

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/643

- Applicant** : Mr. Chan Chi Wing represented by Metro Planning & Development Company Limited
- Site** : Lots 123 (Part) and 124 RP (Part) in D.D. 121, Ping Shan, Yuen Long, New Territories
- Site Area** : About 745m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/19
- Zoning** : “Residential (Group B) 1” (“R(B)1”)
[Restricted to a maximum plot ratio of 1, a maximum site coverage of 40% and a maximum building height of 5 storeys (15m) including car park]
- 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) for temporary public vehicle park (private cars) for a period of 3 years (**Plan A-1a**). According to the Notes for the “R(B)1” 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/569 (**Plans A-1b and A-4**).
- 1.2 The Site involves in five previous applications (No. A/YL-PS/7, 92, 114, 459 and 569) for temporary container tractor and trailer park, temporary open storage of construction materials, and temporary public vehicle park for private cars and/or light goods vehicles (**Plan A-1b**). The last application No. A/YL-PS/569 was approved with conditions by the Rural and New Town Planning Committee (the Committee) for a period of 3 years on 2.11.2018. All the time-limited approval conditions under the last application have been complied with. The current application is submitted by the same applicant for the same use at the same site with additional parking spaces and structures and increase in floor area.

- 1.3 According to the applicant, the Site is accessible via an existing track leading to Ping Kwai Road (**Drawing A-1, Plans A-2 and A-3**). Only private car will be allowed to enter/park at the Site. No vehicle without valid licences issued under Road Traffic Ordinance is permitted to park at the Site. No workshop activity will be carried out at the Site. The location plan, proposed layout plan, proposed landscape and 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/569) (a)	Current Application (A/YL-PS/639) (b)	Difference (b) – (a)
Applied Use	Temporary Public Vehicle Park for Private Cars for a Period of 3 Years		No change
Site Area	About 745 m ²		No change
Maximum Floor Area	20m ²	170m ²	+150m ² (+750%)
No. of Structures	1 (for site office use)	3 (for site office, open shed and guard room)	+2 (+200%)
Maximum Height of Structures	3m (1 storey)		No change
No. of Private Car Parking Spaces	14 (5m x 2.5m)	22 (5m x 2.5m)	+8 (+57.1%)
Operation Hours	7:00 a.m. to 11:00 p.m. daily (including public holidays)		No change

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

- (a) Application form with appendix and plans received on (Appendix I) 28.7.2021

2. **Justifications from the Applicant**

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

- (a) The Site is the subject of two previous planning permissions for car park use to meet the parking demand in Tong Fong Tsuen since 2014. The applicant has complied with all the planning conditions imposed to the last planning permission.
- (b) The proposed development is compatible of surrounding environment. The proposed development will generate insignificant traffic, environmental, drainage and noise impacts to its surrounding.

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 Site is not subject to planning enforcement action.

5. Previous Applications

- 5.1 The Site is involved in five previous applications (No. A/YL-PS/7, 92, 114, 459 and 569) covering different extent of site area. Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1b**.
- 5.2 Applications No. A/YL-PS/7, 92 and 114 for temporary container tractor and trailer park and/or open storage of construction materials were rejected by the Committee between 1997 to 2002 mainly on the grounds that the applied use was not in line with the planning intention; insufficient information to demonstrate that the development would not adversely affect the Public Works Project Item No. 191CL/B - Ping Shan Development Stage II Phase I and/or no adverse noise/environmental/drainage/traffic/visual impacts on the surrounding areas and undesirable precedent.
- 5.3 Applications No. A/YL-PS/459 and 569 for temporary public vehicle park for private cars and/or light goods vehicles were approved with conditions by the Committee in 2014 and 2018 respectively, mainly on the considerations that the applied use would not jeopardise the long-term planning intention of the “R(B)1” zone; not incompatible with the surrounding land uses and no objection to or no adverse comment from government departments on the applications.
- 5.4 Compared with the last application No. A/YL-PS/569, the current application is submitted by the same applicant for the same use at the same site with additional parking spaces and structures and increase in floor area.

6. Similar Applications

- 6.1 There are ten similar applications (No. A/YL-PS/370, 380, 403, 448, 462, 467, 546, 580, 608 and 627) for temporary public vehicle park for private cars, light van and/or light goods vehicles with/without shop and services (car beauty) within the same “R(B)1” zone. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1a**.

- 6.2 All of these nine similar applications were approved by the Committee on considerations that the temporary use would not jeopardise 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 four applications (No. A/YL-PS/380, 403, 448, 462 and 546) were subsequently 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 occupied by the applied use with valid planning permission;
- (b) paved and fenced off (**Plans A-2 and A-4**); and
- (c) accessible via an existing track leading to Ping Kwai Road (**Plans A-2 and A-3**).

- 7.2 The surrounding areas have the following characteristics:

- (a) to the immediate north is a low-rise residential development;
- (b) to the immediate east is temporary shop and services (car beauty) and temporary public vehicle park with valid planning permission under application No. A/YL-PS/627. To the further east across Ping Pak Lane is Ping Pak Lane Park;
- (c) to the immediate south are storage use which is suspected unauthorised development (UD), vacant land, and temporary public vehicle park for private cars which is covered by valid planning permission under application No. A/YL-PS/608. To the further south are vehicle repair workshop, parking of vehicles and open storage which are suspected UD, unused land and residential developments; and
- (d) to the immediate west is a local track and to the further west are Light Rail and a nullah.

8. Planning Intention

The planning intention of the “R(B)1” zone is intended primarily for sub-urban medium-density residential developments in rural areas where commercial uses serving the residential neighbourhood 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 the prior approval of the Government.
- (b) Should planning approval be given to the subject planning application, the lot owner(s) will need to apply to his office to permit the structures to be erected or to regularise 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 his sole discretion and there is no guarantee that such applications 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.

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 shall be provided to prevent surface water running from the Site to the nearby public roads and drains.

- (b) The village road connecting the Site with Ping Kwai Road is not and will not be maintained by his office. His office should not be responsible for maintaining any access connecting the Site with Ping Kwai Road.

Environment

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

- (a) 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”).
- (b) There was no substantiated environmental complaint concerning the Site received by DEP in the past 3 years.

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 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 9.8.2021, the Site is a hard paved vehicle park with existing temporary structures in operation. Around 21 existing trees of common species *Ficus microcarpa* (細葉榕) along the boundary are found within the Site. Significant change to the landscape character arising from the application 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 approved application No. A/YL-PS/569 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):

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

Long Term Development

9.1.9 Comment of the Chief Engineer/Housing Projects 1, Civil Engineering Office, Civil Engineering and Development Department (CE/HP1, CEO, CEDD)

The Site falls within the brownfield clusters of Ping Kwai Road under the following Consultancy Agreement, namely Task Order No. 3 – Site Formation and Infrastructure Works for Proposed Public Housing Development at Ping Kwai Road, Yuen Long – Feasibility Study, under Agreement No. CE 46/2020 (CE) – Term Consultancy for Site Formation and Infrastructure Works for Proposed Housing Development in Zone 1 (2021-2024) – Feasibility Study which was commenced in April 2021.

District Officer's Comments

9.1.10 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 Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (d) Project Manager (West) (PM(W)), CEDD; and
- (e) Executive Secretary (Antiquities & Monuments), Antiquities and Monuments Office (ES(A&M), AMO).

10. Public Comments Received During the Statutory Publication Period

On 6.8.2021, the application was published for public inspection. During the statutory public inspection period, one objecting public comment (**Appendix IV**) was received on the grounds that the proposed development will have adverse fire safety, traffic and environmental impacts.

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 "R(B)1" on the OZP. The planning intention of the "R(B)1" zone is primarily for sub-urban medium-density residential developments in rural areas where commercial uses serving the residential neighbourhood may be permitted on application to the Board. Whilst the applied use is not entirely in line with the planning intention of the "R(B)1" zone, there is no known development proposal to implement the zoned use. According to the applicant, the applied use could provide parking spaces to meet any such demand in the area. Approval of the application on a temporary basis will not frustrate the long-term planning intention of the "R(B)1" zone.
- 11.2 The Site is mainly surrounding by vehicle parks, shop and services, repair workshops, open storage, vacant land and residential developments (**Plan A-2**). The proposed development 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 planning 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 nine similar applications within the same “R(B)1” zone. Compared with the last application No. A/YL-PS/569, the current application is submitted by the same applicant for the same use at the same site with additional parking spaces and structures and increase in floor area. Approval of the current application is in line with the previous decisions.
- 11.5 There is one public comment received objecting to the application as summarised in paragraph 10 above. The planning considerations and assessments in the paragraphs 11.1 to 11.4 are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessment made in paragraph 11, and having taken into account the public comment 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 **24.9.2024**. 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. is allowed on the Site, as proposed by the applicant, during the planning approval period;
- (b) 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;
- (c) 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 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 repairing, dismantling, car beauty or other workshop use 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 at all time during the planning approval period;
- (h) the existing trees within the Site shall be maintained in good condition at all times during the planning approval period;
- (i) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (j) the submission of condition record of the existing drainage facilities within **3** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **24.12.2021**;
- (k) 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 **24.3.2022**;
- (l) in relation to (k) 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 **24.6.2022**;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) 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;
- (n) if any of the above planning conditions (j), (k) or (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.

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 the "R(B)1" zone, which is primarily for sub-urban medium-density residential development. 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 with appendix and plans received on 28.7.2021
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendix IV	Public comment
Appendix V	Advisory Clauses
Drawing A-1	Location Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	Proposed Landscape & Tree Preservation Plan
Drawing A-4	As-built Drainage Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2021**