about

0.2m in depth (**Drawing A-3**).

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

- (a) Application Form with attachments received on 11.9.2024 (**Appendix I**)
- (b) FI received on 7.1.2025* (**Appendix Ia**)
**accepted but not exempted from the publication and
recounting requirements*

1.5 The Site was involved in a previous application (A/YL-LFS/388) for public vehicle park approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2021. Details of the previous applications are at paragraph 5 below.

1.6 On 8.11.2024, 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 and FI at **Appendices I** and **Ia**. They can be summarised as follows:

- (a) the applied use is temporary in nature and would not jeopardise the long-term planning intention. The public vehicle park is mainly to meet the urgent demand for private car parking spaces for residents in the village;
- (b) the applied use will not cause adverse traffic, environmental and drainage impacts on nearby areas;
- (c) the previous approval under application No. A/YL-LFS/388 was revoked due to non-compliance with approval condition on drainage aspect. To support the current application, drainage and fire service installations proposals have been submitted; and
- (d) there were several similar planning applications approved within the “V” zone of the OZP.

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 Town Planning 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. Background

The Site is currently not subject to any active planning enforcement action. Should there be sufficient evidence to form an opinion that there is unauthorized development at the Site, planning enforcement would be undertaken.

5. Previous Application

The Site was involved in a previous application (No. A/YL-LFS/388) for temporary public vehicle park for private cars for a period of three years, which was submitted by a different applicant covering the same Site as the current application. It was approved by the Committee on 16.4.2021. However, the planning permission was revoked on 16.3.2023 owing to non-compliance with the time-limited approval conditions on the submission and implementation of the revised drainage proposal. Details of the application are summarised in **Appendix II** and its location is shown on **Plan A-1**.

6. Similar Applications

Within/straddling the same “V” zone, there are 11 similar applications (No. A/YL-LFS/390, 394, 427, 429, 431, 464, 467, 480, 483, 485 and 528) involving ten sites for temporary public vehicle park for private cars and/or light goods vehicles with or without other use and filling of land in the past five years. All of them were approved with conditions for a period of three or five years by the Committee between 2021 and 2024 mainly on similar considerations, including that the temporary use would not jeopardise the long-term planning intention; the 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 applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) currently hard-paved, fenced off and occupied by the applied use without valid planning permission; and
- (b) accessible from Man Tak Road (**Plans A-2 and A-3**).

7.2 The surrounding areas are predominated by village houses, parking of vehicles under planning permission, a solar photovoltaic system and vacant land.

8. Planning Intention

- 8.1 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.
- 8.2 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 environment, permission from the Board is required for such activities.

9. Comments from Relevant Government Departments

9.1 Apart from the government departments as set out in paragraphs 9.2 to 9.3 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 III and IV** respectively.

9.2 The following government department supports the application:

Traffic

9.2.1 Comments of the Commissioner for Transport (C for T):

- (a) supports the application from traffic engineering perspective; and
- (b) her advisory comments are in **Appendix IV**.

9.3 The following government departments has reservation on the application:

Land Administration

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

- (a) the Site comprises Old Schedule Agricultural Lots (OSALs). The OSALs are held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
- (b) LandsD has reservation on the application since there are unauthorised structures and/or uses on the Lots 2530 and 2531 in D.D.129 which are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify and/or apply for regularisation the lease breaches as demanded by LandsD;
- (c) there is no Small House application approved or under processing at the Site; and
- (d) his advisory comments are in **Appendix IV**.

10. Public Comment Received During Statutory Publication Periods

On 20.9.2024 and 14.1.2025, the application was published for public inspection. During the statutory public inspection periods, one public comment from an individual (**Appendix V**) was received objecting to the application mainly on grounds that the approval condition on drainage proposal of the previous approval was not fulfilled and no information is provided to prove the drainage issue has been resolved, and the applied use has been operating without valid planning permission.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary public vehicle park (private cars) for a period of three years and associated filling of land within the “V” zone of the OZP (**Plan A-1**). Although the applied use is not entirely in line with the planning intention of the “V” zone, it can serve the local villagers/residents and meet their car parking needs. In this regard, the C for T supports the application from traffic engineering perspective. Besides, DLO/YL, 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 three years would not jeopardise the long-term planning intention of the “V” zone.
- 11.2 The applicant seeks planning permission to regularise the filling of land at the entire site (about 1,926m²) with concrete of about 0.2m in depth. Filling of land within the “V” zone requires planning permission from the Board as they may cause adverse drainage impacts on the adjacent areas and adverse impacts on the environment. In this regard, the Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) and Director of Environmental Protection have no adverse comment on the application from drainage and environmental perspectives respectively.
- 11.3 The surrounding areas are predominated by village houses, parking of vehicles under planning permission, a solar photovoltaic system and vacant land. The applied use is considered not incompatible with the surrounding land uses (**Plan A-1**).
- 11.4 Other concerned government departments including the C for T and Director of Fire Services have no objection to/no adverse comment on the application. To address the technical requirements of the concerned government departments, relevant approval conditions are recommended in paragraph 12.2 below. Should the planning application be approved, the applicant will be advised to follow the latest ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimise any potential environmental nuisances on the surrounding areas.
- 11.5 The Site is the subject of a previous application (No. A/YL-LFS/388) for temporary public vehicle park approved by the Committee in 2021. However, the application was revoked on 16.3.2023 owing to non-compliance with the time-limited approval conditions on the submission and implementation of drainage proposal. In this regard, the applicant has submitted a drainage proposal in support the current application. Should the application be approved, the applicant will be advised that failure to comply with any of the approval condition will result in revocation of the planning permission and sympathetic consideration may not be given to any future applications.
- 11.6 There are 11 approved similar applications for temporary vehicle park use with/without filling of land within/straddling the same “V” zone on the same OZP in the past five years (**Plan A-1**). Approval of the current application is in line with previous decisions of the Committee.
- 11.7 Regarding the public comment objecting to the application as summarised in paragraph 10 above, the planning considerations and assessments above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10, the Planning Department has no objection to the application.
- 12.2 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 including flood mitigation measures 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 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 **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; 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 IV**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applied use with associated filling of land is 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.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant planning permission.
- 13.2 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 the permission should be valid on a temporary basis.
- 13.3 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.

14. Attachments

Appendix I	Application Form with attachments received on 11.9.2024
Appendix Ia	FI received on 7.1.2025
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment Received During Statutory Publication Period
Appendix VI	The requirement of Fireman's Emergency Switch
Drawing A-1	Layout Plan
Drawing A-2	Location and Access Plan
Drawing A-3	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
FEBRUARY 2025**