

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

**APPLICATION NO. A/YL-PS/634**

- Applicant** : Mr. TANG Chi Kong represented by Lawson David and Sung Surveyors Limited
- Site** : Lots 280 (Part), 282 (Part), 284 (Part), 285 (Part), 286 (Part), 287 (Part) and 320 (Part) in D.D. 126, Fung Ka Wai, Ping Shan, Yuen Long, New Territories
- Site Area** : 5,609 m<sup>2</sup> (about)
- 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
- Zonings** : “Recreation” (“REC”) (about 84.5%)  
*[no change to the “REC” zone]*  
  
“Village Type Development” (“V”) (about 15.5%)  
*[Restricted to a maximum building height of 3 storeys (8.23 m)]*  
*[no change to the “V” zone]*
- Application** : Proposed Temporary Public Vehicle Park (Private Car only) with Ancillary Site Office for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary public vehicle park (private car only) with ancillary site office for a period of 3 years. The Site falls within an area largely zoned “REC” and partly zoned “V” on the draft Ping Shan OZP No. S/YL-PS/19 (**Plan A-1a**). According to the covering Notes of the OZP for “REC” and “V” zones, ‘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 vacant, fenced-off, partly hard-paved and partly covered with gravel/weed (**Plans A-2, A-4a and A-4b**).

- 1.2 The Site involves 10 previous applications (No. A/DPA/YL-PS/3, 30, A/YL-PS/14, 40, 49, 247, 295, 369, 470 and 544) for various uses (**Plan A-1b**). The last application (No. A/YL-PS/544) covering the Site for temporary war game centre submitted by a different applicant was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 22.9.2017 for a period of 3 years. The planning permission lapsed on 22.9.2020. Details of the previous applications are summarised in paragraph 6 below and at **Appendix II**.
- 1.3 As shown on the proposed layout plan at **Drawing A-2**, the applicant proposes 93 private car parking spaces within the Site. There will be one 2-storey site office with floor area of about 46m<sup>2</sup> and building height of 5.2m. No vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity will be carried out at the Site. The Site is accessible via a local track to Tin Wah Road/Tin Tsz Road (**Plans A-2 and A-3**). The vehicular access plan, proposed layout plan and landscape plan are shown at **Drawings A-1 to A-3** respectively.
- 1.4 In support of the application, the applicant has submitted the following documents:
  - (a) Application Form with attachments received on 16.3.2021 (**Appendix I**)
  - (b) Further Information (FI) received on 19.4.2021 responding (**Appendix Ia**) to Transport Department's comment [*Exempted from publication requirements*]

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

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

- (a) The proposed development meets the local parking demand in the area.
- (b) The proposed development is a temporary use and would not jeopardize the long term planning intentions of "REC" and "V" zones.
- (c) The temporary use of the proposed development is considered viable to maximize the interim land uses.
- (d) The proposed development is not incompatible with the surrounding land uses.
- (e) There are similar approvals for public vehicle park use at "V" zone on the Ping Shan OZP.
- (f) There are no adverse drainage, traffic and environmental impacts to the surrounding areas.

## **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. 31A) by posting site notice and sending registered post to the Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members' inspection.

#### **4. Background**

The Site is not subject to any planning enforcement action.

#### **5. Previous Applications**

- 5.1 The Site is involved in 10 previous applications for various uses from 1994 to 2017. Except two applications (No. A/DPA/YL-PS/3 and A/YL-PS/247) rejected by the Committee/Board on review in 1994 and 2006 respectively, the other 8 applications (No. A/DPA/YL-PS/30, A/YL-PS/14, 40, 49, 295, 369, 470 and 544) were approved by the Committee from 1994 to 2017. Details of these previous applications are shown in **Appendix II** and their locations are shown on **Plan A-1b**.
- 5.2 Applications No. A/DPA/YL-PS/3 and 30 fell within the “Unspecified Uses” area (“U”) on the then Ping Shan Development Permission Area (DPA) Plan No. DPA/YL-PS/1 and covered the western part of the Site in a much larger site (about 11ha) for open storage of new vehicles. Application No. A/DPA/YL-PS/3 was rejected by the Board on review in May 1994 mainly on grounds, inter alia, of failure to address the drainage, visual, noise and traffic impacts while Application No. A/DPA/YL-PS/30 was later approved with conditions by the Committee in October 1994 for a period of 3 years on the considerations, inter alia, that there was no immediate alternative site available for open storage of new vehicles and ameliorative measures would be carried out to minimise adverse environmental impacts.
- 5.3 Applications No. A/YL-PS/14 and 40, covering more or less the same site as A/DPA/YL-PS/30 but rezoned to “REC” and “V”, for temporary open storage of new vehicles for a period of 12 months had subsequently been approved with conditions by the Committee between 1997 and 1998 on the considerations that approvals for similar or same uses were given and approval conditions of the previous applications were complied with, the temporary use would not frustrate permanent development of the application sites, the development would unlikely have significant adverse traffic and environmental impacts and relevant departments had no objection to the application.
- 5.4 Application No. A/YL-PS/49, covering a larger site (about 2.7 ha), for proposed golf driving range was approved by the Committee with conditions for a period of 3 years in 1999 mainly on considerations that the proposed development was in line with the planning intention, the proposed development was not incompatible with the surrounding land uses, and no significant adverse traffic, drainage and environmental impacts were anticipated.
- 5.5 Application No. A/YL-PS/247, covering the eastern part of the Site in a larger site (about 3.1 ha) involving the adjoining area zoned “Conservation Area” (“CA”) and “V”, for proposed temporary holiday camp development with ancillary facilities was rejected by the Committee in 2006 for the reasons that the proposed development was not in line with the planning intentions of the “CA” and “V” zones, no information was submitted to demonstrate no adverse drainage, sewerage, environmental, traffic and landscape impacts to the surroundings, and approval would set an undesirable precedent.

- 5.6 Applications No. A/YL-PS/295, 369, 470 and 544, covering the Site and a larger area (about 0.96 ha to 1.27 ha) zoned “REC” and “V”, for temporary war game centre were approved by the Committee with conditions for a period of 3 years each between 2009 and 2017 mainly on considerations that the applied use was generally in line with the planning intention of the “REC” zone and temporary use would not frustrate the long-term planning intention of the “V” zone, the applied use did not involve pond filling and would not have long-term or negative off-site disturbance impact on the ecological values of the fish ponds within the WCA, the applied use was unlikely to create significant adverse traffic, drainage and landscape impacts on the surrounding areas, and that fencing the site could avoid adverse impacts on the surrounding natural vegetation. However, the planning permission for Application No. A/YL-PS/470 was revoked on 16.6.2017 due to non-compliance with approval conditions on provision of boundary fencing, and implementation of revised landscape and tree preservation proposal.
- 5.7 Compared with the last approved application (No. A/YL-PS/544), the current application was submitted by a different applicant for different use on a smaller site.

## **6. Similar Application**

- 6.1 Within the same “REC” zone, there is one similar application (No. A/YL-PS/523), falling within the Wetland Buffer Area, for temporary public vehicle park (private cars, light goods vehicles and coaches) for a period of 3 years, which was rejected by the Committee in 2016 on the ground of setting an undesirable precedent as it involved parking of coaches. Details of the application are summarized at **Appendix III** and the location of the application site is shown on **Plan A-1a**.
- 6.2 There is no similar application within the same “V” zone.

## **7. The Site and Its Surrounding Areas (Plan A-2 to Plans A-4b)**

- 7.1 The Site is:
- (a) currently vacant and fenced-off, partly hard-paved and partly covered with gravel/weed; and
  - (b) accessible via a local track from Tin Wah Road/Tin Tsz road (**Plans A-2 and A-3**).
- 7.2 The surrounding areas have the following characteristics:
- (a) to its north and east are the hilly area of Kai Shan zoned “CA” and unused land;
  - (b) to its west and southwest are some vacant land, an open storage yard for vehicles with valid planning permission, an open storage yard and parking of vehicles which is suspected unauthorized development (UD); and
  - (c) to its south are the residential settlements of Fung Ka Wai.

## **8. Planning Intentions**

- 8.1 The “REC” zone is intended primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.
- 8.2 The “V” zone is intended 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 (NTEH). 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 are summarized 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) The private land of Lot 320 in D.D.126 is currently covered by Short Term Waivers (STW) No. 3645 for the purpose of ‘Temporary War Game Centre’.
  - (c) The private land of Lots 285 and 286 both in D.D.126 is currently covered by STW No. 3648 for the purpose of ‘Temporary War Game Centre’.
  - (d) Should planning approval be given to the application, the STW holders will need to apply to his office for modification of the STW conditions where appropriate. The lot owner(s) of the lot(s) without STW will need to apply to his office for permitting the structures to be erected or to regularize any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Application(s) of any of the above will be considered by LandsD acting in the capacity of 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/are approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as

may be imposed by LandsD.

- (e) There is no NTEH or Small House application received/under processing/approved at the Site.

### **Traffic**

#### 9.1.2 Comments of the Commissioner for Transport (C for T):

- (a) The Site is connected to Tin Wah Road/Tin Tsz Road via a section of a local access which is not managed by Transport Department (TD). The land status of the local access road should be clarified with LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access road should be clarified with relevant lands and maintenance authorities accordingly.
- (b) As there is no information about the vehicular access at the private lot(s) to the Site, he presumes that the applicant should arrange by himself if necessary, and should seek the relevant land owner(s) on the right of using the vehicular access.
- (c) Should the application be approved, no vehicle is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period.

#### 9.1.3 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 footpaths/drains.
- (c) HyD shall not be responsible for the maintenance of any access connecting the Site and Tin Wah Road/Tin Tsz Road.

### **Environment**

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

- (a) He has no objection to the application.
- (b) The applicant is advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP to minimize potential environmental nuisance to the surrounding area.
- (c) There is no substantiated complaint pertaining to the Site received in the past 3 years.

### **Drainage**

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

- (a) He has no in-principle objection to the application from drainage point of view.
- (b) Should the Board consider that the application is acceptable from planning point of view, he would suggest that a condition should be stipulated in the approval letter requiring the applicant to submit a drainage proposal, to implement and maintain the proposed drainage facilities to the satisfaction of his department.

### **Fire Safety**

#### 9.1.6 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) 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 applicant should be reminded of the detailed comments at **Appendix V**.

### **Landscape**

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

- (a) According to the aerial photo of 2019, the Site is situated in an area of miscellaneous rural fringe landscape character predominated by woodlands and fish ponds with some open storage yards and temporary structures observed in the vicinity. With reference to the site photos taken on 29.3.2021, the Site is primarily gravel/ hard paved and covered by weeds. Around 36 number of existing trees of common species, including *Ficus microcarpa* (細葉榕) are observed within the Site mainly along the site boundary and a large *Litchi chinensis* (荔枝) is observed at the northern part of the Site. According to the planning statement, all the existing trees are proposed to be preserved on site.
- (b) The proposed vehicle park use is considered not entirely incompatible with the landscape setting of the surrounding area. He has no objection to the application from landscape planning perspective.
- (c) Detailed departmental comments are at **Appendix V**.

### **Building Matters**

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

He has no adverse comment on the application. The applicant should be reminded of 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):

His office has not received any comment from the locals on the application.

- 9.2 The following Government departments have no comment on the application:

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

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

On 23.3.2021, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual objecting to the application was received (**Appendix IV**). The objecting reasons include the proposed use would induce adverse environmental, fire safety and traffic impacts to the surroundings.

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

- 11.1 The application is for proposed temporary public vehicle park (private car only) with ancillary site office for a period of 3 years at the Site mainly zoned "REC" (about 84.5%) with a portion zoned "V" (about 15.5%) on the OZP. The "REC" zone is intended primarily for recreational developments for the use of the general public while the "V" zone is intended for development of Small Houses by indigenous villagers. Although the proposed use is not entirely in line with the planning intentions of the "REC" and "V" zones, there is no known development programme for the Site in the "REC" zone and DLO/YL of LandsD advises that there is no Small House application approved or under processing within the Site in the "V" zone. Approval of the application on a temporary basis for 3 years would not frustrate the long-term planning intentions of the "REC" and "V" zones.
- 11.2 The Site is situated in an area of miscellaneous rural fringe landscape character predominated by woodlands and fish ponds with some open storage yards and temporary structures. The proposed use is not entirely incompatible with the surrounding areas.
- 11.3 Relevant Government departments, including C for T, CE/MN of DSD, CTP/UD&L of PlanD, DEP and D of FS have no objection to or no adverse comment on the application. The proposed use will unlikely create significant adverse traffic, drainage, landscape, environmental and fire safety impacts to the surrounding areas. To minimize 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 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 “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 Eight previous approvals for open storage of new vehicles or temporary war game centre were granted for the Site and its adjoining area since 1994. Although the Committee rejected one similar application (Application No. A/YL-PS/523) for temporary public vehicle park (private cars, light goods vehicles and coaches) within the same “REC” zone, it involved the parking of coaches and was rejected mainly on the ground of setting an undesirable precedent. For the current application, it only involves the parking of private cars, relevant Government departments have no adverse comment on the application and technical concerns of relevant Government departments can be addressed by approval conditions. Approval of the application is generally in line with the previous decisions of the Committee.
- 11.5 There is one public comment received on the application (**Appendix IV**) objecting to the application on the grounds as summarized in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.4 above are relevant.

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

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment 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 3 years until 14.5.2024. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

### **Approval conditions**

- (a) only private cars as defined in the Road Traffic Ordinance are allowed to enter/be parked on the Site at any time during the planning approval period;
- (b) a notice should be posted at a prominent location of the Site to indicate that only private cars as defined in the Road Traffic Ordinance are allowed to enter/be parked on the Site at any time 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) 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;

- (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 trees on the Site shall be maintained in good condition at all times during the approval period;
- (g) the existing boundary fencing on the Site shall be maintained at all times during the planning approval period;
- (h) 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 **14.11.2021**;
- (i) in relation to (h) above, the implementation of the drainage proposal 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 **14.2.2022**;
- (j) in relation to (i) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (k) 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 **14.11.2021**;
- (l) in relation to (k) above, the implementation of the fire service installations proposal with **9 months** from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **14.2.2022**;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (j) 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 (h), (i), (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 proposed use is not in line with the planning intentions of the "REC" and "V" zones. The "REC" zone is intended primarily for recreational developments for the use of the general public. The "V" 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 intentions, 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 with attachments received on 16.3.2021
<b>Appendix Ia</b>	FI received on 19.4.2021
<b>Appendix II</b>	Previous s.16 Applications covering the Site
<b>Appendix III</b>	Similar s.16 Applications within the same “REC” and “V” zones
<b>Appendix IV</b>	Public Comment
<b>Appendix V</b>	Advisory Clauses
<b>Drawing A-1</b>	Site Access Plan
<b>Drawing A-2</b>	Proposed Layout Plan
<b>Drawing A-3</b>	Proposed Landscape Plan
<b>Plan A-1a</b>	Location Plan
<b>Plan A-1b</b>	Previous Applications Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and 4b</b>	Site Photos

**PLANNING DEPARTMENT  
MAY 2021**