

RNTPC Paper No. A/YL-PS/575  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 21.12.2018

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

**APPLICATION NO. A/YL-PS/575**

- Applicant** : Leung Hung Tang
- Site** : Lots 438 sA (part), 442 RP (part), 445 (part), 446 (part), 447 (part), 448 (part) and 1522 RP (part) in D.D. 122, Ping Shan, Yuen Long, New Territories
- Site Area** : About 590 m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/17  
(at the time of submission)
- Approved Ping Shan OZP No. S/YL-PS/18 (currently in force)
- Zoning** : “Village Type Development” (“V”)  
[Restricted to maximum building height of 3 storeys (8.23m)]
- Application** : Temporary Warehouse (Storage of Kitchenware and Miscellaneous Goods)  
for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary warehouse (storage of kitchenware and miscellaneous goods) for a period of 3 years (**Plan A-1**). ‘Warehouse’ is neither a Column 1 nor Column 2 use. According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years requires planning permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for under the Notes of the OZP. The applicant currently seeks temporary permission for a period of 3 years. Currently, the Site currently is partly used for the applied use without valid planning permission and partly vacant.
- 1.2 The northeast corner of the Site (about 6% of the Site) was involved in 10 previous applications (Nos. A/YL-PS/123, 243, 266, 278, 294, 317, 340, 385, 472 and 515) for temporary vehicle parks for private cars/light goods vehicles/medium goods vehicles/lorries/coaches and were approved by the Rural and New Town Planning Committee (the Committee)/the Board on review. The last Application No. A/YL-PS/515 for temporary rural communal public vehicle park for private

cars, 5.5 tonnes goods vehicles, coaches and 24 tonnes goods vehicles for a period of 3 years was approved with conditions by the Committee of the Board on 29.7.2016. Details of the previous applications are summarised at paragraph 5 below and at **Appendix II**.

1.3 The major development parameters of the current application are as follows:

<b>Site area</b>	About 590 m <sup>2</sup>
<b>Total floor area</b>	About 340.88 m <sup>2</sup>
<b>No. of structures</b>	4
<b>Height of structures (Building height)</b>	TS1: 2 storeys (4.4m) TS2 to TS4: 1 storey (2.2m)
<b>No. of parking space</b>	Nil
<b>No. of loading/unloading bay</b>	Nil
<b>Operation Hours</b>	9:00 a.m. to 6:00 p.m. (Monday to Friday)

1.4 The site access plan and proposed layout plan are at **Drawings A-1** and **A-2** respectively.

1.5 According to the applicant, no vehicle will be parked on site. The Site is for storage of kitchenware, tables and chairs. Occasionally, loading/unloading activity will be carried out once to twice a month.

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

- (a) Application form received on 22.10.2018 (with replacement pages) **(Appendix I)**
- (b) Letter of 22.11.2018 providing response to TD's comment in relation to traffic attraction and generation rate  
*(accepted and exempted from publication and recounting requirement)* **(Appendix Ia)**
- (c) Letter of 3.12.2018 providing clarification on operation hours, type of goods vehicles and types of goods stored at the Site  
*(accepted and exempted from publication and recounting requirement)* **(Appendix Ib)**
- (d) Updated layout plan as at 5.12.2018 and clarification on latest proposal  
*(accepted and exempted from publication and recounting requirement)* **(Appendix Ic)**

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed at **Appendices I to Ib**. They can be summarized as follows:

- (a) The proposed development is temporary in nature and would not jeopardise the planning intention of the “V” zone in the long run.
- (b) Loading/unloading activity will only be carried out once to twice a month. As such, no adverse traffic impact is not anticipated.
- (c) The Site is used for storage of kitchenware, tables and chairs.

### **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 of the application outside the Site and sending a notice to the Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Background**

The Site is subject to planning enforcement action against unauthorised development (UD) involving storage use. Enforcement Notice (No. E/YL-PS/679) was issued on 7.9.2018 requiring discontinuation of the UD. If the notice is not complied with, prosecution action may be taken.

### **5. Previous Applications**

The northeast corner of the Site was partly involved in 10 previous applications (Nos. A/YL-PS/123, 243, 266, 278, 294, 317, 340, 385, 472 and 515) for the temporary public vehicle park use. All were approved by the Committee/the Board on review. Applications Nos. A/YL-PS/243, 266, 278, 317, 340 and 385 were revoked due to non-compliance with the approval conditions. Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1a**.

### **6. Similar Application**

There is no similar application for warehouse/storage use in the same “V” zone.

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

7.1 The Site is:

- (a) currently partly occupied by temporary structure for storage use and partly vacant; and
- (b) accessed by a local access road connecting to Ping Ha Road.

7.2 The surrounding areas have the following characteristics:

- (a) to the north and northeast are temporary rural communal public vehicle park permitted under valid planning application No. A/YL-PS/515.

Residential dwellings are located to the north and east.;

- (b) to the immediate east are sitting-out area, and storage use and parking of vehicles which are suspected UDs. To the further east are declared monuments of Tang Ancestral Hall and Yu Kiu Ancestral Hall;
- (c) to the immediate south are storage use and car services which are suspected UDs. To the further south are a latrine, residential dwellings and temporary public vehicle park permitted under valid planning application No. A/YL-PS/516; and
- (d) to the west and southwest are orchard and parking of vehicles which are suspected UD, temporary public vehicle park for medium size buses and private cars under valid planning application No. A/YL-PS/564 and unused land.

## **8. 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 Town Planning Board.

## **9. Comments from Relevant Government Departments**

9.1 The following government departments have been consulted and their views on the application are summarised as follows:

### **Land Administration**

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

- (a) The Site comprises Old Schedule Agricultural Lots 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.
- (b) Lot No. 438 S.A in D.D. 122 within the Site is covered by Short Term Waiver (STW) No. 3959 to permit structures erected thereon for the purpose of “Temporary Rural Communal Public Vehicle Park for Private Cars, 5.5 Tonnes Goods Vehicles, Coaches and 24 Tonnes Goods Vehicles”.
- (c) The Site is accessible from Ping Ha Road via government land

(GL) and private land. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site.

- (d) Should planning approval be given to the subject planning application, the STW holder(s) will need to apply to his office for modification of the STW conditions where appropriate. The owner(s) of the lot without STW will need to apply to his office to permit the structures to be erected or regularise any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications for any of the above will be considered by LandsD acting in the capacity as the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by the LandsD.
- (e) According to his record, there is no Small House application(s) approved or currently under processing at and in the vicinity of the Site. Two Small House applications are under processing in the same "V" zone.

### **Building Matters**

#### 9.1.2 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) As there is no record of approval by the Building Authority for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application.
- (b) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are unauthorised building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application.
- (c) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO.
- (d) Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on

the Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorised Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.

- (e) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively.
- (f) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

### **Traffic**

#### 9.1.3 Comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD):

- (a) He has no adverse comment to the application from traffic engineering point of view.
- (b) Sufficient manoeuvring space shall be provided adjacent to the Site. No vehicle is allowed to queue back to public roads or reverse onto/from public roads.
- (c) The local track leading to the Site is not under TD's purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site.

#### 9.1.4 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) He has no comment on the application from highways maintenance point of view.
- (b) The access arrangement should be commented by TD.
- (c) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (d) HyD shall not be responsible for the maintenance of any access connecting the Site and nearby public road.

### **Drainage**

#### 9.1.5 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

He has no objection in principle to the proposed development from a drainage point of view. Should the Board consider that the application is acceptable from the planning point of view, he would suggest that a condition should be stipulated in the approval letter requiring the applicant to submit a drainage proposal, to implement and maintain the proposed drainage facilities to the satisfaction of his Division.

### **Environment**

#### 9.1.6 Comments of the Director of Environmental Protection (DEP):

- (a) Should the application be approved, the applicant will be advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites”.
- (b) There was no environmental complaint pertaining to the Site received in the past 3 years.

### **Fire Safety**

#### 9.1.7 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval.
- (c) The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans.
- (d) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

### **Landscape**

#### 9.1.8 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

With reference to the aerial photo of 2018, it is observed that the Site is hard paved and occupied by existing temporary structures. The Site is situated in an area of village landscape character disturbed by vehicle

parks. Significant change to the landscape character arising from the application is not anticipated.

### **District Officer's Comments**

9.1.9 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

His Office has not received any comment from the locals on the application.

9.2 The following government departments have no comment on the application:

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Antiquities and Monuments Office, Development Bureau (AMO, DEVB)
- (c) Commissioner of Police (C of P);
- (d) Director of Agriculture, Fisheries and Conservation (DAFC);
- (e) Director of Electrical and Mechanical Services (DEMS);
- (f) Director of Leisure and Cultural Services (DLCS); and
- (g) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD).

## **10. Public Comments Received During Statutory Publication Period**

On 2.11.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 23.11.2018, no public comment was received.

## **11. Planning Considerations and Assessments**

11.1 The planning intention of the "V" zone is 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. The development is not in line with the planning intention of the "V" zone. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

11.2 The Site is located in the midst of the "V" zone. The development comprising four temporary structures of about 340m<sup>2</sup> in floor area and 2.2m to 4.4m in height is considered not compatible with the surrounding rural and residential uses which are mostly Small Houses. Whilst there is no Small House application received at the Site, there are two Small House applications under processing in the same "V" zone. Although there are storage uses in the vicinity of the Site, they are mostly suspected UDs subject to investigation/ enforcement action taken by the Planning Authority.

11.3 There has not been any planning approval for temporary warehouse or storage use in the same "V" zone before. Approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the "V" zone, causing degradation to the environment of the area.



11.4 There is no public comment received on the application during the statutory publication period.

## 12. Planning Department's Views

12.1 Based on the assessment made in paragraph 11 above, the Planning Department does not support the application for the following reasons:

- (a) the development is not in line with the planning intention of the "V" zone which is primarily intended for development of Small Houses by indigenous villagers. No strong justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the proposed development is not compatible with the residential development to the north, east, south and southeast of the Site; and
- (c) approval of the application would set an undesirable precedent for similar applications within the "V" zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

12.2 Alternatively, 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 until **21.12.2021**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval conditions

- (a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Saturdays, Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) only light goods vehicles not exceeding 5.5 tonnes as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed for the operation of the Site during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) 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 **21.6.2019**;
- (f) in relation to (e) 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 **21.9.2019**;

- (g) in relation to (f) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) 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 **21.6.2019**;
- (i) in relation to (h) 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 **21.9.2019**;
- (j) the provision of boundary fencing, as proposed by the applicant, within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **21.6.2019**;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (g) 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
- (l) if any of the above planning conditions (e), (f), (h), (i) or (j) 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 at **Appendix III**.

**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 reasons for rejection should be given to the applicant.

**14. Attachments**

<b>Appendix I</b>	Application form received on 22.10.2018 (with replacement pages)
<b>Appendix Ia</b>	Letter of 22.11.2018 providing response to TD's comment in relation to traffic attraction and generation rate
<b>Appendix Ib</b>	Letter of 3.12.2018 providing clarification on operation hours, type of goods vehicles and types of goods stored at the Site

<b>Appendix Ic</b>	Updated layout plan as at 5.12.2018 and clarification on latest proposal
<b>Appendix II</b>	Previous Applications covering the Site
<b>Appendix III</b>	Advisory Clauses
<b>Drawing A-1</b>	Site Access Plan
<b>Drawing A-2</b>	Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-1a</b>	Previous Applications Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
DECEMBER 2018**