

RNTPC Paper No. A/YL-PS/571
For Consideration by
the Rural and New Town
Planning Committee
on 2.11.2018

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/571

- Applicant** : Lee Chun Chung represented by Metro Planning and Development Company Limited
- Site** : Lot 9 S.B RP (Part) in D.D. 121, Ping Shan, Yuen Long, New Territories
- Site Area** : About 820 m²
- 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 OZP No. S/YL-PS/18 (currently in force)
- Zoning** : “Village Type Development” (“V”)
[Restricted to maximum building height of 3 storeys (8.23m)]
[no change to the “V” zone]
- 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 used for parking of vehicles without valid planning permission. 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.
- 1.2 The major development parameters of the current application are as follows:

Site area	About 820m ²
Applied use	Proposed Temporary Public Vehicle Park for Private Cars for a Period of 3 Years
Total floor area	Nil
No. of structures	Nil
No. of parking spaces	30 in total (private cars only)
Operation hours	7:00 a.m. to 11:00 p.m. daily

- 1.3 The vehicular access plan, proposed layout plan, proposed landscape plan, proposed drainage plan and proposed fencing plan are at **Drawings A-1 to A-5** respectively.
- 1.4 According to the applicant, the Site is accessed by a vehicular track leading from Ping Ha Road. No light, medium and heavy goods vehicles including container trailer/tractor is allowed to enter/park at the Site. No vehicle without valid licence is allowed at the Site. No vehicle repairing, dismantling, car beauty, car washing and/or workshop use is allowed at the Site.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 6.9.2018 with replacement page for part 7 received on 16.10.2018 incorporated; and supplementary information received on 13.9.2018 **(Appendix I)**
 - (b) Supplementary planning statement with site plan, vehicular access plan, proposed layout plan, proposed landscape plan, proposed drainage plan and drainage assessment **(Appendix Ia)**
 - (c) Letter of 9.10.2018 stating the relocation of ingress/egress and the reduction in parking spaces from 32 to 30 at the Site **(Appendix Ib)**
(accepted and exempted from publication and recounting requirement)
 - (d) Letter of 16.10.2018 providing an updated proposed fencing plan and replacement page for part 7 of the application form **(Appendix Ic)**
(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 **Appendices Ia** and **Ib**. 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 would provide convenience to the villagers and the tourists of Ping Shan Heritage Trail. The approval would not only in line with the planning intention but also generate benefit to the villagers of Tong Fong Tsuen.
- (c) The proposed development is compatible with the surrounding environment.

- (d) Similar public vehicle parks for private car/light goods vehicle within the same “V” zone were approved by the Board, including Application Nos. A/YL-PS/489, 516, 522, 543 and 554.
- (e) 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 is subject to planning enforcement action against unauthorised development (UD) involving use for place for parking of vehicles. Enforcement Notice was issued on 13.8.2018 requiring discontinuation of the UD. If the notice is not complied with, prosecution action may be taken.

5. Previous Application

There is no previous application covering the Site.

6. Similar Applications

6.1 There are 2 similar applications (Nos. A/YL-PS/488 and 540) for temporary public vehicle park for private cars and light goods vehicles use (Application No. A/YL-PS/488 also for car testing centre with ancillary office) within the same “V” 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/488 and 540 were approved with conditions by the Committee on 23.10.2015 and 23.6.2017 respectively. The main considerations were that temporary approval of the application would not jeopardise the long-term development of the sites; not incompatible with the surrounding areas; and no objection or adverse comment from government departments.

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

7.1 The Site is:

- (a) currently occupied by parking of vehicles without valid planning permission; and
- (b) accessed by a vehicular track leading from Ping Ha Road.

7.2 The surrounding areas have the following characteristics:

- (a) to the immediate north is vehicle park which is suspected unauthorized development (UD). To the further north across Ping Ha Road are temporary public vehicle parks for private cars, coaches and medium size buses (24-seats) and private cars which are covered by valid planning permissions (Application Nos. A/YL-PS/516, 552 and 564 respectively), sites for parking of vehicles which are suspected UD and residential dwellings;
- (b) to the east are plant nursery, refuse collection point, latrine, restaurant and residential dwellings. Some sites for parking of vehicles, storage use and open storage of construction machinery which are suspected UD are located to its east, south and west.

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 is accessible from Ping Ha Road via government land (GL). His office does not provide maintenance work for GL involved and does not guarantee and 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 for permitting the structures

to be erected or to 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.

- (e) According to his record, there is no small house (SH) application received or under processing at the Site. There are 10 approved SH applications and 12 SH applications received and under processing within 30m radius circle measured from the boundary of the Site.

Traffic

9.1.2 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.

9.1.3 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) The tracks connecting the ingress/egress of the Site and Ping Ha Road are not and will not be maintained by HyD.

Drainage

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

- (a) He has no objection in principle to the proposed application 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 implement and maintain the proposed drainage facilities to the satisfaction of his Division.

- (b) The applicant is reminded that the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and the adjacent areas.
- (c) The applicant should consult DLO/YL and seek consent from the relevant owners for any works to be carried out outside his lot boundary before commencement of the drainage works.

Environment

9.1.5 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

9.1.6 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

9.1.7 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) 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) and the Handbook of Tree Management (Chinese Version: https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html) published by the GLTM Section, DEVB.

Building Matters

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

Noting that there is no proposed building works on the Site, he is not in position to comment under the Buildings Ordinance.

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 14.9.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 5.10.2018, one public comment was received objecting to the application (**Appendix III**). An individual objects to the application on grounds of the Site can be used for temporary recreational or open space use; inefficient land use and long-term use as parking facilities will lead to cumulative and negative impact on the quality of the land and environs.

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. Whilst the development is not entirely in line with the planning intention of the “V” zone, according to the DLO/YL, LandsD, there is no Small House application approved or under processing at the Site. The development could provide vehicle parking spaces to meet any such parking demand in the area. 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, 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 2 similar applications within 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 as summarised in paragraph 10 above. The planning considerations and assessments above are relevant.

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 implementation of the accepted 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 **2.5.2019**;
- (h) in relation to (g) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (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, as proposed by the applicant, 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 (h) 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 (g), (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 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**

Appendix I	Application form received on 6.9.2018 with replacement page for part 7 received on 16.10.2018 incorporated; and supplementary information received on 13.9.2018
Appendix Ia	Supplementary planning statement with site plan, vehicular access plan, proposed layout plan, proposed landscape plan, proposed drainage plan and drainage assessment
Appendix Ib	Letter of 9.10.2018 stating the relocation of ingress/egress and the reduction in parking spaces from 32 to 30 at the Site
Appendix Ic	Letter of 16.10.2018 providing an updated proposed fencing plan and replacement page for part 7 of the application form
Appendix II	Similar applications within the same "V" zone on the Approved Ping Shan OZP No. S/YL-PS/18
Appendix III	Public comments received during statutory publication period
Appendix IV	Advisory Clauses
Drawing A-1	Vehicular Access Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	Proposed Landscape Plan
Drawing A-4	Proposed Drainage Plan
Drawing A-5	Proposed Fencing Plan
Plan A-1	Location Plan
Plan A-2	Site Plan

Plan A-3
Plan A-4

Aerial Photo
Site Photos

PLANNING DEPARTMENT
NOVEMBER 2018