

RNTPC Paper No. A/YL-PS/628
For Consideration by
the Rural and New Town
Planning Committee
on 26.2.2021

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/YL-PS/628

- Applicant** : Mr. TANG Pin Fai represented by Metro Planning and Development Company Limited
- Site** : Lots 387 S.C ss.3 RP (Part), 387 S.C ss.4, 387 S.C ss.5, 387 S.C ss.6 (Part), 387 S.C ss.7 (Part) & 387 S.C RP in D.D. 122, Sheung Cheung Wai, Ping Shan, Yuen Long, New Territories
- Site Area** : About 1,200 m²
- 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”
[restricted to a maximum building height of 3 storeys (8.23 m)]
- Application** : Renewal of Planning Approval for Temporary Public Vehicle Park for Private Cars for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval to use the application site (the Site) for temporary public vehicle park for private cars for a period of 3 years (**Plan A-1**). According to the Notes of the OZP for the “V” 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 occupied by the applied use with valid planning permission under application No. A/YL-PS/554 (**Plans A-2 and A-4**).
- 1.2 The Site involves 4 previous applications (No. A/YL-PS/178, 363, 466 and 554) for temporary barbecue area or temporary public vehicle park. The last application No. A/YL-PS/554 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) of the Board on 2.3.2018. All the time-limited approval conditions under the last application had been complied with and the permission is valid until 2.3.2021. Compared with the last application, the current application is submitted by a different applicant for the same use on the same site with the same site layout and development parameters.

- 1.3 According to the applicant, the Site is abutting Tsui Sing Road. The public vehicle park is intended for parking of private cars to meet the parking demand in Sheung Cheung Wai. No vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity will be carried out on the Site. Only private cars as defined in the Road Traffic Ordinance will be allowed to enter/be parked on the Site. No vehicle without valid licence issued under the Road Traffic Ordinance will be parked at the Site. A notice will be posted at a prominent location of the Site at all times to the former effect. The operation hours of the public vehicle park are from 7:00 a.m. to 11:00 p.m. daily. The proposed layout plan, proposed tree preservation plan and as-built drainage plan are at **Drawings A-1 to A-3** respectively.

| Major Development Parameters | Last Approved Application (A/YL-PS/554) | Current Application (A/YL-PS/628) |
|-------------------------------------|--|--|
| Site Area | About 1,200m ² | |
| Applied Use | Temporary Public Vehicle Park for Private Cars for a Period of 3 Years | |
| Total Floor Area (non-domestic) | Nil | |
| No. of Structures | Nil | |
| No. of Parking Spaces | 30 | |
| Operation Hours | 7:00 a.m. to 11:00 p.m. daily | |

- 1.4 In support of the application, the applicant has submitted the following document:
- (a) Application form received on 8.1.2021 **(Appendix I)**

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) The proposed development is in line with the planning intention of the “V” zone for the convenience of the villagers. There is insufficient supply to meet the exigent parking demand in Sheung Cheung Wai.
- (b) The proposed development is compatible with the surrounding environment. The proposed development for parking of private cars would generate insignificant environmental, noise, traffic and drainage impacts to the surrounding area.
- (c) The Site is subject to previous planning permissions for temporary public vehicle park uses since 2012. The applicant has complied with all the planning conditions imposed to the last planning permission. Similar planning applications have been approved by the Board in the nearby “V” zone.

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 of the application and sending registered mail to the Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ (TPB PG-No. 34C) are relevant to the application. The relevant assessment criteria are attached at **Appendix II**.

5. Background

The Site is not subject to planning enforcement action.

6. Previous Applications

6.1 The Site was involved in four previous planning applications (No. A/YL-PS/178, 363, 466 and 554) for temporary barbecue area and temporary public vehicle park. Three of them were approved by the Committee while the remaining one was rejected by the Board upon review. Since previous application No. A/YL-PS/178 is for different use of the current application, details of that application are not elaborated in this paragraph but summarised at **Appendix III** together with other previous applications, and their locations are shown on **Plan A-1b**.

6.2 Application No. A/YL-PS/363 for temporary public vehicle park for private cars and light goods vehicles for a period of 3 years, and its renewal application No. A/YL-PS/466 submitted by the same applicant were approved by the Committee with conditions on 20.1.2012 and 16.1.2015 respectively mainly on grounds that no adverse departmental comments and local objection; the proposal was not incompatible with the surrounding land uses and the proposed vehicle park could serve the parking needs of the local residents.

6.3 Application No. A/YL-PS/554 for temporary public vehicle park for private cars for a period of 3 years were approved by the Committee with conditions on 2.3.2018 mainly on similar grounds as mentioned in paragraph 6.2 above.

6.4 Compared with the last application (No. A/YL-PS/554), the current application is submitted by a different applicant for the same use on the same site with the same site layout and development parameters.

7. Similar Applications

7.1 There are 27 similar applications for temporary public vehicle park (private cars/private cars and light goods vehicles) use within the same “V” zone. Details of the similar applications are summarised at **Appendix IV** and their locations

are shown on **Plan A-1a**.

7.2 All of these 27 similar applications were approved by the Committee on considerations that the temporary use would not frustrate the long-term planning intention of the “V” zone, the use was not incompatible with the surrounding land uses, and the uses were unlikely to create significant adverse traffic, environmental, drainage and visual impacts on the surrounding areas. However, the planning permissions under applications No. A/YL-PS/468, 498, 553 and 561 were revoked due to non-compliance with approval conditions.

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

8.1 The Site is:

- (a) currently occupied by the applied use with valid planning permission; and
- (b) abutting and accessible from Tsui Sing Road.

8.2 The surrounding areas have the following characteristics:

- (a) to the immediate north is a restaurant which is suspected unauthorised development (UD); to the further north are vacant land and Tsui Sing Lau Pagoda;
- (b) to the immediate east is car service which is suspected UD; to the northeast are temporary public vehicle parks with valid planning permissions under applications No. A/YL-PS/562 and 625;
- (c) to the south are residential dwellings; to the southeast are temporary public vehicle parks with valid planning permissions under applications No. A/YL-PS/585 and 606;
- (d) to the west and northwest across Tsui Sing Road are TWGHs Kwok Yat Wai Collage and Tin Shui Wai MTR Station.

9. 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 re-provisioning 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.

10. Comments from Relevant Government Departments

10.1 The following Government departments have been consulted and their views on the application are summarised as follows:

Land Administration

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

- (a) The Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) It is noted that no structure was proposed in the current proposal.
- (c) According to his record, there are 4 Small House (SH) applications received and under processing at the Site but none has been approved.

Traffic

10.1.2 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.

10.1.3 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

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

- (a) Should the application be approved, the applicant will be advised to follow the relevant mitigation measures and requirements in

the latest “Code of Practice on Handling Environment 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

10.1.5 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 hard paved vehicle park in operation with existing trees on northern, southern and western boundaries within the Site. The Site is situated in an area of miscellaneous urban fringe landscape character. Significant adverse landscape impact to the landscape resources and change to the character arising from the continued use of development is not anticipated.
- (b) The applicant should note his detailed comments at **Appendix VI**.

Drainage

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

- (a) It is noted that the application is a renewal of planning approval of the previous application No. A/YL-PS/554. According to the submission by the applicant, the existing drainage facilities would be maintained. He has no objection in principle to the proposed development from a drainage point of view. Should the Board consider that the application is acceptable from the planning point of view, he would suggest that a condition should be stipulated in the approval letter requiring the applicant to maintain the existing drainage facilities and submit condition record of the existing drainage facilities to the satisfaction of his Division.
- (b) The applicant should note his detailed comments at **Appendix VI**.

Fire Safety

10.1.7 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 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 this Department for approval. The applicant should note his detailed comments at **Appendix VI**.

District Officer's Comments

10.1.8 Comments of the District Officer (Yuen Long), HAD (DO(YL), HAD):

His office has not received any feedback from locals.

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

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

11. Public Comments Received During Statutory Publication Period

On 15.1.2021, the application was published for public inspection. During the statutory public inspection period, two objecting public comments (**Appendices V-1 and V-2**) were received from individuals on the grounds of the proposed development will have adverse traffic and environmental impacts in the vicinity, which would cause health and safety concerns to the residents.

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning approval for temporary public vehicle park for private cars for a period of 3 years. Although the applied use is not entirely in line with the planning intention of the "V" zone which is primarily for development of Small Houses by indigenous villagers, the proposal could provide vehicle parking spaces to meet any such parking demand in the area. According to DLO/YL, LandsD, no Small House application has been approved at the Site. As such, approval of the application on a temporary basis for 3 years will not frustrate the long-term planning intention of the "V" zone.
- 12.2 The Site is mainly surrounded by vehicle parks and residential dwellings (**Plan A-2**). The proposed use is not incompatible with the surrounding land uses.
- 12.3 The application is generally in line with the TPB PG-No. 34C in that there has been no material change in planning circumstances since the granting of the previous approval under application No. A/YL-PS/554, the applicant has complied with all the approval conditions, and the 3-year approval period sought

is of the same time frame as the previous approval.

- 12.4 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 minimize any potential environmental nuisances and to address the technical requirements of concerned Government departments, appropriate approval conditions are recommended in paragraph 13.2 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.
- 12.5 The Committee has approved 3 previous applications (No. A/YL-PS/363, 466 and 554) for the temporary public vehicle park use at the same site (**Plan A-1b**) and 27 similar applications in the same “V” zone. Approval of the application is in line with the Committee’s previous decisions.
- 12.6 There were two public comments received on the application during the statutory publication period as summarised in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.5 above are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11 above, the Planning Department has no objection to the application.
- 13.2 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, and be renewed from **3.3.2021** until **2.3.2024**. 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, as proposed by the applicant, at all times during the planning approval period;
- (c) 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;

- (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 washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the Site, as proposed by the applicant, 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 drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) the existing trees within the Site shall be maintained in good condition at all times during the planning approval period;
- (i) the submission of a condition record of the existing drainage facilities within **3** months from the date of the commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **3.6.2021**;
- (j) the submission of a fire service installations proposal within **6** months from the date of the commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **3.9.2021**;
- (k) in relation to (j) above, the implementation of the fire service installations proposal within **9** months from the date of the commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **3.12.2021**;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) 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
- (m) if any of the above planning conditions (i), (j) or (k) 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.

[Approval conditions (a), (b), (c), (d), (e), (f), (g), (h), (i), (j) and (k) are the same as those under the permission for application No. A/YL-PS/554, and the reinstatement clause is deleted to accord with the department's latest requirements.]

Advisory clauses

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

- 13.3 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.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 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.

15. Attachments

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|-------------------------------|---------------------------------------|
| Appendix I | Application form received on 8.1.2021 |
| Appendix II | Relevant extract of TPB PG-No. 34C |
| Appendix III | Previous Applications |
| Appendix IV | Similar Applications |
| Appendices V-1 and V-2 | Public Comments |
| Appendix VI | Advisory Clauses |
| Drawing A-1 | Proposed Layout Plan |
| Drawing A-2 | Proposed Tree Preservation Plan |
| Drawing A-3 | As-built 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
FEBRUARY 2021**