

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

**APPLICATION NO. A/YL-TYST/1278**

- Applicant** : Mr. SIU Chiu On represented by Top Planning Property Consultants Limited
- Site** : Lots 91 S.D (Part), 91 RP (Part), 103 S.C RP (Part) and 104 RP in D.D. 121 and Adjoining Government Land (GL), Ping Shan, Yuen Long
- Site Area** : 1,736 m<sup>2</sup> (about) (including GL of about 168 m<sup>2</sup> (about 9.7%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/14
- Zoning** : “Village Type Development” (“V”)  
*[Restricted to a maximum building height of 3 storeys (8.23m)]*
- Application** : Proposed Temporary Shop and Services (Motor-vehicle Showroom) with Ancillary Facilities for a Period of 5 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary shop and services (motor-vehicle showroom) for a period of five 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, ‘Shop 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 paved, fenced off and vacant (**Plans A-2 to A-4**).
- 1.2 The Site with the ingress/egress at the northern part is accessible from Castle Peak Road – Ping Shan Section (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, four one to two-storey(s) structures (7m in height) with a total floor area of about 870m<sup>2</sup> are proposed for vehicle showroom for indoor display of about 18 to 20 first-hand private cars and ancillary office uses. Six parking spaces for visitors will be provided and visit to the proposed vehicle showroom will be arranged upon appointment. No car washing, repairing, dismantling, spraying or other workshop activities will be carried out at the Site. Plans showing the vehicular access 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 application are summarised as follows:

Site Area	About 1,736 m <sup>2</sup>
Total Floor Area (Non-domestic)	About 870 m <sup>2</sup>
No. and Height of Structures	4 • for vehicle showrooms and offices (7m, 1-2 storey(s))
No. of Parking Spaces	6 (for private cars) (5m x 2.5m each)
No. of Loading/ Unloading Space	Nil
Operation Hours	9:00 a.m. to 6:00 p.m., no operation on 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 16.7.2024 (**Appendix I**)
- (b) Further Information (FI) received on 13.8.2024\* (**Appendix Ia**)
- (c) FI received on 29.8.2024\* (**Appendix Ib**)
- (d) FI received on 8.10.2024\* (**Appendix Ic**)  
\* *accepted and exempted from publication and recounting requirements*

1.5 On 8.9.2024, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months as requested by the applicant.

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

The justifications put forth by the applicant in support of the application are detailed in the attachments to the Application Form and FIs (**Appendices I to Ic**). They can be summarised as follows:

- (a) the proposed development is temporary in nature and would not jeopardise the long-term development of the Site;
- (b) the proposal only involves four temporary structures without carrying out major works and filling of land;
- (c) similar applications for shop and services have been approved in the vicinity of the Site. The proposed use is not incompatible with the surrounding area; and
- (d) there will be no adverse environmental, noise, traffic and drainage impacts arising from the proposal.

## 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 the notice to the Ping Shan Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements under TPB PG-No. 31B are not applicable.

#### **4. Background**

The Site is currently not subject to planning enforcement action.

#### **5. Previous Application**

There is no previous planning application concerning the Site.

#### **6. Similar Application**

There is a similar planning application (No. A/YL-TYST/1129) for temporary shop and services use within the subject “V” zone in the past five years. The application was approved by the Committee for a period of three years mainly on the considerations that the proposal was not incompatible with the surrounding areas; approval of the development on a temporary basis would not frustrate the long-term planning intention of the “V” zone; and the concerns of relevant government departments could be addressed by imposing approval conditions. Details of the application are summarised in **Appendix II** and the location of the site is shown on **Plan A-1**.

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

7.1 The Site is:

- (a) accessible from Castle Peak Road – Ping Shan Section (**Plans A-2 and A-3**); and
- (b) currently paved, fenced off and vacant (**Plans A-2 to A-4**).

7.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

- (a) comprise predominantly village houses of Fui Sha Wai intermixed with parking of vehicles, open storage/storage yards, vehicle repair workshops, vehicle showroom, playground, toilet, open space (i.e. Ping Pak Lane Park) and vacant/unused land; and
- (b) some of the parking of vehicles, open storage/storage yards and vehicle repair workshops in the vicinity are suspected unauthorized developments subject to planning enforcement action.

#### **8. Planning Intention**

The planning intention of the “V” zone is to designate both existing recognized villages

and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses (SH) by indigenous villagers. It is also intended to concentrate village type development within the 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 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 Comment Received During the Statutory Publication Period**

On 23.7.2024, the application was published for public inspection. During the statutory public inspection period, a public comment was received from an individual raising concerns that the Site has been used for brownfield operations without valid planning approval and questioning the rationale of the application period of five years and whether there is sufficient land to meet the demand for village houses within the subject “V” zone (**Appendix V**).

## **11. Planning Considerations and Assessments**

- 11.1 The application is for proposed temporary shop and services (motor-vehicle showroom) with ancillary facilities for a period of five years at the Site zoned “V” on the OZP. Although the proposed use is not entirely in line with the planning intention of the “V” zone, it could serve any such demand for shop and services in the area. According to the District Lands Officer/Yuen Long, Lands Department, there is currently no SH application approved/under processing at the Site. Approval of the application on a temporary basis for a period of five years would not jeopardise the long-term planning intention of the “V” zone.
- 11.2 The surrounding area comprises predominantly village houses intermixed with parking of vehicles, open storage/storage yards, vehicle repair workshops, vehicle showroom, playground, toilet, open space and vacant/unused land (**Plans A-2** and **A-3**). The proposed use is generally not incompatible with the surrounding land uses.
- 11.3 Concerned government departments consulted, including the Commissioner for Transport, Director of Environmental Protection, Director of Fire Services and Chief Engineer/Mainland North, Drainage Services Department have no objection to/no adverse comment on the application from traffic, environmental, fire safety and drainage aspects respectively. 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 possible environmental nuisance on the surrounding areas.

- 11.4 The Committee has approved a similar application for temporary shop and services use within the subject “V” zone in the past five years. Approval of the current application is in line with the previous decision of the Committee.
- 11.5 There is one public comment raising concern on the application 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 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 five years until 6.12.2029. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

### Approval conditions

- (a) the submission of a run-in/out proposal within **6** months from the date of planning approval to the satisfaction of the Commissioner for Transport and the Director of Highways or of the Town Planning Board by 6.6.2025;
- (b) in relation to (a) above, the implementation of the run-in/out proposal within **9** months from the date of planning approval to the satisfaction of the Commissioner for Transport and the Director of Highways or of the Town Planning Board by 6.9.2025;
- (c) 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 6.6.2025;
- (d) in relation to (c) above, the implementation of the 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 6.9.2025;
- (e) in relation to (d) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (f) 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 6.6.2025;
- (g) in relation to (f) 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 6.9.2025;

- (h) if the above planning condition (e) 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
- (i) if any of the above planning condition (a), (b), (c), (d), (f) or (g) 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 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 "V" zone which is to designate both existing recognised villages and areas of land considered suitable for village expansion. 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**

<b>Appendix I</b>	Application Form with attachments received on 16.7.2024
<b>Appendix Ia</b>	FI received on 13.8.2024
<b>Appendix Ib</b>	FI received on 29.8.2024
<b>Appendix Ic</b>	FI received on 8.10.2024
<b>Appendix II</b>	Similar Application
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendix V</b>	Public Comment
<b>Drawing A-1</b>	Vehicular Access Plan
<b>Drawing A-2</b>	Proposed Layout Plan
<b>Plan A-1</b>	Location Plan with Similar Application
<b>Plan A-2</b>	Site Plan

**Plan A-3**

Aerial Photo

**Plan A-4**

Site Photos

**PLANNING DEPARTMENT  
DECEMBER 2024**