

RNTPC Paper No. A/YL-PS/755
For Consideration by
the Rural and New Town
Planning Committee
on 18.7.2025

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/755

<u>Applicant</u>	: Miss TANG Po Yee represented by FiBi International Project Consultancy Co. Limited
<u>Site</u>	: Lots 446 (Part) and 447 (Part) in D.D. 122, Ping Shan, Yuen Long
<u>Site Area</u>	: About 136.5 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>	: Proposed Temporary Shop and Services (Retail Shop for Hardware Groceries) with Ancillary Facilities for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services (retail shop for hardware groceries) with ancillary facilities for a period of three years at the application site (the Site) (**Plan A-1**) zoned “V” on the OZP. According to the Notes of “V” zone of the OZP, ‘Shop and Services’ other than on the ground floor of a New Territories Exempted House (NTEH), is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by temporary structures for storage of miscellaneous items without valid planning permission (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site with the ingress/egress at the northern part is accessible from Ping Ha Road via a local track (**Drawing A-1**). According to the applicant, the proposal is for a retail shop selling hardware groceries. A single-storey structure with a height of 3.6m and a floor area of 136.5m² will be erected at the Site for retail shop and ancillary staff room and storage of products. No parking space and loading/unloading space will be provided within the Site. The operation hours are 9 a.m. to 6 p.m. daily. The proposed layout plan and site access plan submitted by the applicant are at **Drawings A-1 and A-2** respectively.

- 1.3 The Site, in part or in whole, was involved in three previous applications including two for temporary shop and services use approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2020 and 2023 (details at paragraph 5 below). Compared with the last application No. A/YL-PS/693, the current application is submitted by the same applicant for the same use with additional ancillary facilities on the same site with the same layout, and similar development parameters and operation hours.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 28.5.2025 **(Appendix I)**
 - (b) Further Information (FI) received on 4.7.2025* **(Appendix Ia)**
 - (c) FI received on 14.7.2025* **(Appendix Ib)**
**accepted and exempted from publication and recounting requirement*

2. Justifications from the Applicant

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

- (a) The proposed development for hardware shop is temporary in nature. The proposed use would not jeopardise the long-term planning intention of the subject “V” zone.
- (b) The proposed hardware shop can meet the needs of the local residents.
- (c) No adverse drainage and traffic impacts due to the proposed development are envisaged.

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. 31B) by posting site notices and sending the notice to the Ping Shan Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The storage use at the Site is a suspected unauthorized development (UD) which would be subject to planning enforcement action.

5. **Previous Applications**

- 5.1 The Site, in part or in whole, was involved in three previous planning applications (No. A/YL-PS/575, 600 and 693) for temporary warehouse and/or temporary shop and services uses. Details of the previous applications are summarised at **Appendix II** and their boundaries are shown on **Plan A-1**.

Approved Applications

- 5.2 Applications No. A/YL-PS/600 and 693 for temporary shop and services were approved by the Committee in 2020 and 2023 respectively mainly on considerations that the proposed use would not jeopardise the long-term planning intention of the “V” zone; the proposed use was not incompatible with surrounding land uses; and significant adverse traffic, drainage, fire safety and landscape impacts to the surrounding area were not anticipated. However, the planning permission for the last application No. A/YL-PS/693 was subsequently revoked on 25.2.2025 due to non-compliance with the approval conditions on implementation of drainage proposal and fire service installations (FSIs) proposal.

Rejected Application

- 5.3 Application No. A/YL-PS/575 for temporary warehouse was rejected by the Committee in 2018. The considerations are not relevant to the current application which involves a different use.

6. **Similar Applications**

There are six similar applications (No. A/YL-PS/610, 624, 665, 671, 672 and 682) for temporary shop and services 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 5.2 above. Details of the 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) occupied by temporary structures for storage of miscellaneous items; and
 - (b) accessible from Ping Ha Road via a local track.
- 7.2 The surrounding areas comprise predominantly residential dwellings and the village settlements of Hang Tau Tsuen and Hang Mei Tsuen intermixed with vehicle parks, shop and services, storage/open storage yard, vacant land and unused land.

8. **Planning Intention**

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 (SHs) 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 NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

9. **Comments from Relevant Government Departments**

9.1 Apart from the government department as set out in paragraph 9.2 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 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) has adverse comment on the application;
- (b) the Site comprises Old Schedule Agricultural Lots 446 and 447 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) LandsD has reservation on the planning application since there is/are unauthorised structure(s) and/or uses on the private lot(s) covered by the subject 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) if the planning application is approved, the lot owner(s) shall apply to his office for a Short Term Waiver (STW) to permit the structure(s) erected within the private lot(s). The application(s) 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 by LandsD. Besides, given

the proposed use is temporary in nature, only temporary structure(s) will be considered; and

- (e) there is no SH application approved or under processing at the Site.

10. Public Comment Received During the Statutory Publication Period

On 6.6.2025, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received expressing concerns on the application as the previous planning approval was revoked due to non-compliance of approval conditions (**Appendix VI**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary shop and services (retail shop for hardware groceries) with ancillary facilities for a period of three years at the Site zoned “V” on the OZP. Although the proposed use is not entirely in line with the planning intention of the “V” zone, it could meet any such demand for shop and services in the area. According to 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 three years would not jeopardise the long-term planning intention of the “V” zone.
- 11.2 The Site is mainly surrounded by residential dwellings and the village settlements of Hang Tau Tsuen and Hang Mei Tsuen intermixed with vehicle parks, shop and services, storage/open storage yard, vacant land and unused land (**Plan A-2**). The proposed use is considered not incompatible with the surrounding land uses.
- 11.3 Relevant government departments consulted including the Commissioner for Transport, Director of Environmental Protection, Director of Fire Services (D of FS) and Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) have no objection to or no adverse comment on the application from traffic, environmental, fire safety and drainage aspects respectively. 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. Furthermore, relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of concerned government departments.
- 11.4 Regarding DLO/YL, LandsD’s concern on the unauthorised structure(s) at the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.5 The Site was involved in two previous applications for temporary shop and services which were both approved by the Committee in 2020 and 2023. However, the planning permission for the last application (No. A/YL-PS/693) was subsequently revoked in 2025 due to non-compliance with approval conditions

on implementation of FSIs proposal and drainage facilities. In this regard, the applicant has submitted FSIs proposal and drainage proposal in support of the current application. The FSIs proposal and drainage proposal were considered acceptable by D of FS and CE/MN, DSD respectively. As such, sympathetic consideration may be given to the current application. The applicant will be advised that should he fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further applications.

- 11.6 The Committee has approved six 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 Regarding the public comment expressing concerns on the application 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 three years until **18.7.2028**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the implementation of the accepted 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 **18.4.2026**;
- (b) in relation to (a) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (c) the implementation of the accepted 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 **18.4.2026**;
- (d) 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
- (e) if any of the above planning condition (a) or (c) 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 proposed use 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 28.5.2025
Appendix Ia	FI received on 4.7.2025
Appendix Ib	FI received on 14.7.2025
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	Layout Plan
Drawing A-2	Site Access Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos