

RNTPC Paper No. A/YL-PS/709
For Consideration by
the Rural and New Town
Planning Committee
on 19.4.2024

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

APPLICATION NO. A/YL-PS/709

<u>Applicant</u>	: Mr. Tang Chik Fat represented by Metro Planning and Development Company Limited
<u>Site</u>	: Lot 425 (Part) in D.D. 122 and adjoining Government Land (GL), Sheung Cheung Wai, Yuen Long, New Territories
<u>Site Area</u>	: About 1,245m ² (including GL of about 20.5m ² or 1.6%)
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/20
<u>Zoning</u>	: “Village Type Development” (“V”) <i>[restricted to a maximum building height of 3 storeys (8.23m)]</i>
<u>Application</u>	: Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles (LGVs)) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary public vehicle park (private cars and LGVs) for a period of three years at the application site (the Site) (**Plan A-1**). According to the Notes for the “V” zone on the OZP, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use without valid planning permission (**Plans A-2 and A-4**).
- 1.2 According to the applicant, the Site is accessible from a vehicular access leading from Tsui Sing Road and Ping Ha Road (**Plans A-2 and A-3**). Only private cars and LGVs not exceeding 5.5 tonnes will be parked at the Site. No vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site. No workshop activity will be carried out at the Site. The operation hours are from 7 a.m. to 11 p.m. daily. The location plan with vehicular access, layout plan, landscape plan and as-built drainage plan are at **Drawings A-1 to A-4** respectively.
- 1.3 The Site is involved in three previous applications (No. A/YL-PS/410, 549

and 630) for the same applied use covering the same site (**Plan A-1**) approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2013 and 2021(details at paragraph 5 below).

- 1.4 Compared with the last approved application No. A/YL-PS/630, the current application is submitted by the same applicant for the same use at the same site with the same layout and deletion of structure. A comparison of major development parameters of the last application to the current application is as follows:

Major Development Parameters	Last Approved Application (A/YL-PS/630) (a)	Current Application (A/YL-PS/709) (b)	Difference (b) – (a)
Applied Use	Temporary Public Vehicle Park (Private Cars and LGVs) for a Period of 3 Years		No change
Site Area	About 1,245m ² (including GL of about 20.5m ²)		No change
Maximum Floor Area	58m ²	--	-58m ² (-100%)
No. of Structures	1 (for office, guardroom and toilet uses)	--	-1
No. of Car Parking Spaces	32 for private cars (5m x 2.5m) 2 for LGVs (7m x 3.5m)		No change
Operation Hours	7 a.m. to 11 p.m. daily (including public holidays)		No change

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

- (a) Application form with attachments received on 27.2.2024 (**Appendix I**)
- (b) Further information (FI) received on 11.4.2024 (**Appendix Ia**)
(*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 **Appendix I**. They can be summarised as follows:

- (a) The applied use is in line with the planning intention of the “V” zone which is primarily for the convenience of the villagers. It could meet the parking demand in Sheung Cheung Wai.
- (b) The applicant has complied with all the planning conditions imposed under

the last planning permission. Besides, the Board has approved a number of public vehicle parks in the same “V” zone to meet the parking demand.

- (c) The applied use is compatible with the surrounding environment and will generate insignificant traffic, environmental and noise impacts to its surrounding.

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 Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by posting site notice and sending notice to the Ping Shan Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements under TPB PG-No. 31B are not applicable.

4. **Background**

The Site is currently not subject to planning enforcement action.

5. **Previous Applications**

The Site was involved in three previous applications (No. A/YL-PS/410, 549 and 630) for temporary public vehicle park for private car and LGVs. All of them were approved by the Committee between 2013 and 2021 with considerations that the applied uses were not incompatible with the surrounding land uses and the applications on a temporary basis would not frustrate the long-term planning intention of the “V” zone. As for the last application (No. A/YL-PS/630), all the time-limited approval conditions have been complied with and the planning permission lapsed on 26.3.2024. Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

6. **Similar Applications**

- 6.1 There are 18 similar applications for temporary public vehicle park for private cars, LGVs, medium goods vehicles, coaches and/or medium size buses within the same “V” zone. All applications were approved by the Committee on considerations that the temporary use would not frustrate the long-term planning intention of the “V” zone; not incompatible with the surrounding land uses; and unlikely create significant adverse traffic, environmental, drainage and visual impacts on the surrounding areas. However, the planning permission for one of them (A/YL-PS/594) was subsequently revoked due to non-compliance with approval conditions. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.
- 6.2 For Members’ information, application No. A/YL-PS/710 for temporary public vehicle park (private cars) for a period of three years within the subject “V” zone will also be considered by the Committee at this meeting.

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

7.1 The Site is:

- (a) currently hard-paved and occupied by the applied use without valid planning permission;
- (b) accessible via a local track from Tsui Sing Road leading to Ping Ha Road (**Plan A-3**); and
- (c) located within the boundary of the Sheung Cheung Wai Site of Archaeological Interest (**Plan A-1**).

7.2 The surrounding areas have the following characteristics:

comprise predominated by village settlements of Sheung Cheung Wai and Hang Tau Tsuen and parking uses and storage use which some are covered with valid planning permissions and some are suspected unauthorised developments (UDs) and unused land.

8. Planning Intention

The planning intention of “V” zone is to reflect existing recognised 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.

9. Comments from Relevant Government Departments

All government department 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 Comment Received During the Statutory Publication Period

On 5.3.2024, 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 temporary public vehicle park (private cars and LGVs) for a period of three years at the Site zoned “V” on the OZP. Whilst the applied use is not entirely in line with the planning intention of the “V” zone,

it could provide vehicle parking spaces to meet any such parking demand in in the nearby villages and the locality. The District Lands Officer/Yuen Long, Lands Department advises that there is no Small House application received 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 mainly surrounded by residential dwellings, vehicle parks and storage use (**Plan A-2**). The applied use is considered not incompatible with the surrounding land uses.
- 11.3 Relevant Government departments, including Commissioner of Transport, Director of Environmental Protection, Chief Engineer/Mainland North, Drainage Services Department and Chief Town Planner/Urban Design and Landscape, Planning Department have no objection to or adverse comment on the application from traffic, environmental, drainage and landscape impacts perspectives respectively. To address the technical requirements of concerned Government departments, appropriate approval conditions are recommended in paragraph 12.2 below. 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 on the surroundings.
- 11.4 Given that the Committee has approved three previous applications for the same use at the Site between 2013 and 2021 and 18 similar applications within the same “V” zone 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 assessments made in paragraph 11, 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 **19.4.2027**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (b) the submission of a condition record of the drainage facilities within **3 months** from the date of planning approval to the satisfaction of the Director of Drainage Services or the Town Planning Board by **19.7.2024**;
- (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 **19.10.2024**;

- (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 **19.1.2025**;
- (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 conditions (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.

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 primarily 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.

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 attachment received on 27.2.2024
Appendix Ia	FI received on 11.4.2024
Appendix II	Previous Applications
Appendix III	Similar 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
Drawing A-3	Landscape Plan
Drawing A-4	As-built Drainage Plan

Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

PLANNING DEPARTMENT
APRIL 2024