

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

APPLICATION NO. A/YL-PS/658

- Applicant** : Ms. TANG Shuk Fan represented by Metro Planning and Development Company Limited
- Site** : Lots 568 (Part), 569 RP (Part), 585 (Part), 586, 590 (Part) and 591 (Part) in D.D. 122 and adjoining Government Land (GL), Ping Hing Lane, Ping Shan, Yuen Long, New Territories
- Site Area** : About 4,150 m² (including GL about 76 m² or 1.8%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/19
- Zoning** : “Village Type Development” (“V”) (about 48%)
[restricted to a maximum building height of 3 storeys (8.23m)]
- “Residential (Group E) 2” (“R(E)2”) (about 25%)
[restricted to a maximum plot ratio of 0.6 and a maximum building height of 5 storeys including car park]
- “Residential (Group B) 1” (“R(B)1”) (about 16%) and
[restricted to a maximum plot ratio of 1, a maximum site coverage of 40% and a maximum building height of 5 storeys (15m) including car park]
- “Comprehensive Development Area” (“CDA”) (about 11%)
[restricted to a maximum plot ratio of 1 and a maximum building height of 5 storeys including car park]
- Application** : Renewal of Planning Approval for Temporary Public Vehicle Park for Private Car and Light Goods Vehicle 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 car and light goods vehicle for a period of 3 years at the application site (the Site) (**Plan A-1a**). According to the Notes for the “V”, “R(E)2”, “R(B)1” and “CDA” zones 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/589 (**Plans A-2 and A-4**).

- 1.2 The Site is accessible from Castle Peak Road – Ping Shan Section via Ping Ha Road and Ping Hing Lane. According to the applicant, the Site is for parking of 83 private cars and 32 light goods vehicles. Four single-storey (about 3.5m) structures are provided for office, storage, rain shelter and toilet uses at the Site. Adequate manoeuvring space has been provided within the Site. The operation hours of the public vehicle park are from 7:00 a.m. to 11:00 p.m. daily, including public holidays. The layout plan, the landscape and tree preservation plan and the as-built drainage plan are at **Drawings A-1 and A-3** respectively.
- 1.3 The Site is the subject of 9 previous applications No. A/YL-PS/115, 159, 212, 239, 292, 356, 458, 521 and 589) (details at paragraph 6 below).
- 1.4 In support of the application, the applicant has submitted the following document:
 - (a) Application form received on 25.4.2022 (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 proposed development which is temporary in nature, would not jeopardize the planning intentions of the “V”, “R(E)2”, “R(B)1” and “CDA” zones in the long run.
- (b) The applied use can help meet the parking demand of nearby indigenous villages and visitors of Ping Shan Heritage Trail.
- (c) The proposed development is compatible with the surrounding environment.
- (d) The Site is subject to 8 previous planning permissions for car park use and has been occupied for car park use since 2002. Planning applications for similar uses in the same “V” zone have also been approved by the Board.
- (e) The applicant has complied with all the planning conditions imposed to the last approved Application No. A/YL-PS/589.

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 Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting notice at the Site and sending a registered

mail to the Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members' inspection. The owner's consent/notification requirements as set out in TPB PG-No. 31A are not applicable to the GL portion.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D) are relevant to the application. The relevant assessment criteria are at **Appendix II**.

5. Background

The Site is currently not subject to planning enforcement action.

6. Previous Applications

6.1 The Site is involved in 9 previous applications (No. A/YL-PS/115, 159, 212, 239, 292, 356, 458, 521 and 589) for temporary public vehicle park for private cars, light goods vehicles and/or light vans/buses, which were approved with conditions by the Committee from 2002 to 2019. The major considerations were not incompatible with the surrounding land uses; serving the needs of local villagers; not jeopardising long-term planning intention, unlikely to create significant adverse environmental, drainage and visual impacts on the surrounding areas; and similar approvals in the vicinity. However, the permissions under applications No. A/YL-PS/212 and 458 were revoked in 2005 and 2015 due to non-compliance with approval conditions on prohibiting parking of heavy vehicles on site and restriction on operation hours. All the time-limited approval conditions under the last planning application No. A/YL-PS/589 had been complied with and the planning permission is valid until 19.7.2022. Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1b**.

6.2 Comparing with the last approved application No. A/YL-PS/589, the current application is submitted by the same applicant for the same use at the same site with same development parameters and site layout.

7. Similar Applications

There are 33 similar applications for temporary public vehicle park for private cars/private cars and light goods vehicles within the same "V" zone. All were approved on similar considerations as those mentioned in paragraph 6.1 above. Amongst these approved applications, the planning permissions for 5 applications (No. A/YL-PS/468, 498, 553, 561 and 594) were revoked due to non-compliance with approval conditions. Details of the similar applications are summarised at **Appendix IV** and their locations are shown on **Plan A-1a**.

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

8.1 The Site is:

- (a) currently occupied by the applied use with valid planning permission; and
- (b) accessible from Castle Peak Road – Ping Shan Section via Ping Ha Road and Ping Hing Lane.

8.2 The surrounding areas have the following characteristics:

- (a) to the immediate north and northwest are residential dwellings intermixed with parking of vehicles and open storage of construction materials which are suspected unauthorised developments (UDs);
- (b) to the immediate east and northeast are warehouse and vacant land while to the further east is residential development of Ka On Garden;
- (c) to the south and southeast are Ping Shan Home for the Aged and residential developments of Yan Wing Mansion, and to the further south is Ping Hing Lane; and
- (d) to the immediate west are residential developments including Green Orchid with planning permission under application No. A/YL-PS/199.

9. Planning Intentions

9.1 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 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.

9.2 The “R(E)2” zone is intended primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the Board. Whilst existing industrial uses will be tolerated, new industrial developments are not permitted in order to avoid perpetuation of industrial/residential interface problem.

9.3 The “R(B)1” zone is intended primarily for sub-urban medium-density residential developments in rural areas where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

- 9.4 The “CDA” zone is intended for comprehensive development/redevelopment of the area for residential use with commercial, open space and other supporting facilities. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints.

10. Comments from Relevant Government Departments

Relevant government departments have been consulted and they have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices V and VI** respectively.

11. Public Comments

On 3.5.2022, the application was published for public inspection. During the statutory public inspection period, 2 public comments from individuals were received objecting the application mainly on the grounds of adverse traffic and environmental impacts, fire safety concern and inefficient land use (**Appendices VII-1 and VII-2**).

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of the planning approval for temporary public vehicle park for private car and light goods vehicle for a period of 3 years at the Site within an area zoned “V” (48%), “R(E)2” (25%), “R(B)1” (16%) and “CDA” (11%). The “V”, “R(E)2”, “R(B)1” and “CDA” zones are generally intended for Small House/residential developments as stated in paragraph 9 above. The applied use is not entirely in line with the planning intentions. However, the development could provide vehicle parking spaces to meet any such parking demands in the area. Commissioner for Transport (C for T) supports the application from traffic engineering point of view. There is currently no permanent development proposal at the Site. District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) also advises that there is no Small House application at the “V” zone portion of Site for the time being. As such, approval of the application on a temporary basis of 3 years would not jeopardise the long-term planning intentions of the area. Furthermore, the Site falls within the study area of the potential public housing development at Ping Shan North (PSN), Project Team Leader/Housing, Civil Engineering Office, Civil Engineering and Development Department (PTL/H, CEO, CEDD) advises that the applicant should note that land acquisition and clearance would be undertaken in near future. Should the application be approved, it is suggested to include an advisory clause to remind the applicant that the Site may be resumed by the Government at any time during the planning approval period for the implementation of the potential public housing development at PSN.

- 12.2 The Site is mainly surrounded by residential dwellings, parking of vehicles and vacant land (**Plan A-2**). The applied use is considered not incompatible with the surrounding land uses.
- 12.3 The application is generally in line with the 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/589, the applicant has complied with all the approval conditions, and the 3-year approval period sought is of the same time frame as the previous approval.
- 12.4 Relevant Government departments, including C for T, Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department, Director of Fire Services and Chief Town Planner/Urban Design and Landscape of Planning Department have no objection to or adverse comment on the application. The applied use will unlikely create significant adverse traffic, environmental, drainage, fire safety and landscape impacts to the surrounding area. To address the technical requirements of concerned Government departments, relevant approval conditions are recommended in paragraph 13.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and UD on the Site will be subject to enforcement action by the Planning Authority. 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” in order to minimise the possible environmental impacts on the nearby sensitive receivers.
- 12.5 The Committee had approved 9 previous applications for the same or similar uses at the Site and 33 similar applications within the same “V” zone (**Plans A-1a and A-1b**). Approval of the current application is in line with the Committee’s previous decisions.
- 12.6 Two public comments objecting to the application were received during the statutory publication period as summarised in paragraph 11. The planning considerations and assessments above are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11 above, 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 3 years, and be renewed from **20.7.2022** to **19.7.2025**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no medium and heavy goods vehicles exceeding 5.5 tonnes, including

container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;

- (b) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site, as proposed by the applicant, at any time during the planning approval period;
- (c) the existing fire service installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period;
- (d) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (e) the submission of a condition record of the existing drainage facilities within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **20.10.2022**;
- (f) if any of the above planning condition (a), (b), (c) or (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
- (g) if the above planning condition (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.

[Approval conditions (a), (b), (d) and (e) are the same as the previous application No. A/YL-PS/589; condition (c) has been revised as per the current application; previous conditions on restriction of operation hours, posting of notice on restriction of vehicle types, restriction on certain on-site activities, the maintenance of existing fencing and vegetation have been removed as per the latest requirements; while the restriction on queuing and reverse movement of vehicles is now stipulated as an advisory clause.]

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 intentions of the "V", "R(E)", "R(B)" and "CDA" zones which are generally for residential developments. No strong planning justification has been given in the submission for a departure from the planning intentions, 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
Appendix II	Relevant extracts of Town Planning Board Guidelines for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use of Development (TPB-PG No. 34D)
Appendix III	Previous Applications
Appendix IV	Similar Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Appendices VII-1 and VII-2	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Landscape and Tree Preservation Plan
Drawing A-3	As-built Drainage Plan
Plan A-1a	Location Plan
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JUNE 2022**