

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/YL-PS/714

<u>Applicant</u>	: Mr. TANG Pin Fai represented by Metro Planning & Development Company Limited
<u>Site</u>	: Lot 255 RP (Part) in D.D. 122, Ping Shan, Yuen Long, New Territories
<u>Site Area</u>	: About 1,470m 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”)
<u>Application</u>	: Renewal of Planning Approval for Temporary Shop and Services and Wholesale of Construction Materials for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval to use the application site (the Site) for temporary shop and services and wholesale of construction materials for a period of three years (**Plan A-1a**). According to the Notes of the OZP for the “G/IC” zone, ‘Shops and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board) and ‘Wholesale Trade’ is a Column 1 use which is always permitted. The Site is currently occupied by the applied uses with valid planning permission No. A/YL-PS/639 until 23.7.2024 (**Plans A-1b, A-4a and A-4b**).
- 1.2 The Site is accessible from Tsui Sing Road (**Plans A-2 and A-3**). According to the applicant, the applied uses are for retail and wholesale of construction materials including sanitary wares and tiles. No workshop activity will be carried out at the Site and the applied uses would not involve transportation and/ or storage of dusty construction materials. The operation hours will be 9a.m. to 7p.m. daily. The vehicular access plan, layout plan, landscape plan and as-built drainage plan submitted by the applicant are at **Drawings A-1 to A-4** respectively.
- 1.3 The Site is involved in five previous applications including three applications for

the same applied uses which were approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2015 and 2021 (details at paragraph 6 below). Compared with the last approved application (No. A/YL-PS/639), the current application is submitted by the same applicant for the same use at the same site with the same layout, development parameters and operation hours. The major development parameters of the current application are as follows:

Major Development Parameters	Current Application (A/YL-PS/714)
Applied Use	Temporary Shop and Services and Wholesale of Construction Materials for a Period of 3 Years
Site Area	About 1,470m ²
Maximum Floor Area	1,410m ²
No. of Structures	2 <ul style="list-style-type: none">• shops and offices• rain shelters
Maximum Height of Structures	1-2 storeys (5-8.5m)
No. of Car Parking Spaces	0
No. of Loading/Unloading Bays	4 (for Light Goods Vehicles) (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 16.4.2024 **(Appendix I)**
 - (b) Further information (FI) received on 16.5.2024* **(Appendix Ia)**
 - (c) FI received on 28.5.2024* **(Appendix Ib)**
- *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 Site is subject to three previous planning permissions and has been occupied by the applied uses since 2015. The applicant has complied with all the planning conditions imposed to the last planning permission.
- (b) The temporary conversion of the Site for another use would be a prudent use of scarce land resources.

- (c) The applied uses will generate insignificant traffic, environmental and noise impacts to its surrounding, and would not jeopardise the long-term planning intention of the current zoning.
- (d) The applied uses are compatible with the surrounding environment.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is not the “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. 31B) by posting site notice and sending registered mail to Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ (TPB PG-No. 34D) are relevant to this application. The relevant assessment criteria are attached at **Appendix II**.

5. Background

The Site is not subject to planning enforcement action.

6. Previous Applications

- 6.1 The Site is involved in five previous planning applications (No. A/YL-PS/8, 23, 503, 568 and 639) including three applications for temporary shop and wholesale of construction materials covering the same site and two applications for temporary vehicle park covering a larger extent. Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1b**.
- 6.2 Applications No. A/YL-PS/503, 568 and 639 for temporary shop and services and wholesale of construction materials for a period of three years were approved with conditions by the Committee between 2015 and 2021, mainly on considerations that the applied uses would not jeopardize the long-term planning intention of the “G/IC” zone; were not incompatible with the surrounding land use; the uses would unlikely create significant adverse traffic, environmental, drainage and visual impacts on the surrounding areas; and no objection or no adverse comment from concerned government departments. However, application No. A/YL-PS/503 was subsequently revoked on 18.5.2018 due to non-compliance with approval conditions. All the time-limited approval conditions under the last approved application No. A/YL-PS/639 have been complied with and the planning permission is valid until 23.7.2024.
- 6.3 Applications No. A/YL- A/YL-PS/8 and 23 are for temporary vehicle park for

private car, public lorry and/or container vehicle/trailer and the considerations are not relevant to the current application which involves a different use.

7. Similar Applications

- 7.1 There are three similar applications for temporary shop and wholesale of construction materials uses within the same “G/IC” zone approved by the Committee in the past five years. All applications were approved by the Committee on similar considerations as those in paragraph 6.2 above. Details of the similar applications are summarised at **Appendix IV** and their locations are shown on **Plan A-1a**.
- 7.2 For Members’ information, application No. A/YL-PS/713 for temporary shop and services and wholesale of construction materials for a period of three years within the subject “G/IC” zone will also be considered by the Committee at this meeting.

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

- 8.1 The Site is:
- (a) currently occupied by the applied uses with valid planning permission (application No. A/YL-PS/639); and
 - (b) accessible from a local track connecting Tsui Sing Road leading to Ping Ha Road.
- 8.2 The surrounding areas have the following characteristics:
- (a) comprise predominantly brownfield operations including parking of vehicles, shop and wholesale uses, open storage yard and unused land, some of which are covered with valid planning permissions and some are suspected unauthorized developments (UDs) subject to planning enforcement action; and
 - (b) to the immediate north is the Tin Shui Wai Tuen Ma Line (TML) Substation.

9. 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.

10. 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.

11. Public Comment Received During the Statutory Publication Period

On 23.4.2024, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of the planning approval for temporary shop and services and wholesale of construction materials for a period of three years. ‘Wholesale Trade’ is always permitted in 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, there is no known programme/intention to implement the zoned use on the Site for the time being. 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.
- 12.2 The Site is mainly surrounded by temporary shop and wholesale of construction materials and parking of vehicles (**Plan A-2**). The applied uses are considered not incompatible with the surrounding land uses.
- 12.3 The application is generally in line with TPB PG-No. 34D in that there has been no material change in planning circumstances since the granting of the previous approval under application No. A/YL-PS/639; adverse planning implications arising from the renewal of the planning approval are not envisaged; all the time-limited conditions under the previous approval had been complied with; and the three-year approval period sought is reasonable and of the same timeframe as the previous approval.
- 12.4 Relevant government departments, including the Commissioner of Transport, Chief Engineer/Mainland North, Drainage Services Department, Director of Environmental Protection and Director of Fire Services have no objection to or no adverse comment on the application from traffic, drainage, environmental and fire safety perspectives respectively. To address the technical requirements of concerned government departments, appropriate 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” to minimise the possible environmental nuisance in the surrounding area.
- 12.5 The Committee has approved three previous applications for the same use at the Site from 2015 to 2021 (**Plan A-1b**) and three similar applications within the same “G/IC” zone in the past five years (**Plan A-1a**). Approval of the application is in line with the Committee’s previous decisions.

13. Planning Department’s Views

- 13.1 Based on the assessment made in paragraph 12 above, the Planning Department has no objection to the application.

- 13.2 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, and be renewed from 24.7.2024 to 23.7.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the Site, as proposed by the applicant, 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 existing drainage facilities within **3** months from the date of the commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 24.10.2024;
- (d) the submission of a fire service installations proposal within **6** months from the date of the commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 24.1.2025;
- (e) in relation to (d) above, the implementation of the fire service installations proposal within **9** months from the date of the commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 24.4.2025;
- (f) if any of the above planning condition (a) or (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 condition (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.

[Approval conditions (a) to (e) are the same as those under the permission for application No. A/YL-PS/639. Requirements for operation hours, maintenance of existing trees and boundary fencing, as well as indication of vehicle types have been removed as per the departments' latest requirements. Restriction on queuing and reverse movement of vehicles is now stipulated as an advisory clause.]

Advisory clauses

The recommended advisory clauses are attached at **Appendix VI**.

There is no strong reason to recommend rejection of the application.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 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.

15. Attachments

Appendix I	Application form with attachments received on 16.4.2024
Appendix Ia	FI received on 16.5.2024
Appendix Ib	FI received on 28.5.2024
Appendix II	Relevant extract of TPB PG-No. 34D
Appendix III	Previous Applications
Appendix IV	Similar Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Vehicular access Plan
Drawing A-3	Tree Preservation and Landscape Plan
Drawing A-4	As-built Drainage Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
JUNE 2024**