

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

APPLICATION NO. A/YL-PS/595

- Applicant** : Tang Pin Fai represented by Metro Planning and Development Company Limited
- Site** : Lots 270 RP, 271 RP, 272 RP and 273 RP in D.D. 122, Ping Shan, Yuen Long, New Territories
- Site Area** : About 5,000 m²
- 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** : Proposed Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary public vehicle park for private cars and light goods vehicles 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 Site is currently vacant.
- 1.2 The Site is the subject of 2 previous applications (No. A/YL-PS/8 and 23) for temporary public vehicle park for private cars, lorries and container vehicles/trailers (**Plan A-1**). The last application No. A/YL-PS/23 for temporary public lorry, car and container vehicle park was rejected by the Board upon review on 12.6.1998. Details of the previous applications are summarised at paragraph 5 and at **Appendix II**.

1.3 The major development parameters of the current application are as follows:

Site Area	5,000 m ²
Total Floor Area (Non-domestic)	20 m ²
No. of Structure	1
Maximum Height	3.5m (1 storey)
No. of Private Car Parking Spaces	114 (5m x 2.5m)
No. of Light Goods Vehicles Parking Spaces	8 (7m x 3.5m)
Operation Hours	7 a.m. to 11 p.m. daily (including Sundays and public holidays)

1.4 The site plan, vehicular access plan, proposed layout plan, proposed landscape and site fencing plan, and proposed drainage plan are at **Drawings A-1 to A-5** respectively.

1.5 According to the applicant, the Site is accessible from a local track leading to Tsui Sing Road (**Plan A-3**). No vehicles other than private cars and light goods vehicles 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.

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

- (a) Application form of received on 5.9.2019 **(Appendix I)**
- (b) Supplementary Planning Statement with site plan, vehicular access plan, proposed layout plan, proposed landscape plan and proposed drainage plan **(Appendix Ia)**
- (c) Letter of 22.10.2019 providing updated Landscape and Site Fencing Plan **(Appendix Ib)**
(accepted and exempted from publication and recounting requirement)

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed 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 subject to planning enforcement action against unauthorised development (UD) involving use for place for parking of vehicles. Enforcement Notice (EN) No. E/YL-PS/684 was issued on 2.1.2019 requiring discontinuation of the UD. Site inspection on 26.6.2019 revealed that the UD in part of the Site (Lot 273 RP in D.D. 122) was still continued upon expiry of the notice. Prosecution action may be followed. Compliance Notice was issued on 8.8.2019 for the remaining lots of the EN.

5. Previous Applications

- 5.1 The Site was involved in 2 previous applications (No. A/YL-PS/8 and 23) for temporary public vehicle park for private cars, 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 in the submission to demonstrate that a satisfactory access road will be provided to serve the development and landscaping aspects; and undesirable precedents.

6 Similar Applications

- 6.1 There are 28 similar applications (No. A/YL-PS/310, 363, 366, 382, 390, 395, 410, 425, 452, 466, 468, 479, 489, 492, 498, 516, 522, 543, 549, 553, 554, 561, 562, 583, 585, 589, 592 and 594) 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 28 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.

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

- 7.1 The Site is:
- (a) currently vacant; and
 - (b) accessible from a local track leading to Tsui Sing Road (**Plan A-3**).
- 7.2 The surrounding areas have the following characteristics:
- (a) to the immediate north are some residential dwellings. To the further north is a temporary public vehicle park and temporary shop and wholesale of construction materials with valid planning permissions under applications No. A/YL-PS/592 and 593 respectively;
 - (b) to the northeast is Long Tin Road;
 - (c) to the south are storage and warehouse, parking of vehicles and open storage which are suspected UD; and
 - (d) to the west are vacant land and residential dwellings.

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) 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.
- (c) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (d) Should planning approval be given to the planning application, the lot owner(s) will need to apply to his office to permit the structures to be erected or 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.
- (e) 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 6 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 one substantiated environmental complaint related to waste aspect concerning the Site received by DEP 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 site photos and aerial photos, the Site is situated in an area of village landscape character. The Site is formed and hard paved, and observed to be used as parking for lorries. In view of approved application No. A/YL-PS/592 to the north of the Site, significant change to the landscape character arising from application is not envisaged.

Drainage

9.1.6 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.

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.

Building Matters

9.1.8 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, he is not in a position to offer comments on their suitability for the use proposed in the application.
- (b) If the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of BD, they are unauthorized building works (UBW) under the 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 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, demolition and land filling) are to be carried out on the Site, prior approval and consent of BD should be obtained, otherwise they are UBW. An Authorised Person 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 (B(P)R) respectively.
- (f) The Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

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 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);
- (f) Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office (ES (A&M), AMO); and
- (g) Commissioner of Police (C of P).

10 Public Comment Received During the Statutory Publication Period

On 13.9.2019, the application was published for public inspection. During the first 3 weeks of the statutory public inspection periods, which ended on 4.10.2019, one public comment was received (**Appendix IV**). An individual objects mainly on grounds of inappropriate use of land and the land could be used for community or recreational use.

11 Planning Considerations and Assessments

- 11.1 The current application is for temporary public vehicle park for private car and light goods vehicles 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. The development could provide vehicle parking spaces to meet any such parking demands 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 residential dwellings, vehicle parks, shop and wholesale, warehouse and open storage 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. 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 Site is the subject of two previous applications for temporary private car/container vehicle park and temporary public lorry, car and container trailer park which were rejected by the Committee or the Board on review in 1997 and 1998 respectively on the grounds of not in line with the planning intentions of “G/IC” and “V” zones; incompatible with the village settlements; insufficient information in the submission to demonstrate that a satisfactory access road will be provided to serve the development and landscaping aspects; and undesirable precedent. Since then, the Committee has approved 28 similar applications within the same “V” zone for temporary public vehicle park for private cars and/or light goods vehicles use 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 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 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 **1.11.2022**. 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 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 and light goods vehicles 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 implementation of the accepted drainage proposal within **6** months to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **1.5.2020**;
- (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 the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **1.5.2020**;
- (j) in relation to (i) 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 **1.8.2020**;
- (k) the provision of boundary fencing within **6** months from the date of approval to the satisfaction of the Director of Planning or of the Town Planning Board by **1.5.2020**;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (h) 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
- (m) if any of the above planning conditions (g), (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.

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 5.9.2019
Appendix Ia	Supplementary Planning Statement with site plan, vehicular access plan, proposed layout plan, proposed landscape plan and proposed drainage plan
Appendix Ib	Letter of 22.10.2019 providing updated Landscape and Site Fencing Plan
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	Vehicular Access Plan
Drawing A-3	Proposed Layout Plan
Drawing A-4	Proposed Landscape and Site Fencing 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