

RNTPC Paper No. A/YL-PS/727
For Consideration by
the Rural and New Town
Planning Committee
on 6.9.2024

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

APPLICATION NO. A/YL-PS/727

- Applicant** : Mr. TANG Chi Kong represented by Lawson David & Sung Surveyors Limited
- Site** : Lots 106 (Part), 107 (Part), 289 (Part), 293 (Part), 294 (Part), 295 (Part), 301 (Part), 302 (Part) and 319 (Part) in D.D.126, Fung Ka Wai, Ping Shan, Yuen Long
- Site Area** : 3,030 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/20
- Zoning** : “Recreation” (“REC”) (about 53%); and
“Village Type Development” (“V”) (about 47%)
[Restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Proposed Temporary Public Vehicle Park (Private Cars) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary public vehicle park (private cars) for a period of three years at the application site (the Site) zoned “REC” and “V” on the OZP (**Plan A-1a**). According to the Notes of the OZP for “REC” and “V” 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 vacant and fenced off, largely covered with vegetation and partly hard-paved (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site is accessible via a local track from Tin Wah Road and the ingress/egress is at the northeastern part (**Plans A-2 and A-3**). According to the applicant, 55 parking spaces for private cars will be provided at the Site. No repairing, car washing, paint spraying and other workshop activities will be carried out at the Site. The operation hours are 24 hours daily (including Sundays and public holidays). The vehicular access plan and layout plan submitted by the applicant are at **Drawings A-1 and A-2** respectively.

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

- (a) Application Form with attachments received on 11.7.2024 (**Appendix I**)
- (b) Further Information (FI) received on 26.8.2024* (**Appendix Ia**)
- (c) FI received on 29.8.2024* (**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 in the Application Form and FI at **Appendices I to Ib**. They can be summarised as follows:

- (a) The proposed use aims to alleviate the existing and potential parking demand for Fung Ka Wai and Kai Shan areas and reduce illegal parking nearby.
- (b) Temporary nature of the proposed use will not jeopardise the long-term planning intention of the “REC” and “V” zones. The applicant is also aware of the implementation of the residential development in the vicinity including a development proposal under the Land Sharing Pilot Scheme (LSPS) at Fung Ka Wai and the public housing development to the west of the Site.
- (c) The proposed use can optimize valuable land resources before the planning intentions of the “REC” and “V” zones are materialised.
- (d) Similar applications for public vehicle parks were approved within the same “REC” and “V” zones by the Board in the past three years.
- (e) The proposed use is compatible with the surrounding areas.
- (f) No adverse traffic, drainage and environmental impacts are anticipated.

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 notice at the Site and sending registered post to the Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is currently not subject to any planning enforcement action.

5. **Previous Applications**

- 5.1 The Site, in whole or in part, is the subject of six previous applications (No. A/DPA/YL-PS/3 and 30, A/YL-PS/14, 40, 49 and 365). Details of these previous applications are summarised in **Appendix II** and their locations are shown on **Plan A-1b**.

Approved applications

- 5.2 Applications No. A/DPA/YL-PS/30¹, A/YL-PS/14, 40 and 49 for temporary open storage of new vehicles or golf driving range were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 1994 and 1999. The considerations are not relevant to the current application which involves a different use.

Rejected applications

- 5.3 Applications No. A/DPA/YL-PS/3¹ and A/YL-PS/365 for open storage of vehicles were rejected by the Committee or by the Board upon review in 1994 and 2012 respectively. The considerations are not relevant to the current application which involves a different use.

6. **Similar Application**

There is one similar application (No. A/YL-PS/634) for temporary public vehicle park (private cars) with ancillary site office for a period of three years within/straddling the same “REC” and “V” zones in the past five years. The application was approved with conditions by the Committee on 14.5.2021 mainly on the considerations that the applied use would not frustrate the long-term planning intentions of the relevant zones; not incompatible with surrounding areas; and relevant government departments had no objection to/no adverse comment on the application. Details of the application are summarised at **Appendix III** and the location of the application site is shown on **Plan A-1a**.

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

- 7.1 The Site is:

- (a) currently vacant and fenced-off, largely covered with vegetation and partly hard-paved; and
- (b) accessible via a local track leading from Tin Wah Road.

- 7.2 The surrounding areas have the following characteristics:

- (a) comprise predominantly open storage yards for new vehicles and/or construction materials and parking of vehicles intermixed with some vacant land adjoining the village settlements of Fung Ka Wai; and

¹ The Site was designated as “Unspecified Use” area on the then Ping Shan Development Permission Area Plan No. DPA/YL-PS/1 gazetted on 18.6.1993.

- (b) the open storage yards are covered with valid planning permissions while the parking of vehicles is a suspected unauthorized development (UD) subject to planning enforcement action.

8. Planning Intentions

- 8.1 The “REC” zone is intended primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.
- 8.2 The “V” zone is intended to reflect existing recognized 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 (NTEH). Other commercial, community and recreational uses may be permitted on application to the Board.

9. Comments from Relevant Government Bureaux/Departments

- 9.1 Apart from the government department as set out in paragraph 9.2 below, other departments consulted have no objection to/no adverse comment on the application. Their general comments and advisory comments are provided in **Appendices IV and V** respectively.
- 9.2 The following government department supports the application:

Traffic

- 9.2.1 Comment of the Commissioner for Transport (C for T):

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

10. Public Comment Received During Statutory Publication Period

On 19.7.2024, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received (**Appendix VI**) expressing concerns on future use of a site nearby which was previously approved for public vehicle park use under application No. A/YL-PS/634 submitted by the same applicant.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary public vehicle park (private cars) for a period of three years at the Site zoned “REC” and “V” on the OZP. Whilst the proposed use is not entirely in line with the planning intentions of the “REC” and “V” zones, it could provide private car parking spaces to meet any such parking demand in the area. In this regard, C for T supports the application. There is no known development programme for the Site in the “REC” zone and District Lands Officer/Yuen Long, Lands Department advises that there is no Small House application approved or under processing within the Site in the “V” zone. Approval of the application on a temporary basis for a period of three years would not frustrate the long-term development of the area.
- 11.2 The surrounding area comprises predominantly open storage yards, parking of vehicles, vacant land and village settlements (**Plan A-2**). The proposed use is considered not incompatible with the surrounding land uses.
- 11.3 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 perspectives respectively. Relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of concerned government departments. 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” in order to minimise possible environmental nuisance on the surrounding areas.
- 11.4 The Committee has approved a similar application within/straddling the same “REC” and “V” zones in the past five years. Approval of the application is in line with the previous decision of the Committee.
- 11.5 There is one public comment received as summarised in paragraph 10 above concerning the future use of a site nearby with previous approval for public vehicle park under application No. A/YL-PS/634. The concerned site is currently used for open storage of construction materials with valid planning permission under application No. A/YL-PS/721 (**Plan A-2**).

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10 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 **6.9.2027**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) the submission of a drainage proposal within **6 months** from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **6.3.2025**;
- (b) in relation to (a) above, the implementation of the drainage proposal within **9 months** from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **6.6.2025**;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) the submission of a proposal for fire service installations within **6 months** from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **6.3.2025**;
- (e) in relation to (d) above, the implementation of the proposal for fire service installations and water supplies for firefighting within **9 months** from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **6.6.2025**;
- (f) if the above planning condition (c) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (g) if any of the above planning condition (a), (b), (d) or (e) is not complied with by the above 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 proposed use is not in line with the planning intentions of the "REC" and "V" zones which are for recreational developments for the use of the general public and for development of Small Houses by indigenous villagers respectively. No strong planning justification has been given in the submission for a departure from the planning intentions, 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 11.7.2024
Appendix Ia	FI received on 26.8.2024
Appendix Ib	FI received on 29.8.2024
Appendix II	Previous Applications
Appendix III	Similar Application
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment
Drawing A-1	Vehicular Access Plan
Drawing A-2	Layout Plan
Plan A-1a	Location Plan
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and 4b	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2024**