

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

**APPLICATION NO. A/YL-PS/645**

<b><u>Applicant</u></b>	: Mr. LEE Chun Chung represented by Metro Planning & Development Company Limited
<b><u>Site</u></b>	: Lot 9 S.B RP (Part) in D.D.121, Ping Shan, Yuen Long, New Territories
<b><u>Site Area</u></b>	: About 820 m <sup>2</sup>
<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 (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 (Private Cars) for a Period of 3 Years (**Plan A-1**). 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/571 (**Plans A-1 and A-4**).
- 1.2 The Site involves one previous application (No. A/YL-PS/571) for temporary public vehicle park (private cars) (**Plan A-1**), which was approved with conditions for a period of 3 years by the Rural and New Town Planning Committee (the Committee) of the Board on 2.11.2018. All the time-limited approval conditions under the last application had been complied with and the permission is valid until 2.11.2021.
- 1.3 According to the applicant, only private cars are allowed to enter/be parked on the Site. No light, medium and heavy goods vehicle and container tractor/trailer are allowed to enter 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. The location plan, proposed layout plan, as-built drainage plan, proposed fencing plan and proposed fire service installations (FSIs) plan 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:

<b>Major Development Parameters</b>	<b>Last Approved Application (A/YL-PS/571)</b>	<b>Current Application (A/YL-PS/645)</b>
Applied Use	Temporary Public Vehicle Park (Private Cars) for a Period of 3 Years	
Site Area	About 820 m <sup>2</sup>	
No. of Parking Spaces	30 for private cars (5m x 2.5m 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 received on 6.8.2021 (Appendix I)
- (b) Further Information (FI) received on 16.8.2021 to clarify the operation and provide FSIs proposal (Appendix Ia)  
(*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 planning permission and has been occupied for carpark use since 2018. All approval conditions imposed to the last planning permission had been complied with.
- (b) The applied use is in line with the planning intention of the “V” zone, it will continue to serve the need of the residents. A number of similar planning applications have been approved in the vicinity.
- (c) No significant traffic, environmental 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.

#### **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. 34D) 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 Application**

- 6.1 The Site involves one previous planning application (No. A/YL-PS/571) at the same site. Details of the previous application is summarised at **Appendix III** and its location is shown on **Plan A-1**.
- 6.2 Application No. A/YL-PS/571 for temporary public vehicle park (private cars) was approved with conditions for a period of 3 years by the Committee in 2018 mainly on the considerations that the applied use would not jeopardise the long-term planning intention, not incompatible with surrounding land uses and no adverse comment from concerned government departments. All the approval conditions have been complied with and the permission is valid until 2.11.2021.
- 6.3 Compared with the last application No. A/YL-PS/571, 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 three similar applications (No. A/YL-PS/488, 540 and 604) for temporary public vehicle park for private cars, light goods vehicles and/or 19-seaters coaches within the same “V” zone. Details of the similar applications are summarised at **Appendix IV** and their locations are shown on **Plan A-1**.
- 7.2 Applications No. A/YL-PS/540 and 604 were approved 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 permission for application No. A/YL-PS/540 was subsequently revoked due to non-compliance with approval conditions.

#### **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;
  - (b) paved and fenced off; and
  - (c) accessible via local track leading to Ping Ha Road.

8.2 The surrounding areas have the following characteristics:

- (a) to the immediate north are parking of vehicles which is a suspected unauthorised development (UD) and refuse collection point. To the further north across Ping Ha Road are residential dwellings and public vehicle parks with valid planning permissions No. A/YL-PS/638;
- (b) to the immediate east are residential dwellings and toilet;
- (c) to the south is land for parking of vehicles which is suspected UD; to the further south are residential dwellings and vacant land; and
- (d) to the immediate west is light rail and nullah. To the further west is a Kiu Hung Road.

## **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 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 from the Government.
- (b) It is noted that no structure was proposed in the S.16 proposal.
- (c) There is no SH application approved or under processing within or in the vicinity of the Site.

### **Traffic**

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

- (a) He has no adverse comment in principle to the renewal application.
- (b) 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 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) The applicant should note his detailed comments at **Appendix VI**.

### **Environment**

#### 10.1.4 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 were 2 substantiated environmental complaints received in the past 3 years, which were related to malodour arising from the surface channel with rubbish and debris. Several inspections were conducted, no illegal discharge was spotted.

### **Landscape**

#### 10.1.5 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

According to the aerial photo of 2020, the Site is hard paved vehicle park in operation without any existing vegetation. The Site is situated in an area of rural fringe landscape character predominated by temporary structures and parking areas in the proximity. The proposed development is considered not entirely incompatible with the landscape character of the surrounding area. Significant adverse landscape impact arising from the continual use of the development is not envisaged.

### **Drainage**

#### 10.1.6 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/571 will be maintained. 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 the satisfaction of this Division.
- (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, Buildings 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 13.8.2021, 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, pedestrian and fire safety impacts in the vicinity.

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

- 12.1 The application is for renewal of the planning approval for temporary public vehicle park (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 DLO/YL, LandsD, no SH application has been approved or under processing 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 parking of vehicles, residential dwellings and vacant land (**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. 34D in that there has been no material change in planning circumstances since the granting of the previous approval under application No. A/YL-PS/571, 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, CTP/UD&L of PlanD and D of FS, have no objection to or no adverse comments on the application. The proposed development will unlikely create significant adverse traffic, environmental, drainage, landscape and fire safety 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 one previous application for the same use at the Site and two similar applications within the same “V” zone (**Plans A-1**). Approval of the application is in line with the Committee’s previous decisions.
- 12.6 There are 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 **3.11.2021** until **2.11.2024**. 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 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 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 fire service installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period;
- (i) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (j) 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 **3.2.2022**;
- (k) 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; and
- (l) if the planning condition (j) 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) and (f) are the same as those under application No. A/YL-PS/571; (g), (h), (i) and (j) have been updated as per the current proposal.]*

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 6.8.2021
<b>Appendix Ia</b>	FI received on 16.8.2021
<b>Appendix II</b>	Relevant extract of TPB PG-No. 34D
<b>Appendix III</b>	Previous Application
<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>	Proposed Layout Plan
<b>Drawing A-3</b>	As-built Drainage Plan
<b>Drawing A-4</b>	Proposed Fencing Plan
<b>Drawing A-5</b>	Proposed FSIs Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos