

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

**APPLICATION NO. A/YL-PS/626**

- Applicant** : Long Tin Car Park Management Limited represented by PlanArch Consultants Ltd.
- Site** : Lots 44 (Part), 72 (Part) and 73 (Part) in D.D. 122 and adjoining Government Land (GL), Ha Mei San Tsuen, Ping Shan, Yuen Long, New Territories
- Site Area** : About 2,315m<sup>2</sup> (including GL of about 149 m<sup>2</sup> or 6.4 % )
- Lease** : Block Government Lease (demised for agricultural purposes)
- 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) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary public vehicle park (private cars) for a period of 3 years. The Site falls within an area zoned “V” on the OZP (**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 as temporary public vehicle park (private cars) without valid planning permission.
- 1.2 The Site is related to seven previous applications (No. A/YL-PS/90, 119, 151, 216, 240, 463 and 551) for temporary vehicle park uses. The last Application No. A/YL-PS/551, covering the same site as the current application, for temporary public vehicle park for private cars for a period of 3 years was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 9.2.2018. All the time-specific approval conditions have been compiled with and the planning permission lapsed on 9.2.2021. Details of the previous applications are summarized in paragraph 5 below and at **Appendix II**.
- 1.3 According to the applicant, the Site is accessible from Ha Mei San Tsuen Road which connects to Yung Yuen Road (**Plans A-2 and A-3**). As shown on the layout

plan at **Drawing A-2**, there are 79 private car parking spaces. The operation hours are from 7:00 a.m. to 11:00 p.m. daily. The vehicular access plan, layout plan and environmental mitigation plan are shown at **Drawings A-1 to A-3** respectively.

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

- (a) Application Form with attachments received on 29.12.2020 (Appendix I)
- (b) Supplementary Planning Statement (Appendix Ia)
- (c) Further Information (FI) received on 22.1.2021 (Appendix Ib)  
*[exempted from publication requirements]*

## 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 suitable for the applied use and will not jeopardise the long-term planning intention of the “V” zone.
- (b) The applied use is compatible with the surrounding land uses.
- (c) The applied use helps meet the existing parking demand in the area.
- (d) There will be no parking of heavy vehicles on the Site. Vehicle washing, repair, dismantling, paint spraying or other workshop activities are prohibited on the Site. With the provision of mitigation measures such as peripheral landscaping and fencing, and provision of drainage facilities, the applied use will not have adverse environmental, visual, landscape and drainage impacts to the surrounding areas.
- (e) As the proposed vehicle park has only 79 parking spaces, no adverse impact on traffic network is envisaged.
- (f) The applicant will provide adequate fire service installations at the Site to enhance fire safety.
- (g) The same use has been approved by the Board since 2015. It would not set an undesirable precedent for similar applications.

## 3. **Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is not the “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 at the Site and publishing notice in newspapers. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, TPB PG-No. 31A is not applicable.

#### 4. **Background**

The Site is not subject to any planning enforcement action.

#### 5. **Previous Applications**

5.1 The Site is involved in seven previous applications (No. A/YL-PS/90, 119, 151, 216, 240, 463 and 551) for temporary vehicle park uses from 2001 to 2018. Amongst them, three were approved and four were rejected by the Committee/Board. Details of the previous applications are at **Appendix II**. The locations are shown on **Plan A-1b**.

##### Rejected Applications

5.2 Applications No. A/YL-PS/90, 119, 151 and 240 (covering much larger site ranging from 6,760m<sup>2</sup> to 37,166m<sup>2</sup>) for temporary vehicle park for container vehicles and trailers, lorries, private cars or light goods vehicles for a period of 3 years were rejected by the Committee/Board on review between 2001 and 2006 mainly on grounds of not in line with the planning intention, not compatible with the surrounding uses, insufficient information to demonstrate no adverse environmental, traffic, drainage, landscape and/or visual impacts on the surrounding uses, setting an undesirable precedent, failure to comply with the then Town Planning Board Guidelines No. 13D for 'Application for Open Storage and Port Back-up Uses'.

##### Approved Applications

5.3 Application No. A/YL-PS/216 (covering a much larger site of 6,760m<sup>2</sup>) for temporary public vehicle park for private cars and light goods vehicles was approved with conditions by the Committee in 2005 for 2 years instead of 3 years sought. The major considerations included not incompatible with the surrounding areas, no significant adverse environmental, drainage and visual impacts on the surrounding areas and approval granted for similar applications. However, the planning permission was subsequently revoked on 15.12.2005 due to non-compliance with the approval condition prohibiting the parking of goods vehicles exceeding 5.5 tonnes.

5.4 Applications No. A/YL-PS/463 (covering a larger site of 2,972m<sup>2</sup>) and 551 (covering the same site as the current application) for temporary public vehicle park for private cars for a period of 3 years were approved with conditions by the Committee between 2015 and 2018. The major considerations included not jeopardizing the long-term planning intention of the "V" zone, not incompatible with the surrounding land uses, not creating adverse impacts on the surrounding areas and approval granted for similar applications.

5.5 Compared with the last approved Application No. A/YL-PS/551, the current application was submitted by the same applicant for the same use on the same site but with more parking spaces (i.e. +9).

## 6. Similar Applications

Five similar applications (No. A/YL-PS/289, 332, 397, 509 and 578) at one site for temporary public vehicle park for private cars and light goods vehicles were approved by the Committee between 2008 and 2019 on the considerations that long-term planning intention of the “V” zone would not be jeopardized, the development was not incompatible with the surrounding uses, concerned departments had no adverse comment, approval conditions could be imposed to address departmental concerns, approvals for similar uses were given and approval conditions of the previous applications were complied with. Details of the similar applications are summarized at **Appendix III** and their locations are shown on **Plan A-1a**.

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

7.1 The Site is:

- (a) currently used as a temporary public vehicle park for private cars without valid planning permission; and
- (b) accessible from Yung Yuen Road leading to Ha Mei San Tsuen Road (**Plans A-2 and A-3**).

7.2 The surrounding areas have the following characteristics:

- (a) to the east are residential dwellings and an open storage yard for construction materials which is a suspected unauthorized development (UD);
- (b) to the south are residential dwellings and a public vehicle park which is covered by valid permission and to the further south across MTR West Rail is a temporary logistics centre which is covered by valid permission; and
- (c) to the west and north are residential dwellings, an open storage yard which is a suspected UD and vacant land.

## 8. Planning Intention

The planning intention of “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 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) The GL within the Site is covered by Short Term Tenancy (STT) No. 2858 for the purpose of temporary public vehicle park (private cars).
- (c) It is noted that no structure is proposed in the application.
- (d) According to his record, there is no Small House (SH) application approved within the Site.

### **Traffic**

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

- (a) The Site is connected to the public road network via a section of a local access road which is not managed by Transport Department (TD). The land status of the local access road should be clarified with LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.
- (b) The Site is accessible via private lot(s), the applicant should seek the relevant land owner(s) on the right of using the vehicular access.
- (c) Sufficient manoeuvring spaces shall be provided within the Site. No vehicle is allowed to queue back to or reverse onto/ from public roads any time during the planning approval period.

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 Yung Yuen Road of about 50m abutting Ha Mei San Tsuen Road is maintained by HyD. HyD shall not be responsible for the maintenance of any access connecting the Site and the section of Yung Yuen Road being maintained by HyD.

### **Environment**

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

- (a) He has no objection to the application.
- (b) There were two substantiated noise complaints pertaining to the Site in the past three years.
- (c) Should the planning application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the latest "Code of Practice (COP) on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites".

### **Drainage**

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

- (a) He has no objection in principle to the application from a drainage point of view.
- (b) According to the applicant, the existing drainage facilities which was implemented under the previously approved application No. A/YL-PS/551 will be maintained for the applied use.
- (c) 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 Department.
- (d) The applicant should be reminded of the detailed comments at **Appendix V**.

### **Fire Safety**

#### 9.1.6 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 applicant should be reminded of the detailed comments at **Appendix V**.

### **Landscape**

- 9.1.7 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

According to the aerial photo of 2019, the Site is a hard-paved vehicle park with some existing trees generally along the site boundary. The Site is situated in an area of miscellaneous rural fringe landscape character dominated by village houses, car parks, open storage yards and woodlands. Significant adverse landscape impact to the landscape resources and change to the character arising from the application is not anticipated.

### **Building Matters**

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

Noting that there is no proposed building works on the Site, he has no comment on the application.

### **District Officer's Comments**

- 9.1.9 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

His Office did not receive any comments from the locals on the application.

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

- (a) Project Manager(West), Civil Engineering and Development Department (PM(W), CEDD);
- (b) Chief Engineer/Land Works, CEDD (CE/LW, CEDD);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (d) Director of Electrical and Mechanical Services (DEMS); and
- (e) Commissioner of Police (C of P).

## **10. Public Comments Received During the Statutory Publication Period**

On 5.1.2021, the application was published for public inspection. During the statutory public inspection period, two public comments from two individuals were received (**Appendices IV-1 and IV-2**) objecting to the application on the grounds that the applied use will cause adverse traffic and environmental impacts to the surroundings and the Site is not suitable for the applied use.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for temporary public vehicle park (private cars) for a period of 3 years at the Site zoned “V” on the OZP. The “V” zone is intended 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 Houses by indigenous villagers. The development is not entirely in line with the planning intention of the “V” zone. However, it could serve some of the parking demand of residents in the nearby villages and the locality. DLO/YL, LandsD advised that there is no Small House applications received or approved within the Site. Approval of the application on a temporary basis for 3 years would not frustrate the long term planning intention of the “V” zone.
- 11.2 The Site is situated in a miscellaneous rural landscape predominated by residential dwellings and vehicle parks. The applied use is not incompatible with the surrounding land uses.
- 11.3 Relevant Government departments, including C for T, CHE/NTW of HyD, CE/MN of DSD, CTP/UD&L of PlanD, DEP and D of FS have no objection to or no adverse comment on the application. The proposed use will unlikely create significant adverse traffic, drainage, landscape, environmental and fire safety impacts to the surrounding areas. There were two noise complaints concerning the Site received in the past 3 years. To minimize 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 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 “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 There are three previously approved planning applications (No. A/YL-PS/216, 463 and 551) for same/similar uses of parking of private cars/lights goods vehicles on a temporary basis. The last application No. A/YL-PS/551 for the same use on the same site submitted by the same applicant was approved with conditions by the Committee in 2018. The permission lapsed on 9.2.2021. All approval conditions have been complied with. Although four previous applications (No. A/YL-PS/90, 119, 151 and 240) for vehicle park use were



rejected, they covered much larger sites and involved the parking of container vehicles/trailers and lorries which are different to the current application, Besides, within the same “V” zone, there are five similar approved applications (No. A/YL-PS/289, 332, 397, 509 and 578) for temporary public vehicle park for private cars and light goods vehicles uses since 2008. Approval of the application is in line with the previous decisions of the Committee.

- 11.5 There are two public comments received objecting to the application on the grounds as summarized in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.4 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 26.2.2024. 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) only private cars as defined in the Road Traffic Ordinance are allowed to enter/be parked on the Site at any time during the planning approval period;
- (c) a notice should 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 any time 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 at any time during the planning approval period;
- (e) no vehicle washing, vehicle repair, dismantling, paint spraying 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 landscape planting on the Site shall be maintained at all times during the approval period;
- (h) the existing drainage facilities shall be maintained at all times during the

planning approval period;

- (i) the existing boundary fencing on the Site shall be maintained at all times during the planning approval period;
- (j) the submission of a condition record of the existing drainage facilities within **3 months** from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **26.5.2021**;
- (k) the submission of a 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 **26.8.2021**;
- (l) in relation to (k) above, the implementation of the fire service installations proposal with **9 months** from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **26.11.2021**;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (n) if any of the above planning conditions (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

Advisory clauses

The recommended advisory clauses are attached at **Appendix V**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applied use is not in line with the planning intention of the "V" zone, which 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 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 with attachments received on 29.12.2020
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix Ib</b>	FI received on 22.1.2021
<b>Appendix II</b>	Previous Applications
<b>Appendix III</b>	Similar s.16 Applications within the same "V" zone
<b>Appendices IV-1 and IV-2</b>	Public Comments
<b>Appendix V</b>	Advisory Clauses
<b>Drawing A-1</b>	Vehicle Access Plan
<b>Drawing A-2</b>	Layout Plan
<b>Drawing A-3</b>	Environmental Mitigation Plan
<b>Plan A-1a</b>	Location Plan
<b>Plan A-1b</b>	Previous Application Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
FEBRUARY 2021**