

RNTPC Paper No. A/YL-PS/551
For Consideration by
the Rural and New Town
Planning Committee
on 9.2.2018

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/551

- Applicant** : Long Tin Car Park Management Limited represented by PlanArch Consultants Limited
- Site** : Lots 44 (Part), 72 (Part) and 73 (Part) in D.D. 122 and Adjoining Government Land, Ha Mei San Tsuen, Ping Shan, Yuen Long, New Territories
- Site Area** : About 2,315 m² (including Government land of about 149m²)
- 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 as the applied use with 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 Site is related to six previous applications (Nos. A/YL-PS/90, 119, 151, 216, 240 and 463) for temporary public vehicle park uses. The last Application No. A/YL-PS/463 for proposed 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 27.2.2015. All the time-specific approval conditions have been compiled with and the planning permission will lapse on 28.2.2018. Details of the previous applications are summarized at paragraph 5 below and at **Appendix II**.

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

Major Development Parameters	Last Approved Application (A/YL-PS/463) (a)	Current Application (A/YL-PS/551) (b)	Difference (b) – (a)
Site area	About 2,972m ²	About 2,315m ²	-657m ²
Applied Use	Temporary Public Vehicle Park for Private Cars for a Period of 3 Years	Temporary Public Vehicle Park for Private Cars for a Period of 3 Years	No change
Total floor area	20m ²	Nil	-20m ²
No. of structures	1 (for site office and guardroom uses)	Nil	-1
No. of parking spaces	44 in total (private cars only)	70 in total (private cars only)	+26 in total
Operation hours	7:00 a.m. to 11:00 p.m. daily	7:00 a.m. to 11:00 p.m. daily	No change

- 1.5 The site plan, layout plan and environmental mitigation plan are at **Drawings A-1 to A-3** respectively.
- 1.6 According to the applicant, the Site is accessible from Ha Mei San Tsuen Road which connects to Yung Yuen Road and has two entrances/exits for pedestrians to the adjoining lots and ingress/egress point at its eastern edge. No parking of heavy vehicles (i.e. tractors/trailers) and no vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activities will be carried out at the Site. The operation hours of the public vehicle park are from 7:00 a.m. to 11:00 p.m. daily.
- 1.7 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 28.12.2017 **(Appendix I)**
 - (b) Supplementary planning statement with site plan, layout plan and environmental mitigation plan **(Appendix Ia)**
 - (c) Letter of 30.1.2018 clarifying the ingress/egress of the Site **(Appendix Ib)**
 - (d) Letter of 31.1.2018 providing responses to comments of TD on the traffic attraction and generation rates of the Site **(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 **Appendix Ia**. They can be summarized as follows:

- (a) The Site falls within the “V” zone. Its vicinity is currently vacant and there is no works commenced for Small House (SH) development. The villagers have no intention to build their SHs and rent their lots to the applicant for the applied use to serve the local villagers in the vicinity. The applied use will not jeopardize the long term planning intention of the “V” zone.
- (b) The Site is located at a mixed neighbourhood with village houses and other logistic centres, open storages, vehicle parks and vacant land. The applied use is compatible with the character of its surrounding areas and will not cause any adverse impacts to the surrounding.
- (c) As the public car parks in the vicinity of the Site are fully occupied, the applied use can help alleviate the demand of parking spaces in the area. The operation of the applied use since 2015 has led to a decrease in the problem of illegal roadside parking.
- (d) The approval conditions of the previous application (No. A/YL-PS/463) have been complied with. The boundary fencing has been adjusted accordingly with the reduction in site area. Drainage facilities and fire service installations, which were approved by the respective Government departments under the previous application, are well maintained and in good condition. No adverse traffic impact is envisaged.
- (e) The public vehicle park has been well-managed and has not caused any adverse environmental, visual, landscape and drainage impact to the surrounding areas. The approval of the application would not set an undesirable precedent for similar applications.
- (f) As regards the public concern on the ingress/egress and the entrance/exit of the proposed public vehicle park, there is only one ingress/egress for vehicle at the east of the Site while the two entrance/exit points at the west and north of the Site are for pedestrian only.

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 publishing notices of the application in two Chinese and one English local newspapers. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

The current use on the Site is covered by valid planning permission under Application No. A/YL-PS/463 valid until 27.2.2018. It is not subject to any active planning enforcement action.

5. **Previous Applications**

- 5.1 The Site is involved in six previous applications (Nos. A/YL-PS/90, 119, 151, 216, 240 and 463) submitted by different applicants. Details of the previous applications are summarized at **Appendix II** and their locations are shown on **Plan A-1**.
- 5.2 Application Nos. A/YL-PS/90, 119 and 151 for temporary vehicle park for container vehicles and trailers, lorries and/or private cars for a period of 3 years were rejected by the Committee/Board on review on 12.1.2001, 10.1.2003 and 31.10.2003 respectively mainly on grounds including 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 and/or undesirable precedent.
- 5.3 Application No. A/YL-PS/216 for temporary public vehicle park for private cars and light goods vehicles was approved with conditions by the Committee on 24.6.2005 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 Application No. A/YL-PS/240 for temporary public vehicle park for private car, light goods vehicle and container trailer for a period of 3 years was rejected on review by the Board on 13.10.2006 on grounds of not in line with the planning intention of the “V” zone, failure to comply with the Town Planning Board Guidelines No. 13D for ‘Application for Open Storage and Port Back-up Uses’, not compatible with the residential dwellings nearby and insufficient information to demonstrate no adverse environmental and drainage impacts on the surrounding areas.
- 5.5 The last Application No. A/YL-PS/463 for proposed temporary public vehicle park for private cars for a period of 3 years by a different applicant was approved with conditions by the Committee on 27.2.2015. 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.
- 5.6 Compared with the last approved Application No. A/YL-PS/463, the current application is submitted by a different applicant for the same use on a smaller site (i.e. -657m²), with more parking spaces (i.e. +26) and a different parking layout.

6. Similar Applications

- 6.1 There are four similar applications (Nos. A/YL-PS/289, 332, 397 and 509) for temporary public vehicle park for private cars and light goods vehicles (No. A/YL-PS/289 also with ancillary office and storeroom) uses approved for a period of 2 or 3 years within the same “V” zone since 2008. Details of the similar applications are summarized at **Appendix III** and their locations are shown on **Plan A-1**.
- 6.2 All of these four similar applications were approved with conditions by the Committee mainly on grounds of not frustrating the long term planning intention of the “V” zone, not incompatible with the surrounding land uses, unlikely to create adverse environmental, traffic, drainage and landscape impacts on the surrounding areas and approvals given for similar applications.

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

7.1 The Site is:

- (a) currently occupied by the applied use with valid planning permission (No. A/YL-PS/463); and
- (b) accessed from Ha Mei San Tsuen Road which connects to Yung Yuen Road.

7.2 The surrounding areas have the following characteristics:

- (a) to the north and northeast are storage uses and vacant land;
- (b) to the west and southwest are some residential dwellings, village houses which are under construction and a public vehicle park which is covered by valid planning permission (No. A/YL-PS/509);
- (c) to the east are some residential dwellings; and
- (d) to the immediate and further south are a village house under construction and a logistics centre and vehicle park which is covered by valid planning permission (No. A/YL-PS/477).

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) The Government Land (GL) adjoining Lot Nos. 44 and 72 in D.D. 122 within the Site is covered by the Short Term Tenancy (STT) No. 2858 for the purpose of “Temporary Public Vehicle Park (Private Cars)”.
- (c) The Site is accessible to Yung Yuen Road via GL and private land. His office does not provide maintenance work for GL involved and does not guarantee any right-of-way to the Site.
- (d) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (e) Should planning approval be given to the planning application, the STT holder(s) will need to apply to his office for modification of the STT conditions if there is any irregularities on Site and the lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularities on Site. Such application(s) will be considered by the LandsD acting in the capacity of 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) According to his record, there is no SH application received or under processing at the Site. There are 15 approved SH applications and 13 SH applications received and under processing within 30m radius circle measured from the boundary of the Site.

Traffic

9.1.2 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.

9.1.3 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) HyD shall not be responsible for the maintenance of any access connecting the Site and Yung Yuen Road.

Drainage

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

According to the applicant's submission, the existing drainage facilities which were implemented under an approved Application No. A/YL-PS/463 will be maintained for the development. 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.

Environment

9.1.5 Comment 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

9.1.6 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 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.

Water Supply

9.1.7 Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) He has no objection to the application.
- (b) For provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.
- (c) Water mains in the vicinity of the Site cannot provide the standard pedestal hydrant.

Landscape

9.1.8 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 and already in operation. The Site is situated in an area of rural landscape character disturbed by vehicle parks. Significant change to the landscape character arising from the application is not anticipated.

Building Matters

9.1.9 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 under the Buildings Ordinance.

Others

9.1.10 Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) He has no particular comment on the application from electricity supply safety aspect.
- (b) However, in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organising and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

District Officer’s Comment

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

His office has not received any comment from locals upon the end of consultation period.

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

- (a) Antiquities and Monuments Office, Leisure and Cultural Services Department (AMO, LCSD);
- (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 Food and Environmental Hygiene (DFEH);
- (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

10.1 On 5.1.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 26.1.2018, two public comments were received both objecting to the application (**Appendix IV**).

10.2 A villager of Ha Mei San Tsuen and an individual object to the application on grounds that one of the ingress/egress is too narrow, thus blocking emergency vehicles to pass through, not in line with the planning intention, not compatible

with the surrounding land uses, adverse environmental impact and undesirable precedent.

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 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 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 There are six previous applications (Nos. A/YL-PS/90, 119, 151, 216, 240 and 463) covering the Site for same/similar uses. Within the same “V” zone, there are four approved applications (Nos. A/YL-PS/289, 332, 397 and 509) for temporary public vehicle park for private cars and light goods vehicles (No. A/YL-PS/289 also with ancillary office and storeroom) uses since 2008. For the rejected applications, they all involved parking of heavy vehicles whilst only parking of private cars is involved in the current application. Approval of the current application is in line with the previous decisions of the Committee.
- 11.5 There are two public comments received during the statutory publication period objecting to the application on grounds as summarised in paragraph 10.2 above. On the concern of the access arrangement, the applicant has clarified that the access concerned is for pedestrian use only (**Appendix Ib**). D of FS has also been consulted on the public comment and he has no adverse comment on the application. For the other concerns, the planning considerations and assessments above are also 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 9.2.2021. 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 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 at any time during the planning approval period;
- (e) no vehicle washing, vehicle repair, dismantling, paint spraying or other workshop use 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 trees and landscape planting on the Site shall be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (i) the existing fencing of the Site shall be maintained at all times during the 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 9.5.2018;

- (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 **9.8.2018**;
- (l) in relation to (k) 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 **9.11.2018**;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) 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 (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 28.12.2017
Appendix Ia	Supplementary planning statement with site plan, layout plan and environmental mitigation plan
Appendix Ib	Letter of 30.1.2018 clarifying the ingress/egress of the Site
Appendix Ic	Letter of 31.1.2018 providing responses to comments of TD on the traffic attraction and generation rates of the Site
Appendix II	Previous applications covering the Site
Appendix III	Similar applications within the same "V" zone on the draft Ping Shan OZP No. S/YL-PS/17
Appendices IV-1 and IV-2	Public comments received during statutory publication period
Appendix V	Advisory Clauses
Drawing A-1	Site Plan
Drawing A-2	Layout Plan
Drawing A-3	Environmental Mitigation Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2018**