

RNTPC Paper No. A/YL-PS/693
For Consideration by
the Rural and New Town
Planning Committee
on 25.8.2023

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/693

- Applicant** : Miss TANG Po Yee represented by FiBi International Project Consultancy Co. Limited
- Site** : Lots 446 (Part) and 447 (Part) in D.D. 122, Ping Shan, Yuen Long, New Territories
- Site Area** : About 136.5 m²
- 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 (8.23m)]
- 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 use for a period of three years at the application site (the Site) (**Plan A-1**). According to the Notes of “V” zone of the OZP, ‘Shop and Services’ is a Column 2 use which require planning permission from the Town Planning Board (the Board). The Site is currently occupied by temporary structures for storage use (**Plans A2 and A-4**).
- 1.2 According to the applicant, the Site is accessible via a local track leading from Ping Ha Road (**Plans A-2 and A-3**). According to the applicant, the proposal is for a retail shop selling hardware groceries. A single storey structure will be erected at the Site for retail shop and ancillary staff room and storage of products. No parking space and loading/unloading space will be provided within the Site while the loading/unloading activity and visitor parking will take place at the adjacent car park with valid planning permission under application No. A/YL-PS/663 (**Plan A-2**). The proposed layout plan and site access plan submitted by the applicant are at **Drawings A-1 and A-2** respectively.
- 1.3 The Site is the subject of two previous applications including one planning application for proposed shop and services use which was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 26.6.2020. Compared with the last application (No. A/YL-PS/600), the current application is submitted by a different applicant for the same use at a larger site with different layout and changes in development parameters. The major development

parameters of the current application and the last approved application are summarised as follows:

Major Development Parameters	Previously Approved Application No. A/YL-PS/600 (a)	Current Application No. A/YL-PS/693 (b)	Difference (b)-(a)
Proposed/Applied Use(s)	Proposed Shop and Services for a Period of 3 Years	Proposed Shop and Services for a Period of 3 Years	No change
Site Area	About 94.3 m ²	About 136.5m ²	+42.2 m ² (+44.75%)
Total Floor Area (Non-domestic)	About 94.3 m ²	About 136.5m ²	+42.2 m ² (+44.75%)
No. and Height of Structures	1 (2.2m, 1 storey)	1 • for shop and services, storage and staff resting room (3.5m, 1 storey)	+1.3m
No. of Parking Space(s)	Nil	Nil	---
No. of Loading/ Unloading Space(s)	Nil	Nil	---
Operation Hours	10:00 a.m. to 7:00 p.m. (Saturdays, Sundays and Public Holidays only)	9:00 a.m. to 6:00 p.m. daily (including Public Holidays)	Changes in operation hours

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

- (a) Application form received on 28.6.2023 **(Appendix I)**
- (b) Further Information (FI) dated 11.8.2023* **(Appendix Ia)**
- (c) FI dated 17.8.2023* **(Appendix Ib)**
**[accepted and exempted from publication and recounting requirement]*

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed at **Appendices I**. They can be summarised as follows:

- (a) The proposed development for grocery store is temporary in nature. The proposed use would not jeopardise the long term planning intention of the subject “V” zone.
- (b) The proposed hardware shop can meet the needs of the local residents.

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. 31A) 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 Site is currently not subject to any planning enforcement action.

5. Previous Application

5.1 The Site is subject of two previous applications (No. A/YL-PS/575 and 600). Application No. A/YL-PS/575 for temporary warehouse use was not relevant to the current application which involves a different use. Details of the previous application are summarised at **Appendix II** and their location is shown on **Plan A-1**.

5.2 Application No. A/YL-PS/600 for temporary shop and services was approved by the Committee on 20.6.2020 on considerations that the applied use was not incompatible with surrounding land uses; would not jeopardize the long-term planning intention of the “V” zone; and would not generate significant adverse traffic, drainage, fire safety and landscape impacts to the surrounding area. All the time-limited conditions have been complied with. The planning permission lapsed on 20.6.2023.

6. Similar Application

6.1 There are six similar applications (No. A/YL-PS/593, 610, 624, 665, 671, and 682) for temporary shop and services within/straddling the same “V” zone. Details of the application are summarised at **Appendix III** and its location is shown on **Plan A-1**.

6.2 All of these six 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 from relevant government departments. However, the permission for one application (No. A/YL-PS/610) 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) occupied by temporary structures for storage use; and
- (b) accessible via a local track connecting to Ping Ha Road.

7.2 The surrounding areas have the following characteristics:

- (a) to the north is a public vehicle park with valid planning permission under application No. A/YL-PS/663. Residential dwellings of Hang Tau Tsuen, and storage yards and parking of vehicles which are suspected unauthorized developments (UDs) are located to the further north;
- (b) to the east are a sitting-out area, and a shop and parking of vehicles which are suspected UD. To the further east are declared monuments of Tang Ancestral Hall and Yu Kiu Ancestral Hall. To the further southeast are residential dwellings of Hang Mei Tsuen;
- (c) to the immediate south are parking of vehicles which are suspected UD and vacant land. To the further south are a toilet, a storage yard and parking of vehicles which are suspected UD, and shop and services with valid planning permission under application No. A/YL-PS/682; and
- (d) to the west and southwest are public vehicle parks with valid planning permissions under applications No. A/YL-PS/636 and 641.

8. Planning Intention

The planning intention of the “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 NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

9. Comments from Relevant Government Departments

9.1 Apart from the government department as set out in paragraph 9.2 below, other 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.

9.2 The following government department has adverse comment on the application:

Land Administration

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

- (a) The Site comprises Old Schedule Agricultural Lots 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) He has grave concerns given that there are unauthorized building works and/or uses on the private lots which are already subject to lease enforcement actions according to case priority. The lot owner(s) should remedy the lease breaches as demanded by LandsD.
- (c) There is no SH applications approved or under processing at the Site.

10. Public Comments Received During Statutory Publication Period

On 7.7.2023, the application was published for public inspection. During the first three weeks of the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed 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 Small Houses by indigenous villagers. Although the applied use is not entirely in line with the planning intention of the “V” zone, the applied use could meet any such demand for shop and services in “V” zone. According to the DLO/YL, LandsD, there is no SH application approved or under processing at the Site. As such, approval of the application on a temporary basis for a period of three years would not jeopardise the long-term planning intention of the “V” zone.
- 11.2 The Site is mainly surrounded by vehicle parks, storage use and residential dwellings (**Plan A-2**). The development under application is not incompatible with the surrounding land uses.
- 11.3 Relevant Government departments, including the Commissioner of 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 no adverse comment on the application except DLO/YL, LandsD. DLO/YL, LandsD has concerns on the application as there are unauthorized building works and/or uses on the Site which are already subject to lease enforcement actions. In this regard, the applicant indicates that he will apply for a Short Term Waiver upon approval of the current application (**Appendix Ib**). Adverse traffic, drainage, fire safety, environmental and landscape impacts on the surrounding areas are not envisaged. To address the technical requirements of concerned departments, appropriate 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 planning enforcement action. 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 on the nearby sensitive receivers.

- 11.4 The Committee approved a previous application for the same use at the Site in 2020 and six similar applications within/straddling the same “V” zone in the past five years, approval of the current application is in line with the previous decisions of the Committee.

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 **25.8.2026**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of a 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 **25.2.2024**;
- (b) in relation to (c) above, the implementation of the 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 **25.5.2024**;
- (c) 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 **25.2.2024**;
- (d) 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 **25.5.2024**;
- (e) in relation to (e) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) if the above planning condition (e) is not complied with during the 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), (c) or (d) is not complied with by the above 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 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 development is not in line with the planning intention of the “V” zone which is primarily 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. 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 received on 28.6.2023
Appendix Ia	FI of dated 11.8.2023
Appendix Ib	FI dated 17.8.2023
Appendix II	Previous Application
Appendix III	Similar Application
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Proposed Layout Plan
Drawing A-2	Site Access Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
AUGUST 2023**