

RNTPC Paper No. A/YL-PS/665
For Consideration by
the Rural and New Town
Planning Committee
on 23.9.2022

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/665

- Applicant** : Mr. TANG Pin Fai represented by Metro Planning and Development Limited
- Site** : Lots 255 RP (Part), 261 RP (Part), 262 RP (Part) and 263 (Part) in D.D. 122, Ping Shan, Yuen Long, New Territories
- Site Area** : About 3,360m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/19
- Zoning** : “Government, Institution or Community” (“G/IC”) (about 90%) and
“Village Type Development” (“V”) (about 10%)
[Restricted to maximum building height of 3 storeys (8.23m)]
- Application** : 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 temporary shop and services (retail shop for selling construction materials) and wholesale of construction materials for a period of 3 years at the application site (the Site) (**Plan A-1**). The Site largely falls within an area zoned “G/IC” (about 90%) with a minor portion within “V” zone (about 10%) on the OZP. According to the Notes of the OZP for the “G/IC” zone, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board) while ‘Wholesale Trade’ is a Column 1 use which is always permitted. 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 Board while ‘Wholesale Trade’ 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 3 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 used for the applied

use with valid planning permission (**Plans A-2 and A-4**).

- 1.2 The Site is accessible via a local track leading to Tsui Sing Road (**Plans A-2 and A-3**). According to the applicant, only light goods vehicle not exceeding 5.5 tonnes will be allowed to enter/park on the Site, and sufficient manoeuvring space would be provided to avoid queuing up of traffic. The site access plan, layout plan, as-built drainage plan and catchment plan are at **Drawings A-1 to A-4** respectively.
- 1.3 The Site is involved in 5 previous applications (No. A/YL-PS/8, 23, 483, 531 and 593) (details in paragraph 5 below).
- 1.4 The major development parameters of the current application and the previously approved application No. A/YL-PS/593 are summarised as follows:

Major Development Parameters	Last Approved Application (No. A/YL-PS/593) (a)	Current Application (No. A/YL-PS/665) (b)	Difference (b) – (a)
Development/ Use	Temporary Shop and Wholesale of Construction Materials for a Period of 3 Years	Temporary Shop and Services (Retail Shop for Selling Construction Materials) and Wholesale of Construction Materials for a Period of 3 Years	No change in nature
Site Area	About 3,360 m ²		No change
Total Floor Area	1,573 m ²	1,633 m ²	+ 60 m ² (+3.8%)
No. of Structures	6 (2 for shops; 1 for water tank & pump room; 1 for guard room; 1 for toilet; 1 for site office)	5 (2 for shops; 1 for water tank & pump room; 1 for toilet; 1 for site office)	-1
Maximum Height of Structures	8.5m (1 – 2 storeys)		No change
No. of Parking Spaces	2 for private cars		No change
Loading/ Unloading Space	2 for light goods vehicles		No change
Operation Hours	9:00 a.m. to 7:00 p.m. daily (including public holidays)		No change

- 1.5 In support of the application, the applicant has submitted an Application Form with annex and plans received on 20.7.2022 (**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 Site is the subject of 3 previous planning permissions since 2015. The applied use of the current application is the same as the approved use of the previous 3 planning permissions. Temporary use of the site for a period of 3 years would not jeopardise the long term planning intentions of the current land use zones.
- (b) All the planning conditions imposed to the last planning permission No. A/YL-PS/593 have been complied with. There are similar permissions for temporary retail and wholesale uses in the vicinity. As such, the current application for temporary use warrant for another 3-year period.
- (c) The proposed development is compatible with the surrounding environment. No adverse environmental, traffic and drainage impacts arising from the proposed development are anticipated.

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 site notice and sending registered mail to the Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is currently not subject to planning enforcement action.

5. Previous Applications

- 5.1 The Site is involved in 5 previous applications. 2 of them (applications No. A/YL-PS/8 and 23) for temporary private car/container vehicle park and public vehicle park are not relevant to the current application. Details of these previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.
- 5.2 The remaining 3 applications (No. A/YL-PS/483, 531 and 593) for the same use as the current application were approved with conditions by the Committee between 2015 and 2019 mainly on grounds of not jeopardising the long-term planning intention of the “G/IC” zone; not incompatible with surrounding land use; and no adverse comment from Government departments. However, applications No. A/YL-PS/483 and 531 were subsequently revoked due to non-compliance with time-limited approval

conditions. For the planning permission under the last application (No. A/YL-PS/593), all the time-limited approval conditions had been complied with and the planning permission is valid until 4.10.2022.

- 5.3 Compared with the last application No. A/YL-PS/593, the current application is submitted by the same applicant for the same use on the same site with minor increase in total floor area (+60m² or +3.8%).

6. Similar Applications

Within the same “G/IC” zone, there are 4 similar applications (No. A/YL-PS/555, 568, 624 and 639) for temporary shop and wholesale of construction materials uses. All of them were approved with conditions by the Committee between 2018 and 2021 on similar considerations as stated in paragraph 5.2 above. Details of the similar 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-4)

7.1 The Site is:

- (a) accessible via a local track leading to Tsui Sing Road (**Plans A-2 and A-3**); and
- (b) occupied by the applied use with valid planning permission No. A/YL-PS/593 until 4.10.2022.

7.2 The surrounding areas have the following characteristics:

- (a) to the immediate north is temporary shop and wholesale of construction materials with planning permission under application No. A/YL-PS/639;
- (b) bounded by Long Tin Road to its immediate east and north east. Across Long Tin Road is a temporary logistics centre with planning permission under application No. A/YL-PS/659;
- (c) to the south are a temporary public vehicle park with planning permission under application No. A/YL-PS/592 and residential dwellings; and to the southwest is parking of vehicles which is suspected unauthorised development (UD); and
- (d) to the west is temporary shop and wholesale of construction materials with planning permission under application No. A/YL-PS/624.

8. Planning Intentions

8.1 The “G/IC” zone is intended 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.

- 8.2 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. Other commercial, community and recreational uses may be permitted on application to the Board.

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 in the Recommended Advisory Clauses are provided in **Appendices IV and V** respectively.

10. Public Comments received During the Statutory Publication Period

On 5.8.2022, the application was published for public inspection. During the statutory public inspection period, 2 public comments from individuals were received (**Appendices VI-1 and VI-2**) objecting to/expressing concern on the application mainly on the grounds that the applied use will cause adverse environmental impact and fire safety issue.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary shop and services (retail shop for selling construction materials) and wholesale of construction materials for a period of 3 years at the Site mainly zoned “G/IC” (90%) with a minor portion zoned “V” (10%) on the OZP. Although the applied use is not in line with the planning intention of “G/IC” zone which 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, there is no known development proposal at the “G/IC” zone. As such, approval of the application on a temporary basis of 3 years would not jeopardise the long-term planning intention of the area.
- 11.2 The Site and its surrounding areas are predominantly occupied by temporary shop and wholesale of construction materials and vehicle parks, which are

mostly covered by planning permissions (**Plan A-2**). The proposed development is considered not incompatible with the surrounding land uses.

- 11.3 Relevant government departments, including Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department, Director of Fire Services, Director of Environmental Protection 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, drainage, fire safety, environmental and landscape impacts to the surrounding area. To minimise any potential environmental nuisances and to address the technical requirements of concerned government departments, relevant approval conditions are recommended in paragraph 12.2 below.
- 11.4 The Committee has approved 3 previous applications and 4 similar applications for temporary shop and wholesale of construction materials within the same “G/IC” zone since 2015. Approval of the current application is in line with the Committee’s previous decisions.
- 11.5 A total of 2 public comments objecting to/expressing concern on the application were received during the public inspection period as mentioned in paragraph 10 above. The planning considerations and assessments 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 comments mentioned in paragraph 10 above, the Planning Department considers that the temporary shop and services (retail shop for selling construction materials) and wholesale of construction materials could be tolerated for a period of 3 years.
- 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 3 years until **23.9.2025**. 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 trailers/tractors, 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) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (c) the submission of a condition record of the existing drainage facilities within **3** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town

Planning Board by **23.12.2022**;

- (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 **23.3.2023**;
- (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 **23.6.2023**;
- (f) if any of the above planning condition (a) or (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
- (g) if any of the above planning condition (c), (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 applied use is not in line with the planning intention of the "G/IC" zone, which 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, 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

Appendix II	Previous Applications
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendices VI-1 and VI-2	Public Comments
Drawing A-1	Vehicular Access Plan
Drawing A-2	Layout Plan
Drawings A-3 and A-4	As-built Drainage Plan and Catchment Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2022**