

RNTPC Paper No. A/YL-PS/683
For Consideration by
the Rural and New Town
Planning Committee
on 9.6.2023

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

APPLICATION NO. A/YL-PS/683

- Applicant** : Mr. CHAN Chi Wing represented by Metro Planning and Development Company Limited
- Application Site** : Lots 21 RP (Part), 22 RP (Part), 24 RP (Part), 25 (Part), 28 RP (Part) and 29 RP (Part) in D.D. 121, Tong Fong Tsuen, Ping Shan, Yuen Long, New Territories
- Site Area** : About 3,280m²
- 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 99.6%) and
[restricted to maximum building height of 3 storeys (8.23m)]

“Government, Institution or Community” (“G/IC”) (about 0.4%)¹
- Application** : Renewal of Planning Approval for Temporary Public Vehicle Park (Private Cars, Light Goods Vehicles and 19-seaters Coaches) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary public vehicle park (Private Cars, Light Goods Vehicles and 19-seaters Coaches) for a period of three years at the application Site (the Site) zoned “V” on the OZP (**Plan A-1a**). According to the Notes of the OZP for “V” 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 occupied by the applied use with a valid planning permission until 12.6.2023 (**Plans A-2 to A-4**).
- 1.2 According to the applicant, the Site is accessible via a local track leading to Ping Kwai Road (**Plans A-2 and A-3**). No vehicle exceeding 5.5 tonnes including

¹ The minor encroachment onto the “G/IC” zone would be considered as minor boundary adjustment as permitted under the covering Notes of the OZP.

container trailer/tractor will be allowed to enter the Site. No workshop activity will be carried out at the Site and vehicles without valid licences issued under the Road Traffic Ordinance are not allowed to be parked at the Site. There are four structures within the Site with building height of one storey (not more than 3m) for site office, toilet, electricity meter room and guard room. The total floor area is not more than 80 m². The operation hours are from 7:00 a.m. to 11:00 p.m. from Mondays to Sundays, including public holidays. The site plan, location plan with vehicular access, layout plan, landscape and tree preservation plan and as-built drainage plan are at **Drawings A-1 to A-5** respectively.

- 1.3 The Site is involved in six previous applications for temporary public vehicle park for private cars, light goods vehicles, lorries, coaches and/or container trailers (**Plan A-1b**) including five applications approved by the Rural and New Town Planning Committee (the Committee) of the Board between 1995 and 2020 (Details at paragraph 6 below).
- 1.4 Compared with the last application No. A/YL-PS/604 for temporary public vehicle park (private cars, light goods vehicles and 19-seater coaches), the current application is submitted by the same applicant for the same use at the same site with the same development parameters and layout.
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments received on 18.4.2023 (**Appendix I**)
 - (b) Supplementary Information (SI) received on 24.4.2023 (**Appendix Ia**)
 - (c) Further Information (FI) received on 31.5.2023 (**Appendix Ib**)
[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 **Appendices I and Ia**. They can be summarised as follows:

- (a) The proposed development is in line with the planning intention of the “V” zone which is primarily for the convenience of the villagers. There is an insufficient supply to meet exigent parking demand in Tong Fong Tsuen.
- (b) The proposed development is compatible with the surrounding environment. Similar planning applications have been approved by the Board in the nearby “V” zone. There would be minimal traffic impact, insignificant noise and environmental impact.
- (c) All approval conditions of the last application No. A/YL-PS/604 has been complied with.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is not a “current landowner” 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 notice to the Ping Shan Rural Committee by registered post. 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 this application. The relevant assessment criteria are at **Appendix II**.

5. Background

The Site is not subject to planning enforcement action.

6. Previous Applications

- 6.1 The Site is involved in six previous applications (No. A/DPA/YL-PS/49, A/YL-PS/52, 53, 269, 540 and 604) for temporary public vehicles park for private cars, lorries, coaches, light goods vehicles and container trailers. Details of the previous applications were summarised at **Appendix III** and their locations are shown on **Plan A-1b**.

Approved applications

- 6.2 Applications No. A/DPA/YL-PS/49, A/YL-PS/53, 269, 540 and 604 for temporary public vehicles park for private cars, lorries, coaches and light goods vehicles for a period of one to three years were all approved with conditions by the Committee between 1995 to 2020 mainly on the considerations that the proposed development was not incompatible with the surrounding uses; there were insignificant traffic, environmental and drainage impacts and no adverse comment from relevant government departments. However, applications No. A/YL-PS/269 and 540 were revoked on 27.1.2008 and 23.11.2019 respectively due to non-compliance with approval conditions regarding the implementation aspect of landscape and/or tree preservation. For the last approved application No. A/YL-PS/604, all the time-limited approval conditions have been complied with and the planning permission is valid until 12.6.2023.

Rejected application

- 6.3 Application No. A/YL-PS/52 for temporary container trailer and car park for a period of 12 months within “V” and “G/IC” zones was rejected by the Committee on 14.5.1999 for the reasons that the use was incompatible with the village settlement in the vicinity; access to the Site was not satisfactory and the use would pose a threat to the operation of Light Rail Transit services; no information had

been provided to demonstrate that there would be no adverse environmental and visual impacts; and setting an undesirable precedent.

7. Similar Applications

There are two similar applications for temporary public vehicle park for private cars within the same “V” zone in the past five years. Both were approved by the Committee in 2018 and 2021 respectively on similar considerations that the applied use would not jeopardise the long-term development of the sites; and no objection to or no adverse comment from government departments. Details of the application are summarised at **Appendix IV** and their locations are shown on **Plan A-1a**.

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

8.1 The Site is:

- (a) currently occupied by the applied use with valid planning permission under application No. A/YL-PS/604 (**Plan A-Ib and A-2**); and
- (b) accessible from Ping Kwai Road via a local track (**Plan A-3**).

8.2 The surrounding areas have the following characteristics (**Plan A-2**):

- (a) to its immediate north is vacant land and fallow agricultural land; ; to its immediate northeast are open storages of containers which is a suspected unauthorised development (UD); and to its further north and northeast are residential dwellings;
- (b) to the east are Tong Fong Tsuen and Ping Shan San Tsuen which are dominated by residential dwellings;
- (c) to its immediate south is vacant land and scrubland; and
- (d) to its west is a temporary shop for retail and wholesale of food products with valid planning permission and parking of vehicles and coaches and open storage of coach which are suspected UD.

9 Planning Intentions

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 House (SH) 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 the government department as set out in paragraph 10.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments 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):

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

11 Public Comments Received During Statutory Publication Periods

On 28.4.2023, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

12 Planning Considerations and Assessments

12.1 The application is for renewal of planning approval for temporary public vehicle park for private cars, light goods vehicles and 19-seaters coaches for a period of three years at the Site zoned “V” on the OZP. Whilst the development is not entirely in line with the planning intention of the “V” zone, it could serve the local villagers/residents for meeting their car parking needs. In this regard, C for T supports the application. Moreover, the District Lands Officer/Yuen Long, Lands Department advises that there is no SH application approved or under processing at the Site. As such, approval of the application on a temporary basis for a period of three years would not jeopardise the long-term planning intention of the “V” zone.

12.2 The surrounding areas comprise predominately residential dwellings, vacant land and some brownfield operations (**Plan A-2**). The applied use is considered generally not incompatible with the surrounding land uses.

12.3 The application complies with TPB PG-No. 34D in that there is no material change in planning circumstances since the granting of the previous approval under application No. A/YL-PS/604; adverse planning implications arising from the renewal of the planning approval are not envisaged; all the time-limited conditions under previous approval have been complied with; and the three-year

approval period sought is the same as the previous approval and is considered reasonable.

- 12.4 Other relevant government departments, including the Director of Environmental Protection, Chief Engineer/Mainland North, Drainage Services Department, Director of Fire Services and Chief Town Planner, Urban Design and Landscape Section, Planning Department have no objection to or no adverse comment on the application. The applied use will unlikely create significant adverse traffic, environmental, drainage and landscape impacts on the surrounding areas. Should the planning application be approved, the applicant will also be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”.
- 12.5 Given that five previous applications for similar uses at the Site and two similar applications were approved by the Committee (**Plans A-1a and A-1b**), approval of the current application is in line with the Committee’s previous decisions.
- 12.6 There is no public comment received during the statutory publication period.

13 Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 above, the Planning Department the Planning Department has no objection to the applied use for a further period of three years.
- 13.2 Should the Committee decide to approve the application, it is suggested that the renewal shall be valid on a temporary basis for a period of three years, and be renewed from 12.6.2023 until 11.6.2026. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of a condition record of the existing drainage facilities within **3** months to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **9.9.2023**;
- (b) in relation to (a) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (c) the submission of a fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **9.12.2023**;
- (d) in relation to (c) above, the implementation of the fire service installations proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **9.3.2024**;
- (e) if the above planning condition (b) 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

- (f) if any of the above planning conditions (a), (c) or (d) 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) and (d) are the same as those under the permission for application No. A/YL-PS/604; restrictions on operation hours, vehicle types, specific activities, as well as requirements on maintenance of fencing, have been removed as per the department's latest requirements; and restrictions on queuing are now stipulated as advisory clauses according to latest comments from the Commissioner for Transport.]

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:

the planning intention of "V" zone is primarily intended for development of SH by indigenous villagers. The development is not in line with the planning intention of the "V" zone. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

14 Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.1 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.
- 14.2 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reasons for rejection should be given to the applicant.

15 Attachments

Appendix I	Application Form with attachments received on 18.4.2023
Appendix Ia	SI received on 24.4.2023
Appendix Ib	FI received on 31.5.2023
Appendix II	Relevant Extracts of TPB PG-No.34D
Appendix III	Previous Applications
Appendix IV	Similar Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommend Advisory Clauses
Drawing A-1	Application Site
Drawing A-2	Location Plan with vehicular Access
Drawing A-3	Proposed Layout Plan

Drawing A-4	Proposed Landscape and Tree Preservation Plan
Drawing A-5	As-built Drainage Plan
Plan A-1a	Location Plan with Similar Applications
Plan A1-b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

PLANNING DEPARTMENT
JUNE 2023