

RNTPC Paper No. A/YL-PS/736
For Consideration by
the Rural and New Town
Planning Committee
on 22.11.2024

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

APPLICATION NO. A/YL-PS/736

<u>Applicant</u>	: Long Tin Carpark Management Limited represented by KTA Planning Limited
<u>Site</u>	: Lots 39 RP (Part) and 53 (Part) in D.D. 122, Ping Shan, Yuen Long
<u>Site Area</u>	: About 138.3m 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>	: “Village Type Development” (“V”) [Restricted to a maximum building height (BH) of 3 storeys (8.23m)]
<u>Application</u>	: 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 temporary structures for the applied use without valid planning permission (**Plans A-1 and A-4**).
- 1.2 The Site is accessible from Yung Yuen Road with the pedestrian and vehicular ingress/egress at the southern part and southeastern part of the Site respectively (**Plans A-2 and A-3**). According to the applicant, the applied use is to provide vehicle insurance service in support of the Northbound Travel for Hong Kong Vehicle (NTHKV) scheme. Two one to two-storey structures are erected at the Site for shop and services and toilet uses. Three parking spaces with canopy for staff and customers are provided at the Site. No vehicle washing, repairing, dismantling, car beauty, or other workshop activities will be carried out at the Site. The operation hours will be 9a.m. to 6p.m. from Mondays to Saturdays and there is no operation on Sundays and public holidays. The layout plan submitted by the applicant is at **Drawing A-1**.

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

Applied Use	Temporary Shop and Services for a Period of 3 Years
Site Area	About 138.3m ²
No. of Structures	2 (one to two-storey) (about 2.5 to 5m in height) <ul style="list-style-type: none">• shops and services• toilet
Floor Area	About than 133m ²
No. of Car Parking Spaces	3 (for private car)
Operation Hours	9:00 a.m. to 6:00 p.m. Monday to Saturday (no operation on Sundays and public holidays)

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

- (a) Application form received on 2.10.2024 **(Appendix I)**
- (b) Supporting Planning Statement (SPS) **(Appendix Ia)**
- (c) Further Information (FI) received on 20.11.2024 **(Appendix Ib)**

2. **Justifications from the Applicant**

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

- (a) The applied use supports the operation procedures for the NTHKV scheme with a designated vehicle inspection service centre located at 70m to the south of the Site.
- (b) The applied use is temporary in nature and will not jeopardise the long-term planning intention of the “V” zone.
- (c) The nature and scale of the applied use is compatible with the surrounding land uses.
- (d) The applied use will not generate significant drainage, visual, traffic, landscape and environmental impacts to its surroundings.

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 Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by publishing newspaper 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 the subject of a planning enforcement case No. E/YL-PS/763 against an unauthorized development (UD) involving office use. Enforcement Notice (EN) was issued on 13.9.2024 requiring discontinuation of the UD. If the EN is not complied with, prosecution action would be considered.

5. Previous Application

There is no previous planning application covering the Site.

6. Similar Application

There is no similar application within the same “V” zone in the past five years.

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

7.1 The Site is:

- (a) currently occupied by temporary structures for the applied use without valid planning permission; and
- (b) directly accessible from Yung Yuen Road.

7.2 The surrounding areas have the following characteristics:

- (a) comprise predominantly village settlements of Ha Mei San Tsuen intermixed with open storage/storage yards, vehicle parks, eating place, shops and services, vacant land and unused land. Some of these uses are covered with valid planning permissions and some other uses are suspected UD’s subject to planning enforcement action; and
- (b) the viaduct of MTR Tuen Ma Line is located to its immediate south.

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 II** and **III** respectively.

10. Public Comment Received During the Statutory Publication Period

On 15.10.2024, 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 of Lands Department (DLO/YL, LandsD), there is no SH 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, storage/storage yards and vehicle parks (**Plan A-2**). The applied use is considered not incompatible with the surrounding land uses.
- 11.3 Relevant government departments consulted including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to/no adverse comment on the application from traffic, environmental, drainage and fire safety 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.

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 22.11.2027. 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 22.5.2025;
- (b) 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 22.8.2025;
- (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 planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 22.5.2025;
- (e) in relation to (d) 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 22.8.2025;
- (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 III**.

- 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

Appendix I	Application form received on 2.10.2024
Appendix Ia	Supporting Planning Statement
Appendix Ib	FI received on 20.11.2024
Appendix II	Government Departments' General Comments
Appendix III	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2024**