

RNTPC Paper No. A/YL-PS/606  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 10.7.2020

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

**APPLICATION NO. A/YL-PS/606**

- Applicant** : Mr. Tang Pin Fai represented by Metro Planning and Development Company Limited
- Site** : Lots 406 RP (Part), 407 (Part) and 408 (Part) in D.D. 122, Ping Shan, Yuen Long, New Territories
- Site Area** : About 2,613 m<sup>2</sup>
- 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 (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-1a**). 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 used for the applied use with valid planning permission under application No. A/YL-PS/543 (**Plans A-3 and A-4**).
- 1.2 The Site is related to 5 previous applications (No. A/YL-PS/258, 310, 395, 498 and 543) for temporary public vehicle park uses (**Plan A-1b**). The last application No. A/YL-PS/543 for temporary public vehicle park (private cars and light goods vehicles) for a period of 3 years was approved by the Rural and New Town Planning Committee (the Committee) on 8.9.2017. Details of the previous applications are summarised at paragraph 5 below and at **Appendix II**.

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

Major Development Parameters	Last Approved Application No. A/YL-PS/543 (a)	Current Application No. A/YL-PS/606 (b)	Difference  (b) – (a)
Applied Use	Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period for 3 Years		No change
Site Area	2,613m <sup>2</sup>		No change
Total Floor Area (Non-domestic)	Nil		No change
No. of Structure	Nil		No change
No. of Private Car Parking Spaces (5m x 2.5m)	53	56	+ 3
No. of Light Goods Vehicles Parking Spaces (7m x 3.5m)	18	21	+ 3
Operation Hours	7 a.m. to 11 p.m. daily		No change

- 1.4 Compared with the last approved application No. A/YL-PS/543, the current application is submitted by a different applicant for the same use on the same site with a similar parking layout but more parking spaces (+6 spaces).
- 1.5 The location plan, proposed layout plan, proposed landscape and tree preservation plan and as-built drainage plan are at **Drawings A-1 to A4** respectively.
- 1.6 According to the applicant, the Site is accessible via a paved vehicular track connecting Tsui Sing Road (**Drawing A-1 and Plan A-2**). No vehicle without valid licence issued under Road Traffic Ordinance (RTO) is permitted to park at the Site. No medium goods vehicle, heavy goods vehicle and container tractor/trailer will be allowed to access/park at the Site. No vehicle repairing, dismantling, car beauty, car washing or workshop activity is allowed on the Site. The operation hours are from 7am to 11pm every day.
- 1.7 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 13.5.2020 (Appendix I)
  - (b) Further Information (FI) received on 23.6.2020 to respond departmental comments (Appendix Ia)  
*[accepted and exempted from publication and recounting requirements]*

## 2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Part 7 of the Application Form at **Appendix I**. They can be summarised as follows:

- (a) There is an insufficient supply of parking spaces to meet the exigent parking demand in Sheung Cheung Wai. The proposed development is primarily for the convenience of the nearby villagers.
- (b) The Site is subject to several previous planning permissions since 2009. The Site has been approved for exactly the same use as the applied use of the current application. Similar applications for public vehicle park have been approved by the Board within the same “V” zone. The proposed development is compatible with the surrounding environment.
- (c) The applicant has complied with all the planning conditions imposed to the last planning permission No. A/YL-PS/543.
- (d) The proposed development will generate insignificant traffic, noise and environmental impacts to its surrounding. No operation will be allowed during sensitive hours.

### **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 current use of the Site is not subject to planning enforcement action.

### **5. Previous Applications**

- 5.1 The Site was involved in 5 previous applications (No. A/YL-PS/258, 310, 395, 498 and 543) for temporary public vehicle park uses. Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1b**.
- 5.2 Application No. A/YL-PS/258 for proposed temporary public vehicle park for private car, light goods vehicle and medium goods vehicle for a period of 3 years was rejected by the Committee on 15.12.2006 for the reasons of not compatible with the adjacent residential structures, insufficient information to demonstrate no adverse environmental, traffic, drainage and landscape impacts on the surroundings and undesirable precedent.
- 5.3 Application No. A/YL-PS/310 for temporary public vehicle park for private car and light goods vehicle for a period of 3 years and its renewal application No. A/YL-PS/395 were approved by the Committee with conditions for a period of 3 years on 6.11.2009 and 19.10.2012 respectively on grounds that the development would not frustrate the long-term planning intention of the “V” zone, the development was not incompatible with the surrounding land uses, and the development would unlikely generate significant adverse

environment, traffic, drainage and landscape impacts on the surrounding areas. All the approval conditions imposed under both applications were complied with.

- 5.4 Applications No. A/YL-PS/498 and 543 for temporary public vehicle park (private cars and light goods vehicles) for a period of 3 years each were approved by the Committee on 6.11.2015 and 8.9.2017 respectively on similar considerations as mentioned in paragraph 5.3 above. However, application No. A/YL-PS/498 was revoked on 6.8.2016 due to non-compliance with approval conditions on implementation of fire service installations proposal, submission and implementation of landscape and tree preservation proposal, and the provision of boundary fencing. For application No. A/YL-PS/543, all the approval conditions imposed were complied with.
- 5.5 Compared with the last approved application (No. A/YL-PS/543), the current application is submitted by a different applicant for the same use on the same site with a similar layout but more parking spaces (+6 spaces).

## **6 Similar Applications**

- 6.1 There are 25 similar applications (No. A/YL-PS/363, 366, 382, 390, 410, 425, 452, 466, 468, 479, 489, 492, 516, 522, 549, 553, 554, 561, 562, 583, 585, 589, 592, 594 and 595) for temporary public vehicle park for private cars and/or light goods vehicles within the same “V” zone. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1a**.
- 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 and 553 were subsequently revoked due to non-compliance with approval conditions.

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

- 7.1 The Site is:
- (a) currently being used for the applied use with valid planning permission under application No. A/YL-PS/543; and
  - (b) accessible to Tsui Sing Road via the nearby vehicle parks to its west and northwest (**Plan A-2**).
- 7.2 The surrounding areas have the following characteristics:
- (a) to the immediate north and northeast are residential dwellings, bee farm and orchard. To the further north is a temporary public vehicle

park with valid planning permission under application No. A/YL-PS/562;

- (b) to the east is vacant and unused land;
- (c) to the immediate south is Sheung Cheung Wai which dominated by residential dwellings. To the further south and southeast are a temporary public vehicle park with valid planning permission under application No. A/YL-PS/549 and a vehicle park which is a suspected unauthorised development (UD); and
- (d) to the west and northwest are temporary public vehicle parks with valid planning permission under applications No. A/YL-PS/554 and 585, intermixed with a vehicle park and car servicing which are suspected UD 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 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 falls within Sheung Cheung Wai Site of Archaeological Interest (**Plan A-1a**).
- (c) 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. Applications for any of the above will be considered by 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 LandsD.

- (d) There is no Small House application received or approved at the Site. In its vicinity (within 30m), 15 Small House applications have been approved and 6 Small House applications are 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) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (b) 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) Should the application be approved, the applicant shall be advised to follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" ("COP").

- (b) There were two substantiated environmental complaints 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):

- (a) He did not have adverse comment on the last approved application No. A/YL-PS/543 for the use of temporary public vehicle park and the implementation of landscape proposal was accepted according to his site inspection on 22.1.2019. According to the aerial photo of 2019 and photos taken in the said site inspection, the Site is hard paved with existing trees generally observed along the boundary within the Site. The proposed use is in operation. The Site is situated in an area of miscellaneous urban fringe landscape character and significant change to the character arising from the application is not anticipated.
- (b) According to the proposed landscape and tree preservation plan, some of the proposed parking spaces are very close to the existing trees. The applicant is reminded to provide at least 1m buffer between the parking spaces and planting areas and take precautionary measures such as constructing bollards and/or kerbs to guard against damage to the trees.
- (c) The applicant should refer to Pictorial Guide for Tree Maintenance (護養樹木的簡易圖解) ([http://www.greening.gov.hk/filemanager/content/pdf/tree\\_care/Pictorial\\_Guide\\_for\\_Tree\\_Maintenance.pdf](http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf)) promulgated by DEVB for proper tree maintenance.

### **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 an approved application No. A/YL-PS/543 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.

### **Building Matters**

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

- (a) It is noted from the survey plan of the application that there is existing structure within the Site. However, there is no proposed structure in the layout plan for the application. Though the current use(s) of the Site as revealed in the application is public vehicle park, it is unknown whether demolition works of existing structure would be involved.
- (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.
- (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 demolition works are to be carried out on the Site, prior approval and consent of the BA should be obtained. An Authorised Person (AP) should be appointed as the co-ordinator for any demolition works in accordance with the BO. Should the AP confirm the works fall into the Minor Works Control System (MWCS), then the applicant may proceed with the works under MWCS. For details of the submission procedure under MWCS, the applicant may wish to visit [www.bd.gov.hk](http://www.bd.gov.hk).

### **Others**

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

Having considered the location and proposed use of the Site as well as the applicant has indicated in the application that the proposed development does not involve diversion of stream, filling of pond, filling of land or excavation of land, he has no objection to the proposed development from cultural heritage point of view. However, the applicant is reminded to consult AMO should there be any changes that would involve ground excavation works for the proposed use in 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 Comments Received During the Statutory Publication Period**

On 22.5.2020, the application was published for public inspection. During the first 3 weeks of the statutory public inspection period, 2 public comments were received (**Appendices IV-1 and IV-2**). A Yuen Long District Council member objects mainly on grounds of that the applied use would destroy the landscape of rural settlement and

approval of the proposal would set undesirable precedent for similar use in “V” zone; and an individual raises concerns on environmental, noise and visual impacts to the nearby residents.

## **11 Planning Considerations and Assessments**

- 11.1 The 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 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 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 long-term planning intention of the “V” zone.
- 11.2 The Site is mainly surrounded by residential dwellings and vehicle parks (**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 unauthorised 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 “COP” in order to minimise the possible environmental impacts on the nearby sensitive receivers.
- 11.4 The Committee has approved 4 previous applications for temporary public vehicle park at the Site and 25 similar applications within the same “V” zone. Approval of the current application is in line with the previous decisions of the Committee.
- 11.5 There are 2 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 **10.7.2023**. 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) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, 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 no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, 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 repairing, dismantling, car beauty, car washing or 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 submission of a condition record of existing drainage facilities within **3** months to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **10.10.2020**;
- (j) in relation to (i) above, the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (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 **10.1.2021**;
- (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 **10.4.2021**;

- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (j) 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 (i), (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 development is not in line with the planning intention of the "V" zone which is primarily intended for development of Small Houses by indigenous villagers. 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**

<b>Appendix I</b>	Application Form received on 13.5.2020
<b>Appendix Ia</b>	FI received on 23.6.2020 to respond departmental comments
<b>Appendix II</b>	Previous applications covering the Site
<b>Appendix III</b>	Similar applications
<b>Appendix IV</b>	Public comments
<b>Appendix V</b>	Advisory clauses
<b>Drawing A-1</b>	Location Plan
<b>Drawing A-2</b>	Proposed Layout Plan
<b>Drawing A-3</b>	Proposed Landscape and Tree Preservation Plan
<b>Drawing A-4</b>	As-built Drainage Plan
<b>Plan A-1a</b>	Location Plan and Similar Applications

<b>Plan A-1b</b>	Previous Applications Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
JULY 2020**