

RNTPC Paper No. A/YL-PS/681
For Consideration by
the Rural and New Town
Planning Committee
on 19.5.2023

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/681

- Applicant** : Ms. TANG Shuk Fan represented by Metro Planning Development Company Limited
- Site** : Lots 591 (Part), 592 (Part), 593 (Part) and 618 (Part) in D.D. 122, Ping Shan, Yuen Long, New Territories
- Site Area** : About 2,970 m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/20
- Zoning** : “Village Type Development” (“V”) (about 72.5%)
[*restricted to a maximum building height of 3 storeys (8.23 m)*]

“Residential (Group E)2” (“R(E)2”) (about 27.5%) and
[*restricted to a maximum plot ratio of 0.6 and a maximum building height of 5 storeys including car park*]
- Application** : Proposed Temporary Public Vehicle Park for Private Car and Light Goods Vehicle for a period of 3 years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary public vehicle park for private car and light goods vehicle (LGV) for a period of three years at the application site (the Site) (**Plan A-1**). The Site largely falls within an area zoned “V” (about 72.5%) with a portion within “R(E)2” zone (about 27.5%) on the OZP. According to the Notes for the “V” and “R(E)2” zones of the OZP, ‘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 vacant and paved (**Plans A-2 and A-4**).
- 1.2 According to the applicant, the Site is accessible from Castle Peak Road – Ping Shan Section via a local track leading to Ping Hing Lane (**Plans A-2 and A-3 and Drawing A-1**). The proposed development will provide 75 parking spaces (57 for private cars and 18 for LGVs), with two one-storey structures for site office, toilet and electricity meter room uses. No

workshop activity will be carried out at the Site. No medium goods vehicle, heavy goods vehicle and container tractor/trailer will be allowed to enter the Site and sufficient manoeuvring space would be provided to avoid queuing up of traffic. Vehicles without valid licences issued under the Road Traffic Ordinance will not be allowed to park at the Site. The operation hours are from 7:00 a.m. to 11:00 p.m. daily, including public holidays. The vehicular access plan, proposed layout plan and proposed drainage plan are at **Drawings A-1 to A-3** respectively.

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

- (a) Application form with attachments received on **(Appendix I)**
3.4.2023
- (b) Further information (FI) received on 10.5.2023 **(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 in the Application Form at **Appendix I**. They can be summarised as follows:

- (a) The proposed development is intended to serve the nearby residents and would benefit the residents in the vicinity.
- (b) The proposed development is a Column 2 use in “V” and “R(E)2” zones. The proposed development which is temporary in nature and would not jeopardise the planning intentions of the “V” and “R(E)2” zones in the long run.
- (c) The proposed development is compatible with the surrounding environment. No workshop activities including car beauty service will be carried out 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 notification letter 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 Application

Part of the Site is involved in a previous application (No. A/YL-PS/256) for temporary public vehicle park for private car, light goods vehicle and lorry which was rejected by the Rural and New Town Planning Committee (the Committee) of the Board on 1.12.2006 on the grounds of not compatible with the adjacent residential structures; and insufficient information to demonstrate that the development would not impose adverse environmental, traffic and drainage impacts on the surrounding areas. Details of the previous application is summarised at **Appendix II** and its location is shown on **Plan A-1**.

6. Similar Application

There are 17 similar applications for temporary public vehicle park for private cars/private cars and light goods vehicles within the same “V” zone in the past five years. All were approved on similar considerations that the applied use was 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. Amongst these approved applications, the planning permissions for two applications (No. A/YL-PS/561 and 594) were revoked due to non-compliance with time-limited approval conditions. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) currently vacant and paved (**Plans A-2 and A-4**); and
- (b) accessible via a local track leading to Ping Hing Lane (**Plans A-2 and A-3**).

7.2 The surrounding areas have the following characteristics:

- (a) to its immediate north are vacant land covered by two valid planning permissions No. A/YL-PS/672 and 674 for proposed temporary shop and services; to its further north are storage/open storage yards which are suspected unauthorized development (UD);
- (b) to its east are warehouses and one of which is a suspected UD;
- (c) to its immediate south is a temporary public vehicle park with valid

planning permission under application No. A/YL-PS/658; and

- (d) to its west are scattered residential dwellings, an open storage yard and unused land.

8. Planning Intentions

- 8.1 The planning intention of “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 Board.
- 8.2 The “R(E)2” zone is intended primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the Board. Whilst existing industrial uses will be tolerated, new industrial developments are not permitted in order to avoid perpetuation of industrial/residential interface problem.

9. Comments from Relevant Government Departments

- 9.1 Apart from government department as set out in paragraph 9.2 below, 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.
- 9.2 The following government 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**.

10. Public Comments received During the Statutory Publication Period

On 14.4.2023, the application was published for public inspection. During the statutory public inspection period, there is one public comment from an individual objecting to the application that there are trees on the Site and the Site should be utilised more efficiently as there are already parking facilities in the surroundings (**Appendix VI**).

11. Planning Considerations and Assessments

- 11.1 The application is for temporary public vehicle park for private car and LGV for a period of three years at the Site mainly zoned mainly zoned “V” (72.5%) with a portion zoned “R(E)2” (27.5%) on the OZP. Although the applied use is not entirely in line with the planning intentions of the “V” and “R(E)2” zones, the proposal could provide vehicle parking spaces to meet any such parking demands in the area. In this regard, C for T supports the application. The Site falls within the study area of the potential public housing development at Ping Shan North (PSN). The Project Team Leader/Housing, Civil Engineering Office, Civil Engineering and Development Department (PTL/H, CEO, CEDD) has no adverse comment on the application, and approval of the application on a temporary basis of three years would not jeopardise the long-term planning intentions of the area. 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 PSN.
- 11.2 The surrounding areas comprise predominately parking of vehicles, warehouse and storage/open storage yards intermixed with scattered residential dwellings, vacant land as well as approved temporary shop and services uses (**Plan A-2**). The proposed use is generally not incompatible with the surrounding land uses.
- 11.3 Other relevant government departments, including the Director of Environmental Protection (DEP), Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD), Director of Fire Services and Chief Town Planner/Urban Design and Landscape of Planning Department have no objection to or no adverse comment on the application. The proposed use will unlikely create significant adverse 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 12.2 below.
- 11.4 Part of the Site is involved in a previous application No. A/YL-PS/256 for temporary public vehicle park for private car, light goods vehicle and lorry, which covers a larger site area (**Plan A-1**), which was rejected by the Committee mainly on the grounds of incompatibility to the surrounding residential structures and insufficient information to demonstrate that the proposed development would not impose adverse environmental, traffic and drainage impacts on the surrounding areas. The said considerations are not

applicable to the current application which is for the parking of private cars and LGVs only. The applicant also proposes that no medium or heavy goods vehicles exceeding 5.5 tonnes will be allowed to enter/park at the site. The Committee had also approved 17 similar applications within the same “V” zone in the past five years (**Plan A-1**). In view of the above, approval of the current application is in line with the Committee’s previous decisions.

- 11.5 One public comment objecting to the application was received during the public inspection period as mentioned in paragraph 10 above. The Site is currently paved and vacant and no trees are found on the Site. 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 assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 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 three years until **19.5.2026**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container trailers/tractors, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site, as proposed by the applicant, at any time during the planning approval period;
- (b) 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 **15.11.2023****19.11.2023**;
- (c) in relation to (b) 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 **15.11.2023****19.2.2024**;
- (d) 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 **15.11.2023****19.11.2023**;
- (e) in relation to (d) 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 **15.2.2023****19.2.2024**;

- (f) in relation to (e) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (g) if any of the above planning condition (a) or (f) 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 condition (b), (c), (d) or (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.

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 planning intention of the "V" and "R(E)2" zones are generally for village type developments and residential developments only. The proposed development is not in line with the planning intentions of these zones. No strong planning justification has been given in the submission for a departure from the planning intentions, 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 and attachments
Appendix Ia	FI received on 10.5.2023
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
Drawing A-2
Drawing A-3

Vehicular Access Plan
Proposed Layout Plan
Drainage Proposal

Plan A-1
Plan A-2
Plan A-3
Plan A-4

Location Plan
Site Plan
Aerial Photo
Site Photos

PLANNING DEPARTMENT
MAY 2023