

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/625

- Applicant** : Mr. TANG Pin Fai represented by Metro Planning and Development Company Limited
- Site** : Lots 384 (Part), 387 S.C ss.1 RP (Part), 387 S.C ss.2 RP (Part), 387 S.C ss.3 RP (Part), 388 (Part), 390 (Part) in D.D. 122 and Adjoining Government Land (GL), Ping Shan, Yuen Long, New Territories
- Site Area** : About 1,560 m² (including GL of about 97 m² or 6.2%)
- 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”) (about 96%) and [Restricted to a maximum building height of 3 storeys (8.23 m)]
- “Other Specified Uses” annotated “Heritage and Cultural Tourism Related Uses” (“OU(HCTRU)”) (about 4%)
[Restricted to a maximum plot ratio of 0.4 and a maximum building height of 10mPD]
- Application** : Temporary Public Vehicle Park for Private Car and Light Goods Vehicle for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary public vehicle park for private car and light goods vehicle for a period of 3 years at the application site (the Site) (**Plan A-1a**). The Site falls within an area largely zoned “V” (96%) with minor portion within “OU(HCTRU)” zone (4%) on the OZP. According to the Notes for the “V” and “OU(HCTRU)” zones on the OZP, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use, which forms part of a larger public vehicle park with valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is involved in 11 previous applications (No. A/YL-PS/165, 171, 189, 225, 237, 272, 293, 366, 468, 522 and 594) for temporary public vehicle park, temporary flea market and temporary barbecue area (**Plan A-1b**). The last application No. A/YL-PS/594 for temporary public vehicle park for private car

and light goods vehicle covering a larger area was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board for a period of 3 years on 4.10.2019 with permission valid until 4.10.2022. Most of the time-limited approval conditions have been complied with, except the submission of the condition record of existing drainage facilities. 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 current application and the last approved application is as follows:

| Major Development Parameters | Last Approved Application (A/YL-PS/594) (a) | Current Application (A/YL-PS/625) (b) | Difference (b) – (a) |
|-------------------------------------|---|---|-----------------------------|
| Applied Use | Temporary Public Vehicle Park for Private Car and Light Goods Vehicle for a Period of 3 Years | | No change |
| Site Area | About 2,504 m ² (including about 147 m ² GL) | About 1,560 m ² (including about 97 m ² GL) | -944 m ² (-38%) |
| Maximum Floor Area | Not exceeding 20 m ² | | No change |
| No. of Structure | 1 (for guard room) | | No change |
| Maximum Height of Structure | 1 storey (about 3.5m) | | No change |
| No. of Parking Spaces | 104 for private cars (5m x 2.5m) 2 for light goods vehicles (7m x 3.5m) | 60 for both private cars and light goods vehicles (5m x 2.5m) | -46 spaces (-43%) |
| Operation Hours | 7:00 a.m. to 11:00 p.m. daily | | No change |

- 1.4 Compared with the last application No. A/YL-PS/594, the current application is submitted by the same applicant for the same use on a smaller site (-944 m²) with reduction in parking spaces (-46 spaces).
- 1.5 According to the applicant, the Site is accessible via a local track from Tsui Sing Road leading to Ping Ha Road (**Plans A-2 and A-3**). Only private cars and light goods vehicles not exceeding 5.5 tonnes will be allowed to enter/park at the Site. No vehicle without valid licences issued under the Road Traffic Ordinance will be permitted to park at the Site. No vehicle washing, repairing, dismantling, paint spraying and other workshop activity will be carried out at the Site. The location and vehicular access plan, proposed layout plan, landscape and tree preservation plan and drainage plan are at **Drawings A1 to A4** respectively.

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

- (a) Application form received on 2.12.2020 with plans and annexes **(Appendix I)**
- (b) Further information (FI) received on 14.1.2021 to respond departmental comments **(Appendix Ia)**
(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 at **Appendix I**. They can be summarised as follows:

- (a) There is insufficient supply of parking spaces to meet exigent parking demand in Sheung Cheung Wai. The proposed development is in line with the planning intention of “V” zone which is primarily for the convenience of the villagers.
- (b) The Site is subject to 5 previous planning permissions for public vehicle park since 2009. The Board has approved similar planning applications in the nearby “V” zone.
- (c) Since the land owner of Lot 387 S.B RP has terminated the lease, the applicant needs to excise that part of the land and submit a fresh application to the Board.
- (d) The proposed development is compatible with the surrounding environment and will generate insignificant traffic, drainage and environmental impacts.

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 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. For GL portion of the Site, the requirements as set out in TPB PG-No. 31A are not applicable.

4. Background

The Site is not subject to planning enforcement action.

5. Previous Applications

5.1 The Site was involved in 11 previous applications (No. A/YL-PS/165, 171, 189, 225, 237, 272, 293, 366, 468, 522 and 594) for temporary public vehicle park for private cars and light goods vehicles, temporary flea market and temporary barbecue area. 9 of them were approved by the Committee/the Board upon review while the other 2 were rejected by the Board upon review. Since previous applications No. A/YL-PS/165, 171, 189, 225, 237 and 272 are for different uses

of the current application, details of the previous applications are not elaborated in this paragraph but summarised at **Appendix II** and their locations are shown on **Plan A-1b**.

- 5.2 Application No. A/YL-PS/293 for temporary public vehicle park for private cars and light goods vehicles for a period 3 years within the then “Undetermined” (“U”) zone¹ on the approved Ping Shan OZP No. S/YL-PS/11 was approved by the Committee with conditions on 13.2.2009 mainly on grounds that no adverse departmental comment was received; opportunity could be given to the applicant for the proposed development on a trial basis pending confirmation of the long term use for the area; with imposition of relevant conditions, the potential environmental, visual and traffic impacts to nearby residents would be reduced.
- 5.3 Applications No. A/YL-PS/366, 468, 522 and 594 for temporary public vehicle park for private cars and light goods vehicles, covering a larger site, each for a period 3 years within “V” and “OU(HCTRU)” zones were approved by the Committee with conditions on 10.2.2012, 6.2.2015, 12.8.2016 and 4.10.2019 respectively mainly on grounds that temporary approval would not jeopardise long-term planning intention; no adverse departmental comment and local objection were received; the proposal was not incompatible with the surrounding land uses and the proposed vehicle park could serve the parking needs of the local residents and tourists. The planning permission under application No. A/YL-PS/468 was revoked on 11.11.2016 due to non-compliance with approval condition on the implementation of landscape and tree preservation proposal.
- 5.4 Compared with the last application No. A/YL-PS/594, the current application is submitted by the same applicant for the same use on a smaller site with reduction in parking spaces (-46 spaces).

6. Similar Applications

- 6.1 There are 25 similar applications (No. A/YL-PS/363, 382, 390, 395, 410, 425, 452, 466, 479, 489, 492, 498, 516, 543, 549, 553, 554, 561, 562, 583, 585, 589, 592, 595 and 606) 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 the above similar applications were approved by the Committee on considerations that the temporary use would not jeopardise 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, the planning permission under applications No. A/YL-PS/498, 553 and 561 were subsequently revoked due to non-compliance with approval conditions.

¹ The Site was rezoned from “U” to “V” and “OU(HCTRU)” on the draft Ping Shan OZP No. S/YL-PS/12 gazetted on 5.11.2010.

7. The Site and Its Surrounding Areas (Plans A-2 to A-4)

7.1 The Site is:

- (a) currently being part of a larger public vehicle park with valid planning permission; and
- (b) accessible from Tsui Sing Road via a local track.

7.2 The surrounding areas have the following characteristics (**Plan A-2**):

- (a) to the immediate north is Tsui Sing Lau Pagoda which is a declared monument intermixed with residential dwellings and vacant land;
- (b) to the immediate east and south are temporary public vehicle parks with valid planning permissions under applications No. A/YL-PS/554, 562 and 585, and car service which is suspected unauthorised development (UD);
- (c) to the immediate west is a restaurant which is suspected UD and vacant land. To the further west is TWGH Kwok Yat Wai College, and to the northwest across Tsui Sing Road is Tin Shui Wai (TSW) West Rail Station and TSW Light Rail Station.

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 GL and Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.

- (b) Within the Site, the following private lots are currently covered by Short Term Waivers (STWs) 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 |
|-------------------------------|--------------------|--|
| 384 | STW 3170 | Private Residential Purpose |
| 390 | STW 3587 | Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles (not exceeding 5.5 tonnes) |
| GL | STT 2631 | Ancillary Use to Public Vehicle Park for Private Cars and Light Goods Vehicles |

- (c) 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 erected or to be erected or to regularise any irregularities on the Site. 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 rent 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), 5 Small House applications have been approved and 5 Small House applications are under processing.

Traffic

9.1.2 Comments of the Commissioner for Transport (C for T):

- (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 vehicles are allowed to queue back to public roads or reverse onto/from public roads.
- (c) The local track leading to the subject 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 surface water flowing from the Site to nearby public roads/drains.
- (b) 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 application 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 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 aerial photo of 2020, the Site is hard paved with existing trees along the northern, southern and western site boundaries within the Site. The applied use is already in operation. The Site is located in an area of village landscape character. As similar approved developments (i.e. planning applications No. A/YL-PS/554 and 562) are found in the vicinity, the proposed use is considered not incompatible with the surrounding environment. In view that significant adverse impact on existing landscape resources and change of existing landscape character arising from the proposed development is not anticipated, he has no objection to the planning application from landscape planning perspective.
- (b) The applicant is reminded that there shall be no parking within 1m of any tree.

Drainage

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

- (a) He noted that the drainage proposal in this submission deviates from the accepted one submitted under the previous application No. A/YL-PS/594. Nevertheless, he has no adverse comment on the new proposal and 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 implement and maintain the proposed drainage facilities to the satisfaction of his Division.
- (b) The applicant should note his detailed comments at **Appendix V**.

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. The applicant should note his detailed comments at **Appendix V**.

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 granted by the Building Authority (BA) for the existing structures at the application site, I am not in a position to offer comments on their suitability for the use proposed in the application.
- (b) The applicant should note his detailed comments at **Appendix V**.

District Officer's Comments

9.1.9 Comments of the District Officer (Yuen Long), Home Affairs Department:

His office has not received any feedback from locals.

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

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Director of Leisure and Cultural Services (DLCS);

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

10. Public Comments Received During Statutory Publication Period

On 11.12.2020, the application was published for public inspection. During the statutory public inspection period, three objecting public comments from individuals (**Appendices IV-1 to IV-3**) were received on the grounds of adverse traffic and environmental impacts brought by the applied use and the use has been commenced prior to obtaining planning permission.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary public vehicle park for private car and light goods vehicle for a period of 3 years at the Site mainly falls within an area zoned “V” (about 96%). The planning intention of the “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. Whilst the development is not entirely in line with the planning intention of the “V” zone, according to 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 temporary public vehicle parks, which are under valid planning permissions and residential dwellings (**Plan A-2**). The proposed development is not incompatible with the surrounding land.
- 11.3 Relevant Government departments, including C for T, DEP, CE/MN of DSD and CTP/UD&L of PlanD, have no objection to or adverse comment on the application. The applied use will unlikely create significant adverse traffic, environmental, drainage and landscape impacts to 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 UD on the 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 5 previous applications for the same use at the Site and 25 similar applications within the same “V” zone. Approval of the current application is in line with the previous decisions.
- 11.5 There are 3 public comments received as summarised in paragraph 10 above. The planning considerations and assessments above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 above, 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 22.1.2024. 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) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site, as proposed by the applicant, at any time during the planning approval period;
- (d) a notice shall be posted at a prominent location of the site at all times to indicate that no medium and heavy goods vehicles exceeding 5.5 tonnes, container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at all times during the planning approval period;
- (e) no vehicle washing, repairing, dismantling, paint spraying 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 time 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 implementation of the accepted drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 22.10.2021;
- (j) in relation to (i) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (k) the submission 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 22.7.2021;
- (l) in relation to (k) above, the implementation of fire service installations proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 22.10.2021;
- (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 applied use 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

| | |
|--------------------------------|---|
| Appendix I | Application form received on 2.12.2020 with plans and annexes |
| Appendix Ia | FI received on 14.1.2021 to respond departmental comment |
| Appendix II | Previous Applications |
| Appendix III | Similar Applications |
| Appendices IV-1 to IV-3 | Public Comments |
| Appendix V | Advisory Clauses |
| Drawing A-1 | Location Plan |
| Drawing A-2 | Proposed Layout Plan |
| Drawing A-3 | Proposed Landscape Plan |
| Drawing A-4 | Proposed Drainage Plan |
| Plan A-1a | Location Plan |
| Plan A-1b | Previous Applications Plan |
| Plan A-2 | Site Plan |
| Plan A-3 | Aerial Photo |
| Plan A-4 | Site Photos |

**PLANNING DEPARTMENT
JANUARY 2021**