

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/553

- Applicant** : Tang Tung Hoi represented by Metro Planning and Development Company Limited
- Site** : Lots 422 (Part) and 423 (Part) in D.D. 122, Sheung Cheung Wai, Yuen Long, New Territories
- Site Area** : About 780 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 as the applied use 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 Site is related to a previous application (No. A/YL-PS/425) for proposed temporary public vehicle park for private cars and light vans for a period of 3 years, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 13.12.2013. All the time-specific approval conditions have been compiled with and the planning permission has lapsed on 14.12.2016. Details of the previous application 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/425) (a)	Current Application (A/YL-PS/553) (b)	Difference (b) – (a)
Site area	About 780m ²	About 780m ²	No change
Applied Use	Temporary Public Vehicle Park for Private Cars and Light Vans for a Period of 3 Years	Temporary Public Vehicle Park for Private Cars for a Period of 3 Years	No light vans under current application
Total floor area	20m ²	20m ²	No change
No. of structures	1 (for guardroom use)	1 (for guardroom use)	No change
No. of parking spaces	14 in total (private cars and light vans)	14 in total (private cars only)	No change
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 location plan, proposed layout plan, proposed landscape and tree preservation plan and as-built drainage plan are at **Drawings A-1 to A-4** respectively.
- 1.6 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. No vehicle washing, vehicle repairing, dismantling or other workshop use is allowed on 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 2.1.2018 **(Appendix I)**
 - (b) Supplementary planning statement with location plan, proposed layout plan, proposed landscape and tree preservation plan and as-built drainage plan **(Appendix Ia)**
 - (c) Letter of 6.2.2018 clarifying that no excavation will be carried out at the Site **(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 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 at the junction of Tsui Sing Road and Ping Ha Road, they are mostly occupied by residents of nearby public housing estates and visitors to nearby attraction points including Tsui Sing Pagoda, Ping Shan Heritage Trail and Tin Yiu Estate.
- (c) The proposed development is compatible with the surrounding environment.
- (d) The proposed development would ease the parking demand of the residents and help to drive out the undesirable open storage activity within the "V" zone which is deemed a planning gain to the residents.
- (e) The Site is subject to a previous planning permission No. A/YL-PS/425. The ex-applicant had complied with all the planning conditions imposed to the planning permission.
- (f) Applications for similar uses within the same "V" zone were approved by the Board.
- (g) The proposed development for parking of private cars would generate insignificant environmental, traffic and drainage impacts to the surrounding areas.

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 current use (i.e. parking of vehicles) at the Site is subject to investigation. Should there be sufficient evidence to form an opinion that there is an unauthorized development under the Town Planning Ordinance, appropriate planning enforcement action will be undertaken.

5. **Previous Application**

- 5.1 The Site is involved in one previous application (No. A/YL-PS/425) submitted by a different applicant. Details of the previous application are summarized at **Appendix II** and its location is shown on **Plan A-1**.
- 5.2 Application No. A/YL-PS/425 for proposed temporary public vehicle park for private cars and light vans for a period of 3 years was approved with conditions by the Committee on 13.12.2013. 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.
- 5.3 Compared with the last approved Application No. A/YL-PS/425, the current application is submitted by a different applicant for similar use on the same site with the same parking layout.

6. **Similar Applications**

- 6.1 There are 22 similar applications (Nos. A/YL-PS/292, 301, 304, 307, 310, 363, 366, 382, 390, 395, 410, 452, 466, 468, 479, 489, 492, 498, 516, 522, 543 and 549) 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 III** and their locations are shown on **Plan A-1**.
- 6.2 All of these 22 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. Applications Nos. A/YL-PS/301 and 498 were revoked due to non-compliance with approval conditions.
- 6.3 For Members’ information, Application No. A/YL-PS/554 for temporary public vehicle park for private cars for a period of 3 years within the same “V” zone will also be considered at this meeting (**Plan A-1**).

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 without valid planning permission;
 - (b) accessed from a local track to connect Tsui Sing Road leading to Ping Ha Road;
 - (c) located within the boundary of the ‘village environs’ of Hang Tau Tsuen, Hang Mei Tsuen and Sheung Cheung Wai; and
 - (d) located within the Sheung Cheung Wai Archaeological Site.

7.2 The surrounding areas have the following characteristics:

- (a) to the north and northeast are vacant land, orchard, storage use and residential dwellings;
- (b) to the northwest are public vehicle parks covered by valid planning permission (Nos. A/YL-PS/489 and 543);
- (c) to the immediate west and further west are residential dwellings, village cluster of Sheung Cheung Wai and a vehicle park covered by valid planning permission (No. A/YL-PS/549);
- (d) to the east and southeast are residential dwellings such as In Luck Villa, temple, vehicle park and church; and
- (e) to the south are a vehicle park covered by valid planning permission (No. A/YL-PS/515), residential dwellings and storage use.

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 Site is accessible to Tsui Sing Road via Government land (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.

- (c) The Site falls within Sheung Cheung Wai Archaeological Site No. AM02-1671.
- (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. 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) According to his record, there is no Small House (SH) application received or under processing at the Site. There are 3 approved SH applications and 2 SH applications received and under processing within 30m radius circle measured from the boundary of the Site.

Building Matters

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

- (a) As there is no record of approval by the Building Authority for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application.
- (b) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application.
- (c) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.
- (d) Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (e) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with

Regulations 5 and 41D of the Building (Planning) Regulations respectively.

- (f) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulation at the building plan submission stage.

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) 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 Tsui Sing Road.

Drainage

9.1.5 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/425 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

9.1.6 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

9.1.7 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 (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.

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 village landscape character disturbed by vehicle parks. Significant change to the landscape character arising from the application is not anticipated.

Others

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

The Antiquities and Monuments Office of his Department has no comment on the application provided that no ground excavation works will be conducted.

District Officer's Comments

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

His office has received two letters copied to his office from the locals on the subject application upon the end of the consultation period. The two letters are the same, but one of them is attached with joint signature of villagers of Sheung Cheung Wai. (The letter has also been submitted as public comment (**Appendix IV-1**)).

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

10.1 On 9.1.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 30.1.2018, two public comments were received both objecting to the application (**Appendices IV-1 and IV-2**).

10.2 One public comment was jointly submitted by an indigenous village representative and a village representative of Sheung Cheung Wai with signatures, while the other comment was submitted by an individual, both objecting to the application on grounds of threatening the safety of pedestrians and visitors, pedestrian-vehicular conflicts, air and noise pollution, not compatible with the surrounding land uses 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 The Committee has approved a previous application for similar use at the Site and 22 other 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 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 pedestrian safety, concerned Government departments including C of P and AC for T/NT, TD have no adverse comment on the application. An approval condition requiring the posting of a notice to remind drivers on pedestrian safety is also recommended in paragraph 12.2(d). For other comments, 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 **2.3.2021**. 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) a notice shall be posted at a prominent location of the Site to remind drivers on pedestrian safety on the access road to the Site at all times during the planning approval period;
- (e) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site, as proposed by the applicant, at any time during the planning approval period;
- (f) no vehicle washing, vehicle repairing, dismantling, car beauty or other workshop use is allowed on the Site, as proposed by the applicant, at any time during the planning approval period;
- (g) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (h) the existing trees and landscape planting on the Site shall be maintained at all times during the planning approval period;
- (i) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (j) the existing fencing of the Site shall be maintained at all times during the approval period;
- (k) 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 **2.6.2018**;
- (l) 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 **2.9.2018**;
- (m) in relation to (l) 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 **2.12.2018**;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h), (i) or (j) 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;
- (o) if any of the above planning conditions (k), (l) or (m) 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

- (p) 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 2.1.2018
Appendix Ia	Supplementary planning statement with location plan, proposed layout plan, proposed landscape and tree preservation plan and as-built drainage plan
Appendix Ib	Letter of 6.2.2018 clarifying that no excavation will be carried out at the Site
Appendix II	Previous application 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	Location Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	Proposed Landscape and Tree Preservation Plan

Drawing A-4	As-built Drainage Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MARCH 2018**