

RNTPC Paper No. A/YL-PS/554
For Consideration by
the Rural and New Town
Planning Committee
on 2.3.2018

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/554

| | | |
|---------------------------|---|---|
| <u>Applicant</u> | : | Hung Wan Taxi Company Limited represented by Metro Planning and Development Company Limited |
| <u>Site</u> | : | Lots 387 S.C ss.3 RP (Part) and 387 S.C RP (Part) in D.D. 122, Sheung Cheung Wai, Ping Shan, Yuen Long, New Territories |
| <u>Site Area</u> | : | About 1,200 m ² |
| <u>Lease</u> | : | Block Government Lease (demised for agricultural use) |
| <u>Plan</u> | : | Draft Ping Shan Outline Zoning Plan No. S/YL-PS/17 |
| <u>Zoning</u> | : | “Village Type Development” [Restricted to a maximum building height of 3 storeys (8.23 m)] |
| <u>Application</u> | : | Proposed 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 proposed temporary public vehicle park for private cars for a period of 3 years (**Plan A-1**). The Site is currently being used for the applied use without a valid application.
- 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 three previous applications (No. A/YL-PS/178 for temporary barbecue area and Nos. A/YL-PS/ 363 and 466 for temporary public vehicle park uses). The last Application No. A/YL-PS/466 for renewal of temporary public vehicle park for private cars and light goods vehicles for a period of 3 years was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 16.1.2015. All the time-specific approval conditions have been complied with and the planning

permission has lapsed on 21.1.2018. Details of the previous applications are summarised 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/466) (a) | Current Application (A/YL-PS/554) (b) | Difference (b) – (a) |
|-------------------------------------|---|--|------------------------------------|
| Site Area | About 1,200m ² | | No change |
| Applied Use | Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years | Temporary Public Vehicle Park for Private Cars for a Period of 3 Years | No parking of Light Goods Vehicles |
| Total Floor Area (non-domestic) | About 55.75m ² | Nil | - 55.57m ² |
| No. of Structures | 2 (Ancillary Site Office/Guardroom) | Nil | - 2 |
| No. of Parking Spaces | 26 | 30 | + 4 |
| Operation Hours | 7:00 a.m. to 11:00 p.m. daily | | No change |

- 1.5 The site plan, location plan, proposed layout plan, proposed tree preservation plan and as-built drainage plan are at **Drawings A1 to A5** respectively.

- 1.6 According to the applicant, the Site is abutting Tsui Sing Road. The public vehicle park is intended for parking of private cars only. No vehicles other than private car will be allowed to enter the Site. Besides, vehicles without valid licences issued under the Road Traffic Ordinance will not be permitted to park at the Site. No vehicle repairing, dismantling, car beauty, car washing and workshop use will be attached to the public vehicle park. 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 10.1.2018 **(Appendix I)**
- (b) Supplementary planning statement with site plan, location plan, proposed layout plan, proposed tree preservation proposal and as-built drainage plan **(Appendix Ia)**

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed at **Appendix Ia**. They can be summarised 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 and Ping Shan Heritage Trail.
- (c) The proposed development is compatible with the surrounding environment.
- (d) The Site is subject to a previous planning application No. A/YL-PS/466. The applicant has complied with all the planning conditions imposed to the planning permission.
- (e) Applications for similar uses within the same "V" zone were approved by the Board.
- (f) The proposed development for parking of private cars would generate insignificant environmental, traffic and drainage impacts to the surrounding area.

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 registered mail to 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 unauthorised development under the Town Planning Ordinance, appropriate planning enforcement action will be undertaken.

5. Previous Applications

- 5.1 The site is involved in three previous planning applications (Nos. A/YL-PS/178, 363 and 466). Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.
- 5.2 Application No. A/YL-PS/178 for temporary barbecue area for a period of 3 years was rejected on review by the Board on 3.9.2004 on grounds of not compatible with the surrounding residential developments; insufficient information to demonstrate no adverse landscaping and drainage impacts on the surrounding areas; and undesirable precedent.
- 5.3 Application No. A/YL-PS/363 for private cars and light goods vehicles for a period of 3 years and the renewal application No. A/YL-PS/466 submitted by the same applicant were approved with conditions on 20.1.2012 and 16.1.2015 respectively mainly on grounds that no adverse departmental comments and local objection were received; the proposal was not incompatible with the surrounding land uses and the proposed vehicle park could serve the parking needs of the local residents.
- 5.4 Compared with the last Application No. A/YL-PS/466, the current application is submitted by the same applicant for a similar use (without parking of light goods vehicles) on the same site with more parking spaces (+ 4 spaces) and a similar parking layout.

6. Similar Applications

- 6.1 There are 21 similar applications (Nos. A/YL-PS/292, 301, 304, 307, 310, 366, 382, 390, 395, 410, 425, 452, 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 summarised at **Appendix III** and their locations are shown on **Plan A-1**.
- 6.2 All of these 21 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/553 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; and
 - (b) abutting and accessible from Tsui Sing Road.

7.2 The surrounding areas have the following characteristics:

- (a) to the north and further north are residential development, an eating place, a public vehicle park which is covered by valid planning permission (No. A/YL-PS/522) and a heritage structure (Tsui Sing Lau Pagoda);
- (b) to the east and further east are a temporary structure providing car services and a public vehicle park which is covered by valid planning permission (No. A/YL-PS/479);
- (c) to the immediate south and southeast are a residential development and a public vehicle park which is covered by valid planning permission (No. A/YL-PS/489). To the further south is a lorry park which is suspected unauthorised development;
- (d) to the west across Tsui Sing Road is a secondary school; and
- (e) to the further northwest is Tin Shui Wai MTR Station.

8. Planning Intention

The planning intention of “V” zone is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and re-provisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the 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 prior approval of the Government.
- (b) The Site is accessible to Tsui Sing Road via Government Land (GL). His office does not provide maintenance work for GL involved and does not guarantee any right-of-way to the Site.

- (c) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (d) 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 regularise 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.
- (e) According to his record, there is no Small House (SH) application received or under processing at the Site. There are 6 SH applications received and under processing and no approved SH applications 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 on the application from traffic engineering point of view.
- (b) Sufficient manoeuvring space shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads.

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

- (a) The access arrangement should be commented by TD.
- (b) Tsui Sing Road is currently maintained by Home Affairs Department (HAD). HyD has no objection to take up the maintenance responsibility of Tsui Sing Road upon completion of the works as public road to the satisfaction of HyD in the handover inspection.
- (c) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (d) Please note that HyD shall not be responsible for the maintenance of any access connecting the Site and Tsui Sing 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 was implemented under an approved application No. A/YL-PS/466 will be maintained for the subject 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 Comments of the Director of Environmental Protection (DEP):

- (a) Should the application be approved, the applicant will be advised to follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling Environment Aspects of Temporary Uses and Open Storage Sites".
- (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. The applicant should 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, and the location of where the proposed FSIs to be installed should be clearly marked on the layout plans.
- (d) However, the applicant should be reminded that if the proposed structure(s) is required to comply with Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Landscape

- 9.1.7 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.

District Officer's Comments

- 9.1.8 Comments of the District Officer (Yuen Long), HAD (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) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Director of Leisure and Cultural Services (DLCS);
- (c) Antiquities and Monuments Office, Leisure and Cultural Services Department (AMO, LCSD);
- (d) Director of Electrical and Mechanical Services (DEMS);
- (e) Commissioner of Police (C of P);
- (f) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (g) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (h) Chief Engineer/Special Tasks, Civil Engineering Department (CE/ST, CEDD); and
- (i) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD).

10. Public Comments Received During Statutory Publication Period

On 19.1.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 9.2.2018, one objecting public comment (**Appendix IV**) was received on the grounds of not in line with planning intention of the "V" zone and inefficient use of land resources.

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, DEP, CE/MN of DSD and CTP/UD&L of PlanD, have no objection to or adverse comment on the application. The proposed use will unlikely create significant adverse traffic, environmental, drainage and landscape impacts to the surrounding areas. There has been no environmental complaint concerning the Site received in the past 3 years. To minimize any potential environmental nuisances and to address the technical requirements of concerned Government departments, appropriate approval conditions are recommended in paragraph 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 2 previous applications for similar use at the Site and 21 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 is one objecting public comment on the ground of not in line with planning intention of the “V” zone and inefficient use of land resources. The planning considerations and assessments in paragraphs 11.1 to 11.4 above are relevant.

12. **Planning Department’s Views**

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10 above, 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., as proposed by the applicant, is allowed on the Site during the planning approval period;

- (b) only private cars as defined in the Road Traffic Ordinance are allowed to enter/be parked on the Site, as proposed by the applicant, at all times during the planning approval period;
- (c) a notice shall be posted at a prominent location of the Site at all times to indicate that only private cars as defined in the Road Traffic Ordinance are allowed to enter/be parked on the site during the planning approval period;
- (d) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site, as proposed by the applicant, at any time during the planning approval period;
- (e) no vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the Site, as proposed by the applicant, at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) the existing trees and landscape planting on the Site shall be maintained at all times during the planning approval period;
- (i) the submission of a condition record of the existing drainage facilities within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **2.6.2018**;
- (j) the submission of a fire service installations proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **2.9.2018**;
- (k) in relation to (j) above, the implementation of the fire service installations proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **2.12.2018**;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and

- (n) 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 attached 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 reason(s) for rejection should be given to the applicant.

14. Attachments

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|---------------------|--|
| Appendix I | Application form received on 10.1.2018 |
| Appendix Ia | Supplementary planning statement with site plan, location plan, proposed layout plan, proposed tree preservation proposal and as-built drainage plan |
| 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 |
| Appendix IV | Public Comment Received During Statutory Publication Period |
| Appendix V | Advisory Clauses |
| Drawing A-1 | Site Plan |
| Drawing A-2 | Location Plan |
| Drawing A-3 | Proposed Layout Plan |
| Drawing A-4 | Proposed Tree Preservation Plan |
| Drawing A-5 | As-built Drainage Plan |

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| Plan A-1 | Location Plan |
| Plan A-2 | Site Plan |
| Plan A-3 | Aerial Photo |
| Plan A-4 | Site Photos |

**PLANNING DEPARTMENT
MARCH 2018**