

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

**APPLICATION NO. A/YL-PS/682**

- Applicant** : Tai Loi Motors Limited represented by Metro Planning and Development Company Limited
- Site** : Lot 455 S.A RP in D.D. 122 and Adjoining Government Land (GL), Ping Shan, Yuen Long, New Territories
- Site Area** : About 1,012 m<sup>2</sup> (including GL of about 54m<sup>2</sup> or 5%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/20
- Zoning** : “Village Type Development” (“V”)  
[*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 falls within an area zoned “V” zone on the OZP. According to the Notes for the “V” zone 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 occupied by the applied use without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is accessible via a local track leading to Ping Ha Road (**Plans A-2 and A-3 and Drawing A-1**). According to the applicant, the applied use is for selling private cars to nearby residents. No workshop activities including vehicle dismantling and car-beauty services will be carried out at the Site. The location plan with vehicular access, proposed layout plan, and as-built drainage plan 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 follow:

Site Area	About 1,012 m <sup>2</sup>
Total Floor Area	Not more than 296 m <sup>2</sup>
No. of Structures	3 for site office, toilet, electricity meter room and rain shelters
Maximum Height of Structures	1 storey (not exceeding 4m)
No. of parking spaces	4 for private cars (5m x 2.5m 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 an Application Form with attachments received on 11.4.2023 (**Appendix I**).

## **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 Services’ use is a Column 2 use in “V” zone of the OZP. The applied use would not jeopardise the long-term planning intention of the “V” zone due to its temporary nature; and
- (b) the applied use is compatible with the surrounding environment including public vehicle park and village houses. No adverse environmental, traffic and drainage impacts arising from the applied use 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. For the GL portion, the requirements under the TPB PG-No. 31A are not applicable.

## **4. Background**

The Site is currently not subject to planning enforcement action.

## **5. Previous Applications**

The Site is involved in three previous applications (No. A/YL-PS/516, 583 and 638) for temporary public vehicle park which were approved with conditions each for a period of three years by the Rural and New Town Planning Committee (the Committee)

of the Board from 2016 to 2021. The considerations for the previous applications were not relevant to the current application for shop and services use. Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

## **6. Similar Applications**

- 6.1 Within the same “V” zone, there are four similar applications (No. A/YL-PS/588, 600, 671 and 672) for temporary shop and services use (**Plan A-1**). Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.
- 6.2 All of these four applications were approved by the Committee with conditions on considerations that the applied use was not incompatible with the surrounding land uses; the proposed development would not jeopardise long-term planning intention; and no adverse comments were received from relevant government departments. The permission for one application (No. A/YL-PS/588) was revoked due to non-compliance with approval conditions.

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

- 7.1 The Site is:
- (a) currently occupied by the applied use without valid planning permission (**Plans A-2 and A-4**); and
  - (b) via a local track leading to Ping Ha Road (**Plans A-2 and A-3**).
- 7.2 The surrounding areas have the following characteristics:
- (a) to the north are vehicle parks and shop and storage use covered by valid planning permissions under applications No. A/YL-PS/600, 636, 641 and 663, as well as toilet and sitting-out area. The other vehicle parks, shop and storage and storage uses are suspected unauthorized development (UD);
  - (b) to the immediate south are residential dwellings. To the further south across Ping Ha Road are public vehicle park with valid planning permission No. A/YL-PS/645, toilet and refuse collection point, as well as sites used as restaurant, plant nursery, and parking of vehicles which are suspected UD;
  - (c) to the east are residential dwellings, Kun Ting Study Hall and Ching Shu Hin; and
  - (d) to the west is a local track and a slope.

## 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 (SH) 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 Comment received During the Statutory Publication Period**

On 21.4.2023, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual (**Appendix VI**) was received expressing concern on the goods to be sold at the Site and that any operation which would generate adverse environmental impacts should not be approved.

## 11. **Planning Considerations and Assessments**

- 11.1 The application is for temporary shop and services for a period of three years at the Site zoned “V” on the OZP, which is primarily intended for development of SH by indigenous villagers. Although the applied use is not entirely in line with the planning intention of the “V” zone, according to the District Lands Office/Yuen Long, Lands Department, no SH application has been approved or under processing at the Site. The applied use could meet any such demand for shop and services in “V” zone. Approval of the application on a temporary basis would not jeopardise the long-term planning intention of the “V” zone.
- 11.2 The Site is mainly surrounded by vehicle parks, shops and storage yards with some of them covered by planning permission, as well as residential dwellings (**Plan A-2**). The applied use is considered not incompatible with the surrounding land uses.
- 11.3 Relevant Government departments, including the 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 on the surrounding area. To address the technical requirements of concerned Government departments, relevant approval conditions are recommended in paragraph 12.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and UD on the Site will be subject to enforcement action by the Planning Authority. 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 possible environmental impacts.

- 11.4 There is no previous application for shop and services use at the Site and the Committee has approved four similar applications within the same “V” zone since 2019. Approval of the current application is in line with the previous decisions of the Committee.
- 11.5 There is one public comment expressing concern on the applied use as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.4 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, 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 **9.6.2026**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

### **Approval conditions**

- (a) no workshop activities, as proposed by the applicant, are allowed on the Site at any time during the planning approval period;
- (b) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (c) the submission of a condition record of the drainage facilities within **3 months** to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **9.9.2023**;
- (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 **9.12.2023**;
- (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 **9.3.2024**;

- (f) if the above planning conditions (a) and (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 conditions (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 "V" zone which is primarily intended for development of SH 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**

<b>Appendix I</b>	Application Form and attachments
<b>Appendix II</b>	Previous Applications
<b>Appendix III</b>	Similar Applications
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	Public Comment
<b>Drawing A-1</b>	Location Plan with Vehicular Access

**Drawing A-2**  
**Drawing A-3**

Proposed Layout Plan  
As-built Drainage Plan

**Plan A-1**  
**Plan A-2**  
**Plan A-3**  
**Plans A-4a to 4b**

Location Plan  
Site Plan  
Aerial Photo  
Site Photos

**PLANNING DEPARTMENT**  
**JUNE 2023**