

RNTPC Paper No. A/YL-PS/744
For Consideration by
the Rural and New Town
Planning Committee
on 14.2.2025

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/744

<u>Applicant</u>	: Wing Choy Construction Limited represented by Goldrich Planners & Surveyors Limited
<u>Site</u>	: Lots 448, 449 RP (Part), 450 (Part), 451 (Part), 452 RP (Part) and 457 RP (Part) in D.D. 122, Hang Mei Tsuen, Ping Shan, Yuen Long
<u>Site Area</u>	: About 3,450 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 (8.23 m)]</i>
<u>Application</u>	: Temporary Public Vehicle Park (Private Cars, Light Goods Vehicles (LGVs) and Light Buses) for a Period of 5 Years and associated Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary public vehicle park (private cars, LGVs and light buses) for a period of five years and associated filling of land at the application site (the Site) (**Plan A-1**) zoned “V” on the OZP. According to the Notes of the OZP for the “V” zone, ‘public vehicle park (excluding container vehicle)’ which is a Column 2 use, and filling of land require planning permission from the Town Planning Board (the Board). The Site is currently hard-paved, fenced off and occupied by the applied use without valid planning permission (**Plans A-2, A-4a to A-4b**).
- 1.2 The Site with the ingress/egress at the western part is accessible from Tsui Sing Road via a local track (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, a total of 117 parking spaces including 96 for private cars (5m x 2.5m each), 8 for LGVs (7m x 3.5m each) and 13 for light buses (8m x 3m each) are provided within the Site. According to the applicant, no container vehicles/tractors and vehicle exceeding 5.5 tonnes are allowed to enter and stall at the Site and 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 current application also seeks to regularise the filling

of land for the entire site which is hard-paved with concrete with a depth of about 0.2m for provision of a solid ground for vehicle manoeuvring (**Drawing A-5**). The operation hours of the vehicle park are 24-hours daily. The location plan with vehicular access, layout plan, swept path analysis plans and plan showing the filling of land submitted by the applicant are at **Drawings A-1 to A-5** respectively.

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

- (a) Application Form with attachments received on 27.12.2024 (**Appendix I**)
- (b) Further Information (FI) received on 28.1.2025* (**Appendix Ia**)
- (c) FI received on 4.2.2025* (**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 FIs at **Appendices I to Ib**. They can be summarised as follows:

- (a) The applied use could cater for the demand for parking spaces of nearby village residents and visitors and alleviate the problem of roadside illegal parking in the vicinity.
- (b) The applied use is temporary in nature and would not frustrate the planning intention of the “V” zone.
- (c) Similar applications have been approved in the vicinity of the Site. The applied use is compatible with the surrounding environment.
- (d) The applied use will not generate significant traffic, environmental and noise impacts to its surroundings.

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

4. Background

The parking of vehicles use at the Site is a suspected unauthorized development (UD)

which would be subject to planning enforcement action.

5. Previous Application

A portion of the Site was involved in a previous planning application (No. A/YL-PS/452) for temporary vehicle park for private cars approved with conditions for a period of three years by the Rural and New Town Planning Committee (the Committee) of the Board in 2014 mainly on grounds that the applied use would not jeopardise the long-term planning intention of the “V” zone; not incompatible with the surrounding land uses; and no adverse departmental and public comments were received. Details of the previous application are summarised at **Appendix II** and its boundary is shown on **Plan A-1**.

6. Similar Applications

There are 19 similar applications for temporary public vehicle park for various types of vehicles within/straddling the same “V” zone which were all approved by the Committee in the past five years mainly on similar considerations as those mentioned in paragraph 5 above. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) hard-paved, fenced off and currently occupied by the applied use without valid planning permission; and
- (b) accessible from Tsui Sing Road via a local track.

7.2 The surrounding areas have the following characteristics:

- (a) comprise predominantly parking of vehicles, storage yards, shop and services, a pond and unused land intermixed with residential dwellings; and
- (b) some of these uses are covered by valid planning permissions while some other uses are suspected UD subject to planning enforcement action.

8. Planning Intention

8.1 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 House (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.

- 8.2 According to the Explanatory Statement of the OZP, as filling of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on environment, permission from the Board is required for such activities.

9. Comments from Relevant Government Departments

- 9.1 Apart from the government department as set out in paragraph 9.1 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.

- 9.2 The following government department has adverse comment on the application:

Land Administration

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

- (a) he has adverse comment on 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 Lot 448 in D.D. 122 covered by the current application

- (i) according to the record, a warning letter was issued on 21.5.2020 and was registered in the Land Registry on 28.8.2024. The lot owner should immediately rectify the lease breaches and inform his office upon rectification. 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, his office has adverse comment on 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**.

10. Public Comment Received During the Statutory Publication Period

On 3.1.2025, the application was published for public inspection. During the statutory public inspection period, one public comment (**Appendix VI**) was received from an individual expressing concern that the Site was not previously covered by any planning approval.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary public vehicle park (private cars, LGVs and light buses) for a period of five years and associated filling of land at the Site zoned “V” on the OZP. Whilst the development 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. According to the DLO/YL, LandsD, there is no SH application approved or under processing at the Site. Approval of the application on a temporary basis for a period of five years would not frustrate the long-term planning intention of the “V” zone.
- 11.2 The Site is mainly surrounding by parking of vehicles, storage yards, shop and services, a pond and unused land intermixed with residential dwellings (**Plan A-2**). The applied use is considered not incompatible with the surrounding land uses.
- 11.3 The application also seeks to regularise the existing filling of land at the Site with concrete with a depth of about 0.2m, which is for provision of a solid ground for vehicle manoeuvring. Filling of land requires planning permission as it may cause adverse drainage and environmental impacts on the surrounding areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department and Director of Environmental Protection have no objection to the application from drainage and environmental points of view respectively.
- 11.4 Other relevant government departments consulted including the Commissioner for Transport and Director of Fire Services have no objection to/no adverse comment on the application from traffic 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” to minimise possible environmental nuisance on the surrounding areas.
- 11.5 Regarding DLO/YL, LandsD’s concern on the unauthorised structure at the Site,

the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.

- 11.6 The Committee has approved a previous application for the same use at part of the Site in 2014 and 19 similar applications within/straddling the same “V” zone in the past five years. Approval of the application is in line with the previous decisions of the Committee.
- 11.7 There is one public comment expressing concerns on the application received during the statutory publication period as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.6 above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessment 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 five years until **14.2.2030**. 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 **14.8.2025**;
- (b) in relation to (a) above, the implementation of the drainage proposal within **9** months to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **14.11.2025**;
- (c) in relation to (b) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (d) the submission of a fire service installations proposal 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 **14.8.2025**;
- (e) in relation to (d) above, the implementation of the fire service installations proposal 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 **14.11.2025**;
- (f) if the above planning condition (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

- (g) if any of the above planning condition (a), (b), (d) or (e) 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 V**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applied use with associated filling of land is not in line with the planning intention of the "V" zone which is primarily for development of Small Houses by indigenous villagers. Land within this zone is primarily intended 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.

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 attachments received on 27.12.2024
Appendix Ia	FI received on 28.1.2025
Appendix Ib	FI received on 4.2.2025
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment
Drawing A-1	Location Plan with Vehicular access
Drawing A-2	Layout Plan
Drawings A-3 to A-4	Swept Path Analysis Plans
Drawing A-5	Plan showing the Existing Filling of Land

Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2025**