

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

**APPLICATION NO. A/YL-PS/730**

- Applicant** : Mr. TANG Chi-hok represented by Goldrich Planners and Surveyors Ltd.
- Site** : Lot 74 (Part) in D.D.126, Ping Shan, Yuen Long
- Site Area** : About 4,010 m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/20
- Zoning** : “Recreation” (“REC”)
- Application** : Proposed Temporary Shop and Services (Fresh Provision Shop and Retail Shop for Gardening, Hardware Groceries and Construction Materials) for a Period of 5 Years and associated Filling of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary shop and services (fresh provision shop and retail shop for gardening, hardware groceries and construction materials) for a period of five years and associated filling of land at the application site (the Site) zoned “REC” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “REC” zone, ‘Shop and Services’, which is a Column 2 use, and filling of land require planning permission from the Town Planning Board (the Board). The Site is currently hard-paved, vacant and partly occupied by vacant temporary structures (**Plans A-2 and A-4**).
- 1.2 The Site is accessible via a local track leading from Tin Wah Road with the ingress/egress at the eastern part of the Site (**Plans A-2 and A-3**). According to the applicant, eight single-storey temporary structures (with a height of 9m) with a total floor area of about 1,777m<sup>2</sup> are provided for fresh provision shop, retail shops and ancillary office uses. Four parking spaces, including two for private car and one each for light goods vehicle (LGV) and medium goods vehicle (MGV), will be provided (**Drawing A-3**). The Site is currently hard-paved with concrete with a depth of about 0.2m. Planning permission is also sought to regularise the filling of land to facilitate erection of structures and site maintenance. Parking spaces are reserved for

customers with prior notification obtained. The operation hours will be from 9:00 a.m. to 7:00 p.m. daily, including Sundays and public holidays. The vehicular access plan, lot index plan, layout plan, swept path analysis plan, land filling plan and public transport access plan submitted by the applicant are at **Drawings A-1 to A-6** respectively.

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

- (a) Application form with attachments received on 31.7.2024 **(Appendix I)**
- (b) Further Information (FI) received on 16.9.2024 **(Appendix Ia)**

## **2. Justifications from the Applicant**

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

- (a) the proposed use aims to provide local residents and operators in the vicinity with convenient access to fresh food, hardware groceries, gardening and construction materials;
- (b) the proposed temporary structures with a height of about 9m are for stocking taller and larger goods;
- (c) the proposed use and structures are temporary in nature, and would not frustrate the long-term planning intention of the “REC” zone;
- (d) the proposed use is not incompatible with the surrounding land uses;
- (e) the Site is currently hard-paved and partly occupied with structure. The application serves to regularise the filling of land;
- (f) the proposed use will not bring about adverse traffic, drainage, environmental and fire safety impacts to the surroundings; and
- (g) similar applications within the “REC” zone were approved by the Rural and New Town Planning Committee (the Committee) of the Board.

## **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 registered mail 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 any planning enforcement action.

5. **Town Planning Board Guidelines**

The Town Planning Board Guidelines for “Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance” (TPB PG-No. 12C) are relevant to this application. According to the said Guidelines, the Site falls within the Wetland Buffer Area (WBA) (**Plan A-1**). Relevant extract of the Guidelines is at **Appendix II**.

6. **Previous Application**

Part of the Site was involved in a previous application (No. A/DPA/YL-PS/50) for temporary container vehicle park which was rejected by the Board upon review when the Site was designated as “Unspecified Use” area in 1996. The considerations for the application are not relevant to the current application which involves a different use. Details of the previous application are shown in **Appendix III** and the location is shown on **Plan A-1**.

7. **Similar Applications**

There are three similar applications (No. A/YL-PS/614, 675 and 699) for temporary shop and services with/without associated filling of land within the same “REC” zone on the OZP in the past five years. All applications were approved with conditions by the Committee between 2020 and 2023 for a period of three or five years mainly on the considerations that the proposed use would not frustrate the long-term planning intention of the “REC” zone; not entirely incompatible with the surrounding areas; no significant adverse landscape, environmental, traffic, drainage and fire safety impacts on the surrounding areas; and relevant government departments had no adverse comment on/no objection to the application. Details of the applications are summarised at **Appendix IV** and the location of the applications are shown on **Plan A-1**.

8. **Planning Intention**

- 8.1 The planning intention of “REC” zone is primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.
- 8.2 According to the Explanatory Statement of the OZP, as filling of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on environment, permission from the Board is required for such activities.

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

9.1 The Site is:

- (a) hard-paved, vacant and partly occupied by vacant temporary structures at northern part of the Site; and
- (b) accessible via a local track leading from Tin Wah Road (**Plans A-2 and A-3**).

9.2 The surrounding areas comprise mainly storage/open storage yards, parking of vehicles, a barbecue site intermixed with plant nursery, unused land and ponds. Some of the open storage yards and parking of vehicles are covered with valid planning permissions while some uses are suspected unauthorized development (UD) subject to planning enforcement action.

**10. 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 V and VI** respectively.

**11. Public Comment 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 from an individual objecting to the application on the grounds of possible proliferation of brownfield operations (**Appendix VII**).

**12. Planning Considerations and Assessments**

12.1 The application is for proposed temporary shop and services (fresh provision shop and retail shop for gardening, hardware groceries and construction materials) for a period of five years and associated filling of land at the Site zoned “REC” on the OZP. Although the proposed use is not entirely in line with the planning intention of the “REC” zone, it can meet any such demand for shop and services in the area. Besides, there is no known development proposal for the Site in the “REC” zone. Approval of the application on a temporary basis for a period of five years would not frustrate the long-term planning intention of the “REC” zone.

12.2 The current application also seeks to regularise the existing filling of land at the Site with concrete with a depth of about 0.2m, which is for erection of structures and site maintenance. Filling of land requires planning permission as it may cause adverse drainage and environmental impacts on the surrounding areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department and the Director of Environmental

Protection have no objection to the application from drainage and environmental points of view respectively.

- 12.3 The surrounding areas comprise mainly storage/open storage yards, parking of vehicles, barbecue site intermixed with plant nursery, unused land and ponds (**Plan A-2**). The proposed use is not entirely incompatible with the surrounding areas.
- 12.4 Although the Site falls within the WBA of the TPB PG-No. 12C, planning applications for local and minor uses (including temporary uses) are exempted from the requirement of ecological impact assessment. In this regard, the Director of Agriculture, Fisheries and Conservation has no comment on the application.
- 12.5 Other relevant government departments including the Commissioner of Transport and Director of Fire Services have no objection to or no adverse comment on the application from traffic and fire safety perspectives respectively. Furthermore, relevant approval conditions are recommended in paragraph 13.2 below to address the technical requirements of concerned government departments. Should the planning permission be approved, the applicant will also be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise possible environmental nuisance on the surrounding areas.
- 12.6 The Committee had approved three similar applications for temporary shop and services within the same “REC” zone between 2020 and 2023. Approval of the current application is generally in line with the Committee’s previous decisions.
- 12.7 Regarding the public comment objecting to the application as stated in paragraph 11 above, the planning considerations and assessments in paragraphs 12.1 to 12.6 above are relevant.

### **13. Planning Department’s Views**

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comment mentioned in paragraph 11 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 five years until **20.9.2029**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

#### **Approval conditions**

- (a) the submission of a 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 drainage proposal within **9** months 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 VI**.

- 13.3 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 "REC" zone which is primarily for recreational developments for the use of general public. No strong planning justification has been provided in the submission for a departure from the planning intention, even on a temporary basis.

#### **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**

<b>Appendix I</b>	Application Form with attachments received on 31.7.2024
<b>Appendix Ia</b>	FI dated 16.9.2024
<b>Appendix II</b>	Extract of the TPB PG-No. 12C
<b>Appendix III</b>	Previous Application
<b>Appendix IV</b>	Similar Applications
<b>Appendix V</b>	Government Departments' General Comments
<b>Appendix VI</b>	Recommended Advisory Clauses
<b>Appendix VII</b>	Public Comment
<b>Drawing A-1</b>	Vehicular Access Plan
<b>Drawing A-2</b>	Lot Index Plan
<b>Drawing A-3</b>	Layout Plan
<b>Drawing A-4</b>	Swept Path Analysis Plan
<b>Drawing A-5</b>	Plan Showing Existing Filling of Land
<b>Drawing A-6</b>	Public Transport Service Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
SEPTEMBER 2024**