

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

APPLICATION NO. A/YL-PS/738

<u>Applicant</u>	: Mr. Tang Kam Lun represented by Metro Planning & Development Company Limited
<u>Site</u>	: Lots 422 (Part) and 423 (Part) in D.D.122, Sheung Cheung Wai, Yuen Long
<u>Site Area</u>	: About 780 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”) <i>[Restricted to a maximum building height of 3 storeys (8.23m)]</i>
<u>Application</u>	: Renewal of Planning Approval for Temporary Public Vehicle Park for 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 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/651 until 28.1.2025 (**Plans A-1 and A-4**).
- 1.2 The Site is accessible from Tsui Sing Road via a local track with ingress and egress located at the northern part of the Site (**Drawing A-2, and Plans A-2 and A-3**). According to the applicant, 27 private car parking spaces (5m x 2.5m each) are provided at the Site and there is a one-storey structure with a floor area of 20m² for guardroom use. The operation hours of the public vehicle park are from 7:00 a.m. to 11:00 p.m. daily including public holidays. Only private cars will be parked at the Site. No vehicle without valid licences issued under Road Traffic Ordinance will be permitted to park at the Site. No workshop activity will be carried out at the Site. The layout plan, vehicular access plan and as-

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

- 1.3 The Site was involved in three previous applications for temporary public vehicle park which were all approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 2013 and 2022 (details at paragraph 6 below).
- 1.4 Compared with the last application (No. A/YL-PS/651), 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)** 4.11.2024
 - (b) Further Information (FI) received on 5.12.2024 **(Appendix Ia)**
(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 the Application Form and FI at **Appendices I to Ia**. They can be summarised as follows:

- (a) The Site was previously granted with planning permission for the same use and there has been no major change in planning circumstances since the last approval.
- (b) The applied use is in line with the planning intention of the “V” zone which is primarily for the convenience of the villagers and there are exigent parking demand in Sheung Cheung Wai.
- (c) The applied use is compatible with the surrounding environment and has insignificant noise and environmental impacts. Applications for similar uses have been approved by the Committee in the nearby areas within the same “V” zone.
- (d) The applicant will comply with all the approval conditions to be imposed.

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 was the subject of three previous applications (No. A/YL-PS/425, 553 and 651) for temporary public vehicle park for private cars/ and light vans for a period of three years which were approved with conditions by the Committee between 2013 and 2022 mainly on considerations that the temporary uses would not frustrate the planning intention of the “V” zone; being not incompatible with the surrounding land uses; and having no adverse impacts on the surrounding areas. However, the planning permission under application No. A/YL-PS/553 was subsequently revoked due to non-compliance with approval condition. 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/651) have been complied with and the planning permission is valid until 28.1.2025.

7. Similar Applications

There are 17 similar applications for temporary public vehicle parks within/straddling the same “V” zone in the past five years. All of them were approved by the Committee mainly on similar considerations as those mentioned in paragraph 6.1 above. Details of the applications are summarised at **Appendix IV** and their locations are shown on **Plan A-1**.

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

- 8.1 The Site is:
- (a) hard-paved and currently occupied by the applied use with valid planning permission; and
 - (b) accessible via 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, storage/open storage yards intermixed with unused land, vacant land and residential dwellings. Some parking of vehicles uses are covered with valid planning permissions while some of the other uses are suspected unauthorized developments (UDs) subject to planning enforcement action; and
- (b) to the west is the village settlement of Sheung Cheung Wai and to the further southeast is the village settlement of Hang Tau Tsuen.

9. **Planning Intention**

The planning intention of the “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 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 the government departments as set out in paragraph 10.2 below, other 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) she supports the application from traffic engineering perspective to satisfy public parking demand; and
- (b) the applicant should note her advisory comments in **Appendix VI**.

10.3 The following government department has adverse comments to the application:

Land Administration

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

- (a) he has reservation on the application;
- (b) the Site comprises Old Schedule Agricultural Lots 422 and 423 both in D.D. 122 held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
- (c) there is/are unauthorised structure(s) on Lot 422 in D.D. 122, covered by the current planning application, which is already subject to lease enforcement actions according to case priority. The Lot owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD;
- (d) should the planning application be approved, the lot owner(s) shall apply to this office for a Short Term Waiver (STW) to permit the structure(s) erected within the said private lot. The application for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STW, if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate to be imposed by LandsD. Besides, given the applied use is temporary in nature, only erection of temporary structure(s) will be considered;
- (e) there is no Small House application approved or under processing at the Site; and
- (f) the applicant should note his detailed advisory comments at **Appendix VI**.

11. Public Comment Received During Statutory Publication Period

On 12.11.2024, 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 vehicle parking spaces to meet any such parking demand in the area. In this regard, C for T supports the application. 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 planning intention of the “V” zone.

- 12.2 The Site is mainly surrounded by vehicle parks, storage/open storage yards intermixed with unused land, vacant 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/651; 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 As for DLO/YL, LandsD’s concerns on the unauthorised structure(s) and/or uses on the Site which are already subject to lease enforcement actions, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 12.6 The Committee has approved three previous applications for the same use at the Site between 2013 and 2022 and 17 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 **29.1.2025** to **28.1.2028**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) 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 **29.4.2025**;

- (b) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (c) the submission of a fire service installations proposal within **6** months from the date of the commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **29.7.2025**;
- (d) in relation to (c) above, the implementation of the fire service installations proposal within **9** months from the date of the commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **29.10.2025**;
- (e) if the above planning condition (b) 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), (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.

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 received on 4.11.2024
Appendix Ia	FI received on 5.12.2024
Appendix II	Relevant extract 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	Layout Plan
Drawing A-2	Vehicular Access 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
DECEMBER 2024**