

APPLICATION FOR PLANNING PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/705

- Applicant** : Mr. TANG Ping Fai represented by Allgain Land Administrators (Hong Kong) Limited
- Site** : Lots 270 RP, 271 RP, 272 RP, 272 S.B, 272 S.C, 272 S.D, 272 S.E, 272 S.F, 272 S.G and 273 RP in D.D. 122, Ping Shan, Yuen Long, New Territories
- Site Area** : About 5,000 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** : Renewal of Planning Approval for Temporary Public Vehicle Park for Private Car, Light Goods Vehicle and Medium Goods Vehicle 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 car, light goods vehicle and medium goods vehicle for a period of three years at the application site (the Site) (**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/629 until 14.5.2024. (**Plans A-2 and 4**).
- 1.2 The Site is accessible via a local track leading to Tsui Sing Road and the ingress/egress is at the northeastern part of the Site (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, the Site is for parking of private cars, light goods vehicles (LGVs) not exceeding 5.5 tonnes and medium goods vehicles (MGVs) not exceeding 24 tonnes respectively, providing a total of 60 parking spaces. The operation hours are from 7:00 a.m. to 11:00 p.m. daily (excluding public holidays). Parking spaces for private cars are allocated along the northern boundary of the Site to minimise potential nuisance to the village houses to the immediate north (**Drawing A-3 and Plan**

A-2). Only vehicles as defined in the Road Traffic Ordinance are allowed to enter/be parked at the Site at any time. No vehicle washing, repairing, dismantling, car beauty and other workshop activity will be carried out at the Site. The vehicular access plan, site plan proposed layout plan, approved fire service installations plan and as-built drainage plan are at **Drawings A-1 to A-5** respectively.

- 1.3 The Site is involved in four previous applications for temporary public vehicle park for private cars and LGVs, MGVs, lorries and/or container vehicles/trailers (**Plan A-1b**) with two of them covering the same site as the current application approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2019 and 2021 respectively (details at paragraph 5 below).
- 1.4 Compared with the last approved Application No. A/YL-PS/629, the current application is submitted by the same applicant for the same use on the same site with the same layout, number of parking spaces and operation hours.
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application form with attachments received on 5.2.2024 (**Appendix I**)
 - (b) Supplementary Information received on 9.2.2024 (**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) All approval conditions of previous planning permission No. A/YL-PS/629 have been complied with.
- (b) The approved development is compatible with the surrounding land uses.
- (c) There is insufficient parking space for private cars, LGVs and MGVs in the vicinity. The applied development could meet such demand and regularise illegal parking.
- (d) Boundary fencing has been provided at the Site. There will be no adverse impact to the environment and nearby residents.

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 sending the 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) is also relevant to the application. The relevant assessment criteria are attached at **Appendix II**.

5. Background

The Site is not subject to planning enforcement action.

6. Previous Applications

6.1 The Site is involved in four previous applications (No. A/YL-PS/8, 23, 595 and 629) for temporary public vehicle park for various types of vehicles. Amongst them, two of them (applications No. A/YL-PS/595 and 629) involving private cars, LGVs and MGVs were approved while the other two applications (No. A/YL-PS/8 and 23) involving private cars as well as lorry and/or container vehicles/ trailer covering a larger extent were rejected by the Committee/upon review by the Board. Details of the previous applications are summarised at **Appendix III** and their boundaries are shown on **Plan A-1b**.

Approved Applications

6.2 Applications No. A/YL-PS/595 and 629 for temporary public vehicle park for private cars and LGVs and/or MGVs for a period of three years in 2019 and 2021 respectively on grounds of not incompatible with the surrounding land uses; no adverse departmental comments; and temporary approval not jeopardising the long-term planning intention of the “V” zone. All the time-limited conditions under the last approved application No. A/YL-PS/629 have been complied with and the planning permission is valid until 14.5.2024.

Rejected Applications

6.3 Applications No. A/YL-PS/8 and 23 covering a larger site for temporary private car/container vehicle park for a period of 12 months and temporary public lorry, car and container trailer park for a period of 12 months were rejected by the Committee in 1997 and the Board on review in 1998 respectively on grounds of not in line with the planning intentions of “Government, Institution or Community” and “V” zones; incompatible with the village settlements; insufficient information in the submission on access road and landscaping aspects; and setting an undesirable precedent. The above considerations are not entirely relevant to the current applied use as no parking of lorry, container vehicles and container trailer are involved in the current submission.

7. Similar Applications

7.1 There are 15 similar applications (No. A/YL-PS/585, 590, 592, 606, 628, 630, 635, 636, 638, 641, 645, 651, 657, 663 and 684) for temporary public vehicle

park for private cars, LGVs, coaches and medium size buses within 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 IV** and its location is shown on **Plan A-1a**.

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

8.1 The Site is:

- (a) currently used for temporary public vehicle park for private cars, LGVs and MGVs with valid planning permission No. A/YL-PS/629; and
- (b) accessible from a local track leading to Tsui Sing Road (**Plans A-2 and A-3**).

8.2 The surrounding areas have the following characteristics:

- (a) to the immediate north are some residential dwellings. To the northeast is bounded by Long Tin Road; and
- (b) comprise predominantly residential dwellings intermixed with temporary shop and services (retail shop for selling construction materials) and wholesale of construction materials (covered by valid planning permission No. A/YL-PS/665), parking of vehicles which are suspected unauthorized development (UD) and vacant land.

9. 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. 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

- 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:

Environment

10.2.1 Comments of the Director of Environmental Protection (DEP):

- (a) he does not support the application according to the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (“COP”) as the development involves traffic of heavy vehicles¹, and there are sensitive users (residential dwellings) in the immediate north of the Site (**Plan A-2**). Environmental nuisance is expected.
- (b) there was no environmental complaint concerning the Site received by DEP in the past three years; and
- (c) should the application be approved, the applicant will be advised to follow the relevant mitigation measures and requirements in the latest COP.

11. Public Comment Received During the Statutory Publication Period

On 16.2.2024, 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, LGVs and MGVs 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 the parking demand of residents in the nearby villages and the locality. The District Lands Officer/Yuen Long, Lands Department advised that there are two Small House applications 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.
- 12.2 The Site is situated in a village landscape predominated by residential dwellings intermixed with vehicle parks, shop and services and wholesale trade and temporary structures. The applied use is not incompatible with the surrounding land uses.
- 12.3 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/629; all the time-limited conditions under the previous approval have been complied with; and the three-year approval period sought is reasonable and of the same timeframe as the previous approval.

¹ According to DEP, heavy vehicles include MGVs from environmental perspective.

- 12.4 There is no adverse comment on the application from relevant government departments, except DEP. DEP does not support the application as there are sensitive receivers of residential use in the vicinity (**Plan A-2**), and environmental nuisance from traffic of heavy vehicles is expected. In this regard, the Site is accessible from a local track leading to Tsui Sing Road which (**Plans A-2 and A-3**) abuts Long Tin Road and would not pass through the existing residential cluster to the immediate north of the Site. According to the applicant, the Site would be fenced off and private car parking spaces would be located along the northern boundary of the Site to further minimise potential nuisance to the residential cluster to the immediate north of the Site (**Drawing A-3** and **Plan A-2**). Environmental impact arising from the movement of the MGVs on residential dwellings could be minimised. Nevertheless, to address the concerns of the possible environmental nuisances generated by the applied use or to address the technical requirements of other 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 planning enforcement action by the Planning Authority. Should the planning application be approved, the applicant will be advised to follow the relevant mitigation measures and requirements set out in the “COP” to minimise any potential environmental impact on the nearby sensitive receivers.
- 12.5 The Committee has approved two previous applications for temporary public vehicle park uses including private cars, LGVs and/or MGVs at the Site in 2019 and 2021 respectively and 15 similar applications for temporary vehicle parks including private cars, LGVs, coaches and 24-tonnes goods vehicles within the same “V” zone in the past five years. Approval of the current application is in line with the Committee’s previous decisions.

13. **Planning Department’s Views**

- 13.2 Based on the assessment made in paragraph 11 above, the Planning Department has no objection to the application.
- 13.3 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 15.5.2024 to 14.5.2027. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation between 10:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no heavy goods vehicle exceeding 24 tonnes, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the

site, as proposed by the applicant, at any time during the planning approval period;

- (d) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site, as proposed by the applicant, at any time during the planning approval period;
- (e) no vehicle washing, repairing, dismantling, car beauty and other workshop activity, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (f) the existing boundary fencing shall be maintained at all time during the planning approval period;
- (g) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) the submission of a condition record of the drainage facilities within **3 months** from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **15.8.2024**;
- (i) the submission of a fire service installations proposal within **6 months** from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **15.11.2024**;
- (j) the implementation of the fire service installations proposal within **9 months** from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **15.2.2025**;
- (k) if any of the above planning condition (a), (b), (c), (d), (e), (f) 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
- (l) if any of the above planning condition (h), (i) or (j) 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 (h) are the same as those under the permission for application No. A/YL-PS/629. Conditions (i) and (j) are imposed as per comments of Fire Services Department. 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 VI**.

- 13.4 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 "V" zone which is primarily intended for development of Small Houses by indigenous villagers. 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.
- 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 received on 5.2.2024
Appendix Ia	SI received on 9.2.2024
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	Advisory Clauses
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Plan
Drawing A-3	Proposed Layout Plan
Drawing A-4	Approved Fire Service Installations Plan
Drawing A-5	As-built Drainage Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
APRIL 2024**