

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-PK/202

- Applicant** : Mr. PANG Wing Chun represented by Ms. TSIM Lee Hing Sita
- Site** : Lot 2366 RP in D.D. 91, Ping Kong, Sheung Shui, New Territories
- Site Area** : About 2,258.8m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Kong Outline Zoning Plan (OZP) No. S/NE-PK/11
- Zoning** : “Village Type Development” (“V”)
- Application** : Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary public vehicle park (private cars and light goods vehicles) for a period of three years at the application site (the Site). The Site falls within an area zoned “V” on the approved Ping Kong OZP No. S/NE-PK/11 (**Plan A-1**). According to the Notes of the OZP, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use within the “V” zone, which requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use without valid planning permission.
- 1.2 The Site is situated at the north-eastern fringe of Ping Kong Village and is accessible via Ping Kong Road. The applied use comprises a total of 60 parking spaces, of which 45 are for private cars (5m x 2.5m each) and 15 are for light goods vehicles (7m x 3.5m each), as well as a one-storey temporary structure (2.6m in height) with a covered area of about 13.4m² for site office and guard house use near the vehicular entrance/exit (**Drawing A-1**).
- 1.3 According to the applicant’s submission, the vehicle park operates 24 hours daily. To ensure pedestrian safety, alarming device and roadside convex mirrors will be installed at the vehicular entrance/exit. The existing vehicular gate at the south-western boundary of the Site will be modified to solely serve as pedestrian entrance/exit (of 1.5m wide). The proposed site layout, vehicular access plan, drainage and fire service installations (FSIs) plans submitted by the applicant are shown in **Drawings A-1 to A-4** respectively.

- 1.4 The Site is the subject of a previous application (No. A/NE-PK/191) submitted by a different applicant for the same use for a period of three years, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 24.11.2023. However, the planning permission was revoked on 24.5.2024 due to the non-compliance with the approval conditions in relation to submission of the drainage and FSIs proposals. Details of the previous application are set out in paragraph 5 below.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 24.7.2024 (Appendix I)
 - (b) Further Information (FI) received on 9.9.2024* (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 and Ia**, as summarised below:

- (a) although there are already two vehicle parks in Ping Kong Village, there are still inadequate parking spaces in view of increasing parking demand in the area. Illegal parking is observed near Ping Kong Road causing traffic congestion and pedestrian safety concerns;
- (b) the Site belongs to Tso/Tong land of Fanling Wai. The vehicle park will also serve nearby residents including those living in Fanling Wai and Cheung Lung Wai Estate;
- (c) the daily vehicular trips to/from the Site are about 25 to 35. To avoid traffic congestion, vehicular entrance/exit with a width of 7m and adequate manoeuvring space are provided within the Site. It is anticipated that no adverse traffic impact would be incurred on the existing road network;
- (d) the applied use would not involve felling of trees and filling or excavation of land. The applied use would be connected to the nearby drainage system, and no adverse drainage impact is envisaged; and
- (e) the Site is the subject of a previously approved application (No. A/NE-PK/191), and the planning permission was revoked since the previous applicant overlooked the deadline for complying with the approval conditions in relation to the submission of drainage and FSIs proposals. The current applicant has prepared the relevant proposals (**Drawings A-3 and A-4**) for this submission.

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. 31B) by obtaining consents of the “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is not subject to any active enforcement action.

5. Previous Application

- 5.1 The Site is the subject of a previous application (No. A/NE-PK/191) submitted by a different applicant for the same use for a period of three years, which was approved with conditions by the Committee on 24.11.2023 mainly on considerations that it would not frustrate the long-term planning intention of the “V” zone; it was not incompatible with the surrounding areas; and no significant adverse impact arising from the applied use was anticipated. However, the planning permission granted under the previous application was revoked on 24.5.2024 due to non-compliance with approval conditions relating to the submission of the drainage and FSIs proposals.
- 5.2 As compared to the previous application, there is no change in site layout and major development parameters under the current application, except for minor adjustments to the configuration of the parking spaces as well as change in size of light goods vehicles parking spaces from 5m x 2.5m to 7m x 3.5m each.
- 5.3 Details of the previous application are at **Appendix II** and its location is shown on **Plans A-1** and **A-2**.

6. Similar Applications

- 6.1 There are four similar applications (No. A/NE-PK/136, 141, 156 and 192) for temporary private car park (private cars and light goods vehicles) within the same “V” zone in the vicinity of the Site (**Plan A-1**) in the past five years, which were approved with conditions by the Committee between 2019 and 2023 mainly on similar considerations as stated in paragraph 5.1 above.
- 6.2 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) located at the north-eastern fringe of Ping Kong Village;
- (b) largely paved with minor portions covered with self-seeded vegetation; and
- (c) accessible via Ping Kong Road.

7.2 The Site is located in an area of predominantly rural characters comprising village houses, school, tree clusters, vegetated areas and vacant/unused land.

8. Planning Intention

The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. 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.

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 or no adverse comments on the application. Their general comments on the application and recommended advisory clauses are provided at **Appendices IV and V** respectively.

9.2 The following government department has conveyed local views on the application:

District Officer’s Comments

9.2.1 Comments of the District Officer (North), Home Affairs Department (DO(N), HAD):

the Resident Representative and villagers of Ping Kong Village provide comments on the application that (i) there are adequate car parking spaces in the Village; (ii) the applied use would cause potential air pollution and noise nuisance to the nearby residents; (iii) the applicant shall install alarming device at the vehicular entrance/exit to ensure pedestrian safety; (iv) the applicant shall relocate/remove the existing container and associated supporting structures (currently placed near the vehicular entrance/exit) to other location in order to protect fung shui of the village and the safety of villagers; and (v) the applicant shall ensure effective operation of the drainage facilities on site to avoid flooding in wet season.

10. Public Comments Received During Statutory Publication Period

The application was published for public inspection. During the statutory public inspection period, three comments from individuals were received. Among them, two raise objection or provide comments (**Appendix VIa**) that the applied use would aggravate traffic congestion problem and pose pedestrian safety and health concerns; and the non-compliance with relevant approval conditions of the previous application should be taken into account when considering the current application. The remaining one indicates no comment on the application (**Appendix VIb**).

11. Planning Considerations and Assessment

- 11.1 The application is for temporary public vehicle park (private cars and light goods vehicles) for a period of three years at the Site zoned “V” on the OZP. The planning intention of the “V” is primarily for development of Small Houses by indigenous villagers. Although the applied use is not entirely in line with the planning intention of “V” zone, it could serve the locals for meeting their car parking needs. According to District Lands Officer/North of Lands Department, there is no outstanding Small House grant application at the Site. In view of the above, it is considered that approval of the application on a temporary basis would not frustrate the long-term planning intention of the “V” zone.
- 11.2 The Site is located at the north-eastern fringe of Ping Kong Village and accessible via Ping Kong Road. The applied use is not incompatible with the surrounding areas which are predominated by village houses, tree clusters and vacant/unused land. The Commissioner for Transport has no comment on the application from traffic engineering point of view. The Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services (D of FS) have no objection to the application and recommend imposing approval conditions requiring the submission and implementation of drainage proposal and implementation of FSIs proposal. Other relevant departments have no objection to or adverse comment on the application.
- 11.3 The Site is the subject of a previously approved application (No. A/NE-PK/191) (**Plan A-2**) submitted by a different applicant for the same use as detailed in paragraph 5.1 above. The application was revoked due to non-compliance with approval conditions relating to the submission of drainage and FSIs proposals. The current applicant has submitted the drainage and FSIs proposals (**Drawings A-3 and A-4**) in support of the current application. In this regard, D of FS considers the FSIs proposal acceptable.
- 11.4 There are four similar applications within the same “V” zone in the vicinity of the Site which were approved by the Committee mainly on considerations as set out in paragraph 6.1. As such, approval of the current application is in line with the Committee’s previous decisions.
- 11.5 Regarding the local views conveyed by DO(N) of HAD as detailed in paragraph 9.2.1 above and public comments as detailed in paragraph 10 above, the government departments’ comments and the planning assessment above are

relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the local views conveyed by DO(N) of HAD in paragraph 9.2.1 and public comments 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 **20.9.2027**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the submission of a 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 **20.3.2025**;
- (b) the provision of drainage facilities 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 **20.6.2025**;
- (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 provision of water supplies for fire-fighting and fire service installations 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 **20.6.2025**;
- (e) 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
- (f) if any of the above planning condition (a), (b) 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 are suggested for Members' reference:

the applied use is not in line with the planning intention of the "V" zone which is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for

development of Small Houses by indigenous villagers. There is no strong planning justification in the submission to justify 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 the permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s) 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 24.7.2024
Appendix Ia	FI received on 9.9.2024
Appendix II	Previous application
Appendix III	Similar applications
Appendix IV	Government departments' general comments
Appendix V	Recommended advisory clauses
Appendix VI	Public comments
Drawing A-1	Layout plan
Drawing A-2	Vehicular access plan
Drawing A-3	Drainage plan
Drawing A-4	Fire service installations plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
SEPTEMBER 2024**