

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

APPLICATION NO. A/YL-PS/592

- Applicant** : Tang Pin Fai represented by Metro Planning and Development Company Limited
- Site** : Lots 262 RP (Part), 263 (Part), 264 (Part), 265, 267 RP and 268 RP in D.D. 122 and adjoining Government Land, Ping Shan, Yuen Long, New Territories
- Site Area** : About 3,540 m² (including about 212 m² Government Land (GL))
- 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 a maximum building height of 3 storeys (8.23m)],
- Application** : 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**). According to the Notes for the “V” 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. The Site is currently used for the applied use without valid planning permission.
- 1.2 The Site is the subject of 3 previous applications (No. A/YL-PS/8, 23 and 492) for temporary public vehicle park for private cars, light goods vehicles, lorries and container vehicles/trailers (**Plan A-1**). The last application No. A/YL-PS/492 for temporary public vehicle park for private cars and light goods vehicles was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 8.4.2016 for a period of 3 years. All the time-specific approval conditions have been complied with. Details of the previous applications are summarised at paragraph 5 and at **Appendix II**.

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

Major Development Parameters	Previous Application (A/YL-PS/492) (a)	Current Application (A/YL-PS/592) (b)	Difference (b) – (a)
Applied Use	Temporary Public Vehicle Park (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	Without Light Goods Vehicles
Site Area	4,367m ²	3,540m ²	-827m ² (-18.9%)
Total Floor Area (Non-domestic)	20 m ²	Nil	-20m ² (-100%)
No. of Structure	1	Nil	-1 (-100%)
No. of Parking Spaces	88 (5m x 2.5m)	125 (5m x 2.5m)	+37 spaces (+42%)
Operation Hours	7 a.m. to 11 p.m. daily (including Sundays and public holidays)		No change

- 1.4 Compared with the last application No. A/YL-PS/492, the current application is submitted by a same applicant for a similar use on a smaller site with a different layout and more parking spaces (+37 spaces).
- 1.5 The site plan, vehicular access plan, proposed layout plan, proposed landscape and tree preservation plan and proposed drainage plan are at **Drawings A-1 to A5** respectively.
- 1.6 According to the applicant, the Site is accessible from a local track leading to Tsui Sing Road (**Plan A-2**). No vehicles other than private cars will be allowed to park/store on or enter/exit the Site. No vehicle without valid licences issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site. No vehicle washing, repairing, dismantling, car beauty and other workshop activity will be carried out at the Site. No vehicle will be allowed to queue up outside the Site.
- 1.7 In support of the application, the applicant has submitted the following documents:
- (a) Application form of received on 6.8.2019 with (**Appendix I**) replacement page
 - (b) Supplementary Planning Statement with site plan, (**Appendix Ia**) vehicular access plan, proposed layout plan, proposed landscape and tree preservation plan and proposed drainage plan with replacement page

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 Site is not subject to impending Small House application and temporary use could be considered in the interim. The proposed development which is temporary in nature would not jeopardise the planning intention of the “V” zone in the long run.
- (b) The need of public parking of private cars for villagers in the area has long been existed. Although a few public parking spaces are available and some more parking spaces are available at the junction of Tsui Sing Road and Ping Ha Road, they are mostly occupied by residents of nearby public housing estates and visitors. Apart from its proximity to West Rail Tin Shui Wai Station which is a mass transport interchange, both the parking spaces provided by public and private are usually full in weekend because of the nearby attraction points including Tsui Sing Lau Pagoda and Ping Shan Heritage Trail.
- (c) The proposed development is compatible with the surrounding environment.
- (d) The Board has approved a number of public vehicle parks in the same “V” zone in the same OZP to meet the acute parking demand.
- (e) The proposed development will generate insignificant traffic, environmental and drainage impacts to its surrounding.

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 Site is not subject to any planning enforcement action.

5. **Previous Applications**

- 5.1 The Site was involved in 3 previous applications (No. A/YL-PS/8, 23 and 492) for temporary public vehicle park for private cars, light goods vehicles, lorries and container vehicles/trailers. Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.
- 5.2 Applications No. A/YL-PS/8 and 23 covering a larger site for temporary private car/container vehicle park for a period of 12 months and temporary public lorry, car and container trailer park for a period of 12 months were

rejected by the Committee on 20.6.1997 and the Board on review on 12.6.1998 respectively on grounds of not in line with the planning intentions of “G/IC” and “V” zones; incompatible with the village settlements; insufficient information on access road and landscaping aspects; and undesirable precedents.

- 5.3 Applications No. A/YL-PS/492 for temporary public vehicle park for private cars and light goods vehicles was approved by the Committee on 8.4.2016 on grounds of not jeopardising the long-term planning intention of the “V” zone; not incompatible with surrounding land use; and no adverse comment from Government departments.
- 5.4 Compared with the last application No. A/YL-PS/492, the current application is submitted by the same applicant for a similar use on a smaller site with a different layout and more parking spaces (+37 spaces).

6 Similar Applications

- 6.1 There are 25 similar applications (No. A/YL-PS/310, 363, 366, 382, 390, 395, 410, 425, 452, 466, 468, 479, 489, 498, 516, 522, 543, 549, 553, 554, 561, 562, 583, 585 and 589) for temporary public vehicle park for private cars and/or 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 25 similar applications were approved by the Committee on considerations that the temporary use would not jeopardize the long term planning intention; the proposed development 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. Amongst these approved applications, applications No. A/YL-PS/468, 498 and 553 were subsequently revoked due to non-compliance with approval conditions.
- 6.3 For Members’ information, application No. A/YL-PS/594 for temporary public vehicle park for private cars and light goods vehicles for a period of 3 years within the same “V” zone will also be considered at this meeting (**Plan A-1**).

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

- 7.1 The Site is:
- (a) currently used as a vehicle park without valid planning permission; and
 - (b) accessible from a local track leading to Tsui Sing Road.

7.2 The surrounding areas have the following characteristics:

- (a) to the north are car service and warehouse which is suspected unauthorised development (UD) and temporary shop and wholesale of construction materials with valid planning permission under applications No. A/YL-PS/555 and 568;
- (b) to the northeast across Long Tin Road is temporary logistics centre with valid planning permission under application No. A/YL-PS/586;
- (c) to the immediate south are residential dwellings and Small Houses under construction; and
- (d) to the west are parking of vehicles and lorries which are suspected UD.

8 Planning Intention

The planning intention of “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 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 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 portion of GL therein is covered by Short Term Tenancy (STT), details of which are listed below:

Lot No./GL in D.D. 122	STW/STT No.	Permitted Use
262 RP	STW 4856	Temporary Shop and Wholesale of Construction Materials
263	STW 4861	
GL	STT 3121	Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles)

With the implementation of the tightened arrangements for handling regularisation applications, LandsD will no longer accept application for regularisation of new or extension of unlawfully occupation of GL or erection of new structures which is found commenced on or after 28.3.2017.

- (c) The Site is accessible from Tsui Sing Road via GL and private land. His office does not provide maintenance work for GL involved and does not guarantee any right-of-way over the GL to the Site.
- (d) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (e) Should planning approval be given to the planning application, the STW/STT holder(s) will need to apply to his office for modification of the STW/STT conditions where appropriate and the lot owner(s) of the lot(s) without STW will need to apply to his office to permit the structures to be erected or regularise any irregularities on site, if any. 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. 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.
- (f) There is no Small House application received or approved at the Site. In its vicinity (within 30m), 12 Small House applications have been approved and 1 Small House application is under processing.

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 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):

- (a) With reference to the site photos and aerial photos, the Site is hard paved with existing trees are found generally along the site boundary within the Site. The applied use is already in operation. Significant change to the landscape character arising from the application is not envisaged.
- (b) The applicant is advised that approval of section 16 application by the Board does not imply approval of the tree works such as pruning, transplanting and/or felling under

lease. The applicant is reminded to approach relevant authority/government department(s) direct to obtain the necessary approval on tree works.

Drainage

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

- (a) According to the applicant's submission, the existing drainage facilities which was implemented under the approved application No. A/YL-PS/492 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.
- (b) The applicant is reminded that the required condition record should include coloured photos showing the current condition of the drainage facilities and a layout plan indicating the locations of the photos taken. The submitted photos should cover all internal surface channels, catch pits, sand traps, manholes, terminal catch pits/manholes and the downstream discharge path as indicated on the submitted drainage proposal.

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 FSI 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 (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

District Officer's Comments

9.1.8 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 Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (d) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (e) Director of Leisure and Cultural Services (DLCS);
- (f) Director of Electrical and Mechanical Services (DEMS);
- (g) Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office (ES (A&M), AMO); and
- (h) Commissioner of Police (C of P).

10 Public Comment Received During the Statutory Publication Period

On 13.8.2019, the application was published for public inspection. During the first 3 weeks of the statutory public inspection periods, which ended on 3.9.2019, one public comment was received (**Appendix IV**). An individual objects mainly on grounds of inefficient land use and parking could be provided in stacked facilities; and the land could be used for community use and temporary housing.

11 Planning Considerations and Assessments

11.1 The current application is for temporary public vehicle park for private car for a period of 3 years at the Site zoned "V". The planning intention of the "V" zone is primarily intended for development of Small House 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. 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 residential dwellings, vehicle parks and shop and wholesale uses (**Plan A-2**). The proposed development is considered not incompatible with the surrounding land uses.

11.3 Relevant government departments, including AC for T/NT of TD, CE/MN of DSD, CTP/UD&L of PlanD and DEP have no objection to or no adverse comments on the application. The proposed development will unlikely create significant adverse traffic, drainage, landscape 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 one previous application (No. A/YL-PS/492) for similar use at the Site. Within the same “V” zone, there are 25 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 comments received during the statutory publication period objecting to the application on grounds as summarised in paragraph 10 above. The planning considerations and assessments in the paragraphs 11.1 to 11.4 are relevant.

12 Planning Department’s Views

- 12.1 Based on the assessment made in paragraph 11, 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 **4.10.2022**. 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, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (c) a notice shall be posted at a prominent location of the Site at all times to indicate that only private cars as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit 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, repairing, dismantling, car beauty and 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 roads 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 trees 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 **4.1.2020**;
- (k) the submission of a 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 **4.4.2020**;
- (l) in relation to (k) above, the implementation of the 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 **4.7.2020**;
- (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 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 received on 6.8.2019 with replacement page
- Appendix Ia** Supplementary Planning Statement with site plan, vehicular access plan, proposed layout plan, proposed landscape and tree preservation plan and proposed drainage plan with replacement page
- Appendix II** Previous Applications covering the Site
- Appendix III** Similar Applications Within the Same “V” Zones on the approved Ping Shan OZP No. S/YL-PS/18
- Appendix IV** Public comments received during statutory publication period
- Appendix V** Advisory Clauses

- Drawing A-1** Site Plan
- Drawing A-2** Vehicular Access Plan
- Drawing A-3** Proposed Layout Plan
- Drawing A-4** Proposed Landscape and Tree Preservation Plan
- Drawing A-5** Proposed Drainage Plan

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