

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

**APPLICATION NO. A/YL-PS/583**

- Applicant** : Mr. Tang Kam Lun, Alan represented by Metro Planning and Development Company Limited
- Site** : Lot 455 S.A RP in D.D.122 and adjoining Government Land, Hang Mei Tsuen, Ping Shan, Yuen Long, New Territories
- Site Area** : About 1,068 m<sup>2</sup> (including about 60 m<sup>2</sup> Government Land)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/18
- Zoning** : "Village Type Development" ("V")  
[Restricted to maximum building height of 3 storeys (8.23m)]
- Application** : 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 (private cars) for a period of 3 years at the application site (the Site) (**Plan A-1**). The Site is currently used for the applied use with valid planning permission under Application No. A/YL-PS/516 with a smaller number of parking spaces.
- 1.2 According to the Notes for the "V" 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 is currently seeking temporary permission for a period of 3 years.
- 1.3 The Site is involved in one previous application (No. A/YL-PS/516) for temporary public vehicle park for private cars, which was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 22.4.2016. All the time-specific approval conditions have been complied with. The planning permission is valid until 22.4.2019. Details of the previous application are summarised at paragraph 5 and at **Appendix II**.

- 1.4 A comparison of the major development parameters of the last approved application and current application is as follows:

Major Development Parameters	Approved Application (A/YL-PS/516) (a)	Current Application (A/YL-PS/583) (b)	Difference (b) – (a)
Site area	About 1,068 m <sup>2</sup> (including 60 m <sup>2</sup> government land)	About 1,068 m <sup>2</sup> (including 60 m <sup>2</sup> government land)	No change
Applied Use	Temporary Public Vehicle Park (Private Cars)	Temporary Public Vehicle Park (Private Cars)	No change
Total floor area	72 m <sup>2</sup>	36 m <sup>2</sup>	- 36 m <sup>2</sup> (-50%)
No. of structures	3 (Site office and shroff office, electricity meter room and toilet)	2 (Site office and Electricity meter room, toilet)	- 1 (-33.3%)
Maximum Height of Structures	3m (1 storey)	3m (1 storey)	No change
No. of parking spaces	15 (5m x 2.5m each)	28 (5m x 2.5m each)	+ 13 (+86.7%)
Operation hours	7:00 a.m. to 11:00 p.m. daily (including public holidays)	7:00 a.m. to 11:00 p.m. daily (including public holidays)	No change

- 1.5 Compared with the last Application No. A/YL-PS/516, the current application is submitted by the same applicant for the same use on the same site with a similar layout, a smaller total floor area (-36m<sup>2</sup>) and more parking spaces (+13 spaces).
- 1.6 The site plan, proposed layout plan, proposed tree preservation plan and as-built drainage plan are at **Drawings A-1 to A4** respectively.
- 1.7 According to the applicant, the Site is accessed via a vehicular track leading from Ping Ha Road. No light, medium, heavy goods vehicles, coaches, container tractors/trailers will be allowed to enter the Site. Vehicles without valid licences issued under the Road Traffic Ordinance will not be permitted to park at the Site. No vehicle repairing, dismantling, car beauty, car washing and workshop use will be carried out at the Site.
- 1.8 In support of the application, the applicant has submitted the following documents:
- (a) Application form of 24.1.2019 (received on 11.2.2019) (**Appendix I**)
  - (b) Supplementary planning statement with site plan, proposed layout plan, proposed tree preservation plan and as-built drainage plan (**Appendix Ia**)

## **2. Justifications from the Applicant**

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

- (a) The applicant has complied with all the planning conditions imposed to the last approved Application No. A/YL-PS/516.
- (b) The proposed development is in line with the planning intention of the “V” zone. The proposed development is a community use primarily for the convenience of the villagers. The nature and size of the proposed development would not affect the character of the village. The proposed development which is temporary in nature would not jeopardize the planning intention of the “V” zone in the long run.
- (c) The need of public parking of private cars and goods vehicles for villagers in Hang Mei has long existed. Although there are public vehicle parks approved by the Board to the north of the Site, such car parks are almost full at night.
- (d) The Site is generally surrounded by village houses and public car parks. The proposed development is compatible with the surrounding environment.
- (e) Similar applications within the same “V” zone were approved by the Board.
- (f) The proposed development would generate insignificant environmental, traffic and drainage impacts.

## **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 sending notice to the Ping Shan Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Background**

The current use at the Site is not subject to planning enforcement action. Follow-up investigation will be taken upon expiry of the current planning permission (No. A/YL-PS/516 valid until 22.4.2019) if the subject application is not approved by the Board.

## **5. Previous Application**

- 5.1 The Site is involved in one previous application (No. A/YL-PS/516), which was approved with conditions by the Committee. Details of the previous application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

- 5.2 Application No. A/YL-PS/516 for temporary public vehicle park for private cars for a period of 3 years was approved with conditions by the Committee on 22.4.2016. The major considerations were not frustrating the long-term planning intention; not incompatible with the surrounding land uses; concerned government departments have no objection to or adverse comments on the application; and approval of the application is in line with the Committee's previous decisions.
- 5.3 Compared with the last approved Application No. (A/YL-PS/516), the current application is submitted by the same applicant at the same site with with a similar layout, a smaller total floor area (-36m<sup>2</sup>) and more parking spaces (+13 spaces).

## **6. Similar Applications**

- 6.1 There are 24 similar applications (Nos. A/YL-PS/301, 304, 307, 310, 363, 366, 382, 390, 395, 410, 452, 466, 468, 479, 489, 492, 498, 522, 543, 549, 553, 554, 561 and 562) for temporary public vehicle park (private cars/private cars and light goods vehicles) use within the same "V" zone. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.
- 6.2 All of these 24 similar applications were approved by the Committee on considerations that the temporary use would not jeopardize the long term planning intention of the "V" zone, the use was not incompatible with the surrounding land uses, and the use was unlikely to create significant adverse traffic, environmental, drainage and visual impacts on the surrounding areas. Application Nos. 301, 468, 498 and 553 were revoked due to non-compliance with approval conditions.

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

- 7.1 The Site is:
- (a) currently used as a public vehicle park; and
  - (b) accessible via a vehicular track leading from Ping Ha Road.
- 7.2 The surrounding areas have the following characteristics:
- (a) to the north and northeast are vehicle parks, including coaches, buses and goods vehicles, with planning permission under Application Nos. A/YL-PS/515, 552 and 564, sites used as storage, parking of vehicles and car servicing which are suspected unauthorized development (UD), residential dwellings, store, orchard and sitting-out area;
  - (b) to the east and southeast are residential dwellings of Hang Mei Tsuen, the historic buildings of Kun Ting Study Hall and Ching Shu Hin;

- (c) to the further south across Ping Ha Road are plant nursery, refuse collection point, latrine, residential dwellings, restaurant, vacant land, vehicle park with planning permission under Application No. A/YL-PS/571 and sites used as parking of vehicles and storage which are suspected UD; and
- (d) to the west and north-west are footpaths and cycle track.

## **8. Planning Intention**

The planning intention of “V” zone is to reflect existing recognized 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 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 The following Government Departments have been consulted and their views on the application and the 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 Government Land (GL) and an Old Scheduled Agricultural Lot held under Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government.
- (b) Within the Site, Lot No. 455 S.A RP in D.D. 122 is covered by Short Term Waiver (STW) No. 4712 whereas the GL therein is covered by a Short Term Tenancy (STT) No. 3094 to permit structures erected thereon for the purpose of “Temporary Public Vehicle Park (Private Cars)”.
- (c) The Site is accessible from Ping Ha Road via Government 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.

- (d) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (e) Should planning approval be given to the subject planning application, the STW/STT holder(s) will need to apply to his office for modification of the STW/STT conditions where appropriate. Besides, given the proposed use is temporary in nature, only application for regularization 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 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.
- (f) There is no Small House application received or approved at the Site. In its vicinity (within 30m), there is one Small House application currently under processing, and nine Small Houses applications have been approved.

### **Building Matters**

#### **9.1.2 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 unauthorized building works (UBW) under the Buildings Ordinance (BO). An Authorized 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 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 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.

### **Environment**

#### 9.1.3 Comments of the Director of Environmental Protection (DEP):

- (a) The applicant is advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (the COP) issued by the DEP to minimise potential environmental nuisance to the surrounding area.
- (b) No environmental complaint related to the Site was received from 2016 to January 2019.

### **Traffic**

#### 9.1.4 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 road or reverse onto/from the public road.
- (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.

#### 9.1.5 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 nearby public roads/drains.
- (c) The HyD shall not be responsible for the maintenance of any access connecting the Site and Ping Ha Road.

#### 9.1.6 Comments of the Executive Secretary (Antiquities & Monuments), Antiquities and Monuments Office (ES(A&M), AMO):

- (a) He has no objection to the application from a heritage viewpoint.

- (b) Noted the narrow access to the proposed ingress/egress, the applicant should be reminded of the possible traffic flow and the pedestrian's safety for those visitors visiting Kun Ting Study Hall and Ching Shu Hin, two Grade I historic buildings along Ping Shan Heritage Trail (**Plan A-2**).

### **Drainage**

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

According to the applicant's submission, the existing facilities which were implemented under an approved Application no. A/YL-PS/516 will be maintained for the subject development. 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.

### **Fire Safety**

#### 9.1.8 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection 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.

### **Landscape**

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

- (a) In consideration of the previous approved Application A/YL-PS/516 for the same use, significant change to the landscape character arising from the continued use of 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.

### **District Officer's Comments**

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

His office has not received any feedback from locals.

9.2 The following Departments have no comment on the application:

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD)
- (d) Director of Leisure and Cultural Services (DLCS);
- (e) Director of Electrical and Mechanical Services (DEMS); and
- (f) Commissioner of Police (C of P).

## **10. Public Comment Received During the Statutory Publication Period**

On 19.2.2019, the application was published for public inspection. During the first 3 weeks of the statutory public inspection periods, which ended on 12.3.2019, one public comment was received (**Appendix IV**). An individual objects to the application on grounds of inefficient land use, parking facilities will lead to cumulative and negative impact on the quality of the land and environs, the Site could be used for temporary housing and parking could be provided in stacked facilities.

## **11. Planning Considerations and Assessments**

11.1 The planning intention of the “V” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Whilst the development is not entirely in line with the planning intention of the “V” zone, according to the DLO/YL, LandsD, there is no Small House application approved or under processing at the Site. The development could provide vehicle parking spaces to meet any such parking demand in the area. Approval of the application on a temporary basis will not frustrate the planning intention of the “V” 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 comments on the application. The proposed use will unlikely create significant adverse traffic, environmental and drainage impacts on the surrounding areas. There has been no environmental complaint concerning the Site received in the past 3 years. To minimise 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 one previous application for the same use at the Site. Within the same “V” zone, there are 24 similar applications approved by the Committee since 2009. Approval of the current application is in line with the previous decisions of the Committee.
- 11.5 There is one public comment received during the statutory publication period objecting to the application on grounds as summarised in paragraph 10 above. The planning considerations and assessments 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, 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 3 years until **22.3.2022**. 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. is allowed on the Site, as proposed by the applicant, during the planning approval period;
- (b) no light, medium and heavy goods vehicles, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site, as proposed by the applicant, at all times during the planning approval period;

- (c) a notice shall be posted at a prominent location of the Site at all times to indicate that no light, medium and heavy goods vehicles, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at all times during the planning approval period;
- (d) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site, as proposed by the applicant, at any time during the planning approval period;
- (e) no vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the existing fencing of the Site shall be maintained at all times during the planning approval period;
- (h) the existing trees and landscape planting on the Site shall be maintained in good condition at all times during the planning approval period;
- (i) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (j) the submission of a condition record of the existing drainage facilities within **3** months to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 22.6.2019;
- (k) 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 22.9.2019;
- (l) in relation to (k) 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 22.12.2019;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) 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
- (n) if any of the above planning conditions (j), (k) or (l) 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 planning intention of "V" zone is to reflect existing recognized 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 by indigenous villagers. The development is not in line with the planning intention of the "V" zone. 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**

<b>Appendix I</b>	Application form of 24.1.2019 (received on 11.2.2019)
<b>Appendix Ia</b>	Supplementary planning statement with site plan, proposed layout plan, proposed tree preservation plan and as-built drainage plan
<b>Appendix II</b>	Previous Application Covering the Site
<b>Appendix III</b>	Similar Applications Within the Same "V" Zone on the Approved Ping Shan OZP No. S/YL-PS/18
<b>Appendix IV</b>	Public comment received during statutory publication period
<b>Appendix V</b>	Advisory Clauses
<b>Drawing A-1</b>	Site Plan
<b>Drawing A-2</b>	Proposed Layout Plan
<b>Drawing A-3</b>	Proposed Tree Preservation Plan
<b>Drawing A-4</b>	As-built Drainage Plan

<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
MARCH 2019**