

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/688

- Applicant** : Mr. TANG Chi-hok represented by Mr. Wong Sun Wo William
- Site** : Lots 63(Part), 68(Part), 69, 70(Part), 71(Part), 72(Part) and 73(Part) in D.D.126, Ping Shan, Yuen Long, New Territories
- Site Area** : About 6,621m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/20
- Zoning** : “Recreation” (“REC”)
- Application** : Proposed Temporary Public Vehicle Park (Private Cars, Light Goods Vehicles, Light Buses and Coaches) with Ancillary Facilities for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary public vehicle park (private cars, light goods vehicles (LGVs), light buses and coaches) with ancillary facilities for a period of three years at the application site (the Site) (**Plan A-1**). According to the Notes of the OZP for the “REC” 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 used for public vehicle park with valid planning permission under application No. A/YL-PS/661 (**Plans A-2 and 4**).
- 1.2 According to the applicant, the Site is accessible via a local track to Tin Wah Road connecting to Tin Tsz Road (**Plans A-2 and A-3**). No vehicle exceeding 8.5 tonnes including medium goods vehicles, heavy goods vehicles and container trailers/tractors will be allowed to enter the Site. The proposed development will operate 24 hours daily. The vehicular access plan, proposed layout plan and drainage plan are shown at **Drawings A-1 to A-3** respectively.
- 1.3 The Site is involved in four previous applications (No. A/DPA/YL-PS/50, A/YL-PS/398, 441 and 661) (details at paragraph 6 below) (**Plan A-1**).

- 1.4 Compared with the last application No. A/YL-PS/661 for similar public vehicle park use approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2022, the current application is submitted by the same applicant covering the same site, with the same development parameters, no. of parking spaces and operation hours, except with the inclusion of coach parking spaces and consequential changes. The major development parameters of the current application and application No. A/YL-PS/661 are summarised as follows:

Major Development Parameters	Last Approved Application (A/YL-PS/661) (a)	Current Application (A/YL-PS/688) (b)	Difference (b) – (a)
Applied Use	Proposed Temporary Public Vehicle Park (Private Cars, Light Goods Vehicles and Light Buses) with Ancillary Facilities for a Period of 3 Years	Proposed Temporary Public Vehicle Park (Private Cars, Light Goods Vehicles, Light Buses and Coaches) with Ancillary Facilities for a Period of 3 Years	Include Coach Parking
Site Area	About 6,621 m ²	About 6,621 m ²	No change
Maximum Floor Area	39 m ²	39 m ²	No change
No. of Structures	1 (ancillary office)	1 (ancillary office)	No change
Maximum Height of Structures	6m (2 storey)	6m (2 storey)	No change
Total No. of Parking Spaces	124 55 for private cars (5m x 2.5m each) 49 for LGV (7m x 3.5m each)	124 60 for private cars (5m x 2.5m each) 34 for LGV (7m x 3.5m each)	No change +5 -15

	20 for light buses (8m x 3.5m each)	20 for light buses (8m x 3.5m each) 10 for coaches (12m x 3.5m each)	No change +10
Operation Hours	24 hours daily	24 hours daily	No change

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

- (a) Application form and supplementary statement (**Appendix I**)
received on 23.5.2023
- (b) Supporting information (SI) received on 29.5.2023 (**Appendix Ia**)
- (c) Further information (FI) received on 6.7.2023* (**Appendix Ib**)

**[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 **Appendices I and Ia**. They can be summarised as follows:

- (a) The Site is covered by a valid planning approval for public vehicle park;
- (b) parking of coaches proposed under the current submission is to serve the surrounding recreational uses and to accommodate the arising demand from schools and various community organisations; and
- (c) the proposed development could optimise the utilisation of land resources.

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 Part of the Site is involved in four previous applications (No. A/DPA/YL-PS/50, A/YL-PS/398, 441 and 661). Applications No. A/YL-PS/398 and 441 for various open storage uses were rejected by the Committee in 2012 and 2014 respectively, and the considerations of which were not relevant to the current application for public vehicle park use. Details of these previous applications are shown in **Appendix II** and their locations are shown on **Plan A-1**.
- 5.2 Application No. A/DPA/YL-PS/50 for temporary container vehicle park for a period of three years within “Unspecified Use” area, was rejected by the Board on review in 1996. Since container vehicles are not allowed to park within the Site under the current proposal, the above considerations are not relevant to the current application.
- 5.3 The latest planning permission under application No. A/YL-PS/661 for proposed temporary public vehicle park (private cars, light goods vehicles and light buses) with ancillary facilities for a period of three years was approved with conditions by the Committee on 24.6.2022 mainly on the considerations that proposed use would unlikely create significant adverse landscape, environmental and fire safety impacts on the surrounding areas; the proposed use was not entirely incompatible with the surrounding areas; and relevant government departments had no adverse comment on / no objection to the proposed use. The planning permission is valid until 24.6.2025. The public vehicle park has been operated

6. **Similar Application**

Within the same “REC” zone (and its adjoining “Village Type Development” (“V”) zone), there is one similar application (No. A/YL-PS/634) for proposed temporary public vehicle park (private car only) with ancillary site office for a period of three years approved with conditions by the Committee in 2021 on the considerations that the proposed development would not frustrate the long-term planning intentions of the “REC” and “V” zones; not entirely incompatible with the surrounding areas; and no adverse traffic, drainage, landscape, environmental and fire safety impacts on the surrounding areas. Details of the application are summarised at **Appendix III** and the location of the application is shown on **Plan A-1**.

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

- 7.1 The Site is:
- (a) paved and used for parking of vehicles covered by a valid planning permission No. A/YL-PS/661; and
 - (b) accessible via a local track from Tin Wah Road connecting to Tin Tsz Road (**Plans A-2 and A-3**).
- 7.2 The surrounding areas have the following characteristics:

- (a) to the north are a warehouse and an open storage yard covered by planning permission, vehicle parks which are suspected unauthorized developments (UDs), and vacant land;
- (b) to the south, southwest and west are a barbecue site, a commercial fish farm and two fish ponds;
- (c) to the further west across Tin Tsz Road is Tin Shui Wai New Town; and
- (d) to the east is the vegetated slope within the “Conservation Area” (“CA”) zone. To the northeast is fallow agricultural land.

8. Planning Intention

The “REC” zone is intended primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.

9. Comments from Relevant Government Departments

9.1 Apart from government departments as set out in paragraphs 9.2 and 9.3 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 IV and V** respectively

9.2 The following department supports the application:

Traffic

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

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

9.3 The following department has adverse comment on the application:

Land Administration

9.3.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) the Site comprises Old Schedule Agricultural Lots Held under the Block Government Lease which contains the restriction

that no structures are allowed to be erected without the prior approval of the Government; and

- (b) Lots 72 and 73 in D.D. 126 are covered by Short Term Waiver (STW) Nos. 4953 and 4948 respectively for the purpose of “Temporary Place of Recreation (Barbecue Spot)”;
- (c) LandsD has grave concerns given that there are unauthorized building works and/or uses on Lots 63, 69, 70 and 71 in D.D.126 which area already subject to lease enforcement actions according to case priority. The lot owner(s) should remedy the lease breaches as demanded by LandsD; and
- (d) the applicant should note his advisory comments in **Appendix V**.

10. Public Comment received During the Statutory Publication Period

On 30.5.2023, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for a proposed temporary public vehicle park (private cars, light goods vehicles, light buses and coaches) with ancillary facilities for a period of three years at the Site zoned “REC” on the OZP. Although the applied use is not entirely in line with the planning intention of the “REC” zone, it could serve any such parking demand in the locality. In this regard, C for T supports the application from traffic engineering point of view. There is no known development proposal for the Site in the “REC” zone. Approval of the application on a temporary basis for three years would not frustrate the long-term planning intention of the “REC” zone.
- 11.2 The Site is situated in an area of miscellaneous rural fringe predominated by parking of vehicles, warehouse, open storage, barbeque site, fish ponds and woodland (**Plan A-2**). The applied use is not entirely incompatible with the surrounding areas.
- 11.3 Relevant government departments, including the 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, except DLO/YL, LandsD raised concerns on the unauthorised building works at the Site. To address the concerns of DLO/YL, LandsD, the applicant indicates that he will take action to remedy the lease breaches (**Appendix Ib**) and he is also reminded to follow the relevant land administration procedures as required by LandsD (**Appendix V**). It should be noted that the land administration matter should be dealt with separately. The proposed use will unlikely create significant adverse traffic, drainage, fire safety, environmental and landscape impacts on the

surrounding areas. 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. 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 “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”.

- 11.4 The Committee approved a previous application for the same use at the Site and a similar application within the same “REC” zone in 2022 and 2021 respectively. Approval of the current application is generally in line with the Committee’s previous decisions.

12. Planning Department’s Views

- 12.1 Based on the assessment made in paragraph 11, 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 **14.7.2026**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no medium and heavy goods vehicle exceeding 8.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (b) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site at any time during the planning approval period;
- (c) 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 **14.1.2024**;
- (d) in relation to (c) 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 **14.4.2024**;
- (e) 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 **14.1.2024**;
- (f) in relation to (e) 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 **14.4.2024**;

- (g) in relation to (f) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) if any of the above planning condition (a), (b) or (g) 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 any of the above planning condition (c), (d), (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 applied use is not in line with the planning intention of the "Recreation" zone which is primarily for recreational developments for the use of general public. No strong planning justification has been provided 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 with attachments
Appendix Ia	SI dated 29.5.2023
Appendix Ib	FI dated 6.7.2023
Appendix II	Previous Applications
Appendix III	Similar Applications

Appendix IV
Appendix V

Government Departments' General Comments
Recommended Advisory Clauses

Drawing A-1
Drawing A-2
Drawing A-3

Proposed Layout Plan
Vehicular Access Plan
Drainage Proposal

Plan A-1~~a~~
~~Plan A-1b~~
Plan A-2
Plan A-3
Plans A-4a and A-4b

Location Plan
~~**Previous Applications Plan**~~
Site Plan
Aerial Photo
Site Photos

PLANNING DEPARTMENT
JULY 2023