

RNTPC Paper No. A/YL-PS/719  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 19.7.2024

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

**APPLICATION NO. A/YL-PS/719**

<b><u>Applicant</u></b>	: Mr. TANG Chik Fat represented by Metro Planning & Development Company Limited
<b><u>Site</u></b>	: Lots 387 S.R (Part) and 387 RP (Part) in D.D. 122, Ping Shan, Yuen Long
<b><u>Site Area</u></b>	: About 64m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/20
<b><u>Zoning</u></b>	: “Village Type Development” (“V”) <i>[Restricted to a maximum building height (BH) of 3 storeys (8.23 m)]</i>
<b><u>Application</u></b>	: 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) zoned “V” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “V” zone, ‘Shops and Services’ other than on the ground floor of a New Territories Exempted House (NTEH) is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by the applied use without valid planning permission (**Plans A-1, A-4a and A-4b**).
- 1.2 The Site is accessible from Tsui Sing Road via a local track (**Plans A-2 and A-3**). The current application is to regularise the existing shop and services use at the Site. According to the applicant, the applied use is for retail of air conditioners with ancillary storage and provision of supplementary installation service. No delivery of air conditioners will be involved and no parking space and loading/unloading space will be provided within the Site. The operation hours will be 9a.m. to 7p.m. daily (including public holidays). The site plan, layout plan and drainage plan submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 The major development parameters of the current application are summarised as follows:

Major Development Parameters	Application No. A/YL-PS/719
Applied Use	Temporary Shop and Services for a Period of 3 Years
Site Area	About 64m <sup>2</sup>
No. of Structures	1 (1-storey) (Not more than 3.5m in height) <ul style="list-style-type: none"><li>• shops and services</li><li>• toilet</li></ul>
Floor Area	Not more than 60m <sup>2</sup>
No. of Car Parking Spaces and/or Loading/Unloading Bays	Nil
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 23.5.2024 **(Appendix I)**
- (b) Further information (FI) received on 9.7.2024\* **(Appendix Ia)**
- (c) FI received on 11.7.2024\* **(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 **Appendices I to Ib**. They can be summarised as follows:

- (a) The applied use will not jeopardise the long-term planning intention of the “V” zone. It would benefit the nearby residents by meeting their demand for air conditioners and installation works.
- (b) The nature and scale of the applied use is not incompatible with the surrounding environment.
- (c) Similar applications for shop and services use were granted in the vicinity.
- (d) The applied use will generate insignificant traffic, drainage, environmental and noise impacts to its surrounding.

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

The applicant is the sole “current land owner” and 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 attaching the proof of ownership. Detailed information would be deposited at the meeting for Members’ inspection.

**4. Background**

The Site is the subject of a planning enforcement case No. E/YL-PS/761 against an unauthorized development (UD) involving storage use. Enforcement Notice was issued on 24.5.2024 requiring discontinuation of the UD by 24.8.2024. If the notice is not complied with, prosecution action would be considered.

**5. Previous Application**

There is no previous planning application covering the Site.

**6. Similar Applications**

There are five similar applications (No. A/YL-PS/600, 610, 671, 682 and 693) for various temporary shop and services with/without other uses within the same “V” zone in the past five years. All five applications were approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2020 and 2023 mainly on the considerations that the applied use was not incompatible with the surrounding land uses; the proposed/applied development would not jeopardise long-term planning intention; and no adverse comments from relevant government departments. However, the planning permission for one application (No. A/YL-PS/610) was revoked due to non-compliance with the approval conditions. Details of the applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) currently occupied by the applied use within a temporary structure without valid planning permission; and
- (b) accessible from a local track connecting Tsui Sing Road.

7.2 The surrounding areas have the following characteristics:

- (a) comprise predominantly village houses and vehicle parks intermixed with car servicing, restaurant, a school and a pond. Some of the vehicle parks are covered with valid planning permissions and some other uses are

suspected unauthorized developments (UDs) subject to planning enforcement action; and

- (b) to the further northwest is MTR Tin Shui Wai Station and to the east is Sheung Cheung Wai Site of Archaeological Interest.

## **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**

All government department consulted have no objection to/no adverse comment on the application. Their general comments on the application and advisory comments are provided in **Appendices III** and **IV** respectively.

## **10. Public Comment Received During the Statutory Publication Period**

On 31.5.2024, the application was published for public inspection. During 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 “V” on the OZP. Although the applied use is not entirely in line with the planning intention of the “V” zone, it could meet any such demand for shop and services in the area. According to the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD), there is no Small House application approved or under processing at the Site. 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 village houses and vehicle parks (**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 and the Director of Fire Services have no objection to/no adverse comment on the application from traffic, environmental, drainage and fire safety impacts perspectives respectively. Should the planning 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 nuisance on the surrounding areas. Furthermore, relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of other concerned government departments. Any non-compliance with these approval conditions would result in revocation of the planning permission and UD on-site would be subject to enforcement action.

- 11.4 The Committee has approved five similar applications within the same “V” zone in the past five years (**Plan A-1**). Approval of the 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 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 **19.7.2027**. 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 **19.1.2025**;
- (b) in relation to (a) 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 **19.4.2025**;
- (c) 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 **19.4.2025**;
- (d) in relation to (c) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (e) if the above planning condition (d) 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 (a), (b) or (c) 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 IV**.

- 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 the "V" zone which is primarily for development of Small Houses by indigenous villagers. Land within this zone is primarily intended 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**

<b>Appendix I</b>	Application form with attachments received on 23.5.2024
<b>Appendix Ia</b>	FI received on 9.7.2024
<b>Appendix Ib</b>	FI received on 11.7.2024
<b>Appendix II</b>	Similar Applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Site Plan
<b>Drawing A-2</b>	Layout Plan
<b>Drawing A-3</b>	Drainage Proposal
<b>Plan A-1</b>	Location Plan with Similar Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
JULY 2024**