

APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/707

- Applicant** : The Incorporated Owners of Hong Ping Villa
- Site** : Lot 1342 (Part) in D.D. 122, Ping Shan, Yuen Long, New Territories
- Site Area** : About 417 m²
- Lease** : Block Government Lease (demised for agricultural purposes)
- Plan** : Approved Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/20
- Zonings** : “Open Space” (“O”) (91.4%); and
“Residential (Group E)2” (“R(E)2”) (8.6%)
[restricted to a maximum plot ratio of 0.6 and a maximum building height of 5 storeys including car park]
- Application** : Renewal of Planning Approval for Temporary Vehicle Park for Private Cars and Light Vans 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 cars and light vans for a period of three years at the application site (the Site) (**Plan A-1**). According to the Notes of the OZP for “O” and “R(E)2” zones, ‘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/631 until 6.4.2024 (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Castle Peak Road – Ping Shan via an internal road of Hong Ping Villa to its south (**Drawing A-1, Plans A-2 and A-3**). According to the applicant’s proposal, a total of 5 parking spaces (3 for private cars (5m x 2.5m) and 2 for light vans (7m x 3.5m)) would be provided within the Site. No vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site and no vehicle other than private cars and light vans will be allowed to enter the Site. The operation hours of the vehicle park are from

7:00 a.m. to 11:00 p.m. daily. The location plan with vehicular access and proposed layout plan are shown at **Drawings A1** and **A2** respectively.

1.3 The Site is involved in four previous applications (No. A/YL-PS/323, 414, 557 and 631) for the same temporary vehicle park for private cars and light vans use approved with conditions each for a period of three years by the Rural and New Town Planning Committee (the Committee) of the Board between 2010 and 2021 (details at paragraph 6 below). Compared with the last approved application (No. A/YL-PS/631), the current application is submitted by the same applicant for the same use at the same site with the same layout, number of parking spaces and operation hours.

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

- (a) Application Form with attachments received on 16.2.2024 **(Appendix I)**
- (b) Further Information (FI) received on 22.3.2024 **(Appendix Ia)**
[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) there are inadequate parking spaces within Hong Ping Villa for private cars and light vans for the use of the residents and visitors;
- (b) no operation between 11:00 p.m. and 7:00 a.m. is allowed on the Site. Corrugated metal fencing will be provided to minimise noise nuisance to nearby residents;
- (c) only private cars and light vans are allowed to enter/be parked on the Site; and
- (d) the existing drainage facilities and existing landscape and trees will be maintained in good condition.

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 publishing notice in newspapers and sending registered mail to Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ (TPB PG-No. 34D) are relevant to this application. The relevant assessment criteria are attached at **Appendix II**.

5. Background

The Site is not subject to any planning enforcement action.

6. Previous Applications

The Site is involved in four previous applications (No. A/YL-PS/323, 414, 557 and 631) for the same use as the current application at the same site. All four applications were approved with conditions each for a period of three years by the Committee between 2010 to 2021 mainly on the grounds that the development was not incompatible with the surrounding land uses; the development could serve the parking needs of some local residents; and it was unlikely to create significant adverse traffic, environmental, drainage and landscape impacts on the surrounding areas. However, the planning permission under application No. A/YL-PS/414 was subsequently revoked due to non-compliance with approval condition. All the time-limited approval conditions under the last approved application No. A/YL-PS/631 have been complied with and the planning permission is valid until 6.4.2024. Details of the applications are summarised in **Appendix III** and the boundaries of the sites are shown on **Plan A-1**.

7. Similar Application

There is no similar application within the subject “O” and “R(E)2” zones in the past five years.

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

8.1 The Site is:

- (a) accessible from Castle Peak Road – Ping Shan via an internal road of Hong Ping Villa (**Drawing A-1, Plans A-2 and A-3**); and
- (b) paved, partly fenced off and currently occupied by the applied use with valid planning permission under application No. A/YL-PS/631 (**Plans A-2 and A-4**).

8.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

- (a) comprise predominantly low-rise residential developments namely Hong Ping Villa and Flori, a site office of Drainage Services Department (DSD)

and unused land; and

- (b) to its south across the Castle Peak Road – Ping Shan is the planned public housing development at Long Bin currently under construction.

9. Planning Intentions

- 9.1 The “O” zone is intended primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.
- 9.2 The “R(E)2” zone is intended primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the Board. Whilst existing industrial uses will be tolerated, new industrial developments are not permitted in order to avoid perpetuation of industrial/residential interface problem.

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 IV** and **V** respectively.

11. Public Comments Received During the Statutory Publication Period

On 23.2.2024, 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 (private cars and light vans) for a period of three years at the Site mainly zoned “O” (91.4%) on the OZP. Whilst the applied use is not entirely in line with the planning intention of the “O” zone, the Director of Leisure and Cultural Services advises that there is no plan to develop the Site into public open space in upcoming three years. Approval of the application on a temporary basis for three years would not frustrate the long-term planning intention of the “O” zone.
- 12.2 The Site is mainly surrounded by residential developments, a site office of DSD and unused land (**Plan A-2**). The applied use is generally not incompatible with the surrounding 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/631; 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.

- 12.4 Relevant Government departments, including the Commissioner for Transport, Chief Highway Engineer/New Territories West, Highways Department, Chief Engineer/Mainland North, DSD, Director of Environmental Protection and Director of Fire Services have no objection to or no adverse comment on the application from traffic, drainage, environmental and fire safety perspectives. To address the technical requirements of concerned government departments, appropriate 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 unauthorized development 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.
- 12.5 Given that four previous approval for the same use at the same site have been granted to the Site between 2010 and 2021, approval of the current application is in line with the Committee’s previous decisions.

13. Planning Department’s Views

- 13.1 Based on the assessment made in paragraph 12 above, the Planning Department has no objection to 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 three years and be renewed from 7.4.2024 to 6.4.2027. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (b) the submission of a condition record of the existing 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 7.7.2024;
- (c) 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 7.10.2024;
- (d) 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 7.1.2025;

- (e) if the above planning condition (a) 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
- (f) if any of the above planning condition (b), (c) or (d) 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) and (b) are the same as those under the permission for application No. A/YL-PS/631. Approval conditions (c) and (d) are imposed as per D of FS's comments. Requirements for operation hours, maintenance of existing trees and boundary fencing, as well as indication of vehicle types have been removed as per the departments' latest requirements. 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**.

- 13.3 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 "O" zone which is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public. 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 with attachments received on 16.2.2024
Appendix Ia	Further Information received on 22.3.2024
Appendix II	Relevant Extracts of TPB PG-No. 34D
Appendix III	Previous Applications

Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Location Plan with Vehicular Access
Drawing A-2	Layout Plan
Plan A-1	Location Plan with Previous Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

PLANNING DEPARTMENT
APRIL 2024