

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

APPLICATION NO. A/YL-PS/585

- Applicant** : Tang Pin Fai represented by Metro Planning and Development Company Limited
- Site** : Lots 390 (part), 392 (part), 403 RP (part), 404 (part) and adjoining Government Land in D.D. 122, Sheung Cheung Wai, Ping Shan, Yuen Long, New Territories
- Site Area** : About 3,640 m² (including about 408 m² Government Land)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/18
- Zoning** : "Village Type Development" ("V")
[Restricted to maximum building height of 3 storeys (8.23m)]
- 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 for temporary public vehicle park for private cars for a period of 3 years at the application site (the Site) (**Plan A-1**). The Site is currently used for 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 is currently seeking temporary permission for a period of 3 years.
- 1.3 The Site is involved in 5 previous applications (Nos. A/YL-PS/259, 301, 307, 390 and 489) for temporary public vehicle park for private cars and light goods vehicles. The last application No. A/YL-PS/489 was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 8.1.2016 valid until 8.1.2019. All the time-specific approval conditions have been complied with. Details of the previous applications are summarised at paragraph 5 and at **Appendix II**.

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

Major Development Parameters	Approved Application (A/YL-PS/489) (a)	Current Application (A/YL-PS/585) (b)	Difference (b) – (a)
Site area	About 3,570 m ² (including 408 m ² government land)	About 3,640 m ² (including 408 m ² government land)	+70m ² (+2%)
Applied Use	Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles	Temporary Public Vehicle Park for Private Cars	No Light Goods Vehicles
Total floor area	206 m ²	Nil	- 206 m ² (-100%)
No. of structures	<ul style="list-style-type: none"> ● 1 open shed (rain shelter) ● 1 converted-container for site office and meter room ● 1 converted-container site office 	Nil	- 3 (-100%)
No. of parking spaces	68 spaces (for private cars and light goods vehicles) (5m x 2.5m each)	148 spaces (for private cars) (5m x 2.5m each)	+ 80 (+117.6%)
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 Compared with the last application No. A/YL-PS/489, the current application is submitted by the same applicant for a similar use on the same site with a different layout and more parking spaces (+80 spaces).
- 1.6 The site plan, location plan, proposed layout plan, proposed landscape and tree preservation plan and as-built drainage plan are at **Drawings A-1 to A5** respectively.
- 1.7 According to the applicant, the Site is accessed via a track leading from Tsui Sing Road. No vehicles other than private cars will be allowed to enter the Site. Vehicles without valid licences issued under the Road Traffic Ordinance will not be permitted to park at the Site. No vehicle repairing, dismantling, car beauty, car washing, paint spraying and workshop use will be carried out at the Site.
- 1.8 In support of the application, the applicant has submitted the following documents:
- (a) Application form of 8.3.2019 (received on 19.3.2019) (**Appendix I**)
- (b) Executive summary with proposed layout plan, proposed landscape and tree preservation plan and as-built drainage plan with replacement page received on 20.3.2019 (**Appendix Ia**)

- (c) Letter of 2.4.2019 providing responses to the Transport Department (TD)'s comment
(accepted and exempted from publication and recounting requirements) (Appendix Ib)
- (d) Email of 7.5.2019 providing clarification on the operation of the public vehicle park
(accepted and exempted from publication and recounting requirements) (Appendix Ic)
- (e) Email of 8.5.2019 confirming that the existing open shed will be demolished
(accepted and exempted from publication and recounting requirements) (Appendix Id)

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed at **Appendices I to Ib**. They can be summarised as follows:

- (a) The applicant has complied with all the planning conditions imposed to the last approved Application No. A/YL-PS/489.
- (b) The proposed development is compatible with the surrounding developments. The proposed development is in line with the planning intention of the "V" zone and would serve the need of the villagers. The proposed development would not affect the character of the village. Three similar car parks which have been approved by the Board.
- (c) There is insufficient supply to meet exigent parking demand in Sheung Cheung Wai. The Board has approved a number of public vehicle parks adjacent to the Site to meet the acute parking demand. The proposed development is compatible with the surrounding development.
- (d) The applicant submitted a landscape and tree preservation plan to support the application. All the existing trees at the Site will be preserved and they are in good condition.
- (e) The size of the Site is about the same as the last planning permission. The impact of the proposed development to the traffic is minimal.
- (f) Drainage facilities have been provided at the Site to comply with the drainage condition for the previous planning permission.

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 site notice and sending notice to the Ping Shan Rural Committee by registered mail. Detailed information would be

deposited at the meeting for Members' inspection.

4. Background

The use for parking of vehicles use on the Site would be subject to planning enforcement action.

5. Previous Applications

5.1 The Site is involved in five previous applications (Nos. A/YL-PS/259, 301, 307, 390 and 489) for temporary public vehicle park for private cars and light goods vehicles, which were approved with conditions by the Committee. Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

5.2 Application Nos. A/YL-PS/259, 301, 307, 390 and 489 for temporary public vehicle park for private cars and light goods vehicles for a period of 3 years were approved with conditions by the Committee on 15.12.2006, 17.4.2009, 18.9.2009, 21.9.2012 and 8.1.2016 respectively. The major considerations were not incompatible with the surrounding land uses; serving the needs of local villagers; unlikely to create significant adverse environmental, drainage and visual impacts on the surrounding areas; and similar approvals in the vicinity. However, application No. A/YL-PS/259 was revoked on 19.9.2008 due to non-compliance with approval conditions on no vehicles without valid license and no heavy vehicles be parked on site and application No. A/YL-PS/301 was revoked on 17.10.2009 due to non-compliance with approval conditions on submission of fire services installation proposal. All the approval conditions of the other 3 applications (Nos. A/YL-PS/307, 390 and 489) were complied with and were valid until 17.4.2012, 21.9.2015 and 8.1.2019 respectively.

5.3 Compared with the last approved Application No. (A/YL-PS/489), the current application is submitted by the same applicant for a similar use on the same site with a different layout and more parking spaces (+80 spaces).

6. Similar Applications

6.1 There are 22 similar applications (Nos. A/YL-PS/304, 310, 363, 366, 382, 395, 410, 452, 466, 468, 479, 492, 498, 516, 522, 543, 549, 553, 554, 561, 562 and 583) 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 summarised at **Appendix III** and their locations are shown on **Plan A-1**.

6.2 All of these 22 similar applications were approved by the Committee on considerations that the temporary use would not jeopardize the long term planning intention of the "V" zone, the use was not incompatible with the surrounding land uses, and the use was unlikely to create significant adverse traffic, environmental, drainage and visual impacts on the surrounding areas. Application Nos. 468, 498 and 553 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 used as a public vehicle park; and
- (b) accessible via a track leading from Tsui Sing Road.

7.2 The surrounding areas have the following characteristics:

- (a) to the north and northwest are temporary public vehicle parks for private cars/private cars and light goods vehicles with planning permission under application Nos. A/YL-PS/522, 554 and 562; and restaurant and car service which are suspected unauthorised developments (UDs);
- (b) to the east and northeast are mainly residential dwellings intermixed with orchard and open storage which are suspected UD, and to the immediate southeast is temporary public vehicle park for private cars and light goods vehicles with planning permission under application No. A/YL-PS/543;
- (c) to the south is parking of vehicles which is suspected UD; and
- (d) to the immediate west are residential dwellings. To the further west across Tsui Sing Road is TWGHs Kwok Yat Wai College.

8. Planning Intention

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. 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.

9. Comments from Relevant Government Departments

9.1 The following Government Departments have been consulted and their views on the application and the public comments 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 government land (GL) and 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). Details of which are listed below:

STW No.	Lot No. in D.D. 122	Permitted Use
STW 3438	Lot No. 392	Ancillary use to Public Vehicle Park for Private Cars and Light Goods Vehicles
STW 3587	Lot No. 390 (Portion)	Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles
STW 3720	Lot No. 403 RP	
STW 3721	Lot No. 404	

- (c) No permission is given for occupation of GL (about 408m² subject to verification) included in the Site. Attention is drawn to the fact that any occupation of GL without Government's prior approval is not allowed.
- (d) The Site is accessible from Tsui Sing Road via GL and private land. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site.
- (e) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (f) Should planning approval be given to the planning application, the STW(s) holder(s) will need to apply to his office for modification of the STW(s) conditions where appropriate. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Furthermore, the applicant has either to exclude the GL portion from the Site or apply for a direct

grant STT for use of the Site. Applications for any of the above will be considered by the LandsD 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 LandsD.

- (g) There is no Small House application received or approved at the Site. In its vicinity (within 30m), there are 6 Small House application currently under processing, and 16 Small Houses applications have been approved.

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 road or reverse onto/from the 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.

9.1.3 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) Currently, only the section of Tsui Sing Road of about 120m abutting Ping Ha Road is maintained by HyD. HyD shall not be responsible for the maintenance of any access connecting the Site and the section of Tsui Sing Road being maintained by HyD.

Environment

9.1.4 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 DEP to minimise potential environmental nuisance to the surrounding area.

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

Landscape

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

With reference to the aerial photo of 2018, the applied use is already in operation. Existing vegetation is observed generally along the eastern and western boundary of the Site. In view of previous approved application No. A/YL-PS/489 for temporary public vehicle park use, significant change arising from the application is not envisaged.

Drainage

- 9.1.6 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 approval application No. A/YL-PS/489 will be maintained for the subject 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.

Fire Safety

- 9.1.7 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection 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 FSI to be installed should be clearly marked on the layout plans.

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 a position to comment under the Buildings Ordinance.

Others

- 9.1.9 Comments of the Executive Secretary (Antiquities & Monuments), Antiquities and Monuments Office (ES(A&M), AMO):

According to the details of the development proposal provided in the application form, he has no comment on the application from cultural heritage viewpoint provided that no excavation works will be conducted within the Site.

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 feedback from locals.

- 9.2 The following Departments have no comment on the application:

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

10. Public Comment Received During the Statutory Publication Period

On 26.3.2019, the application was published for public inspection. During the first 3 weeks of the statutory public inspection periods, which ended on 16.4.2019, one public comment was received (**Appendix IV**). An individual objects to the application mainly on grounds of inefficient land use, the GL could be used for community use and temporary housing. Parking could be provided in stacked facilities and much of the Site released for other purpose.

11. Planning Considerations and Assessments

- 11.1 The subject application is for temporary public vehicle park for private cars for a period of 3 years at a site zoned "V" on the OZP. 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 re-provisioning of village houses affected by Government projects. 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, CHE/NTW of HyD, CE/MN of DSD, CTP/UD&L of PlanD and DEP have no objection to or no adverse comments on the application. The proposed use will unlikely create significant adverse traffic, drainage and environmental impacts on the surrounding areas. There has been no environmental complaint concerning the Site received in the past 3 years. To minimise 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 five previous applications for similar use at the Site. Within the same “V” zone, there are 22 similar applications approved by the Committee since 2009. 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, and having taken into account the public comment 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 **17.5.2022**. 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. is allowed on the Site, as proposed by the applicant, during the planning approval period;

- (b) no goods vehicle, vehicle exceeding 5.5 tonnes, container tractor/trailer, 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 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, as proposed by the applicant, at any time during the planning approval period;
- (d) a notice shall be posted at a prominent location of the Site at all times to indicate that no goods vehicle, vehicle exceeding 5.5 tonnes, container tractor/trailer, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at all times during the planning approval period;
- (e) 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;
- (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 fencing of the Site shall be maintained at all times during the planning approval period;
- (h) the existing vegetation within the Site shall be maintained in good condition at all times during the planning approval period;
- (i) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (j) the submission of a condition record of the existing drainage facilities within **3** months to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 17.8.2019;
- (k) the submission of fire service installations proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 17.11.2019;
- (l) in relation to (k) above, the implementation of fire service installations proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 17.2.2020;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and

- (n) if any of the above planning conditions (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

Advisory clauses

The recommended advisory clauses are attached at **Appendix V**.

- 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 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 reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application form of 8.3.2019 (received on 19.3.2019)
Appendix Ia	Executive summary with proposed layout plan, proposed landscape and tree preservation plan and as-built drainage plan with replacement page received on 20.3.2019
Appendix Ib	Letter of 2.4.2019 providing responses to TD's comment
Appendix Ic	Email of 7.5.2019 providing clarification on the operation of the public vehicle park
Appendix Id	Email of 8.5.2019 confirming that the existing open shed will be demolished
Appendix II	Previous Applications Covering the Site
Appendix III	Similar Applications Within the Same "V" Zone on the Approved Ping Shan OZP No. S/YL-PS/18
Appendix IV	Public comment received during statutory publication period
Appendix V	Advisory Clauses

Drawing A-1	Site Plan
Drawing A-2	Location Plan
Drawing A-3	Proposed Layout Plan
Drawing A-4	Proposed Landscape and Tree Preservation Plan
Drawing A-5	As-built Drainage Plan

Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MAY 2019**