

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

APPLICATION NO. A/YL-PS/758

<u>Applicant</u>	: Hang On Car Park Limited represented by Allgain Land Planning Limited
<u>Site</u>	: Lots 257 RP (Part) and 258 S.A (Part) in D.D.122, Ping Shan, Yuen Long
<u>Site Area</u>	: About 2,600 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”) (about 2,498m ² , 96%); [Restricted to a maximum building height of 3 storeys (8.23m)] “Government, Institution or Community” (“G/IC”) (about 72m ² , 2.8%); and “Green Belt” (“GB”) (about 30m ² , 1.2%) ¹
<u>Application</u>	: Proposed Temporary Shop and Services (Retail Shop for Selling Construction Materials) and Wholesale of Construction Materials 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 selling construction materials) and wholesale of construction materials for a period of three years at the application site (the Site) largely zoned “V” with a minor portion zoned “G/IC” on the OZP (**Plan A-1a**). According to the Notes of the OZP for the “V” zone, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board) while there is no provision of ‘Wholesale Trade’. According to the Notes of the OZP for the “G/IC” zone, ‘Shop and Services (not elsewhere specified)’ is a Column 2 use which requires planning

¹ A minor portion of the Site falls within an area zoned “GB”, which would be considered as minor boundary adjustment in accordance with the covering Notes of the OZP, and is not included in the planning assessment of the current application.

permission from the Board while 'Wholesale Trade' is a Column 1 use which is always permitted. 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 Board notwithstanding that the use or development is not provided for under the Notes of the OZP. The Site is currently hard paved with temporary structures, and occupied by wholesale trade and parking of vehicles without valid planning permission (**Plans A-2, A-4a to 4b**).

1.2 The Site with the ingress/egress at the southern part is accessible from Tsui Sing Road via a local track (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, the proposal is for selling of construction materials (include hardware groceries and tools) by both retail and wholesale. The existing temporary structures will be demolished and three new structures (not exceeding 3m to 8m in height) with a total floor area of 2,245m² will be provided for shop and services and wholesale, FS water tank and FS pump uses. No open storage activity will be carried out at the Site. One parking space for private car (5m x 2.5m) and one loading/unloading (L/UL) space for light goods vehicle (LGV) (7m x 3.5m) will be provided at the Site. The vehicular access plan and proposed layout plan submitted by the applicant are at **Drawings A-1 to A-2** respectively.

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

Site Area	About 2,600m ²
Total Floor Area (non-domestic)	About 2,245m ²
No. and Height of Structures	3 (not exceeding 3m to 8m) <ul style="list-style-type: none"> • shop and services, site office and wholesale • FS water tank • FS pump
No. of Car Parking Spaces	1 (private car) (5m x 2.5m)
No. of Loading/Unloading Bays	1 (LGV) (7m x 3.5m)
Operation Hours	9:00 a.m. to 7:00 p.m. daily (including public holidays)

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

(a) Application Form with attachments received on (**Appendix I**)
24.6.2025

(b) Further Information (FI) received on 21.7.2025* (**Appendix Ia**)

(c) FI received on 6.8.2025* (Appendix Ib)

(d) FI received on 8.8.2025* (Appendix Ic)
**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 proposed uses are temporary in nature which would not jeopardise the long-term planning intention of the “V” zone and could cater the need of hardware groceries for local residents.
- (b) There would be insignificant environmental, traffic and noise impacts to the surroundings as the proposed uses are housed within an enclosed structure and no operation will be held outside the operation hours.
- (c) The applicant will comply with the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (COP).
- (d) The proposed uses are not incompatible with the surrounding environment and land uses. Similar applications for temporary retail and wholesale uses in the vicinity have been approved by the Rural and New Town Planning Committee (the Committee) of the Board.

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. **Background**

The wholesale trade and parking of vehicles uses at the Site are suspected unauthorized developments which would be subject to planning enforcement action.

5. **Previous Applications**

The Site was, in part or in whole, involved in six previous applications (No. A/YL-PS/5, 8, 23, 27, 226 and 492) for temporary public vehicle park, open storage and/or warehouse and car dismantling workshop considered by the Committee between 1997 and 2016. Their considerations are not relevant to the current application which

involve different uses. Details of the previous applications are summarised at **Appendix II** and their boundaries are shown on **Plan A-1b**.

6. Similar Applications

There are 12 similar applications for temporary shop and services and/or wholesale uses with/without other uses within/straddling the same “V” and “G/IC” zones in the past five years. All applications were approved by the Committee mainly on considerations that temporary approval of the application for a period of three years would not jeopardise the long-term planning intention of the respective zones; the proposal was not incompatible with the surrounding land uses; and no adverse departmental comments were received. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1a**.

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

7.1 The Site is:

- (a) currently hard-paved and occupied by temporary structures, and occupied by wholesale trade and parking of vehicles without valid planning permission; and
- (b) accessible from Tsui Sing Road via a local track (**Plans A-2 and A-3**).

7.2 The surrounding areas comprise predominantly parking of vehicles, open storage/storage yard and wholesale uses intermixed with residential dwellings, graves and unused lands. The main village cluster of Hang Tau Tsuen is located to the southeast of the Site.

8. Planning Intentions

- 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 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 New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.
- 8.2 The planning intention of “G/IC” zone is primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organisations providing social services to meet community needs, and other institutional establishments.

9. Comments from Relevant Government Departments

All government 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.

10. Public Comment Received During the Statutory Publication Period

On 1.11.2024, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual (**Appendix VI**) was received objecting to the application on the grounds that proposed uses are not compatible with the concerned zones and the current use at the Site is a suspected open storage use.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary shop and services (retail shop for selling construction materials) and wholesale of construction materials for a period of three years at the Site largely zoned “V” (96%) with a minor portion zoned “G/IC” on the OZP. Although the proposed uses are not entirely in line with the planning intentions of the “V” and “G/IC” zones (except ‘Wholesale Trade’ is always permitted within “G/IC” zone), it could serve any such demand for shop and services and wholesale trade in the area. According to the District Lands Officer/Yuen Long of Lands Department, there is no SH application approved or under processing at the Site. There is also no known development programme or proposal for the “G/IC” zone at the Site. Approval of the application on a temporary basis for a period of three years would not jeopardise the long-term planning intentions of the “V” and “G/IC” zones.
- 11.2 The Site is mainly surrounded by parking of vehicles, open storage/storage yard and wholesale uses intermixed with residential dwellings, graves and unused lands. (**Plan A-2**). The proposed uses are considered not incompatible with the surrounding land uses.
- 11.3 Relevant government departments consulted, including the Commissioner of Transport, Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to or no adverse comment on the application from traffic, environmental, drainage 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 application be approved, the applicant will also be advised to follow the latest “COP” to minimise the possible environmental nuisance on the surrounding areas.
- 11.4 The Committee has approved 12 similar applications within/straddling the same “V” and “G/IC” zones in the past five years. Approval of the current

application is in line with the Committee's previous decisions.

- 11.5 Regarding the public comment as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.4 above are relevant. Moreover, any unauthorised development at the Site would be subject to planning enforcement action.

12. Planning Department's Views

- 12.1 Based on the assessments 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 **15.8.2028**. 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 **15.2.2026**;
- (b) in relation to (a) 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 **15.5.2026**;
- (c) in relation to (b) above, the implemented drainage facilities 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 the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **15.2.2026**;
- (e) in relation to (d) above, the implementation of the fire service installations proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **15.5.2026**;
- (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 proposed wholesale use is not in line with the planning intention of the "V" zone and the proposed shop and services use is not in line with the planning intentions of the "V" and "G/IC" zones, for which the "V" and "G/IC" zones are primarily intended for development of Small Houses by indigenous villagers, and for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory respectively. No strong planning justification has been given in the submission for a departure from the planning intentions, 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 24.6.2025
Appendix Ia	FI received on 21.7.2025
Appendix Ib	FI received on 6.8.2025
Appendix Ic	FI received on 8.8.2025
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	Vehicular Access Plan
Drawing A-2	Proposed Layout Plan

Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and 4b	Site Photos

PLANNING DEPARTMENT
AUGUST 2025