

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/673

- Applicant** : Mr. Lo Man Chung represented by Metro Planning and Development Limited
- Site** : Lots 114 (Part) and 115 RP (Part) in D.D. 121, Ping Shan, Yuen Long, New Territories
- Site Area** : About 2,193m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/20
- Zoning** : “Residential (Group B) 1” (“R(B)1”)
[restricted to a maximum plot ratio of 1, a maximum site coverage of 40% and a maximum building height of 5 storeys (15m) including car park]
- Application** : Temporary Shop and Services and Public Vehicle Park (Private Car) for a period of three years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services and public vehicle park for private car for a period of three years at the application site (the Site) (**Plan A-1a**). According to the Notes for the “R(B)1” zone on the OZP, ‘Shop and Services’ and ‘Public Vehicle Park (excluding container vehicle)’ are Column 2 uses, which require planning permission from the Town Planning Board (the Board). The Site is currently used for temporary public vehicle park with valid planning permission (No. A/YL-PS/627) (**Plans A-2 and A-4**).
- 1.2 The Site is accessible via a local track leading from Ping Pak Lane connecting to Ping Kwai Road (**Plans A-2 and A-3 and Drawing A-1**). According to the applicant, the shop and services use is to provide car beauty services to the adjacent residents. No light goods vehicle (LGV), medium goods vehicle, heavy goods vehicle and container tractor/trailer will be allowed to enter the Site. No workshop activity will be carried out at the Site. Vehicles without valid licences issued under the Road Traffic Ordinance will not be allowed to park at the Site. The vehicular access plan, proposed

layout plan and the proposed drainage plan are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site is involved in six previous applications (No. A/YL-PS/7, 89, 114, 491, 580 and 627) including two applications (No. A/YL-PS/580 and 627) approved by the Rural and New Town Planning Committee (the Committee) in 2019 and 2021 respectively (details in paragraph 5 below).
- 1.4 The major development parameters of the current application and the previously approved application No. A/YL-PS/627 which was submitted by a different applicant are summarised as follows:

Major Development Parameters	Last Approved Application (A/YL-PS/627) (a)	Current Application (A/YL-PS/673) (b)	Difference (b) – (a)
Applied Use	Temporary Shop and Services (Car Beauty) and Public Vehicle Park (Private Car) for a Period of 3 Years	Temporary Shop and Services and Public Vehicle Park (Private Car) for a Period of 3 Years	No change
Site Area	About 2,193 m ²	About 2,193 m ²	No change
Maximum Floor Area	490 m ²	490 m ²	No change
No. of Structures	<ul style="list-style-type: none"> • 7 for car washing stations • 1 for ancillary container office • 1 for toilet 	<ul style="list-style-type: none"> • 6 for shop and services • 1 for site office and toilet 	-1
Maximum Height of Structures	2m to 3 m (1 storey)	Not exceeding 4.5m (1 storey)	+1.5m (+50%)
No. of Private Car Parking Spaces	30 for private cars (5m x 2.5m each)	54 for private cars (5m x 2.5m each)	+24 for private cars (+80%)
Operation Hours	24 hours daily for public vehicle park 7 a.m. to 11 p.m. for car beauty	24 hours daily for public vehicle park 7 a.m. to 11 p.m. for shop and services	No change

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

- (a) Application Form with attachments received on 11.1.2023 **(Appendix I)**
- (b) Further Information (FI) received on 21.2.2023 **(Appendix Ia)**
[accepted and 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 could serve the nearby residents by providing car beauty service and private car parking.
- (b) The proposed development is compatible with the surrounding environment. Car beauty services would be provided within enclosed structure and no operation would be held during sensitive hours. No adverse environmental, traffic and drainage impacts arising from the proposed development are 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

The Site is currently not subject to planning enforcement action.

5. Previous Applications

- 5.1 The Site is involved in six previous applications (No. A/YL-PS/7, 89, 114, 491, 580 and 627). Two of them (applications No. A/YL-PS/114 and 491) for open storage uses are irrelevant to the current application. Details of these previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.
- 5.2 Application Nos. A/YL-PS/7 and 89 for temporary container tractor and trailer park and temporary vehicle and container trailer/tractor park were rejected by the Committee in 1997 and 2000 respectively on grounds of not in line with planning intention; insufficient information to demonstrate not

adversely affecting the implementation of the Public Works Project; insufficient information to demonstrate no adverse environmental, drainage, traffic and/or visual impacts on the surrounding area; and undesirable precedent.

- 5.3 The remaining two applications (No. A/YL-PS/580 and 627) for temporary public vehicle park (private cars /and light goods vehicles) and shop and services (car beauty) were approved with conditions by the Committee in 2019 and 2021 respectively on grounds of no adverse departmental comments; and the proposal was not incompatible with the surrounding land uses. For the planning permission under the last application (No. A/YL-PS/627), the applicant has only complied with the approval conditions regarding the submission of FSIs proposal and run-in/out proposal, and implementation of run-in/out proposal. The remaining time-limited approval conditions have not yet been complied with and the planning permission is valid until 26.2.2024.

6. Similar Applications

While there is no similar application for shop and services use within the same “R(B)1” zone, there are three similar applications (No. A/YL-PS/569, 608 and 643) for temporary public vehicle park for private cars within the same “R(B)1” zone. All of them were approved with conditions by the Committee between 2018 and 2021 on similar considerations as stated in paragraph 5.3 above. 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-1a to A-4)

7.1 The Site is:

- (a) accessible via a local track from Ping Pak Lane leading to Ping Kwai Road (**Plans A-2 and A-3**); and
- (b) occupied by the applied use with valid planning permission No. A/YL-PS/627.

7.2 The surrounding areas have the following characteristics:

- (a) to the immediate north is a recently completed low-rise residential development named LaaIdea;
- (b) to the immediate east and northeast across Ping Pak Lane is Ping Pak Lane Park;
- (c) to the immediate south is a vehicle repair workshop. To the further south and southwest are vehicle repair workshop, parking of vehicles and open storage which are suspected unauthorized developments (UDs); and

- (d) to the immediate west are two public vehicle parks with approved planning applications (No. A/YL-PS/608 and 643).

8. Planning Intentions

The planning intention of the “R(B)1” zone is primarily for sub-urban medium-density residential developments in rural areas where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

9. Comments from Relevant Government Departments

9.1 The following department supports the application:

Traffic

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

- (a) she supports the application from traffic engineering perspective to meet public demand for car parking spaces; and
- (b) the applicant should note her advisory comments in **Appendix V**.

9.2 Apart from government department as set out in paragraph 9.1 above, other government 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 IV and V** respectively.

10. Public Comments received During the Statutory Publication Period

On 20.1.2023, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received (**Appendix VI**) expressing concern that the conditions of the previous planning application have not been fulfilled.

11. Planning Considerations and Assessments

11.1 The application is for temporary shop and services and public vehicle park (private car) for a period of 3 years at the Site zoned “R(B)1” on the OZP. Whilst the proposed use is not entirely in line with the planning intention of the “R(B)1” zone, there is no known development proposal to implement the zoned use. The proposed use could provide shop and services and parking spaces to meet any such demand in the area. Approval of the application on a temporary basis will not frustrate the long-term planning intention of the “R(B)1” zone. Furthermore, the Site falls within the study area of the potential public housing development at Ping Kwai Road, and Project Team Leader/Housing, Civil Engineering Office, Civil Engineering and

Development Department (PTL/H, CEO, CEDD) advises that the applicant should note that land resumption for implementation of the public housing development might take place in the near future. Should the application be approved, it is suggested to include an advisory clause to remind the applicant that the Site may be resumed by the Government at any time during the planning approval period for the implementation of the potential public housing development at Ping Kwai Road.

- 11.2 The Site is mainly surrounded by vehicle repair workshop, open storage of vehicles, vehicle parks and residential development and dwellings (**Plan A-2**). The proposed use is not entirely incompatible with the surrounding land uses.
- 11.3 Commissioner for Transport supports the application, whilst other relevant government departments, including Chief Engineer/Mainland North of Drainage Services Department, Director of Fire Services, Director of Environmental Protection and Chief Town Planner/Urban Design and Landscape of Planning Department have no objection to or adverse comment on the application. The applied use will unlikely create significant adverse traffic, drainage, fire safety, environmental and landscape impacts to the surrounding area. To minimise any potential environmental nuisances and to address the technical requirements of concerned government departments, relevant approval conditions are recommended in paragraph 12.2 below. 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.
- 11.4 The Committee has approved two previous applications and three similar applications for temporary shop and services and/or public vehicle park uses at the Site and within the same “R(B)1” zone since 2018. Approval of the current application is in line with the Committee’s previous decisions.
- 11.5 One public comment expressing concern on the application was received during the public inspection period as mentioned in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.4 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 paragraph 10, the Planning Department has no objection 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 three years until **3.3.2026**. 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) the submission of a revised drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **3.9.2023**;
- (c) in relation to (b) above, the implementation of the revised drainage proposal within **9** months to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **3.12.2023**;
- (d) in relation to (c) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (e) 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 **3.9.2023**;
- (f) in relation to (e) 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 **3.12.2023**;
- (g) if any of the above planning conditions (a) 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;
- (h) if any of the above planning conditions (b), (c), (e) or (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.

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 proposed use is not in line with the planning intention of the "R(B)1" zone, which is primarily for sub-urban medium-density residential development. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

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

Appendix I	Application Form received on 11.1.2023
Appendix Ia	Further Information received on 21.2.2023
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment
Drawing A-1	Vehicular Access Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	Drainage Proposal
Plan A-1a	Location Plan
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4	Site Photos

**PLANNING DEPARTMENT
MARCH 2023**