

RNTPC Paper No. A/YL-PS/637
For Consideration by
the Rural and New Town
Planning Committee
on 25.6.2021

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

APPLICATION NO. A/YL-PS/637

<u>Applicant</u>	: Busy Firm Investment Limited represented by Mr. Tang Ping Kuen
<u>Site</u>	: Lot 894 RP in D.D. 122, Ping Shan, Yuen Long, New Territories
<u>Site Area</u>	: About 4,424 m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: 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)
<u>Zoning</u>	: “Comprehensive Development Area” (“CDA”) <i>[Restricted to a maximum plot ratio of 0.4 and a maximum building height of 3 storeys including car park]</i> <i>(the zoning and development restrictions remain unchanged on the current OZP)</i>
<u>Application</u>	: Renewal of Planning Approval for Temporary Public Vehicle Park (excluding container vehicles) 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 (excluding container vehicles) for a period of 3 years (**Plan A-1a**). According to the Notes for the “CDA” 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/558 (**Plans A-1b and A-4**).
- 1.2 The Site involves ten previous applications (No. A/DPA/YL-PS/19, A/YL-PS/33, 103, 112, 131, 148, 181, 223, 290 and 558) for residential development, temporary open storage and/or public vehicle park with/without ancillary office and vehicle repair workshop (**Plan A-1b**). The last application No. A/YL-PS/558 for temporary public vehicle park (excluding container vehicles) for a period of 3 years was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 6.7.2018. All the time-limited approval conditions

under the last application had been complied with and the permission is valid until 6.7.2021.

- 1.3 According to the applicant, the Site is accessed through an existing road leading from Long Ping Road (**Plan A-3**). Only private car are allowed to enter/be parked on the Site. No vehicle without valid licences issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site. No vehicle washing, repairing, dismantling, paint spraying or other workshop activity is allowed on the Site. A notice will be posted at a prominent location of the Site at all times to indicate that only private cars as defined in the Road Traffic Ordinance are allowed to enter/be parked on the site. The proposed layout plan is at **Drawing A-1**.
- 1.4 Compared with the last planning application (No. A/YL-PS/558), the proposal and development parameters of the current application are the same, as shown in the table below:

Major Development Parameters	Last Approved Application (A/YL-PS/558)	Current Application (A/YL-PS/637)
Site Area	About 4,424m ²	
Applied Use	Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 3 Years	
Total Floor Area (non-domestic)	About 3 m ²	
No. Of Structures	1 for guard room	
No. of Parking Spaces	151 for private cars (5m x 2.5m) 3 for disabled car parking (5m x 3.5m)	
Operation Hours	24 hours daily	

- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 27.4.2021 with replacement pages and supplementary information received on 29.4.2021 and 3.5.2021 respectively **(Appendix I)**
 - (b) Further Information (FI) received on 24.5.2021 to respond departmental comment **(Appendix Ia)**
 - (c) FI received on 28.5.2021 to respond departmental comment **(Appendix Ib)**
 - (d) FI received on 15.6.2021 to clarify the operation **(Appendix Ic)**
((b) to (d) are 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 **Appendices I to Ib**. They can be summarised as follows:

- (a) The Site will provide parking spaces to meet the public need.
- (b) The renewal of temporary car park would result in small amount of net increase in trip generation and attraction during morning and evening only. The proposed development would not impose significant traffic impacts on the vicinity.
- (c) A notice will be posted to remind drivers on pedestrian safety on the access road to the Site.

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

The applicant is the sole “current land owner” of the lot. 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 10 previous planning applications (No. A/DPA/YL-PS/19, A/YL-PS/33, 103, 112, 131, 148, 181, 223, 290 and 558) covering part or whole of the Site. Since previous application No. A/DPA/YL-PS/19 is for different use of the current application, details of that application are not elaborated in the following. All previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1b**.

Rejected Applications

- 6.2 Amongst them, 7 applications (No. A/YL-PS/33, 103, 112, 131, 181, 223 and 290) for temporary parking for private cars, light goods vehicles and medium goods vehicles, with or without heavy goods vehicles and/or container lorries/vehicles, and storage of vehicles for sale were rejected by the Committee or the Board on review or dismissed by the Town Planning Appeal Board from 1998 to 2010 mainly on grounds that the access was not suitable for heavy vehicles; the development was not compatible with the surrounding land uses (residential dwellings nearby); there was insufficient information to demonstrate no adverse drainage, traffic, environmental and visual/landscape impacts and the approval of the application would set an undesirable precedent.

Approved Applications

- 6.3 Applications No. A/YL-PS/148 and 558 for temporary public vehicle park for private cars and/or light goods vehicles each for a period of 3 years were approved with conditions by the Board on review and the Committee on 17.10.2003 and 6.7.2018 respectively mainly on the grounds that the development would not jeopardise the long-term planning intention, not incompatible with surrounding land uses and no adverse comment from concerned government departments. However, the planning permission of Application No. A/YL-PS/148 was revoked on 15.12.2003. For Application No. A/YL-PS/558, all the approval conditions have been complied with and the permission is valid until 6.7.2021.
- 6.4 Compared with the last application No. A/YL-PS/558, 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 within the same “CDA” zone on 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 an existing track leading to Long Ping Road.
- 8.2 The surrounding areas have the following characteristics:
- (a) to the immediate north of the Site is the West Rail (WR) viaduct. To the further north across the WR viaduct are village office, residential dwellings and gardening and parking of vehicles which are suspected unauthorised development (UD);
 - (b) to the immediate east is a site with container office and parking of vehicles which is suspected UD. To the further east is an emergency access point of West Rail Line;
 - (c) to the immediate south is vacant land; and
 - (d) to the west are some scattered residential dwellings with temporary structures and vacant land.

9. Planning Intention

The “CDA” zone is intended for comprehensive development/redevelopment of the area for residential use with commercial, open space and other supporting facilities. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints.

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) Lot No. 894 RP in D.D. 122 is covered by Short Term Waiver (STW) No. 5055 to permit structures erected thereon for the purpose of “Temporary Public Vehicle Park (excluding container vehicle)”.
- (c) 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. Besides, given the proposed use is temporary in nature, only application for regularization 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 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.

Traffic

10.1.2 Comments of the Commissioner for Transport (C for T):

- (a) The Site is connected to the Long Ping Road via a section of a local access road which is not managed by Transport Department. 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 the relevant lands and maintenance authorities accordingly.
- (b) No vehicle is allowed to queue back to or reverse onto/from public roads at any time during the planning approval period.

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 Long Ping Road.

Railway

- 10.1.4 Comments of the Chief Engineer/Railway Development 2-2/Railway Development Office, Highways Department (CE/RD2-2, RDO, HyD):

The Site falls within the railway protection boundary of the existing West Rail Line. The applicant should consult Mass Transit Railway Corporation Limited with respect to operation, maintenance, safety and future construction on the existing railway network with reference to the procedure in PNAP APP-24.

Environment

- 10.1.5 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

- 10.1.6 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 10 numbers of *Bauhinia spp.* (羊蹄甲屬) trees in good condition along the southeastern and southwestern boundaries within the Site. The Site is situated in an area of miscellaneous urban fringe landscape predominated by vehicle parking areas, village houses, and scattered tree groups 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. As significant adverse landscape impact arising from the applied use is not envisaged, he has no objection to the application from landscape planning point of view.

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

Drainage

- 10.1.7 Comments of the Chief Engineer/Mainland North, DSD (CE/MN,

DSD):

- (a) Since it is an application for renewal of planning approval of the previous application no. A/YL-PS/558, 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. 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

10.1.8 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 his Department for approval. The applicant should note his detailed comments at **Appendix VI**.

Building Matters

10.1.9 Comment of the Chief Building Surveyor/New Territories West, Building Department (CBS/NTW, BD):

- (a) Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on site, prior approval and consent of the BD should be obtained, otherwise they are unauthorised building works (UBW) under the Buildings Ordinance (BO). An Authorised Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (b) The applicant should note his detailed comments at **Appendix VI**.

Others

10.1.10 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. Notwithstanding, 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

10.1.11 Comments of the District Officer (Yuen Long), HAD (DO(YL), HAD):

His Office received one supporting comment from the village representative of Wing Ning Tsuen on the application which is at **Appendix IV**.

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); and
- (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 development will have adverse traffic, environmental and fire safety impacts in the vicinity, and the Site should be compulsory purchased by the Government and used for residential or commercial developments.

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of the planning approval for temporary public vehicle park (excluding container vehicles) for a period of 3 years. Although the applied use is not entirely in line with the planning intention of the “CDA” zone which is intended for comprehensive development/redevelopment of the area for residential use with commercial, open space and other supporting facilities, the applied use could provide vehicle parking spaces to meet any such parking demand in the area and there is no known development programme at the Site. As such, approval of the application on a temporary basis for 3 years will not frustrate the long-term development of the “CDA” zone.
- 12.2 The Site is mainly surrounded by WR viaduct, brownfield operations, vacant land and scattered residential dwellings with temporary structures (**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/558, 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 no adverse comments on the application. The proposed development will unlikely create significant adverse traffic, environmental, drainage and landscape impacts on 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 UD 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 two previous applications for same use at the Site (**Plans A-1a** and **A-1b**). Approval of the application is in line with the Committee’s previous decisions.
- 12.6 There are a supporting comment relayed from DO(YL), HAD and two public comments received during the statutory publication period objecting to the application as mentioned in paragraphs 10.1.11 and 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 paragraphs 10.1.11 and 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 **7.7.2021** until **6.7.2024**. 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, as proposed by the applicant, at all times during the planning approval period;
- (b) a notice shall be posted at a prominent location of the Site at all times to indicate that only private cars as defined in the Road Traffic Ordinance are allowed to enter/be parked on the site, as proposed by the applicant, during the planning approval period;
- (c) 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, as proposed by the applicant, 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, 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 boundary fencing shall be maintained during the planning approval period;
- (h) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (i) the submission of a condition record of the 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 **7.10.2021**;
- (j) the submission of 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 **7.1.2022**;
- (k) in relation to (j) above, the implementation of 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 **7.4.2022**;
- (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 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.

[Approval conditions (a), (b), (c), (d), (e), (f), (j) and (k) are the same as those under application No. A/YL-PS/558; (g) and (h) have been updated as per the current proposal; and (i) has been updated and the reinstatement clause is deleted to accord with the departments' 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 the "CDA" zone which is for comprehensive development/redevelopment of the area for residential use with commercial, open space and other supporting facilities. 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 27.4.2021 with replacement pages and supplementary information received on 29.4.2021 and 3.5.2021 respectively
Appendix Ia	FI received on 24.5.2021
Appendix Ib	FI received on 28.5.2021
Appendix Ic	FI received on 15.6.2021
Appendix II	Relevant extract of TPB PG-No. 34C
Appendix III	Previous Applications
Appendix IV	Local comment relayed from DO(YL), HAD
Appendices V-1 to V-2	Public Comments
Appendix VI	Advisory Clauses
Drawing A-1	Proposed Layout Plan
Plan A-1a	Location Plan
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**