

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/578

<u>Applicant</u>	:	Long Tin Car Park Management Limited represented by PlanArch Consultants Ltd.
<u>Site</u>	:	Lots 39 RP (Part), 40 RP, 42 (Part), 43 S.B (Part), 43 S.C (Part), 43 S.D (Part), 43 S.E (Part), 43 S.F (Part) and 43 S.G (Part) in D.D. 122 and adjoining Government Land, Yung Yuen Road, Ping Shan, Yuen Long, New Territories
<u>Site Area</u>	:	About 1,560m ² (including about 17m ² of Government Land)
<u>Lease</u>	:	Block Government Lease (demised for agricultural purposes)
<u>Plan</u>	:	Approved Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/18
<u>Zonings</u>	:	“Green Belt” (“GB”) (about 65%) “Village Type Development” (“V”) (about 35%) [Restricted to maximum building height of 3 storeys (8.23m)]
<u>Application</u>	:	Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) 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) for a period of 3 years at the application site (the Site) (**Plan A-1**). The Site is currently used as temporary public vehicle park (private cars and light goods vehicles) with planning permission under Application No. A/YL-PS/509.
- 1.2 According to the Notes for the “V” zone and “GB” zone on the OZP, ‘Public Vehicle Park (excluding container vehicle) is a Column 2 use which requires permission from the Town Planning Board (the Board). The applicant is currently seeking temporary permission for a period of 3 years.
- 1.3 The “GB” part of the Site and the adjoining area along and to the south of the West Rail were previously zoned “Undetermined” (“U”) before the exhibition of the then draft Ping Shan OZP No. S/YL-PS/12 on 5.11.2010.
- 1.4 The Site is related to 7 previously approved applications all for temporary vehicle

park. The first permission under Application No. A/YL-PS/26 was granted with conditions on 6.3.1998 when the “GB” part of the Site was zoned “U”. The last Application No. A/YL-PS/509 for the same development submitted by the same applicant was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) on 8.1.2016. The permission is valid until 8.1.2019. All approval conditions have been complied with. Details of the previous applications are summarized at paragraph 6 below and at **Appendix III**.

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

Major Development Parameters	Approved Application No. A/YL-PS/509 (a)	Current Application No. A/YL-PS/578 (b)	Difference (b) – (a)
Development/Use	Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years	Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years	No change
Site Area (m ²)	1,500	1,560	+60m ²
No. of Parking Spaces	36	34	-2
No. of Structures	2 <ul style="list-style-type: none"> • Site Office • Canopy for Car park 	2 <ul style="list-style-type: none"> • Site Office • Canopy for Car park 	No change
Maximum Floor Area (m ²)	180	328	+148m ² (+82%)
Maximum Building Height	4.5m, 1 storey	4.5-7m, 1-2 storey	+2.5m, +1 storey
Operation Hours	7 a.m. to 11 p.m. daily	7 a.m. to 11 p.m. daily	No change

- 1.6 When compared with the last approved application (A/YL-PS/509), the applicant applies for proposed minor extension of ancillary site office. The proposed ancillary site office structure will be extended to become a 2-storey structure with building height of 7m. The total floor area will be increased to about 328m² compared with 180m² of the previous application. The applicant claims that he is also the operator of the temporary public vehicle park for private cars under planning Application No. A/YL-PS/551 (to the northeast of the Site) approved by the Committee with conditions on a temporary basis of 3 years on 9.2.2018. The applicant intends to use the ancillary site office at the Site to serve both the public vehicle parks in the Site and the site under application A/YL-PS/551.

- 1.7 According to the applicant, the Site is accessible from Ha Mei San Tsuen Road

which connects to Tin Fuk Road and Tin Tsz Road (**Plans A-2 and A-3**). As requested by the landowner of Lot No. 42 in D.D. 122, a right of way is provided to the east of the Site for the access to the adjoining area. No parking of heavy vehicles (i.e. tractors/trailers) and no vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activities 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.

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

- (a) Application form of 31.10.2018 and attachments (received on 12.11.2018) (**Appendix I**)
- (b) Planning Statement (Attached to Appendix I) (**Appendix Ia**)
- (c) Letter of 7.12.2018 responding to Transport Department's comment, clarifying number of car parking spaces and providing a revised site layout plan (received on 7.12.2018) (**Appendix Ib**)

1.9 The location plan, site plan and layout plan submitted by the applicant are at **Drawings A-1 to A-3** respectively.

2. Justifications from the Applicant

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

- (a) The applicant is also the management operator of the temporary public vehicle park for private cars in the vicinity (about 80m from the Site) under planning Application No. A/YL-PS/551 which was approved with conditions by the Committee on a temporary basis of 3 years on 9.2.2018. The ancillary site office within the Site is serving both the public vehicle parks in the Site and the site under Application No. A/YL-PS/551. With the demand for vehicle parking spaces by the new development in the vicinity, there is an operational need for the extension of ancillary site office structure in order to maintain the daily managerial functions overseeing the operation of the two public vehicle parks.
- (b) The temporary vehicle park has been in operation since 2004. It provides essential parking facilities to residents in the surrounding area and also reduces illegal road side parking in the vicinity. At present, the villagers have no intention to build Small Houses at the Site. As the proposed public vehicle park is on a temporary basis, it would not affect the long term planning intention of the "GB" and "V" zones.
- (c) The surrounding area is mainly occupied by open storages, vehicle parks, logistic centre, vacant land and a few village houses. The proposed use is compatible with the surrounding areas and will not cause any adverse impacts to the surroundings.
- (d) The proposed use helps meet the existing parking demand in the area and follow the Hong Kong Planning Standard and Guidelines. The public car parks in the vicinity of the Site are nearly fully occupied, and so the provision of vehicle parks

can help alleviate the demand of parking spaces in the area.

- (e) The proposed public vehicle park is only for private cars and light goods vehicles. There is no parking of heavy vehicles and no workshop activities on the Site and it has been decently operated, well-paved and well-managed. It is a non-polluting use and no adverse noise and environmental impact is envisaged. The applicant has implemented and maintained the approved landscape proposal and fencing to screen the Site from surrounding areas and to enhance the amenity of the area. Drainage facilities are installed and well-maintained in accordance with the approved drainage proposals.
- (f) As the proposed vehicle park has only 34 parking spaces, no adverse impact on traffic network is envisaged.
- (g) The previously approved Fire Services Installations (FSI) proposals have been well maintained and in good condition. There is no change in the layout and FSI provisions when compared to the previous application.
- (h) The same use has been approved by the Town Planning Board since 2004. It would not set an undesirable precedent for similar applications.

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 Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting notice at the Site and publishing notice in newspapers. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

Town Planning Board Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10) are also relevant to this application. The relevant assessment criteria are at **Appendix II**.

5. Background

The current use on the Site is covered by valid planning permission under Application No. A/YL-PS/509 until 8.1.2019. Follow-up investigation will be taken upon expiry of the current planning permission if the subject application is not yet approved by the Board.

6. Previous Applications

- 6.1 The Site is related to 9 previous applications (No. A/YL-PS/26, 90, 168, 187, 254, 289, 332, 397 and 509).

Approved

- 6.2 Application No. A/YL-PS/26 was for temporary container trailer, lorry and private car park for a period of 12 months covering a larger site in the then “U” zone and “V” zone. It was approved by the Committee on 6.3.1998. The major considerations were no residential use nearby and meeting demand for port back-up uses.
- 6.3 Application No. A/YL-PS/187 was for temporary public vehicle park for private cars and light goods vehicles for a period of 3 years covering a similar site in the then “U” zone and “V” zone. It was approved by the Board on review on 26.11.2004 for a period of 2 years. The major considerations were not jeopardizing the long-term planning intention; serving the needs of the villagers and with approved similar/previous applications.
- 6.4 Applications No. A/YL-PS/254, A/YL-PS/289 and A/YL-PS/332 were for renewal of planning approval for temporary public vehicle park for private cars and light goods vehicles for a period of 3 years in the then “U” zone and “V” zone. They were approved by the Committee on 17.11.2006, 24.10.2008 and 12.11.2010 respectively, each for a period of 2 years. The major considerations were not jeopardizing the long-term planning intention and no objection or adverse comment from relevant Government departments.
- 6.5 Applications No. A/YL-PS/397 and A/YL-PS/509 were for temporary public vehicle park for private cars and light goods vehicles for a period of 3 years in the “GB” and “V” zones. They were approved by the Committee on 11.1.2013 and 8.1.2016 respectively for similar considerations as in the previously approved applications. The major considerations were not jeopardizing the long-term planning intention and no objection or adverse comment from relevant Government departments.

Rejected

- 6.6 Application No. A/YL-PS/90 was for temporary container vehicles and trailers park with ancillary repair/maintenance workshops, open storage of building materials and office for a period of 3 years covering a larger site in “V” and “REC” zones. It was rejected by the Committee on 12.1.2001. The reasons were not in line with planning intentions; incompatible with the surrounding uses; and insufficient information to demonstrate no adverse impact on the surrounding areas.
- 6.7 Application No. A/YL-PS/168 was for temporary vehicle park for private cars, light goods vehicles, ancillary office and canteen for a period of 3 years in the then “U” zone and “V” zone. It was rejected by the Board on review on 2.4.2004. The reasons were similar to those for Application No. A/YL-PS/90.
- 6.8 Details of the previous applications are at **Appendix III**. The locations are shown on **Plan A-1**.

7. Similar Applications

- 7.1 There are six similar applications (No. A/YL-PS/213, 216, 240, 241, 463 and 551)

within the same “V” zone since 2005.

Approved

- 7.2 Application No. A/YL-PS/213 was for proposed temporary public vehicle park for private cars and light goods vehicles for a period of 3 years. It was approved by the Committee on 27.5.2005 for a period of 2 years. The major considerations were not incompatible with the surrounding uses and unlikely to create adverse impacts on the surrounding area. The planning permission was revoked on 15.12.2005 due to non-compliance with the approval condition on prohibiting the parking of heavy vehicles on-site.
- 7.3 Application No. A/YL-PS/216 was for proposed temporary public vehicle park for private cars and light goods vehicles for a period of 3 years. It was approved by the Committee on 24.6.2005 for a period of 2 years. The major considerations were not incompatible with the surrounding uses and no objection or adverse comment from relevant Government departments. The planning permission was revoked on 15.12.2005 due to non-compliance with the approval condition on prohibiting the parking of heavy vehicles on-site.
- 7.4 Applications No. A/YL-PS/463 and 551 were for proposed temporary public vehicle park (private cars) for a period of 3 years. They were approved by the Committee on 27.2.2015 and 9.2.2018 respectively. The major considerations were not jeopardizing the long-term planning intention and not incompatible with the surrounding land uses.

Rejected

- 7.5 Application No. A/YL-PS/240 was for temporary public vehicle park for private car, light goods vehicle and container trailer for a period of 3 years. It was rejected by the Board on review on 13.10.2006. The reasons were not in line with planning intention; incompatible with the surrounding residential dwellings; and insufficient information to demonstrate no adverse impacts on the surrounding areas.
- 7.6 Application No. A/YL-PS/241 was for temporary public vehicle park for private car, light goods vehicle and container trailer for a period of 3 years. It was rejected by the Committee on 7.4.2006. The reasons were similar to those for Application No. A/YL-PS/240.
- 7.7 Details of the similar applications are at **Appendix IV**. The locations are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) currently used as a temporary public vehicle park for private cars and light goods vehicles with valid planning permission under Application No. A/YL-PS/509; and

- (b) accessible from Yung Yuen Road leading to Ha Mei San Tsuen Road which connects to Long Tin Road in the west (**Plans A-2 and A-3**).

8.2 The surrounding areas have the following characteristics:

- (a) to the east are residential dwellings, a vehicle park and vacant land;
- (b) to the south across the MTR West Rail is a temporary logistics centre and vehicle park with planning permission under Application No. A/YL-PS/556, and a temporary container vehicle and lorry park with planning permission under Application No. A/YL-PS/514;
- (c) to the west and northwest are vehicle parks and residential dwellings; and
- (d) to the immediate north is a piece of vacant land which is under construction for Small Houses. To the further north are residential dwellings. To the further northeast is a vehicle park with planning permission under Application No. A/YL-PS/551.

9. Planning Intentions

9.1 The planning intention of “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.

9.2 The planning intention of “V” zone is intended to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and re-provisioning 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 Board.

10. Comments from Relevant Government Departments

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

Land Administration

10.1.1 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) Within the Site, the following private lots are currently covered by Short Term Waivers (STWs) whereas the Government Land (GL) therein is covered by Short Term Tenancies (STTs), details of which are listed below:-

GL/Lot No. in D.D.122	STW/STT No.	Permitted Use
GL adjoining lot 40RP	STT No. 3031	Temporary Public Vehicle Park for Private Cars and Light Good Vehicles
Lot 39RP	STW No. 3362	Ancillary Office and Shroff to Vehicle Park

- (c) The Site is accessible from Yung Yuen Road via GL. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site.
- (d) According to his record, 3 Small House (SH) applications have been approved within the Site. According to the land status plan, the footprints of the approved SHs do not fall within the Site boundary. In the vicinity (about 30m) of the Site, 9 SH applications have been approved.
- (e) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (f) 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 where appropriate. The owner(s) of the lot without STW 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 Lands Department acting in the capacity as 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 Lands Department.

Building Matters

10.1.2 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, his Office 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 Buildings Department (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) are to be carried out on the 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) Regulations at the building plan submission stage.

Environment

10.1.3 Comments of the Director of Environmental Protection (DEP):

- (a) The applicant is advised to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the DEP to minimize potential environmental nuisance to the surrounding area.
- (b) No environmental complaint related to the Site was received from 2015 to October 2018.

Conservation

10.1.4 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

As the Site has been paved and occupied for the same applied use as previously approved, he has no strong view on the application from nature conservation point of view. As the Site partly falls in “GB” zone, he trusts the Board would take into account the planning intention of this zoning among others when considering the application.

Traffic

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

- (a) He has no further comments on the further information submitted by the applicant on 7.12.2018.
- (b) The applicant is reminded that sufficient space within the Site should be provided for manoeuvring of vehicles. In addition, no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period.

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

- (a) The access arrangement should be commented by Transport Department.
- (b) The Site falls within the Railway Protection Zone of West Rail. Comments of the MTR Corporation Limited (MTRCL) should be sought.
- (c) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (d) The HyD shall not be responsible for the maintenance of any access connecting the Site and Ha Mei San Tsuen Road.

10.1.7 Comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD 2-2, RDO, HyD):

- (a) The Site falls within the protection boundary of the West Rail Line. As the operation of the existing railway system is not under the jurisdiction of the Office, he has no comment on the application from railway development viewpoint.
- (b) With reference to the procedures in PNAP-APP24, MTRCL should be consulted with respect to operation, maintenance, safety and

future construction of the existing railway network.

Drainage

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

- (a) He has no objection in principle to the application from a drainage point of view.
- (b) According to the applicant's submission, the existing drainage facilities which was implemented under approved Application No. A/YL-PS/509 will be maintained for the subject development.
- (c) 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 Department.

Fire Safety

10.1.9 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

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

- (a) The Site is subject of last approved Application No. A/YL-PS/509 for temporary public park use by the same applicant. With

reference to the aerial photo of 2018, it is observed that the applied use is currently in operation with existing trees generally along the site boundary.

- (b) Significant change to the landscape character arising from the continued use of the application is not anticipated.

Others

10.1.11 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) No Food and Environmental Hygiene Department's (FEHD) facilities will be affected and such work and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surroundings;
- (b) For any waste generated from the such activity / operation, the applicant should arrange disposal properly at her own expenses; and
- (c) Proper licence / permit issued by FEHD is required if there is any catering service / activities regulated by the Director of Food and Environmental Hygiene under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public.

District Officer's Comments

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

His Office did not receive any comments from the locals on the application.

10.2 The following departments have no comment on the application:

- (a) Commissioner of Police (C of P);
- (b) Project Manager(West), CEDD (PM(W), CEDD);
- (c) Chief Engineer/Land Works, CEDD (CE/LW, CEDD);
- (d) Head of Geotechnical Engineering Office, CEDD (H(GEO), CEDD);
- (e) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (f) Director of Electrical and Mechanical Services (DEMS);
- (g) Antiquities and Monuments Office, Leisure and Cultural Services Department (AMO, DLCS); and
- (h) Director of Leisure and Cultural Services (DLCS).

11. Public Comment Received During the Statutory Publication Period

On 20.11.2018, the application was published for public inspection. During the first 3 weeks of the statutory public inspection period, which ended on 11.12.2018, no public

comment was received.

12. Planning Considerations and Assessments

- 12.1 About 65% of the Site falls within the “GB” zone. The planning intention of “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. The development is not entirely in line with the planning intention of the “GB” zone. However, it should be noted that the “GB” part of the Site was previously zoned “U” before the exhibition of the then draft Ping Shan OZP No. S/YL-PS/12 on 5.11.2010, and the first permission for temporary vehicle park covering the Site was granted on 6.3.1998. The development does not involve clearance of natural vegetation. The DAFC has no strong view on the application from nature conservation point of view. An approval condition requiring the reinstatement of the Site to an amenity area upon expiry of the planning permission is recommended.
- 12.2 About 35% of the Site falls within the “V” zone. The planning intention of “V” zone is intended 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 development is not entirely in line with the planning intention of the “V” zone. However, it could serve some of the parking demand of residents in the nearby villages and the locality. Although there are three Small House applications approved within the Site, DLO/YL, LandsD confirmed that the footprints of the 3 approved Small House applications do not fall within the Site and he has no objection to the application (**Plan A-2** and **A-4b**). Approval of the application on a temporary basis for 3 years would not frustrate the long term planning intention of the “V” zone.
- 12.3 There are vehicle parks, vacant land and some village houses in the east, north and west. To the south is the elevated section of West Rail and a logistics centre and vehicle park. The development is not incompatible with the surrounding land uses.
- 12.4 Relevant Government departments, including C for T, 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 13.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorized development on the 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.

- 12.5 There are seven previously approved planning applications (Nos. A/YL-PS/26, 187, 254, 289, 332, 397 and 509) covering the Site for same/similar uses. The last Application No. A/YL-PS/509 for the same development submitted by the same applicant was approved with conditions by the Committee on 8.1.2016. The permission is valid until 8.1.2019. All approval conditions have been complied with. Within the same “V” zone, there are four approved applications (No. A/YL-PS/213, 216, 463 and 551) for temporary public vehicle park for private cars and light goods vehicles uses since 2008. For the rejected applications, they all involved parking of heavy vehicles and whilst only parking of private cars is involved in the current application. The development does not involve clearance of natural vegetation. The development does not contravene the TPB PG-No. 10 and approval of the current application is in line with the previous decisions of the Committee.
- 12.6 No public comment was received during the statutory public inspection period.

13. Planning Department’s Views

- 13.1 Based on the assessment made in paragraph 12, the Planning Department considers that the temporary public vehicle park (private cars and light goods vehicles) could be tolerated for a period of 3 years.
- 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 3 years until 4.1.2022. 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) only private cars and light goods vehicles as defined in the Road Traffic Ordinance are allowed to enter/be parked on the Site at all times during the planning approval period;
- (c) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site at any time during the planning approval period;
- (d) no vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;

- (f) the existing landscape planting on the Site shall be maintained at all times during the approval period;
- (g) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (h) 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 4.4.2019;
- (i) the submission of 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 4.7.2019;
- (j) in relation to (i) above, the implementation of the fire service installations proposal with **9 months** from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 4.10.2019;
- (k) the provision of boundary fencing on the Site within **3 months** from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 4.4.2019;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) 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;
- (m) if any of the above planning conditions (h), (i), (j) or (k) 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; and
- (n) 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 attached at **Appendix V**.

13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection are suggested for Members' reference:

the planning intention of "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. The planning intention of the 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 intentions of the “GB” and “V” zones. No strong planning justification has been given 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 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 the 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

Appendix I	Application form of 31.10.2018 and attachments (received on 12.11.2018)
Appendix Ia	Planning Statement (Attached to Appendix I)
Appendix Ib	Letter of 7.12.2018 responding to Transport Department’s comment, clarifying number of car parking spaces and providing a revised site layout plan (received on 7.12.2018)
Appendix II	Relevant assessment criteria of Town Planning Board Guidelines for application for development within the Green Belt zone under Section 16 of the Town Planning Ordinance
Appendix III	Previous Applications Covering the Site
Appendix IV	Similar s.16 Applications within the same “GB” and “V” Zones on the approved Ping Shan OZP No. S/YL-PS/18
Appendix V	Advisory Clauses
Drawing A-1	Location Plan
Drawing A-2	Site Plan
Drawing A-3	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4b	Site Photos