

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/698

- Applicant** : Mr. TANG Chi-hok represented by Goldrich Planners and Surveyors Ltd.
- Site** : Lots 56 RP, 57 RP(Part) and 58 RP(Part) in D.D.126, Ping Shan, Yuen Long, New Territories
- Site Area** : About 1,977m²
- 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 (Coaches) for a Period of 5 Years and associated Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary public vehicle park (coaches) for a period of five years and associated filling of land 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)’ which is a Column 2 use and filling of land require planning permission from the Town Planning Board (the Board). The Site is currently partly paved and vacant (**Plans A-2 and 4**).
- 1.2 According to the applicant, the Site is accessible from Tin Wah Road via a local track (**Drawing A-1, Plans A-2 and A-3**). As shown on the proposed layout plan at **Drawing A-2**, 17 parking spaces for coaches (12m x 3.5m each) are proposed. One single-storey structure (not more than 3m in height) with a total floor area of about 15 m² for office-cum-guardroom would be erected. The proposed extent of filling of land is about 1,977 m² (i.e. the entire site) with a depth of about 0.2m using concrete to provide a solid ground for the parking of coaches and site maintenance (**Drawing A-3**). Landscape planting is proposed along the western and northeastern boundaries of the Site to mitigate the landscape impact arising from the applied use (**Drawing A-5**). No car beauty, dismantling or other workshop activities will be carried out at the Site. Vehicles without valid licences issued under Road Traffic

Ordinance, medium/heavy goods vehicles and container trailers/tractors are not allowed to enter the Site. The proposed development will operate 24 hours daily. The location plan, proposed layout plan, filling of land layout plan, swept path analysis and landscape proposal plan are shown at **Drawings A-1 to A-5** respectively.

1.3 The Site is involved in five previous applications including one application (A/YL-PS/523) for temporary public vehicle park which was rejected by the Rural and New Town Planning Committee (the Committee) of the Board in 2016 (details at paragraph 6 below) (**Plan A-1b**).

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

(a) Application form and supplementary statement (**Appendix I**) received on 27.9.2023

(b) Further information (FI) received on 31.10.2023 (**Appendix Ia**)

[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**. They can be summarised as follows:

- (a) the proposed use is temporary in nature, and would not frustrate the long-term planning intention of the “REC” zone;
- (b) the proposed use could cater the demand of parking spaces for coaches in Tin Shui Wai area and reduce roadside illegal parking; and
- (c) the proposed use will not bring along adverse impact to the surroundings and similar applications for similar use were approved by the Committee.

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. 31B) 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 was the subject of planning enforcement case (No. E/YL-PS/754) against unauthorized development (UD) involving parking of vehicles and storage use (including deposit of containers) (**Plan A-2**). An Enforcement Notice (EN) was issued on 10.5.2023 requiring discontinuation of the UD. Subsequent site

inspections revealed that the UD has been discontinued. Compliance Notice for the EN was issued on 28.9.2023.

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 Applications

6.1 The Site is involved in five previous applications. Application No. A/DPA/YL-PS/50, A/YL-PS/42, 244 and 614 for temporary container vehicle park, filling of pond, temporary open storages and temporary shop and services were considered by the Committee between 1996 and 2020. The considerations of these previous application are not relevant to the current application for temporary public vehicle park. Details of these previous applications are shown in **Appendix III** and their locations are shown on **Plan A-1**.

6.2 Application No. A/YL-PS/523 which covers a larger site for temporary public vehicle park (private cars, light goods vehicle and coaches) for a period of three years was rejected by the Committee on 14.10.2016 mainly on the grounds that the site was subject to active planning enforcement action that had not been discontinued; and cumulative effect of approving such applications would result in a general degradation of the environment of the area.

7. Similar Applications

There are three similar applications (No. A/YL-PS/634, 661 and 688) within/straddling the subject “REC” zone and the adjacent “V” zones for proposed temporary public vehicle park (private cars/ and light goods vehicles, light buses/ and coaches) with/without ancillary facilities for a period of three years approved with conditions by the Committee in the past five years mainly on the considerations that the proposed development would not frustrate the long-term planning intention of the “REC”/and “V” zones, the 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. Details of the applications are summarised at **Appendix IV** and the location of the application is shown on **Plan A-1**.

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

8.1 The Site is:

- (a) partly paved and vacant; and

- (b) accessible via a local track from Tin Wah Road connecting to Tin Tsz Road (**Plans A-2 and A-3**).

8.2 The surrounding areas have the following characteristics:

- (a) comprise open storage yards, warehouse, parking of vehicles, barbecue site intermixed with shrubland, plant nurseries, active agricultural land, woodland, unused land, ponds and vacant land and Yuen Long Community Green Station.; and
- (b) to the immediate south is a vacant site which is the subject of planning application No. A/YL-PS/699 for temporary shop and services (selling of gardening and construction materials) and associated filling of land to be considered at the same meeting.

9. Planning Intention

- 9.1 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.
- 9.2 According to the Explanatory Statement of the OZP, as filling of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on environment, permission from the Board is required for such activities.

10. Comments from Relevant Government Departments

- 10.1 Apart from 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 on the application and recommended advisory clauses are provided in **Appendices V and VI** respectively.
- 10.2 The following department has comment on the application:

Traffic

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

- (a) He has no adverse comment on the application from traffic engineering perspective as a temporary public vehicle park could meet public demand for vehicle parking spaces; and
- (b) the applicant should note his advisory comments in **Appendix VI**.

11. Public Comment received During the Statutory Publication Period

On 6.10.2023, the application was published for public inspection. During the statutory public inspection period, a total of 48 public comments (extracted samples at **Appendices VII-1 to VII-9**) from individuals were received and all of them object

to the application on the grounds that the proposed use will cause adverse traffic impact and environmental nuisance to the surroundings; and the Site should be utilized for other uses such as transitional housing and recreation facilities in accordance with the intention of the “REC” zone. A full set of public comments will be deposited at the meeting for Members’ inspection.

12. Planning Considerations and Assessments

- 12.1 The application is for a proposed temporary public vehicle park (coaches) for a period of five years and associated filling of land 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 regards, C for T consider that the applied use could meet public demand for parking of coaches from traffic engineering point of view. Besides, there is no known development proposal for the Site in the “REC” zone. Approval of the application on a temporary basis for five years would not frustrate the long-term planning intention of the “REC” zone.
- 12.2 The requirement for planning permission for filling of land within “REC” zone is to address the possible drainage impact on the adjacent areas and adverse impacts on the environment. In this regard, the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) and Director of Environmental Protection (DEP) have no objection to the application from drainage and environmental perspectives.
- 12.3 The Site is situated in an area of miscellaneous rural fringe predominated by parking of vehicles, warehouse, open storage, barbecue site, fish ponds, plant nurseries and scrubland (**Plan A-2**). The applied use is not entirely incompatible with the surrounding areas.
- 12.4 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.
- 12.5 Relevant government departments, including the CE/MN, DSD, Director of Fire Services, DEP and Chief Town Planner/Urban Design and Landscape of Planning Department have no objection to or adverse comment on the application. The proposed use will unlikely create significant adverse 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 13.2 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 also be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”.

- 12.6 Although there was one previous application No. A/YL-PS/523 for temporary public vehicle park (private cars, light goods vehicles and coaches) rejected by the Committee in 2016 on the considerations as mentioned in paragraph 6.2 above, the circumstances of the current application are different in that the UD on Site had been discontinued and relevant government departments including C for T and DEP has no adverse comments on the application. Furthermore, the Committee also approved three similar applications for the similar use within/straddling the same “REC” zone in the past five years. Approval of the current application is not in conflict with the Committee’s previous decisions.
- 12.7 There are 48 public comments objecting to the application received during the statutory publication period as summarised in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.5 above are also relevant.

13. Planning Department’s Views

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11 above, the Planning Department has no objection the application.
- 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 five years until **24.11.2028**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no medium and heavy goods vehicle exceeding 5.5 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 **24.5.2024**;
- (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 **24.8.2024**;
- (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 **24.5.2024**;

- (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 **24.8.2024**;
- (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 VI**.

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

- (a) the proposed use is not in line with the planning intention of the "REC" 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; and
- (b) the applicant fails to demonstrate in the submission that the proposed land filling is essential for the proposed use.

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 applicant.

15. Attachments

Appendix I	Application Form with attachments
Appendix Ia	FI dated 31.10.2023
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-9	Public Comments
Drawing A-1	Vehicular Access Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	Proposed Filling of Land Area Plan
Drawing A-4	Swept Path Analysis Plan
Drawing A-5	Landscape Proposal Plan
Plan A-1a	Location Plan
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2023**