

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

**APPLICATION NO. A/YL-PS/663**

- Applicant** : Mr. TANG Lai Choi represented by Goldrich Planners and Surveyors Limited
- Site** : Lots 429, 430 (Part), 431 (Part), 436 (Part), 437 (Part), 438 S.A, 438 RP (Part), 446 (Part), 447 (Part) and 449 RP (Part) in D.D. 122, Hang Mei Tsuen, Ping Shan, Yuen Long, New Territories
- Site Area** : About 13,336.2 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** : “Village Type Development” (“V”)  
*[restricted to a maximum building height of 3 storeys (8.23m)]*
- Application** : Renewal of Planning Approval for Temporary Rural Communal Public Vehicle Park for Private Cars, 5.5 Tonnes Goods Vehicles, Coaches and 24 Tonnes Goods Vehicles for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning approval for temporary rural communal public vehicle park for private cars, 5.5 tonnes goods vehicles, coaches and 24 tonnes goods vehicles for a period of 3 years at the application site (the Site) (**Plan A-1a**). 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 (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from a local track connecting with Tsui Sing Road leading to Ping Ha Road (**Plans A-2 and A-3**). According to the applicant, there are 88 parking spaces for private cars, 24-seat coaches and 5.5 tonnes goods vehicles and 130 spaces for 24 tonnes goods vehicles and coaches at the Site. 19 structures (ranging from 2m to 5.5m (i.e. 1 to 2 storeys)) are provided for shaded parking spaces, open sheds and storage of tools at the

Site. Adequate manoeuvring space has been provided within 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. The location plan, layout plan, tree preservation and landscape proposal, fire services installations (FSIs) proposal and drainage proposal are at **Drawings A-1 to A-5** respectively.

- 1.3 The Site, in part or in whole, is involved in 13 previous applications (details at paragraph 6 below).
- 1.4 In support of the application, the applicant has submitted the Application Form with annex and plans (received on 6.6.2022) (**Appendix I**).

## **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 Site is for the same use as the previous approval under application No. A/YL-PS/590 by the same applicant. The development parameters of the current application (No. A/YL-PS/663) remain the same as the previously approved scheme. There is no material change in terms of planning circumstances.
- (b) The applicant has complied with all the approval conditions, including landscaping, fencing, drainage and fire safety of previously approved application No. A/YL-PS/590.
- (c) The Site is the subject of numbers of previous applications for the same use as public vehicle park (private cars, 5.5 tonnes goods vehicles, coaches and 24 tonnes goods vehicles).
- (d) There is no other public vehicle parking facilities in the area. The Site is owned by local Tsos/Tongs who have no intention to develop Small Houses (SHs) on the Site. They intend to use the land for a communal vehicle park for the nearby villages, which provided spacious and orderly parking of private cars, coaches and goods vehicles to the neighbourhood. The car park can contain the unplanned sprawling of vehicle parking which generates traffic problems and environmental nuisances to the community.
- (e) The Site provides car park for coaches accommodating Ping Shan Heritage Trail tourists. Using the Site as a communal vehicle park for the coaches is justified.
- (f) There will be no adverse impact on the environment. The existing trees within the Site will be properly maintained.

## **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 notice at the Site and publishing notices in local newspapers. Detailed information would be deposited at the meeting for Members’ inspection.

#### **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 currently not subject to planning enforcement action.

#### **6. Previous Applications**

6.1 The Site, in part of in whole, was involved in 13 previous applications (No. A/YL-PS/57, 123, 243, 266, 278, 294, 317, 340, 385, 437, 472, 515 and 590) for temporary public vehicle park for private cars, coaches, lorries and/or goods vehicles, which were approved with conditions by the Committee from 1999 to 2019 on the major considerations of not incompatible with the surrounding land uses; serving the needs of local villagers; not jeopardising long-term planning intention, 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/243, 266, 278, 317, 340 and 385 were revoked between 2006 and 2013 respectively due to non-compliance with approval conditions. Details of these applications are summarised at **Appendix III** and their locations are shown on **Plan A-1b**.

6.2 The last application No. A/YL-PS/590 submitted by the same applicant for the same applied use at the same site was approved with conditions by the Committee on 19.7.2019 for a period of 3 years with validity up to 29.7.2022. All the approval conditions have been complied with. The layout and development parameters of the current application are the same as the last planning approval. The current application is a renewal application.

#### **7. Similar Applications**

There are 26 similar applications for temporary public vehicle park for private cars/private cars and/or light goods vehicles within the same “V” zone in the last 5 years. All were approved on similar considerations as those mentioned in paragraph 6.1 above. Amongst these approved applications, the planning permissions under applications No. A/YL-PS/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-1a**.

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

### **8.1 The Site is:**

- (a) accessible from a local track connects with Tsui Sing Road leading to Ping Ha Road (**Plans A-2 and A-3**);
- (b) currently occupied by the applied use with valid planning permission; and
- (c) located at the south of Sheung Cheung Wai Site of Archaeological Interest (**Plan A-2**) and in the vicinity of the Ping Shan Heritage Trail (**Plan A-3**).

### **8.2 The surrounding areas have the following characteristics:**

- (a) to the north are mainly residential dwellings of Sheung Cheung Wai, parking of vehicles with valid permissions (applications No. A/YL-PS/630 and 651), and parking of vehicles and storage use which are suspected unauthorised developments (UDs);
- (b) to the east are mainly residential dwellings of Hang Tau Tsuen intermixed with sitting-out area and storage use under valid planning permission (A/YL-PS/600), parking of vehicles and restaurant which are suspected UD; and
- (c) to the south and west are mainly parking of vehicles with valid permissions under applications No. A/YL-PS/636, 638 and 641, residential dwellings, ponds, pumping station and refuse collection point; intermixed with parking of vehicles and storage use which are suspected UD.

## **9. Planning Intention**

The planning intention of “V” zone is to reflect existing recognized 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 Board.

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

10.1 Apart from 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 recommended advisory clauses are provided in **Appendices V and VI** respectively.

10.2 The following government department supports the application:

### **Traffic**

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

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

10.3 The following government department does not support the application:

### **Environment**

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

- (a) He does not support the application according to the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (“COP”) as the development involves traffic of heavy vehicles, and there are sensitive users (residential dwellings) within 100m from the site boundary or such traffic is expected to travel along access road within 50m from residential dwellings. The nearest residential development is adjacent to the eastern and northern boundaries of the Site (**Plan A-2**). 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 VI**.

## **11. Public Comments received during the Statutory Publication Period**

On 14.6.2022, 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 of adverse traffic and environmental impacts, fire safety issue and inefficient land use

resulting from the application.

## **12. Planning Considerations and Assessments**

- 12.1 The application is for renewal of the planning approval for temporary rural communal public vehicle park for private cars, 5.5 tonnes goods vehicles, coaches and 24 tonnes goods vehicles for a period of 3 years at the Site within “V” zone. The planning intention of the “V” zone is primarily intended for development of Small House by indigenous villagers. Whilst the applied use is not entirely in line with the planning intention of the “V” zone, it could serve the villages by meeting the parking demand. Commissioner for Transport (C for T) supports the application from traffic engineering perspective. Besides, according to the District Lands Officer/Yuen Long, Lands Department, there is no Small House application approved or under processing at the Site. Approval of the application on a temporary basis will not frustrate the planning intention of the “V” zone.
- 12.2 The Site is mainly surrounded by residential dwellings, parking of vehicles, vacant land and pond (**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/590, 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, 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 applied 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 the possible environmental nuisance or 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 “COP” in order to minimise the possible environmental impacts on the nearby sensitive receivers.
- 12.5 The Committee had approved 13 previous applications for temporary parking uses at the Site and 26 similar applications within the same “V” zone since 2017 (**Plans A-1a and A-1b**). Approval of the current application is in line with the Committee’s previous decisions.
- 12.6 There are two public comments objecting to the application received during

the statutory publication period 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 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, and be renewed from 30.7.2022 to 29.7.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### Approval conditions

- (a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site, as proposed by the applicant, during the planning approval period;
- (c) a notice should be posted at a prominent location of the Site to indicate that no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site, as proposed by the applicant, 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 existing fire service installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period;
- (f) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (g) 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 30.10.2022;
- (h) if any of the above planning condition (a), (b), (c), (d) 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 the above planning condition (f) 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 (a), (b), (c), (d), (e) and (f) are the same as the previous application No. A/YL-PS/590; previous conditions on restriction on certain on-site activities, the maintenance of existing fencing and vegetation 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:

- (a) 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; and
- (b) the applicant fails to demonstrate that the applied use would not generate adverse environmental impact to the surrounding areas.

### **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
<b>Appendix II</b>	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)



<b>Appendix III</b>	Previous Applications
<b>Appendix IV</b>	Similar Applications
<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>	Location Plan
<b>Drawing A-2</b>	Site Plan
<b>Drawing A-3</b>	Tree Preservation and Landscape Proposal
<b>Drawing A-4</b>	FSIs Proposal
<b>Drawing A-5</b>	Drainage Proposal

<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**