

RNTPC Paper No. A/YL-PS/747
For Consideration by
the Rural and New Town
Planning Committee
on 2.5.2025

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/747

<u>Applicant</u>	: Mr. CHAN Chi Wing represented by Metro Planning & Development Company Limited
<u>Site</u>	: Lots 20 RP (Part), 21 RP (Part) and 22 RP (Part) in D.D.121, Ping Shan, Yuen Long
<u>Site Area</u>	: About 2,600 m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/20
<u>Zoning</u>	: “Village Type Development” (“V”) (about 87.3%) and <i>[Restricted to a maximum building height of 3 storeys (8.23m)]</i> “Government, Institution or Community” (“G/IC”) (about 12.7%)
<u>Application</u>	: Temporary Public Vehicle Park for Private Cars for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary public vehicle park for private cars for a period of three years at the application site (the Site) (**Plan A-1**) zoned “V” and “G/IC” on the OZP. According to the Notes of the OZP, ‘public vehicle park (excluding container vehicle)’ is a Column 1 use in “G/IC” zone which is always permitted while it is a Column 2 use in “V” zone which requires planning permission from the Town Planning Board (the Board). The Site is currently hard-paved, fenced off and occupied by the applied use with a wider range of types of vehicles¹ without valid planning permission (**Plans A-2, A-4a to A-4b**).
- 1.2 The Site with the ingress/egress at the southwestern part is accessible from Ping Kwai Road via a local track (**Drawings A-2 and A-3, Plans A-2 and A-3**). According to the applicant, a total of 85 parking spaces for private cars (5m x 2.5m each) are provided within the Site. No light goods vehicle, medium goods vehicle, heavy goods vehicle and/or container trailer/tractor will be allowed to

¹ Vehicle types including private cars, lorries and coaches were found on site (Plan A-4).

enter the Site and no vehicle without valid licences issued under the Road Traffic Ordinance is allowed to be parked at the Site. No workshop and repairing activities will be carried out at the Site. The operation hours are from 7 a.m. to 11 p.m. daily. The site plan, location plan with vehicular access, layout plan and drainage plan submitted by the applicant are at **Drawings A-1 to A-4** respectively.

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

- (a) Application Form with attachments received on 3.3.2025 (Appendix I)
- (b) Further Information (FI) received on 22.4.2025 (Appendix Ia)
(accepted and exempted from publication and recounting requirements)

2. **Justifications from the Applicant**

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

- (a) The applied use could cater for the exigent demand for parking spaces in Tong Fong Tsuen and regularise the parking use at the Site.
- (b) The applied use is always permitted in “G/IC” zone and due to its temporary nature it would not frustrate the planning intention of the “V” zone.
- (c) Similar applications have been approved in the vicinity of the Site. The applied use is compatible with the surrounding environment.
- (d) The applied use will not generate significant traffic, environmental and noise impacts to its surroundings.

3. **Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is not the “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. 31B) by posting site notice and sending registered mail to Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

The parking of vehicles use at the Site is a suspected unauthorized development (UD) which would be subject to planning enforcement action.

5. Previous Application

The southern part of the Site was involved in a previous planning application (No. A/YL-PS/53) for temporary public vehicle park for private cars, lorries, coaches, light goods vehicles and container trailers for a period of 12 months approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 1999 mainly on the considerations that the applied use would not jeopardise the long-term planning intention; the applied use was being not incompatible with surrounding land uses; and there was no adverse comment from concerned government departments. Details of the previous application is summarised at **Appendix II** and the location is shown on **Plan A-1**.

6. Similar Applications

There are four similar applications for temporary public vehicle park for various types of vehicles within/straddling the same “V” and “G/IC” zones which were all approved by the Committee in the past five years mainly on similar considerations as those mentioned in paragraph 5 above. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) hard-paved, fenced off and currently occupied by the applied use with a wider range of types of vehicles without planning permission; and
- (b) accessible from Ping Kwai Road via a local track.

7.2 The surrounding areas comprise predominantly parking of vehicles/coaches, open storage/storage yards, shop and services intermixed with vacant land, scrubland, unused land and residential dwellings. Some of these uses are covered by valid planning permissions while some other uses are suspected UD subject to planning enforcement action.

8. Planning Intentions

- 8.1 The planning intention of “V” zone is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small House (SH) 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.

- 8.2 The planning intention of “G/IC” zone is primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organisations providing social services to meet community needs, and other institutional establishments.

9. Comments from Relevant Government Departments

All government departments consulted have no objection to/no adverse comment on the application. Their general comments on the application and advisory comments are provided in **Appendices III and IV** respectively.

10. Public Comment Received During the Statutory Publication Period

On 11.3.2025, the application was published for public inspection. During the statutory public inspection period, one public comment (**Appendix V**) was received from an individual expressing concern that the Site was not previously covered by any planning permission; additional carpark is not necessary; and the approval conditions for the adjoining site covered by valid planning permission (application No. A/YL-PS/683) (**Plan A-2**) have not been complied with.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary public vehicle park for private cars for a period of three years at the Site mainly zoned “V” (about 87.3%) with a portion of “G/IC” zone (about 12.7%) on the OZP. While the applied use is always permitted under the “G/IC” zone, it requires planning permission from the Board for the portion of the Site zoned “V” on the OZP. Whilst the development is not in line with the planning intention of the “V” zone, it could provide vehicle parking spaces to meet any such parking demand in the area. According to the District Lands Officer/Yuen Long of Lands Department, there is no SH application approved or under processing at the “V” zone portion of the Site. Approval of the application on a temporary basis for a period of three years would not jeopardise the long-term planning intention of the “V” zone.
- 11.2 The Site is mainly surrounded by parking of vehicles/coaches, open storage/storage yards, shop and services intermixed with vacant land, scrubland, unused land and residential dwellings (**Plan A-2**). The applied use is considered not incompatible with the surrounding land uses.
- 11.3 Relevant government departments consulted including the Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department, Director of Environmental Protection and Director of Fire Services have no objection to/no adverse comment on the application from traffic, drainage,

environmental and fire safety perspectives respectively. Furthermore, relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of concerned government departments. Should the planning application be approved, the applicant will also 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 possible environmental nuisance on the surrounding areas.

- 11.4 The Committee has approved a previous application for temporary public vehicle park involving the Site in 1999 and four similar applications within/straddling the same “V” and “G/IC” zones in the past five years. Approval of the application is in line with the previous decisions of the Committee.
- 11.5 Regarding the public comment as summarised in paragraph 10 above, 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 has no objection to 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 three years until **2.5.2028**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of a revised drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **2.11.2025**;
- (b) in relation to (a) above, the implementation of the revised drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **2.2.2026**;
- (c) in relation to (b) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (d) the submission of a fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **2.11.2025**;
- (e) in relation to (d) above, the implementation of the fire service installations proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the

Town Planning Board by **2.2.2026**;

- (f) if the above planning condition (c) 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
- (g) if any of the above planning condition (a), (b), (d) or (e) 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 IV**.

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

the applied use is not in line with the planning intention of the "V" zone which is primarily for development of Small Houses by indigenous villagers. 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.

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 with attachments received on 3.3.2025
Appendix Ia	FI received on 22.4.2025
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Site Plan
Drawing A-2	Location Plan with Vehicular access
Drawing A-3	Layout Plan

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

PLANNING DEPARTMENT
MAY 2025