

RNTPC Paper No. A/YL-PS/720
For Consideration by
the Rural and New Town
Planning Committee
on 2.8.2024

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/720

<u>Applicant</u>	: Mr. YIP Shung Kin represented by Goldrich Planners & Surveyors Limited
<u>Site</u>	: Lots 31 RP and 32 RP in D.D. 121, Ping Shan, Yuen Long
<u>Site Area</u>	: About 2,259 m 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 79%); “Residential (Group B)1” (“R(B)1”) (about 11%); and <i>[Restricted to maximum plot ratio of 1; a maximum site coverage 40%; and a maximum building height of 5 storeys (15m) including car park]</i> “Village Type Development” (“V”) (about 10%) <i>[Restricted to a maximum building height of 3 storeys (8.23m)]</i>
<u>Application</u>	: Proposed Temporary Shop and Services (Car Showroom) and Car Testing Centre with Ancillary Office for a Period of 3 Years

1. The Proposal

1.1 The applicant seeks planning permission for proposed temporary shop and services (car showroom) and car testing centre with ancillary office for a period of three years at the application site (the Site) mainly zoned “G/IC” (79%) with remaining portions zoned “R(B)1” and “V” on the OZP (**Plan A-1a**). According to the Notes of the OZP for “G/IC”, “R(B)1” and “V” zones, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board), while there is no provision for car testing centre under the above zones. According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years requires planning permission from the Board. The Site is currently largely vacant and partly occupied by vacant temporary structures (**Plans A-3 and A-4**).

1.2 The Site is accessible via local track leading from Ping Kwai Road and the

ingress/egress is at the west part. (**Plans A-2 and A-3 and Drawing A-1**). According to the applicant, no medium or heavy goods vehicles over 5.5 tonnes, as defined by the Road Traffic (Construction and Maintenance of Vehicles) Regulations, will be parked/stored on the Site. The operation hours are from 9 a.m. to 6 p.m. daily (excluding Sundays and public holidays). No vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity will be carried out at the Site. The location plan with vehicular access, layout plan, drainage plan and swept path analysis submitted by the applicant are at **Drawings A-1 to A-4** respectively.

- 1.3 The Site is involved in eight previous applications including three applications for temporary shop and services (car showroom) and/or car testing centre approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 2015 and 2020 (details are at paragraph 5 below). The permission of the last approved application (No. A/YL-PS/618) was revoked on 20.2.2023 due to non-compliance with the approval conditions in relation to the fire services installations (FSIs). The applicant submitted a FSIs proposal to support the current application.
- 1.4 Compared with the last approved application No. A/YL-PS/618, the current application is submitted by a different applicant for the same use at the same Site with similar layout and development parameters. The major development parameters of the current application are summarised as follows:

Major Development Parameters	Application No. A/YL-PS/720
Development/ Use	Temporary Shop and Services (Car Showroom) and Car Testing Centre with Ancillary Office
Site Area	About 2,259 m ²
Floor Area	2,487 m ²
No. of structures	3 structures <ul style="list-style-type: none">• Car Showroom, Car Testing Centre and Ancillary Office• Meter Room• Shed for parking cars
Maximum Height of Structures	3m - 8m (1-2 storeys)
No. of parking spaces	<ul style="list-style-type: none">• Private cars: 2 (5m x 2.5m)• Light Bus: 5 (8m x 3m)
Operation hours	9 a.m. to 6 p.m. (Mondays to Saturdays) <ul style="list-style-type: none">• (excluding Sundays and Public Holidays)

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

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|-----|---|---------------|
| (a) | Application Form with attachments received on 4.6.2024 | (Appendix I) |
| (b) | Further Information (FI) received on 22.7.2024* | (Appendix Ia) |
| (c) | FI received on 29.7.2024*
<i>*accepted and exempted from publication and recounting requirements</i> | (Appendix Ib) |

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 Site has been granted planning approvals for the same/similar uses in the past eight years. The applicant had complied with most of the approval conditions, except the submission and implementation of FSIs proposal. Approval of the current application is in line with the previous decision of the Committee.
- (b) The proposed uses are on a temporary basis which would not frustrate the long term planning intention of the area.
- (c) The proposed car testing centre could serve the car users in the Yuen Long District. It will provide four types of vehicle examination including visual inspection of chassis, light test, emission test and seat test. The emission test will only be carried out indoor equipped with ventilation system in order to minimise any potential adverse air impact to the surrounding environment. All openings including the ventilation systems of the car testing structures will be directed away from nearby sensitive uses to minimise any potential adverse air impact to the surrounding areas. No significant adverse noise, visual and air impacts are anticipated.
- (d) The existing drainage facilities will be maintained in good condition throughout the approval period. A toilet would be provided and wastewater collected from the toilet will be treated in the existing septic tank and soakage pit. No significant drainage and sewerage impacts are anticipated.
- (e) Sufficient manoeuvring space and parking spaces will be provided within the Site. No queuing, reversing and manoeuvring of vehicles out of the Site is required for vehicles travelling into and out of the Site. The trips generated and attracted are expected to be less than the previously approved scheme under A/YL-PS/618. No significant traffic impact is 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. 31B) by obtaining consents of all current land owners. 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 Applications

- 5.1 The Site in whole or in part is the subject of eight previous applications (No. A/YL-PS/70, 129, 150, 154, 281, 488, 587 and 618). Details of the previous applications are summarised at **Appendix II** and their boundaries are shown on **Plan A-1b**.

Approved Applications

- 5.2 Applications No. A/YL-PS/488, 587 and 618 for temporary shop and services (car showroom) and/or car testing centre with/without other uses for a period of three years were approved by the Committee between 2015 and 2020 mainly on considerations that the development would not jeopardise the long term planning intention of the zones; the uses were not incompatible with surrounding land uses; and the uses would unlikely create significant adverse traffic, drainage, fire safety and landscape impacts to the surrounding area. However, the planning permissions for A/YL-PS/587 and 618 were revoked in 2021 and 2023 respectively due to non-compliance with time-limited approval conditions regarding the submission and implementation of FSIs proposals.
- 5.3 Applications No. A/YL-PS/70 and 150 covering part of the Site for proposed temporary open storage of plastic materials and workshop for three years were approved with conditions by the Committee/ by the Board upon review in 2000 and 2003 respectively. The considerations are not relevant to the current application which involves different uses.

Rejected Applications

- 5.4 Applications No. A/YL-PS/129, 154 and 281 for temporary open storage, workshop and recyclable collection centre were rejected by the Committee or by the Board upon review between 2003 and 2008. The considerations are not relevant to the current application which involves different uses.

6. Similar Application

There is a similar application (No. A/YL-PS/676) involving temporary shop and services use within/straddling the same “G/IC”, “R(B)1” and “V” zones in the past five years which was approved by the Committee in 2003 on the grounds that the applied uses would not frustrate the long-term planning intention of the concerned zones; the applied uses were not incompatible with the surrounding uses; and concerned departments had no adverse comment. Details of the application are summarised at **Appendix III** and the location is shown on **Plan A-1a**.

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

7.1 The Site is:

- (a) currently largely vacant and partly occupied by vacant temporary structures (**Plan A-4**); and
- (b) accessible via a local track leading from Ping Kwai Road (**Plans A-2 and A-3**).

7.2 The surrounding areas have the following characteristics:

- (a) predominantly shop and services and wholesale of food products, parking of vehicles/coaches, open storage of coaches/containers intermixed with residential dwellings of Tong Fong Tsuen and Ping Shan San Tsuen and a low-rise residential development namely La Mansion, scrubland and vacant land.
- (b) the shop and services and wholesale of food products and a public vehicle park to the immediate north are covered with valid planning permissions, while some vehicle parking and open storage uses in the vicinity are suspected unauthorized developments (UDs) which may be subject to planning enforcement action.

8. Planning Intention

- 8.1 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.
- 8.2 The “R(B)1” zone is intended 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.
- 8.3 The “V” zone is intended to reflect existing recognized 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 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 New Territories Exempted House. 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 or no adverse comment on the application. Their general comments on the application and advisory comments are provided in **Appendices IV and V** respectively.

10. Public Comments Received During Statutory Publication Period

On 14.6.2024, the application was published for public inspection. During the statutory public inspection period, one public comment from individual was received (**Appendix VI**) concerning the non-compliance of approval conditions of the previous approval and the planning enforcement action undertaken at the Site.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary shop and services (car showroom) and car testing centre with ancillary office for a period of three years at the Site zoned “G/IC”, “R(B)1” and “V” on the OZP. Although the proposed uses are not in line with the planning intentions of the “G/IC”, “R(B)1” and “V” zones as detailed under paragraph 8 above, it could meet any such demand for shop and services and car testing centre in the area. There is also no known development proposal at the Site for the time being. The District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) also advises that there is no Small House application approved or being processed 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 “G/IC”, “R(B)1” and “V” zones.
- 11.2 There are temporary shop and services for wholesale of food products, vehicle parks and open storage in the surrounding areas (**Plans A-2 and A-3**). The proposed uses are not incompatible with such uses.
- 11.3 Relevant government departments including the Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department, Director of Environmental Protection and the Director of Fire Services have no objection to/no adverse comment on the application from traffic, drainage, environmental 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 planning enforcement action.

- 11.4 The Site is the subject of a previous application No. A/YL-PS/618 for the same uses which was approved by the Committee on 20.11.2020. However, that planning permission was subsequently revoked due to non-compliance with time-limited approval conditions on submission and implementation of FSIs proposal. The current application is submitted by a different applicant with similar layout and development parameters as compared with the last application. The applicant has submitted a FSIs proposal for the current application and D of FS have no objection in principle to the current application. As such, sympathetic consideration may be given to the current application. The applicant will be advised that should he fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further applications.
- 11.5 The Committee has approved three previous applications for similar use at the same Site between 2015 and 2020 and a similar application involving temporary shop and services use within/straddling the same “G/IC”, “R(B)1” and “V” zones in 2023. Approval of the current application is in line with the previous decisions of the Committee.
- 11.6 There is one public comment received during the statutory publication period as mentioned in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.5 above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessment 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 (car showroom) and car testing centre with ancillary office 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 **2.8.2027**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of a condition record of the existing drainage facilities within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **2.11.2024**;
- (b) in relation to (b) above, the existing drainage facilities shall be maintained at all times during the planning approval period;
- (c) the submission of a revised 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 **2.2.2025**;

- (d) in relation to (c) above, the implementation of the revised 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 **2.5.2025**;
- (e) if the above planning condition (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
- (f) if any of the above planning condition (a), (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 development is not in line with the planning intentions of the "G/IC", "R(B)1" and "V" zones which are intended for the provision of Government, institution or community facilities, for sub-urban medium-density residential developments, and for reflecting existing recognised and other villages and provision of land for development of Small Houses by indigenous villagers respectively. No strong planning justification has been given in the submission for a departure from these planning intentions, 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 4.6.2024
Appendix Ia	FI received on 22.7.2024
Appendix Ib	FI received on 29.7.2024
Appendix II	Previous Applications
Appendix III	Similar Application

Appendix IV	Government Departments General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment
Drawing A-1	Location Plan with Vehicular Access
Drawing A-2	Proposed Layout Plan
Drawing A-3	Drainage Proposal
Drawing A-4	Swept Path Analysis
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
AUGUST 2024