

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

APPLICATION NO. A/YL-PS/725

- Applicant** : Richland Properties Management Company Limited represented by Goldrich Planners & Surveyors Limited
- Site** : Lots 449 RP (Part), 450 (Part) and 452 RP (Part) in D.D. 122 and Adjoining Government Land (GL), Hang Mei Tsuen, Ping Shan, Yuen Long, New Territories
- Site Area** : About 1,853 m² (including GL of about 32 m² (about 2%))
- 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”)
[Restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Renewal of Planning Approval for Temporary Public Vehicle Park for Medium Size Buses (24-seater) and Private Cars for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary public vehicle park for medium size buses (24-seater) and private cars for a period of three years at the application site (the Site) (**Plan A-1a**) zoned “V” on the OZP. 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 occupied by the applied use with valid planning permission under application No. A/YL-PS/641 until 24.8.2024 (**Plans A-1b** and **A-4**).
- 1.2 The Site is accessible from Ping Ha Road via a local track connecting to Ping Shan Heritage Trail and the ingress/egress is at the northeastern part of the Site (**Drawing A-1, Plans A-2** and **A-3**). According to the applicant, the Site is for parking of 24-seat medium size buses and private cars providing a

total of 36 parking spaces (7 m x 2.5m each for both types of vehicles). The operation hours are 7:00 a.m. to 11:00 p.m. daily (including public holidays). Only medium size buses (24-seater) and private car are allowed to park at the Site. No vehicle without valid licences issued under Road Traffic Ordinance is permitted to park at the Site. No workshop activity will be carried out at the Site. The location plan with vehicular access, layout plan, as-built drainage plan and fire services installation (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-4** respectively.

- 1.3 The Site is involved in seven previous applications for temporary public vehicle park use approved by the Rural and New Town Planning Committee (the Committee) of the Board or upon review by the Board between 2004 and 2021 (details at paragraph 6 below).
- 1.4 Compared with the last application (No. A/YL-PS/641), the current application is submitted by the same applicant for the same use on the same site with the same development parameters, 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 **(Appendix I)** 20.6.2024
 - (b) Further Information (FI) received on 12.7.2024* **(Appendix Ia)**
 - (c) FI received on 8.8.2024* **(Appendix Ib)**
**accepted and 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 **Appendices I to Ib**. They can be summarised as follows:

- (a) The Site is the subject of previous approved planning application No. A/YL-PS/641 for the same applied use. The applicant has complied with all the approval conditions imposed under the last planning permission.
- (b) The development is compatible with the surrounding environment. The development would generate insignificant traffic, environmental, drainage and noise impacts to its surrounding.
- (c) The applied use is temporary in nature and would not frustrate the long-term planning intention of the “V” zone.

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.

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) is 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, in whole or in part, is the subject of seven previous planning applications (No. A/YL-PS/183, 249, 306, 386, 485, 564 and 641) for temporary vehicle parks for sludge collection vehicles, lorries, pick-up trucks and/or medium size buses (24 seater) and/or private cars with/without ancillary washing/storage uses for a period of two/three years. All the applications were approved with conditions by the Committee / the Board upon review between 2004 and 2021 mainly on the considerations that the applied use would not jeopardise the long-term planning intention; not incompatible with surrounding land uses; and generally no adverse comment from concerned government departments. Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1b**.

6.2 All the time-limited approval conditions of the last approved application (No. A/YL-PS/641) have been complied with and the planning permission is valid until 24.8.2024.

7. **Similar Applications**

There are 16 similar applications (No. A/YL-PS/590, 594, 606, 625, 628, 630, 635, 636, 638, 651, 657, 663, 684, 709, 712 and 715) for temporary public vehicle park for private cars and/or light goods vehicles and/or medium goods vehicles (5.5 to 24 tonnes) and/or coaches within/straddling the same "V" zone in the past five years. All of these similar applications were approved by the Committee on considerations similar to those mentioned in paragraph 6.2 above. However, the planning permission for one of them (No. 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**.

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

8.1 The Site is:

- (a) currently occupied by the applied use with valid planning permission; and
- (b) accessible via a local track leading to Tsui Sing Road (**Drawing A-1, Plans A-2 and A-3**).

8.2 The surrounding areas have the following characteristics:

- (a) comprise predominantly vehicle parks, shop and services and storage use intermixed with unused land and residential dwellings. Some shop and services and parking of vehicles uses are covered with valid planning permissions while some of the uses are suspected unauthorized developments (UDs) subject to planning enforcement action; and
- (b) to the southeast are village settlements of Hang Mei Tsuen.

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 Houses (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 Apart from government department as set out in paragraph 10.2 below, 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 V and VI** respectively.

10.2 The following government department supports the application:

Traffic

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

- (a) supports the application from traffic engineering perspective to

satisfy public parking demand; and

- (b) the applicant should note her advisory comments in **Appendix VI**.

11. Public Comment Received During the Statutory Publication Period

On 28.6.2024, 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 medium size buses (24-seater) and private cars for a period of three years at the Site zoned “V” on the OZP. Although the applied use is not entirely in line with the planning intention of the “V” zone, it could provide parking spaces to meet any such parking demand in the area. In this regard, C for T supports the application. Moreover, the DLO/YL, LandsD advises that there is no SH 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.
- 12.2 The Site is mainly surrounded by vehicle parks, shop and services and storage use intermixed with unused land and residential dwellings (**Plan A-2**). The applied use is considered not incompatible with the surrounding land uses.
- 12.3 The application complies 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/641; adverse planning implications arising from the renewal of the planning approval are not envisaged; all the time-limited conditions under previous approval have been complied with; and the three-year approval period sought is the same timeframe as the previous approval and is considered reasonable.
- 12.4 Other relevant government departments including the Chief Engineer/Mainland North of Drainage Services Department, Director of Environmental Protection and Director of Fire Services have no objection to/no adverse comment on the application from drainage, environmental and fire safety impacts perspectives respectively. Furthermore, relevant approval conditions are recommended in paragraph 13.2 below to address the technical requirements of concerned departments. 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 possible environmental nuisance on the surrounding areas.
- 12.5 The Committee has approved seven previous applications for parking uses at the Site between 2004 and 2021 and 16 similar applications within/straddling the same “V” zone in the past five years. Approval of the current

application is in line with the previous decisions of the Committee.

13. Planning Department's Views

- 13.1 Based on the assessment made in paragraph 12, 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 **25.8.2024** to **24.8.2027**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of 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 **25.11.2024**;
- (b) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (c) the existing fire service installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period;
- (d) if any of the above planning condition (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
- (e) if the above planning condition (a) 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 VI**.

- 13.3 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 "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

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 20.6.2024
Appendix Ia	FI received on 12.7.2024
Appendix Ib	FI received on 8.8.2024
Appendix II	Relevant Extracts of TPB PG-No. 34D
Appendix III	Previous Applications
Appendix IV	Similar Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Drawing A-1	Location Plan with Vehicular Access
Drawing A-2	Layout Plan
Drawing A-3	Drainage Plan
Drawing A-4	FSIs Proposal
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
AUGUST 2024**