

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/608

- Applicant** : Mr. Chan Chi Wing represented by Metro Planning and Development Company Limited
- Site** : Lots 123 (Part), 126 RP (Part), 130 (Part), 131 (Part), 132 RP (Part) and 135 RP (Part) in D.D. 121, Ping Shan, Yuen Long, New Territories
- Site Area** : About 930 m²
- Lease** : Block Government Lease (demised for agricultural purposes)
- Plan** : Approved Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/18
- Zoning** : “Residential (Group B) 1” (“R(B)1”)
[Restricted to a maximum plot ratio of 1, a maximum site coverage of 40% and a maximum building height of 5 storeys (15m) including car park]
- 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 proposed temporary public vehicle park for private cars for a period of 3 years at the application site (the Site) (**Plan A-1a**). The Site falls within an area zoned “R(B)1” on the OZP. According to the Notes for “R(B)1” zone, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use, which requires planning permission from the Town Planning Board (the Board). The Site is currently being used for the applied use without valid planning permission (**Plan A-4**).
- 1.2 The Site is related to four previous applications (No. A/ YL-PS/7, 92, 114 and 546) for temporary vehicle/container trailer park and temporary open storage of construction materials (**Plan A-1b**). The last application No. A/YL-PS/546 for temporary public vehicle park for private cars for a period of 3 years was approved by the Rural and New Town Planning Committee (the Committee) on 27.10.2017. However, the planning permission was revoked on 27.3.2020 due to non-compliance with approval condition on the implementation of the tree preservation and landscape proposal. Details of the previous applications are summarised at paragraph 5 below and at **Appendix II**.

- 1.3 Compared with the last application No. A/YL-PS/546, the current application is submitted by the same applicant for the same use at the same site with the same parameters and layout. The major development parameters of the current application and the last approved application are as follow:

Major Development Parameters	Last Approved Application (No. A/YL-PS/546) (a)	Current Application (No. A/YL-PS/608) (b)
Development/ Use	Proposed Temporary Public Vehicle Park for Private Cars	
Site Area	930m ²	
Maximum Floor Area	24m ²	
No. of Structures	2 (toilet, site office and guard room)	
Maximum Height of Structures	3.5m (1 storey)	
No. of Private Car Parking Spaces	13 (5m x 2.5m)	
Operation Hours	7:00 a.m. to 11:00 p.m. daily	

- 1.4 The location plan, proposed layout plan, as-planted landscape and tree preservation plan and as-built drainage plan are at **Drawings A1 to A4** respectively.
- 1.5 According to the applicant, the Site is accessible via an existing track leading to Ping Kwai Road (**Drawing A-1 and Plan A-3**). No light goods vehicle, medium goods vehicle, heavy goods vehicle and container tractor/trailer will be allowed to enter the Site. Vehicles without valid licences issued under the Road Traffic Ordinance will not be allowed to park at the Site. No vehicle repairing, dismantling, car beauty, car washing or other workshop activity is allowed on the Site. The operation hours are from 7am to 11pm every day.
- 1.6 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 19.5.2020 **(Appendix I)**
 - (b) Further Information (FI) received on 23.6.2020 **(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) The proposed development is in line with the planning intention of the “R(B)1” zone which is primarily for the convenience of the nearby residents. There is

insufficient supply of parking space to meet the exigent demand in Tong Fong Tsuen.

- (b) The proposed development is compatible with the surrounding environment. Similar planning applications have been approved by the Board in the same “R(B)1” zone. There would be no significant traffic, noise and environmental impacts. The applicant has provided bamboos at the Site for upgrading the visual environment. However, some of the bamboos were found dead due to weather. The applicant will replenish the dead bamboos.
- (c) The proposed development will be manned within the operation hours so that it could well protect the vehicles as well as properties within the vehicle for the car owners.

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 Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting notice of the application outside the Site and sending registered mail to Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The current use of the Site would be subject to planning enforcement action.

5. Previous Applications

- 5.1 The Site was involved in four previous applications (No. A/YL-PS/7, 92, 114 and 546) for temporary vehicle/container trailer park and temporary open storage of construction materials. 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/7 for temporary container tractor and trailer park for a period of 12 months was rejected by the Committee on 6.6.1997 for the reasons of not in line with the planning intention, insufficient information to demonstrate the implementation of Public Works Project item No. 191CL/B – Ping Shan Development Stage II Phase 1 would not be adversely affected, no information to demonstrate no adverse visual impact, and undesirable precedent.
- 5.3 Application No. A/YL-PS/92 for proposed temporary open storage of construction materials (pre-cast cement products) and container trailer for a period of 3 years was rejected by the Committee on 16.2.2001 for the reasons of not in line with the planning intention, insufficient information to demonstrate no adverse noise, environmental, drainage and traffic impacts, insufficient information to demonstrate no risk to the operation of the LRT as well as road users of Ping Kwai Road and Ping Pak Lane, and undesirable precedent.
- 5.4 Application No. A/YL-PS/114 for proposed temporary open storage of construction materials for a period of 3 years was rejected by the Committee on

14.6.2002 for the reasons of not in line with the planning intention, insufficient information to demonstrate no adverse environmental, traffic, drainage and visual impacts, and undesirable precedent.

- 5.5 Application No. A/YL-PS/546 for temporary public vehicle park for private cars was approved by the Committee with conditions on temporary basis for 3 years on 27.10.2017 on grounds that the development on temporary basis would not frustrate the long term planning intention, and no adverse comment from concerned departments. The planning permission was revoked on 27.3.2020 due to non-compliance with the approval condition on the implementation of tree preservation and landscape proposal.
- 5.6 Compared with the last approved application No. A/YL-PS/546, the current application is submitted by the same applicant for the same use at the same site with the same parameters and layout.

6. Similar Applications

- 6.1 There are nine similar applications (No. A/YL-PS/370, 380, 403, 448, 459, 462, 467, 569 and 580) for temporary public vehicle park for private cars/private cars and light goods vehicles use within the same “R(B)1” zone. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1a**.
- 6.2 All these nine similar applications were approved with conditions by the Committee on considerations that temporary approval of the application would not jeopardize the long-term development of the sites; not incompatible with the surrounding areas; and no objection or adverse comment from government departments. Applications No. A/YL-PS/380, 403, 448 and 462 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 for the applied use without valid planning permission; and
 - (b) accessible from an existing track connecting Ping Kwai Road.
- 7.2 The surrounding areas have the following characteristics:
- (a) to the immediate north are storage use which is suspected unauthorised development (UD) and a temporary vehicle park for private cars with valid planning permission under application No. A/YL-PS/569. To the further north is a low-rise residential development under construction;
 - (b) to the immediate east are temporary vehicle park for private cars and light goods vehicle with valid planning permission under application No. A/YL-PS/580 and vehicle repair workshops and open storage of vehicles which are suspected UDs;

- (c) to the immediate south are vehicle repair workshops, open storage of vehicles, and open storage of construction materials which are suspected UDs intermixed with residential dwellings; and
- (d) to the west are a local track, Light Rail and nullah.

8. Planning Intention

The planning intention of the “R(B)1” zone is primarily for sub-urban medium-density residential developments in rural areas where commercial uses serving the residential neighbourhood 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 prior approval of the Government.
- (b) Should planning approval be given to the subject 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. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Application(s) for any of the above will be considered by 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 LandsD.

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 on 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 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 Highways Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) Adequate drainage measures should be provided at the site access to prevent water flowing from the Site to nearby public roads/drains.
- (b) His department shall not be responsible for the maintenance of any access connecting the Site and Ping Kwai Road.

Environment

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

- (a) Should the planning 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") issued by DEP.
- (b) There was one substantiated environmental complaint related to miscellaneous 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/546 submitted by the same applicant for the use of temporary public vehicle park for private car. However, the implementation of the landscape proposal was not yet acceptable according to his site inspection on 10.1.2020.
- (b) With reference to the aerial photo of 2019 and the photos taken in the said site inspection, the Site is hard paved with bamboo planted along the boundary of the Site. The Site is situated in an area of miscellaneous urban fringe landscape character. Significant change to the character arising from the application is not anticipated.

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/546 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 a 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. 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, and the location of where the proposed FSIs to be installed should be clearly marked on the layout plans.
- (d) However, the applicant should be 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) 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 the Building Authority (BA) should be obtained, otherwise they are unauthorised building works (UBW) under BO. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with BO.
- (b) 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 BO.
- (c) 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.
- (d) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of 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 comment from locals.

9.2 The following Government departments have no comment on the application:

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

10. Public Comments Received During Statutory Publication Period

On 26.5.2020, 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 that the applied use would destroy the landscape of rural settlement and approval of the proposal would set undesirable precedent for similar use in “R(B)1” 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 cars for a period of 3 years at a site zoned “R(B)1” on the OZP. The planning intention of the “R(B)1” zone is primarily for sub-urban medium-density residential developments in rural areas where commercial uses serving the residential neighbourhood may be permitted on application to the Board. Whilst the development is not entirely in line with the planning intention of the “R(B)1” zone, there is no known development proposal at the Site and the applied development could provide parking spaces to serve any such demand for the residents nearby. Approval of the application on a temporary basis for 3 years will not frustrate the long-term planning intention of the “R(B)1” zone.
- 11.2 The Site is mainly surrounded by vehicle parks, open storage and vehicle repair workshops (**Plan A-2**). The proposed use is not incompatible with the surrounding land uses.
- 11.3 Relevant Government departments, including AC for T/NT, CE/MN of DSD, CTP/UD&L of PlanD and DEP, have no objection to or adverse comment 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 a previous application for the same use at the Site and 9 similar applications within the same “R(B)1” zone for temporary public vehicle park use (**Plan A-1a**). Approval of the current application is in line with the previous decisions of the Committee.
- 11.5 The planning permission of the last application No. A/YL-PS/546 submitted by the same applicant for the same use at the same site was revoked due to non-compliance with the time-specific approval condition on the implementation of tree preservation and landscape proposal. For the current application, the applicant has submitted an as-planted landscape and tree preservation plan.

CTP/UD&L of PlanD has accepted the as-planted landscape and tree preservation plan and has no objection to the application. Sympathetic consideration may be given to the current application. Nevertheless, shorter compliance periods are recommended in order to closely monitor the progress of compliance with approval conditions. Should the application be approved, the applicant should be advised that should the applicant fail to comply with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration would not be given to any of the application.

- 11.6 There are two public comments objecting to the application received on the grounds as summarized in paragraph 10. The planning considerations and assessments in paragraphs 11.1 to 11.5 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 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) only private cars as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to enter/be parked on the Site at all times during the planning approval period;
- (c) a notice shall be posted at a prominent location of the Site to indicate that only private cars as defined in the Road Traffic Ordinance are allowed to enter/be parked on the Site at all times 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 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 boundary fencing of the Site shall be maintained at all times

during the planning approval period;

- (h) the submission of a condition record of the existing drainage facilities within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **10.10.2020**;
- (i) in relation to (h) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (j) the submission of fire service installations proposal within **3** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **10.10.2020**;
- (k) in relation to (j) above, the implementation of fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **10.1.2021**;
- (l) the implementation of accepted landscape and tree preservation proposal within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **10.1.2021**;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) 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 (h), (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 development is not in line with the planning intention of the "R(B)1" zone, which is primarily for sub-urban medium-density residential development. 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 received on 19.5.2020
Appendix Ia	Further Information (FI) received on 23.6.2020
Appendix II	Previous Applications covering the Site
Appendix III	Similar Applications
Appendices IV-1 and IV-2	Public Comments
Appendix V	Advisory Clauses
Drawing A-1	Location Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	As Planted Landscape and Tree Preservation Plan
Drawing A-4	As-built Drainage Plan
Plan A-1a	Location Plan and Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JULY 2020**