

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

**APPLICATION NO. A/YL-PS/641**

<b><u>Applicant</u></b>	: Richland Properties Management Company Limited represented by Goldrich Planners & Surveyors Limited
<b><u>Site</u></b>	: Lots 449 RP (Part), 450 (Part) and 452 RP (Part) in D.D. 122 and Adjoining Government Land (GL), Hang Mei Tsuen, Ping Shan, Yuen Long, New Territories
<b><u>Site Area</u></b>	: About 1,853 m <sup>2</sup> (including GL of about 32 m <sup>2</sup> (about 2%))
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Draft Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/19
<b><u>Zoning</u></b>	: “Village Type Development” (“V”) <i>[Restricted to a maximum building height of 3 storeys (8.23m)]</i>
<b><u>Application</u></b>	: Renewal of Planning Approval for Temporary Public Vehicle Park for Medium Size Buses (24-seater) and Private Cars 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 Medium Size Buses (24-seater) and Private Cars 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/564 (**Plans A-1b and A-4**).
- 1.2 The Site involves six previous applications (No. A/YL-PS/183, 249, 306, 386, 485 and 564) for temporary vehicle parks for sludge collection vehicles, lorries, pick-up trucks and/or medium size buses (24 seater) and/or private cars with/without vehicle washing area and storage area (**Plan A-1b**). The last application No. A/YL-PS/564 for the same use as the current application was approved with conditions for a period of 3 years by the Rural and New Town Planning Committee (the Committee) of the Board on 17.8.2018. All the time-limited approval conditions under the last application had been complied with and the permission is valid until 24.8.2021.

- 1.3 According to the applicant, only medium size buses (24-seats) and private cars 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 repair and/ 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 no vehicle exceeding 5.5 tonnes, including container tractor/ trailer or bus exceeding 24 seats is allowed to enter/be parked on the site. The location plan, site plan, landscape plan, as-built drainage plan and fire service installations (FSIs) proposal are at **Drawings A1 to A5**.
- 1.4 Compared with the last application, 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/564)	Current Application (A/YL-PS/641)
Applied Use	Temporary Public Vehicle Park for Medium Size Buses (24-seater) and Private Cars for a Period of 3 Years	
Site Area	About 1,853 m <sup>2</sup> (including about 32 m <sup>2</sup> of GL)	
No. of Parking Spaces	36 for medium size buses (24-seats) and private cars (7m x 2m each)	
Operation Hours	7:00 a.m. to 11:00 p.m. daily (including Public Holidays)	

- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application form and supplementary information received on 25.6.2021 and 30.6.2021 respectively **(Appendix I)**
  - (b) Further Information (FI) received on 13.7.2021 to respond departmental comments **(Appendix Ia)**
  - (c) FI received on 23.7.2021 to respond departmental comments and provide FSIs proposal **(Appendix Ib)**  
*((b) and (c) 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 **Appendix I**. They can be summarised as follows:

- (a) The Site is the subject of previous approved application No. A/YL-PS/564 and all the approval conditions had been complied with.
- (b) There are many new residential developments in Hang Mei Tsuen. The applied use will continue to serve the need of the residents.
- (c) There is no adverse impact on the environment. The existing trees planted

around the boundaries will be preserved.

**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. 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 any planning enforcement action.

**6. Previous Applications**

6.1 The Site is involved in six previous planning applications (No. A/YL-PS/183, 249, 306, 386, 485 and 564) covering part or whole of the Site. 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/183, 249, 306, 386, 485 and 564 for temporary vehicle parks for sludge collection vehicles, lorries, pick-up trucks and/or medium size buses (24 seater) and/or private cars with/without vehicle washing area and storage area were all approved with conditions each for a period ranging of 1 to 3 year(s) by the Committee/the Board upon review between 2004 and 2018, mainly on the considerations that the applied uses 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 for application No. A/YL-PS/183 was revoked in 2006 due to non-compliance with time-limited approval conditions.

6.3 Compared with the last application No. A/YL-PS/564, 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 Applications**

7.1 There are 14 similar applications (No. A/YL-PS/340, 356, 371, 372, 385, 437, 458, 469, 472, 515, 521, 552, 590 and 636) for temporary public vehicle park for private cars and/or light goods vehicles and/or medium goods vehicles not exceeding 24 tonnes use and/or coaches within the same “V” zone. Details of the

similar applications are summarised at **Appendix IV** and their locations are shown on **Plan A-1a**.

***Rejected Application (1 case)***

- 7.2 Application No. A/YL-PS/372 was rejected by the Board upon review on 27.7.2012 for the reasons that the proposed development 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.

***Approved Applications (13 cases)***

- 7.3 Applications No. A/YL-PS/340, 356, 371, 385, 437, 458, 469, 472, 515, 521, 552, 590 and 636 were approved with conditions each by the Committee/ the Board upon review between 2011 and 2021, mainly on the considerations that the applied uses would not jeopardize the long-term planning intention; the applied uses were not incompatible with the surrounding land uses; and the applied 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/340, 385 and 458 were subsequently revoked due to non-compliance with approval conditions.

**8. The Site and Its Surrounding Areas (Plans A-1a to A-4)**

- 8.1 The Site is:

- (a) currently occupied by the applied use with valid planning permission;
- (b) paved and fenced off; and
- (c) accessible via local track leading to Tsui Sing Road.

- 8.2 The surrounding areas have the following characteristics:

- (a) to the immediate north is a vehicle park which is suspected unauthorised development (UD). To the northeast are rural communal public vehicle park and shop and services covered by valid planning permissions under applications No. A/YL-PS/590 and 600 and vacant structures;
- (b) to the immediate east are open storage of vehicles and storage yard which are suspected UD and toilet;
- (c) to the immediate northwest is vehicle park covered by valid planning permission under application No. A/YL-PS/636. To the further northeast is a pond; and
- (d) to the south are a vehicle park covered by valid planning permission under application No. A/YL-PS/638 and some residential dwellings.

## **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 (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.

## **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 the prior approval from the Government.
- (b) No permission is given for occupation of GL (about 32m<sup>2</sup> subject to verification) included in the Site. Any occupation of GL without Government’s prior approval is not allowed.
- (c) 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, - 6 - Coaches and 24 Tonnes Goods Vehicles”.
- (d) 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”.
- (e) 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 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 regularization or erection of temporary structures(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 the LandsD acting in the capacity of 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 the LandsD.

- (f) According to his record, there is no SH application received or under processing at the Site. There are 3 approved small house applications in the vicinity (i.e. within 30m) of the Site.

### **Traffic**

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

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

#### 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, the Site is situated in an area of miscellaneous urban fringe landscape character predominated by vehicle parking areas, temporary structures, small houses and

residential buildings in the proximity. Referring to the site photos taken by his office dated 08.07.2021, the Site is hard paved vehicle park in operation with existing trees of common species *Ficus microcarpa* (細葉榕) along the northern and western boundary within the Site. Significant change to the landscape character arising from the continued use of this renewal application 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, DSD (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/564 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):

He has no objection in principle to the renewal application subject to the existing FSIs implemented on the Site being maintained in efficient working order at all times.

### **District Officer's Comments**

10.1.8 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) Chief Building Surveyor/New Territories West, Building Department (CBS/NTW, BD);
- (b) Commissioner of Police (C of P);
- (c) Director of Agriculture, Fisheries and Conservation (DAFC);
- (d) Executive Secretary (Antiquities & Monuments), Antiquities and Monuments Office (ES(A&M), AMO);

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

## **11. Public Comments Received During Statutory Publication Period**

On 6.7.2021, 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 applied use will have adverse traffic, environmental and fire safety impacts in the vicinity. And most of these parking facilities could be accommodated underground or in multi-storey parking facilities and the land could be freed up for other proposes.

## **12. Planning Considerations and Assessments**

- 12.1 The application is for renewal of the planning approval for temporary public vehicle park for medium size buses (24-seater) and private cars for a period of 3 years. Whilst the applied use is not entirely in line with the planning intention of the “V” zone which is primarily for development of SH by indigenous villagers, it 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 at the Site. 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 public vehicle parks, shop and services, open storage/storage yards and residential dwellings (**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/564, 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. 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 six previous applications for the same use at the Site and 13 similar applications within the same “V” zone (**Plans A-1a and A-1b**). Approval of the application is in line with the Committee’s previous decisions.



- 12.6 There were two public comments received during the statutory publication period objecting to the application as mentioned 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 25.8.2021 until 24.8.2024. 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 medium size buses (24 seats) and 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;
- (c) a notice shall be posted at a prominent location of the Site at all times to indicate that only medium size buses (24 seats) and 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;
- (d) 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;
- (e) 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;
- (f) 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;
- (g) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (h) the existing boundary fencing shall be maintained during the planning approval period;
- (i) the existing trees within the Site shall be maintained in good condition

at all times during the planning approval period;

- (j) the existing fire service installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period;
- (k) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (l) 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 **25.11.2021**;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h), (i), (j) or (k) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (n) if the above planning condition (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

*[Approval conditions (a), (b), (c), (d), (e), (f), (g) and (i) are the same as those under application No. A/YL-PS/564; (h), (j) and (l) have been updated as per the current proposal; 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 "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

## **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**

<b>Appendix I</b>	Application form received on 25.6.2021 and supplementary information received on 30.6.2021
<b>Appendix Ia</b>	FI received on 13.7.2021
<b>Appendix Ib</b>	FI received on 23.7.2021
<b>Appendix II</b>	Relevant extract of TPB PG-No. 34C
<b>Appendix III</b>	Previous Applications
<b>Appendix IV</b>	Similar Applications
<b>Appendices V-1 and V-2</b>	Public Comments
<b>Appendix VI</b>	Advisory Clauses
<b>Drawing A-1</b>	Location Plan
<b>Drawing A-2</b>	Site Plan
<b>Drawing A-3</b>	Landscape Plan
<b>Drawing A-4</b>	Drainage Plan
<b>Drawing A-5</b>	FSIs Proposal
<b>Plan A-1a</b>	Location Plan
<b>Plan A-1b</b>	Previous Applications Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
AUGUST 2021**