

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

APPLICATION NO. A/YL-PS/716

- Applicant** : Busy Firm Investment Limited represented by Mr. TANG Ping Kuen
- Site** : Lot 894 RP in D.D. 122, Ping Shan, Yuen Long, New Territories
- Site Area** : About 4,424 m²
- 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** : Renewal of Planning Approval for Temporary Public Vehicle Park (excluding container vehicles) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary public vehicle park (excluding container vehicles) for a period of three years at the application site (the Site) (**Plan A-1a**). According to the Notes of the OZP for “CDA” zone, ‘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/637 until 6.7.2024 (**Plans A-2 to A-4b**).
- 1.2 The Site is accessible via a local tracking leading to Long Ping Road and the ingress/egress is at the northeastern part of the Site (**Plans A-2 and A-3**). According to the applicant, the Site is for parking of private cars and light goods vehicles (LGVs), providing a total of 154 (134 private car parking spaces (5 m x 2.5m each) including 3 disabled parking spaces and 20 LGVs parking spaces (7m x 3.5m each)). A single-storey (2m) guard room booth with a floor area of 3m² would also be provided within the Site (**Drawing A-1**). The public vehicle park will operate 24 hours daily. The layout plan submitted by the applicant is at **Drawing A-1**.
- 1.3 The Site is involved in 12 previous applications including three applications for temporary public vehicle park use approved by the Board upon review or the Rural and New Town Planning Committee (the Committee) of the Board between 2003 and 2021 (details at paragraph 6 below).

1.4 Compared with the last application (No. A/YL-PS/637), the current application is submitted by the same applicant for the same use with slight changes in types of parking spaces (i.e. conversion of 20 private car parking spaces to LGV parking spaces) on the same site with the same layout and operation hours.

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

- (a) Application Form with attachments received on 18.4.2024 (**Appendix I**)
- (b) Further Information (FI) received on 28.5.2024 (**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 **Appendices I** and **Ia**. They can be summarised as follow:

- (a) the Site will provide parking spaces to meet the public need; and
- (b) the renewal of temporary car park would not impose significant traffic impacts on the vicinity road network.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines on 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 the application. The relevant assessment criteria are at **Appendix II**.

5. Background

The Site is not subject to any planning enforcement action.

6. Previous Applications

6.1 The Site is involved in 12 previous applications, including three approved applications (No. A/YL-PS/148, 558 and 637) and six rejected applications (No. A/YL-PS/33, 103, 112, 131, 181 and 290) for temporary vehicle park with/without other uses covering different extents of the Site. The remaining three applications (No. A/DPA/YL-PS/19, and A/YL-PS/223 and 642) are for residential development or temporary open storage uses and the considerations are not relevant to the current application. Details of the applications are summarised in **Appendix III** and the boundaries of the sites are shown on **Plan A-1b**.

Approved applications

- 6.2 Applications No. A/YL-PS/148, 558 and 637 for temporary public vehicle park for private cars and/or LGVs were approved with conditions each for a period of three years by the Board upon review or the Committee between 2003 and 2021 mainly on the considerations that the development would not jeopardise the long-term planning intention; the development was not incompatible with the surrounding land uses; and there was no adverse comment from concerned government departments. However, the planning permission under application No. A/YL-PS/148 was subsequently revoked due to non-compliance with approval condition. As for the last application No. A/YL-PS/637, all the time-limited approval conditions have been complied with and the planning permission is valid until 6.7.2024.

Rejected applications

- 6.3 Applications No. A/YL-PS/33, 103, 112, 131, 181 and 290 for temporary vehicle park for private cars/LGVs/medium goods vehicles (MGVs)/container lorries/container vehicles with/without other uses were rejected by the Committee or the Board upon review or dismissed by the Town Planning Appeal Board between 1998 and 2010 on the grounds which were not relevant to the current applied use due to different zoning at that time¹.

7. Similar Application

Within the same “CDA” zone, there are two similar applications (No. A/YL-PS/660 and 687) for temporary public vehicle park for private cars, MGVs and coaches within the subject “CDA” zone in the past five years which were approved with conditions for a period of three years by the Committee in 2022 and 2023 respectively, mainly on the considerations that the applied use was not incompatible with the surrounding uses; the proposal would not jeopardise the long-term development of the area; and the concerns of relevant government departments could be addressed by imposing approval conditions. Details of the application are summarised in **Appendix III** and their locations are shown on **Plan A-1a**.

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.

¹ The Site was previously zoned “Undetermined” from 1996 to 2010 before it was rezoned to “CDA” in November 2010.

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

9.1 The Site is:

- (a) accessible via a local track leading to Long Ping Road (**Drawing A-1, Plans A-2 and A-3**); and
- (b) paved, largely fenced off and currently occupied by the applied use with valid planning permission under application No. A/YL-PS/637 (**Plans A-2 to A-4b**)

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

- (a) comprise predominantly open storage/storage yards and parking of vehicles which are suspected unauthorized development (UD), parking of container vehicles, lorries and MGVs with valid planning permission (No. A/YL-PS/660) intermixed with residential dwellings mostly in temporary structures, gardening, a village office, unused land and vacant land; and
- (b) to the immediate north are the Tuen Ma Line Viaduct and the Tuen Ma Line Emergency Access Point.

10. Comments from Relevant Government Bureau and Departments

10.1 All bureau/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.

10.2 The following government department conveyed local views on the application:

District Officer's Comments

10.2.1 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

His office received one supporting comment from the Wing Ning Tsuen Village Committee (WNTVC) supporting the application on the grounds that the applied use had reduced the number of illegal parking in the village and the location of the Site is convenient to nearby villagers (**Appendix VI**).

11. Public Comment Received During the Statutory Publication Period

On 26.4.2024, the application was published for public inspection. During the statutory public inspection period, one public comment was received from WNTVC supporting the application on similar grounds as mentioned in paragraph 10.2.1 above (**Appendix VII**).

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of temporary public vehicle park (excluding container vehicle) 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. The Site falls within the development boundary of Application No. LSPS/005 under the Land Sharing Pilot Scheme (LSPS) for public and private housing development (**Plan A-1a**). While the Head (Land Sharing Office), Development Bureau advises that the applicant should note that land acquisition and clearance would be undertaken in near future, should the application be approved, an advisory clause would be included to remind the applicant that the Site might be subject to the implementation of the LSPS development and not to carry out any substantial works in view of the proposed LSPS development. As such, approval of the application on a temporary basis for three years would not jeopardise the long-term development of the area.
- 12.2 The surrounding area comprises predominantly open storage/storage yards and parking of vehicles (**Plan A-2**). Although there are temporary residential structures nearby, the applied use is generally 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/637; 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 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 traffic, 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. Should the planning 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” to minimise the possible environmental nuisance on the surrounding area.
- 12.5 Three previous approvals involving the Site for temporary public vehicle park use have been granted between 2003 and 2021 and two similar applications within the subject “CDA” zone have been approved in the past five years. Approval of the current application is generally in line with the previous decisions of the Committee or the Board.
- 12.6 There are two supporting comments from WNTVC relayed by DO(YL), HAD and received during the statutory publication period as summarised in paragraphs 10.2.1 and 11 above respectively.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the local comment conveyed by DO(YL), HAD and the public comment mentioned in

paragraphs 10.2.1 and 11 above respectively, 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 7.7.2024 to 6.7.2027. 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 7.10.2024;
- (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 7.1.2025;
- (d) in relation to (c) above, 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 7.4.2025;
- (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) to (d) are the same as those under the permission for application No. A/YL-PS/637. Requirements for maintenance of boundary fencing and posting of notice, as well as restrictions on vehicle types and specific activities have been removed as per the departments' latest requirement. Restriction on queuing and reverse movement of vehicles is now stipulated as an advisory clause.]

Advisory clauses

The recommended advisory clauses are at **Appendix V**.

- 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

Appendix I	Application Form with attachments received on 18.4.2024
Appendix Ia	FI received on 28.5.2024
Appendix II	Relevant Extracts of TPB PG-No. 34D
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Local Comment relayed by DO(YL), HAD
Appendix VII	Public Comment
Drawing A-1	Proposed Site Layout 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-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
JUNE 2024**