

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

APPLICATION NO. A/YL-PS/715

- Applicant** : Mr. TANG Pin Fai represented by Metro Planning and Development Company Limited
- Site** : Lots 384 (Part), 387 S.C ss.1 RP (Part), 387 S.C ss.2 RP (Part), 387 S.C ss.3 RP (Part), 388 (Part), 390 (Part) in D.D. 122 and Adjoining Government Land (GL), Ping Shan, Yuen Long, New Territories
- Site Area** : About 1,478m² (including GL of about 97 m² or 6.6%)
- 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”) (about 96%) and
[Restricted to a maximum building height (BH) of 3 storeys (8.23 m)]

“Other Specified Uses” annotated “Heritage and Cultural Tourism Related Uses” (“OU(HCTRU)”) (about 4%)
[Restricted to a maximum plot ratio of 0.4 and a maximum BH of 10mPD]
- Application** : 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-1a**). The Site falls within an area largely zoned “V” (96%) with a minor portion within the “OU(HCTRU)” zone (4%) on the OZP. According to the Notes of the OZP for the “V” and “OU(HCTRU)” zones, ‘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, which forms part of a larger public vehicle park, without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is accessible via a local track from Tsui Sing Road leading to Ping

Ha Road (**Plans A-2 and A-3**). According to the applicant, only private cars and LGVs not exceeding 5.5 tonnes will be allowed to enter/park at the Site. No vehicle without valid licences issued under the Road Traffic Ordinance will be permitted to park at the Site. No workshop activity will be carried out at the Site. The location and vehicular access plan, proposed layout plan, landscape and tree preservation plan and drainage plan submitted by the applicant are at **Drawings A1 to A4** respectively.

- 1.3 The Site is involved in 12 previous applications including six applications for temporary public vehicle park covering different extents of the Site (**Plan A-1b**). The last application No. A/YL-PS/625 for the same use was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 22.1.2021 (details at paragraph 5 below).
- 1.4 Compared with the last approved application No. A/YL-PS/625, the current application is submitted by the same applicant for the same use at largely the same site with the same layout and development parameters. The major development parameters of the current application are as follows:

Major Development Parameters	Current Application (A/YL-PS/715)
Applied Use	Temporary Public Vehicle Park for Private Car and Light Goods Vehicle for a Period of 3 Years
Site Area	About 1,478 m ² (including about 97 m ² GL)
Maximum Floor Area	Not exceeding 20 m ²
No. of Structure	1 (for guard room)
Maximum Height of Structure	1 storey (about 3.5m)
No. of Parking Spaces	60 for both private cars and light goods vehicles (5m x 2.5m)
Operation Hours	7:00 a.m. to 11:00 p.m. daily

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

- (a) Application form with attachments received on 16.4.2024 (**Appendix I**)
 - (b) Further information (FI) received on 23.5.2024* (**Appendix Ia**)
 - (c) FI received on 3.6.2024* (**Appendix Ib**)
- *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) There is insufficient supply of parking spaces to meet exigent parking demand in Sheung Cheung Wai. The applied use is in line with the planning intention of “V” zone which is primarily for the convenience of the villagers.
- (b) The Site is the subject of six previous planning permissions for public vehicle park since 2009. The Board has also approved similar planning applications in the nearby “V” zone.
- (c) The applied use is compatible with the surrounding environment and will generate insignificant traffic, drainage and environmental impacts.

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 owner’s consent/notification requirements under TPB PG-No. 31B are not applicable.

4. Background

The Site is currently not subject to planning enforcement action.

5. Previous Applications

- 5.1 The Site was involved in 12 previous applications (No. A/YL-PS/165, 171, 189, 225, 237, 272, 293, 366, 468, 522, 594 and 625) for temporary public vehicle park and various temporary uses covering different extents of the Site. 10 of them were approved by the Committee/the Board upon review while the other two were rejected by the Board upon review. Details of the previous applications are summarised at **Appendix II** and their locations are shown on Plan **A-1b**.
- 5.2 All the six previous applications (No. A/YL-PS/293, 366, 468, 522, 594 and 625) for temporary public vehicle park for private cars and LGVs were approved by the Committee with conditions between 2009 and 2021 mainly on the grounds that temporary approval would not jeopardise long-term planning intention; no adverse departmental comment and local objection were received; the proposal was not incompatible with the surrounding land uses and the proposed vehicle park could serve the parking needs of the local residents and tourists. However, the planning permissions for applications

No. A/YL-PS/468 and 594 were subsequently revoked due to non-compliance with time-limited approval conditions. As for the last application (No. A/YL-PS/625), all the time-limited approval conditions have been complied with and the planning permission lapsed on 22.1.2024.

- 5.3 As for the remaining six applications (No. A/YL-PS/165, 189, 237, 272, 171 and 225) for temporary flea market or barbeque area uses, the considerations are not relevant to the current application which involves a different use.

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 considered by the Committee in the past five 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; was not incompatible with the surrounding land uses; and would unlikely create significant adverse traffic, environmental, drainage and visual impacts on the surrounding areas. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1a**.
- 6.2 For Members’ information, application No. A/YL-PS/712 for renewal of planning approval for temporary public vehicle park (private cars and LGVs) for a period of three years within the same “V” zone will also be considered by the Committee at this meeting.

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

- 7.1 The Site is:
- (a) currently hard-paved and occupied by the applied use, which forms part of a larger public vehicle park, without valid planning permission and;
 - (b) accessible via a local track from Tsui Sing Road leading to Ping Ha Road (**Plans A-2 and A-3**).
- 7.2 The surrounding areas have the following characteristics:
- (a) comprise predominated village settlements of Sheung Cheung Wai, a secondary school, parking uses, car servicing and restaurant, with some covered with valid planning permissions and some being suspected unauthorized developments (UDs) and vacant and unused land; and
 - (b) to the immediate north is Tsui Sing Lau Pagoda which is a declared monument; and to the northwest across Tsui Sing Road are Tuen Ma Line Tin Shui Wai (TSW) Station and TSW Light Rail Station.

8. **Planning Intentions**

- 8.1 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.
- 8.2 The planning intention of “OU(HCTRU)” zone is primarily to facilitate provision of heritage and cultural tourism related facilities or uses that are complementary to the Tsui Sing Lau Pagoda and Tat Tak Communal Hall as heritage attractions and visually compatible with the historical buildings.

9. **Comments from Relevant Government Departments**

- 9.1 The following government department supports the application:

Traffic

- 9.1.1 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**.

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

Land Administration

- 9.2.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) irregularities covered by the subject planning application have been detected by his office. LandsD has reservation on the planning application since there is/are unauthorized structure(s) and/or uses on Lots 387 S.C ss.1 RP, 387 S.C ss.2 RP, 387 S.C ss.3 RP and 388 which are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularization on the lease breaches as demanded by LandsD;

- (b) the Site comprises GL and Old Schedule Agricultural Lots 384, 387 S.C ss.1 RP, 387 S.C ss.2 RP, 387 S.C ss.3 RP, 388 and 390 in D.D. 122 held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
- (c) Building Licence No. 85 was issued to permit erection of one 2-storey building not exceeding a height of 25 feet with a built-over area not exceeding 700 square feet for non-industrial purposes on Lot 387 S.C ss.2 RP in D.D. 122. As stipulated in the above License, except for the building site, the remainder of the lot shall not be built upon and shall continue to be used for agricultural purposes;
- (d) within the Site, Lot 384 is covered by Short Term Waivers (STWs) No. STW 3170 for private residential use, and Lot 390 is covered by STW No. 3587 for temporary public vehicle park for private cars and light goods vehicles (not exceeding 5.5 tonnes); whereas portion of GL therein is covered by Short Term Tenancy (STT) No. STT 2631 for Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles with Ancillary Office;
- (e) there is no Small House application approved or under processing at the Site; and
- (f) the applicant should note his advisory comments in **Appendix V**.

9.3 Apart from government departments as set out in paragraphs 9.1 and 9.2 above, other 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

10. 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.

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 mainly falling within an area zoned “V” (about 96%), with minor encroachment on the “OU(HCTRU)” zone (about 4%). 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 the nearby villages and the locality. In this regard, C for T supports the application. Moreover, the DLO/YL, LandsD 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 vacant land (**Plan A-2**). The applied use is considered not incompatible with the surrounding land uses.
- 11.3 Relevant government departments, including the 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 environmental, drainage and landscape perspectives respectively. To address the concerns of DLO/YL, LandsD regarding unauthorised building works at the Site, the applicant indicates that he will take action to remedy the lease breaches (**Appendix Ib**). The applicant will be reminded to follow the relevant land administration procedures as required by LandsD should this application be approved by the Committee (**Appendix V**). To address the technical requirements of concerned government departments, appropriate 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. Should the application be approved, the applicant will also 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 six previous applications for the same use at the Site between 2009 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 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 **7.6.2027**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no 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;

- (c) 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;
- (d) no vehicle washing, repairing, dismantling, paint spraying and other workshop activity, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (e) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (f) 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 **7.9.2024**;
- (g) 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 **7.12.2024**;
- (h) in relation to (g) 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 **7.3.2025**;
- (i) if any of the above planning condition (a), (b), (c), (d) or (e) 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
- (j) if any of the above planning condition (f), (g) or (h) 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 16.4.2024
Appendix Ia	FI received on 23.5.2024
Appendix Ib	FI received on 3.6.2024
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	Proposed Layout Plan
Drawing A-3	Proposed Landscape Plan
Drawing A-4	Proposed 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**