

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/652

- Applicant** : Mr. TANG Chi-hok represented by Goldrich Planners and Surveyors Limited
- Site** : Lots 63(Part), 68(Part), 69, 70(Part), 71(Part), 72(Part) and 73(Part) in D.D.126, Ping Shan, Yuen Long, New Territories
- Site Area** : About 6,621 m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/19
- Zoning** : “Recreation” (“REC”)
- Application** : Proposed Temporary Public Vehicle Park (Private Cars, Light Goods Vehicles and Light Buses) with Ancillary Facilities for a Period of 3 Years and Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary public vehicle park (private cars, light goods vehicles and light buses) with ancillary facilities for a period of 3 years and filling of land (**Plan A-1**). According to the Notes of the OZP for the “REC” zone, ‘public vehicle park (excluding container vehicle)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). Besides, filling of land requires planning permission from the Board. The Site is currently vacant and covered with weed (**Plans A-4a and A-4b**).
- 1.2 The Site is involved in 3 previous applications (No. A/DPA/YL-PS/50, A/YL-PS/398 and 441) for container vehicles park and open storage uses (**Plan A-1**). The last application (No. A/YL-PS/441) covering part of the Site for temporary open storage of construction machinery and materials submitted by a different applicant was rejected by the Rural and New Town Planning Committee (the Committee) of the Board on 25.4.2014.
- 1.3 The Site is accessible via a local track to Tin Wah Road/Tin Tsz Road (**Plans A-2 and A-3**). The applicant proposes to pave the whole site (about 6,621m²) with concrete of about 0.1m in thickness. As shown on the proposed layout plan

at **Drawing A-2**, 63 private car parking spaces, 59 light goods vehicle parking spaces and 27 light bus parking spaces will be provided. There will be one 2-storey guard room and ancillary office with floor area of about 39m² and building height of 6m. No vehicle exceeding 8.5 tonnes including medium goods vehicles, heavy goods vehicles and container trailers/tractors will be allowed to enter the Site. Surface runoff will be collected by proposed channels and catchpits at the Site for discharging to the existing 600mm channel which connects to the existing fish pond located to the west of the Site (**Drawing A-4**). The proposed development will operate 24 hours every day. The vehicular access plan, proposed layout plan, landscape plan and drainage plan are shown at **Drawings A-1 to A-4** respectively.

- 1.4 In support of the application, the applicant submitted the Application Form with attachments received on 13.12.2021 (**Appendix I**).

2. Justifications from the Applicant

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

- (a) The proposed development caters for the needs of parking spaces in the area and reduces roadside illegal parking.
- (b) The Site is connected to a local track. The proposed use will not affect the buffer function of the Wetland Buffer Area (WBA).
- (c) The proposed development would not generate adverse visual, landscape and traffic impacts on the surrounding areas.

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 registered mail to Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is not subject to any planning enforcement action.

5. Town Planning Board Guidelines

The Town Planning Board Guidelines for “Application for Developments within Deep

Bay Area under Section 16 of the Town Planning Ordinance” (TPB PG-No. 12C) are relevant to this application. According to the said Guidelines, the Site falls within the WBA. The relevant assessment criteria are summarized as follows:

- (a) The intention of the WBA is to protect the ecological integrity of the fish ponds and wetland within the Wetland Conservation Area (WCA) and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds.
- (b) Within the WBA, for development or redevelopment which requires planning permission, an ecological impact assessment (EcoIA) would need to be submitted. Some local and minor uses (including temporary uses) are however exempted from the requirement of EcoIA.

6. Previous Applications

- 6.1 The Site is related to 3 previous applications (No. A/DPA/YL-PS/50, A/YL-PS/398 and 441) which were rejected by the Committee/the Board on review between 1996 and 2014. Details of these previous applications are shown in **Appendix II** and their locations are shown on **Plan A-1**.
- 6.2 Application No. A/DPA/YL-PS/50, covering a much larger site (about 4ha) within the then “Unspecified Use” zone, for temporary container vehicle park for a period of 3 years, was rejected by the Board on review in 1996 mainly on the grounds of not in line with the planning intention for the area; not compatible with the residential developments in Tin Shui Wai and the rural environment to its east; adverse impacts on the ecology of the area to sustain the nearby Mai Po Nature Reserve; potential traffic impact; and road improvement works proposed by the applicant would trigger off further developments in the area and highly undesirable in terms of traffic growth control and transport planning.
- 6.3 Applications No. A/YL-PS/398 and 441 for various open storage uses were rejected by the Committee in 2014. The consideration of which were not relevant to the current application for vehicle park use.

7. Similar Applications

- 7.1 Within the same “REC” zone, there are two similar applications (No. A/YL-PS/523 and 634) for temporary public vehicle park use for a period of 3 years. Details of the applications are summarized at **Appendix III** and the locations of these applications are shown on **Plan A-1**.
- 7.2 Application No. A/YL-PS/523, falling within the WBA, for temporary public vehicle park (private cars, light goods vehicles and coaches) for a period of 3 years was rejected by the Committee in 2016 on the ground of setting an undesirable precedent as it involved parking of coaches.
- 7.3 Application No. A/YL-PS/634, falling within the “REC” zone with a portion in

the “Village Type Development” (“V”) zone outside the WBA, for proposed temporary public vehicle park (private car only) with ancillary site office for a period of 3 years was approved with conditions by the Committee in 2021 on the considerations that the proposed development would not frustrate the long-term planning intentions of the “REC” and “V” zones, not entirely incompatible with the surrounding areas, no adverse traffic, drainage, landscape, environmental and fire safety impacts to the surrounding areas.

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

8.1 The Site is:

- (a) currently vacant and covered with weed; and
- (b) accessible via a local track from Tin Wah Road/Tin Tsz Road (**Plans A-2 and A-3**).

8.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

- (a) to the east is the vegetated knoll within the “Conservation Area” (“CA”) zone. To the northeast is fallow agricultural land;
- (b) to the south are a barbecue site and a farm with greenhouses. To the southwest is a fish pond;
- (c) to the west are a fish pond and shrubland. To the further west across Tin Tsz Road is Tin Shui Wai New Town; and
- (d) to the north are vacant land and a vehicle park which is a suspected unauthorized development (UD).

9. Planning Intention

The “REC” zone is intended primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.

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 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) Lots 72 and 73 in D.D.126 are covered by Short Term Waivers (STW) No. 4953 and 4948 respectively for temporary place of recreation (barbecue spot) use.
- (c) Should planning approval be given to the application for temporary use, the STW holder(s) will need to immediately apply to his office for modification of the STW conditions where appropriate. The owner(s) of the lots without STW will need to immediately apply to his office for permitting the structures to be erected or regularize any irregularity on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Application(s) 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(s) will be approved. If such application(s) 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

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

- (a) He supports the application from traffic engineering viewpoint since a temporary public vehicle park could meet public demand.
- (b) The applicant should be reminded that sufficient width at the gate shall be allowed for the smooth manoeuvring of vehicles at the ingress/egress.
- (c) 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.
- (d) The local track leading to the Site is not under the Transport Department (TD)'s purview. The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.

10.1.3 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 access road connecting the Site with Tin Wah Road/Tin Tsz Road is not and will not be maintained by HyD. HyD shall not be responsible for the maintenance of any access connecting the Site and Tin Wah Road/Tin Tsz Road.

Fisheries

10.1.4 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) He does not support the application from fisheries perspective.
- (b) The Site is located in close proximity to fish ponds and fish farms. It is undesirable to propose surface drainage to be directed to the fish ponds.

Environment

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

- (a) He has no objection to the application.
- (b) The applicant is advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the DEP to minimize potential environmental nuisance to the surrounding area.
- (c) There is no complaint pertaining to the Site received in the past 3 years.

Landscaping

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

- (a) With reference to the aerial photo of 2021, the Site is situated in an area of miscellaneous rural fringe landscape character predominated by woodlands, open storages and fish ponds. According to site photos taken on 19.12.2021, the Site is partly hard-paved and partly bare soil with some self-seeded vegetation. There are some tree groups of common species found within the Site and along the eastern portion of site boundary. Significant adverse landscape impact arising

from the proposed development is anticipated.

- (b) In view that the “REC” zone is primarily intended to promote the recreational developments for the use of the general public within this zone, the proposed development (public vehicle park with hard paving) is considered incompatible with the surrounding landscape setting. Given no similar application previously approved within the “REC” zone in the WBA, the proposed development may further degrade the landscape quality in the surrounding development.

Drainage

10.1.7 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection in principle to the application from a drainage point of view.
- (b) Should the Board consider that the application is acceptable from the planning point of view, he would suggest that conditions should be stipulated in the approval letter requiring the applicant to submit a revised drainage proposal, to implement and maintain the proposed drainage facilities to the satisfaction of his department.
- (c) The applicant should be reminded of the detailed comments at **Appendix V**.

Geotechnical

10.1.8 Comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD):

The eastern part of the Site is overlooked by steep natural terrain. The applicant should be reminded of the detailed comments at **Appendix V**.

Fire Safety

10.1.9 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) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval.

- (c) The applicant should be reminded of the detailed comments at **Appendix V**.

Building Matters

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

He has no adverse comment on the application. The applicant should be reminded of his detailed comments at **Appendix V**.

District Officer's Comments

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

His office did not receive any comments from the locals on the application.

- 10.2 The following departments have no comment on the application:

- (a) Project Manager (West), CEDD (PM(W), CEDD);
- (b) Chief Engineer/Land Works, CEDD (CE/LW, CEDD);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
and
- (d) Commissioner of Police (C of P).

11. Public Comments Received During the Statutory Publication Period

On 24.12.2021, the application was published for public inspection. During the statutory public inspection period, two public comments from individuals were received (**Appendices IV-1 and IV-2**) objecting to the application on the grounds of not in line with the planning intention of the "REC" zone and causing adverse traffic, landscape, fire safety and environmental impacts to the surrounding areas.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary public vehicle park (private cars, light goods vehicles and light buses) with ancillary facilities for a period of 3 years and filling of land at the Site zoned "REC" on the OZP, which is intended primarily for recreational developments for the use of the general public. The proposed use is not in line with the planning intention of the "REC" zone. There is no strong planning justification in the submission for a departure from such planning intention.
- 12.2 The applicant proposes to pave the whole site (about 6,621m²) with concrete. The proposed filling of land for vehicle park use is considered excessive and incompatible with the surrounding land uses which mainly comprise fish ponds,

vegetated knoll, fallow agricultural land and shrubland (**Plan A-2**). In this regard, CTP/UD&L, PlanD considers that the proposed development which involves hard paving is not compatible with the surrounding landscape setting and significant adverse landscape impact arising from the proposed development is anticipated.

- 12.3 The Site falls within the WBA (**Plan A-1**). The intention of the WBA is to protect the ecological integrity of the fish ponds and wetland within the WCA which lies in close proximity of the Site and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds. Although C for T supports the application from traffic engineering viewpoint as it could meet public demand, the Site is located in close proximity to fish ponds and fish farms which are about 20m to its west (**Plan A-2**). DAFC does not support the application from the fisheries perspective as it is undesirable to discharge the surface drainage from the Site to the nearby fish ponds.
- 12.4 Other relevant Government departments, including DEP, CE/MN of DSD and D of FS have no objection to or no adverse comment on the application. The proposed use will unlikely create significant adverse environmental, drainage and fire safety impacts to the surrounding areas.
- 12.5 The Site is the subject of three previous applications including one (No. A/DPA/YL-PS/50) for temporary container vehicle park use which was rejected by the Board on review in 1996 mainly on the grounds of not in line with the planning intention; not compatible with the rural neighborhood; and adverse departmental comments and insufficient information to demonstrate no traffic, drainage, ecological and/or landscape impacts. Within the same “REC” zone, there were two similar applications. Application No. A/YL-PS/523 for temporary public vehicle park (private cars, light goods vehicles and coaches), which was located to the immediate northwest of the Site and within WBA, was rejected by the Committee in 2016 on the grounds of setting undesirable precedent. Application No. A/YL-PS/634 for proposed temporary public vehicle park (private car only), which was located to the southeast of the Site and falling outside the WBA, was approved with conditions by the Committee in 2021 on the considerations that it only involved the parking of private cars, relevant government departments had no adverse comment and technical concerns could be addressed by approval conditions. For the current application, it involves extensive hard paving (the entire site of 6,621m²) within the WBA for vehicle parking involving not only private cars/light goods vehicles but also light buses, and DAFC does not support and CTP/UD&L of PlanD has adverse comment on the application from the fisheries and landscape perspectives. Rejection of the current application is in line with the Committee’s previous decisions.
- 12.6 There were two public comments objecting to the application mainly on grounds stated in paragraph 11. The planning considerations and assessments in paragraphs 12.1 to 12.5 are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into the public comments mentioned in paragraph 11 above, the Planning Department does not support the application for the following reason:

the proposed development is not in line with the planning intention of the "Recreation" zone which is primarily for recreational developments for the use of general public. No strong planning justification has been provided in the submission for a departure from the planning intention.

- 13.2 Alternatively, 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) no medium and heavy goods vehicle exceeding 8.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the Site at any time 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) the provision of boundary fencing on the Site within **6 months** from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 28.7.2022;
- (d) the submission of a revised drainage proposal within **6 months** from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 28.7.2022;
- (e) in relation to (d) above, the implementation of the revised drainage proposal within **9 months** from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 28.10.2022;
- (f) in relation to (e) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (g) 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;
- (h) in relation to (g) 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**;

- (i) if the above planning conditions (a), (b) or (f) 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
- (j) if any of the above planning conditions (c), (d), (e), (g) or (h) 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**.

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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 14.3 Alternatively, 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.

15. Attachments

Appendix I	Application Form with attachments received on 13.12.2021
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	Layout Plan
Drawing A-3	Landscape Plan
Drawing A-4	Drainage Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
JANUARY 2022**