

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/696

- Applicant** : Mr. Tang Chi Kong represented by Metro Planning and Development Limited
- Site** : Lot 113 S.B RP (Part) in D.D. 121, Ping Shan, Yuen Long, New Territories
- Site Area** : About 180 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 B) 1” (“R(B)1”)
[restricted to a maximum plot ratio of 1, a maximum site coverage of 40% and a maximum building height of 5 storeys (15m) including car park]
- Application** : Proposed Temporary Shop and Services for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services for a period of three years at the application site (the Site) (**Plan A-1a**). According to the Notes for the “R(B)1” zone on the OZP, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently paved and partially occupied by a vacant structure (**Plans A-2 and A-4**).
- 1.2 The Site is accessible via a local track leading from Ping Pak Lane connecting to Ping Kwai Road (**Plans A-2 and A-3 and Drawing A-1**). According to the applicant, the shop and services use is to sell vehicle parts and accessories. No workshop activity will be carried out at the Site. No visitor parking space is provided within the Site. The vehicular access plan and the proposed layout plan are at **Drawings A-1 and A-2** respectively.
- 1.3 The major development parameters of the application are summarised as follows:

Major Development Parameters	Current Application (A/YL-PS/696)
Applied Use	Proposed Temporary Shop and Services for a Period of 3 Years
Site Area	About 180 m ²
Maximum Floor Area	Not exceeding 100m ²
No. of Structures	1 for shop and services and toilet
Maximum Height of Structures	Not exceeding 4m (1 storey)
No. of Parking Spaces	1 loading/unloading space for Light Goods Vehicle (7m x 3.5m)
Operation Hours	9 a.m. to 7 p.m. daily (including public holidays)

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

- (a) Application form and attachments received on 23.8.2023 **(Appendix I)**
- (b) Further Information received on 4.10.2023 **(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 at **Appendix I**. They can be summarised as follows:

- (a) The proposed development could meet the demand of the nearby residents for vehicle parts and accessories.
- (b) The proposed development is compatible with the surrounding environment. A similar application for temporary shop and services use to the immediate northwest of the Site (Application No. A/YL-PS/673) was approved by the Board on 3.3.2023.
- (c) The proposed shop and services would be provided within enclosed structure. No adverse environmental and traffic 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**

The Site is involved in five previous applications (No. A/YL-PS/7, 89, 114, 491 and 580). Two applications (No. A/YL-PS/114 and 491) were for temporary open storage uses the other three (No. A/YL-PS/7, 89 and 580) were for temporary parking of vehicles which are all not relevant to the current application. Details of these previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1b**.

6. **Similar Applications**

There are two similar applications (No. A/YL-PS/627 and 673) for temporary shop and services and public vehicle park (private car) for a period of three years within the same “R(B)1” zone approved with conditions by the Rural and New Town Planning Committee (the Committee) in 2021 and 2023 respectively. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1a**.

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

7.1 The Site is:

- (a) accessible via a local track from Ping Pak Lane leading to Ping Kwai Road (**Plans A-2 and A-3**); and
- (b) paved and partly occupied by a vacant structure .

7.2 The surrounding areas have the following characteristics:

- (a) To the immediate northwest is a public vehicle park and car beauty shop with valid planning permission No. A/YL-PS/673; to the further north-west are vehicle parks with valid planning permission No. A/YL-PS/643 and 686; and to the further north is a recently completed low-rise residential development named La Aldea

- (b) to the immediate east and northeast across Ping Pak Lane is Ping Pak Lane Park;
- (c) to the south and southwest are unused land, and vehicle repair workshops, parking of vehicles and open storage yards which are suspected unauthorized developments (UD); and
- (d) to the immediate west is a vehicle repair workshop and open storage yard.

8. Planning Intentions

The planning intention of the “R(B)1” zone is primarily for sub-urban medium-density residential developments in rural areas where commercial uses serving the residential neighbourhood 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 1.9.2023, 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 temporary shop and services for a period of three years at the Site zoned “R(B)1” on the OZP. Whilst the proposed use is not entirely in line with the planning intention of the “R(B)1” zone, there is no known development proposal to implement the zoned use. The proposed use could provide shop and services to meet any such demand in the area. Approval of the application on a temporary basis will not frustrate the long-term planning intention of the “R(B)1” zone. As the Site falls within the study area of the potential public housing development at Ping Kwai Road, the 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 might take place 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.

- 11.2 The Site is mainly surrounded by shop and services uses, vehicle repair workshops, open storage of vehicles, vehicle parks and residential development and dwellings (**Plan A-2**). The proposed use is generally not incompatible with the surrounding land uses.
- 11.3 Relevant government departments, including the 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 no adverse comment on the application. The proposed use will unlikely create significant adverse traffic, drainage, fire safety, environmental and landscape impacts to the surrounding area. To address the technical requirements of concerned government departments, relevant approval conditions are recommended in paragraph 12.2 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 The Committee has approved two similar applications involving temporary shop and services use within the same “R(B)1” zone since 2021. Approval of the current application is in line with the Committee’s previous decisions.

12. Planning Department’s Views

- 12.1 Based on the assessment made in paragraph 11, the Planning Department has no objection 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 **13.10.2026**. 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 the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **13.4.2024**;
- (b) in relation to (a) 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 **13.7.2024**;
- (c) the submission of a 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 **13.4.2024**;
- (d) in relation to (c) above, the implementation of the drainage proposal within **9** months to the satisfaction of the Director of Drainage

Services or of the Town Planning Board by **13.7.2024**;

- (e) in relation to (d) 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 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 (a), (b), (c) or (d) 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 proposed use is not in line with the planning intention of the "R(B)1" zone, which is primarily for sub-urban medium-density residential development. 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
Appendix Ia	FI received on 4.10.2023
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Vehicular Access Plan
Drawing A-2	Proposed Layout Plan
Plan A-1a	Location Plan
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2023**