

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/561

Applicant : Tang Kit Che represented by Metro Planning and Development Company Limited

Site : Lots 357 (Part) and 360 (Part) in D.D. 122 and Adjoining Government Land, Ping Shan, Yuen Long, New Territories

Site Area : About 1,160 m² (including government land of about 290 m²)

Lease : Block Government Lease (demised for agricultural use)

Plan : Draft Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/17

Zoning : “Village Type Development” (“V”)
[Restricted to maximum building height of 3 storeys (8.23m)]

Application : Temporary Public Vehicle Park for 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 for private cars for a period of 3 years (**Plan A-1**). The Site is currently used for parking of vehicles without valid planning permission.
- 1.2 According to the Notes for the “V” zone 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 applicant currently seeks temporary permission for a period of 3 years.
- 1.3 The major development parameters of the current application are as follows:

Site area	About 1,160 m ²
Applied use	Temporary Public Vehicle Park for Private Cars for a Period of 3 Years
Total floor area	Nil
No. of structures	Nil
No. of parking spaces	40 in total (private cars only)
Operation hours	7:00 a.m. to 11:00 p.m. daily

- 1.4 The site plan, vehicular access plan, proposed layout plan, proposed landscape plan, proposed drainage plan, fencing proposal and proposed pedestrian path to adjacent shops are at **Drawings A-1 to A-7** respectively.
- 1.5 According to the applicant, the Site is accessed via a local track to connect Tsui Sing Road leading to Ping Ha Road at the western edge. No vehicle other than private cars is allowed to enter the Site. No vehicle without valid licence is allowed at the Site. The operation hours of the public vehicle park are from 7:00 a.m. to 11:00 p.m. daily.
- 1.6 In support of the application, the applicant has submitted the following documents:
 - (a) Application form received on 10.5.2018 **(Appendix I)**
 - (b) Supplementary planning statement with site plan, vehicular access plan, proposed layout plan, proposed landscape plan and proposed drainage plan **(Appendix Ia)**
 - (c) Letter of 13.6.2018 confirming that the proposed development would not encroach into GLA-TYL 1634 for the restoration of Tat Tak Communal Hall **(Appendix Ib)**
 - (d) Letter of 26.6.2018 proposing an alternative pedestrian route to access to the adjacent shop, temple and eating place; and providing a fencing proposal **(Appendix Ic)**

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Supplementary Planning Statement at **Appendices Ia to Ic**. They can be summarized as follows:

- (a) The proposed development is a community use to serve the villagers' demand for parking. The proposed development, with such nature and size, would not affect the character of the village. The proposed development is in line with the planning intention of the "V" zone. The proposed development which is temporary in nature would not jeopardise the planning intention of the "V" zone in the long run.
- (b) The proposed development could meet the parking demand of the residents of Sheung Cheung Wai. Although public vehicle parking spaces are available along Tsui Sing Road, they are mostly occupied by residents of nearby public housing estates and visitors to nearby attraction points including flea market and Tsui Sing Lau.
- (c) The proposed development is compatible with the surrounding environment.
- (d) Applications for similar uses within the same "V" zone were approved by the Board, including Application Nos. A/YL-PS/479, 489, 522, 543 and 554.
- (e) The proposed development for parking of private cars would generate insignificant traffic, environmental, noise and drainage impacts to the surrounding areas.

- (f) The proposed works for the development, including the proposed drainage facilities, would not encroach into GLA-TYL 1634 for the restoration of Tat Tak Communal Hall and would not cause any adverse impacts to the structures and flow of surface runoff therein.
- (g) The applicant proposed an alternative route to the adjacent shop, temple and eating place for pedestrian safety (**Drawing A-7**). A map showing the alternative route would be posted at the shop, temple and eating place and ingress/egress at the development for the patronage of the shop, temple and eating place. The proposed fencing along the eastern periphery is about 3m away from the shop, temple and eating place to provide an access to the shop, temple and eating place (**Drawing A-6**).

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

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

4. Background

The Site is subject to planning enforcement action against unauthorised parking of vehicles. Enforcement Notice (E/YL-PS/673) was issued to the concerned parties on 19.4.2018. If the requirement of the EN is not complied with upon expiry of the notice, the notice recipients are subject to prosecution action without prior notice.

5. Previous Application

There is no previous application covering the Site.

6. Similar Applications

- 6.1 There are 25 similar applications (Nos. A/YL-PS/18, 292, 301, 304, 307, 310, 363, 366, 382, 390, 395, 410, 452, 466, 468, 479, 489, 492, 498, 516, 522, 543 and 549, 553, 554) 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 summarized at **Appendix II** and their locations are shown on **Plan A-1**.
- 6.2 All of these 25 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. Application Nos. A/YL-PS/301 and 498 were revoked due to non-compliance with approval conditions.

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

7.1 The Site is:

- (a) currently occupied by parking of vehicles without valid planning permission; and
- (b) accessed by a formed local access road to connect to Tsui Sing Road leading to Ping Ha Road.

7.2 The surrounding areas have the following characteristics:

- (a) to the north and northwest are Tin Shui Wai Light Rail Substation, West Rail Line and Tsui Sing Road;
- (b) to the immediate east are a residential dwelling, eating place, shop, temple and unused land;
- (c) to the immediate south are restoration works for Tat Tak Communal Hall in progress, unused land and residential dwellings; and
- (d) to the southwest are a temple, vehicle services, estate agent, shrine, pet station and Tsui Sing Lau Pagoda.

8. Planning Intention

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. 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 Town Planning Board.

9. Comments from Relevant Government Departments

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

Land Administration

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

- (a) The Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.

- (b) No permission is given for occupation of government land (GL) (about 290 m² subject to verification) included in the Site.
- (c) The Site is accessible to Tsui Sing Road via GL. LandsD does not provide maintenance work for GL involved and does not guarantee any right-of-way over the GL to the Site.
- (d) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (e) 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 regularize any irregularities on Site. Furthermore, the applicant has to either exclude the GL portion from the Site or apply for a formal approval prior to the actual occupation of the GL portion. Such application(s) will be considered by the LandsD acting in the capacity as the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by the LandsD.
- (f) A small portion of the Site is within GLA-TYL 1634 – “Restoration of Tat Tak Communal Hall”.
- (g) The Site is partly within West Rail protection boundary.
- (h) According to his record, there is no Small House application(s) approved or currently under processing at and in the vicinity (i.e. within 30m) of the Site.

9.1.2 Comments of the Chief Estate Surveyor/Railway Development, Lands Department (CES/RD, LandsD):

As the Site falls within West Rail Protection Boundary, the comments from MTRCL should be sought.

Traffic

9.1.3 Comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD):

- (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 vehicle is allowed to queue back to public roads or reverse onto/from public roads.
- (c) The local track leading to the Site is not under TD’s purview. The

applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site.

9.1.4 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) The access arrangement should be commented by TD.
- (b) The section of Tsui Sing Road connecting with the proposed access to the Site is maintained by HAD, please seek comment of HAD.
- (c) Currently, 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 Site and Tsui Sing Road. Presumably, the relevant departments will provide their comments.
- (d) Adequate drainage measures should be provided at the Site access to prevent surface water flowing from the Site to nearby public roads/drains.

Railway

9.1.5 Comments of the Chief Engineer/Railway Development 2-2/Railway Development Office, Highways Department (CE/RD2-2/RDO, HyD):

The Site falls within the protection boundary of the West Rail Line. As the operation of the existing railway system is not under the jurisdiction of his office, he has no comments on the subject from railway development viewpoint. However, MTRCL should be consulted with respect to operation, maintenance, safety and future construction of the existing railway network.

Drainage

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

- (a) He has no objection in principle to the proposed 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 revised drainage proposal, to implement and maintain the proposed drainage facilities to the satisfaction of his Division.
- (b) His detailed comments on the submitted drainage proposal are at **Appendix III**.

Environment

9.1.7 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 Environmental Aspects of Temporary Uses and Open Storage Sites”.
- (b) There was no environmental complaint pertaining to the Site received in the past 3 years.

Fire Safety

9.1.8 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 layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans.
- (d) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Others

9.1.9 Comments of the Antiquities and Monuments Office, Leisure and Cultural Services Department (AMO, LCSD):

- (a) The Site is adjoining GLA-TYL 1634 which is temporarily allocated to AMO for the restoration of Tat Tak Communal Hall, a declared monument therein protected under the Antiquities and Monuments Ordinance (Cap. 53).
- (b) The applicant should ensure that any proposed works, including the proposed drainage facilities, should not encroach into GLA-TYL 1634 and should not cause any adverse impacts to the structures and flow of surface runoff therein.

Landscape

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

With reference to the aerial photo of 2017, it is observed that the Site is hard paved with the applied use already in operation. Existing trees are observed to the west of the Site, while a wooded knoll is observed to the south east. Train tracks are observed to the further west of the Site. The Site is observed to be in an area of urban fringe landscape character. Significant change to the landscape character arising from the application is not envisaged.

Building Matters

9.1.11 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 is not in position to comment under the Buildings Ordinance.

District Officer's Comments

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

- (a) His Office has not received any comment from the locals on the application.
- (b) Regarding the section of Tsui Sing Road connecting with the proposed access to the Site, he has no comment on the application as long as the applicant can fulfill all the requirements of other departments concerned. Tsui Sing Road will be handed over back to HyD in due course.

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

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

10. Public Comments Received During Statutory Publication Period

On 18.5.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 8.6.2018, one public comment was received objecting to the application (**Appendix IV**). An individual objects to the application on grounds of inefficient land use and leading to cumulative and negative impact on the quality of the land and environs.

11. Planning Considerations and Assessments

11.1 The planning intention of the “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. Whilst the development is not entirely in line with the planning intention of the “V” zone, according to the 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 demand in the area. Approval of the application on a temporary basis will not frustrate the planning intention of the “V” zone.

11.2 The Site is mainly surrounded by eating place, shop, vehicle services and residential dwellings (**Plan A-2**). The proposed use is not incompatible with the surrounding land uses.

11.3 Relevant government departments, including AC for T/NT of TD, CE/MN of DSD, CHE/NTW of HyD, 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, environmental and drainage 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 12.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorized 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 “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 The Committee has approved 25 similar applications within the same “V” zone. Approval of the current application is in line with the previous decisions of the Committee.

11.5 There is one public comment received during the statutory publication period objecting to the application on grounds 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 above and having taken into account the public comments mentioned in paragraph 10, the Planning Department considers that the temporary public vehicle park for private cars could be tolerated for a period of 3 years.
- 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 6.7.2021. 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. is allowed on the Site, as proposed by the applicant, 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 repairing, dismantling, car beauty or other workshop use 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 submission of a revised drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 6.1.2019;
- (h) in relation to (g) above, the implementation of the revised 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 6.4.2019;
- (i) in relation to (h) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (j) 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 **6.1.2019**;

- (k) in relation to (j) above, the implementation of the 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 **6.4.2019**;
- (l) the provision of boundary fencing, as proposed by the applicant, within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **6.1.2019**;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), or (i) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (g), (h), (j), (k) or (l) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon the expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory clauses

The recommended advisory clauses are 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 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. The proposed development is not in line with the planning intention of the "V" zone. 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 reasons for rejection should be given to the applicant.

14. Attachments

Appendix I	Application form received on 10.5.2018
Appendix Ia	Supplementary planning statement with site plan, vehicular access plan, proposed layout plan, proposed landscape plan, and proposed drainage plan
Appendix Ib	Letter of 13.6.2018 confirming that the proposed development would not encroach into GLA-TYL 1634 for the restoration of Tat Tak Communal Hall
Appendix Ic	Letter of 26.6.2018 proposing an alternative pedestrian route to access to the adjacent shop, temple and eating place; and providing a fencing proposal
Appendix II	Similar applications within the same “V” zone on the draft Ping Shan OZP No. S/YL-PS/17
Appendix III	Detailed comments of CE/MN, DSD
Appendix IV	Public comments received during statutory publication period
Appendix V	Advisory Clauses
Drawing A-1	Site Plan
Drawing A-2	Vehicular Access Plan
Drawing A-3	Proposed Layout Plan
Drawing A-4	Proposed Landscape Plan
Drawing A-5	Proposed Drainage Plan
Drawing A-6	Fencing Proposal
Drawing A-7	Proposed Pedestrian Path to Adjacent Shops
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JULY 2018**