

APPLICATION FOR PLANNING PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/580

- Applicant** : Wardmaster Limited represented by Wai Siu Yiu
- Site** : Lots 113 S.B RP (Part), 114 (Part) and 115 RP (Part) in D.D. 121, Ping Pak Lane, Ping Shan, Yuen Long, New Territories
- Site Area** : 2,369.3 m²
- Lease** : Block Government Lease (demised for agricultural purposes)
- Plan** : Approved Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/18
- Zoning** : “Residential (Group B) 1” (“R(B)1”)
[Restricted to a maximum plot ratio of 1, a maximum site coverage of 40% and a maximum building height of 5 storeys (15m) including car park]
- Application** : Proposed Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) (**Plan A-1**) for proposed temporary public vehicle park (private cars and light goods vehicles) for a period of 3 years. The Site is currently vacant (**Plans A-4a and 4b**).
- 1.2 According to the Notes for the “R(B)1” 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 was involved in four previous applications (Nos. A/YL-PS/7, 89, 114 and 491) for temporary container tractor and trailer park, temporary open storage of construction materials and temporary open storage of building materials with ancillary office. All the previous applications were rejected by the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board). Details of the previous applications are summarized at paragraph 5 below and at **Appendix II**.

1.4 The major development parameters of the application are as follow:

Site Area	2,369.3 m ²
Maximum Floor Area	40.35 m ²
No. of Structure	1 for ancillary office
Maximum Height of Structures	2.3 m, 1 storey
No. of parking spaces	52 for private cars (5m x 2.5m each) 9 for light goods vehicles (7m x 3.5m each)
Operation Hours	24 hours daily

1.5 According to the applicant, the Site is accessible via a local track leading from Ping Pak Lane (**Plan A-2**). No medium and heavy goods vehicles exceeding 5.5 tonnes (including container trailer/tractor) is allowed to enter the Site. No vehicle repairing, car beauty, car washing or workshop activity is allowed at the Site.

1.6 The lot index plan, master car park layout plan, proposed landscape, drainage and existing fence wall plan submitted by the applicant are at **Drawings A-1 to A-3** respectively.

1.7 In support of the application, the applicant has submitted the following documents:

- (a) Application form received on 21.1.2019 **(Appendix I)**
- (b) Email of 1.4.2019 providing estimated trip generation and attraction **(Appendix Ia)**
(accepted and exempted from publication and recounting requirements)
- (c) Letter of 23.5.2019 providing response to public comment **(Appendix Ib)**
(accepted and exempted from publication and recounting requirements)

1.8 On 8.3.2019, the Committee agreed to the applicant's request to defer making a decision on the application for two months so as to allow time for preparation of further information to resolve departmental comments. Further information was received on 1.4.2019. Therefore, the application is submitted to the Committee for consideration at this meeting.

2. Justifications from the Applicant

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

- (a) The proposed public vehicle park is only for private cars and light goods vehicles not exceeding 5.5 tonnes. Medium and heavy goods vehicles exceeding 5.5 tonnes (including container trailers/tractors) are not allowed to enter the Site.
- (b) No vehicle repairing, car beauty, car washing or other workshop activities will be carried out at the Site.

- (c) The proposed public vehicle park helps meet the parking demand in the area.
- (d) Regarding the local objection from Tong Fong Tsuen, the proposed public vehicle park will generate low vehicular trips. Besides, the Site is about 100m from Ping Kwai Road and Ping Pak Lane is straight with passing bay to allow two-way traffic. The sightline will not be obstructed. The proposed public vehicle park will not cause traffic congestion on Ping Pak Lane.

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 posting site notice and posting notice at the Notice Board of the Ping Shan Rural Committee Office. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

- 4.1 The Site is currently not subject to planning enforcement action.
- 4.2 Part of the Site was subject to planning enforcement action against unauthorised development (UD) involving storage use (including deposit of containers and lorry compartments). Enforcement Notice (EN) No. E/YL-PS/577 was issued on 15.9.2014 requiring the discontinuation of the UD. Subsequent site inspection revealed that the UD had been discontinued. Compliance Notice (CN) was issued on 19.3.2015.
- 4.3 Part of the Site was subject to planning enforcement action against UD involving storage use. EN No. E/YL-PS/664 was issued on 2.1.2018 requiring the discontinuation of the UD. Subsequent site inspection revealed that the UD had been discontinued. CN was issued on 9.10.2018.

5. Previous Applications

- 5.1 The Site was involved in four previous applications (Nos. A/YL-PS/7, 89, 114 and 491). Details of the previous applications are summarized at **Appendix II** and their locations are shown on **Plan A-1**.
- 5.2 Application Nos. A/YL-PS/7 and 89 for temporary container tractor and trailer park and temporary vehicle and container trailer/tractor park were rejected by the Committee on 6.6.1997 and 22.12.2000 respectively on grounds of not in line with planning intention; insufficient information to demonstrate not adversely affecting the implementation of the Public Works Project; insufficient to demonstrate no adverse environmental, drainage, traffic and/or visual impacts on the surrounding area; and undesirable precedent.

- 5.3 Application No. A/YL-PS/114 for proposed temporary open storage of construction materials was rejected by the Committee on 14.6.2002 on grounds of not in line with the planning intention; insufficient information to demonstrate no adverse environmental, drainage, traffic and/or visual impacts on the surrounding areas; and undesirable precedent.
- 5.4 Application No. A/YL-PS/491 for proposed temporary open storage of building materials with ancillary office was rejected by the Committee on 8.1.2016 on grounds of not in line with the planning intention; not in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13E); and undesirable precedent.
- 5.5 Compared with the last application No. A/YL-PS/491, the current application is submitted by a different applicant for a different use on a smaller site.

6. Similar Applications

- 6.1 There are nine similar applications (No. A/YL-PS/370, 380, 403, 448, 459, 462, 467, 546 and 569) for temporary public vehicle park for private cars/private cars and light goods vehicles use within the same “R(B)1” zone. Details of the similar applications are summarized at **Appendix III** and their locations are shown on **Plan A-1**.
- 6.2 All these nine similar applications were approved with conditions by the Committee on considerations that temporary approval of the application would not jeopardize the long-term development of the sites; not incompatible with the surrounding areas; and no objection or adverse comment from government departments. Application Nos. A/YL-PS/380, 403, 448, 462 were revoked due to non-compliance with approval conditions.

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

- 7.1 The Site is:
 - (a) currently vacant; and
 - (b) accessible via a local track from Ping Pak Lane.
- 7.2 The surrounding areas have the following characteristics:
 - (a) to the immediate north is a residential development under construction. To the further north across Ping Kwai Road is a residential development;
 - (b) to the northeast and east across Ping Pak Lane is Ping Pak Lane Park;
 - (c) to the immediate south is vehicle repair workshop which may be tolerated under the Town Planning Ordinance. To the further south and southwest are vehicle repair workshop, parking of vehicles,

open storage, bicycle shop and workshop which are suspected UD's;
and

- (d) to the west are temporary public vehicle park for private cars with planning permission under planning application Nos. A/YL-PS/546 and 569.

8. Planning Intention

The planning intention of the "R(B)1" zone is intended primarily for sub-urban medium-density residential developments in rural areas where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

9. Comments from Relevant Government Departments

- 9.1 The following Government departments have been consulted and their views on the application and public comments 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 Scheduled Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval from the Government.
- (b) The Site is accessible from Ping Pak Lane via government land (GL) and private land. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site.
- (c) The Site does not fall within any Airfield Height Restriction Area.
- (d) Should planning approval be given to the 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, if any. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications for any of the above will be considered by LandsD acting in the capacity as landlord or lessor at its sole discretion and there is no guarantee that such application 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

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

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

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

- (a) The access arrangement should be commented by TD.
- (b) If the proposed access arrangement is agreed by TD, a proper road connection or run-in/out should be constructed at Ping Pak Lane by the applicant to the satisfaction of HyD.
- (c) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to the nearby public roads/drains.
- (d) HyD shall not be responsible for the maintenance of any access connecting the Site and Ping Pak Lane.

Environment

9.1.4 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 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.

Landscape

9.1.5 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 and operating as an open storage yard.

Existing trees are observed generally along the site boundary. The Site is situated in an area of urban fringe landscape character. Significant change to the landscape character arising from the application is not envisaged.

- (b) The applicant is reminded that approval of the planning application under s.16 does not imply approval of tree works such as felling, transplanting or pruning under lease. The applicant shall be reminded to approach relevant authority/government department(s) direct to obtain the necessary approval for any proposed tree preservation or removal scheme involving trees within or outside the Site.

Drainage

9.1.6 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. Should the Board considers that the application is acceptable from planning point of view, he would suggest that a condition should be stipulated in the approval letter requiring the applicant to implement and maintain the proposed drainage facilities to the satisfaction of his Division.
- (b) The applicant is reminded that the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and the adjacent areas.
- (c) The applicant should consult DLO/YL and seek consent from the relevant owners for any works to be carried out outside his lot boundary before commencement of the drainage works.

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 FSI 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.

Building Matters

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

- (a) Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are unauthorised building works (UBW) under the Buildings Ordinance (BO). An Authorised Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (b) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with the 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.
- (c) 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 (B(P)R) respectively.
- (d) 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 B(P)R at the building plan submission stage.

District Officer's Comments

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

- (a) His Office had conducted local consultation for the above application and one feedback was received.
- (b) He relayed one objection from villagers of Tong Fong Tsuen on grounds that the proposed development would cause adverse traffic impact and affect emergency services (**Appendix IV**).

9.2 The following Departments have no comment on the application:

- (a) Commissioner of Police (C of P);

- (b) Director of Agriculture, Fisheries and Conservation (DAFC);
- (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 Food and Environmental Hygiene (DFEH);
- (f) Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office (ES(A&M), AMO);
- (g) Director of Leisure and Cultural Services (DLCS); and
- (h) Director of Electrical and Mechanical Services (DEMS).

10. Public Comments Received During the Statutory Publication Period

- 10.1 On 29.1.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 19.2.2019, three objecting public comments were received (**Appendices V-1 to V-3**).
- 10.2 The villagers of Tong Fong Tsuen (**Appendix V-1**) object to the application mainly on the grounds that the proposed development would cause adverse traffic impact and affect emergency services. Two individuals (**Appendices V-2 and V-3**) object to the application on the grounds of inefficient land use and the Site should be used for residential development.

11. Planning Considerations and Assessments

- 11.1 The subject application is for temporary public vehicle park (private cars and light goods vehicles) for a period of 3 years a site zoned “R(B)1” on the OZP. The planning intention of the “R(B)1” zone is primarily for sub-urban medium-density residential developments in rural areas where commercial uses serving the residential neighbourhood may be permitted on application to the Board. Whilst the development is not entirely in line with the planning intention of the “R(B)1” zone, there is no known development proposal to implement the zoned use. According to the applicant, the proposed development could provide parking spaces to serve any such demand in the residents nearby. Approval of the application on a temporary basis will not frustrate the planning intention of the “R(B)1” 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 unauthorised 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 Compared with the previously rejected applications for temporary container tractor/trailer park and open storage of construction/building materials, the current application is for temporary public vehicle park for private cars and light goods vehicles. The Committee has approved nine similar applications mainly for private cars and/or light goods vehicles within the same “R(B)1” zone. Approval of the current application is in line with the previous decisions of the Committee.
- 11.5 There are three public comments objecting to the application received on the grounds as summarized in paragraph 10. Besides, DO(YL), HAD has relayed one local objection on the application on grounds of adverse traffic impact as summarised in paragraph 9.1.9 above. The planning considerations and assessments in 11.1 to 11.4 are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessment made in paragraph 11, and having taken into account the public comments mentioned in paragraph 10, the Planning Department has no objection the application.
- 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 year, until **31.5.2022**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) No medium and heavy goods vehicles exceeding 5.5 tonnes (including container trailer/tractor) as defined in the Road Traffic Ordinance is allowed to enter/be parked on the Site, as proposed by the applicant, at all times during the planning approval period;
- (b) a notice shall be posted at a prominent location of the Site at all times to indicate that only private cars and light goods vehicles (not exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance are allowed to enter/be parked on the Site during the planning approval period;
- (c) no vehicles without valid licences issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site at any time during the planning approval period;
- (d) no vehicle repairing, car beauty, car washing or workshop activity is allowed on the Site, as proposed by the applicant, at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public

road at any time during the planning approval period;

- (f) the existing vegetation within the Site shall be maintained in good condition at all times during the planning approval period;
- (g) the provision of boundary fencing within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 30.11.2019;
- (h) the implementation of the accepted drainage proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 29.2.2020;
- (i) in relation to (h) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (j) the submission of 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 30.11.2019;
- (k) in relation to (j) above, the implementation of 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 29.2.2020;
- (l) the submission of a road connection or run-in/out proposal within **6** months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 30.11.2019;
- (m) in relation to (l) above, the provision of road connection or run-in/out proposal within **9** months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 29.2.2020;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) 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; and
- (o) if any of the above planning conditions (g), (h), (j), (k), (l) or (m) 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.

Advisory clauses

The recommended advisory clauses are attached at **Appendix VI**.

12.3 Alternatively, should the Committee decide to reject the application, the

following reason for rejection is suggested for Members' reference:

the "R(B)1" zone is intended primarily for sub-urban medium-density residential development. The development is not in line with the planning intention of the "R(B)1" zone. No strong planning justification has been given in the submission for a departure from the planning intention.

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

Appendix I	Application form received on 21.1.2019
Appendix Ia	Email of 1.4.2019 providing estimated trip generation and attraction
Appendix Ib	Letter of 23.5.2019 providing response to public comment
Appendix II	Previous Applications covering the Site
Appendix III	Similar Applications within the same "R(B)1" zone on the approved Ping Shan OZP No. S/YL-PS/18
Appendix IV	Local Comment relayed from DO(YL), HAD
Appendices V-1 to V-3	Public Comments Received During the Statutory Publication Period
Appendix VI	Advisory Clauses
Drawing A-1	Lot Index Plan
Drawing A-2	Master Car Park Layout Plan
Drawing A-3	Proposed Landscape, Drainage and Existing Fence Wall Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and 4b	Site Photos