

RNTPC Paper No. A/YL-PS/557
For Consideration by
the Rural and New Town
Planning Committee
on 6.4.2018

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/557

- Applicant** : The Incorporated Owners of Hong Ping Villa represented by Kong Shum Union Property Management Co. Ltd.
- Site** : Lot 1342 (Part) in D.D. 122, Ping Shan, Yuen Long, New Territories
- Site Area** : About 417m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Ping Shan Outline Zoning Plan No. S/YL-PS/17
- Zoning** : “Open Space” (“O”) (91.4%) and
“Residential (Group E) 2” (“R(E)2”) (8.6%)
[Restricted to a maximum plot ratio of 0.6 and a maximum building height of 5 storeys including car park for “R(E)2” zone]
- Application** : Temporary Vehicle Park for Private Cars and Light Vans 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 vehicle park for private cars and light vans for a period of 3 years (**Plan A-1**). The Site is currently used for the applied use without valid planning permission.
- 1.2 The Site is related to Application Nos. A/YL-PS/323 and 414 for the same use (**Plan A-1**) approved by the Rural and New Town Planning Committee (the Committee) of the Board on 13.8.2010 and 2.8.2013 respectively. The last Application No. A/YL-PS/414 was revoked on 12.3.2014 due to non-compliance with approval condition. Details of the previous application are summarized at paragraph 5 below and at **Appendix II**.
- 1.3 The Site is accessed through the internal road of Hong Ping Villa to connect Castle Peak Road – Ping Shan. According to the applicant, the vehicle park is

for the use of residents of Hong Ping Villa. The proposed layout plan is at **Drawing A-1**. No structure is proposed.

- 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/414) (a)	Current Application (A/YL-PS/557) (b)	Difference (b) – (a)
Site area	347m ²	417m ²	+ 70m ² (due to latest survey of site area)
Applied Use	Renewal of Temporary Vehicle Park for Private Cars and Light Vans for a Period of 3 Years	Temporary Vehicle Park for Private Cars and Light Vans for a Period of 3 Years	No change
No. of parking spaces	5 in total (private cars and light vans)	5 in total (private cars and light vans)	No change
Operation hours	24 hours daily	7 a.m. to 11 p.m. daily	No operation between 11 p.m. to 7 a.m.

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

- (a) Application form received on 12.2.2018 **(Appendix I)**
- (b) Letter of 13.3.2018 responding to TD's comment **(Appendix Ia)**
- (c) Letter of 20.3.2018 clarifying the difference in site area, operation hours and provision of fencing **(Appendix Ib)**
- (d) Letter of 26.3.2018 providing condition record of drainage facilities and proposal on provision of notice to remind pedestrian safety **(Appendix Ic)**

2. Justifications from the Applicant

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

- (a) There are inadequate parking spaces within Hong Ping Villa for private cars and light vans for the use of the residents and visitors.
- (b) The operation hours are from 7 a.m. to 11 p.m. daily.
- (c) Corrugated metal fencing will be provided to minimise noise nuisance to nearby residents.
- (d) In response to public comments, safety notice will be provided to remind pedestrian 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 Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31) by posting site notice and sending notice to the Ping Shan Rural Committee by registered post. 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 under taken by his office.

5. Previous Applications

5.1 The Site is involved in two previous applications (Nos. A/YL-PS/323 and 414) submitted by the same applicant. Details of the previous application are summarized at **Appendix II** and their locations are shown on **Plan A-1**.

5.2 Application No. A/YL-PS/323 for the same use for a period of 3 years was approved with conditions by the Committee on 13.8.2010. The major considerations included the development was not incompatible with the surrounding land uses; the development could serve the parking needs of some local residents; and it was unlikely to create significant adverse traffic, environmental, drainage and landscape impacts on the surrounding areas. All the approval conditions were complied with, and the planning permission lapsed on 14.8.2013.

5.3 Renewal Application No. A/YL-PS/414 for the same use but operation hours extended from 7 a.m. - 12 a.m. to 24 hours daily was approved with conditions by the Committee on 2.8.2013 until 13.8.2016. The approval was revoked due to non-compliance with approval condition on submission of condition record of the drainage facilities.

5.4 Compared with the last approved Application No. A/YL-PS/414, the current application is submitted by the same applicant for the same use on the same site with the same parking layout but shorter operation hours.

6. Similar Application

There is no similar application for temporary vehicle park within the same “O” and “R(E)2” zones of the draft Ping Shan OZP.

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; and
- (b) accessed only through the internal road of Hong Ping Villa to connect Castle Peak Road - Ping Shan.

7.2 The surrounding areas have the following characteristics:

- (a) to the immediate north and north-east are vacant land;
- (b) to the immediate east is a site office of Water Supplies Department;
- (c) to its immediate west is Hong Ping Villa which is a low-rise residential development comprising 26 houses of 2-storey high. To its north-west is another residential development of 4 to 5-storey high known as Fiori; and
- (d) to its south is vacant land while to its further south across the Light Rail tracks along Castle Peak Road - Ping Shan is Long Bin Interim Housing.

8. Planning Intentions

8.1 The “O” zone is intended primarily for the provision of outdoor open-air space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

8.2 The “R(E)2” zone is intended primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the Board. Whilst existing industrial uses will be tolerated, new industrial developments are not permitted in order to avoid perpetuation of industrial/residential interface problem.

9. Comments from Relevant Government Departments

9.1 The following Government departments have been consulted on the application and the public comments and their views 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 an Old Schedule Agricultural Lot held under the Block Government Lease which contains the restrictions that no structures are allowed to be erected without the prior approval of the Government.

- (b) The Site is accessible to Castle Peak Road - Ping Shan via government land (GL) and private land. His office does not provide maintenance works for GL involved and does not guarantee any right-of-way to the Site.
- (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 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.

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 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.

9.1.3 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 the nearby public roads/drains.
- (c) HyD shall not be responsible for the maintenance of any access connecting the Site and Castle Peak Road - Ping Shan.

Drainage

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

- (a) He has no objection in principle to the proposed development from a drainage point of view.
- (b) 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 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

9.1.6 Comments of the Director of Fire Services (D of FS):

He has no objection in principle to the application subject to no structure being erected within the Site.

Landscape

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

- (a) He has no objection to the application from the landscape planning point of view.
- (b) With reference to the site photos dated 23.2.2018 and aerial photo of 2017, it is observed that the Site is completely hard paved and in operation. Existing trees is observe generally to the east of the Site. The Site is situated in an area of urban fringe landscape character. Significant change to the landscape character arising from the application is not anticipated. He has no objection to the

application from the landscape planning perspective.

- (c) Some of the trees implemented under the previous application were removed. Should the Board approve the application, he would recommend an approval condition on the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the Board to be included in the permission.
- (d) The applicant is advised that the approval of the landscape proposal under s16 application does not imply approval of tree works such as pruning, transplanting and felling under lease. Tree works applications should be submitted direct to DLO for approval.
- (e) In compliance with the “Technical Note on the Submission and Implementation of Landscape Proposals for Compliance with Conditions for Approved Applications for Open Storage and Port Back-up Uses”, the applicant should leave adequate spacing between the fence, structures and trees to promote a more sustainable growing environment for the trees. A minimum distance of 600mm between the fence and the tree planting should be provided.
- (f) The applicant is also advised that there should be a minimum soil provision of 1m (W) x 1m (L) x 1.2m (D) for each tree.
- (g) Precautious measures such as bollards and/or kerbs should be proposed to prevent damage to the trees.
- (h) The applicant shall be reminded of the importance of general tree care as well as proper tree maintenance. Useful information on general tree maintenance is available for reference in 護養樹木的簡易圖解 (http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf) and the Handbook of Tree Management (Chinese Version: http://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html) published by the GLTM Section, DEVB.

Water Supply

9.1.8 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) He has no objection to the application.
- (b) For provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall

resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside service within the private lots to WSD's standards.

Others

9.1.9 Comments of the Director of Leisure and Cultural Services (DLCS):

- (a) The Site is zoned "O" and "R(E)2" on the OZP. It is not on the priority list for development agreed by the Yuen Long District Council. His office has no plan to develop the Site into public open space at present.
- (b) Since the application involves private lots only, he has no in-principle objection to the application.

9.1.10 Comments of the Director of Electrical and Mechanical Services (DEMS):

He has no particular comment on the application from electricity supply safety aspect. However, in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organising and supervising any activity near the underground cable or overhead line under the mentioned application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the concerned site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

District Officer's Comments

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

His office has not received any comment from the locals upon the end of consultation period.

9.2 The following departments have no comment on the application:

- (a) Antiquities and Monuments Office, Leisure and Cultural Services Department (AMO, LCSD);
- (b) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);

- (c) Commissioner of Police (C of P);
- (d) Director of Agriculture, Fisheries and Conservation (DAFC);
- (e) Chief Engineer/Special Tasks, Civil Engineering and Development Department (CE/ST, CEDD); and
- (f) Project Manager (West), CEDD, (PM(W), CEDD).

10. Public Comments Received During Statutory Publication Period

- 10.1 On 23.2.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 16.3.2018, three public comments were received objecting to the application on grounds of not in line with the planning intention, threatening the safety of residents and pedestrians, air and noise pollution, nuisance, operation at night, not compatible with the surrounding land uses and undesirable precedent. (**Appendices III-1 to III-3**).

11. Planning Considerations and Assessments

- 11.1 The Site falls mainly within an area zoned “O” (91.4%) which is intended primarily for the provision of outdoor open-air space for active and/or passive recreational uses serving the needs of local residents as well as the general public. Whilst the development is not in line with the planning intention of the “O” zone, DLCS advises that the Site is currently not on the priority list for open space development by the Yuen Long District Council. As such, approval of the application on a temporary basis for 3 years would not frustrate the long-term planning intention of the “O” zone.
- 11.2 The applied development is not incompatible with the surrounding uses including residential dwellings, unused land and a WSD site office (**Plan A-2**).
- 11.3 Relevant Government departments, including AC for T/NT of TD, CHE/NTW of HyD, CE/MN of DSD, CTP/UD&L of PlanD, DEP and D of FS have no objection to or no adverse comment on the application. The applied 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 two previous applications for the same use at the Site. Approval of the current application is in line with the previous decisions of the Committee.

- 11.5 The last application No. A/YL-PS/414 submitted by the same applicant for the same applied use was revoked due to non-compliance with the time-limited approval condition on the submission of condition record of existing drainage facilities. For the current application, the applicant has submitted photos of existing drainage facilities. CE/MN, DSD has no objection to the application. Sympathetic consideration may be given to the current application. Nevertheless, shorter compliance periods are recommended in order to closely monitor the progress of compliance with approval conditions. Should the application be approved, the applicant should be advised that should the applicant fail to comply with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration would not be given to any of the application.
- 11.6 There are three 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, the applicant proposes to post a notice to remind pedestrian safety on the access road to the Site. A relevant approval condition is recommended in paragraph 12.2(d). On other concerns, the above planning consideration and assessment are 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 vehicle park for private cars and light vans 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 **6.4.2021**. 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) no vehicles other than private cars and light vans, as proposed by the applicant, are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (c) no vehicles without valid licences issued under the Road Traffic Ordinance are allowed to be parked/stored on the Site at any time 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, as proposed by the applicant, at all times 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 drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (g) the submission of the condition record of the existing drainage facilities on the Site 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 **6.7.2018**;
- (h) the provision of fencing within **3** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **6.7.2018**;
- (i) the submission of landscape proposal within **3** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **6.7.2018**;
- (j) in relation to (i) above, the implementation of landscape proposal within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **6.10.2018**;
- (k) if any of the above planning conditions (a), (b), (c), (d) (e) or (f) 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;
- (l) if any of the above planning condition (g), (h), (i) or (j) 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
- (m) upon the expiry of the planning permission, the reinstatement of the application 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 IV**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

The development is not in line with the planning intention of the "O" zone which is intended primarily for the provision of outdoor open-air space for active and/or passive recreational uses serving the needs of local residents as well as the general

public. No strong planning justification has been given in the submission for a departure from the planning intentions, 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 12.2.2018
Appendix Ia	Letter of 13.3.2018 responding to TD's comment
Appendix Ib	Letter of 20.3.2018 clarifying the difference in site area, operation hours and provision of fencing
Appendix Ic	Letter of 26.3.2018 providing condition record of drainage facilities and proposal on provision of notice to remind pedestrian safety
Appendix II	Previous s.16 applications covering the Site
Appendices III-1 to III-3	Public comments received during statutory publication period
Appendix IV	Advisory Clause
Drawing A-1	Proposed Layout Plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos