

RNTPC Paper No. A/YL-PS/737
For Consideration by
the Rural and New Town
Planning Committee
on 20.12.2024

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

APPLICATION NO. A/YL-PS/737

<u>Applicant</u>	: Mr. TANG Pin Fai represented by Metro Planning and Development Company Limited
<u>Site</u>	: Lots 256 (Part) and 259 in D.D.122, Ping Shan, Yuen Long
<u>Site Area</u>	: About 1,730m 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”)
<u>Application</u>	: Temporary Shop and Services and Wholesale of Construction Materials for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary shop and services and wholesale of construction materials for a period of three years at the application site (the Site) zoned “G/IC” on the OZP (**Plan A-1a**). According to the Notes of the OZP for the “G/IC” zone, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board) while ‘Wholesale Trade’ is a Column 1 use which is always permitted. The Site is currently occupied by the applied uses with valid planning permission under application No. A/YL-PS/713 covering a larger site until 7.6.2027 (**Plans A-2, A-4a to 4b**).
- 1.2 The Site with the ingress/egress at the eastern part of the Site is accessible from Tsui Sing Road via a local track (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, the construction materials sold and stored at the Site include mainly sanitary wares and tiles. Only light goods vehicles not exceeding 5.5 tonnes will be allowed to enter/park at the Site. The operation hours are from 9 a.m. to 7 p.m. daily. The location plan with vehicular access, proposed layout plan and the as-built drainage plan submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site was involved in eight previous applications (**Plan A-1b**) including four applications for the same applied uses covering the same site which were approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2017 and 2024 (details at paragraph 5 below).
- 1.4 Compared with the last approved application No. A/YL-PS/713, the current application is submitted by the same applicant for the same uses with a smaller site and different layout. The major development parameters of the current application are as follows:

Major Development Parameters	Last Approved Application (A/YL-PS/713) (a)	Current Application (A/YL-PS/737) (b)	Difference (b)-(a)
Applied Use	Temporary Shop and Services and Wholesale of Construction Materials for a Period of 3 Years		No change
Site Area	About 3,472m ²	About 1,730m ²	-1,742 m ² (-50.2%)
Maximum Floor Area	Not more than 2,360m ²	Not more than 1,030m ²	-1,330 m ² (-56.4%)
No. of Structures	3 <ul style="list-style-type: none"> • retail, wholesale and site office • toilet • water tank and pump room for FSIs 		No change
Maximum Height of Structures	1-2 storeys (4-8.5m)		No change
No. of Car Parking Spaces	1 (5m x 2.5m each)		No change
No. of Loading/Unloading Bays	1 (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 24.10.2024 (**Appendix I**).

2. Justifications from the Applicant

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

- (a) The Site was subject to four previous planning permissions for the same applied uses since 2017 and the latest previous application No. A/YL-PS/713 is still valid. A fresh application is submitted due to part of the Site was vacated to facilitate the implementation of a proposed composite social welfare facility (residential care home for the elderly (RCHE)) and residential

institution (senior hostel) development covered by another planning permission under application No. A/YL-PS/702 (**Plan A-1b**).

- (b) There would be insignificant environmental, traffic and noise impacts to the surrounding as the applied uses are housed within an enclosed structure and no operation will be held during sensitive hours.
- (c) The applied uses are not incompatible with the surrounding environment and land uses. The temporary use of the Site would be a prudent use of scarce land resources and would not jeopardise the long-term planning intention of the “G/IC” zone. Similar temporary retail and wholesale uses at adjoining sites were approved by the Committee and approval of the current application is in line with the Committee’s previous decisions.

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 posting site notice and sending notice to the Ping Shan Rural Committee by registered mail. 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 was, in part or in whole, involved in eight previous planning applications (No. A/YL-PS/8, 23, 27, 530, 555, 624, 702 and 713). The considerations for applications No. A/YL-PS/8, 23, 27 and 702 which were for temporary vehicle park, temporary car dismantling workshop and proposed composite social welfare facility and residential institution development are not relevant to the current application which involve different uses. Details of the previous applications are summarised at **Appendix II** and their boundaries are shown on **Plan A-1b**.
- 5.2 Applications No. A/YL-PS/530, 555, 624 and 713 for proposed temporary shop and wholesale of construction materials each for a period of three years were approved with conditions by the Committee between 2017 and 2024 on the considerations that no adverse departmental comments were received; the proposal was not incompatible with the surrounding land uses; and temporary approval of the application for a period of three years would not jeopardise the long-term planning intention of the “G/IC” zone. However, the planning permission under application No. A/YL-PS/530 was revoked on 13.4.2018 due to non-compliance with approval conditions. As for the last approved application No. A/YL-PS/713, the approval conditions for condition record

of existing drainage facilities and fire services installations proposal are yet to be complied with.

6. Similar Applications

There are three similar applications for temporary shop and services and wholesale of construction materials within the same “G/IC” zone in the past five years. All three applications were approved by the Committee on similar considerations as mentioned in paragraph 5.2 above. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1a**.

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

7.1 The Site is:

- (a) currently hard-paved and occupied by the applied uses covered by a valid planning permission (No. A/YL-PS/713); and
- (b) accessible from Tsui Sing Road via a local track (**Plans A-2 and A-3**).

7.2 The surrounding areas have the following characteristics:

- (a) comprise predominantly parking of vehicles, open storage/storage yard, warehouse, shop and services and wholesale uses. Some of these uses are covered with valid planning permissions and some other uses are suspected unauthorized developments (UDs) subject to planning enforcement action; and
- (b) to the west of the Site are graves and unused land; and to the further south of the Site are village houses of Hang Tau Tsuen.

8. Planning Intention

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.

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 Comment Received During the Statutory Publication Period

On 1.11.2024, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual (**Appendix VI**) was received expressing concern on the justifications for the applicant to submit a fresh application and whether another planning approval for a RCHE development will be implemented.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary shop and services and wholesale of construction materials for a period of three years at the Site zoned “G/IC” on the OZP. ‘Wholesale trade’ is always permitted within the “G/IC” zone while ‘Shop and Services’ requires planning permission from the Board. Although the shop and services use is not entirely in line with the planning intention of the “G/IC” zone, there is no known development programme for the Site for the time being. 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” zone.
- 11.2 The Site is mainly surrounded by parking of vehicles, open storage/storage yard, warehouse, shop and services and wholesale uses (**Plan A-2**). The applied uses are considered not incompatible with the surrounding land uses.
- 11.3 Relevant government departments, including the Commissioner of Transport, Director of Environmental Protection, Chief Engineer/Mainland North, Drainage Services Department and Director of Fire Services have no objection to or no adverse comment on the application from traffic, environmental, drainage and fire safety impacts 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 also 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 four previous applications for the same uses involving the Site between 2017 and 2024 and three similar applications within the same “G/IC” zone in the past five years. Approval of the current application is in line with the Committee’s previous decisions.
- 11.5 There is one public comment expressing concern on the application received during the statutory publication period as summarised 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 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 **20.12.2027**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a condition record of existing drainage facilities on the Site 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 **20.3.2025**;
- (b) 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 **20.6.2025**;
- (c) in relation to (b) above, the implementation of the revised drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **20.9.2025**;
- (d) in relation to (a) and (c) above, the implemented drainage proposal and/or the existing drainage facilities shall be maintained at all times during the planning approval period;
- (e) 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 **20.6.2025**;
- (f) in relation to (e) 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 **20.9.2025**;
- (g) if the above planning condition (d) 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
- (h) if any of the above planning condition (a), (b), (c), (e) or (f) 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 applied shop and service use is not in line with the planning intention of the "G/IC" zone which 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. 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 24.10.2024
Appendix II	Previous Applications
Appendix III	Similar Applications
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	Layout Plan
Drawing A-3	As-built Drainage Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and 4b	Site Photos