

RNTPC Paper No. A/YL-PS/748
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/748

<u>Applicant</u>	: Mr. TANG Pin Fai represented by Metro Planning and Development Company Limited
<u>Site</u>	: Lots 387 S.C ss.3 RP (Part), 387 S.C ss.4, 387 S.C ss.5, 387 S.C ss.6 (Part), 387 S.C ss.7 (Part) & 387 S.C RP in D.D. 122, Sheung Cheung Wai, Ping Shan, Yuen Long
<u>Site Area</u>	: About 1,050 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”) <i>[Restricted to a maximum building height of 3 storeys (8.23m)]</i>
<u>Application</u>	: Temporary Public Vehicle Park (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-1a**) zoned “V” on the OZP. According to the Notes of the OZP for the “V” zone, ‘public vehicle park (excluding container vehicle)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently hard-paved and occupied by the applied use without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site with the ingress/egress at the western part is accessible from Tsui Sing Road (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, a total of 25 parking spaces for private cars (5m x 2.5m each) are provided within the Site. No container vehicles/tractors and vehicle exceeding 5.5 tonnes are allowed to enter and stall at the Site and no vehicle without valid licences issued under the Road Traffic Ordinance is allowed to be parked at the Site. No vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity will be carried out on the Site. The operation hours of the public vehicle park are from 7:00 a.m. to 11:00 p.m. daily. The site plan, location plan, layout plan, as-built drainage plan submitted by the applicant are at **Drawings A-1 to A-4**

respectively.

- 1.3 The Site was involved in five previous applications including four for temporary public vehicle park use (No. A/YL-PS/363, 466, 554 and 628) for a period of three years approved by the Rural and New Town Planning Committee (the Committee) of the Board (details at paragraph 5 below). Compared with the last application No. A/YL-PS/628 approved in 2021, the current application is submitted by the same applicant for the same use on the same site with similar site layout and development parameters.
- 1.4 In support of the application, the applicant has submitted the Application Form with attachments received on 6.3.2025 (**Appendix I**).

2. Justifications from the Applicant

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

- (a) The applied use is in line with the planning intention of the “V” zone for the convenience of villagers. There is insufficient supply to meet the exigent parking demand in Sheung Cheung Wai.
- (b) The applied use is compatible with the surrounding environment. The parking of private cars would generate insignificant environmental, noise and traffic impacts to the surrounding areas.
- (c) The Site is subject to previous planning permissions for temporary public vehicle park use since 2012. The applicant has complied with all the approval conditions imposed to the last planning permission. Besides, similar applications have been approved in the vicinity of the Site.

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 the 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 Applications**

- 5.1 The Site was in whole or in part involved in five previous planning applications (No. A/YL-PS/178, 363, 466, 554 and 628) for temporary barbecue area and temporary public vehicle park. Four of them were approved by the Committee while the remaining one was rejected by the Board upon review. Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1b**.

Approved Applications

- 5.2 Applications No. A/YL-PS/363, 466, 554 and 628 for temporary public vehicle park for private cars with/without light goods vehicles for a period of three years were approved by the Committee with conditions between 2012 and 2021 mainly on considerations that the applied use would not jeopardise the long-term planning intention; being not incompatible with the surrounding land uses; and there were no adverse comments from concerned government departments. All the time-limited approval conditions of the last approved application (No. A/YL-PS/628) had been complied with and the planning permission lapsed on 2.3.2024.

Rejected Application

- 5.3 Application No. A/YL-PS/178 for temporary barbecue area for a period of three years was rejected by the Committee in 2004. The considerations are not relevant to the current application which involves a different use.

6. **Similar Applications**

There are 22 similar applications for temporary public vehicle park for various types of vehicles within/straddling the same “V” zone which were all approved by the Committee in the past five years mainly on similar considerations as those mentioned in paragraph 5.2 above. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1a**.

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

- 7.1 The Site is:

- (a) hard-paved and currently occupied by the applied use without valid planning permission; and
- (b) accessible from Tsui Sing Road.

- 7.2 The surrounding areas have the following characteristics:

- (a) comprise predominantly residential dwellings intermixed with vehicle parks, a school, restaurant, shop and services, a pond and unused/vacant land. Some of these uses are covered by valid planning permissions while some other uses are suspected UD subject to planning enforcement action;

and

- (b) to the north and south are the Tsui Sing Lau Pagoda and the village settlement of Sheung Cheung Wai respectively.

8. Planning Intention

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

9. Comments from Relevant Government Departments

- 9.1 Apart from the government department as set out in paragraph 9.2 below, other 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 IV and V** respectively.
- 9.2 The following government department objects to the application:

Land Administration

Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) he objects to the application from land administration point of view;
- (b) the Site comprises Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
- (c) it is noted that no structure is proposed on the Site;
- (d) the following irregularities not covered by the current application have been detected by his office:

Unauthorised structures within Lot 387 S.C ss.3 RP in D.D. 122 not covered by the current application

- (i) there are unauthorised structures within Lot 387 S.C ss.3 RP not covered by the current application. The lot owner should

immediately rectify the lease breaches and inform his office upon rectification. His office reserves the rights to take lease enforcement action against the breaches without further notice; and

- (ii) unless and until the unauthorised structures are duly rectified by the lots owners/applicants or entirely included in the current application, his office objects to the application which must be brought to the attention of the Board when it considers the application;
- (e) there is no SH application approved at the Site; and
- (f) to note his advisory comments as detailed in **Appendix V**.

10. Public Comment Received During the Statutory Publication Period

On 14.3.2025, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

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 zoned “V” on the OZP. Whilst the development is not entirely 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 DLO/YL of LandsD, there is no SH application approved at the Site. Approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “V” zone.
- 11.2 The Site is mainly surrounded by residential dwellings intermixed with vehicle parks, a school, restaurant, storage uses, shop and services, a pond and unused/vacant land (**Plan A-2**). The applied use is considered not incompatible with the surrounding land uses.
- 11.3 Concerned government departments consulted, including the Commissioner for Transport, Director of Environmental Protection, Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department have no objection to/no adverse comment on the application from traffic, environmental, fire safety and drainage aspects 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” to minimise possible environmental nuisance on the surrounding areas.
- 11.4 Regarding DLO/YL of LandsD’s concern on the unauthorised structures outside

the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.

- 11.5 The Committee has approved four previous applications for the same use covering different extents of the Site between 2012 and 2021 as well as 22 similar applications within/straddling the same “V” zone in the past five years. Approval of the application is in line with the previous decisions of the Committee.

12. Planning Department’s Views

- 12.1 Based on the assessment made in paragraph 11 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 existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (b) the submission of a condition record of the existing drainage facilities within **3** months from the date of the commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **2.8.2025**;
- (c) 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**;
- (d) in relation to (c) 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**;
- (e) if the above planning condition (a) 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
- (f) if any of the above planning condition (b), (c) or (d) 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 V**.

- 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 6.3.2025
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Site Plan
Drawing A-2	Location Plan
Drawing A-3	Layout Plan
Drawing A-4	As-built Drainage Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MAY 2025**