

RNTPC Paper No. A/YL-PS/731  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 4.10.2024

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

**APPLICATION NO. A/YL-PS/731**

- Applicant** : Yu Shing Marble Co. Limited represented by Allgain Land Planning Limited
- Site** : Lot 897 (Part) in D.D. 122, Ping Shan, Yuen Long
- Site Area** : About 230 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** : “Comprehensive Development Area” (“CDA”)  
*[Restricted to a maximum plot ratio of 0.4 and a maximum building height of 3 storeys including car park]*
- 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 “CDA” on the OZP. According to the Notes of the OZP for the “CDA” zone, ‘Shop and Services’ is a Column 2 use which requires permission from the Town Planning Board (the Board). The Site is currently largely vacant, fenced off, hard-paved and partly occupied by temporary structures (**Plans A-2 and A-4**).
- 1.2 The Site is accessible via a local track leading from Long Ping Road with the ingress/egress at the southern part of the Site (**Plans A-1 and A-2**). According to the applicant, the proposed use is for convenience store and retail shop selling daily necessities. Two one to two-storey temporary structures (with height not exceeding 3m and 7m respectively) with a total floor area of about 100m<sup>2</sup> are proposed for shop and services, security room and toilet uses. One loading/unloading space (5m x 2.5m) for van type light goods vehicles will be provided. The operation hours are from 9a.m. to 7p.m. daily (including Sundays and public holidays). The vehicular access

plan and proposed layout plan submitted by the applicant are at **Drawings A-1 and A-2** respectively.

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

|                                    |   |
|------------------------------------|---|
| Site Area                          | About 230 m <sup>2</sup>  |
| Total Floor Area                   | About 100 m <sup>2</sup>  |
| No. of structures                  | 2<br>for shop and services, security room and toilet            |
| Height of structures               | 3m to 7m<br>(1-2 storeys)                                       |
| No. of parking space               | Nil   |
| No. of Loading/<br>Unloading space | 1 for van type light goods vehicles<br>(5m x 2.5m)              |
| Operation Hours                    | 9a.m. to 7p.m. daily<br>(including Sundays and public holidays) |

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

- (a) Application Form with attachments received on 6.8.2024 **(Appendix I)**
- (b) Further Information (FI) received on 26.9.2024 **(Appendix Ia)**  
*(accepted and 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 in the Application Form and FI at **Appendices I and Ia**. They can be summarised as follows:

- (a) The proposed use is temporary in nature and would not jeopardise the long-term planning intention of the “CDA” zone.
- (b) The proposed development does not involve warehouse or open storage use.
- (c) The proposed use intends to provide the daily necessities for local community and is compatible with the surrounding land uses.
- (d) The proposed development only involves two temporary structures and shall not involve any large scale infrastructural works.
- (e) The applicant will adopt the mitigation measures listed in the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”.

- (f) 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 notice of the application outside the Site and sending registered mail to Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

**4. Background**

The Site is subject to planning enforcement action against unauthorized development (UD) involving storage use (including deposit of containers) and use of place for parking of vehicles (No. E/YL-PS/760) (**Plan A-2**). Enforcement Notice was issued on 26.4.2024 requiring the discontinuation of the UD. Site inspection on 26.9.2024 observed that the site was largely vacant.

**5. Previous Applications**

- 5.1 The Site was involved in three previous applications (No. A/YL-PS/103, 112 and 642) for temporary vehicle park and vehicle repair workshop, and proposed residential development. Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1b**.
- 5.2 Applications No. A/YL-PS/103 and 122 for temporary vehicle park and vehicle repair workshop covering a larger site were rejected by the Rural and New Town Planning Committee (the Committee) of the Board between 2001 and 2002 when the Site was zoned “Undetermined” (“U”) <sup>1</sup>. The considerations are not relevant to the current application which involves a different use and under a different zoning.
- 5.3 Application No. A/YL-PS/642 for proposed residential development covering a much larger site within the “CDA” zone was rejected by the Committee on 24.12.2021. 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 “CDA” zone in the past five years.

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<sup>1</sup> The Site was previously zoned “U” from 1996 to 2010 before it was rezoned to “CDA” in 2010.

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

### **7.1 The Site is:**

- (a) currently largely vacant, fenced off, hard-paved and partly occupied by temporary structures (**Plans A-2 and A-4**); and
- (b) accessible via a local track leading from Long Ping Road (**Plan A-2**).

### **7.2 The surrounding areas have the following characteristics:**

- (a) comprise mainly storage/open storage yards, vehicle parks, intermixed with café, temporary structures, residential dwellings, unused land and vacant land. Some of the uses are suspected UD's subject to planning enforcement action; and
- (b) to its north and south are railway and highway infrastructures including the MTR Tuen Ma Line viaduct and Long Ping Road.

## **8. Planning Intention**

The planning intention of "CDA" zone is primarily for comprehensive development/redevelopment of the area for residential use with the provision of commercial, open space and other supporting facilities, if any. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints.

## **9. Comments from Relevant Government Departments**

9.1 Apart from government departments as set out in paragraphs 9.2 and 9.3 below, other departments consulted have no objection to/no adverse comment on the application. Their general comments on the application and recommended advisory clauses are provided in **Appendices III and IV** respectively.

9.2 The following department has grave concern on the application:

### **Land Administration**

9.2.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) has grave concern on the application;
- (b) according to his office's site inspection, there is an unauthorised structure extended from Lot 899 s.A in D.D. 122 not covered by the subject planning application. The

Lot owner(s) should immediately rectify the lease breaches and LandsD reserves the rights to take necessary lease enforcement action against the breaches without further notice;

- (c) the lot owner(s)/applicant shall either (i) remove the unauthorized structure(s) not covered by the subject planning application immediately; or (ii) include the unauthorized structure(s) in the subject planning application for the further consideration by the relevant departments and, subject to the approval of the Board to the planning application which shall have reflected the rectification or amendment as aforesaid required, apply to this office for a Short Term Waiver (STW) to permit the structure(s) erected. The application for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STW, if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate to be imposed by LandsD. In addition, LandsD reserves the right to take enforcement action against the lot owner(s)/applicant for any breach of the lease conditions, including the breach(es) already in existence or to be detected at any point of the time in future; and
- (d) the applicant should note his detailed advisory comments at **Appendix IV**.

9.3 The following department has conveyed local views on the application:

**District Officer's Comments**

9.3.1 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

A letter from the village representative of Wing Ning Tsuen (**Appendix V**) was relayed, objecting to the application on the ground that the proposed use would result in adverse traffic impact.

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

On 16.8.2024, 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 proposed temporary shop and services for a period of three years at the Site zoned "CDA" on the OZP. Although the proposed

use is not in line with the planning intention of the “CDA” zone, the proposed use can meet the demand for shop and services use for locals. Besides, there is no known development proposal at the Site. Approval of the application on a temporary basis for a period of three years would not frustrate the long-term development of the “CDA” zone.

- 11.2 The Site is mainly surrounded by storage/open storage yards, vehicle parks, intermixed with café, temporary structures, residential dwellings, unused land and vacant land (**Plan A-2**). The proposed use is considered not incompatible with the surrounding land uses.
- 11.3 Concerned government departments consulted 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/no 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 planning application 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.
- 11.4 Regarding DLO/YL, LandsD’s concerns on the unauthorized structure not covered by the subject planning application but within the subject lot, the issue can be dealt separately under the land administration regime. The applicant commits to request the landowner to subdivide the subject lot to ensure there are no unauthorized structures on the lot covering the application site, the applicant will apply for STW to cover the existing structures at the Site in the application after the subdivision process (**Appendix Ia**).
- 11.5 There is one public comment conveyed by DO(YL), HAD objecting to the application as summarised in paragraph 9.3.1 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 local comment conveyed by DO/YL, HAD mentioned in paragraphs 9.3.1 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 **4.10.2027**. 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 **4.4.2025**;
- (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 **4.7.2025**;
- (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 **4.4.2025**;
- (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 **4.7.2025**;
- (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 "CDA" zone which is primarily for comprehensive development/redevelopment of the area for residential use with the provision of commercial, open space and other supporting facilities. 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 6.8.2024 |
| <b>Appendix Ia</b>  | FI received on 26.9.2024                               |
| <b>Appendix II</b>  | Previous Applications                                  |
| <b>Appendix III</b> | Government Departments' General Comments               |
| <b>Appendix IV</b>  | Recommended Advisory Clauses                           |
| <b>Appendix V</b>   | Local Comment Relayed by DO(YL), HAD                   |
| <b>Drawing A-1</b>  | Vehicular Access Plan                                  |
| <b>Drawing A-2</b>  | Layout Plan  |
| <b>Plan A-1a</b>    | Location Plan  |
| <b>Plan A-1b</b>    | Previous Applications Plan                             |
| <b>Plan A-2</b>     | Site Plan  |
| <b>Plan A-3</b>     | Aerial Photo   |
| <b>Plan A-4</b>     | Site Photos  |

**PLANNING DEPARTMENT  
OCTOBER 2024**