

RNTPC Paper No. A/YL-PS/549  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 26.1.2018

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

**APPLICATION NO. A/YL-PS/549**

- Applicant** : Mr. TANG Chik Fat represented by Metro Planning and Development Company Limited
- Site** : Lot 425 (Part) in D.D. 122 and Adjoining Government Land, Sheung Cheung Wai, Yuen Long, New Territories
- Site Area** : About 1,245 m<sup>2</sup> (including Government land of about 20.5m<sup>2</sup>)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/17
- Zoning** : “Village Type Development” (“V”)  
[Restricted to maximum building height of 3 storeys (8.23m)]
- Application** : Temporary Public Vehicle Park (Private Car and Light Goods Vehicle) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary public vehicle park (private car and light goods vehicle) for a period of 3 years (**Plan A-1**). The Site is currently used as the applied use without valid planning permission.
- 1.2 According to the Notes for the “V” zone on the OZP, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use, which requires planning permission from the Town Planning Board (the Board). The applicant currently seeks temporary permission for a period of 3 years.
- 1.3 The Site is related to a previous application (No. A/YL-PS/410) for temporary public vehicle park for private car and light goods vehicle for a period of 3 years, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 21.6.2013. All the time-specific approval conditions have been complied with and the planning permission has lapsed on 22.6.2016. Details of the previous application are summarized at paragraph 5 below and at **Appendix II**.

- 1.4 A comparison of the major development parameters of the current application and the last approved application is as follows:

<b>Major Development Parameters</b>	<b>Last Approved Application (A/YL-PS/410) (a)</b>	<b>Current Application (A/YL-PS/549) (b)</b>	<b>Difference (b) – (a)</b>
Site area	About 1,245m <sup>2</sup>	About 1,245m <sup>2</sup>	No change
Applied Use	Temporary Public Vehicle Park (Private Car and Light Goods Vehicle) for a Period of 3 Years	Temporary Public Vehicle Park (Private Car and Light Goods Vehicle) for a Period of 3 Years	No change
Total floor area	42m <sup>2</sup>	58m <sup>2</sup>	+ 16m <sup>2</sup>
No. of structures	2 (for office, guardroom and toilet uses)	2 (for office, guardroom and toilet uses)	No change
No. of parking spaces	34 in total (private cars and light goods vehicles)	34 in total (32 for private cars; 2 for light goods vehicles)	No change
Operation hours	7:00 a.m. to 11:00 p.m. daily	7:00 a.m. to 11:00 p.m. daily	No change

- 1.5 The proposed layout plan, proposed landscape and tree preservation plan and as-built drainage plan are at **Drawings A-1 to A-3** respectively.
- 1.6 According to the applicant, the Site is accessed via a local track to connect Tsui Sing Road leading to Ping Ha Road at the western edge and has ingress/egress point at its eastern edge leading to the adjoining lots. No vehicles exceeding 5.5 tonnes including medium goods vehicles, heavy goods vehicles, container tractors/trailers will be allowed to enter/be parked on the Site. No vehicle repairing, dismantling, car washing and workshop uses will be carried out at the Site. The operation hours of the public vehicle park are from 7:00 a.m. to 11:00 p.m. daily.
- 1.7 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 28.11.2017 **(Appendix I)**
  - (b) Supplementary Planning Statement with proposed layout plan, proposed landscape and tree preservation plan and as-built drainage plan **(Appendix Ia)**
  - (c) Letter dated 11.1.2018 clarifying that no excavation will be carried out at the Site **(Appendix Ib)**

## 2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Supplementary Planning Statement at **Appendix Ia**. They can be summarized as follows:

- (a) The proposed development is a community use to serve the villagers' demand for parking. The proposed development, with such nature and size, would not affect the character of the village. The proposed development is in line with the planning intention of the "V" zone. The proposed development which is temporary in nature would not jeopardise the planning intention of the "V" zone in the long run.
- (b) The proposed development could meet the acute parking demand of the residents of Sheung Cheung Wai. Although public vehicle parking spaces are available in the vicinity of the Site, they are mostly occupied by residents of nearby public housing estates and visitors to nearby attraction points including Tsui Sing Pagoda, Ping Shan Heritage Trail and Tin Yiu Estate.
- (c) The proposed development will generate limited impact to its surroundings. Given the existence of low density village houses in the neighbouring area of the Site, the proposed development is compatible with the surrounding environments.
- (d) The applicant had complied with all the planning conditions imposed to the last approved application No. A/YL-PS/410.
- (e) The proposed development for parking of private cars and light goods vehicles would generate insignificant environmental, traffic and drainage impacts.

## 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. 31A) by posting notice of the application outside the Site and sending a notice to the Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members' inspection.

## 4. **Background**

The current use (i.e. parking of vehicles) at the Site is subject to investigation. Should there be sufficient evidence to prove that there is an unauthorized development under the Town Planning Ordinance, appropriate planning enforcement action will be undertaken.

## 5. **Previous Application**

- 5.1 The Site is involved in one previous application (No. A/YL-PS/410), which was approved with conditions by the Committee. Details of the previous application are summarized at **Appendix II** and its location is shown on **Plan A-1**.

- 5.2 Application No. A/YL-PS/410 for temporary public vehicle park for private cars and light goods vehicles for a period of 3 years was approved with conditions by the Committee on 21.6.2013 on grounds that the applied use was not incompatible with the surrounding land uses and the application on a temporary basis would not frustrate the long-term planning intention of the “V” zone.
- 5.3 Compared with the last approved Application No. (A/YL-PS/410), the current application is submitted by the same applicant at the same site with a slightly larger total floor area (i.e. +16m<sup>2</sup>).

## **6. Similar Applications**

- 6.1 There are 25 similar applications (Nos. A/YL-PS/212, 239, 248, 259, 275, 292, 301, 304, 307, 310, 363, 366, 382, 390, 395, 452, 466, 468, 479, 489, 492, 498, 516, 522 and 543) for temporary public vehicle park (private cars/private cars and light goods vehicles) use within the same “V” zone. Details of the similar applications are summarized at **Appendix III** and their locations are shown on **Plan A-1**.
- 6.2 All of these 25 similar applications were approved by the Committee on considerations that the temporary use would not frustrate the long term planning intention of the “V” zone; the use was not incompatible with the surrounding land uses; and the uses were unlikely to create significant adverse traffic, environmental, drainage and visual impacts on the surrounding areas. Applications Nos. A/YL-PS/212, 259, 301 and 498 were revoked due to non-compliance with approval conditions.

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

7.1 The Site is:

- (a) currently occupied by the applied use without valid planning permission;
- (b) accessed from a local track to connect Tsui Sing Road leading to Ping Ha Road;
- (c) located within the boundary of the ‘village environs’ of Hang Tau Tsuen/ Hang Mei Tsuen/ Sheung Cheung Wai (**Plan A-1**); and
- (d) located within the Sheung Cheung Wai Archaeological Site (**Plan A-1**).

7.2 The surrounding areas have the following characteristics:

- (a) to the north and east are local track, village clusters of Sheung Cheung Wai, storage uses, vehicle parks covered by valid planning permissions (No. A/YL-PS/489 and 543) and some residential dwellings such as In Luck Villa;
- (b) to the south is a vehicle park covered by valid planning permission (No. A/YL-PS/515) and a pond; and

- (c) to the west are a car park, refuse collection point, residential dwellings and a pond.

## 8. **Planning Intention**

The planning intention of the “V” zone is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. 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 Town Planning Board.

## 9. **Comments from Relevant Government Departments**

9.1 The following Government departments have been consulted and their views on the application are summarised as follows:

### **Land Administration**

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

- (a) The Site comprises an Old Schedule Agricultural Lot 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) The Site also includes Government land (GL) (about 20.5m<sup>2</sup> subject to verification). Any occupation of GL without Government’s prior approval is not allowed.
- (c) Within the Site, the private lot is currently covered by a Short Term Waiver (STW) whereas the Government Land (GL) therein is covered by a Short Term Tenancy (STT), details of which are listed below:-

STW/STT No.	Lot No./GL in D.D. 122	Permitted Use
STT 2845	GL	Temporary Public Vehicle Park for Private Cars and Light Goods Vehicle
STW 4086	425	

- (d) The Site is accessible to Ping Ha Road via GL. His office does not provide maintenance work for GL involved and does not guarantee any right-of-way to the Site.
- (e) The Site falls within Sheung Cheung Wai Archaeological Site No. AM02-1671.

- (f) The Site does not fall within the Shek Kong Airfield Height Restriction Area.
- (g) Should planning approval be given to the subject planning application, the STW/STT holder(s) will need to apply to his office for modification of the STW/STT conditions if there is any irregularities on Site. Such application(s) will be considered by the LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by the LandsD.
- (h) According to his record, there is no Small House (SH) application received or under processing at the Site. There are 2 approved SH applications in the vicinity of the Site.

### **Building Matters**

#### 9.1.2 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) As there is no record of approval by the Building Authority for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application.
- (b) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application.
- (c) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be constructed as an acceptance of any existing building works or UBW on the application site under the BO.
- (d) Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on application site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (e) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations respectively.
- (f) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under

Regulation 19(3) of the Building (Planning) Regulation at the building plan submission stage.

### **Traffic**

9.1.3 Comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD):

- (a) He has no adverse comment to the application from traffic engineering point of view.
- (b) Sufficient manoeuvring space shall be provided within the Site. No vehicle is allowed to queue back to public roads or reverse onto/from public roads.
- (c) The local track leading to the Site is not under TD's purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site.

9.1.4 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) The access arrangement should be commented by TD.
- (b) Adequate drainage measures should be provided at the Site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (c) HyD shall not be responsible for the maintenance of any access connecting the Site and Tsui Sing Road.

### **Drainage**

9.1.5 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

According to the applicant's submission, the existing drainage facilities which was implemented under an approved application no. A/YL-PS/410 will be maintained for the development. He has no objection in principle to the proposed development from a drainage point of view. Should the Board consider that the application is acceptable from the planning point of view, he would suggest that a condition should be stipulated in the approval letter requiring the applicant to maintain the existing drainage facilities and submit condition record of the existing drainage facilities to the satisfaction of his Division.

### **Environment**

9.1.6 Comment of the Director of Environmental Protection (DEP):

- (a) Should the application be approved, the applicant will be advised to follow the relevant mitigation measures and requirements in the latest

“Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites”.

- (b) There was no environmental complaint pertaining to the Site received in the past 3 years.

### **Landscape**

9.1.7 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) With reference to the site photographs dated 8.12.2017, it is observed that the Site is hard paved with existing trees along the site boundary. The Site is situated in an area of rural landscape character. Significant change to the landscape character arising from the application is not envisaged.
- (b) The Applicant is reminded that approval of the application does not imply approval of tree works such as pruning, transplanting or felling under lease. Tree felling applications should be submitted direct to DLO or other relevant tree authority as appropriate for approval.
- (c) A minimum soil provision of 1m (W) x 1m (L) x 1.2m (D) for each tree should be provided. The Applicant may refer to the “Technical Note on the Submission and Implementation of Landscape Proposals for Compliance with Conditions for Approved Applications for Open Storage and Port Back-up Uses” published by the Planning Department, for typical sections of the boundary landscape treatment.
- (d) Useful information on general tree maintenance is available for reference in 護養樹木的簡易圖解([http://www.greening.gov.hk/filemanager/content/pdf/tree\\_care/Pictorial\\_Guide\\_for\\_Tree\\_Maintenance.pdf](http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf)) and the Handbook of Tree Management (Chinese Version: [https://www.greening.gov.hk/tc/tree\\_care/Handbook\\_on\\_Tree\\_Management.html](https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html)) published by the GLTM Section, DEVB.

### **Fire Safety**

9.1.8 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval.
- (c) The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans.



- (d) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

### **Others**

- 9.1.9 Comments of the Antiquities and Monuments Office, Leisure and Cultural Services Department (AMO, LCSD):

With reference to Figure 3 and 5 attached to the application, it is noted that a toilet, temporary structures and drainage works are proposed within the Site. If any excavation works shall be conducted at the Site, the applicant is required to inform AMO immediately in case of discovery of antiquities or supposed antiquities in the course of excavation.

### **District Officer's Comments**

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

His office has not received any comment from locals upon the end of consultation period.

- 9.2 The following Government departments have no comment on the application:

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Chief Engineer/Land Works, Civil Engineering and Development Department (CE/LW, CEDD);
- (c) Commissioner of Police (C of P);
- (d) Director of Agriculture, Fisheries and Conservation (DAFC);
- (e) Director of Electrical and Mechanical Services (DEMS);
- (f) Director of Food and Environmental Hygiene (DFEH);
- (g) Director of Leisure and Cultural Services (DLCS); and
- (h) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD).

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

On 8.12.2017, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 29.12.2017, one public comment was received (**Appendix IV**). A member of the public objects to the application mainly on grounds of not compatible with the surrounding land uses, adverse environmental impact and undesirable precedent.

## 11. Planning Considerations and Assessments

- 11.1 The planning intention of the “V” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. While the applied development is not entirely in line with the planning intention of the “V” zone, it could provide vehicle parking spaces to meet any such parking demand in the area. As advised by DLO/YL, LandsD, there is no approved or outstanding Small House application at the Site. Approval of the application on a temporary basis will not frustrate the planning intention of the “V” zone.
- 11.2 The Site is mainly surrounded by vehicle parks and residential dwellings (**Plan A-2**). The proposed use is not incompatible with the surrounding land uses.
- 11.3 Relevant Government departments, including AC for T/NT of TD, AMO of LCSD, CE/MN of DSD, CHE/NTW of HyD, CTP/UD&L of PlanD and DEP have no objection to or no adverse comment on the application. The proposed use will unlikely create significant adverse traffic, environmental and drainage impacts to the surrounding areas. To minimize any potential environmental nuisances and to address the technical requirements of concerned Government departments, appropriate approval conditions are recommended in paragraph 12.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorized development on Site will be subject to enforcement action by the Planning Authority. Should the application be approved, the applicant will be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimise the possible environmental impacts on the nearby sensitive receivers.
- 11.4 The Committee has approved a previous application for the same use at the Site and 25 other similar applications in the same “V” zone. Approval of the current application is in line with the previous decisions of the Committee.
- 11.5 There is one public comment received during the statutory publication period objecting to the application on grounds of land use planning as summarised in paragraph 10 above. The planning considerations and assessments in paragraph 11.3 above are also relevant.

## 12. Planning Department’s Views

- 12.1 Based on the assessment made in paragraph 11 above and having taken into account the public comment mentioned in paragraph 10, the Planning Department considers that the proposed temporary public vehicle park (private car and light goods vehicle only) could be tolerated for a period of 3 years.
- 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 3 years until 26.1.2021. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site, as proposed by the applicant, at any time during the planning approval period;
- (c) a notice shall be posted at a prominent location of the Site to indicate that no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (d) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site, as proposed by the applicant, at any time during the planning approval period;
- (e) no vehicle repairing, dismantling, car washing and workshop use is allowed on the Site, as proposed by the applicant, at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the existing trees and landscape planting on the Site shall be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (i) the existing fencing of the Site should be maintained at all times during the approval period;
- (j) the submission of a condition record of the existing drainage facilities within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **26.4.2018**;
- (k) 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 **26.7.2018**;
- (l) in relation to (k) 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 **26.10.2018**;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or

- (i) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (j), (k) or (l) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon the 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 at **Appendix V**.

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

the planning intention of "V" zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. The proposed development is not in line with the planning intention of the "V" zone. No strong planning justification has been given 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 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 reasons for rejection should be given to the applicant.

### **14. Attachments**

<b>Appendix I</b>	Application form received on 28.11.2017
<b>Appendix Ia</b>	Supplementary planning statement with proposed layout plan, proposed landscape and tree preservation plan and as-built drainage plan
<b>Appendix Ib</b>	Letter of 11.1.2018 clarifying that no excavation will be carried out at the Site
<b>Appendix II</b>	Previous Application covering the Site
<b>Appendix III</b>	Similar applications within the same "V" zone on the draft Ping Shan OZP No. S/YL-PS/17
<b>Appendix IV</b>	Public comment received during statutory publication period

<b>Appendix V</b>	Advisory Clauses
<b>Drawing A-1</b>	Proposed Layout Plan
<b>Drawing A-2</b>	Proposed Landscape and Tree Preservation Plan
<b>Drawing A-3</b>	As-built Drainage Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
JANUARY 2018**