

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

APPLICATION NO. A/YL-PS/638

- Applicant** : Mr. TANG Kam Lun Alan represented by Metro Planning and Development Company Limited
- Site** : Lot 455 S.A RP in D.D. 122 and adjoining Government Land (GL), Ping Shan, Yuen Long, New Territories
- Site Area** : About 1,068 m² (including GL of about 54 m² or 5%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/19
- Zoning** : “Village Type Development” (“V”)
[restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Temporary Public Vehicle Park (Private Cars) 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 public vehicle park (private cars) 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 with valid planning permission under application No. A/YL-PS/583 (**Plans A-2 and A-4**).
- 1.2 The Site was involved in 2 previous applications (No. A/YL-PS/516 and 583) for the same use as the current application (**Plan A-1**). The last application No. A/YL-PS/583 was approved with conditions by the Rural and New Town Planning Committee (the Committee) for a period of 3 years on 22.3.2019 with permission valid until 22.3.2022. All the time-limited approval conditions have been complied with. The current application is submitted by the same applicant for the same use at the same site with an additional structure for rain shelter.
- 1.3 According to the applicant, the Site is accessible via a local track leading from Ping Ha Road (**Plans A-2 and A-3**). Only private cars are allowed to be parked on the Site. No light/ medium/ heavy goods vehicle, coach and

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 on the Site. No vehicle washing, repairing, dismantling, paint spraying and other workshop activities will be carried out on the Site. The site plan, proposed layout plan, proposed tree preservation plan and as-built drainage plan are at **Drawings A-1 to A-4** respectively.

- 1.4 A comparison of major development parameters of the last application to the current application is as follows:

Major Development Parameters	Last Approved Application (A/YL-PS/583) (a)	Current Application (A/YL-PS/638) (b)	Difference (b) – (a)
Applied Use	Temporary Public Vehicle Park (Private Cars) for a Period of 3 Years		No change
Site Area	About 1,068 m ²		No change
Maximum Floor Area	36 m ²	276 m ²	+ 240 m ² (+ 666.6%)
No. of Structures	2 (for site office, electricity meter room and toilet uses)	3 (for site office, electricity meter room, rain shelter and toilet uses)	+ 1 Additional rain shelter
Maximum Height of Structures	3m (1 storey)		No change
No. of Parking Spaces	28 (5m x 2.5m each)		No change
Operation Hours	7 a.m. to 11 p.m. daily (including public holidays)		No change

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

- (a) Application form with annex and plans received on 18.5.2021 (**Appendix I**)
- (b) Supplementary Information (SI) received on 24.5.2021 (**Appendix Ia**)
- (c) Further Information (FI) received on 22.6.2021 to clarify the operation (**Appendix Ib**)
[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) The Site was the subject of 2 previous planning permissions and has been occupied by the applied use since 2016. The applicant has complied with

all the planning conditions imposed to the last planning permission. A number of similar applications for public vehicle park have been approved by the Board in the nearby “V” zone.

- (b) There is insufficient parking space in Sheung Cheung Wai. The applied use could meet such demand.
- (c) The applied use does not frustrate the planning intention of the “V” zone and it is not incompatible with the surrounding environment. No adverse environmental, traffic and drainage 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. For GL, the requirements as set out in TPB PG-No. 31A are not applicable.

4. Background

The Site is not subject to any planning enforcement action.

5. Previous Applications

- 5.1 The Site is involved in 2 previous applications (No. A/YL-PS/516 and 583) for temporary Public Vehicle Park (Private Cars). Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.
- 5.2 Applications No. A/YL-PS/516 and 583 were approved with conditions each for a period of 3 years by the Committee in 2016 and 2019 respectively, mainly on the considerations that the applied uses were not incompatible with the surrounding land uses, the application on a temporary basis would not frustrate the long-term planning intention of the “V” zone, no adverse departmental comments were received and the concerns of relevant government departments could be addressed by imposing approval conditions.
- 5.3 Compared with the last application No. A/YL-PS/583, the current application is submitted by the same applicant for the same use at the same site with similar layout and increase in maximum floor area and number of structures.

6. Similar Applications

- 6.1 There are 32 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-1**.

- 6.2 All of these 32 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 use was unlikely to create significant adverse traffic, environmental, drainage and visual impacts on the surrounding areas. Amongst these approved applications, the permissions for four applications (No. A/YL-PS/468, 498, 553 and 561) were revoked due to non-compliance with approval conditions.

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 with valid planning permission;
- (b) paved and fenced off (**Plans A-2 and A-4**); and
- (c) accessible via a local track leading to Ping Ha Road (**Plans A-2 and A-3**).

7.2 The surrounding areas have the following characteristics:

- (a) to the north are vehicle parks and shop and services which are covered by valid planning permissions under applications No. A/YL-564, 590, 600 and 636 as well as toilet and sitting-out area. The other parking of vehicles, shop and storage uses are suspected unauthorised development (UD);
- (b) to the immediate south are residential dwellings. To the further south across Ping Ha Road are public vehicle park with valid planning permission No. A/YL-PS/571, toilet, plant nursery and refuse collection point. The parking of vehicles is suspected UD;
- (c) to the east are residential dwellings, Kun Ting Study Hall and Ching Shu Hin; and
- (d) to the west is a local track and a slope.

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 (SH) 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 GL and 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) No permission is given for occupation of GL (about 54m² subject to verification) included in the Site. Any occupation of GL without Government's prior approval is not allowed.
- (c) Lot No. 455 S.A RP in D.D.122 is covered by Short Term Waiver (STW) No. 4712 to permit structures erected thereon for the purpose of "Temporary Public Vehicle Park (Private Cars)".
- (d) Should planning approval be given to the subject planning application, the STW holder(s) will need to apply to his office for modification of the STW conditions where appropriate. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Furthermore, the applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. 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 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) 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 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 Ping Ha Road.

Environment

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

- (a) There was no substantiated environmental complaint concerning the Site received by DEP in the past 3 years.
- (b) 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, the Site is hard paved vehicle park in operation. Referring to the site photos taken by his office on 31.5.2021, around 28 numbers of existing trees of common species including *Ficus microcarpa* (細葉榕) and *Melia azedarach* (苦楝) are found along the southern, eastern and western boundary and existing bamboos are found along the northern boundary within the Site.
- (b) The Site is situated in an area of miscellaneous urban fringe landscape predominated by village houses with other similar parking areas 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, significant adverse landscape impact arising from the proposed development

is not envisaged.

- (c) 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 approved application No. A/YL-PS/583 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**.

Building Matters

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

The applicant should note his detailed comments at **Appendix V**.

Others

9.1.9 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

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

He 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) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD); and
- (d) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

10. Public Comments Received During the Statutory Publication Period

On 25.5.2021, the application was published for public inspection. During the statutory public inspection period, two objecting public comments from individuals (**Appendices IV-1 and IV-2**) were received on the grounds that the development will have adverse traffic, environmental and fire safety impacts in the vicinity, and the parking demand of the concerned "V" zone is questionable.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary public vehicle park (private cars) for a period of 3 years at the Site zoned "V" on the OZP, which is primarily intended for development of SH by indigenous villagers. Whilst the applied use is not entirely in line with the planning intention of the "V" zone, according to the DLO/YL, LandsD, no SH application has been approved at the Site. The applied use could provide vehicle parking spaces to meet any such parking demand in the area. Approval of the application on a temporary basis will not frustrate the long-term planning intention of the "V" zone.
- 11.2 The Site is mainly surrounded by vehicles parks, shop and/or storage yards, toilet and residential dwellings (**Plan A-2**). The applied use is considered not incompatible with the surrounding land uses.
- 11.3 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. There has been no environmental complaint concerning the Site received in the past 3 years. To minimise any potential environmental nuisances and to address the technical requirements of concerned Government departments, appropriate approval conditions are recommended in paragraph 12.2 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.

- 11.4 The Committee has approved two previous applications for the same use at the Site and 32 similar applications within the same “V” zone. Compared with the last approved application (No. A/YL-PS/583), the current is submitted by the same applicant for the same use of the same site with an additional structure for rain shelter. 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 **9.7.2024**. 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, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, 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, as proposed by the applicant, at any time during the planning approval period;
- (d) a notice shall be posted at a prominent location of the Site to indicate that only private cars are allowed to enter/be parked on the site at all times during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public roads at any time during the planning approval period;
- (f) the existing boundary fencing shall be maintained at all time during the planning approval period;
- (g) the existing trees within the Site shall be maintained in good condition

at all times during the planning approval period;

- (h) the existing 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 drainage facilities within **3 months** to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **9.10.2021**;
- (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 **9.1.2022**;
- (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 **9.4.2022**;
- (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.

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 SH 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 18.5.2021
Appendix Ia	SI received on 24.5.2021
Appendix Ib	FI received on 22.6.2021
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendices IV-1 and IV-2	Public comments
Appendix V	Advisory Clauses
Drawing A-1	Vehicular Access Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	Proposed Tree Preservation Plan
Drawing A-4	As-built Drainage Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JULY 2021**