

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

APPLICATION NO. A/YL-PS/627

- Applicant** : Mr. TANG Yuk Kuen represented by Wai Tin Property Agency Limited
- Site** : Lots 114 (Part) and 115 RP (Part) in D.D. 121, Ping Shan, Yuen Long, New Territories
- Site Area** : 2,193 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 Shop and Services (Car Beauty) and Public Vehicle Park (Private Car) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services (car beauty) and public vehicle park for a period of 3 years at the application site (the Site). According to the Notes for the “R(B)1” zone on the OZP, ‘Shop and Services’ and ‘Public Vehicle Park (excluding container vehicle)’ are Column 2 uses, which require planning permission from the Town Planning Board (the Board). The Site is currently used for temporary public vehicle park with valid planning permission (**Plans A-2 and 4**).
- 1.2 The Site was involved in five previous applications (No. A/YL-PS/7, 89, 114, 491 and 580) for temporary container tractor and trailer park, temporary open storage of construction materials, temporary open storage of building materials with ancillary office and temporary public vehicle park (**Plan A-1b**). The last application No. A/YL-PS/580 was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 31.5.2019. Except the approval conditions on provision of boundary fencing and submission of fire service installations (FSIs) proposal have been complied with, the remaining time-limited approval conditions have not yet complied with. Details of the previous applications are summarised at paragraph 5 below and at **Appendix II**.

1.3 According to the applicant, the Site is accessible via a local track leading from Ping Pak Lane connecting to Ping Kwai Road (**Plan A-2**). No light goods vehicle (LGV), 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 car repairing, paint spraying, dismantling or other workshop activities will be carried out at the Site. The operation hours for car beauty are from 7 a.m. to 11 p.m. every day. The proposed layout plan is at **Drawing A-1**.

1.4 A comparison of major development parameters of the last approved application and current application is as follow:

Major Development Parameters	Last Approved Application (A/YL-PS/580) (a)	Current Application (A/YL-PS/627) (b)	Difference (b) – (a)
Applied Use	Temporary Public Vehicle Park (Private Cars and LGV) for a Period of 3 Years	Temporary Shop and Services (Car Beauty) and Public Vehicle Park (Private Car) for a Period of 3 Years	Additional ‘Shop and Services’ use; no parking of LGV
Site Area	About 2,369.3 m ²	About 2,193 m ²	-176.3 m ² (-7.4%)
Maximum Floor Area	40.35 m ²	507 m ²	+466.65 m ² (+1157%)
No. of Structures	• 1 for ancillary office	• 7 for car washing stations • 1 for ancillary container office • 1 for toilet	+8
Maximum Height of Structures	2.3 m (1 storey)	2m to 3 m (1 storey)	+0.7 m (+30.4%)
No. of Private Car Parking Spaces	52 for private cars (5m x 2.5m each) 9 for light goods vehicles (7m x 3.5m each)	30 for private cars (5m x 2.5m each)	-22 for private cars (-42%) -9 for LGV
Operation Hours	24 hours daily	24 hours daily for public vehicle park 7 a.m. to 11 p.m. for car beauty	N/A

1.5 Compared with the last application No. A/YL-PS/580, the current application is submitted by a different applicant with the addition of shop and services use, increase in floor area and reduction in site area (-176.3m²) and parking spaces (-31 spaces).

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

- (a) Application Form received on 30.12.2020 (Appendix I)
- (b) Further Information (FI) received on 5.2.2021 to respond departmental comment (Appendix Ia)
- (c) FI received on 10.2.2021 to respond departmental comment (Appendix Ib)
- (d) FI received on 11.2.2021 to respond departmental comment (Appendix Ic)
- (e) FI received on 19.2.2021 to respond departmental comment (Appendix Id)
((b) to (e) are accepted and exempted from publication and recounting)

2. **Justifications from the Applicant**

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

- (a) There is no car beauty service in the vicinity. The proposed development could serve the nearby car owners for car beauty service and parking.
- (b) Cesspool and septic tank will be provided at the Site. No adverse environmental impact is anticipated.

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

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting site notice and sending notice to the Ping Shan Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

The Site is currently not subject to planning enforcement action.

5. **Previous Applications**

5.1 The Site was involved in five previous applications (No. A/YL-PS/7, 89, 114, 491 and 580). One was approved by the Committee while the other four were rejected by the Committee. Since previous applications No. A/YL-PS/114 and No. A/YL-PS/491 are for open storage uses, details of these applications are not elaborated in this paragraph but summarised at **Appendix III** and their locations are shown on **Plan A-1b**.

- 5.2 Applications No. A/YL-PS/7 and 89 for temporary container tractor and trailer park and temporary vehicle and container trailer/tractor park were rejected by the Committee on 6.6.1997 and 22.12.2000 respectively on grounds of not in line with planning intention; insufficient information to demonstrate not adversely affecting the implementation of the Public Works Project; insufficient information to demonstrate no adverse environmental, drainage, traffic and/or visual impacts on the surrounding area; and undesirable precedent.
- 5.3 Application No. A/YL-PS/580 for proposed temporary public vehicle park (private cars and light goods vehicles) was approved by the Committee on 31.5.2019 on grounds of no adverse departmental comments were received; and the proposal was not incompatible with the surrounding land uses. The applicant has only complied with the approval conditions on the provision of boundary fencing and submission of FSIs proposal. The remaining time-limited approval conditions have not yet complied with.
- 5.4 Compared with the last application No. A/YL-PS/580, the current application is submitted by a different applicant with the addition of shop and services use, increase in floor area and reduction in site area (-176.3m²) and parking spaces (-31 spaces).

6. Similar Applications

- 6.1 While there is no similar application for shop and services use in relation to car beauty within the same “R(B)1” zone, there are 10 similar applications (No. A/YL-PS/370, 380, 403, 448, 459, 462, 467, 546, 569 and 608) for temporary public vehicle park for private cars and/or light goods vehicles 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 10 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. Planning permissions under applications No. A/YL-PS/380, 403, 448, 462 and 546 were revoked due to non-compliance with approval conditions.

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

- 7.1 The Site is:
- (a) occupied by temporary public vehicle park with valid planning permission; and
 - (b) accessible via a local track from Ping Pak Lane leading to Ping Kwai Road.
- 7.2 The surrounding areas have the following characteristics:
- (a) to the immediate north is a low-rise residential development under

construction;

- (b) to the immediate east and northeast across Ping Pak Lane is Ping Pak Lane Park;
- (c) to the immediate south is vehicle repair workshop which may be tolerated under the Town Planning Ordinance. To the further south and southwest are vehicle repair workshop, parking of vehicles, open storage, bicycle shop and workshop which are suspected unauthorised developments (UD); and
- (d) to the immediate west are two public vehicle parks for private cars with planning permission under planning applications No. A/YL-PS/569 and 608.

8. Planning Intention

The planning intention of the “R(B)” 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 and public comments are summarised as follows:

Land Administration

- 9.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structure is allowed to be erected without the 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 to regularise any irregularities on the 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 rent or fee, as may be imposed by LandsD.

Traffic

- 9.1.2 Comments of the Commissioner for Transport (C for T):
- (a) He has no adverse comment on the application from traffic engineering point of view.
 - (b) No vehicles are allowed to queue back to public roads or reverse onto/from public roads.
 - (c) The applicant should note the detailed comments at **Appendix V**.
- 9.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):
- (a) He has no comment from highways maintenance point of view.
 - (b) If the proposed access arrangement is agreed by the Transport Department (TD), a proper road connection or run-in/out should be constructed at Ping Pak Lane by the applicant to the satisfactory of TD and HyD.
 - (c) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
 - (d) HyD shall not be responsible for the maintenance of any access connecting the Site and Ping Pak Lane.

Environment

- 9.1.4 Comments of the Director of Environmental Protection (DEP):
- (a) He has no objection to the planning application provided that except the operation of public vehicle park, there is no operation, especially car beauty operation, between 11 p.m. and 7 a.m.
 - (b) According to the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (“COP”), he has no objection to the planning application.
 - (c) Should the application be approved, the applicant should note the detailed comments at **Appendix V**.

Landscape

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

- (a) According to the aerial photo of 2020 and the site photos taken by his office dated 1.2.2021, the Site is a gravel paved private car park that is currently in use. A few number of existing small to medium sized trees of common species in fair condition are found along northern and southern boundaries within the Site. The Site is situated in an area of miscellaneous urban fringe landscape character dominated by village houses, residential buildings, car parks with open storage yards in the proximity. The proposed development is considered not incompatible to the landscape character of the surrounding area. In view that significant adverse landscape impact arising from the proposed development is not envisaged, he have no objection to the application from landscape planning perspective.
- (b) The applicant should note the detailed comments at **Appendix V**.

Drainage

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

He has no objection in principle to the application from a drainage point of view. Should the Board consider that the application is acceptable from the planning point of view, he would suggest that a condition should be stipulated in the approval letter requiring the applicant to submit a drainage proposal and to implement and maintain the proposed drainage facilities to the satisfaction of his Division.

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 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 for his approval. The applicant should note the 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 for the existing structures at the Site, he is not in a

position to offer comments on their suitability for the use proposed in the application.

- (b) The applicant should note the detailed comments at **Appendix V**.

District Officer's Comments

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

His office has not received any feedback from locals.

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

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

10. Public Comments Received During the Statutory Publication Period

On 8.1.2021, the application was published for public inspection. During the statutory public inspection period, two objecting public comments were received from individuals (**Appendices IV-1 and IV-2**) on the grounds that the proposed development will have adverse impacts on traffic condition, environment and fire safety to the surrounding areas and the villagers.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary shop and services (car beauty) and public vehicle park (private car) for a period of 3 years at the Site zoned "R(B)1" on the OZP. The planning intention of the "R(B)" zone is primarily for suburban medium-density residential developments in rural areas where commercial uses serving the residential neighbourhood may be permitted on application to the Board. Whilst the applied use is not entirely in line with the planning intention of the "R(B)" zone, there is no known development proposal to implement the zoned use. According to the applicant, the applied use could provide car beauty service and parking spaces to meet any such demand in the area. Approval of the application on a temporary basis will not frustrate the long-term planning intention of the "R(B)" zone.
- 11.2 The Site is mainly surrounded by vehicle repair workshop, open storage of vehicles, vehicle parks and residential dwellings (**Plan A-2**). The proposed use is not incompatible with the surrounding land uses.
- 11.3 Relevant government departments, including C for T, DEP, CE/MN of DSD, CTP/UD&L of PlanD and D of FS have no objection to or no adverse comment on the application. The proposed use will unlikely create

significant adverse traffic, environmental, drainage, landscape and fire safety impacts to 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 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 one previous application and 10 similar applications for public vehicle park use at the Site and within the same “R(B)” zone respectively. Approval of the current application is in line with the previous decisions.
- 11.5 There are two public comments objecting to the application received on the grounds as summarised in paragraph 10. The planning considerations and assessments in 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 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 year, until **26.2.2024**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation for shop and services (car beauty) 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 car repairing, paint spraying, dismantling or other workshop activities, as proposed by the applicant, are allowed on the Site at any time during the planning approval period;
- (c) only private cars as defined in the Road Traffic Ordinance is allowed to enter/be parked on the Site at all times during the planning approval period;
- (d) a notice shall be posted at a prominent location of the Site at all times to indicate that only private cars as defined in the Road Traffic Ordinance are allowed to enter/be parked on the Site during the planning approval period;
- (e) 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;

- (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 shall be maintained in good condition at all times during the planning approval period;
- (h) the submission of a drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 26.8.2021;
- (i) in relation to (h) above, the implementation of the accepted drainage proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 26.11.2021;
- (j) in relation to (i) above, the implemented drainage facilities 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 the 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 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 26.11.2021;
- (m) the submission of a road connection or run-in/out proposal within **6** months from the date of planning approval to the satisfaction of the Director of Highways and Commissioner for Transport or of the Town Planning Board by 26.8.2021;
- (n) in relation to (m) above, the provision of road connection or run-in/out proposal within **9** months from the date of planning approval to the satisfaction of the Director of Highways and Commissioner for Transport or of the Town Planning Board by 26.11.2021;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) 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
- (p) if any of the above planning conditions (h), (i), (k), (l), (m) or (n) 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 "R(B)" 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 30.12.2020
Appendix Ia	FI received on 5.2.2021
Appendix Ib	FI received on 10.2.2021
Appendix Ic	FI received on 11.2.2021
Appendix Id	FI received on 18.2.2021
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendices IV-1 and IV-2	Public Comments
Appendix V	Advisory Clauses
Drawing A-1	Proposed Layout 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
FEBURARY 2021**