

RNTPC Paper No. A/YL-PS/552  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 9.2.2018

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

**APPLICATION NO. A/YL-PS/552**

- Applicant** : Richland Properties Management Company Limited represented by Goldrich Planners & Surveyors Ltd.
- Site** : Lots 448 (Part), 449 RP (Part), 450 (Part) and 452 RP (Part) in D.D. 122, Hang Mei Tsuen, Ping Shan, Yuen Long, New Territories
- Site Area** : 2,249 m<sup>2</sup> (about)
- 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** : Renewal of Planning Approval for Temporary Vehicle Park for Coaches for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning approval to continue using the application site (the Site) for temporary vehicle park for coaches for a period of 3 years (**Plan A-1**). The Site is currently being used for the applied use under planning permission (No. A/YL-PS/469) valid until 24.2.2018.
- 1.2 The Site is involved in 2 previous applications (Nos. A/YL-PS/371 and 469) for the same use by the same applicant. The last application No. A/YL-PS/469 was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) for a period of 3 years on 6.2.2015. All the time-specific approval conditions have been complied with.
- 1.3 The major development parameters of the current application and the last approved application are the same and as follows:

<b>Major Development Parameters</b>	<b>Last Approved Application (A/YL-PS/469)</b>	<b>Current Application (A/YL-PS/552)</b>
Site Area	about 2,249m <sup>2</sup>	
Applied Use	Renewal of Planning Approval for Temporary Vehicle Park for Coaches for a Period of 3 Years	
No. of Structures	Nil	
No. of Parking Spaces	15 for coaches	
Operation Hours	7:00 a.m. to 11:00 p.m. daily	

- 1.4 Compared with the last approved Application (No. A/YL-PS/469), the current application is submitted by the same applicant for the same use on the same site with the same development parameters.
- 1.5 The location plan, lot index plan, site plan, tree preservation plan and drainage plan submitted by the applicant are at **Drawings A-1 to A-5** respectively.
- 1.6 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 29.12.2017 **(Appendix I)**
  - (b) Supplementary Planning Statement with location plan, lot index plan, site plan, tree preservation plan and drainage plan **(Appendix Ia)**
  - (c) Letter dated 22.1.2018 providing responses to TD's comments **(Appendix Ib)**

## **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 summarised as follows:

- (a) The applied use, location, operation hours, site area, arrangement of provision of access and parking facilities are the same as the last approved Application No. A/YL-PS/469.
- (b) The Site is the subject of two previously approved applications. The planning circumstances in proximity of the site have not been materially changed. A number of similar applications for public vehicle park have been approved at the same "V" zone.
- (c) There is a pressing need for providing more parking spaces for coaches due to the increasing number of visitors of Ping Shan Heritage Trail.
- (d) The site is zoned "Village Type Development", it is a piece of Tso/Tong land. The Tso/Tong has no intention of building village houses on the site. Therefore, the use does not frustrate the planning intention of the zoning.

- (e) The Site is located to the west of village type houses of Hang Mei Tsuen and in the vicinity of the Ping Shan Heritage Trail. The applied use is compatible with the surrounding environment.
- (f) No adverse impact on the environment and traffic, as the number of coach parking spaces to be provided is limited. The applicant has complied with all approval conditions in relation to landscape, drainage and fire safety under the last two approved Application No. A/YL-PS/371 and 469.

### **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. Town Planning Board Guidelines**

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

### **5. Background**

The current use on the Site is covered by valid planning permission under Application No. A/YL-PS/469 valid until 24.2.2018. It is not subject to any active planning enforcement action.

### **6. Previous Applications**

- 6.1 The Site is involved in 2 previous applications (Nos. A/YL-PS/371 and 469). Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.
- 6.2 Application No. A/YL-PS/371 for the same use by the same applicant was approved with conditions on 24.2.2012 for a period of 3 years. The major considerations were approval on a temporary basis not jeopardizing the long-term planning intention of the “V” zone; not incompatible with the surrounding land uses or the existing landscape character; and meeting the parking needs of the tourists visiting the Ping Shan Heritage Trail.
- 6.3 Application No. A/YL-PS/469 for renewal of planning approval for the same use

was approved with conditions by the Committee on 6.2.2015 for a period of 3 years until 24.2.2018 on similar considerations.

- 6.4 Compared with the last approved Application (No. A/YL-PS/469), the current application is submitted by the same applicant for the same use on the same site with the same development parameters.

## **7. Similar Applications**

- 7.1 There are 15 similar applications (Nos. A/YL-PS/278, 294, 306, 317, 340, 356, 372, 385, 386, 437, 458, 472, 485, 515 and 521) within the same “V” zone since 2008. Amongst the 15 similar applications, 14 were approved and 1 was rejected. Details of the similar applications are summarized at **Appendix IV** and their locations are shown on **Plan A-1**.
- 7.2 Application Nos. A/YL-PS/278, 294, 306, 317, 340, 356, 385, 386, 437, 458, 472, 485, 515 and 521 for temporary public vehicle park uses involving parking of private cars, coaches, light buses and goods vehicles uses were approved by the Committee with conditions.
- 7.3 Application Nos. A/YL-PS/372 for temporary public vehicle park for private cars, light goods vehicles, medium goods vehicles and coaches (not exceeding 24 seaters) was rejected by the Board upon review on 27.7.2012 for the reasons that the applied use was not in line with the planning intention of the “V” zone; and the proposed development had to be accessed via a long stretch of local track passing through the “V” zone and would generate environmental nuisance to the adjacent residential settlements as well as those along the access road.

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

- 8.1 The Site is:
- (a) currently used for the applied use with planning permission under Application No. A/YL-PS/469 which is valid up to 24.2.2018; and
  - (b) accessible from a local track to the west of Sheung Cheung Wai through the adjoining vehicle park to its north-east.
- 8.2 The surrounding areas have the following characteristics:
- (a) to the immediate east and northeast are two vehicle parks. The one to the northeast is covered by valid planning permission (Application No. A/YL-PS/515). To the further east is an orchard, a coach park, open storage of construction materials and the Ping Shan Heritage Trail;
  - (b) to the immediate southeast are two vehicle parks covered by valid planning permissions (Applications No. A/YL-PS/485 and 516) and the village houses in Hang Mei Tsuen are to the further southeast. To the further south is Ping Ha Road;

- (c) to the west is a Light Rail Station (Hang Mei Tsuen) and Ping Ha Road; and
- (d) to the north and northwest are two ponds. To the further north is the village cluster of Sheung Cheung Wai.

## **9. Planning Intention**

The planning intention of “V” zone is intended to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. 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 Scheduled Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government.
- (b) Lot No. 449RP in D.D.122 is covered by Short Term Waiver (STW) No. 3960 to permit structures erected thereon for the purpose of “Temporary Rural Communal Public Vehicle Park for Private Cars, 5.5 Tonnes Goods Vehicles, Coaches and 24 Tonnes Goods Vehicles”.
- (c) Lot No. 452RP in D.D.122 is covered by Short Term Waiver (STW) No. 4529 to permit structures erected thereon for the purpose of “Temporary Public Vehicle Park for Private Cars”.
- (d) The Site is accessible to Tsui Sing Road Government Land (GL) and private land. His Office does not provide maintenance works for GL involved and does not guarantee any right-of-way to the Site.
- (e) The Site does not fall within Shek Kong Airfield Height Restriction

Area.

- (f) There is no small house application within and in the vicinity (i.e. within 30m) of the Site.
- (g) Should planning approval be given to the subject planning application, the STW holders will need to apply to his office for modification of the STW conditions if there are any irregularities on Site and the lot owner(s) of the lot without STW 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.

### **Traffic**

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

- (a) He has no adverse comment on the application from traffic engineering point of view.
- (b) Sufficient manoeuvring spaces 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.

10.1.3 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 Tin Wah Road.

### **Environment**

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

- (a) Should the application be approved, the applicant is advised to

follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (the COP) issued by the DEP to minimize potential environmental nuisance to the surrounding area.

- (b) There is no substantiated environmental complaint pertaining to the Site received in the past 3 years.

### **Drainage**

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

- (a) He has no objection in principle to the application from a drainage point of view.
- (b) According to the applicant’s submission, the existing drainage facilities which were implemented under an approved application no. A/YL-PS/469 will be maintained for the subject development. Should the Town Planning 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 the Division.

### **Fire Safety**

10.1.6 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 are to be installed should be clearly marked on the layout plans.

### **Building Matters**

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

There is no comment under the Buildings Ordinance on the application, noting that no building work is involved.

### **Other Aspects**

10.1.8 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 Comments**

10.1.9 Comments 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.

10.2 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/Development (2), Water Supplies Department (CE/Dev(2), WSD);
- (c) Chief Engineer/Land Works, Civil Engineering and Development Department (CE/LW, CEDD);
- (d) Commissioner of Police (C of P);
- (e) Director of Agriculture, Fisheries and Conservation (DAFC);
- (f) Director of Food and Environmental Hygiene (DFEH);
- (g) Director of Leisure and Cultural Services (DLCS);
- (h) Project Manager (New Territories West), Civil Engineering and Development Department (PM(NTW), CEDD); and
- (i) Director of Housing (HD).



## **11. Public Comments Received During Statutory Publication Period**

- 11.1 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, 1 public comment was received.
- 11.2 An individual (**Appendix V**) objects to the application mainly on grounds of not in line with the planning intention, not compatible with surrounding land use, adverse environmental impact, parking facilities should be accommodated in high rise building or underground, and undesirable precedent.

## **12. Planning Considerations and Assessments**

- 12.1 The current application is for renewal of the planning approval under previous application No. A/YL-PS/469 for temporary vehicle park for coaches for a period of 3 years. The Site falls within “V” zone, which is intended to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. According to DLO/YL, LandsD there is no Small House application at the site. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “V” zone.
- 12.2 The site is mainly surrounded by vehicle parks to the north, east and south, and Light Rail and Ping Ha Road to the west. The applied vehicle park is considered not incompatible with the surrounding land uses.
- 12.3 The application is generally in line with TPB PG-No. 34B in that there is no material change in planning circumstances since the previous temporary approval was granted; adverse planning implications arising from the renewal of the planning approval are not envisaged; all conditions under previous approval have been complied with; and the approval period sought is the same as that of the previous approval.
- 12.4 Relevant Government departments, including AC for T/NT of TD, CE/MN of DSD, CHE/NTW of HyD, CTP/UD&L of PlanD and DEP have no objection to or no adverse comment on the application. The applied 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 13.2 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.
- 12.5 There are 2 previously approved applications (i.e. Nos. A/YL-PS/371 and 469)

covering the Site for the same development at the Site. Within the same “V” zone, there are 14 similar applications approved by the Committee since 2008 (i.e. Nos. A/YL-PS/278, 294, 306, 317, 340, 356, 385, 386, 437, 458, 472, 485, 515, and 521). Approval of the current applications is in line with the previous decisions of the Committee.

12.6 There is one public comment received objecting to the application on grounds of land use planning and environmental impact as summarised in paragraph 11.2 above. The planning considerations and assessments above are also relevant.

### **13. Planning Department’s Views**

13.1 Based on the assessment made in paragraph 12, and having taken into account the public comment mentioned in paragraph 11, the Planning Department considers that the temporary vehicle park for coaches could be tolerated for a further period of 3 years.

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 from 25.2.2018 until 24.2.2021. 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., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) only coaches, as proposed by the applicant, 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 to indicate that only coaches are allowed to enter/be parked on the site at all times during the planning approval period;
- (d) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site at any time during the planning approval period;
- (e) no vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the Site at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) the existing trees on the Site shall be maintained at all times during the planning approval period;

- (i) the existing boundary fencing on the Site shall be maintained at all times during the planning approval period;
- (j) the submission of record of the existing drainage facilities within **3 months** from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **25.5.2018**;
- (k) the submission of fire service installations proposal within **6 months** from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **25.8.2018**;
- (l) in relation to (k) above, the implementation of fire service installations proposal with **9 months** from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **25.11.2018**;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) is not complied with during the planning 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 specified date, the approval hereby given shall cease to have effect and shall be revoked immediately 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.

[Approval conditions (a) to (o) are the same as the previous Application No. A/YL-PS/469]

Advisory clauses

The recommended advisory clauses are 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 continuous occupation of the Site for the applied use is not in line with the planning intention of the "V" zone which is intended to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers.. 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 reasons for rejection should be given to the applicant.

**15. Attachments**

<b>Appendix I</b>	Application form received on 29.12.2017
<b>Appendix Ia</b>	Supplementary Planning Statement with location plan, lot index plan, site plan, tree preservation plan and drainage plan
<b>Appendix Ib</b>	Letter dated 22.1.2018 providing responses to TD's comments
<b>Appendix II</b>	Relevant extracts of 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. 34B)
<b>Appendix III</b>	Previous s.16 Applications covering the Application Site
<b>Appendices IV</b>	Similar Applications within the Same "V" zone on the draft Ping Shan OZP No. S/YL-PS/17
<b>Appendix V</b>	Public comment received during statutory publication period
<b>Appendix VI</b>	Advisory Clauses
<b>Drawing A-1</b>	Location Plan
<b>Drawing A-2</b>	Lot Index Plan
<b>Drawing A-3</b>	Site Plan
<b>Drawing A-4</b>	Tree Preservation Plan
<b>Drawing A-5</b>	Drainage Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
FEBRUARY 2018**