

RNTPC Paper No. A/YL-PS/629A
For Consideration by
the Rural and New Town
Planning Committee
on 14.5.2021

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

APPLICATION NO. A/YL-PS/629

- Applicant** : Mr. TANG Ping Fai represented by Allgain Land Administrators (Hong Kong) Limited
- Site** : Lots 270 RP, 271 RP, 272 RP, 272 S.B, 272 S.C, 272 S.D, 272 S.E, 272 S.F, 272 S.G and 273 RP in D.D. 122, Ping Shan, Yuen Long, New Territories
- Site Area** : About 5,000 m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/19 (currently in force)

Approved Ping Shan OZP No. S/YL-PS/18 (at the time of submission)
- Zoning** : “Village Type Development” (“V”) *[restricted to a maximum building height of 3 storeys (8.23m)]*
(the zoning and development restrictions remain unchanged on the current OZP)
- Application** : Proposed Temporary Public Vehicle Park for Private Car, Light Goods Vehicle and Medium Goods Vehicle for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) (**Plan A-1a**) for proposed temporary public vehicle park for private car, light goods vehicle and medium goods vehicle for a period of 3 years. 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 Site is currently used for temporary public vehicle park for private car and light goods vehicle with valid planning permission (**Plans A-2 and 4**).
- 1.2 The Site was involved in 3 previous applications (No. A/YL-PS/8, 23 and 595) for temporary public vehicle park for private cars and light goods vehicles, lorries and container vehicles/trailers (**Plan A-1b**). The last application No. A/YL-PS/595 for temporary public vehicle park for private car and light goods vehicle was approved with conditions by the Rural and New Town Planning Committee (the Committee) for a period of 3 years on

1.11.2019 with permission valid until 1.11.2022. All the time-limited approval conditions have been complied with. Details of the previous applications are summarised at paragraph 5 and at **Appendix II**.

1.3 According to the applicant, the Site is accessible from a local track leading to Tsui Sing Road (**Plans A-2 and A-3**). The Site will be used for parking of private cars, light goods vehicles not exceeding 5.5 tonnes and medium goods vehicles not exceeding 24 tonnes respectively. Private cars would be parked along the northern boundary of the Site while light goods vehicles and medium goods vehicles would be parked along the southern and eastern boundaries of the Site respectively to minimise potential nuisance to the village houses to the immediate north (**Drawing A-2 and Plan A-2**). No vehicle without valid licences issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site. No vehicle washing, repairing, dismantling, car beauty and other workshop activity will be carried out at the Site. The vehicular access plan, proposed layout plan, as-built drainage plan and existing fire service installations plan are at **Drawings A-1 to A-4** respectively.

1.4 A comparison of major development parameters of the last application to the current application is as follows:

Major Development Parameters		Last Approved Application (A/YL-PS/595) (a)	Current Application (A/YL-PS/629) (b)	Difference (b) – (a)
Applied Use		Temporary Public Vehicle Park for Private Car and Light Goods Vehicle for a Period of 3 Years	Temporary Public Vehicle Park for Private Car, Light Goods Vehicle and Medium Goods Vehicle for a Period of 3 Years	Additional parking of medium goods vehicle
Site Area		About 5,000 m ²		No change
Maximum Floor Area		20 m ²	N/A	- 20 m ² (- 100%)
No. of Structure		1	N/A	- 1
Maximum Height of Structures		3.5 m 1 storey	N/A	N/A
No. of Parking Spaces	Private Car (5m x 2.5m)	114	32	- 82 (- 71%)
	Light Goods Vehicle (7m x 3.5m)	8	16	+ 8 (+ 100%)
	Medium Goods Vehicle (11m x 3.5m)	0	12	+ 12 (+ 100%)
Operation Hours		7 a.m. to 11 p.m. daily (including Sundays and public holidays)	7 a.m. to 10 p.m. daily (excluding public holidays)	Change in operation hours; no operation on public holidays

- 1.5 Compared with the last application No. A/YL-PS/595, the current application is submitted by the same applicant for the same use on the same site but with parking spaces for medium goods vehicle and consequential changes in parking ratio.
- 1.6 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 8.1.2021 (Appendix I)
 - (b) Supplementary planning statement attached to Appendix I (Appendix Ia)
 - (c) Further Information (FI) received on 1.2.2021 to respond departmental comment (Appendix Ib)
 - (d) FI received on 17.2.2021 to respond departmental comment (Appendix Ic)
 - (e) FI received on 15.3.2021 to provide replacement pages to amend proposed use and respond departmental comment (Appendix Id)
- ((c) and (d) are accepted and exempted from publication and recounting)*
((e) is accepted but not exempted from publication and recounting)
- 1.7 On 26.2.2021, the Committee agreed to defer a decision on the application for a period of two months, as requested by the applicant. On 15.3.2021, FI (Appendix Id) was received and the application is submitted to the Committee for consideration at this meeting.

2. **Justifications from the Applicant**

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

- (a) The proposed development is compatible to the surrounding land uses.
- (b) There is insufficient parking space for private cars, light goods vehicles and medium goods vehicles in the vicinity. The proposed development could meet such demand.
- (c) Drainage facilities and boundary fencing have been provided at the Site. There will be no adverse impact to the environment and nearby residents.

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 Site is not subject to planning enforcement action.

5. Previous Applications

- 5.1 The Site is involved in 3 previous applications (No. A/YL-PS/8, 23 and 595) for temporary public vehicle park for private cars and light goods vehicles, lorries and container vehicles/trailers. Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1b**.
- 5.2 Applications No. A/YL-PS/8 and 23 covering a larger site for temporary private car/container vehicle park for a period of 12 months and temporary public lorry, car and container trailer park for a period of 12 months were rejected by the Committee on 20.6.1997 and the Board on review on 12.6.1998 respectively on grounds of not in line with the planning intentions of “G/IC” and “V” zones; incompatible with the village settlements; insufficient information in the submission to demonstrate that a satisfactory access road will be provided to serve the development and landscaping aspects; and undesirable precedents.
- 5.3 Application No. A/YL-PS/595 for temporary public vehicle park for private cars and light goods vehicles for a period of 3 years was approved by the Committee on 1.11.2019 on grounds of not incompatible with the surrounding land uses, no adverse departmental comments and temporary approval not jeopardising the long-term planning intention of the “V” zone. All the time-limited approval conditions have been complied with.
- 5.4 Compared with the last application No. A/YL-PS/595, the current application is submitted by the same applicant for the same use on the same site but with parking spaces for medium goods vehicle and consequential changes in parking ratio.

6. Similar Applications

- 6.1 There are 37 similar applications (No. A/YL-PS/340, 363, 366, 382, 385, 390, 395, 410, 425, 437, 452, 466, 468, 472, 479, 489, 492, 498, 515, 516, 522, 543, 549, 553, 554, 561, 562, 583, 585, 589, 590, 592, 594, 606, 625, 628 and 630) for temporary public vehicle park for private cars, light goods vehicles, coaches and/or 24-tonnes goods vehicles. Among them, 6 similar applications (No. A/YL-PS/340, 385, 437, 472, 515 and 590) all at the same site located in the southwest of the same “V” zone involved parking of

vehicles other than private cars and light goods vehicles. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1a**.

- 6.2 All 37 similar applications were approved by the Committee on considerations that the temporary use would not jeopardise the long-term planning intention; the proposed development 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. Amongst these approved applications, permissions under applications No. A/YL-PS/468, 498, 553 and 561 were revoked due to non-compliance with approval conditions.

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

7.1 The Site is:

- (a) currently used for temporary public vehicle park for private cars and light goods vehicles with valid planning permission; and
- (b) accessible from a local track leading to Tsui Sing Road (**Plans A-2 and A-3**).

7.2 The surrounding areas have the following characteristics:

- (a) to the immediate north are some residential dwellings and vacant land. To the further north are temporary public vehicle park and temporary shop and wholesale of construction materials with valid planning permissions under applications No. A/YL-PS/592 and 593 respectively;
- (b) to the northeast is Long Tin Road;
- (c) to the south is vacant land; and
- (d) to the west are residential dwellings intermixed with parking of vehicles which is suspected unauthorised development (UD) and vacant land.

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 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 Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
 - (b) It is noted that no structure was proposed in the s.16 proposal.
 - (c) No Small House application has been approved at the Site. There are 2 Small House applications received and under processing at the Site.

Traffic

- 9.1.2 Comments of the Commissioner for Transport (C for T):
- (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 vehicles are allowed to queue back to public roads or reverse onto/from public roads.
 - (c) The local track loading to the subject 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) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
 - (b) Only the section of Tsui Sing Road about 120m abutting Ping Ha Road is maintained by HyD. HyD shall not be responsible for the maintenance of any access connecting the Site and the section of Tsui Sing Road being maintained by HyD.

Environment

9.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) He does not support the application according to the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (“COP”) as the development involves traffic of heavy vehicles¹, and there are sensitive users (residential dwellings) within 1m from the site boundary. The nearest residential development is located immediate adjacent to the northern boundary of the Site (**Plan A-2**). Environmental nuisance is expected.
- (b) There was one substantiated environmental complaint related to waste aspect concerning the Site received by DEP in the past 3 years.
- (c) 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 Environment Aspects of Temporary Uses and Open Storage Sites” (“COP”).

Landscape

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

According to the aerial photo of 2020 and the site photos taken by his office on 1.2.2021, the Site is concrete paved and used for vehicle parking. There is no existing tree within the Site. The Site is situated in an area of miscellaneous urban fringe landscape character. Significant adverse landscape impact to the landscape resources and change to the landscape character arising from the application is not anticipated.

Drainage

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

- (a) He noted that the existing drainage facilities which was implemented under an approved application No. A/YL-PS/595 will be maintained for the current application No. A/YL-PS/629. He has no objection in principle to the proposed development from a drainage point of view. Should the Board consider that the application is acceptable from the planning point of view, he would

¹ According to DEP, heavy vehicles include medium goods vehicles from environmental perspective.

suggest the applicant to maintain the existing drainage facilities and submit a condition record of the existing drainage facilities to the satisfaction of his Division.

- (b) The applicant should note his detailed comments at **Appendix V**.

Fire Safety

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

- (a) He has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) The FSIs proposal is considered acceptable to his department.
- (c) The applicant should note his detailed comments at **Appendix V**.

Building Matters

9.1.8 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) As there is no record of approval granted by the Building Authority (BA) for the existing structures at the Site, he is not in a position to offer comments on the applicant's suitability for the use proposed in the application.
- (b) The applicant should note his detailed comments at **Appendix V**.

District Officer's Comments

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

He has not received any feedback from locals.

9.2 The following Departments have no comment on the application:

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

10. Public Comment Received During the Statutory Publication Period

On 15.1.2021 and 23.3.2021, the application and its FI were published for public inspection. During the statutory public inspection periods, a total of 106 public comments from individuals were received. Among them, there are 103 supporting comments (**Appendices IV-1 to IV-2** and 101 standard letters with sample at **Appendix IV-3**) and 3 objecting comments (**Appendices IV-4 to IV-6**). The supporting comments are mainly on grounds of the proposed development could provide more parking spaces for goods vehicles in the area, enhance road safety and for the convenience of drivers living in Ping Shan/Tin Shui Wai areas. The objecting comments mainly on grounds of potential negative traffic and environmental impacts and incompatible with the surrounding land uses.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary public vehicle park for private car, light goods vehicle and medium goods vehicle for a period of 3 years at the Site zoned “V” on the OZP, which is primarily intended for development of Small Houses by indigenous villagers. Whilst the development is not entirely in line with the planning intention of the “V” zone, according to the DLO/YL, LandsD, no Small House application has been approved at the Site. The development could provide vehicle parking spaces to meet any such parking demands in the area. Approval of the application on a temporary basis will not frustrate the long-term planning intention of the “V” zone.
- 11.2 Although the Site is adjacent to several residential dwellings to the immediate north, the surrounding is mainly vehicle parks, shop and wholesale uses and vacant land (**Plan A-2**). The proposed development is considered not incompatible with the surrounding land uses.
- 11.3 There is no adverse comment on the application from relevant government departments, except DEP. DEP does not support the application as there are sensitive receivers of residential use in the vicinity (**Plan A-2**), and environmental nuisance from traffic of heavy vehicles is expected. In this regard, the application only involves 12 parking spaces of medium goods vehicle. The Site is accessible from a local track leading to Tsui Sing Road (**Plans A-2 and A-3**) abut Long Tin Road and would not pass through the existing residential cluster to the immediate north of the Site. According to the applicant, private car parking spaces would be located along the northern boundary of the Site to further minimise potential nuisance to the residential cluster to the immediate north of the Site (**Drawing A-2 and Plan A-2**). Environmental impact arising from the movement of the medium goods vehicles on residential dwellings could be minimised. Nevertheless, to address the concerns of the possible environmental nuisances generated by the temporary use or to address the technical requirements of other concerned government departments, relevant 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 unauthorised development on the Site will be subject to enforcement action by the Planning Authority. Should the planning application be approved, the applicant will be advised to follow the relevant mitigation measures and requirements set out in the “COP” in order to minimise any potential environmental impact on

the nearby sensitive receivers.

- 11.4 The Committee has approved one previous application for temporary public vehicle park (without medium goods vehicles) at the Site; 31 similar applications for temporary public vehicle park for private cars and/or light goods vehicles; and 6 similar applications for temporary public vehicle park for private cars, light goods vehicles, coaches and 24-tonnes goods vehicles within the same “V” zone. Approval of the current application is in line with the Committee’s previous decisions.
- 11.5 There are a total of 106 public comments received including 103 supporting and 3 objecting the application 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 comments 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 **14.5.2024**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation between 10:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no heavy goods vehicle exceeding 24 tonnes, 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 any time 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, repairing, dismantling, car beauty and 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 roads at any time during the planning approval period;
- (g) the existing boundary fencing shall be maintained at all time during the planning approval period;

- (h) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (i) the submission of a condition record of the drainage facilities within **3 months** to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **14.8.2021**;
- (j) the implementation of the accepted 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 **14.11.2021**;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) 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
- (l) if any of the above planning conditions (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.

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 "V" zone which 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 received on 8.1.2021
Appendix Ia	Supplementary planning statement attached to Appendix I
Appendix Ib	FI received on 1.2.2021
Appendix Ic	FI received on 17.2.2021
Appendix Id	FI received on 15.3.2021
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendices IV-1 to IV-6	Public comments
Appendix V	Advisory Clauses
Drawing A-1	Vehicular Access Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	As-built Drainage Plan
Drawing A-4	Existing Fire Service Installations 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 2021**