

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/703

- Applicant** : Long Tin Car Park Management Limited represented by KTA Planning Limited
- Site** : Lots 44 (Part), 72 (Part) and 73 (Part) in D.D. 122 and adjoining Government Land (GL), Ha Mei San Tsuen, Ping Shan, Yuen Long, New Territories
- Site Area** : About 2,315m² (including GL of about 149 m² or 6.4 %)
- Lease** : Block Government Lease (demised for agricultural purposes)
- 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** : Renewal of Planning Approval for Temporary Public Vehicle Park (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 (private cars) 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 permission from the Town Planning Board (the Board). The Site is currently occupied by the applied use with valid planning permission under application No. A/YL-PS/626 until 26.2.2024.
- 1.2 The Site is accessible from Yung Yuen Road via a local track to its south (**Plans A-2 and A-3**). According to the applicant, the applied use is for a public vehicle park for private cars providing a total of 79 parking spaces for private cars. The operation hours are from 7:00 a.m. to 11:00 p.m. daily. Only private cars as defined in the Road Traffic Ordinance are allowed to enter/be parked at the Site at any time. The lot index plan, layout plan, landscape and drainage plan and fire service layout plan are shown at **Drawings A-1 to A-4** respectively.

- 1.3 The Site is involved in eight previous applications for temporary vehicle park including four applications for private cars and/or light goods vehicles (LGVs) which were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 2005 and 2021, details at paragraph 5 below.
- 1.4 Compared with the last approved Application No. A/YL-PS/626, the current application was submitted by the same applicant for the same use on the same site with the same layout and number of parking spaces.
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments received on 14.12.2023 (Appendix I)
 - (b) Supplementary Planning Statement (Appendix Ia)
 - (c) Further Information (FI) received on 18.1.2024 (Appendix Ib)
[accepted and exempted from publication requirements]

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed at **Appendix Ia**. They can be summarised as follows:

- (a) All approval conditions of previous planning permission No. A/YL-PS/626 have been complied with.
- (b) The same use at the Site has been approved by the Board since 2015. It would not set an undesirable precedent for similar applications.
- (c) The Site is suitable for the applied use and will not jeopardise the long-term planning intention of the “V” zone.
- (d) The applied use is compatible with the surrounding land uses.
- (e) The applied use helps meet the existing parking demand in the area.
- (f) There will be no parking of heavy vehicles on the Site. With the provision of mitigation measures such as peripheral landscaping and fencing, and provision of drainage facilities, the applied use will not have adverse environmental, visual, landscape and drainage impacts to the surrounding areas.
- (g) As the proposed vehicle park has only 79 parking spaces, no adverse impact on traffic network is envisaged.
- (h) The applicant has provided adequate fire service installations at the Site to enhance fire safety.

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

The applicant is not the “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 notice at the Site and publishing notice in newspapers. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, TPB PG-No. 31B is not applicable.

4. Background

The Site is not subject to any planning enforcement action.

5. Previous Applications

- 5.1 The Site is involved in eight previous applications (No. A/YL-PS/90, 119, 151, 216, 240, 463, 551 and 626) for temporary vehicle park uses from 2001 to 2021. Amongst them, four of them involving private cars and/or LGVs were approved and four of them involving container vehicles, trailers and lorries in addition to private cars and LGVs were rejected by the Committee/Board. Details of the previous applications are summarised in **Appendix III** and the boundaries of the sites are shown on **Plan A-1b**.

Approved Applications

- 5.2 Application No. A/YL-PS/216 for temporary public vehicle park for private cars and LGVs was approved with conditions by the Committee in 2005 for two years with considerations including not incompatible with the surrounding areas; no significant adverse environmental, drainage and visual impacts on the surrounding areas; and approvals were granted for similar applications. However, the planning permission was subsequently revoked on 15.12.2005 due to non-compliance with the approval condition.
- 5.3 Applications No. A/YL-PS/463, 551 and 626 for temporary public vehicle park for private cars for a period of three years were approved with conditions by the Committee between 2015 and 2021 mainly on the considerations that temporary approval given would not jeopardise the long-term planning intention of the “V” zone; not incompatible with the surrounding land uses; no adverse impacts on the surrounding areas; and approval granted for similar applications. All the time-limited conditions under the last approved application No. A/YL-PS/626 have been complied with and the planning permission is valid until 26.2.2024.

Rejected Applications

- 5.4 Applications No. A/YL-PS/90, 119, 151 and 240 for temporary vehicle park for container vehicles and trailers, lorries, private cars or LGVs for a period of three years were rejected by the Committee/Board on review between 2001 and 2006 mainly on grounds of not in line with the planning intention; not compatible with

the surrounding uses; insufficient information to demonstrate no adverse environmental, traffic, drainage, landscape and/or visual impacts on the surrounding uses; setting an undesirable precedent; and failure to comply with the then Town Planning Board Guidelines No. 13D for ‘Application for Open Storage and Port Back-up Uses’.

6. Similar Application

There is a similar application (No. A/YL-PS/649) for temporary public vehicle park for private cars and LGVs straddling the same “V” zone approved by the Committee in the past five years on the similar considerations that mentioned in paragraph 5.3 above. Details of the similar application is summarised at **Appendix III** and its location is shown on **Plan A-1a**.

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

7.1 The Site is:

- (a) accessible from Yung Yuen Road leading to Ha Mei San Tsuen Road (**Plans A-2 and A-3**); and
- (b) paved, largely fenced off and currently occupied by the applied use with valid planning permission under application No. A/YL-PS/626.

7.2 The surrounding areas have the following characteristics:

- (a) comprise predominantly residential dwellings and intermixed with open storage yards and vehicle parks which are suspected unauthorized developments (UDs) subject to planning enforcement action; and
- (b) to the south is a public vehicle park covered by valid permission (No. A/YL-PS/649).

8. Planning Intention

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 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.

9. 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 IV** and **V** respectively.

10. Public Comments Received During the Statutory Publication Period

On 22.12.2023, 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 renewal of planning approval for temporary public vehicle park (private cars) for a period of three years at the Site zoned “V” on the OZP. Although the applied use is not in line with the planning intention of the “V” zone, it could serve some of the parking demand of residents in the nearby villages and the locality. District Lands Officer/Yuen Long, Lands Department advised that there is no Small House applications approved or under processing at the Site. Approval of the application on a temporary basis for three years would not frustrate the long-term planning intention of the “V” zone.
- 11.2 The Site is situated in a village landscape predominated by residential dwellings intermixed with open storage yards and vehicle parks. The applied use is not incompatible with the surrounding land uses.
- 11.3 The application is generally in line with TPB PG-No. 34D in that there has been no material change in planning circumstances since the granting of the previous approval under application No. A/YL-PS/626; all the time-limited conditions under the previous approval had been complied with; and the three-year approval period sought is reasonable and of the same timeframe as the previous approval.
- 11.4 Relevant Government departments, including the Commissioner for Transport, Chief Highway Engineer/New Territories West, Highways Department, Chief Engineer/Mainland North, Drainage Services Department, Director of Environmental Protection and Director of Fire Services have no objection to or no adverse comment on the application from traffic, drainage, landscape, environmental and fire safety perspectives. To minimise any potential environmental nuisances and to address the technical requirements of concerned Government departments, appropriate 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 planning enforcement action. 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” in order to minimise the possible environmental nuisance in the surrounding area.
- 11.5 Given that four previous approval for temporary public vehicle car uses have been granted to the Site between 2005 and 2021 and one similar application for parking of vehicles has been approved in the past five years, approval of the current application is in line with the Committee’s previous decisions.

12. Planning Department's Views

- 12.1 Based on the assessment made in paragraph 11 above, the Planning Department has no objection to 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 and be renewed from 27.2.2024 to 26.2.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) only private cars as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to enter/be parked on the Site at any time during the planning approval period;
- (c) no vehicle without valid licence issued under the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on the Site at any time during the planning approval period;
- (d) no vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the Site at any time during the planning approval period;
- (e) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (f) the existing fire service installations shall be maintained in an efficient working order at all times during the planning approval period;
- (g) the submission of a condition record of the existing drainage facilities within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 27.5.2024;
- (h) if any of the above planning condition (a), (b), (c), (d), (e) or (f) 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 planning condition (g) 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) to (e) and (g) are the same as those under the permission for application No. A/YL-PS/626. Condition (f) is added as the previous approval conditions on the submission and implementation of fire

service installations proposal have been complied with. Requirements for maintenance of landscaping and boundary fencing, as well as indication of vehicle types have been removed as per the departments' latest requirement. Restriction on queuing and reverse movement of vehicles is now stipulated as an advisory clause.]

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 "V" zone which is intended primarily for development of Small Houses by indigenous villagers. No strong planning justification has been given in the submission to justify 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 received on 14.12.2023
Appendix Ia	Supporting Planning Statement
Appendix Ib	FI received on 18.1.2024
Appendix II	Relevant Extracts of TPB PG-No. 34D
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Lot Index Plan
Drawing A-2	Layout Plan
Drawing A-3	Landscape and Drainage Plan
Drawing A-4	Fire Service Layout Plan

Plan A-1a	Location Plan
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
JANUARY 2024**