

RNTPC Paper No. A/YL-PS/672
For Consideration by
the Rural and New Town
Planning Committee
on 3.3.2023

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/672

- Applicant** : Ms. TANG Shuk Fan represented by Metro Planning Development Company Limited
- Site** : Lot 618 (Part) in D.D. 122, Ping Shan, Yuen Long, New Territories
- Site Area** : About 640 m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/20
- Zoning** : “Residential (Group E)2” (“R(E)2”) (about 96%) and
[*restricted to a maximum plot ratio of 0.6 and a maximum building height of 5 storeys including car park*]

“Village Type Development” (“V”) (about 4%)
[*restricted to a maximum building height of 3 storeys (8.23 m)*]
- Application** : Proposed Temporary Shop and Services for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary shop and services for a period of three years at the application site (the Site) (**Plan A-1**). The Site largely falls within an area zoned “R(E)2” (about 96%) with a minor portion within “V” zone (about 4%) on the OZP. According to the Notes for the “V” and “R(E)2” zones of the OZP, ‘Shop and Services’ is a Column 2 use which requires permission from the Town Planning Board (the Board). The Site is currently vacant (**Plans A-2 and A-4**).
- 1.2 The Site is accessible via a local track leading to Ping Hing Lane (**Plans A-2 and A-3 and Drawing A-1**). According to the applicant, the proposal is for a shop selling building materials, such as screws, nuts, handy tools and sanitary ware and also groceries such as canned food, rice and cooking oil. No open storage and workshop activities will be carried out at the Site. 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 vehicular access plan proposed layout

plan, and drainage proposal submitted by the applicant are at **Drawings A-1 to A-3** respectively.

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

Site Area	About 640 m ²
Total Floor Area	About 420 m ²
No. of Structure	2 for shop and services and toilet
Maximum Height of Structures	1 storey (not exceeding 4.5m)
No. of parking spaces	2 for private cars (5m x 2.5m each) 1 for light goods vehicle (7m x 3.5m each)
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 11.1.2023 (**Appendix I**)
- (b) Further information (FI) received on 23.2.2023 (**Appendix Ia**)
(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 at **Appendix I**. They can be summarised as follows:

- (a) ‘Shop and service’ use is a Column 2 use in the “R(E)2” and “V” zones of the OZP. The proposed development would benefit the residents in the vicinity, and would not jeopardise the long-term planning intention of the “R(E)2” and “V” zones due to its temporary nature.
- (b) The proposed development is compatible with the surrounding environment including warehouses, public vehicle park and village houses. 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 notification letter 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 Application**

The site is involved in a previous application (No. A/YL-PS/256) for temporary public vehicle park for private car, light goods vehicle and lorry which is not relevant to the current application. Details of the previous application is summarised at **Appendix II** and its location is shown on **Plan A-1**.

6. **Similar Application**

Within the same “R(E)2” zone, there is one similar application (No. A/YL-PS/674) for temporary shop and services use submitted by a different applicant which will be considered at this meeting (**Plan A-1**).

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

7.1 The Site is:

- (a) currently vacant (**Plans A-2 and A-4**); and
- (b) accessible via a local track leading to Ping Hing Lane (**Plans A-2 and A-3**).

7.2 The surrounding areas have the following characteristics:

- (a) to its north are brownfield operations and most of them are suspected unauthorised development (UD);
- (b) to its immediate east is the proposed temporary shop and services under planning application No. A/YL-PS/674. To the further east are warehouses. One of which is suspected UD;
- (c) to its south are vacant land and a temporary public vehicle park with planning permission under application No. A/YL-PS/658; and
- (d) to its west are scattered residential dwellings, open storage yards and vacant land.

8. **Planning Intentions**

8.1 The “R(E)2” zone is intended primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the Board. Whilst existing industrial uses will be tolerated, new industrial developments are not permitted in order to avoid perpetuation of industrial/residential interface problem.

- 8.2 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 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 III and IV** respectively.

10. Public Comments received During the Statutory Publication Period

On 20.1.2023, the application was published for public inspection. During the first three weeks of statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary shop and services for a period of three years at the Site mainly zoned “R(E)2” (96%) with a minor portion zoned “V” (4%) on the OZP. Although the applied use is not entirely in line with the planning intentions of the “R(E)2” and “V” zones, the proposal could meet any such demand for shop and services in the area. There is currently no permanent development proposal at the Site. As such, approval of the application on a temporary basis of 3 years would not jeopardise the long-term planning intentions of the area. Furthermore, the Site falls within the study area of the potential public housing development at Ping Shan North (PSN), Project Team Leader/Housing, Civil Engineering Office, Civil Engineering and Development Department (PTL/H, CEO, CEDD) advises that the applicant should note that land acquisition and clearance would be undertaken in near future. Should the application be approved, it is suggested to include an advisory clause to remind the applicant that the Site may be resumed by the Government at any time during the planning approval period for the implementation of the potential public housing development at PSN.
- 11.2 The surrounding area comprises predominately brownfield operations intermixed with scattered residential dwellings (**Plan A-2**). The applied use is generally not incompatible with the surrounding land uses.

- 11.3 Relevant government departments, including Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department, Director of Fire Services 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, environmental, drainage, fire safety and landscape impacts to the surrounding area. To address the technical requirements of concerned Government departments, relevant approval conditions are recommended in paragraph 13.2 below. Should the application be approved, the applicant will be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimise the possible environmental impacts on the nearby sensitive receivers.
- 11.4 There is one previous application (No. A/YL-PS/256) for temporary public vehicle park for private car, light goods vehicle and lorry which is not relevant to the current application for shop and services use. There is one similar application for temporary shop and services use (No. A/YL-PS/674) within the same “R(E)2” zone to be considered by the Committee at the same meeting.
- 11.5 No public comment has been received during the public inspection period.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 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 **3.3.2026**. 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 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 **3.9.2023**;
- (c) in relation to (b) 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 **3.12.2023**;

- (d) the submission of a revised 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 **3.9.2023**;
- (e) in relation to (d) above, the implementation of the revised drainage proposal within **9** months to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **3.12.2023**;
- (f) in relation to (e) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (g) if the above planning condition (f) 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
- (h) if any of the above planning condition (b), (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 III**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the planning intention of the "R(E)2" and "V" zones are generally for residential developments. The proposed development is not in line with the planning intentions of these zones. 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 and attachments
Appendix Ia	FI received on 23.2.2023
Appendix II	Previous Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Vehicular Access Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	Drainage Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MARCH 2023**