

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

**APPLICATION NO. A/YL-PS/632**

- Applicants** : Ms. LAM Hing-fun and Mr. LEUNG Wing-cheung
- Site** : Lot 159 S.B ss.1 RP in D.D. 123, Ping Shan, Yuen Long, New Territories
- Site Area** : About 107 m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/18
- Zoning** : “Village Type Development” (“V”)  
[Restricted to maximum building height of 3 storeys (8.23m)]
- Application** : Temporary Warehouse (Storage of Water Filters and Documents) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicants seek planning permission to use the application site (the Site) for temporary warehouse (storage of water filters and documents) for a period of 3 years. The Site falls within an area zoned “V” on the Approved Ping Shan Outline Zoning Plan (the OZP) No. S/YL-PS/18 (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for in terms of the OZP. The Site is currently hard-paved and used for warehouse without planning permission (**Plan A-4**).
- 1.2 The Site is accessible via a local access road leading to Fuk Shun Street (**Plan A-2**). As shown on **Drawing A-1**, a single-storey container structure about 3m in height with a total floor area of 15m<sup>2</sup> is proposed on the Site for warehouse (storage of water filters and documents). The operation hours are from 9 a.m. to 6 p.m. from Mondays to Fridays. There is no operation on Saturdays, Sundays and Public Holidays. Two private car parking spaces are also proposed. The layout plan submitted by the applicants is at **Drawing A-1**.
- 1.3 In support of the application, the applicants submitted the following documents:
- (a) Application Form with attachments received on (**Appendix I**)

19.2.2021

- (b) Further Information (FI) received on 12.3.2021 (**Appendix Ia**) responding to comments of Transport Department (TD) (*accepted and exempted from publication requirements*)

**2. Justification from the Applicants**

The justification put forth by the applicants in support of the application is detailed in the Application Form at **Appendix I**. The applicants claim that the Site is for storage of goods during company removal.

**3. Compliance with the “Owner’s Consent/Notification” Requirements**

The applicants are the “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

**4. Background**

The Site would be subject to planning enforcement action.

**5. Town Planning Board Guidelines**

The Town Planning Board Guidelines for “Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance” (TPB PG-No. 12C) are relevant to this application. According to the said Guidelines, the Site falls within the Wetland Buffer Area (WBA). The relevant assessment criteria are summarized as follows:

- (a) The intention of the WBA is to protect the ecological integrity of the fish ponds and wetland within the Wetland Conservation Area (WCA) and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds; and
- (b) Within the WBA, for development or redevelopment which requires planning permission, an ecological impact assessment (EcoIA) would need to be submitted. Some local and minor uses (including temporary uses) are however exempted from the requirement of EcoIA.

**6. Previous Application**

The Site is not involved in any previous application.

## **7. Similar Application**

There is one similar application (No. A/YL-PS/575) for temporary warehouse (storage of kitchenware and miscellaneous goods) for a period of 3 years in another “V” zone within the same OZP which was rejected by the Committee on 21.12.2018 on the grounds of not in line with the planning intention of the “V” zone, not compatible with the residential development in the surroundings, and setting an undesirable precedent. Details of the application are summarized at **Appendix II** and the location of the application site is shown on **Plan A-1**.

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

8.1 The Site is:

- (a) currently hard-paved and deposited with a container structure for warehouse without planning permission; and
- (b) accessible via a local access road leading to Fuk Shun Street (**Plan A-2**).

8.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

- (a) to the immediate east are residential dwellings (the nearest one is about 3m away). To the further east are a vehicle repair workshop, a real estate agency, an eating place and residential dwellings;
- (b) to the south across the local access road are residential dwellings and a vehicle park; and
- (c) to the west and northwest are residential dwellings and to the further west and northwest are some ponds.

## **9. Planning Intention**

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

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

10.1 The following Government departments have been consulted and their views on

the application are summarised as follows:

**Land Administration**

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

- (a) The Site comprises an Old Schedule Agricultural Lot 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) Should planning approval be given to the planning application, the lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularities on the Site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Applications of any of the above will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application 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 LandsD.
- (c) There is no Small House application received or approved within the Site.

**Traffic**

10.1.2 Comments of the Commissioner for Transport (C for T):

- (a) The Site is connected to public road network via a section of a local access road which is not managed by Transport Department (TD). The land status of the local access road should be clarified with LandsD by the applicants. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.
- (b) Sufficient manoeuvring spaces shall be provided within the Site. No vehicle is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period.

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

- (a) The access arrangement should be commented by TD.

- (b) If the proposed access arrangement is agreed by TD, the applicant shall construct a run-in/out at the access point.
- (c) HyD shall not be responsible for the maintenance of any access connecting the Site and Fuk Shun Street.
- (d) The applicants should be reminded of the detailed comments at **Appendix IV**.

### **Environment**

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

- (a) Should the application be approved, the applicants 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 one substantiated complaint pertaining to the Site on the water aspect (leakage) received in the past 3 years.

### **Drainage**

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

- (a) He has no objection in principle to the application from a drainage point of view.
- (b) The applicants should be reminded of the detailed comments at **Appendix IV**.

### **Fire Safety**

#### 10.1.6 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 applicants are advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval.
- (c) The applicants should be reminded of the detailed comments at **Appendix IV**.

### **Landscaping**

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

- (a) The Site, which is located to the north of Fuk Shun Street and to the south of Fung Lok Wai, falls within an area zoned “V” on the OZP. The Site also falls within the WBA.
- (b) According to aerial photo of 2019 and site photos, the Site is fully hard-paved. No tree or other significant vegetation is observed within the Site. The Site is situated in an area of miscellaneous rural fringe landscape predominated by village houses, woodlands and ponds in the proximity. Significant adverse landscape impact arising from the development is not envisaged.

### **Building Matters**

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

He has no adverse comment on the application. The applicants should be reminded of his detailed comments at **Appendix IV**.

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

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

His Office did not receive any comments from the locals on the application.

10.2 The following departments have no comment on the application:

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

## **11. Public Comments Received During the Statutory Publication Period**

On 26.2.2021, the application was published for public inspection. During the statutory public inspection period, 14 public comments from individuals and local

villagers were received (**Appendix III**) objecting to the application on the following grounds:

- (a) the development would cause adverse traffic, fire safety, environmental and drainage impacts to the surrounding areas;
- (b) the Board should not encourage ‘destroy first, build later’ development; and
- (c) the development is incompatible with the surrounding residential dwellings.

## **12. Planning Considerations and Assessments**

- 12.1 The application is for a temporary warehouse (storage of water filters and documents) for a period of 3 years at the Site zoned “V”. The planning intention of the “V” 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.
- 12.2 The Site is situated in an area of miscellaneous rural fringe landscape predominated by village houses, woodlands and ponds in the proximity (**Plan A-2**). Nearby residential dwellings are located to the immediate east (about 3m) of the Site. The applied use is not entirely compatible with the surrounding land uses.
- 12.3 Although the Site falls within the WBA under the TPB PG-No. 12C, the guidelines also specify that planning applications for local and minor uses (including temporary uses) are exempted from the requirement of EcoIA. DAFC has no comment on the application. Adverse ecological impacts are not envisaged.
- 12.4 There is no adverse comment from other concerned Government departments, including DEP, C for T, DSD and D of FS. Significant adverse environmental, traffic, drainage and fire safety impacts on the surrounding area are not expected. However, there has been one substantiated complaint on the water aspect in the past 3 years.
- 12.5 The Site is not involved in any previous application, and there has not been any planning approval for temporary warehouse or storage use in the same “V” zone. Approval of the application would set an undesirable precedent for similar applications within the “V” zone, causing degradation to the environment of the area.
- 12.6 There are 14 public comments received during the public exhibition period objecting to the application on the grounds as summarized in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.5 above are relevant.

### 13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into the public comments mentioned in paragraph 11 above, the Planning Department does not support the application for the following reason:

the applied use is not in line with the planning intention of “V” zone which 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.

- 13.2 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 16.4.2024. 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 applicants, is allowed on the Site during the planning approval period;
- (b) no operation on Saturdays, Sundays and public holidays , as proposed by the applicants, is allowed on the Site during the planning approval period;
- (c) no workshop activities shall be carried out on the Site at any time during the planning approval period;
- (d) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractors/trailers is allowed to be parked/stored on or enter/exit the Site, during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period;
- (f) the submission of a run-in/out proposal for the Site within **6 months** from the date of planning approval to the satisfaction of the Commissioner for Transport and the Director of Highways or of the Town Planning Board by **16.10.2021**;
- (g) in relation to (f) above, the provision of a run-in/out within **9 months** from the date of planning approval to the satisfaction of the Commissioner for Transport and the Director of Highways or of the Town Planning Board by **16.1.2022**;
- (h) the submission of 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 **16.10.2021**;



- (i) in relation to (h) above, the implementation of 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 **16.1.2022**;
- (j) if the above planning conditions (a), (b), (c), (d) or (e) 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
- (k) if any of the above planning conditions (f), (g), (h) or (i) 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 IV**.

**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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicants.
- 14.3 Alternatively, 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.

**15. Attachments**

<b>Appendix I</b>	Application Form with attachments received on 19.2.2021
<b>Appendix Ia</b>	FI received on 12.3.2021
<b>Appendix II</b>	Similar Application
<b>Appendix III</b>	Public Comments
<b>Appendix IV</b>	Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
APRIL 2021**