

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

APPLICATION NO. A/YL-PS/657

- Applicant** : Mr. Tang Pin Fai represented by Metro Planning and Development Company Limited
- Site** : Lots 390 (Part), 392 (Part), 403 RP (Part) and 404 (Part) in D.D.122 and Adjoining Government Land (GL), Sheung Cheung Wai, Ping Shan, Yuen Long, New Territories
- Site Area** : About 3,640 m² (including GL of about 408 m² or 11.2%)
- 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** : 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 for temporary public vehicle park (private cars) for a period of 3 years at the application site (the Site) (**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/585 (**Plans A-2 and A-4**).
- 1.2 The Site is accessible via a vehicular access leading from Tsui Sing Road. According to the applicant, no vehicle without valid licences issued under Road Traffic Ordinance will be permitted to park at the Site. Only private cars will be allowed to park at the Site. No workshop activity will be carried out at the Site. A total of 148 parking spaces will be provided at the Site, with the ingress/egress situated at the northern part. The operation hours of the public vehicle park are from 7:00 a.m. to 11:00 p.m. daily, including public holidays. The layout plan, the landscape and tree preservation plan

and the as-built drainage plan are at **Drawings A-1** and **A-3** respectively.

- 1.3 The Site is the subject of 6 previous applications (No. A/YL-PS/259, 301, 307, 390, 489 and 585) for temporary public vehicle park. The last application (No. A/YL-PS/585) for the same use was approved by the Committee on 17.5.2019 with validity up to 17.5.2022. All the time-limited approval conditions have been complied with.
- 1.4 In support of the application, the applicant has submitted the following document:
- (a) Application form received on 1.3.2022 (Appendix I)
 - (b) Further information (FI) received on 7.4.2022 (Appendix Ia)
(exempted from publication and recounting requirements)

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 and is primarily for the convenience of the villagers as there is insufficient supply to meet exigent parking demand.
- (b) The proposed development is compatible with the surrounding developments and has insignificant traffic, noise and environmental impacts.
- (c) The Site is subject to 6 previous planning permissions for car park use and has been occupied for car park use since 2006. Planning applications for similar uses in the same “V” zone have also been approved by the Board.
- (d) The applicant has complied with all the planning conditions imposed to the last approved Application No. A/YL-PS/585.

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 Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by sending a registered mail to the Ping Shan Rural Committee and by posting notice at the Site. Detailed information would be deposited at the meeting for Members’ inspection. The owner’s consent/notification requirements and as set out in TPB PG-No. 31A are not applicable to the GL portion.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines on 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 the application. The relevant assessment criteria are at **Appendix II**.

5. Background

The Site is not subject to planning enforcement action.

6. Previous Applications

- 6.1 The Site is involved in 6 previous applications (No. A/YL-PS/259, 301, 307, 390, 489 and 585) for temporary public vehicle park for private cars/private cars and light goods vehicles for a period of 3 years, which were approved with conditions by the Committee from 2006 to 2019. The major considerations were not incompatible with the surrounding land uses; serving the needs of local villagers; unlikely to create significant adverse environmental, drainage and visual impacts on the surrounding areas; and similar approvals in the vicinity. However, the permissions under applications No. A/YL-PS/259 and No. A/YL-PS/301 were revoked in 2008 and 2009 due to non-compliance with approval conditions on submission of fire service installations (FSIs) proposal. All the time-limited approval conditions under the last planning application No. A/YL-PS/585 had been complied with and the planning permission is valid until 17.5.2022. Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.
- 6.2 Comparing with the last approved application No. A/YL-PS/585, the current application is submitted by the same applicant for the same use at the same site with same development parameters and site layout.

7. Similar Applications

There are 30 similar applications for temporary public vehicle park for private cars/private cars and light goods vehicles within the same “V” zone. All were approved on similar considerations as those mentioned in paragraph 6.1 above. Amongst these approved applications, the planning permissions for 5 applications (No. A/YL-PS/468, 498, 553, 561 and 594) were revoked due to non-compliance with approval conditions. Details of the similar applications are summarised at **Appendix IV** and their locations are shown on **Plan A-1**.

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) accessible via a local track leading from Tsui Sing Road; and

- (c) paved and fenced off.

8.2 The surrounding areas have the following characteristics:

- (a) to the north and northwest are temporary public vehicle parks for private cars and/or light goods vehicles with planning permissions under applications No. A/YL-PS/625, 628 and 635; and restaurant and car service which are suspected unauthorised developments (UDs);
- (b) to the east and northeast are mainly residential dwellings intermixed with orchard and open storage which are suspected UD, and to the immediate southeast is temporary public vehicle park for private cars and light goods vehicles with planning permission under application No. A/YL-PS/606;
- (c) to the south is vacant land; and
- (d) to the immediate west are residential dwellings. To the further west across Tsui Sing Road is TWGHs Kwok Yat Wai College.

9. 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.

10. Comments from Relevant Government Departments

Relevant government departments have been consulted and they have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices V and VI** respectively.

11. Public Comment

On 8.3.2022, the application was published for public inspection. During the statutory public inspection period, 1 public comment from an individual was received objecting the application mainly on the grounds of adverse traffic and environmental impacts and fire safety (**Appendix VII**).

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 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 applied use could provide vehicle parking spaces to meet any such parking demand in the area. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “V” zone.
- 12.2 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.
- 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/585, 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, 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 address the technical requirements of concerned Government departments, relevant approval conditions are recommended in paragraph 13.2 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 “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimise the possible environmental impacts on the nearby sensitive receivers.
- 12.5 The Committee had approved 6 previous applications for the same use at the Site and 30 similar applications within the same “V” zone (**Plan A-1**). Approval of the current application is in line with the Committee’s previous decisions.
- 12.6 Regarding the public comment on the application as summarised in paragraph 11 above, the planning considerations and assessments 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 comment 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 18.5.2022 to 17.5.2025. 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, as proposed by the applicant, at any time during the planning approval period;
- (c) the existing fire service installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period;
- (d) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (e) the submission of a condition record of the existing drainage facilities within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 18.8.2022;
- (f) if any of the above planning condition (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
- (g) if the above planning condition (e) 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 (b) and (d) are the same as the previous application No. A/YL-PS/585; conditions (a) and (c) have been revised as per the current application; previous conditions on restriction of operation hours, posting of notice on restriction of vehicle types, restriction on certain on-site activities, the maintenance of existing fencing and the landscape condition have been removed as per the latest requirements; while the restriction on queuing and reverse movement of vehicles is now stipulated as an advisory clause.]

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 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.

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

Appendix I	Application Form
Appendix Ia	FI received on 7.4.2022
Appendix II	Relevant extracts of Town Planning Board Guidelines for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use of Development (TPB-PG No. 34D)
Appendix III	Previous Applications
Appendix IV	Similar Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Appendix VII	Public Comment
Drawing A-1	Layout Plan
Drawing A-2	Landscape and Tree Preservation 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