

RNTPC Paper No. A/YL-PS/686
For Consideration by
the Rural and New Town
Planning Committee
on 23.6.2023

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

APPLICATION NO. A/YL-PS/686

- Applicant** : Mr. CHAN Chi Wing represented by Metro Planning and Development Company Limited
- Application Site** : Lots 123 (Part), 126 RP (Part), 130 (Part), 131 (Part), 132 RP (Part) and 135 RP (Part) in D.D. 121, Ping Shan, Yuen Long, New Territories
- Site Area** : About 930m²
- 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** : Renewal of Planning Approval for Temporary Public Vehicle Park for Private Cars for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary public vehicle park for private cars for a period of three years at the application site (the Site) which falls within an area zoned “R(B)1” on the OZP (**Plan A-1a**). According to the Notes for “R(B)1” 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 vacant with a valid planning permission until 10.7.2023 (**Plans A-2 to A-4**).
- 1.2 According to the applicant, the Site is accessible via an existing track leading to Ping Kwai Road (**Drawing A-1 and Plan A-3**). No light goods vehicle, medium goods vehicle, heavy goods vehicle and container tractor/trailer will be allowed to enter the Site. Vehicles without valid licences issued under the Road Traffic Ordinance will not be allowed to park at the Site. No vehicle repairing, dismantling, car beauty, car washing or other workshop activity is allowed on the Site. 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 five previous applications (**Plan A-1b**) including two applications for temporary public vehicle park for private cars for a period of three years approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2017 and 2020 respectively (details at paragraph 6 below).
- 1.4 Compared with the last approved application No. A/YL-PS/608, the current application is submitted by the same applicant for the same use at the same site with the same development parameters and layout. The major development parameters of the current application are as follow:

Major Development Parameters	Current Application (No. A/YL-PS/686)
Development/ Use	Proposed Temporary Public Vehicle Park for Private Cars
Site Area	930m ²
Maximum Floor Area	24m ²
No. of Structures	2 (toilet, site office and guard room)
Maximum Height of Structures	3.5m (1 storey)
No. of Private Car Parking Spaces	13 (5m x 2.5m)
Operation Hours	7:00 a.m. to 11:00 p.m. daily

- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 11.5.2023 (**Appendix I**)
- (b) Supplementary Information (SI) received on 18.5.2023 (**Appendix Ia**)

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 applied use is in line with the planning intention of the “R(B)1” zone which is primarily for the convenience of the nearby residents. There is insufficient supply of parking space to meet the exigent demand in Tong Fong Tsuen.
- (b) The applied use is compatible with the surrounding environment. Similar planning applications have been approved by the Board in the same “R(B)1” zone. There would be no significant traffic, noise and environmental impacts.
- (c) All approval conditions of the last application No. A/YL-PS/608 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 five previous applications (No. A/YL-PS/7, 92, 114, 546 and 608), two of which (No. A/YL-PS/546 and 608) were for temporary public vehicle park uses while the other three applications are for container tractor and trailer park and open storage of construction materials/and container trailer which are not relevant to the current application. Details of the previous applications were summarised at **Appendix III** and their locations are shown on **Plan A-1b**.
- 6.2 Applications No. A/YL-PS/546 and 608 for temporary public vehicle park for private cars at the same site as the current application were approved by the Committee in 2017 and 2020 respectively mainly on the considerations that the developments on temporary basis would not frustrate the long term planning intention, and no adverse comment from concerned departments. However, application No. A/YL-PS/546 was revoked on 27.3.2020 due to non-compliance with the approval condition regarding implementation of tree preservation and landscape proposal. For the last approved application No. A/YL-PS/608, all the time-limited approval conditions have been complied with and the planning permission is valid until 10.7.2023.

7. Similar Applications

There are four similar applications for temporary public vehicle park for private cars within the same “R(B)1” zone in the past five years. All were approved by the Committee between 2018 and 2023 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 vacant with valid planning permission under application No. A/YL-PS/608 (**Plan A-1b and A-2**); and
- (b) accessible from Ping Kwai Road via a local track (**Plans A-2 and A-3**).

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

- (a) to its immediate north are storage use which is suspected unauthorised development (UD) and a temporary vehicle park for private cars with valid planning permission under application No. A/YL-PS/643. To the further north is a low-rise residential development named La Aldea;
- (b) to its immediate east is public vehicle park for private car with valid planning permission under application No. A/YL-PS/673; and vehicle repair workshops and open storage of vehicles which are suspected UD's;
- (c) to the south are vehicle repair workshops, open storage of vehicles, and open storage of construction materials which are suspected UD's intermixed with residential dwellings; and
- (d) to the west are a local track, the Light Rail and a nullah.

9 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.

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 19.5.2023, 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 for a period of three years at the Site zoned “R(B)1” on the OZP. Whilst the development is not entirely in line with the planning intention of the “R(B)1” zone, there is no known development proposal at the Site and the applied development could provide parking spaces to serve any such demand for the residents nearby. In this regard, C for T supports the application. Approval of the application on a temporary basis for three years will not frustrate the long-term planning intention of the “R(B)1” zone.
- 12.2 The Site is mainly surrounded by residential developments, vehicle parks, open storage and vehicle repair workshops (**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/608; 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 timeframe 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” to minimize possible environmental nuisance to the surrounding areas.
- 12.5 Given the Committee has approved two previous applications for the same use at the Site and four similar applications within the same “R(B)1” zone in 2017 and 2020 respectively in the past five years (**Plans A-1a and A-1b**), approval of the current application is in line with the Committee’s previous decisions.

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 10.7.2023 until 9.7.2026. 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 **10.10.2023**;
- (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 **10.1.2024**;
- (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 **10.4.2024**;
- (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/608; 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 C for T.]

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 applied 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.

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 11.5.2023
Appendix Ia	SI received on 18.5.2023
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
Plans A-4a and A4-b	Site Photos

**PLANNING DEPARTMENT
JUNE 2023**