

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

APPLICATION NO. A/YL-PS/636

- Applicant** : Richland Properties Management Company Limited represented by Goldrich Planners & Surveyors Limited
- Site** : Lots 448 (Part), 449 RP (Part), 450 (Part) and 452 RP (Part) in D.D. 122, Hang Mei Tsuen, Ping Shan, Yuen Long, New Territories
- Site Area** : About 2,249 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** : Temporary Vehicle Park for Coaches 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-1**) for temporary vehicle park for coaches 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 the applied use without valid planning permission (**Plans A-2 and 4**).
- 1.2 The Site was involved in 3 previous applications (No. A/YL-PS/371, 469 and 552) for temporary vehicle park for coaches (**Plan A-1**). The last application No. A/YL-PS/552 for renewal of planning approval for temporary vehicle park for coaches was approved with conditions by the Rural and New Town Planning Committee (the Committee) for a period of 3 years on 9.2.2018. All of the time-limited approval conditions have been complied with. The planning permission lapsed on 25.2.2021.

- 1.3 According to the applicant, the Site is accessible via a local track from Tsui Sing Road leading to Ping Ha Road (**Plans A-2 and A-3**). Only coaches are allowed to be parked on the Site. A total of 15 parking spaces for coaches would be provided within the Site. The operation hours will be from 7:00 a.m. to 11:00 p.m. daily (including public holidays). No vehicle without valid licences issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site. No workshop or vehicle repair activity will be carried out at the Site. The location plan, layout plan, tree preservation proposal and drainage proposal are at **Drawings A-1 to A-4** respectively.
- 1.4 Compared with the last application No. A/YL-PS/552, the current application is submitted by the same applicant for the same use at the same site with the same development parameters.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 27.4.2021 and (**Appendix I**) supplementary information received on 30.4.2021
 - (b) Further Information (FI) received on 13.5.2021 to (**Appendix Ia**) respond departmental comments
 - (c) FI received on 31.5.2021 to respond departmental (**Appendix Ib**) comments
- ((b) and (c) are accepted and exempted from publication and recounting)*

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) Although the Site is zoned “V”, it is a piece of Tso/Tong land. The Tso/Tong has no intention of building village houses at the Site. Therefore the applied use does not frustrate the planning intention of the “V” zone.
- (b) The Site is subject to 3 previous approved applications. The planning circumstances in proximity of the Site have not been materially changed. A number of similar applications for public vehicle park have been approved at the same “V” zone.
- (c) There is a pressing need for providing more parking space for coaches in the vicinity as the number of visitors of Ping Shan Heritage Trail is increasing.
- (d) The Site is located to the west of village houses of Hang Mei Tsuen. The applied use is compatible with the surrounding environment. No adverse environmental, traffic, drainage and landscape impacts are anticipated.

3. **Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting site notice and sending notice to the Ping Shan Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

The current use on the Site would be subject to planning enforcement action.

5. **Previous Applications**

- 5.1 The Site is involved in 3 previous applications (No. A/YL-PS/371, 469 and 552) for temporary vehicle park for coaches. Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.
- 5.2 Application No. A/YL-PS/371 and its renewal applications No. A/YL-PS/469 and 552 submitted by the same applicant for temporary vehicle park for coaches each for a period of 3 years were approved with conditions by the Committee on 24.2.2012, 6.2.2015 and 9.2.2018 respectively mainly on grounds of no adverse departmental and public comments were received; not incompatible with the surrounding land uses and landscape character; and temporary approval of the application for a period of 3 years would not jeopardise the long-term planning intention of the “V” zone. The planning permission of the last application No. A/YL-PS/552 lapsed on 25.2.2021.
- 5.3 Compared with the last application No. A/YL-PS/552, the current application is submitted by the same applicant for the same use at the same site with the same development parameters.

6. **Similar Applications**

- 6.1 There are 13 similar applications (No. A/YL-PS/340, 356, 372, 385, 386, 437, 458, 472, 485, 515, 521, 564 and 590) for temporary public vehicle park for private cars and/or light goods vehicles and/or medium goods vehicles not exceeding 24 tonnes use within the same “V” zone. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.
- 6.2 Among the similar applications, 12 of them (No. A/YL-PS/340, 356, 385, 386, 437, 458, 472, 485, 515, 521, 564 and 590) were approved by the Committee on considerations that the temporary use would not jeopardize 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, the permissions for three applications (No. A/YL-PS/340, 385 and 458) were subsequently revoked due to non-compliance with approval conditions.

- 6.3 For the remaining application No. A/YL-PS/372, it was rejected by the Board upon review on 27.7.2012 for the reasons that the applied use was not in line with the planning intention of the “V” zone; and the proposed development had to be accessed via a long stretch of local track passing through “V” zone and would generate environmental nuisance to the adjacent residential settlements as well as those along the access road.

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

- 7.1 The Site is:

- (a) currently used for the applied use without valid planning permission; and
- (b) accessible via a local track from Tsui Sing Road leading to Ping Ha Road (**Plans A-2 and A-3**).

- 7.2 The surrounding areas have the following characteristics:

- (a) to the immediate east and northeast is temporary public vehicle park covered by valid planning permission;
- (b) to the immediate southeast are temporary public vehicle parks with valid planning permissions; to the further southeast are residential dwellings;
- (c) to the west is Hang Mei Tsuen Light Rail Stop adjoining Ping Ha Road; and
- (d) to the north and northwest are two ponds.

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 prior approval of the Government.
- (b) Lot No. 449 RP in D.D. 122 is covered by Short Term Waiver (STW) No. 3960 to permit structures erected thereon for the purpose of “Temporary Rural Communal Public Vehicle Park for Private Cars, 5.5 Tonnes Goods Vehicles, Coaches and 24 Tonnes Goods Vehicles”;
- (c) Lot No. 452 RP in D.D. 122 is covered by STW No. 4529 to permit structures erected thereon for the purpose of “Temporary Public Vehicle Park for Private Cars”;
- (d) Should planning approval be given to the planning application, STW holder(s) will need to apply to his office for modification of 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 site, if any. 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.
- (e) There is no Small House (SH) application within or in the vicinity of 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) 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**.

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) HyD shall not be responsible for the maintenance of any access connecting the Site and Tsui Sing Road.

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 proposed development involves operation of heavy vehicles. He observe that there are sensitive users (residential dwellings) about 46m from the southern site boundary (**Plan A-2**). Environmental nuisance is expected.
- (b) There was no substantiated environmental complaint 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):

- (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 18 existing trees of common species, mainly *Ficus spp.*, along the northern and eastern boundaries within the Site. The Site is situated in an area of miscellaneous urban fringe landscape predominated by ponds, village houses, vehicle parking areas 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, as the proposed development will not involve any tree removal and the existing trees within the Site are proposed to be preserved, significant adverse landscape impact arising from the proposed development is not envisaged.

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

Drainage

9.1.6 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 was implemented under an approval application No. A/YL-PS/552 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 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 applicant should note his detailed comments at **Appendix V**.

Others

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

He has no objection in principle to the application from the built heritage and archaeological conservation perspectives. The applicant is required to inform AMO immediately when any antiquities or supposed antiquities under Antiquities and

Monuments Ordinance (Cap. 53) are discovered during the course of works.

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

10. Public Comments Received During the Statutory Publication Period

On 4.5.2021, the application was published for public inspection. During the statutory public inspection period, two objecting public comments (**Appendices IV-1 to IV-2**) were received from individuals on the grounds of the proposed development will have adverse traffic and environmental impacts and the applied use cannot be considered as an ancillary facility to village type developments.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary vehicle park for coaches 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 applied use is not 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 planning intention of the "V" zone.
- 11.2 The Site is mainly surrounding by vehicle parks, light rail station, residential dwellings and ponds (**Plan A-2**). The proposed use 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 is expected. However, there was no substantiated environmental complaint concerning the Site received by DEP in the past 3 years. 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 three previous applications for the same use at the Site and 12 similar applications within the same “V” zone. Approval of the current application is in line with the previous decisions of the Committee.
- 11.5 There are two public comments objecting to the application received as summarised in paragraph 10 above. The planning considerations and assessments in the paragraphs 11.1 to 11.4 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 **25.6.2024**. 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 coaches, as proposed by the applicant, are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (c) a notice shall be posted at a prominent location of the Site to indicate that only coaches are allowed to enter/be parked on the site at all times during the planning approval period;
- (d) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site, as proposed by the applicant, at any time during the planning approval period;
- (e) no vehicle washing, 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 drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) the existing boundary fencing on the Site shall be maintained at all times during the planning approval period;
- (i) the submission of the condition record of drainage facilities within **3** months to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **25.9.2021**;
- (j) the submission of a 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 **25.12.2021**;
- (k) in relation to (j) above, the implementation of the fire service installations proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **25.3.2022**;
- (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 any of 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.

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 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 27.4.2021 and supplementary information received on 30.4.2021
Appendix Ia	FI received on 13.5.2021
Appendix Ib	FI received on 31.5.2021
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendices IV-1 to IV-2	Public comments
Appendix V	Advisory Clauses
Drawing A-1	Location Plan
Drawing A-2	Layout Plan
Drawing A-3	Tree Preservation Proposal
Drawing A-4	Drainage Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JUNE 2021**