

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/651

- Applicant** : Mr. Tang Kam Lun represented by Metro Planning & Development Company Limited
- Site** : Lots 422 (Part) and 423 (Part) in D.D.122, Sheung Cheung Wai, Yuen Long, New Territories
- Site Area** : About 780 m²
- 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 for 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 for 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 permission from the Town Planning Board (the Board). The Site is currently being used for the applied use without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is involved in two previous applications (No. A/YL-PS/425 and 553) for temporary public vehicle park (**Plan A-1**). The last application No. A/YL-PS/553 for temporary public vehicle park for private cars was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board for a period of 3 years on 2.3.2018. The planning permission was subsequently revoked on 13.8.2018 due to non-compliance with the approval conditions.
- 1.3 According to the applicant, the Site is accessible via a local track leading from Tsui Sing Road (**Drawing A-2 and Plans A-2 and A-3**). No vehicle

without valid licences issued under Road Traffic Ordinance will be permitted to park at the Site. Only private cars will be parked at the Site. The operation hours of the public vehicle park are from 7:00 a.m. to 11:00 p.m. daily, including public holidays. No workshop activity will be carried out at the Site. The proposed layout plan, vehicular access plan and as-built drainage plan are at **Drawings A-1 to A-3** respectively.

- 1.4 A comparison of the major development parameters of the last approved application to the current application is shown in the table below:

Major Development Parameters	Last Approved Application (A/YL-PS/553) (a)	Current Application (A/YL-PS/650) (b)	Difference (b) – (a)
Applied Use	Temporary Public Vehicle Park for Private Cars for a Period of 3 Years		No change
Site Area	About 780 m ²		No change
Maximum Floor Area	20 m ²		No change
No. of Structures	1 (for guardroom use)		No change
No. of Private Car Parking Spaces	14 parking spaces (5m x 2.5m each)	27 parking spaces (5m x 2.5m each)	+ 13 parking spaces
Operation Hours	7:00 a.m. to 11:00 p.m. daily		No change

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

- (a) Application form with attachments received on **(Appendix I)** 9.12.2021
- (b) Further Information (FI) received on 21.12.2021 **(Appendix Ia)**
[exempted from publication and recounting requirement]

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 proposed development is in line with the planning intention of the “V” zone which is primarily for the convenience of the villagers. There are exigent parking demand in Sheung Cheung Wai and the Site has been occupied for carpark use since 2018.
- (b) The proposed development is compatible with the surrounding environment and has insignificant noise and environmental impacts.
- (c) The Site is subject to two previous planning permissions since 2013 and

applications for similar uses have been approved by the Board in the same “V” zone.

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 subject to planning enforcement action against unauthorised development (UD) involving parking of vehicles and storage use. An Enforcement Notice (No. CEP/E/YL-PS/738) was served on 19.10.2021 requiring discontinuation of UD by 19.12.2021 (**Plan-A-2**). Recent site inspection revealed that the UD was not discontinued. Prosecution action may be followed as appropriate.

5. Previous Applications

- 5.1 The Site is involved in two previous applications (No. A/YL-PS/425 and 553). Details of the previous application are summarised at **Appendix II** and its location is shown on **Plan A-1**.
- 5.2 Applications No. A/YL-PS/425 and 553 for temporary public vehicle park for private cars/ and light vans for a period of 3 years were approved with conditions by the Committee on 13.12.2013 and 2.3.2018 respectively mainly on considerations that the temporary uses would not frustrate the planning intention of the “V” zone; not incompatible with the surrounding land uses; and no adverse impacts on the surrounding areas. However, application No. A/YL-PS/553 was revoked on 13.8.2018 due to non-compliance with approval conditions on posting notice regarding pedestrian safety and prohibition for parking of vehicles without valid licences.
- 5.3 Compared with the last application No. A/YL-PS/553, the current application is submitted by a different applicant for the same use on the same site with different parking layout and increase in number of parking spaces.

6. Similar Applications

- 6.1 There are 32 similar applications for temporary public vehicle park (private cars/private cars/ and light goods vehicles) use within the same “V” zone. The applications were all approved by the Committee. 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 on similar considerations as those mentioned in paragraph 5.2 above. Amongst these approved applications, the planning permissions for four applications (No. A/YL-PS/468, 498, 561 and 594) 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 occupied by the applied use without valid planning permission;
- (b) accessible via a local track leading to Tsui Sing Road (**Plans A-2 and A-3**); and
- (c) located within the Sheung Cheung Wai Archaeological Site (**Plan A-1**).

7.2 The surrounding areas have the following characteristics:

- (a) to the north and northeast are vacant land, orchard, storage use and residential dwellings;
- (b) to the east and southeast are residential dwellings, a temple, parking of vehicles and a church;
- (c) to the south are a temporary public vehicle park with valid planning permission under application No. A/YL-PS/590, residential dwellings and storage use; and
- (d) to the immediate west and further west are residential dwellings, and a temporary public vehicle park with valid planning permission under application No. A/YL-PS/630; and to the northwest are temporary public vehicle parks with valid planning permissions under applications No. A/YL-PS/585 and 606.

8. Planning Intention

The planning intention of the “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 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 Town Planning Board.

9. Comments from Relevant Government Departments

- 9.1 The following government departments have been consulted and their views on the application 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 her office to permit the structures to be erected or to regularise any irregularities on the 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 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.
- (c) There is no Small House application received or approved at the Site.

Traffic

- 9.1.2 Comments of the Commissioner for Transport (C for T):

- (a) He has no adverse comment on the application from traffic engineering point of view.
- (b) No vehicles are allowed to queue back to or reverse onto/from public road. The applicant should note her 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 applicant should note his detailed comments at **Appendix V**.

Environment

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

- (a) According to his record, there is no complaint case related to the Site in the past three 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):

According to the aerial photo of 2021 and the site photos (**Plan A-4**), the Site is hard paved with only a few self-seeded vegetation, and already in operation. No significant landscape resource is observed within the Site. The Site is situated in an area of rural fringe landscape character predominated by temporary structures, 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

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 were implemented under an approved application No. A/YL-PS/553 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 the satisfaction of his Division.
- (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 archaeological and built heritage perspective. Notwithstanding the above, the applicant is required to inform AMO immediately when any antiquities or supposed antiquities under the Antiquities and Monuments Ordinance (Cap. 53) are discovered in the course of works.

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 comment 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) (PM(W)), CEDD; and
- (d) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

10. Public Comment Received During the Statutory Publication Period

On 17.12.2021, the application was published for public inspection. During the statutory public inspection period, two public comments (**Appendix IV-1 and IV-2**)

were received from individuals objecting to the application on grounds that the applied use would have adverse traffic, environmental and fire safety impacts to the surrounding area and the Site continued to be used for parking of vehicles with increased number of parking lots after the revocation of the previous planning permission No. A/YL-PS/553.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary public vehicle park for private cars for a period of 3 years at the Site zoned “V” on the OZP, which is primarily intended for development of Small Houses 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, there is no Small House application approved or under processing at the Site. The development could provide vehicle parking spaces to meet any such parking demand in the area. As such, approval of the application on a temporary basis would not frustrate the long-term planning intention of the “V” zone.
- 11.2 The Site is mainly surrounded by vehicle parks 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, D of FS 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, fire safety and landscape impacts to the surrounding area. To minimise any potential environmental nuisances and to address the technical requirements of concerned government departments, relevant 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 2 previous applications for the same use at the Site. Although the last planning permission No. A/YL-PS/553 was revoked due to non-compliance with the approval conditions on posting notice regarding pedestrian safety and prohibition for parking of vehicles without valid licences, the current application is submitted by a different applicant and could therefore be considered afresh. Moreover, 32 similar applications were also approved by the Committee within the same “V” zone. Approval of the current application is in line with the previous decisions of the Committee.
- 11.5 There is two public comments objecting to the application on grounds 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 comments mentioned in paragraph 10 above, 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 **28.1.2025**. 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) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site at any time 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 at all times during the planning approval period;
- (d) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (e) 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 **28.4.2022**;
- (f) 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 **28.7.2022**;
- (g) in relation to (f) 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 **28.10.2022**;
- (h) if any of the above planning conditions (a), (b), (c) or (d) 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
- (i) if any of the above planning conditions (e), (f) or (g) 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 "V" zone which is primarily for development of Small Houses 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 with attachments received on 9.12.2021
Appendix Ia	FI received on 21.12.2021
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendix IV-1 to IV-2	Public Comments
Appendix V	Advisory Clauses
Drawing A-1	Proposed Layout Plan
Drawing A-2	Vehicular Access Plan
Drawing A-3	As-built Drainage Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos