

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

**APPLICATION NO. A/YL-PS/708**

- Applicant** : Wing On Car Park represented by Allgain Land Administrators (Hong Kong) Limited
- Site** : Lots 692 (Part), 693 (Part), 694 (Part), 695 (Part), 697 (Part), 698 (Part), 897 (Part), 898 (Part), 900 (Part), 901 (Part), 942 (Part), 943 (Part), 944 and 946 (Part) in D.D. 122, Ping Shan, Yuen Long
- Site Area** : About 6,000m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/20
- Zoning** : “Comprehensive Development Area” (“CDA”)  
*[restricted to a maximum plot ratio of 0.4 and a maximum building height of 3 storeys including car park]*
- Application** : Temporary Public Vehicle Park (Private Cars and Medium Goods Vehicles (MGVs)) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary public vehicle park (private cars and MGVs) for a period of three years at the application site (the Site) zoned “CDA” on the OZP (**Plan A-1a**). According to the Notes of the OZP for the “CDA” 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 hard paved and used for parking of vehicles without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is accessible via a local track leading to Long Ping Road (**Plans A-2 and A-3**). According to the applicant, a total of 94 parking spaces (55 private car parking spaces and 39 MGVs parking spaces) will be provided. In order to minimise the potential environmental nuisance to the nearest residential dwellings which are mostly located near the eastern portion of the Site, parking spaces for MGVs are located at the western portion so as to maintain a longer buffer distance. Only private cars and MGVs not exceeding 24 tonnes will be allowed to park at the Site. No vehicle without

valid licences issued under Road Traffic Ordinance will be permitted to park at the Site. No repairing, cleaning, dismantling and other workshop activity will be carried out at the Site. The operation hours of the public vehicle park are from 7:00a.m. to 10:00p.m. Mondays to Sundays (excluding public holidays). To support the application, the applicant also submitted drainage proposal and fire service installations (FSIs) proposal. The vehicular access plan, site plan and layout plan submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site is involved in seven previous applications including one application (No. A/YL-PS/660) for temporary public vehicle park use for the same types of vehicle which was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 29.7.2022 (details are at paragraph 5 below).
- 1.4 Compared with the last application (No. A/YL-PS/660), the current application is submitted by the same applicant for the same use at the same site with a similar layout. The major development parameters of the current application are summarised as follows:

Site Area	About 6,000m <sup>2</sup>
No. of Parking Spaces	94  55 (Private Cars) 39 (MGVs)
Operation Hours	7:00am to 10:00pm (Mondays to Sundays excluding public holidays)

- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application form with attachments received on **(Appendix I)**  
21.2.2024
- (b) Further information (FI) received on 22.5.2024 **(Appendix Ia)**  
*(not exempted from publication and recounting requirements)*
- 1.6 On 19.4.2024, the Committee agreed to the applicant's request to defer making a decision on the application for two months.

## 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) The previous planning approval at the Site under application No. A/YL-PS/660 was revoked due to failure to timely submission of the drainage and

FSIs proposals. The current application is resubmitted to seek a fresh planning permission from the Board.

- (b) The applied use will meet the parking demand for private cars and MGVs in the vicinity. It will ease the adverse traffic impact arising from illegal parking on the streets.
- (c) The applied use will be fenced off from the surroundings. No adverse environmental impact to the nearby residents is anticipated.
- (d) Similar applications for temporary public vehicle parks within the “CDA” zone were previously 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 is currently not subject to planning enforcement action.

### 5. **Previous Applications**

- 5.1 The Site is involved in seven previous applications (No. A/YL-PS/33, 79, 85, 113, 182, 642 and 660). Details of these previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1b**.

#### Approved Application

- 5.2 Application No. A/YL-PS/660 for proposed temporary public vehicle park for private cars and MGVs for a period of three years at the same Site of the current application was approved with conditions by the Committee on 29.7.2022 mainly on the considerations that the use was not incompatible with the surrounding areas; the use would unlikely create significant adverse traffic, drainage, fire safety and landscape impacts to the surrounding area; and approval of the application on a temporary basis would not frustrate the long term development of the area. However, the planning permission was subsequently revoked due to non-compliance with time-limited approval conditions regarding the submission of drainage and FSIs proposals.

#### Rejected Applications

- 5.3 Two applications (No. A/YL-PS/33 and 182) involving larger sites for

temporary public vehicle park with/without other uses were rejected by the Committee in 1998 and 2004 respectively on the grounds that there was insufficient information to demonstrate no adverse traffic and drainage impacts on the surrounding areas; the application was not in line with the then Town Planning Board Guidelines No. 13F on “Open Storage and Port Back-up Uses”; the proposed use was incompatible with the surrounding residential dwellings; and approval of the application would set an undesirable precedent.

- 5.4 Four applications (No. A/YL-PS/79, 85, 113 and 642) for various temporary open storage uses and proposed residential development were rejected by the Committee between 2000 and 2021 and the considerations were not relevant to the current application for temporary public vehicle park use.

## **6. Similar Applications**

There are two similar applications (No. A/YL-PS/637 and 687) for temporary public vehicle park use within the same “CDA” zone in the past five years. Both applications were approved by the Committee in 2021 and 2023 respectively on considerations that the development would not jeopardise the long-term planning intention; not incompatible with surrounding land uses and no adverse comment from concerned government departments. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1a**.

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

### **7.1 The Site is:**

- (a) hard paved and fenced off, and used for parking of vehicles without valid planning permission; and
- (b) accessible via a local track leading to Long Ping Road.

### **7.2 The surrounding areas have the following characteristics:**

- (a) predominantly storage/open storage yards and temporary public vehicle parks intermixed with residential dwellings in temporary structures and vacant land; and
- (b) a public vehicle park to the immediate south is covered with valid planning permission, while some storage/open storage yards and public vehicle parks in the vicinity are suspected unauthorized developments (UDs) subject to planning enforcement action.

## **8. Planning Intention**

The “CDA” zone is intended for comprehensive development/redevelopment of the area for residential use with commercial, open space and other supporting facilities.

The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints.

## 9. Comments from Relevant Government Departments

9.1 Apart from the government department as set out in paragraph 9.2 below, other departments consulted have no objection to/no adverse comment on the application. Their general comments on the application and recommended advisory clauses are provided in **Appendices IV and V** respectively.

9.2 The following government department has adverse comment on the application:

### Environment

9.2.1 Comment of the Director of Environmental Protection (DEP):

- (a) he does not support the application as there are sensitive receivers of residential use in the vicinity (to the immediate north and east) (**Plan A-2**), and environmental nuisance is expected;
- (b) there was no environmental complaint pertaining to the Site received in the past three years; and
- (c) the applicant should note his advisory comments in **Appendix V**.

## 10. Public Comments received During the Statutory Publication Periods

On 1.3.2024 and 25.6.2024, the application and its FI were published for public inspection. During the statutory public inspection periods, ~~two~~**three** public comments from ~~the same~~ individuals were received (**Appendix VI**) expressing concerns on the non-compliance with the approval conditions of the previous planning approval ~~and~~, the area required for parking use **and whether enforcement action would be undertaken against unlicensed vehicles at the Site.**

## 11. Planning Considerations and Assessments

11.1 The application is for temporary public vehicle park (private cars and MGVs) for a period of three years at the Site zoned “CDA” on the OZP. Although the applied use is not in line with the planning intention of the “CDA” zone, it could provide vehicle parking spaces to meet any such parking demand in the area. There is also no known development proposal at the Site. As such, approval of the application on a temporary basis for a period of three years will not frustrate the long-term development of the “CDA” zone.

11.2 The Site is mainly surrounded by storage/open storage yards, public vehicle

parks, vacant land and scattered residential dwellings in temporary structures (**Plan A-2**). The applied use is considered not incompatible with the surrounding land uses.

- 11.3 Relevant government departments including the Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department and the Director of Fire Services have no objection to/no adverse comment on the application from traffic, drainage and fire safety impacts perspectives respectively. DEP does not support the application as there are sensitive receivers of residential use in the vicinity of the Site (with the nearest one to the immediate north and east of the Site) (**Plan A-2**), thus environmental nuisance is expected. Nonetheless, no environmental complaint concerning the Site has been received by DEP in the past three years. Should the planning 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 possible environmental nuisance on the surrounding areas. Furthermore, relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of other concerned government departments. Any non-compliance with these approval conditions would result in revocation of the planning permission and UD on-site would be subject to enforcement action.
- 11.4 The Site is involved in a previous application No. A/YL-PS/660 for the same applied use which was approved by the Committee on 29.7.2022. However, the planning permission was subsequently revoked due to non-compliance with time-limited approval conditions on submission of drainage and FSIs proposals. The current application is submitted by the same applicant with similar layout and development parameters compared with the last application. The applicant has submitted drainage and FSIs proposals for the current application and CE/MN, DSD and D of FS have no objection in principle to the current application. As such, sympathetic consideration may be given to the current application. The applicant will be advised that should he fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further applications.
- 11.5 Given that a previous approval for the same use at the Site has been granted in 2022 and two similar applications have been approved within the same “CDA” zone in the past five years (**Plan A-1a**). Approval of the current application is in line with the Committee’s previous decisions.
- 11.6 There are ~~two~~**three** public comments received during the public inspection periods as mentioned in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.5 above are relevant.

## **12. Planning Department’s Views**

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 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 until **19.7.2027**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a revised 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 **19.1.2025**;
- (b) in relation to (a) above, the implementation of the revised 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 **19.4.2025**;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) in 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 **19.4.2025**;
- (e) 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
- (f) if any of the above planning condition (a), (b) 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.

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 development is not in line with the planning intention of "CDA" zone which is primarily for comprehensive development/ redevelopment of the area for residential use with the provision of commercial, open space and other supporting facilities. No strong justification has been given in the submission for a departure from the planning intention, even on a temporary basis; and the applicant fails to demonstrate that the applied use would not generate adverse impact to the surrounding area.

**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**

<b>Appendix I</b>	Application form with attachments received on 21.2.2024
<b>Appendix Ia</b>	FI received on 22.5.2024
<b>Appendix II</b>	Previous Applications
<b>Appendix III</b>	Similar Applications
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	Public Comment
<b>Drawing A-1</b>	Vehicular Access Plan
<b>Drawing A-2</b>	Site Plan
<b>Drawing A-3</b>	Layout Plan
<b>Plan A-1a</b>	Location Plan
<b>Plan A-1b</b>	Previous Applications Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
JULY 2024**