

***RNTPC agreed deferral of the application, as requested by PlanD,
to the meeting on 20.9.2024***

RNTPC Paper No. A/YL-PS/726
For Consideration by
the Rural and New Town
Planning Committee
on 6.9.2024

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

APPLICATION NO. A/YL-PS/726

<u>Applicant</u>	: Mr. LEE Chun Chung represented by Metro Planning & Development Company Limited
<u>Site</u>	: Lot 9 S.B RP (Part) in D.D.121, Ping Shan, Yuen Long, New Territories
<u>Site Area</u>	: About 820 m ²
<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”) [Restricted to a maximum building height of 3 storeys (8.23m)]
<u>Application</u>	: Renewal of Planning Approval for Temporary Public Vehicle Park (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 private cars for a period of three years at the application site (the Site) (**Plan A-1**) 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/645 until 2.11.2024 (**Plans A-1 and A-4**).
- 1.2 The Site is accessible via a local track leading to Ping Ha Road with two ingress and egress located at the northeastern and northwestern parts of the Site respectively (**Drawings A-1 and A-2, Plans A-2 and A-3**). According to the applicant, the Site is for parking of private cars providing a total of 30 parking spaces (5 m x 2.5m each). The operation hours are 7:00 a.m. to 11:00 p.m. daily (including public holidays). Only private cars are allowed to enter/be parked at the Site. No vehicle without valid licences issued under the Road Traffic Ordinance is allowed to be parked at the Site. No workshop activity will be carried out at the Site. The location plan with vehicular access, layout plan and

as-built drainage plan submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site is involved in two previous applications for the same use which were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2018 and 2021 respectively (details at paragraph 6 below).
- 1.4 Compared with the last application (No. A/YL-PS/645), 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 an application form with attachments which was received on 9.7.2024 (**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 Site is the subject of two previous planning permissions and has been occupied by carpark use since 2018. All approval conditions imposed to the last planning permission had been complied with.
- (b) The applied use is intended to meet the parking demand in Hang Mei Tsuen.
- (c) The applied use is in line with the planning intention of the “V” zone and is compatible with the surrounding environment. A number of similar planning applications have been approved in the vicinity.
- (d) The applied use would generate insignificant traffic, environmental and drainage 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.

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) is relevant to this application. The relevant assessment criteria are attached at **Appendix II**.

5. **Background**

The Site is not subject to any planning enforcement action.

6. **Previous Applications**

- 6.1 The Site is the subject of two previous planning applications (No. A/YL-PS/571 and 645) for temporary public vehicle park (for private cars) for a period of three years. The applications were approved with conditions by the Committee in 2018 and 2021 respectively mainly on the considerations that the applied use would not jeopardise the long-term planning intention; not incompatible with surrounding land uses; and 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-1**.
- 6.2 All the time-limited approval conditions of the last approved application (No. A/YL-PS/645) have been complied with and the planning permission is valid until 2.11.2024.

7. **Similar Applications**

There are two similar applications (No. A/YL-PS/604 and 683) involving one same site for temporary public vehicle park for private cars, light goods vehicles and 19-seaters coaches within/straddling the same “V” zone in the past five years. Both applications were approved by the Committee on the considerations similar to those mentioned in paragraph 6.2 above. Details of the similar applications are summarised at **Appendix IV** and their locations are shown on **Plan A-1**.

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

- 8.1 The Site is:
- (a) hard-paved, partly fenced off and currently occupied by the applied use with valid planning permission; and
 - (b) accessible via local track leading to Ping Ha Road (**Drawing A-1, Plans A-2 and A-3**).
- 8.2 The surrounding areas have the following characteristics:
- (a) comprise predominantly vehicle parks, plant nursery, shop and services, restaurant, public toilet and open storage yards 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 northeast across Ping Ha Road and to the south are village

settlements of Hang Mei Tsuen and Tong Fong Tsuen respectively.

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 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 Comments Received During Statutory Publication Period

On 19.7.2024, 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 cars for a period of three years. 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. Besides, District Lands Officer/Yuen Long, Lands Department advises that there is no SH application received or under processing at the Site. Approval of the application on a temporary basis for a period of three

years would not frustrate the long-term planning intention of the “V” zone.

- 12.2 The Site is mainly surrounded by vehicle parks, plant nursery, shop and services, restaurant, public toilet and open storage yards 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/645; 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 two previous applications for the same use at the Site in 2018 and 2021 respectively and two similar applications within/straddling the same “V” zone in the past five years. Approval of the current 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, 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 **3.11.2024** until **2.11.2027**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) 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 **3.5.2025**;
- (b) in relation to (a) 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 **3.8.2025**;

- (c) 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 **3.2.2025**;
- (d) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (e) if the above planning condition (d) 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 (a), (b) or (c) 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 SH 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 received on 9.7.2024
Appendix II	Relevant extract of TPB PG-No. 34D
Appendix III	Previous Applications
Appendix IV	Similar Applications

Appendix V
Appendix VI

Government Departments' General Comments
Recommended Advisory Clauses

Drawing A-1

Location Plan with vehicular access

Drawing A-2

Layout Plan

Drawing A-3

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
SEPTEMBER 2024