

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

APPLICATION NO. A/YL-PS/635

- Applicant** : Mr. Tang Kuen Shing represented by Metro Planning & Development Company Limited
- Site** : Lots 390 (Part), 391, 392, 394 (Part), 395 (Part), 403 RP (Part) in D.D. 122 and adjoining Government Land (GL), Sheung Cheung Wai, Ping Shan, Yuen Long, New Territories
- Site Area** : About 3,542m² (including GL of about 5 m² (0.14%))
- 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 (8.23 m)]
(the zoning and development restrictions remain unchanged on the current OZP)
- Application** : Renewal of Planning Approval for Temporary Public Vehicle Park for Private Car and Light Goods Vehicle 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 public vehicle park for private car and light goods vehicle for a period of 3 years (**Plan A-1a**). 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 occupied by the applied use with valid planning permission under application No. A/YL-PS/562 (**Plans A-1 and A-4**).
- 1.2 The Site is involved in eight previous applications (No. A/YL-PS/180, 238, 248, 275, 304, 382, 479 and 562) for temporary vehicle park for private cars, light goods vehicles/lorries and/or medium goods vehicles (**Plans A-1b**). The last application No. A/YL-PS/562 for temporary vehicle park for private car and light goods vehicle was approved by the Rural and New Town Planning Committee

(the Committee) of the Board on 20.7.2018. All the time-limited approval conditions under the last application had been complied with and the permission is valid until 20.7.2021.

- 1.3 According to the applicant, the Site is accessed through an internal track connecting Tsui Sing Road leading to Ping Ha Road (**Plan A-2 and A-3**). No vehicle exceeding 5.5 tonnes including container trailer/tractor will be allowed to enter the Site. No vehicle without valid licences issued under the Road Traffic Ordinance is allowed to be parked at the Site. No workshop activity will be carried out at the Site. The vehicular access plan, proposed layout plan, proposed tree preservation and landscape plan and as-built drainage plan are at **Drawings A1 to A4**.
- 1.4 Compared with the last application (No. A/YL-PS/562), 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 as shown below:

Major Development Parameters	Last Approved Application (A/YL-PS/562)	Current Application (A/YL-PS/631)
Site Area	About 3,542m ² (including GL about 5 m ²)	
Applied Use	Temporary Public Vehicle Park for Private Car and Light Goods Vehicle for a Period of 3 Years	
Total Floor Area (non-domestic)	Not more than 20 m ²	
No. of Structure	1 converted-container (for shroff and guardroom)	
No. of Private Car Parking Spaces	154 (5m x 2.5m)	
No. of Light Goods Vehicle Parking Spaces	3 (7m x 3.5m)	
Operation Hours	7 a.m. to 11 p.m. daily (including public holidays)	

- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 26.4.2021 and (Appendix I) supplementary information received on 29.4.2021

2. Justifications from the Applicant

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

- (a) The proposed development is a Column 2 use under “V” zone. The proposed development is in line with the planning intention of “V” zone which is primarily for the convenience of the villagers.

- (b) The applicant has complied with all the planning conditions imposed in the last application.
- (c) The Site has been occupied for carpark use with planning permission since 2004 due to its proximity to West Rail Tin Shui Wai Station. The Board has approved similar applications in the same “V” zone. The proposed development could meet the preceding demand in Sheung Cheung Wai.
- (d) The proposed development will generate insignificant traffic, environmental and noise impacts to its surrounding.
- (e) The proposed development is compatible of surrounding environment.

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. For GL portion, the requirements under TPB PG-No. 31A are not applicable.

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 is involved in eight previous planning applications (No. A/YL-PS/180, 238, 248, 275, 304, 382, 479 and 562) for temporary vehicle park for private cars, light goods vehicles/lorries and/or medium goods vehicles. Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1b**.

6.2 Applications No. A/YL-PS/180, 248, 275, 304, 382, 479 and 562 for temporary public vehicle parks (for private cars and light goods vehicles/lorries) were approved with conditions each for 3 years on 28.5.2004, 4.8.2006, 30.11.2007, 10.7.2009, 15.6.2012, 22.5.2015 and 20.7.2018 respectively mainly on grounds that the vehicle park could serve the villagers, the proposal was not incompatible with the surrounding land uses, and no adverse departmental comments and local objection were received. However, the planning permission for application No. A/YL-PS/180 was revoked on 16.3.2006 due to non-compliance with approval

condition. The approval conditions for other planning applications were complied with.

- 6.3 Application No. A/YL-PS/238 for temporary public vehicle park (private cars, light goods vehicles and medium goods vehicles) was rejected on 7.4.2006 for the reasons that the vehicle park was not compatible with the surrounding areas, insufficient information was submitted to demonstrate that the development would not pose adverse environmental impacts on the surrounding areas, and the approval would set an undesirable precedent.
- 6.4 Compared with the last application No. A/YL-PS/562, the current application is submitted by the same applicant for same use on the same site with the same site layout and development parameters.

7. Similar Applications

- 7.1 There are 30 similar applications for temporary public vehicle park (private cars and/or 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-1a**.
- 7.2 All of these 30 similar applications were approved by the Committee on considerations that the temporary use would not frustrate the long-term planning intention of the “V” zone, the use was not incompatible with the surrounding land uses, and the uses were unlikely to create significant adverse traffic, environmental, drainage and visual impacts on the surrounding areas. The planning permissions for applications No. A/YL-PS/468, 498, 553 and 561 were subsequently revoked due to non-compliance with approval conditions.

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;
 - (b) located within the boundary of the Sheung Cheung Wai Site of Archaeological Interest; and
 - (c) accessible from a local track connecting Tsui Sing Road leading to Ping Ha Road.
- 8.2 The surrounding areas have the following characteristics:
 - (a) to the north and northeast are residential dwellings intermixed with storage and workshop which are suspected unauthorised development (UD);
 - (b) to the east are residential dwellings, orchard and parking of vehicles which is suspected UD;

- (c) to the south are residential dwellings and vehicle parks covered by valid planning permissions under applications No. A/YL-PS/585 and 606;
- (d) to the west are a restaurant and car servicing which are suspected UD, and vehicle parks covered by valid planning permissions under applications No. A/YL-PS/625 and 628; and
- (e) to the northwest are the Tsui Sing Lau Pagoda and Tin Shui Wai MTR Station.

9. 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.

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 GL and Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government.
- (b) No permission is given for occupation of GL (about 5m² subject to verification) included in the Site. Any occupation of GL without Government’s prior approval is not allowed.
- (c) A portion of Lot No. 390 in D.D. 122 not falling within the Site is covered by Short Term Waiver (STW) No. 3587 to permit structures erected thereon for the purpose of “Temporary Public Vehicle Park for Private Car and Light Goods Vehicles (not exceeding 5.5 tonnes)”.
- (d) Lot No. 403 RP in D.D. 122 is covered by STW No. 3720 to permit structures erected thereon for the purpose of “Temporary

Public Vehicle Park for Private Car and Light Goods Vehicle”.

- (e) Lot No. 392 in D.D. 122 is covered by STW No. 3438 to permit structures erected thereon for the purpose of “Ancillary Use to Public Vehicle Park for Private Cars and Light Goods Vehicles”.
- (f) Should planning approval be given to the planning application, the STW holder(s) will need to apply to his office for modification of the STW conditions where appropriate and the lot owner(s) of the lot(s) without STW will need to apply to his office to permit the structures to be erected or regularize any irregularities on the Site, if any. Furthermore, the applicant has to either exclude GL from the Site or apply for a formal approval prior to the actual occupation of GL. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Applications for 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 will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by LandsD.
- (g) According to his record, there is no Small House (SH) application approved or under processing at the Site. There are 5 SH applications received and under processing and 21 approved SH applications in the vicinity.

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) 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 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.

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 Tsui Sing Road.

Environment

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

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

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 dated 10.5.2021, the Site is hard paved vehicle park in operation with around 53 existing trees of common species, mainly *Ficus microcarpa* (細葉榕) in good condition, along the eastern, southern and western boundaries within the Site. The Site is situated in an area of miscellaneous urban fringe landscape predominated by village houses, vehicle parking areas, scattered tree groups and residential blocks in the proximity. The proposed development is considered not incompatible with the landscape character of the surrounding area. According to the submitted information, there is no change in the proposed layout and the existing trees within the Site are proposed to be preserved, significant adverse landscape impact arising from the applied use is not envisaged.
- (b) The applicant should note his detailed comments at **Appendix VI**.

Drainage

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

- (a) According to the applicant’s submission, the existing drainage facilities which were implemented under an approved application No. A/YL-PS/562 will be maintained for the subject development. 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 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 his satisfaction.

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

Fire Safety

10.1.7 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) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to this Department for approval. The applicant should note his detailed comments at **Appendix VI**.

Building Matters

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

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

Others

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

- (a) Based on the information provided, there will not be any construction work which may disturb the archaeological site and he has no objection in principle to the application from the built heritage and archaeological conservation perspective.
- (b) However, the applicant is required to report to AMO and stop work immediately when antiquities or supposed antiquities under the Antiquities and Monuments Ordinance (Cap. 53) are discovered during the course of works.

District Officer's Comments

10.1.10 Comments of the District Officer (Yuen Long), HAD (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) Director of Agriculture, Fisheries and Conservation (DAFC);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (d) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD).

11. Public Comments Received During Statutory Publication Period

On 4.5.2021, the application was published for public inspection. During the statutory public inspection period, two objecting public comments from individuals (**Appendices V-1 and V-2**) were received on the grounds that the proposed development would have adverse traffic and environmental impacts and is incompatible with surrounding residential use.

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 goods vehicle for a period of 3 years. Whilst the applied use is not in line with the planning intention of the "V" zone which is primarily for development of SH by indigenous villagers, the proposal could provide vehicle parking spaces to meet any such parking demand in the area. According to the DLO/YL, LandsD, no SH application has been approved or under processing at the Site. As such, approval of the application on a temporary basis will not frustrate the long-term planning intention of the "V" zone.
- 12.2 The Site is mainly surrounded by residential dwellings and vehicle parks (**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/562, 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 and CTP/UD&L of PlanD, have no objection to or adverse comment on the application. The applied use will unlikely create significant adverse traffic, environmental, drainage and landscape impacts to the surrounding areas. 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 seven previous applications for temporary public vehicle park use at the same site (**Plan A-1b**) and 30 similar applications within the same “V” zone (**Plan A-1a**). Approval of the application is in line with the Committee’s previous decisions.
- 12.6 There are two public comments received during the statutory publication period objecting to the application on ground 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 21.7.2021 until 20.7.2024. 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) only private cars and light goods vehicles are allowed to enter/be parked on 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 only private cars and light goods vehicles as defined in the Road Traffic Ordinance are allowed to enter/be parked on the site 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 is allowed on the Site, as proposed by the applicant, 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 drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) the existing fencing of the Site 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 **21.10.2021**;
- (j) the submission of a fire service installations proposal within **6** months from the date of the commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **21.1.2022**;
- (k) in relation to (j) above, the implementation of the fire service installations proposal within **9** months from the date of the commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **21.4.2022**;
- (l) 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
- (m) if the above planning conditions (i), (j) or (k) 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.

[Approval conditions (a), (b), (c), (d), (e), (f), (g), (h), (i), (j) or (k) are the same as those under application No. A/YL-PS/562; and the reinstatement clause is deleted to accord with the department's latest requirements.]

Advisory clauses

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

- 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 "V" zone which is primarily 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.

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

Appendix I	Application form received on 26.4.2021 and supplementary information received on 29.4.2021
Appendix II	Relevant extract of TPB PG-No. 34C
Appendix III	Previous Applications
Appendix IV	Similar Applications
Appendices V-1 & V-2	Public Comments
Appendix VI	Advisory Clauses
Drawing A-1	Proposed Layout Plan
Drawing A-2	Vehicular access Plan
Drawing A-3	Proposed Tree Preservation and Landscape Plan
Drawing A-4	As-built Drainage 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
JUNE 2021**