

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

APPLICATION NO. A/YL-PS/564

<u>Applicant</u>	:	Richland Properties Management Company Limited represented by Goldrich Planners & Surveyors Ltd.
<u>Site</u>	:	Lots 449 RP (Part), 450 (Part) and 452 RP (Part) in D.D. 122 and adjoining Government Land, Hang Mei Tsuen, Ping Shan, Yuen Long, New Territories
<u>Site Area</u>	:	About 1,853 m ² (including about 32m ² Government land)
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Draft Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/17
<u>Zoning</u>	:	“Village Type Development” (“V”) [Restricted to maximum building height of 3 storeys (8.23m)]
<u>Application</u>	:	Renewal of Planning Approval for Temporary Public Vehicle Park for Medium Size Buses (24 seats) and Private Cars for a Period of 3 Years

1. The Proposal

- 1.1 The application seeks planning permission to continue using the application site (the Site) for temporary public vehicle park for medium size buses (24 seats) and private cars 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/485) valid until 24.8.2018.
- 1.2 The Site is involved in 3 previous Applications (Nos. A/YL-PS/306, 386 and 485) for the same use by the same applicant. The last application No. A/YL-PS/485 was approved with conditions by the Rural and New Town Planning Committee (the Committee) of Town Planning Board (the Board) for a period of 3 years on 7.8.2015 until 24.8.2018. All the time-specific approval conditions have been complied with.
- 1.3 The major development parameters of the previous approved application and the current application are the same and as follows:

Major Development Parameters	Last Approved Application No. A/YL-PS/485	Current Application No. A/YL-PS/564
Development/Use	Temporary Public Vehicle Park for Medium Size Buses (24 seats) and Private Cars for a Period of 3 Years	
Site Area	About 1,853 m ²	
No. of Parking Spaces	36 for medium size buses (24 seats) and private cars	
Operation Hours	7:00 a.m. to 11:00 p.m. daily	

- 1.4 Compared with the last approved Application (No. A/YL-PS/485), the current application is submitted by the same applicant for the same use on the same site with the same development parameters and same layout.
- 1.5 The location plan, lot index plan, layout plan, landscape plan, drainage plan and road sign plans submitted by the applicant are at **Drawings A-1 to A-7** respectively.
- 1.6 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 19.6.2018 and attachments **(Appendix I)**
 - (b) Supplementary Planning Statement with location plan, lot index plan, layout plan, landscape plan, drainage plan and road sign plans **(Appendix Ia)**
 - (c) Letter of 18.7.2018 providing responses to Leisure and Cultural Services Department (LCSD) and Transport Department (TD)'s comments **(Appendix Ib)**
(accepted and exempted from publication and recounting requirement)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in at **Appendix I**. They can be summarised as follows:

- (a) The Site is subject to previous approved applications related to parking of vehicles. Approval conditions under the last application (No. A/YL-PS/485) have all been complied with.
- (b) The operation hours of the development will be strictly limited to 7 a.m. to 11 p.m. daily in order to minimize any possible noise nuisance.
- (c) No heavy vehicles will be parked at the Site.
- (d) There are many new residential developments in Hang Mei Tsuen, the public

vehicle park would serve the need of the residents.

- (e) There is no adverse impact on the environment. Existing trees will be preserved and the applicant has implemented sufficient drainage facilities to prevent adverse impact on drainage in the surrounding area.
- (f) The applicant has provided warning signs at the access road to maintain the road safety.

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 Section 12A and 16 of the Town Planning Ordinance (TPB PG-No.31A) by sending a notice to the Ping Shan Rural Committee by registered post and by posting a notice outside the Site. 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 criteria are at **Appendix II**.

5. Background

The Site is covered by a valid planning permission under Application No. A/YL-PS/485. It is not subject to any active planning enforcement action.

6. Previous Applications

- 6.1 The Site was involved in 5 previous applications (No. A/YL-PS/183, 249, 306, 386 and 485). Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plans A-1** and **A-1a**.
- 6.2 Application No. A/YL-PS/183 for temporary vehicle park for sludge collection vehicles, lorries and pick-up trucks, vehicle washing area and storage area for a period of 3 years was submitted by a different applicant. It was approved with conditions by the Board on review on 8.10.2004 for 2 years. The permission was revoked on 14.9.2006 for failing to comply with the condition prohibiting the washing and repairing activities and storage operation on the Site.
- 6.3 Application No. A/YL-PS/249 was for temporary vehicle park for sludge collection vehicles, light goods vehicles and pick-up trucks (without washing and storage area) for a period of 2 years was submitted by a different applicant. It was approved with conditions by the Committee on 29.9.2006 for 12 months.

- 6.4 Application Nos. A/YL-PS/ 306, 386 and 485 for temporary public vehicle park for medium size buses (24-seats) and private cars for a period of 3 years, submitted by the same applicant as the current renewal application, were approved by the Committee with conditions on 7.8.2009, 24.8.2012 and 7.8.2015 respectively. The major considerations were that the approval on a temporary basis would not frustrate the long-term planning intention of the “V” zone; potential noise nuisance to the nearby residential dwellings is not expected to be significant; and previous approvals were granted for the same development on the Site.
- 6.5 Compared with the last approved Application (No. A/YL-PS/485), the current application is submitted by the same applicant for the same use on the same site with the same development parameters and same layout.

7. Similar Applications

- 7.1 There are 15 similar applications (Nos. A/YL-PS/278, 294, 317, 340, 356, 371, 372, 385, 437, 458, 469, 472, 515, 521 and 552) 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, 317, 340, 356, 371, 385, 437, 458, 469, 472, 515, 521 and 552 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 as a vehicle park for medium size buses (24 seats) and private cars with planning permission under Application No. A/YL-PS/485 up to 24.8.2018; and
 - (b) accessible via an existing local road connecting Tsui Sing Road leading to Ping Ha Road.
- 8.2 The surrounding areas have the following characteristics:
- (a) to the east is a vehicle park. To the further east are village houses of

Hang Mei Tsuen;

- (b) to the immediate south is an unused area. Further south is a vehicle park with valid planning permission (Application No. A/YL-PS/516);
- (c) to the west and northwest is a vehicle park for coaches with valid planning permission (Application No. A/YL-PS/552). To the further west is Light Rail Station (Hang Mei Tsuen) and Ping Ha Road; and
- (d) to the immediate north is an area of vacant land. To the further north is a public vehicle park with valid planning permission (Application No. A/YL-PS/515).

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 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 from the Government.
- (b) No permission is given for occupation of Government Land (GL) (about 32m² subject to verification) included in the Site. Any occupation of GL without Government’s prior approval is not allowed.
- (c) Lot No. 449 RP 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”.

- (d) Lot No. 452 RP 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”.
- (e) The Site is accessible to Tsui Sing Road via GL and private land. His office does not provide maintenance work for GL involved and does not guarantee any right-of-way over the GL to the Site.
- (f) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (g) Should planning approval be given to the subject planning application, the STW holder(s) will need to apply to his office for modification of the STW conditions if there is any irregularities on Site and the lot owner(s) of the lot(s) without STW will need to apply to his office for permitting the structures to be erected or regularize any irregularities on Site. Furthermore, the applicant has to either exclude the GL portion from the application Site or apply for a formal approval prior to the actual occupation of the GL portion. Such application(s) will be considered by the LandsD acting in the capacity of landlord 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.
- (h) According to his record, there is no Small House (SH) application received or under processing at the Site. There are 3 approved small house applications in the vicinity (i.e. within 30m) of the Site.

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 to the application from the 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) Currently, only the section of Tsui Sing Road of about 120m abutting Ping Ha Road is maintained by HyD. HyD shall not be responsible for the maintenance of any access connecting the Site and the section of Tsui Sing Road being maintained by HyD. Presumably, the relevant departments will provide their comments.

Environment

10.1.4 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 is no 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 notes that the drainage proposal was generally identical to the one submitted under the previous approved application no. A/YL-PS/485.
- (b) He has no objection in principle to the proposed development from a drainage point of view.
- (c) 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.

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 FSI 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 the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Nature Conservation

10.1.7 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

As the Site is paved, he has no adverse comment on the application from nature conservation point of view. Nonetheless, there are some trees to the south of the Site. Should the application be approved, the applicant is advised to adopt appropriate measures to avoid impacts on these trees during operation.

Landscape

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

- (a) With reference to the aerial photo of 2018, it is observed that the Site is hard paved with the applied use already in operation. Existing trees are observed generally adjoining the Sites. Similar vehicle park uses is observed in the vicinity. Significant change to the landscape character arising from the continued use of this renewal application is

not envisaged.

- (b) Due to the nature of the application, precautionary measures such as bollards placed 1m away from the tree trunk at 4m intervals to prevent damage to the trees should be proposed.
- (c) In event that any tree requires replacing, in consideration of the nature of proposed land use of the application, the applicant may wish to propose other native species of aesthetic or fruiting tree species complementary to the vicinity as replacement trees in lieu of the proposed Ficus microcarpa that requires considerable aerial and underground space for its canopy and root system.
- (d) The applicant shall be reminded of the importance of proper tree care. Useful information on general tree maintenance is available for reference in 護養樹木的簡易圖解 (Chinese version:
http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf) published by the GLTM Section, DEVB; and the Technical Notes on Submission and Implementation of Landscape Proposal for Compliance with Conditions for Approved Applications for Open Storage and Port Back-up Uses (Chinese Version:
https://www.info.gov.hk/tpb/tc/forms/Technical_Doc/chi_tech_nicalx20note.pdf) published by the Planning Department.

District Officer's Comments

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

His Office did not receive any comment from the locals on the application.

10.2 The following departments have no comment on the application:

- (a) Commissioner of Police (C of P);
- (b) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD)
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (d) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (e) Director of Electrical and Mechanical Services (DEMS);
- (f) Director of Leisure and Cultural Services (DLCS); and
- (g) Antiquities and Monuments Office, Leisure and Cultural Services Department (AMO, DLCS).

11. Public Comments Received During the Statutory Publication Period

On 26.6.2018, the application was published for public inspection. During the first 3 weeks of the statutory public inspection period, which ended on 17.7.2018, one public comment was received objecting to the application on the grounds that the Site should be used for temporary housing and the long term use as parking facilities will have a cumulative and negative impact on the quality of the land and environs.

12. Planning Considerations and Assessments

- 12.1 The current application is for renewal of the planning approval under previous application No. A/YL-PS/485 for temporary vehicle park for medium size buses (24 seats) and private cars 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. The temporary public vehicle park for medium size buses (24 seats) and private cars is not in line with the planning intention of the “V” zone. However, according to the 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. It is at the fringe of the “V” zone and separated from the village cluster of Hang Mei Tsuen and Sheung Cheung Wai. The continued use of the site for temporary vehicle park for medium size buses (24 seats) and private cars 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 of TD, CE/MN of DSD, D of FS, and CTP/UD&L of PlanD, have no objection to or no 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 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 The Committee has approved 3 previous applications for the same use at the Site. Within the same “V” zone, there are 14 similar applications approved by the Committee since 2008. 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 summarized in paragraph 11 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 medium size buses (24 seats) and private cars 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 25.8.2018 until 24.8.2021. The following conditions of approval and advisory clauses are also suggested for Member’s 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 medium size buses (24 seats) and private cars as defined in the Road Traffic Ordinance, 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 medium size buses (24 seats) and 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;
- (d) warning signs shall be provided at the access road, as proposed by the applicant, 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 at any time during the planning approval period;
- (f) 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;

- (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 drainage facilities shall be maintained at all times during the planning approval period;
- (i) the maintenance of the landscape screen planting including trees and shrubs 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 **25.11.2018**;
- (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 **25.2.2019**;
- (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 **25.5.2019**;
- (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 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.

[Approval conditions (a) to (h), (j) to (o) are the same as the previous Application No. A/YL-PS/485, while condition (i) is being amended to reflect latest departmental comments.]

Advisory clauses

The recommended advisory clauses are attached 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 reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix I	Application form of 13.6.2018 and attachments (received on 19.6.2018)
Appendix Ia	Supplementary Planning Statement with location plan, lot index plan, layout plan, landscape plan, drainage plan and road sign plans
Appendix Ib	Letter of 18.7.2018 providing responses to LCSD and TD’s comments
Appendix II	Extract of 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)
Appendix III	Previous s.16 Applications covering the Application Site
Appendix IV	Similar Applications within the Same “V” Zone on the draft Ping Shan OZP No. S/YL-PS/17
Appendix V	Public comment received during statutory publication period
Appendix VI	Advisory Clauses
Drawing A-1	Location Plan
Drawing A-2	Lot Index Plan
Drawing A-3	Layout Plan
Drawing A-4	Landscape Plan
Drawing A-5	Drainage Plan

Drawing A-6 and 7	Road Signs Plans
Plan A-1	Location Plan
Plan A-1a	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
AUGUST 2018**