

RNTPC Paper No. A/YL-PS/631  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 26.3.2021

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**APPLICATION FOR RENEWAL PLANNING APPROVAL  
FOR TEMPORARY USE  
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-PS/631**

<b><u>Applicant</u></b>	: The Incorporated Owners of Hong Ping Villa represented by Kong Shum Union Property Management Co., Limited
<b><u>Site</u></b>	: Lot 1342 (Part) in D.D. 122, Ping Shan, Yuen Long, New Territories
<b><u>Site Area</u></b>	: About 417 m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Ping Shan Outline Zoning Plan No. S/YL-PS/18
<b><u>Zoning</u></b>	: “Open Space” (“O”) (91.4%) and “Residential (Group E)2” (“R(E)2”) (8.6%) <i>[restricted to a maximum plot ratio of 0.6 and a maximum building height of 5 storeys including car park]</i>
<b><u>Application</u></b>	: Renewal of Planning Approval for Temporary Vehicle Park for Private Cars and Light Vans for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning approval to use the application site (the Site) for temporary vehicle park for private cars and light vans for a period of 3 years (**Plan A-1**). According to the Notes for the “O” and “R(E)2” zones 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 occupied by the applied use with valid planning permission under application No. A/YL-PS/557 (**Plans A-1 and A-4**).
- 1.2 The Site involves three previous applications (No. A/YL-PS/323, 414 and 557) for temporary vehicle park for private cars and light vans. The last application No. A/YL-PS/557 for temporary vehicle park for private cars and light vans for a period of 3 years was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 6.4.2018. All the time-limited approval conditions under the last application had been complied with and the permission is valid until 6.4.2021. Compared with the last application, the current application is submitted by the same applicant for the same use on the same site with the same site layout and development parameters.

- 1.3 According to the applicant, the Site is accessed through the internal road of Hong Ping Villa to connect Castle Peak Road – Ping Shan in the south (**Plan A-3**). No vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site. The vehicle park is intended for the use of residents and visitors of Hong Ping Villa. No vehicle other than private car and light van will be allowed to enter the Site. No vehicle repairing, dismantling, car beauty, car washing and workshop use will be attached to the vehicle park. The operation hours of the vehicle park are from 7:00 a.m. to 11:00 p.m. daily. The vehicular access and proposed layout plan is at **Drawings A1 to A2**.

Major Development Parameters	Last Approved Application (A/YL-PS/557)	Current Application (A/YL-PS/631)
Site Area	About 417m <sup>2</sup>	
Applied Use	Temporary Vehicle Park for Private Cars and Light Vans for a Period of 3 Years	
Total Floor Area (non-domestic)	Nil	
No. Of Structures	Nil	
No. of Parking Spaces	5 in total (3 for private cars (5m x 2.5m) and 2 for light vans(7m x 3.5m))	
Operation Hours	7 a.m. to 11 p.m. daily	

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

- (a) Application form with plans received on 9.2.2021 (**Appendix I**)
- (b) Further Information (FI) received on 25.2.2021 to respond departmental comment (**Appendix Ia**)
- (c) FI received on 9.3.2021 to respond departmental comment (**Appendix Ib**)

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

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

- (a) There are inadequate parking spaces within Hong Ping Villa for private cars and light vans for the use of the residents and visitors.
- (b) No operation between 11:00 p.m. and 7:00 a.m. is allowed on the Site. Corrugated metal fencing will be provided to minimise noise nuisance to nearby residents.
- (c) Only private cars and light vans are allowed to enter/be parked on the Site. No vehicle without valid licence issued under the Road Traffic Ordinance is allowed

to be parked/stored on the Site.

- (d) The existing drainage facilities and existing landscape and trees will be maintained in good condition.

### **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. 31A) 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. Town Planning Board Guidelines**

The Town Planning Board Guidelines for ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ (TPB PG-No. 34C) are relevant to this application. The relevant assessment criteria are attached at **Appendix II**.

### **5. Background**

The Site is not subject to planning enforcement action.

### **6. Previous Applications**

- 6.1 The site was involved in three previous planning applications (No. A/YL-PS/323, 414 and 557) for temporary vehicle park for private cars and light vans, each for a period of 3 years. Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.
- 6.2 Application No. A/YL-PS/323 and its renewal application No. A/YL-PS/414 submitted by the same applicant were approved by the Committee with conditions on 13.8.2010 and 2.8.2013 respectively, mainly on the grounds that the development was not incompatible with the surrounding land uses; the development could serve the parking needs of some local residents; and it was unlikely to create significant adverse traffic, environmental, drainage and landscape impacts on the surrounding areas. However, the planning permission under application No. A/YL-PS/414 was subsequently revoked due to non-compliance with approval condition on the submission of condition record of the drainage facilities.
- 6.3 Application No. A/YL-PS/557 was approved with conditions by the Committee with conditions on 6.4.2018 mainly on similar grounds as mentioned in paragraph 6.2 above.
- 6.4 Compared with the last application No. A/YL-PS/557, the current application is submitted by the same applicant for the same use on the same site with the same site layout and development parameters.

## **7. Similar Application**

There is no similar application for temporary vehicle park within the same “O” and “R(E)2” zones of the OZP.

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

8.1 The Site is:

- (a) currently occupied by the applied use with valid planning permission; and
- (b) accessible through the internal road of Hong Ping Villa to connect Castle Peak Road – Ping Shan.

8.2 The surrounding areas have the following characteristics:

- (a) to the immediate north and north-east are unused land;
- (b) to the immediate east is a site office of Drainage Services Department (DSD);
- (c) to its immediate west is Hong Ping Villa which is a low-rise residential development comprising 26 houses of 2-storey high. To its north-west is another residential development with 4 to 5-storey blocks known as Fiori; and
- (d) to its immediate south is vacant land while to its further south across the Light Rail tracks along Castle Peak Road – Ping Shan is a planned public housing development in Long Bin.

## **9. Planning Intentions**

9.1 The “O” zone is intended primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

9.2 The “R(E)2” zone is intended primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the Board. Whilst existing industrial uses will be tolerated, new industrial developments are not permitted in order to avoid perpetuation of industrial/residential interface problem.

## **10. Comments from Relevant Government Departments**

10.1 The following Government departments have been consulted and their views on the application are summarised as follows:

### **Land Administration**

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

- (a) The Site comprises an Old Schedule Agricultural Lot 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.

### **Traffic**

#### 10.1.2 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) No vehicle is allowed to queue back to public roads or reverse onto/from public roads.
- (c) The applicant should note his detailed comments at **Appendix V**.

#### 10.1.3 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) HyD shall not be responsible for the maintenance of any access connecting the Site and Castle Peak Road – Ping Shan.

### **Environment**

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

- (a) Should the application be approved, the applicant shall be advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” (“COP”).
- (b) There was no environmental complaint pertaining to the Site received in the past 3 years.

### **Landscape**

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

- (a) According to the aerial photo of 2020 and the site photos taken by his office on 24.2.2021, the Site is mainly hard paved vehicle park in operation with existing trees along the northern and eastern

boundary within the Site. Around 6 numbers of existing trees of common species including *Leucaena leucocephala* (銀合歡) and *Macaranga tanarius* (血桐) are found on the slope feature along the northern boundary and 5 numbers of trees of common species including *Artocarpus heterophyllus* (菠蘿蜜) and *Podocarpus macrophyllus* (羅漢松) are found within planters along the eastern boundary within the Site.

- (b) The Site is situated in an area of miscellaneous urban fringe landscape predominated by residential buildings, village houses with other similar parking areas in the proximity. The proposed development is considered not entirely incompatible with the landscape character of the surrounding area. Significant adverse landscape impact arising from the proposed development is not envisaged. Hence he has no objection to the application from landscape planning perspective.
- (c) The applicant should note his detailed comments at **Appendix V**.

### **Drainage**

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

- (a) Since it is an application for renewal of planning approval of the previous application No. A/YL-PS/557, he supposes the existing drainage facilities will be maintained by the applicant. He has no objection in principle to the proposed development from a drainage point of view.
- (b) 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.
- (c) The applicant should note his detailed comments at **Appendix V**.

### **Fire Safety**

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

He has no objection to the captioned application subject to no structure being erected within the Site.

### **Others**

10.1.8 Comments of the Director of Leisure and Cultural Services (DLCS):

- (a) The Site is zoned “O” and “R(E)2” on the OZP. It is not on the priority list for development agreed by the Yuen Long District Council (YLDC). He has no plan to develop the Site into public open space at present.
- (b) He notes that the application is for temporary use for 3 years and has no in-principle objection to the application.

**District Officer’s Comments**

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

His office has not received any feedback from locals.

10.2 The following Government departments have no comment on the application:

- (a) Commissioner of Police (C of P);
- (b) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (d) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD).

**11. Public Comments Received During Statutory Publication Period**

On 19.2.2021, the application was published for public inspection. During the statutory public inspection period, 5 public comments (**Appendices IV-1 to IV-5**) were received, of which 4 of them raised objection and the remaining comment expressed concern on the proposed development. The objections are mainly on the grounds of the proposed development will have adverse traffic and environmental impacts in the vicinity, which would cause health and safety concerns to the residents. The comment from the Incorporated Owners of Fiori raised concern on security and noise mitigation measures of the proposed development.

**12. Planning Considerations and Assessments**

- 12.1 The application is for renewal of the planning approval for temporary public vehicle park for private cars and light vans for a period of 3 years. The Site falls mainly within an area zoned “O” (91.4%) which is intended primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public. Whilst the development is not entirely in line with the planning intention of the “O” zone, DLCS advises that the Site is currently not on the priority list for open space development by YLDC. As such, approval of the application on a temporary basis will not frustrate the long-term planning intention of the “O” zone.
- 12.2 The Site is mainly surrounded by residential dwellings, unused land and a DSD’s site office (**Plan A-2**). The applied use is considered not incompatible with the

surrounding land uses.

- 12.3 The application is generally in line with the TPB PG-No. 34C in that there has been no material change in planning circumstances since the granting of the previous approval under application No. A/YL-PS/557, the applicant has complied with all the approval conditions, and the 3-year approval period sought is of the same time frame as the previous approval.
- 12.4 Relevant Government departments, including C for T, DEP, CE/MN of DSD, C of P and CTP/UD&L of PlanD have no objection to or adverse comment on the application. The proposed use will unlikely create significant adverse traffic, environmental, drainage, security and landscape impacts to 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 13.2 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 application be approved, the applicant will be advised to follow the latest “COP” in order to minimise the possible environmental impacts on the nearby sensitive receivers.
- 12.5 The Committee has approved three previous application (No. A/YL-PS/323, 414 and 557) for the same use at the Site (**Plan A-2**). Approval of the application is in line with the Committee’s previous decisions.
- 12.6 There are 5 public comments received during the statutory publication period objecting to and raising concerns on the application on grounds as summarised in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.5 above are relevant.

### **13. Planning Department’s Views**

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11 above, the Planning Department has no objection to the application.
- 13.2 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, and be renewed from **7.4.2021** until **6.4.2024**. 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., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no vehicle other than private cars and light vans are allowed to enter/be parked on the Site, as proposed by the applicant, at all times during the planning approval period;



- (c) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site at any time during the planning approval period;
- (d) a notice shall be posted at a prominent location of the Site to remind drivers on pedestrian safety on the access road to the Site at all times during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (g) the existing trees within the Site shall be maintained in good condition at all times during the planning approval period;
- (h) the existing boundary fencing shall be maintained at all times during the planning approval period;
- (i) 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 **7.7.2021**;
- (j) 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;
- (k) if the above planning condition (i) 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; and

*[Approval conditions (a), (b), (c), (d), (e), (f) and (i) are the same as those under the permission for application No. A/YL-PS/557; (g) and (h) have been updated requesting the applicant to maintain the implemented landscaping and fencing; and the reinstatement clause is deleted to accord with the department's latest requirements.]*

Advisory clauses

The recommended advisory clauses are attached at **Appendix V**.

- 13.3 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 "O" zone which is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general

public. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

#### **14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 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.

#### **15. Attachments**

<b>Appendix I</b>	Application form received on 9.2.2021
<b>Appendix Ia</b>	FI received on 25.2.2021 to respond departmental comment
<b>Appendix Ib</b>	FI received on 9.3.2021 to respond departmental comment
<b>Appendix II</b>	Relevant extract of TPB PG-No. 34C
<b>Appendix III</b>	Previous Applications covering the Site
<b>Appendices IV-1 to IV-5</b>	Public Comments Received During Statutory Publication Period
<b>Appendix V</b>	Advisory Clauses
<b>Drawing A-1</b>	Vehicular access Plan
<b>Drawing A-2</b>	Proposed Layout 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 2021**