

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/692

- Applicants** : Ms. LAM Hing Fun and Mr. LEUNG Wing Cheung
- Site** : Lot 159 S.B ss.1 RP in D.D. 123, Ping Shan, Yuen Long, New Territories
- Site Area** : About 107 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”)
[restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Temporary Private Vehicle Park for a Period of 3 Years

1. The Proposal

- 1.1 The applicants seek planning permission to use the application site (the Site) (**Plan A-1**) for a temporary private vehicle park for a period of three years. According to the covering Notes of the OZP, temporary use or development not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently paved and occupied by the applied use without valid planning permission (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site is accessible via a local access road leading to Fuk Shun Street (**Plan A-2**). According to the applicants, the vehicle park will provide four parking spaces for private cars and sufficient manoeuvring space will be provided within the Site. No fencing will be erected around the Site (**Drawing A-1**). The operation hours will be 24 hours daily including public holidays. The layout plan and site plan submitted by the applicants are at **Drawings A-1 and A-2** respectively.
- 1.3 In support of the application, the applicants have submitted the following documents:
- (a) Application form and attachments received on (**Appendix I**)
8.6.2023

(b) Further information (FI) received on 28.8.2023* (Appendix Ia)

(c) FI received on 21.9.2023* (Appendix Ib)

**exempted from publication and recounting requirements*

1.4 On 28.7.2023, the Rural and New Town Planning Committee (the Committee) agreed to defer consideration of the application as requested by the applicants for two months.

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the application are detailed at **Appendix I** and are briefly summarised as follows:

- (a) the applied use is temporary in nature and would not jeopardise the long-term planning intention of the “V” zone. There is a need for car parking spaces at the Site; and
- (b) There is no parking space provided at the adjoining houses.

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

The applicants are the sole “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is currently not subject to any planning enforcement action.

5. Town Planning Board Guidelines

The Town Planning Board Guidelines for “Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance” (TPB PG-No. 12C) are relevant to this application. According to the said Guidelines, the Site falls within the Wetland Buffer Area (WBA). Relevant extract of the Guidelines is at **Appendix II**.

6. Previous Application

The Site is the subject of one previous application (No. A/YL-PS/632) for temporary warehouse (storage of water filters and documents) for a period of three years, which was rejected by the Committee of the Board on 16.4.2021 and the considerations were not relevant to the current applied use. Details of the previous application is summarised at **Appendix III** and the locations is shown on **Plan A-1**.

7. Similar Application

There is one similar application (No. A/YL-PS/666) for temporary public vehicle park (private cars) within the same “V” zone in the past five years, which was approved by

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the Committee on 25.11.2022 on considerations that the applied use would not frustrate the long-term development of the sites; and would unlikely create significant adverse impacts on the surrounding area. Details of the application are summarised at **Appendix IV** and its locations is shown on **Plan A-1**.

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

8.1 The Site is:

- (a) paved with a temporary structure at the northern portion and occupied by the applied use without valid planning permission; and
- (b) accessible via a local access road leading to Fuk Shun Street (**Plan A-2**).

8.2 The surrounding areas have the following characteristics:

- (a) to the immediate east are residential dwellings; to the further east are a vehicle repair workshop, a storage yard, a real estate agency and an eating place which are suspected unauthorized developments (UDs);
- (b) to the south across the local access road are residential dwellings and a vehicle park which is suspected UD; and
- (c) to the north and northwest are vehicle parks which are suspected UD and residential dwellings; and to the further northwest are ponds.

9. Planning Intention

The planning intention of the “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 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.

10. Comments from Relevant Government Departments

All 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 V and VI** respectively.

11. Public Comments received During the Statutory Publication Period

On 16.6.2023, the application was published for public inspection. During the statutory public inspection period, four public comments from individuals and resident

representative respectively were received (**Appendices VII-1 to VII-4**) objecting to the application mainly on the grounds of safety concern on outdoor electric meters, adverse traffic impacts and the site has been occupied with unauthorized structures.

12. Planning Considerations and Assessments

- 12.1 The application is for temporary private vehicle park for a period of three years at the Site zoned “V” on the OZP. The planning intention of the “V” zone is primarily intended for development of Small Houses by indigenous villagers. Although the applied use is not entirely in line with the planning intention of the “V” zone, it can help meet the parking need of the villagers. Besides, DLO/YL of LandsD advises that there is no Small House application approved or currently under processing at the Site. Approval of the application on temporary basis would not frustrate the long-term planning intention of the “V” zone.
- 12.2 The Site is situated in an area of miscellaneous rural fringe landscape predominated by village houses intermixed with parking of vehicles in the proximity (**Plan A-2**). The applied use is not entirely incompatible with the surrounding land uses.
- 12.3 Although the Site falls within the WBA of the TPB PG-No. 12C, planning applications for local and minor uses (including temporary uses) are exempted from the requirement of ecological impact assessment. In this regard, the Director of Agriculture, Fisheries and Conservation has no comment on the application.
- 12.4 Concerned government departments, including the Commissioner for Transport (C for T), Director of Environmental Protection, Director of Fire Services, Chief Engineer/Mainland North and Chief Town Planner/Urban Design and Landscape of Planning Department have no objection to or adverse comment on the application. Taking into account of the temporary nature and small scale of the applied use, adverse traffic, environmental, fire safety, drainage and landscape impacts are not envisaged. To address the technical requirements of concerned government departments, relevant approval conditions are recommended in paragraph 13.2 below. Should the application be approved, the applicants will also be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any possible environmental nuisance on the nearby sensitive receivers.
- 12.5 Given that the Committee approved a similar application for temporary public vehicle park within the same “V” zone in 2022 (**Plan A-1**), approval of the current application is in line with the Committee’s previous decision.
- 12.6 There are four public comments objecting to the application received during the statutory publication period as summarised in paragraph 10 above. C for T and Director of Electrical and Mechanical Services have no objection to or adverse comment on the application from traffic and electrical safety perspectives respectively. It should also be noted that any structure at the

Site could be dealt with separately under the land administration mechanism. The planning considerations and assessments in paragraphs 12.1 to 12.4 above are also relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comment mentioned in paragraph 11 above, the Planning Department considers that the temporary private vehicle park could be tolerated for a period of three years.
- 13.2 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 **27.10.2026**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a drainage proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **27.4.2024**;
- (b) in relation to (a) above, the implementation of the drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **27.7.2024**;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) 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 **27.4.2024**;
- (e) in relation to (d) 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 **27.7.2024**;
- (f) if the above planning condition (c) 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
- (g) if any of the above planning condition (a), (b), (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**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection is suggested for Members' reference:

the applied use is not in line with the planning intention of the "V" zone which is primarily for development of Small Houses by indigenous villagers. There is no strong justification 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.
- 14.2 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.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicants.

15. Attachments

Appendix I	Application Form received on 8.6.2023
Appendix Ia	FI received on 28.8.2023
Appendix Ib	FI received on 21.9.2023
Appendix II	Extract of the TPB PG-No. 12C
Appendix III	Previous Applications
Appendix IV	Similar Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Appendices VII-1 to VII-4	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Site Plan
Plan A-1a	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2023**