

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

**APPLICATION NO. A/YL-LFS/536**

- Applicant** : Mr. To Sum Kau represented by Metro Planning & Development Company Limited
- Site** : Lots 2804 (Part), 2826, 2827, 2844 and 2845 RP (Part) in D.D.129 and Adjoining Government Land (GL), Sha Kong Wai, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 5,830m<sup>2</sup> (including GL of about 487m<sup>2</sup> or 8.4%)
- 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
- Zonings** : (i) “Village Type Development” (“V”) (about 75%)  
[Restricted to a maximum building height of 3 storeys (8.23m)]
- (ii) “Green Belt” (“GB”) (about 16.3%)
- (iii) “Residential (Group A)” (“R(A)”) (about 8.7%)  
[Restricted to a maximum plot ratio of 6.9 and a maximum building height of 165mPD]
- Application** : Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) and Filling of Land for a Period of 3 Years

**1. The Proposal**

1.1 The applicant seeks planning permission for temporary public vehicle park (private cars and light goods vehicles) and filling of land for a period of three years at the application site (the Site) (**Plan A-1**) zoned “V”, “GB” and “R(A)” on the OZP. According to the Notes of the OZP, ‘Public Vehicle Park (excluding container vehicle)’, which is a Column 2 use, as well as filling of land within the “V” and “GB” zones require planning permission from the Town Planning Board (the Board); whereas ‘Public Vehicle Park (excluding container vehicle)’ is always permitted within the “R(A)” zone<sup>1</sup>. The Site is currently hard-paved, largely fenced off and used for the applied use without valid planning permission (**Plans A-2, A-4a and A-4b**).

1.2 The Site is accessible from Tin Wah Road via a local track (**Drawing A-2**), with the

---

<sup>1</sup> The portion zoned “R(A)” on the OZP is included in the application for completeness.

ingresses/egresses located at the southeast and northeast<sup>2</sup> of the Site. As shown on the layout plan at **Drawing A-1**, 130 parking spaces for private cars (5m × 2.5m each) and two for light goods vehicles (7m × 3.5m each) are provided. Two single-storey structures (about 3m in height) with a total floor area of about 40m<sup>2</sup> are erected for guard room and site office uses. Drainage facilities (surface U-channels and catch pits) would be provided (**Drawing A-4**). According to the applicant, the operation hours would be between 7 a.m. to 11 p.m. daily, including Sundays and public holidays. No 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.

- 1.3 Moreover, the applicant applies for regularisation of the land filling works at the Site. As shown on the land filling plan at **Drawing A-3**, the applied land filling works covers an area of about 3,800m<sup>2</sup> (or 65.2%) which has been filled with concrete of about 0.2m in depth<sup>3</sup> to facilitate manoeuvring and parking of vehicles.
- 1.4 The proposed layout plan, vehicular access plan, land filling plan as well as drainage plan submitted by the applicant are at **Drawings A-1 to A-4** respectively.
- 1.5 The Site was involved in six previous applications for various uses/developments. The last previous application No. A/YL-LFS/394 for the same temporary use and filling of land as the current application was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2021 (details at paragraph 6 below). Compared with the last previous application, the current application is submitted by the same applicant mainly with a reduced site area and fewer parking spaces. A comparison of the major development parameters between the last previous application and the current application is as follows:

	<b>Previous Application No. A/YL-LFS/394 (a)</b>	<b>Current Application No. A/YL-LFS/536 (b)</b>	<b>Difference (b) - (a)</b>
<b>Site area</b>	about 8,306m <sup>2</sup>	about 5,830m <sup>2</sup>	-2,476m <sup>2</sup> (-29.8%)
<b>Applied uses</b>	Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years and Filling of Land		No change
<b>No. of structures</b>	1 • 1 guard room & toilet	2 • 1 guard room • 1 site office	+1 (+100%)
<b>Total floor area</b>	about 25m <sup>2</sup>	about 40m <sup>2</sup>	+15m <sup>2</sup> (+60%)
<b>Height of structures</b>	1 storey (3m)		No change
<b>No. of parking spaces</b>	private cars: 138 light goods vehicles: 8	private cars: 130 light goods vehicles: 2	-8 (-5.8%) -6 (-75%)
<b>No. of loading/unloading spaces</b>	Nil		No change

<sup>2</sup> The ingress/egress at the northeast leads to another temporary public vehicle park to the northeast covered by planning permission under application No. A/YL-LFS/485, which does not lead to any public road (**Plan A-1**).

<sup>3</sup> While the entire Site has been paved with concrete, the land filling works of about 1,800m<sup>2</sup> (21.7%) at northern part of the Site within the “V” zone was covered by the previous application No. A/YL-LFS/394, whereas the land filling works within the “R(A)” portion are not subject to control under the OZP.

	<b>Previous Application No. A/YL-LFS/394 (a)</b>	<b>Current Application No. A/YL-LFS/536 (b)</b>	<b>Difference (b) - (a)</b>
<b>Operation hours</b>	7 a.m. to 11 p.m. daily (including Sundays and public holidays)		No change
<b>Land filling area</b>	1,800m <sup>2</sup>	3,800m <sup>2</sup>	+2,000m <sup>2</sup> (+111.1%)

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

- (a) Application Form with attachments received on 10.10.2024 (**Appendix I**)
- (b) Further Information (FI) received on 4.11.2024 (**Appendix Ia**)  
*[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 in line with the planning intention of the “V” zone;
- (b) the applied use is compatible with the surrounding environment;
- (c) there is a shortfall of parking spaces to meet the demand from Sha Kong Wai Village;
- (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; and
- (e) similar applications have been approved within the same “V” and “GB” zones.

## **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. For the GL portion, the requirements as set out in TPB PG-No. 31B are not applicable.

## **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**

- 6.1 The Site was, in part or in whole, involved in six previous applications for various uses/developments. Three of them were approved whilst three were rejected by the Committee/the Board on review. 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)” (“R(C)”) zones was approved with conditions by the Committee on 23.8.1996. 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 “V” zones covering a much larger site area was approved with conditions on a permanent basis by the Committee on 14.5.1999. The considerations of these two applications are not relevant to the current application for temporary public vehicle park.
- 6.3 Application No. A/YL-LFS/394 covering a larger site for proposed temporary public vehicle park for private cars and light goods vehicles for a period of three years and filling of land within the “V”, “GB” and “R(A)” zones was approved with conditions by the Committee on 14.5.2021 mainly on considerations that major part of the “GB” portion was used for approved recreational uses with public car park; the proposed use was not entirely incompatible with the surrounding land uses; there was no adverse comment from concerned government departments and the technical concerns could be addressed by approval conditions. The planning permission was revoked on 14.10.2023 due to non-compliance with time-limited approval conditions regarding the provision of fencing and implementation of drainage proposal. Subsequently in April 2024, the southern part of the application site zoned “R(A)” was resumed by the Government for the Tin Wah Road public housing development.

### *Rejected applications*

- 6.4 Application No. A/YL-LFS/24 for temporary container trailer park for a period of 12 months within the then “R(C)” and “GB” zones, which covers the southeastern part of the Site, was rejected by the Board on review in 1998. Applications No. A/YL-LFS/231 and 263 for proposed house (New Territories Exempted House – Small House) within the then “GB”, “R(C)” and “V” zones were rejected by the Committee in 2011 and 2014 respectively. The considerations of these applications are not relevant to the current application which involves a different use.

## 7. **Similar Applications**

- 7.1 Within/straddling the same “V” and “GB” zones, there were 23 similar applications for temporary public vehicle park with or without filling of land/pond and/or

excavation of land in the past five years. 20 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 Eight applications (No. A/YL-LFS/341, 364, 372, 375, 376, 433, 501 and 529) for temporary public vehicle park for private cars and/or light goods vehicles within/straddling the “GB” zone were approved with conditions by the Committee between 2019 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 were 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.
- 7.3 12 applications (No. A/YL-LFS/345, 388, 390, 427, 429, 431, 464, 467, 480, 483, 485 and 528) for temporary public or private vehicle park for private cars with or without filling of land/pond and excavation of land within the “V” zone were approved with conditions by the Committee between 2019 and 2023 respectively mainly on considerations that the 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 technical concerns could be addressed by approval conditions.

*Rejected Applications*

- 7.4 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 straddling the “GB” zone 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.
- 7.5 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 straddling the “GB” and “V” zones, 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.

---

<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.

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

8.1 The Site is:

- (a) hard-paved, largely fenced off, and used for the applied use without valid planning permission; and
- (b) is accessible from Tin Wah Road via a local track on GL.

8.2 The surrounding areas are predominated by vehicle parks/parking of vehicles and village houses. Other uses including recreational use, cultivated/fallow agricultural land and unused land 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 Intentions**

*“V” zone*

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.

*“R(A)” zone*

9.2 The “R(A)” zone is intended primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building.

*“GB” zone*

9.3 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.

9.4 For the “V” and “GB” zones, 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; and
- (b) the applicant should note her advisory comments at **Appendix V**.

10.3 The following government department has reservation the application:

**Land Administration**

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

- (a) he has reservation on the application since there are unauthorized structures and/or uses on the private Lots 2804, 2827 and 2845 RP all in D.D.129 which are already subject to lease enforcement action;
- (b) there is no Small House application approved/under processing at the Site by his office; and
- (c) the applicant should note his advisory comments at **Appendix V**.

**11. Public Comment Received During Statutory Publication Period**

On 18.10.2024, 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 approval conditions of the previous application had not been complied with.

**12. Planning Considerations and Assessments**

12.1 The application is for temporary public vehicle park (private cars and light goods vehicles) and filling of land for a period of three years within the “V”, “GB” and “R(A)” zones of the OZP (**Plan A-1**). ‘Public Vehicle Park (excluding container vehicle)’ is always permitted within the “R(A)” zone. Regarding the “V” zone, although the applied use is not entirely in line with the planning intention of the “V” zone, it could help serve the local villagers/residents and meet their car parking needs. In this regard, 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. As such, approval of the application on a temporary basis for three years would not jeopardise the long-term planning intention of the “V” zone.

12.2 Regarding the “GB” zone, there is a general presumption against development within the “GB” zone. While the applied use is not in line with the planning intention of

the “GB” zone, the “GB” portion was previously granted with planning permission for recreational use with public car park in 1999. In view of the above and taking into account the planning assessments below, sympathetic consideration may be given to the application.

- 12.3 The applicant also proposed to regularise the filling of land covering an area of about 3,800m<sup>2</sup> (or 65.2%) with concrete of about 0.2m in depth (**Drawing A-3**). Filling of land within the “V” and “GB” zones requires planning permission from the Board as they may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural 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 from drainage and environmental perspectives respectively.
- 12.4 The Site is located at the eastern fringe of the recognised village of Sha Kong Wai. The surrounding areas comprise predominantly vehicle parks/parking of vehicles (some of which are within the “R(A)” zone hence always permitted or covered with valid planning permissions) and village houses. The applied use is considered not incompatible with the surrounding land uses.
- 12.5 According to 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 the existing natural landscape. The issue of compatibility has been discussed in paragraph 12.4 above. Regarding existing natural vegetation, the “GB” portion was previously granted with planning permission for recreational use with public car park in 1999 and is currently hard-paved. In this regard, the Director of Agriculture, Fisheries and Conservation and the Chief Town Planner/Urban Design and Landscape of Planning Department have no comment on the application from nature conservation and landscape planning perspectives respectively.
- 12.6 DLO/YL of LandsD has reservation on the application as there are unauthorized structures and/or uses on Lots 2804, 2827 and 2845 RP in D.D.129 which are already subject to lease enforcement action. Regarding DLO/YL’s concern on the unauthorized 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 Other concerned government departments including the Director of Fire Services (D of FS) have no objection to the application from fire safety perspective. 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.
- 12.8 The Site is the subject of a previous application (No. A/YL-LFS/394) for proposed temporary public vehicle park for private cars and light goods vehicles for a period of three years and filling of land (**Plan A-1**) approved with conditions by the Committee on 14.5.2021. The planning permission was revoked on 14.10.2023 due to non-compliance with time-limited approval conditions regarding implementation of drainage proposal and provision of fencing. For the current application, the applicant has submitted a drainage proposal and CE/MN of DSD have no objection to the current application. As such, sympathetic consideration may be given to the current application. Should the application be approved, the applicant will be



advised that should he fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application.

12.9 There are 20 approved similar applications for temporary private cars, light goods vehicles and/or medium goods vehicles within/straddling the same “V” and “GB” zones in the past five years. Although the Committee rejected three similar applications, the circumstances of these applications are different as stated in paragraphs 7.4 and 7.5 above. Approval of the current application is generally in line with the previous decisions of the Committee.

12.10 There is a public comment received objecting to the application on the ground as summarised in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.9 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 **6.12.2027**. 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 **6.6.2025**;
- (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 **6.9.2025**;
- (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 **6.6.2025**;
- (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 **6.9.2025**;
- (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 applied use with associated filling of land is not in line with the planning intentions of the "V" and "GB" zones, which are primarily for development of Small Houses by indigenous villagers, and 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 respectively. There is also a general presumption against development within the "GB" zone. There is no strong planning justification in the submission for a departure from the planning intentions, 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 10.10.2024
<b>Appendix Ia</b>	FI received on 4.11.2024
<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
<b>Drawing A-2</b>	Vehicular Access Plan
<b>Drawing A-3</b>	Land Filling Plan
<b>Drawing A-4</b>	Drainage Plan
<b>Plan A-1</b>	Location Plan with Previous and Similar Applications
<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  
DECEMBER 2024**