

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

APPLICATION NO. A/YL-PS/712

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| <u>Applicant</u> | : Mr. Tang Kuen Shing represented by Metro Planning & Development Company Limited |
| <u>Site</u> | : Lots 390 (Part), 391, 392, 394 (Part), 395 (Part), 403 RP (Part) in D.D. 122 and adjoining Government Land (GL), Sheung Cheung Wai, Ping Shan, Yuen Long, New Territories |
| <u>Site Area</u> | : About 3,542m ² (including GL of about 5 m ² (0.14%)) |
| <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 (8.23 m)]</i> |
| <u>Application</u> | : Renewal of Planning Approval for Temporary Public Vehicle Park for Private Car and Light Goods Vehicle (LGV) for a Period of 3 Years |

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval to use the application site (the Site) for temporary public vehicle park for private car and LGV for a period of three years (**Plan A-1a**). According to the Notes for the “V” zone of 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 occupied by the applied use with valid planning permission under application No. A/YL-PS/635 until 20.7.2024 (**Plans A-1a and A-4**).
- 1.2 The Site is accessed via a local track connecting Tsui Sing Road to Ping Ha Road (**Plan A-2 and A-3**). According to the applicant’s proposal, a total of 157 parking spaces (154 for private cars (5m x 2.5m) and 3 for light vans (7m x 3.5m)) would be provided within the Site. A converted container (1 storey (3m) in height) for shroff and guardroom use with a floor area not exceeding 20m² would also be provided. According to the applicant, no vehicle exceeding 5.5 tonnes including container trailer/tractor will be allowed to enter the Site and no vehicle without valid licences issued under the Road Traffic Ordinance is allowed to be parked at

the Site. Also, no workshop activity will be carried out at the Site. The operation hours of the vehicle park are from 7:00 a.m. to 11:00 p.m. daily. The vehicular access plan, layout plan, proposed tree preservation and landscape plan and as-built drainage plan submitted by the applicant are at **Drawings A1 to A4** respectively.

- 1.3 The Site is involved in eight previous applications for temporary vehicle park for private cars and LGV/lorries which were approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2004 and 2021 (details at paragraph 6 below). Compared with the last approved application (No. A/YL-PS/635), 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 an application form with attachments received on 15.4.2024 (**Appendix I**).

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 a Column 2 use under “V” zone and is in line with the planning intention of “V” zone which is primarily for the convenience of the villagers.
- (b) The applicant has complied with all the planning conditions imposed in the last application.
- (c) The Site has been occupied for carpark use with planning permission since 2004 due to its proximity to the Tuen Ma Line Tin Shui Wai Station. The Board has approved similar applications in the same “V” zone. The applied use could meet the preceding demand in Sheung Cheung Wai.
- (d) The applied use will generate insignificant traffic, environmental and noise impacts to its surrounding.
- (e) The applied use is compatible with the surrounding environment.

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 site notice and sending registered mail to Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. For GL portion, the requirements under TPB PG-No. 31B are not applicable.

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 planning enforcement action.

6. Previous Applications

- 6.1 The Site is involved in nine previous planning applications (No. A/YL-PS/180, 238, 248, 275, 304, 382, 479, 562 and 635) for temporary vehicle park for private cars, LGV/lorries and/or medium goods vehicles. 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/180, 248, 275, 304, 382, 479, 562 and 635 for temporary public vehicle parks (for private cars and LGV/lorries) were approved with conditions each for a period of three years by the Committee between 2004 and 2021 mainly on grounds that the vehicle park could serve the villagers; not incompatible with the surrounding land uses; and no adverse departmental comments and local objection were received. However, the planning permission for application No. A/YL-PS/180 was subsequently revoked on 16.3.2006 due to non-compliance with approval condition. All the time-limited approval conditions under the last approved application No. A/YL-PS/635 have been complied with and the planning permission is valid until 20.7.2024.

Rejected application

- 6.3 Application No. A/YL-PS/238 for temporary public vehicle park (private cars, LGV and medium goods vehicles) was rejected on 7.4.2006 for the reasons that the vehicle park with medium goods vehicle was not compatible with the surrounding areas; insufficient information was submitted to demonstrate that the development would not have adverse environmental impacts on the surrounding areas; and setting an undesirable precedent.

7. Similar Applications

- 7.1 There are 19 similar applications for temporary public vehicle park for private cars, LGV, medium goods vehicles, coaches and/or medium size buses within the same “V” zone had been considered by the Committee in the past 5 years. 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 IV** and their locations are shown on **Plan A-1a**.

- 7.2 For Members' information, application No. A/YL-PS/715 for temporary public vehicle park (private car and LGV) for a period of three years within the subject "V" zone will also be considered by the Committee at this meeting.

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

8.1 The Site is:

- (a) currently occupied by the applied use with valid planning permission (application No. A/YL-PS/635);
- (b) accessible from a local track connecting Tsui Sing Road leading to Ping Ha Road.

8.2 The surrounding areas have the following characteristics:

- (a) comprise predominantly residential dwellings and village settlement of Sheung Cheung Wai intermixed with parking of vehicles, storage yards, workshop, restaurant, bee farm, orchard and unused land. Some of the uses are covered by valid planning permissions, while some uses are suspected unauthorised development (UD) subject to planning enforcement action; and
- (b) to the northwest are the Tsui Sing Lau Pagoda and the Tuen Ma Line Tin Shui Wai Station.

9. 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 House (SH) 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 The following government department supports the application:

Traffic

10.1.1 Comments of the Commissioner for Transport (C for T):

- (a) she supports the application from traffic engineering perspective to meet public demand for car parking spaces; and
- (b) the applicant should note her advisory comments in **Appendix V**.

10.2 Apart from government department as set out in paragraph 10.1 above, other 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 Comment Received During the Statutory Publication Period

On 23.4.2024, 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 the planning approval for temporary public vehicle park for private car and LGV for a period of three years. Whilst the development is not entirely in line with the planning intention of the “V” zone, it could serve the local villagers/residents for meeting their car parking needs. In this regard, C for T supports the application. Moreover, the District Lands Officer/Yuen Long, Lands Department advises that no SH application has been 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.

12.2 The Site is mainly surrounded by residential dwellings and vehicle parks including some covered by valid planning permissions (**Plan A-2**). The applied use is considered 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/635; adverse planning implications arising from the renewal of the planning approval are not envisaged; 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 Other relevant government departments, including the 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 drainage, environmental and fire safety perspectives respectively. 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 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” to minimise the possible environmental nuisance on the surrounding area.

- 12.5 The Committee has approved eight previous applications for temporary public vehicle park use at the same site between 2004 and 2021 (**Plan A-1b**) and 19 similar applications within the same “V” zone within the past five years (**Plan A-1a**). Approval of the 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 **21.7.2024 to 20.7.2027**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, 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;
- (b) no vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the Site, as proposed by the applicant, at any time during the planning approval period;
- (c) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (d) the submission of a condition record of the existing drainage facilities within **3** months from the date of the commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **21.10.2024**;
- (e) the submission of a fire service installations proposal within **6** months from the date of the commencement of the renewed planning approval

to the satisfaction of the Director of Fire Services or of the Town Planning Board by **21.1.2025**;

- (f) in relation to (d) above, the implementation of the fire service installations proposal within **9** months from the date of the commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **21.4.2025**;
- (g) if any of the above planning condition (a), (b) or (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
- (h) if any of the above planning condition (d), (e) or (f) 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 (f) are the same as those under the permission for application No. A/YL-PS/635. 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 VI**.

13.3 There is no strong reason to recommend rejection of the application.

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

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| Appendix I | Application form with attachments received on 15.4.2024 |
| Appendix II | Relevant extract of TPB PG-No. 34D |
| Appendix III | Previous Applications |
| Appendix IV | Similar Applications |

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| Appendix V | Government Departments' General Comments |
| Appendix VI | Recommended Advisory Clauses |
| Drawing A-1 | Layout Plan |
| Drawing A-2 | Vehicular access Plan |
| Drawing A-3 | Tree Preservation and Landscape Plan |
| Drawing A-4 | 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
JUNE 2024**