

RNTPC Paper No. A/YL-PS/713
For Consideration by
the Rural and New Town
Planning Committee
on 7.6.2024

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

APPLICATION NO. A/YL-PS/713

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|---------------------------|--|
| <u>Applicant</u> | : Mr. TANG Pin Fai represented by Metro Planning and Development Company Limited |
| <u>Site</u> | : Lots 256 (Part), 258 RP (Part) and 259 in D.D.122, Ping Shan, Yuen Long, New Territories |
| <u>Site Area</u> | : About 3,472m ² |
| <u>Lease</u> | : Block Government Lease (demised for agricultural use) |
| <u>Plan</u> | : Approved Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/20 |
| <u>Zoning</u> | : “Government, Institution or Community” (“G/IC”) (about 98%) and “Village Type Development” (“V”) (about 2%) ¹ [Restricted to a maximum building height of 3 storeys (8.23 m)] |
| <u>Application</u> | : Temporary Shop and Services 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 and wholesale of construction materials for a period of three years at the application site (the Site) (**Plan A-1a**). 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. The Site is currently used for the applied uses without valid planning permission (**Plans A-2 and A-4**).
- 1.2 According to the applicant, the Site is accessible from Tsui Sing Road (**Drawing A-1, Plans A-2 and A-3**). The construction materials stored at the Site include mainly sanitary wares and tiles. Only light goods vehicles not exceeding 5.5 tonnes will be allowed to enter/park at the Site. No

¹ Regarded as minor boundary adjustment allowed under the covering Notes of the OZP.

vehicle washing, repairing or other workshop activity will be carried out at the Site. The operation hours are from 9 a.m. to 7 p.m. daily. The location plan with vehicular access, proposed layout plan, proposed landscape plan, as-built drainage plan and catchment plan submitted by the applicant are at **Drawings A-1 to A-5** respectively.

- 1.3 The Site is involved in seven previous applications (**Plan A-1b**) including three applications for the same applied uses covering the same site which were approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2017 and 2021(details at paragraph 5 below).
- 1.4 Compared with the last relevant approved application No. A/YL-PS/624, the current application is submitted by the same applicant for the same uses at the same site with the same layout. The major development parameters of the current application are as follows:

| Major Development Parameters | Current Application (A/YL-PS/713) |
|-------------------------------------|---|
| Applied Use | Temporary Shop and Services and Wholesale of Construction Materials for a Period of 3 Years |
| Site Area | About 3,472m ² |
| Maximum Floor Area | 2,360m ² |
| No. of Structures | 3 <ul style="list-style-type: none">• retail and wholesale and site office• toilet• water tank and pump room for FSIs |
| Maximum Height of Structures | 1-2 storeys (4-8.5m) |
| No. of Car Parking Spaces | 1 (5m x 2.5m each) |
| No. of Loading/Unloading Bays | 1 (7m x 3.5m each) |
| Operation Hours | 9:00 a.m. to 7:00 p.m. daily (including public holidays) |

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

- (a) Application form with attachments received on 12.4.2024 (**Appendix I**)
- (b) Further information (FI) received on 16.5.2024* (**Appendix Ia**)
- (c) FI received on 23.5.2024* (**Appendix Ib**)
- (d) FI received on 28.5.2024* (**Appendix Ic**)
- *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 **Appendices I and Ic**. They can be summarised as follows:

- (a) The Site is subject to three previous planning permissions for the same applied uses since 2017. All the approval conditions imposed under the last permission No. A/YL-PS/624 have been complied with. Since the applicant has renewed the tenancy at the site, a fresh application is submitted.
- (b) There would be insignificant environmental, traffic and noise impacts to the surrounding as the applied uses are housed within an enclosed structure and no operation will be held during sensitive hours. The applied uses are not incompatible with the surrounding environment and land uses, including retail, wholesale and residential uses.
- (c) The applicant would vacate the portion of the Site covered by the proposed composite social welfare facility (residential care home for the elderly (RCHE)) and residential institution (senior hostel (SH)) development under the approved application No. A/YL-PS/702 (**Plan A-1b**) when required. As such, the temporary use of the Site would be a prudent use of scarce land resources and would not jeopardise the long-term planning intention of the “G/IC” zone. Similar temporary retail and wholesale uses were approved by the Committee and approval of the current application is in line with the Committee’s previous decisions.

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. 31B) 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 planning enforcement action.

5. Previous Applications

- 5.1 The Site is involved in seven previous planning applications (No. A/YL-PS/8, 23, 27, 530, 555 and 624 for temporary vehicle park, temporary car dismantling workshop, shop and wholesale uses and No. A/YL-PS/702 for proposed composite social welfare facility (RCHE) and residential institution (SH) development). The considerations for applications No. A/YL-PS/8, 23,

27 and 702 are not relevant to the current application which involves a different use. Details of the previous applications are summarised at **Appendix II** and their boundaries are shown on **Plan A-1b**.

- 5.2 Applications No. A/YL-PS/530, 555 and 624 for proposed temporary shop and wholesale of construction materials each for a period of three years were approved with conditions by the Committee between 2017 and 2021 on grounds that no adverse departmental comments were received; the proposal was not incompatible with the surrounding land uses; and temporary approval of the application for a period of three years would not jeopardise the long-term planning intention of the “G/IC” zone. However, application No. A/YL-PS/530 was revoked on 13.4.2018 due to non-compliance with approval conditions. As for the last approved application No. A/YL-PS/624, all the time-limited approval conditions have been complied with and the planning permission lapsed on 8.1.2024.

6. Similar Applications

- 6.1 There are three similar applications for temporary shop and services and wholesale of construction materials within the same “G/IC” zone in the past five years. All three applications were approved by the Committee on similar considerations mentioned in paragraph 5.2 above. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1a**.
- 6.2 For Members’ information, application No. A/YL-PS/714 for renewal of planning approval for temporary shop and services (retail shop for selling construction material) and wholesale of construction material for a period of three years within the subject “G/IC” zone will also be considered by the Committee at this meeting.

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

- 7.1 The Site is:
- (a) currently hard-paved and occupied by the applied uses without valid planning permission; and
 - (b) accessible via a local track from Tsui Sing Road (**Plans A-2 and A-3**).
- 7.2 The surrounding areas have the following characteristics:
- (a) comprise predominantly brownfield operations including parking of vehicles, open storage yard, warehouse, shop and wholesale uses, with some covered with valid planning permissions and some being suspected unauthorized developments (UDs); and
 - (b) to the west of the Site are graves and unused land; and to the further

south of the Site are village houses of Hang Tau Tsuen.

8. Planning Intention

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.

9. Comments from Relevant Government Departments

All government department 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 19.4.2024, 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 whether another planning approval covering part of the Site for a RCHE development will be implemented.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary shop and services and wholesale of construction materials for a period of three years at the Site zoned “G/IC” on the OZP. ‘Wholesale trade’ is always permitted within the “G/IC” zone while ‘Shop and Services’ requires planning permission from the Board. Although the shop and services use is not entirely in line with the planning intention of the “G/IC” zone and a portion of the Site is covered by a valid planning permission under A/YL-PS/702 for proposed RCHE and SH development approved by the Committee on 19.4.2024, the applicant has committed to vacate the concerned portion to facilitate the implementation of the proposed RCHE and SH when required². In this regard, temporary approval of the application for a period of three years would not jeopardise the long-term planning intention of the “G/IC” zone.
- 11.2 The Site is mainly surrounded by temporary shop and wholesale of construction materials, parking of vehicles and warehouses (**Plan A-2**). The applied uses are not incompatible with the surrounding land uses.
- 11.3 Relevant government departments, including the Commissioner of Transport, Director of Environmental Protection, Chief Engineer/Mainland North,

² According to the approved application No. A/YL-PS/702, the proposed RCHE and SH development would be completed in 2029.

Drainage Services Department and Chief Town Planner/Urban Design and Landscape, Planning Department have no objection to or adverse comment on the application from traffic, environmental, drainage and landscape impacts perspectives respectively. To address the technical requirements of concerned government departments, appropriate 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” to minimise the possible environmental nuisance on the surroundings.

- 11.4 The Committee has approved three previous applications for the same uses at the Site between 2017 and 2021 and three similar applications within the same “G/IC” zone in the past five years. Approval of the current application is in line with the Committee’s previous decisions.
- 11.5 There is one public comment received 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 assessments made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10 above, the Planning Department considers that the temporary shop and services and wholesale of construction materials could be tolerated for a period of three 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 three years until **7.6.2027**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (b) the submission of a condition record of the drainage facilities within **3 months** from the date of planning approval to the satisfaction of the Director of Drainage Services or the Town Planning Board by **7.9.2024**;
- (c) 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 **7.12.2024**;
- (d) in relation to (c) 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 **7.3.2025**;

- (e) if the above planning condition (a) 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
- (f) if any of the above planning condition (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 applied shop and service use is not in line with the planning intention of the "G/IC" zone which 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. 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

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|---------------------|---|
| Appendix I | Application form with attachments received on 12.4.2024 |
| Appendix Ia | FI received on 16.5.2024 |
| Appendix Ib | FI received on 23.5.2024 |
| Appendix Ic | FI received on 28.5.2024 |
| Appendix II | Previous Applications |
| Appendix III | Similar Applications |
| Appendix IV | Government Departments' General Comments |
| Appendix V | Recommended Advisory Clauses |
| Appendix VI | Public Comment |

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| Drawing A-1 | Location Plan with Vehicular Access |
| Drawing A-2 | Layout Plan |
| Drawing A-3 | Landscape Plan |
| Drawing A-4 | As-built Drainage Plan |
| Drawing A-5 | Catchment Plan |

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| Plan A-1a | Location Plan with similar applications |
| Plan A-1b | Previous Applications Plan |
| Plan A-2 | Site Plan |
| Plan A-3 | Aerial Photo |
| Plan A-4 | Site Photos |

**PLANNING DEPARTMENT
JUNE 2024**