

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-PS/660**

- Applicant** : Wing On Car Park represented by Allgain Land Administrators (Hong Kong) Limited
- Site** : Lots 692 (Part), 693 (Part), 694 (Part), 695 (Part), 697 (Part), 698 (Part), 897 (Part), 898 (Part), 900 (Part), 901 (Part), 942 (Part), 943 (Part), 944 and 946 (Part) in D.D. 122, Ping Shan, Yuen Long, New Territories
- Site Area** : About 6,000m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/19
- Zoning** : “Comprehensive Development Area” (“CDA”)  
*[restricted to a maximum plot ratio of 0.4 and a maximum building height of 3 storeys including car park]*
- Application** : Proposed Temporary Public Vehicle Park for Private Cars and Medium Goods Vehicles for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary public vehicle park for private cars and medium goods vehicles for a period of 3 years at the application site (the Site) (**Plan A-1a**). According to the Notes of the OZP for the “CDA” zone, ‘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 partly vacant and partly used as parking of coaches without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is involved in 6 previous applications (No. A/YL-PS/33, 79, 85, 113,182 and 642) (details in paragraph 5 below).
- 1.3 The Site is accessible via a local track leading to Long Ping Road (**Plans A-2 and A-3**). As shown on the proposed layout plan at **Drawing A-3**, 55 private car parking spaces and 39 medium goods vehicle parking spaces will be provided. Parking spaces for goods vehicles are located in the western

portion so as to maintain a longer distance from the nearest residential dwellings. There will be a 2-storey (not more than 7m) converted container structure with floor area of not more than 75m<sup>2</sup> for site office, security and surveillance camera room. No vehicle without valid licences issued under Road Traffic Ordinance will be permitted to park at the Site. Only private cars and goods vehicles not exceeding 24 tonnes will be allowed to park at the Site. The existing parking of coaches at the Site would be removed. No workshop activity will be carried out at the Site. The operation hours of the public vehicle park are from 7:00 a.m. to 10:00 p.m. Mondays to Sundays (excluding public holidays). The vehicular access plan, site plan and layout plan are at **Drawings A-1 to A-3** respectively.

1.4 In support of the application, the applicant has submitted the following documents:

- (a) Application form received on 4.5.2022 (Appendix I)
- (b) Further information (FI) received on 18.6.2022 (Appendix Ia)
- (c) FI received on 5.7.2022 (Appendix Ib)

*((b) and (c) are exempted from publication and recounting requirements)*

1.5 On 24.6.2022, the Committee agreed to the applicant's request to defer making a decision on the application for one month to allow more time for the applicant to address departmental comments. The FI submission was received on 5.7.2022 and the application is scheduled for consideration by the Committee at this meeting.

## 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 applied use will meet the parking demand for private cars and medium goods vehicles in the vicinity. It will ease the adverse traffic impact arising from illegal parking on the streets.
- (b) The applied use will be fenced off from surrounding. No adverse environmental impact to the nearby residents is 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 Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting site notice and sending registered mail to the Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members' inspection.

#### 4. **Background**

Parking of coaches at part of the Site would be subject to enforcement action.

#### 5. **Previous Applications**

- 5.1 The Site is involved in 6 previous applications. Details of these previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1b**.
- 5.2 5 applications (No. A/YL-PS/33, 79, 85, 113 and 182) for temporary open storage of vehicles (with vehicle park) or construction machinery/materials were rejected by the Committee between 1998 to 2004 on the considerations that there are insufficient information to demonstrate no adverse traffic, environmental and drainage impacts on the surrounding area; not in line with the Town Planning Board Guidelines on “Open Storage and Port Back-up Uses”; incompatible with the surrounding residential dwellings; and undesirable precedent.
- 5.3 Application No. A/YL-PS/642 for proposed residential development covering the whole “CDA” zone was rejected by the Committee on 24.12.2021 and the considerations were not relevant to the current application for temporary public vehicle park use.

#### 6. **Similar Applications**

Within the same “CDA” zone, there are 2 similar applications (No. A/YL-PS/558 and 637) for temporary public vehicle park (excluding container vehicle) for a period of 3 years approved with conditions by the Committee in 2018 and 2021 respectively on the considerations that the development would not jeopardise the long-term planning intention, not incompatible with surrounding land uses and no adverse comment from concerned government departments. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1a**.

#### 7. **The Site and Its Surrounding Areas (Plans A-1 to A-4)**

- 7.1 The Site is:
  - (a) partly used as parking of coaches without valid planning permission and partly vacant; and
  - (b) accessible via a local track leading to Long Ping Road.
- 7.2 The surrounding areas have the following characteristics:
  - (a) predominated by open storage uses which are suspected unauthorised developments (UDs) intermixed with temporary public vehicle park,

residential dwellings in temporary structures and vacant land;

- (b) to the immediate south is a proposed temporary logistics centre (No. A/YL-PS/662) submitted by the same applicant of this application which will be considered at the same meeting (**Plan A-2**); and
- (c) to the north is the Tuen Ma Line Viaduct.

## **8. Planning Intention**

The “CDA” zone is intended for comprehensive development/redevelopment of the area for residential use with commercial, open space and other supporting facilities. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints.

## **9. Comments from Relevant Government Departments**

9.1 Apart from the government departments as set out in paragraphs 9.2 and 9.3 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and recommended advisory clauses are provided in **Appendices IV and V** respectively.

9.2 The following government department supports the application:

### **Traffic**

9.2.1 Comment of the Commissioner for Transport (C for T):

- (a) He supports the application from traffic engineering perspective since a temporary vehicle park could meet public demand for car parking spaces.
- (b) The applicant should note his advisory comments in **Appendix V**.

9.3 The following government departments have adverse comment or raise concerns on the application:

### **Environment**

9.3.1 Comment of the Director of Environmental Protection (DEP):

- (a) He does not support the application as there are sensitive receivers of residential use in the vicinity (to the immediate north and east) (**Plan A-2**), and environmental nuisance is expected.

- (b) There was no environmental complaint pertaining to the Site received in the past 3 years.
- (c) The applicant should note his advisory comments in **Appendix V**.

#### **District Officer's Comments**

##### **9.3.2 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):**

He relayed a total of 12 objections in the form of 2 standard letters from locals including the Village Representative (VR), villagers and residents of Wing Ning Tsuen on the grounds that adverse environmental impact, noise and dust problems, pedestrian safety and the temporary car park in the vicinity are under-utilised. Samples of the objections from locals are at **Appendices VI-1 to VI-3**.

#### **10. Public Comments received During the Statutory Publication Period**

On 13.5.2022, the application was published for public inspection. During the statutory public inspection period, 2 public comments from individuals were received (**Appendices VII-1 and VII-2**) objecting the application mainly on the grounds that the applied use is not for the benefits of locals, will cause adverse traffic and environmental impacts, as well as fire and pedestrian safety issues.

#### **11. Planning Considerations and Assessments**

- 11.1 The application is for proposed temporary public vehicle park for private cars and medium goods vehicles for a period of 3 years at the Site zoned "CDA" on the OZP which is intended for comprehensive development/redevelopment of the area for residential use with commercial, open space and other supporting facilities. Although the proposed use is not in line with the planning intention of the "CDA" zone, it could provide vehicle parking spaces to meet any such parking demand in the area. C for T supports the application from traffic engineering point of view. Besides, there is no known development proposal at the Site. As such, approval of the application on a temporary basis for 3 years will not frustrate the long-term development of the "CDA" zone.
- 11.2 The Site is mainly surrounded by brownfield operations, vacant land and scattered residential dwellings in temporary structures (**Plan A-2**). The applied use is considered not incompatible with the surrounding land uses.
- 11.3 Relevant Government departments, including Chief Engineer/Mainland North of Drainage Services Department, Director of Fire Services and Chief Town Planner/Urban Design and Landscape of Planning Department have no objection to or adverse comment on the application, except DEP. The

proposed use will unlikely create significant adverse traffic, drainage, fire safety and landscape impacts to the surrounding area. Regarding DEP's concern, there was no environmental complaint pertaining to the Site received in the past three years. To address the concern on possible environmental nuisance or 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 There are 6 previous applications for temporary open storage use and proposed residential development rejected by the Committee or the Board on the considerations not relevant to the current application. The Committee approved 2 similar applications for temporary public vehicle park (excluding container vehicle) within the same "CDA" zone in 2018 and 2020 (**Plan A-1a**). Approval of the current application is in line with the Committee's previous decisions.
- 11.5 A total of 2 public comments were received during the public inspection period as mentioned in paragraph 10 above. Besides, DO(YL), HAD relayed 12 objecting comments from locals including VR, villagers and residents of Wing Ning Tsuen on the grounds as summarised in paragraph 9.3.2 above. The planning considerations and assessments above 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 paragraphs 9.3.2 and 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 **29.7.2025**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval conditions

- (a) no operation between 10:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) only private car and medium goods vehicle (not more than 24 tonnes) 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;

- (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) the submission of a 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 **29.1.2023**;
- (f) in relation to (e) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **29.4.2023**;
- (g) in relation to (f) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (h) 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 **29.1.2023**;
- (i) in relation to (h) 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 **29.4.2023**;
- (j) if any of the above planning condition (a), (b), (c), (d) or (g) 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
- (k) if any of the above planning condition (e), (f), (h) or (i) 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 applicant fails to demonstrate that the applied use would not generate adverse environmental impact on the surrounding area.

### **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**

<b>Appendix I</b>	Application Form
<b>Appendix Ia</b>	FI received on 18.6.2022
<b>Appendix Ib</b>	FI received on 5.7.2022
<b>Appendix II</b>	Previous Applications
<b>Appendix III</b>	Similar Applications
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendices VI-1 to VI-3</b>	Local comments relayed by DO(YL), HAD
<b>Appendices VII-1 and VII-2</b>	Public Comments
<b>Drawing A-1</b>	Vehicular Access Plan
<b>Drawing A-2</b>	Site Plan
<b>Drawing A-3</b>	Layout Plan
<b>Plan A-1a</b>	Location Plan
<b>Plan A-1b</b>	Previous Applications Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
JULY 2022**