

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/728

- Applicant** : Ms. TANG Shuk Fan represented by Allgain Land Planning Limited
- Site** : Lot 618 (Part) in D.D. 122, Ping Shan, Yuen Long
- Site Area** : 1,700 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/20
- Zoning** : “Residential (Group E)2” (“R(E)2”) (about 99%) and
[*restricted to a maximum plot ratio of 0.6 and a maximum building height of 5 storeys including car park*]

“Village Type Development” (“V”) (about 1%)¹
[*restricted to a maximum building height of 3 storeys (8.23 m)*]
- 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-1**) zoned “R(E)2” on the OZP¹. According to the Notes of the OZP for the “R(E)2” zone, ‘Shop and Services’ is a Column 2 use which requires permission from the Town Planning Board (the Board). The Site is currently vacant and hard-paved (**Plans A-2 and A-4**).
- 1.2 The Site, which comprises two portions separated by a track, is accessible from Ping Hing Lane via a local track with the ingress/egress at the middle part of the Site (**Plans A-2 and A-3, Drawings A-1 and A-3**). According to the applicant, six one to two storeys temporary structures (not exceeding 6m in height) with a total floor area of about 920m² are proposed for shop and services use including convenience store, selling of groceries, drinks and dry goods, retail of daily goods, and retail of metal/building materials and

¹ The minor encroachment onto the “V” zone would be considered as minor boundary adjustment as permitted under the covering Notes of the OZP.

tools (**Drawing A-3**). A total of four parking spaces (two in each portion) for private cars and one loading/unloading bay for light goods vehicle at eastern portion would be provided. The operation hours are from 9a.m. to 7p.m. daily (including Sundays and public holidays). No open storage activities will be carried out at the Site. The vehicular access plan, proposed layout plan, and drainage proposal submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site is involved in three previous applications (**Plan A-1**) including two applications for the same use under application covering mainly the eastern and western portions of the Site respectively which were approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2023 (details at paragraph 5 below).
- 1.4 Compared with the last relevant approved applications No. A/YL-PS/672 and 674, the current application is submitted by the same applicant² for the same use with a similar site but different layout. The major development parameters of the current application are summarised as follows:

Major Development Parameters	Previous Applications (A/YL-PS/672 & 674) (a)	Current Application (A/YL-PS/728) (b)	Difference (b)-(a)
Site Area	About 1,690 m ² (A/YL-PS/672: about 640 m ²) (A/YL-PS/674: about 1,050 m ²)	About 1,700 m ²	+ 10 m ² (+0.59%)
Total Floor Area	About 940 m ² (A/YL-PS/672: about 420 m ²) (A/YL-PS/674: about 520 m ²)	About 900 m ²	- 40 m ² (-4.25%)
No. of Structure	9 for shop and services, site office, guard room, electricity meter room and toilet (A/YL-PS/672: 2) (A/YL-PS/674: 7)	6 for shop and services	-3
Maximum Height of Structures	1 storey (not exceeding 3-4.5m)	1-2 storeys (not exceeding 6m)	+1.5 to +3m
No. of parking spaces	7 for private cars (5m x 2.5m each) (A/YL-PS/672: 2) (A/YL-PS/674: 5)	4 for private cars (5m x 2.5m each)	-3
No. of Loading/ Unloading Bays	1 for LGV (7m x 3.5m each) (Under A/YL-PS/672)	1 for LGV (7m x 3.5m each)	No Change
Operation Hours	9:00 a.m. to 7:00 p.m. daily (including public holidays)		No Change

- 1.5 In support of the application, the applicant has submitted an application form with attachments received on 29.7.2024 (**Appendix I**).

² Application No. A/YL-PS/672 was submitted by the same applicant, while application No. A/YL-PS/674 was submitted by a different applicant.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form at **Appendix I**. They can be summarised as follows:

- (a) The Site was previously approved with two planning permissions for the same use. The current application is submitted due to the change in development layout.
- (b) The proposed use is temporary in nature and would not jeopardise the long-term planning intention of the respective zones.
- (c) The proposed use intends to provide the daily necessities for local community and is compatible with the surrounding land uses.
- (d) The application will adopt the mitigation measures listed in the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”.
- (e) No adverse environmental, traffic and drainage 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. 31B) by posting site notice and sending notification letter 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**

- 5.1 The Site, in whole or in part, is involved in three previous applications (No. A/YL-PS/256, 672 and 674). Details of the previous applications are summarised at **Appendix II** and their boundaries are shown on **Plan A-1**.

Approved Applications

- 5.2 Applications No. A/YL-PS/672 and 674 for temporary shop and services use for a period of three years were approved with conditions by the Committee on 3.3.2023 on the considerations that the proposed use would not jeopardise

the long-term planning intention of the relevant zones; not incompatible with the surrounding land uses; and relevant government departments had no objection to/no adverse comment on the applications. The planning permissions are valid until 3.3.2026. Except the implementation of drainage and fire services installations proposals, all the time-limited approval conditions have been complied with.

Rejected Application

- 5.3 Application No. A/YL-PS/256 for temporary public vehicle park for private car, light goods vehicle and lorry covering a larger area was rejected by the Committee in 2006. The considerations are not relevant to the current application which involves a different use.

6. Similar Application

There is no similar application within the same “R(E)2” zone in the past five years.

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

7.1 The Site:

- (a) comprises two portions which are currently vacant and hard-paved (**Plans A-2 and A-4**); and
- (b) is accessible via a local track leading from Ping Hing Lane (**Plans A-2 and A-3**).

- 7.2 The surrounding areas comprise predominantly vehicle parks, storage/open storage yards, warehouses and workshop intermixed with unused land, vacant land and residential dwellings. Some of the uses are suspected unauthorized developments (UDs) subject to planning enforcement action.

8. Planning Intention

The planning intention of “R(E)2” zone is primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the Board. Whilst existing industrial uses will be tolerated, new industrial developments are not permitted in order to avoid perpetuation of industrial/residential interface problem.

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 are provided in **Appendices III and IV** respectively.

10. Public Comments received During the Statutory Publication Period

On 9.8.2024, the application was published for public inspection. During the statutory public inspection period, one public comment was received objecting the application on the grounds that the planning conditions of previous applications have not been complied with and the Site was occupied with open storage use.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary shop and services for a period of three years at the Site zoned “R(E)2” on the OZP. Although the proposed use is not entirely in line with the planning intention of the “R(E)2” zone, the proposal could meet any such demand for shop and services in the area. There is currently no development proposal for residential development at the Site. Furthermore, the Site falls within the study area of the potential public housing development at Ping Shan North (PSN). In this regard, the Project Team Leader/Housing, Civil Engineering and Development Department (PTL/H, CEDD) has no objection to the application. Approval of the application on a temporary basis for a period of three years would not jeopardise the long-term development of the area. Should the application be approved, an advisory clause should be included to remind the applicant that the Site may be resumed for the implementation of the potential public housing development at PSN.
- 11.2 The surrounding areas comprise predominantly vehicle parks, storage/open storage yards, warehouses and workshop intermixed with unused land, vacant land and residential 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 Environmental Protection and Director of Fire Services have no objection to or adverse comment on the application from traffic, drainage, environmental and fire safety perspectives respectively. Furthermore, relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of concerned government departments. 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 surrounding areas.
- 11.4 The Committee has approved two previous applications for the same use at the Site in 2023. Approval of the current application is in line with the Committee’s previous decisions.
- 11.5 Regarding the public comment objecting to the application as stated 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 above and having taken into account the public comment mentioned in paragraph 10 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 **20.9.2027**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a revised 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 **20.3.2025**;
- (b) in relation to (a) above, the implementation of the revised drainage proposal within **9** months ***from the date of the planning approval*** to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **20.6.2025**;
- (c) in relation to (b) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (d) 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 **20.3.2025**;
- (e) in relation to (d) 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 **20.6.2025**;
- (f) if the above planning condition (c) 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), (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.

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 proposed use is not in line with the planning intention of the “R(E)2” zone, which is primarily for phasing out of existing industrial uses through redevelopment for residential use. 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 with attachments received on 29.7.2024
Appendix II	Previous Applications
Appendix III	Government Departments’ General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Vehicular Access Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	Drainage Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2024**