

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

**APPLICATION NO. A/YL-PS/661**

- 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 m<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** : “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

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary public vehicle park (private cars, light goods vehicles and light buses) with ancillary facilities for a period of 3 years at the application site (the Site) (**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). The Site is currently covered with weed and vacant, with a minor portion covered with gravel and parked with a few vehicles (**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) (details at paragraph 6 below).
- 1.3 The Site is accessible via a local track to Tin Wah Road/Tin Tsz Road (**Plans A-2 and A-3**). As shown on the proposed layout plan at **Drawing A-2**, 55 private car parking spaces, 49 light goods vehicle parking spaces and 20 light bus parking spaces will be provided. There will be one 2-storey guard room and ancillary office with floor area of about 39m<sup>2</sup> 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

and further discharged to the area to the south (**Drawing A-3**). A ‘no-build’ zone will be designated at the eastern part of the Site to avoid natural terrain hazard (**Drawing A-4**). The proposed development will operate 24 hours every day. The vehicular access plan, proposed layout plan, drainage plan and ‘no-build’ zone plan are shown at **Drawings A-1 to A-4** respectively.

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

- (a) Application Form with attachments received on (**Appendix I**)  
10.5.2022
- (b) Further Information (FI) received on 14.6.2022 (**Appendix Ia**)  
*[exempted from publication requirements]*

## 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, drainage 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 currently not subject to 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. Relevant extract of the Guidelines is at **Appendix II**.

## **6. Previous Applications**

- 6.1 Part of 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 Rural and New Town Planning Committee (the Committee)/the Board on review between 1996 and 2014. Details of these previous applications are shown in **Appendix III** 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 2012 and 2014 respectively, and the considerations of which were not relevant to the current application for public vehicle park use.

## **7. Similar Application**

Within the same “REC” zone (and its adjoining “Village Type Development” (“V”) zone), there is one similar application (No. A/YL-PS/634) for proposed temporary public vehicle park (private car only) with ancillary site office for a period of 3 years 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. Details of the application are summarized at **Appendix IV** and the location of the application is shown on **Plan A-1**.

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

- 8.1 The Site is:
- (a) covered with weed and vacant, with a minor portion covered with gravel and parked with a few vehicles; 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, southwest and west are a barbecue site, a commercial fish farm and two active fish ponds;
  - (c) 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 Apart from the government departments as set out in paragraphs 10.2 and 10.3 below, other departments consulted 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.

- 10.2 The following government department supports the application:

### **Traffic**

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

He supports the application from traffic engineering viewpoint since a temporary public vehicle park could meet public demand for car parking spaces.

- 10.3 The following government department does not support the application:

### **Fisheries**

- 10.3.1 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 discharge any surface drainage to the fish ponds.

## **11. Public Comment Received During the Statutory Publication Period**

On 17.5.2022, the application was published for public inspection. During the statutory public inspection period, two public comments from individuals were received (**Appendices VII-1 and VII-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, drainage, 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 at the Site zoned “REC” on the OZP, which is intended primarily for recreational developments for the use of the general public. Although the proposed use is not entirely in line with the planning intention of the “REC” zone, there is no known development proposal for the Site in the “REC” zone. Approval of the application on a temporary basis for 3 years would not frustrate the long-term planning intention of the “REC” zone.
- 12.2 The Site is situated in an area of miscellaneous rural fringe predominated by temporary structures, open storage, vacant land, fish ponds and woodland. The proposed use is not entirely incompatible with the surrounding areas.
- 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 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, Chief Engineer/Mainland North of Drainage Services Department has no in-principle objection to the application from drainage perspective. Nevertheless, DAFC has no adverse comment on the application from nature conservation point of view. To address DAFC’s concern, approval conditions on the submission and implementation of a revised drainage proposal to the satisfaction of DAFC and Director of Drainage Services are recommended in paragraph 13.2 below.
- 12.4 C for T supports the application from traffic engineering viewpoint as it could meet public demand for car parking spaces. Other relevant government departments, including Chief Town Planner/Urban Design & Landscape of Planning Department, Director of Environmental Protection and Director of Fire Services have no objection to or no adverse comment on the application. The proposed use will unlikely create significant adverse landscape, environmental and fire safety impacts to the surrounding areas. To minimize any potential environmental nuisances and to address the technical requirements of concerned

government departments, appropriate 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 Site is the subject of three previous applications (No. A/DPA/YL-PS/50, A/YL-PS/398 and 441). Although Application No. A/DPA/YL-PS/50 for temporary container vehicle park use (on a much larger site of about 4 ha) was rejected by the Board on review in 1996 mainly on grounds of not in line with the planning intention for the area; not compatible with the rural neighbourhood and adverse departmental comments on traffic, drainage, ecological and/or landscape impacts, it was different from the current application in that the current application covers a much smaller site (about 0.66 ha) and does not involve the parking of container vehicle. The other two previous applications (No. A/YL-PS/398 and 441) are for open storage use, the considerations of which were not relevant to the current application for public vehicle park use. Within the same “REC” zone, there was one similar application (Application No. A/YL-PS/634) for proposed temporary public vehicle park (private car only) approved with conditions by the Committee in 2021 on the considerations that it 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 the parking of private cars, light goods vehicles and light buses, relevant government departments, except DAFC, have no adverse comment on the application and technical concerns of relevant government departments can be addressed by approval conditions. Approval of the application is generally in line with the previous decisions of the Committee.
- 12.6 There was 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 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 until 24.6.2025. 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 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 and Director of Agriculture, Fisheries and Conservation or of the Town Planning Board by **24.12.2022**;
- (d) in relation to (c) 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 and Director of Agriculture, Fisheries and Conservation or of the Town Planning Board by **24.3.2023**;
- (e) in relation to (d) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (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 **24.12.2022**;
- (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 **24.3.2023**;
- (h) if the above planning conditions (a), (b) or (e) 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 (c), (d), (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 VI**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:

- (a) the proposed use 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; and
- (b) the applicant fails to demonstrate that the proposed use would not generate adverse impact to the fish ponds in close proximity to the Site.

#### **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 with attachments received on 10.5.2022
<b>Appendix Ia</b>	FI received on 14.6.2022
<b>Appendix II</b>	Extract of the TPB PG-No. 12C
<b>Appendix III</b>	Previous applications covering the Site
<b>Appendix IV</b>	Similar application within the same “REC” zone
<b>Appendix V</b>	Government departments’ general comments
<b>Appendix VI</b>	Recommended advisory clauses
<b>Appendices VII-1 and VII-2</b>	Public Comments
<b>Drawing A-1</b>	Vehicular Access Plan
<b>Drawing A-2</b>	Layout Plan
<b>Drawing A-3</b>	Drainage Plan
<b>Drawing A-4</b>	No-build Zone Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos