

RNTPC Paper No. A/YL-PS/569  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 2.11.2018

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

**APPLICATION NO. A/YL-PS/569**

- Applicant** : Chan Chi Wing represented by Metro Planning and Development Company Limited
- Site** : Lots 123 (Part) and 124 RP (Part) in D.D. 121, Ping Shan, Yuen Long, New Territories
- Site Area** : About 745 m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/17  
(at the time of submission)
- Approved Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/18  
(currently in force)
- Zoning** : “Residential (Group B) 1” (“R(B)1”)  
[No change to the “R(B)1” zone; Restricted to a maximum plot ratio of 1, a maximum site coverage of 40% and a maximum building height of 5 storeys (15m) including car park]
- Application** : Proposed Temporary Public Vehicle Park for Private Cars for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary public vehicle park for private cars for a period of 3 years (**Plan A-1**). The Site is currently vacant. According to the Notes for the “R(B)1” 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.
- 1.2 The Site is related to four previous applications (Nos. A/YL-PS/7, 92, 114 and 459) for temporary container tractor and trailer park/proposed temporary open storage use/proposed temporary public vehicle park for private cars and light goods vehicles. The last Application No. A/YL-PS/459 for proposed temporary public vehicle park for private cars and light goods vehicles for a period of 3 years was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 31.10.2014. All the time-specific approval conditions have been complied with and the planning permission has

lapsed on 31.10.2017. Details of the previous applications are summarized at paragraph 5 below and at **Appendix II**.

- 1.3 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/459) (a)</b>	<b>Current Application (A/YL-PS/569) (b)</b>	<b>Difference (b) – (a)</b>
Site area	About 912m <sup>2</sup>	About 745m <sup>2</sup>	-167m <sup>2</sup> (-18.3%)
Applied Use	Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years	Temporary Public Vehicle Park for Private Cars for a Period of 3 Years	No light goods vehicle under current application
Total floor area	Not exceeding 20m <sup>2</sup>	Not exceeding 20m <sup>2</sup>	No change
No. of structure	1 (for site office use)	1 (for site office use)	No change
Maximum height of structure	3m; 1 storey	3m; 1 storey	No change
No. of parking spaces	14 in total (private cars and light goods vehicles)	14 in total (private cars only)	No light goods vehicle under current application
Operation hours	7:00 a.m. to 11:00 p.m. daily	7:00 a.m. to 11:00 p.m. daily	No change

- 1.4 Compared with the last Application No. A/YL-PS/459, the current application is submitted by a different applicant for a similar use on a slightly smaller site (-18.3%) with a similar layout and same number of parking spaces.
- 1.5 The vehicular access plan, proposed layout plan, proposed landscape and tree preservation plan, as-built drainage plan and proposed fencing plan are at **Drawings A-1 to A-5** respectively.
- 1.6 According to the applicant, the Site is accessed by a vehicular track leading from Ping Kwai Road. No light, medium and heavy goods vehicles including container trailer/tractor is allowed to enter the Site. No vehicle without valid licence is allowed at the Site. No vehicle repairing, dismantling, car beauty, car washing or workshop use is allowed at the Site.
- 1.7 In support of the application, the applicant has submitted the following documents:
- (a) Application form and supplementary information both (**Appendix I**) received on 3.9.2018

- (b) Supplementary planning statement with site plan, vehicular access plan, proposed layout plan, proposed landscape and tree preservation plan and as-built drainage plan **(Appendix Ia)**
- (c) Letter of 18.10.2018 providing a proposed fencing plan **(Appendix Ib)**  
*(accepted and exempted from publication and recounting requirement)*

## 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 nearby residents' 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 "R(B)1" zone. The proposed development which is temporary in nature would not jeopardize the planning intention of the "R(B)1" zone in the long run.
- (b) The proposed development is not incompatible with the surrounding environment.
- (c) Similar public vehicle parks for private car/light goods vehicle within the same "R(B)1" zone were approved by the Board, including Application Nos. A/YL-PS/448, 462 and 546.
- (d) The proposed development for parking of private cars would generate insignificant traffic, environmental and drainage impacts to the surrounding areas.

## 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 Site was the subject of a planning enforcement case against an unauthorized development (UD) involving storage use and parking of vehicles. Enforcement Notice was issued on 19.4.2018. Subsequent site inspection revealed that the UD has been discontinued. Compliance notice was issued on 12.9.2018.

## 5. **Previous Applications**

- 5.1 The Site is involved in four previous Application Nos. A/YL-PS/7, 92, 114 and 459. Details of the previous applications are summarized at **Appendix II** and their locations are shown on **Plan A-1**.

- 5.2 Application No. A/YL-PS/7 for temporary container tractor and trailer park for 12 months, No. A/YL-PS/92 for proposed temporary open storage of construction materials (pre-cast cement products) and container trailer park for a period of 3 years and No. A/YL-PS/114 for proposed temporary open storage of construction materials for a period of 3 years were rejected by the Committee on 6.6.1997, 16.2.2001 and 14.6.2002 respectively on grounds of not in line with the planning intention; insufficient information to demonstrate that the development will not adversely affect the Public Works Project Item No. 191CL/B - Ping Shan Development Stage II Phase I and/or no adverse noise/environmental/drainage/traffic/visual impacts on the surrounding areas; and undesirable precedent.
- 5.3 Application No. A/YL-PS/459 for proposed temporary private cars and light goods vehicles was approved with conditions on 31.10.2014 on grounds of not jeopardizing the long-term planning intention of the zone; not incompatible with the surrounding land uses; and no objection to or no adverse comment from government departments on the application.
- 5.4 Compared with the last Application No. A/YL-PS/459, the current application is submitted by a different applicant for a similar use on a slightly smaller site (-18.3%) with a similar layout and same number of parking spaces.

## **6. Similar Applications**

- 6.1 There are six similar applications (Nos. A/YL-PS/370, 380, 448, 462, 467 and 546) for temporary public vehicle park for private cars/private cars and light goods vehicles use within the same "R(B)1" zone. Details of the similar applications are summarized at **Appendix II** and their locations are shown on **Plan A-1**.
- 6.2 Application Nos. A/YL-PS/370, 380, 448, 462, 467 and 546 for temporary public vehicle park uses were approved with conditions by the Committee on 24.2.2012, 1.6.2012, 13.6.2014, 12.12.2014, 16.1.2015 and 27.10.2017 respectively. The main considerations were that temporary approval of the application would not jeopardize the long-term development of the sites; not incompatible with the surrounding areas; and no objection or adverse comment from government departments. Application Nos. A/YL-PS/380, 448 and 462 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 vacant; and
  - (b) accessed by a vehicular track leading from Ping Kwai Road.
- 7.2 The surrounding areas have the following characteristics:
- (a) to the north and further north across Ping Kwai Road are unused land, and residential development;

- (b) to the east is vacant land and further east across Ping Pak Lane is Ping Pak Lane Park;
- (c) to the immediate south and further south are storage use which is suspected unauthorized development (UD), vacant land, proposed temporary public vehicle park for private cars which is covered by valid planning permission (No. A/YL-PS/546), site used for parking of vehicles which is suspected UD, unused land, vehicle repair workshop which is suspected UD and residential dwellings; and
- (d) to the immediate west is a local track and to the further west are Light Rail and a nullah.

## **8. Planning Intention**

The planning intention of the “R(B)1” zone is intended primarily for sub-urban medium-density residential developments in rural areas where commercial uses serving the residential neighbourhood may be permitted on application to the 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 Old Schedule Agricultural Lots 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 is accessible from Ping Kwai Road via government land (GL). His office does not provide maintenance work for GL involved and does not guarantee any right-of-way over the GL to the Site.
- (c) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (d) Should planning approval be given to the planning application, the lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularities on Site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications for any of the above 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 will be approved. If such application 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.

### **Building Matters**

#### 9.1.2 Comments of the Chief Building Surveyor/New Territories West (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 construed as an acceptance of any existing building works or UBW on the 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 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 spaces 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 Ping Kwai Road.

**Drainage**

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

According to the planning statement submitted by the applicant, the existing drainage facilities which was implemented under an approved application no. A/YL-PS/459 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 Comments 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.

**Fire Safety**

9.1.7 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.

### **Landscape**

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

- (a) With reference to the aerial photo of 2018, it is observed that the Site is hard paved and already in operation. The Site is situated in an area of urban fringe landscape character disturbed by vehicle parks. Significant change to the landscape character arising from the application is not anticipated.
- (b) In consideration of the temporary nature of the application and site constraints, the applicant may wish to consider planting tree species of short life span habit or less vigorous root system in lieu of the *Ficus microcarpa* in event of any tree requiring replacement.
- (c) 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.

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

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

His Office has not received any comment from the locals on the application.

9.2 The following government departments have no comment on the application:

- (a) Antiquities and Monuments Office, Development Bureau (AMO, DEVB);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (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 Leisure and Cultural Services (DLCS); and
- (g) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD).

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

On 11.9.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 2.10.2018, no public comment was received.

## **11. Planning Considerations and Assessments**

11.1 The planning intention of the “R(B)1” zone is intended primarily for sub-urban medium-density residential developments in rural areas where commercial uses serving the residential neighbourhood may be permitted on application to the Board. Whilst the development is not entirely in line with the planning intention of the “R(B)1” zone, there is no known development proposal to implement the zoned use. According to the applicant, the proposed development could provide parking spaces to serve any such demand in the residents nearby. Approval of the application on a temporary basis will not frustrate the planning intention of the “R(B)1” zone.

11.2 The Site is mainly surrounded by vehicle parks, vacant land 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, CE/MN of DSD, CHE/NTW of HyD, CTP/UD&L of PlanD, DEP and D of FS 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. There has been no environmental complaint concerning the Site received in the past 3 years. 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 one previous application for similar use at the Site and approved six other similar applications mainly for private cars and/or light goods vehicles within the same “R(B)1” zone. Approval of the current application is in line with the previous decisions of the Committee.

11.5 There is no public comment received.

## 12. Planning Department's Views

12.1 Based on the assessment made in paragraph 11 above and having taken into account the public comments 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 3 years until 2.11.2021. 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. is allowed on the Site, as proposed by the applicant, during the planning approval period;
- (b) only private cars as defined in the Road Traffic Ordinance are allowed to enter/be parked on the Site, as proposed by the applicant, at all times during the planning approval period;
- (c) a notice shall be posted at a prominent location of the Site at all times to indicate that only private cars as defined in the Road Traffic Ordinance are allowed to enter/be parked on the Site 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 washing, vehicle repairing, dismantling, car beauty or other 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 drainage facilities shall be maintained at all times during the planning approval period;
- (h) the submission of 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 2.2.2019;
- (i) 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 2.5.2019;
- (j) in relation to (i) 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 2.8.2019;

- (k) the provision of boundary fencing within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 2.5.2019;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f), or (g) 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; and
- (m) if any of the above planning conditions (h), (i), (j) or (k) 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.

Advisory clauses

The recommended advisory clauses are 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 "R(B)1" zone is intended primarily for sub-urban medium-density residential development. The development is not in line with the planning intention of the "R(B)1" zone. No strong planning justification has been given in the submission for a departure from the planning intention.

**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 and supplementary information both received on 3.9.2018
<b>Appendix Ia</b>	Supplementary planning statement with site plan, vehicular access plan, proposed layout plan, proposed landscape and tree preservation plan and as-built drainage plan
<b>Appendix Ib</b>	Letter of 18.10.2018 providing a proposed fencing plan
<b>Appendix II</b>	Previous Applications covering the Site
<b>Appendix III</b>	Similar Applications within the Same "R(B)1" Zone on the approved Ping Shan OZP No. S/YL-PS/18
<b>Appendix IV</b>	Advisory Clauses
<b>Drawing A-1</b>	Vehicular Access Plan

<b>Drawing A-2</b>	Proposed Layout Plan
<b>Drawing A-3</b>	Proposed Landscape and Tree Preservation Plan
<b>Drawing A-4</b>	As-built Drainage Plan
<b>Drawing A-5</b>	Proposed Fencing 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  
NOVEMBER 2018**