

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/735

- Applicants** : Mr. YAU Pui Keung and Ms. LAM Yuk Kuen Maggie
- Site** : Lots 254 s.B ss15 (Part), 254 s.B ss16, 254 s.C ss1 (Part) and 254 s.B RP (Part) in D.D. 123, Ping Shan, Yuen Long
- Site Area** : 12.5 m² (about)
- 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** : Temporary Vehicle Park (Private Car) for a Period of 3 Years

1. The Proposal

- 1.1 The applicants seek planning permission for proposed temporary vehicle park (private car) for a period of three years at the application site (the Site) zoned “V” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently hard-paved, covered with a temporary shelter and occupied by the applied use without valid planning permission. The current application, which is for parking of a single private car, forms part of a larger car park adjacent to a residential development namely Carole Garden (**Plans A-2 and A-4**).
- 1.2 The Site is accessible via a local track leading from Fuk Shun Street (**Plans A-2 and A-3**). According to the applicants, the application is for a single private car space for private use. The parking space is covered by a movable canopy with a height of 2.2m. The location plans and layout plan submitted by the applicants are at **Drawings A-1 to A-3** respectively.
- 1.3 In support of the application, the applicants have submitted an Application Form with attachments received on 26.9.2024 (**Appendix I**).

2. Justifications from the Applicant

The justifications put forth by the applicants in support of the application are detailed in the Application Form at **Appendix I**. They can be summarised as follows:

- (a) The Site consists of one parking space which was purchased by the applicants to satisfy their personal parking need.
- (b) The applicants have been the residents of Carole Garden, which is located to the east of the Site, for 27 years.
- (c) Existing public transport services in the area are insufficient. It is necessary for the applicants to use their own vehicles for daily commuting.
- (d) The applied use is small in scale and temporary in nature.

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

The applicants are the “current land owner” of one of the subject land lots, and have 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 place for parking of vehicle use at the whole car park (including the Site) would be subject to planning enforcement action.

5. Town Planning Board Guidelines

The Town Planning Board Guidelines for “Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance” (TPB PG-No. 12C) are relevant to this application. According to the said Guidelines, the Site falls within the Wetland Buffer Area (WBA). Relevant extract of the Guidelines is at **Appendix II**.

6. Previous Application

There is no previous application at the Site.

7. Similar Applications

There are two similar applications (No. A/YL-PS/666 and 692) for temporary public/private vehicle park (private cars) for a period of three years within the same “V” zone in the past five years. Both applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2022 and 2023 respectively mainly on the considerations that the applied use would not frustrate the long-term planning

intention of the “V” zone; being not incompatible with surrounding areas; and relevant government departments had no objection to/no adverse comment on the application. However, the planning permission for one application (No. A/YL-PS/692) was revoked due to non-compliance with the time-limited approval conditions. Details of the application are summarised at **Appendix III** and the location of the application site is 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, covered with a movable canopy and occupied by the applied use without valid planning permission, and forms part of a larger car park; and
- (b) accessible via a local access road leading from Fuk Shun Street (**Plan A-2**).

8.2 The surrounding areas comprise predominantly residential dwellings and village settlements of Shing Uk Tsuen and Tai Tseng Wai intermixed with parking of vehicles, farmland, ancestral hall, open storage and vacant/unused land. Some of the parking of vehicles and open storage uses are suspected unauthorized developments (UDs) subject to planning enforcement action.

9. Planning Intention

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.

10. Comments from Relevant Government Bureaux/Departments

Apart from the government department as set out in paragraph 10.1 below, other government departments consulted have no objection to/no adverse comment on the application. Their general comments on the application and advisory comments are provided in **Appendices IV and V** respectively.

10.1 The following government department objects to the application:

Land Administration

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

- (a) he objects to the application from land administration point of view;
- (b) the Site comprises Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
- (c) it is noted that no structure is proposed on the Site;
- (d) the following irregularities not covered by the current application have been detected by his office:

Unauthorised structure within Lots 254 s.B ss.15 and 254 S.B RP both in D.D. 123 held by the same land owner not covered by the current application

- (i) there are unauthorised structures within Lots 254 s.B ss.15 and 254 S.B RP not covered by the current application. The lot owner should immediately rectify the lease breaches and his office reserves the rights to take lease enforcement action against the breaches without further notice; and
 - (ii) unless and until the unauthorised structures are duly rectified by the lots owners/applicants or entirely included in the current application, please take it as his office's objection to the application which must be brought to the attention of the Board when it considers the application.
- (e) there is no SH application approved/under processing at the Site; and
 - (f) to note his advisory comments as detailed in **Appendix V**.

11. Public Comment Received During Statutory Publication Period

On 4.10.2024, 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 proposed temporary vehicle park (private car) for a period of three years at the Site zoned "V" on the OZP. Whilst the proposed use is not entirely in line with the planning intention of the "V" zone, the applied use is small in scale and could provide private car parking space to meet local parking demand. Besides, DLO/YL, LandsD advises that there is no Small House application approved 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 development of the area.
- 12.2 The surrounding areas comprise predominantly residential dwellings and village settlements of Shing Uk Tsuen and Tai Tseng Wai intermixed with parking of vehicles, farmland, ancestral hall, open storage and vacant/unused land (**Plan A-2**). The applied use, which is small in scale, is considered not incompatible with the surrounding land uses.

- 12.3 Although the Site falls within the WBA of the TPB PG-No. 12C, planning applications for local and minor uses (including temporary uses) are exempted from the requirement of ecological impact assessment. In this regard, the Director of Agriculture, Fisheries and Conservation has no comment on the application.
- 12.4 Other concerned government departments including the Commissioner for Transport, 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 traffic, drainage, environmental and fire safety perspectives respectively. Relevant approval conditions are recommended in paragraph 13.2 below to address the technical requirements of concerned government departments. Should the planning application be approved, the applicants 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.
- 12.5 Regarding DLO/YL, LandsD’s concern on the unauthorised structures outside the Site, the applicants will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 12.6 The current application is for parking of a single private car within a larger car park which is a suspected unauthorized development. Should the current application be approved by the Committee, the parking of vehicle use at the remaining area of the car park would be subject to planning enforcement action. Any application for the remaining area of the car park, if submitted, will be considered based on individual merits of each case.
- 12.7 The Committee has approved two similar applications for parking use within the same “V” zone in the past five years. Approval of the application is in line with the previous decisions of the Committee.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 above, the Planning Department considers that the temporary vehicle park (private car) could be tolerated for a period of three years.
- 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 until **22.11.2027**. 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 the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **22.5.2025**;
- (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 **22.8.2025**;

- (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 **22.5.2025**;
- (e) in relation to (d) above, the implementation of the proposal for fire service installations 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 **22.8.2025**;
- (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**.

- 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 the "V" zone which is primarily for development of Small Houses by indigenous villagers. There is no strong justification 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 applicants.

15. Attachments

Appendix I	Application form with Attachment received on 26.9.2024
Appendix II	Extract of the TPB PG-No. 12C
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses

Drawings A-1 and A-2	Location Plans
Drawing A-3	Layout Plan
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2024**