

RNTPC Paper No. A/HSK/278  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 22.1.2021

---

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

**APPLICATION NO. A/HSK/278**

- Applicant** : Mr. TANG Chun Kee represented by Mr. WONG Sun Wo William
- Site** : Lots 1809 RP(Part), 1810 RP(Part), 1813 RP(Part), 1814(Part), 1815, 1816 and 1817(Part) in D.D. 124 and Adjoining Government Land (GL), San Lee Uk Tsuen, Tin Ha Road, Yuen Long, New Territories
- Site Area** : About 2,085 m<sup>2</sup> (including GL of about 46m<sup>2</sup> or 2.2%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Shui Kiu and Ha Tsuen (HSK&HT) Outline Zoning Plan (OZP) No. S/HSK/2
- Zonings** : “Village Type Development” (“V”) (about 65%);  
[*Restricted to a maximum building height of 3 storeys (8.23 m)*]  
“Open Space” (“O”) (about 18%); and  
area shown as ‘Road’ (about 17%)
- Application** : Proposed Temporary Shop and Services (Pet Goods and Food) with Ancillary Pet Garden for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary shop and services (pet goods and food) with ancillary pet garden for a period of 3 years. The Site falls within an area mainly zoned “V” (about 65%) and partly zoned “O” (about 17%) and shown as ‘Road’ (about 17%) on the approved HSK&HT OZP (**Plan A-1**). According to the Notes for the “V” and “O” zones, ‘Shop and Services’ is a Column 2 use requiring planning permission from the Town Planning Board (the Board). In any area shown as ‘Road’, all uses or developments require planning permission from the Board. The Site is currently hard-paved and vacant (**Plan A-2** and **A-4**).
- 1.2 The Site is related to a previous application (No. A/YL-PS/500) for temporary public vehicle park (private cars and light goods vehicle (LGV)), which was

approved by the Rural and New Town Planning Committee (the Committee) on 22.1.2016. The planning permission was however revoked on 22.4.2017 due to non-compliance of an approval condition.

- 1.3 The Site is accessible via a local track connecting Tin Ha Road and the ingress/egress point is located at its southwest corner of the Site (**Plan A-2 and Drawing A-1**). The proposed development would comprise 2 single-storey temporary structures with a total floor area of about 240m<sup>2</sup>, including a portable toilet (3.5m high, 15m<sup>2</sup>) and a retail shop for pet goods and food (4.5m high, 225m<sup>2</sup>). 10 private car parking spaces (3 for staffs and 7 for customers) and 1 loading/unloading space for light goods vehicle (LGV) are proposed to serve the development (**Drawing A-1**). According to the applicant, the ancillary pet garden is for members only, and customer have to make booking for the parking spaces before they drive in. No animal boarding and pet grooming service will be carried out at the Site. The operation hours of the proposed development will be from 8:00 am to 9:00 pm daily including Sundays and public holidays. The proposed site layout plan, landscape proposal and drainage proposal are at **Drawings A-1 to A-3**.
- 1.4 In support of the application, the applicant has submitted the following documents:
  - (a) Application form received on 24.11.2020 with layout (**Appendix I**) plan, drainage and landscape proposals
  - (b) Supplementary information (SI) received on (**Appendix Ia**) 26.11.2020 clarifying the background information
  - (c) SI received on 27.11.2020 clarifying the background (**Appendix Ib**) information and proposed applied use with replacement page

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

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

- (a) Various large scale housing estates under the Hung Shui Kiu New Development Area (HSK/HT NDA) will be developed soon, and having a pet is common.
- (b) The proposed development aims to serve the pet owners in the nearby areas. The proposed pet garden is for members only, which requires customers to buy \$500 of the goods in order to become members. There will be no pet grooming and animal boarding facilities within the Site.
- (c) The Site is vacant without any structure. The proposed development will be developed according to the submitted layout plan for the proposed retail shop, pet garden and temporary toilet once the application is approved by the Committee.

- (d) The daily traffic flow will not generate more than 10 vehicles trips. The proposed loading/unloading for the LGV is for delivering pet goods and food, which will be delivered on every Monday, Wednesday and Fridays between 10am to 3pm. 7 customer parking spaces will be provided within the Site. Prior booking for parking within the Site would be required. As such, it will not generate traffic impact to Tin Ha Road.

### **3. Compliance with the “Owner’s Consent/Notification” Requirements**

For the private land portion of the Site, 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. 31A) by posting site notice and sending registered mail to Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. The requirements under TPB PG-No. 31A are not applicable to the Government land portion.

### **4. Background**

The Site is not the subject of any current planning enforcement action.

### **5. Previous Application**

5.1 The Site is the subject of a previous application No. A/YL-PS/500 for temporary public vehicle park (private cars and LGV) approved with conditions for a period of 3 years by the Committee on 22.1.2016 on the considerations that the proposed development was not incompatible with the surrounding land uses; temporary approval would not frustrate the long-term development of the area; and no adverse comments from relevant government departments. However, the planning permission was revoked on 22.4.2017 due to non-compliance with approval condition on the implementation of accepted landscape and tree preservation proposal. Details of the application are summarized at **Appendix II** and its location is shown on **Plan A-1**.

5.2 Compared with the last application, the current application is submitted by a different applicant for a different applied use with a slightly smaller site area.

### **6. Similar Application**

There is one similar application (No. A/HSK/222) for proposed temporary shop and services with ancillary office use (for real estate agency and decoration company with display of decoration materials) within the same “V” zone on the approved HSK and HT OZP. The application was rejected by the Committee on 12.6.2020 on the grounds that the proposed development is not in line with the planning intention of the “V” zone and approval of the application would set an undesirable precedent for similar applications within the same “V” zone. Details of the application are summarized in **Appendix III**

and its location is shown on **Plan A-1**.

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

7.1 The Site is:

- (a) fenced, hard paved and vacant; and
- (b) accessible via a local track from Tin Ha Road (**Plan A-2**).

7.2 The surrounding areas have the following characteristics (**Plan A-2**):

- (a) to the north are some open storage yards;
- (b) to the east are a site office, some vacant land, some parking of vehicles and some residential dwellings;
- (c) to the south are some vacant sites under planning applications No. A/HSK/276 and 284\* (**Plan A-2**) while to its further southeast is the village cluster of San Lee Uk Tsuen intermixed with some agricultural land;
- (d) to its south-east is an open storage yard of construction materials; and
- (e) to the west across the local track and the nullah are some open storage yards and vehicle repair workshops; to its further southwest are some storage facilities, warehouse and a factory.

## **8. Planning Intentions**

8.1 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 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 New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

8.2 The planning intention of the “O” zone is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs

---

\* Application No. A/HSK/276 for temporary shop and service (household products and hardware accessories) has been deferred by the Committee upon the applicant’s request on 8.1.2021, while application No. A/HSK/284 for temporary shop and service (real estate agency) is scheduled for the Committee’s consideration on 5.2.2021.

of local residents as well as the general public.

**9. Comments from Relevant Government Departments**

9.1 The following Government departments have been consulted and their views on the application are summarised as follows:

**Land Administration**

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

- (a) The Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government.
- (b) The private lots covered by Short Term Waiver (STW) are as follows:

Lot(s) No. in D.D.124	STW No.	Purposes
1805 and 1817	3915	Temporary Public Vehicle Park for Private cars and LGV (Not Exceeding 5.5 Tonnes) with Ancillary Car Beauty Service
1813	4648	Temporary Public Vehicle Park for Private cars and LGV
1814	4649	Temporary Public Vehicle Park for Private cars and LGV

- (c) According to his record, there is no lease modification/land exchange application or building plan submission in relation to commercial development at the Site approved/under processing.
- (d) There is no small house application approved/under processing within the Site.
- (e) Should planning approval be given to the subject planning application, ~~the lot owner(s) may consider submitting formal applications to his office for~~ ***STW/Short Term Tenancy (STT) holders will need to apply to his office for modification of the STW/STT conditions where appropriate and the lot owner(s) of the lot(s) without STW will need to apply to his office for permitting the structures to be erected or to regularize any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Application(s) for any of the above will be considered by the***

*LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by the LandsD.* ~~to permit erection of the proposed structures on the lots and the adjoining GL. However, there is no guarantee that such application(s) will be approved and he will reserve his right to take any action as may be appropriated. The application will be considered by LandsD acting in the capacity as the landlord at its sole discretion. If such application(s) is approved, it will be subject to such terms and conditions as the Government shall deem fit to do so, including charging of waiver fee, rent, deposit and administration fee etc.~~

### **Traffic**

#### 9.1.2 Comments of the Commissioner for Transport (C for T):

- (a) He has no adverse comment on the application from traffic engineering point of view.
- (b) Sufficient manoeuvring space shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads.
- (c) The local track leading to the Site is not under TD's purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site.

#### 9.1.3 Comments of the Chief Highways Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) The access arrangement should be commented by Transport Department (TD).
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (c) HyD shall not be responsible for the maintenance of any access connecting the Site and Tin Ha Road.

### **Landscape**

#### 9.1.4 Comments of the Chief Town Planning/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) He has no objection to the application from landscape planning

perspective.

- (b) The Site is hard paved with existing trees generally along the site boundary within the Site. The Site is situated in an area of village landscape character predominated by village houses and open storage yards. The proposed use is not incompatible with the landscape character of the surrounding area.
- (c) The Site is not facing any prominent public frontage and there are existing trees within the Site. Should the Board approve this application, he would recommend the inclusion of the condition to maintain all existing trees within the Site in good condition during the planning approval period.
- (d) The applicant should be reminded of the detailed comments at **Appendix V**.

### **Environment**

9.1.5 Comments of the Director of Environmental Protection (DEP):

- (a) Should the application be approved, the applicant will be advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling Environment Aspects of Temporary Uses and Open Storage Sites”.
- (b) There was no environmental complaint pertaining to the Site received in the past 3 years.

### **Drainage**

9.1.6 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection in principle to the proposed application from a drainage point of view.
- (b) Should the Board consider that the application is acceptable from the planning point of view, he would suggest that a condition should be stipulated in the approval letter requiring the applicant to implement and maintain the proposed drainage facilities to the satisfaction of his Division.
- (c) The applicant should be reminded of the detailed comments at **Appendix V**.

### **Building Matters**

9.1.7 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on site, prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorised building works (UBW). An Authorised Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO).
- (b) The applicant should be reminded of the detailed comments at **Appendix V**.

### **Fire Safety**

#### 9.1.8 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposed structures, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval.
- (c) The applicant should be reminded of the detailed comments at **Appendix V**.

### **Long Term Development**

#### 9.1.9 Comments of Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD):

- (a) He has no objection to the application for temporary use for 3 years, which should be considered in accordance with the provisions of the existing OZP and infrastructure capacities.
- (b) However, the Site falls within the boundary of the HSK/HT NDA. According to the Planning and Engineering Study for the HSK/HT NDA, to ensure timely and orderly implementation, the development of HSK/HT NDA and relevant site formation and infrastructure works would be implemented in three phases, viz. First Phase development, Second Phase development and Remaining Phase development. The lot(s) concerned falls within a site under Remaining Phase development in the latest programme of HSK/HT NDA. While the detailed implementation programme for the project is still being formulated, it is envisaged that the site formation and engineering infrastructure works for the Remaining Phase development will commence in 2030.



### **District Officer's Comments**

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

- (a) He has no comment on the application from departmental point of view.
- (b) His office has not received any comment from the locals on the application.

9.2 The following Government departments have no comment on the application:

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);  
and
- (b) Director of Leisure and Cultural Services (DLCS).

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

On 1.12.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one public comment was received from an individual. The commenter raised concerns on the application as the proposed development falls within the HSK/HT NDA which will be commenced soon and such temporary operation should move out from the HSK/HT NDA (**Appendix IV-1**).

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

11.1 The application is for proposed temporary shop and services (pet goods and food) with ancillary pet garden for a period of 3 years at a site within an area mainly zoned "V" (about 65%) and partly zoned "O" (about 18%) and shown as 'Road' (about 17%) on the OZP (**Plan A-1**). The planning intention of the "V" zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. The proposed use is not in line with the planning intention of the "V" zone and there is no strong planning justification given in the submission for a departure from the planning intention of the "V" zone, even on a temporary basis.

11.2 Although the proposed use is considered not incompatible with the surrounding area which is predominated by unused land to its east and village houses to its southeast (the nearest existing residential dwelling is located about 6m away) (**Plan A-2**), there are open storage yard and parking of vehicles in the vicinity of the Site, and most of them are suspected unauthorized developments that will be subject to enforcement actions by the Planning Authority. Despite the applicant claims that the proposed development is intended to serve as shop and services and the proposed pet garden is for members only, the proposed retail shop structure (225m<sup>2</sup>) only occupies about 10.8% of the site area and is considered not in proportion to the main proposed use of the Site. Moreover, insufficient

information has been included in the submission on the need and detailed facilities for the proposed pet garden use.

- 11.3 Relevant departments consulted, including DEP, CE/MN, DSD and D of FS, have no objection to or adverse comment on the application from environmental, drainage and fire safety perspectives.
- 11.4 The Site is the subject of a previous planning approval for temporary public vehicle park submitted by different applicant in 2016, which was subsequently revoked due to non-compliance with the approval condition. There is one similar application (No. A/HSK/222) for proposed temporary shop and services with ancillary office use (for real estate agency and decoration company with display of decoration materials) within the same “V” zone, which was rejected by the Committee on 12.6.2020 for reasons of not in line with the planning intention of the “V” zone and setting of undesirable precedent for similar applications. Rejection of this application is in line with the Committee’s previous decision on the similar application.
- 11.5 There is one public comment raising concerned on the HSK/HT NDA development as summarised in paragraph 10 above. The above planning considerations and assessments are relevant.

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

- 12.1 Based on the assessment made in paragraph 11 above and having taken into account the public comment mentioned in paragraph 10, the Planning Department does not support the application for the following reasons:
  - (a) the proposed use is not in line with the planning intention of the “V” zone which 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. No strong planning justification has been given in the submission for a departure from such planning intention, even on a temporary basis; and
  - (b) approval of the application would set an undesirable precedent for similar applications within the same “V” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.
- 12.2 Alternatively, 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 3 years until 22.1.2024. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

### Approval conditions

- (a) no operation between 9:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;

- (b) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) the existing trees within the Site shall be maintained in good condition at all time during the planning approval period;
- (e) the implementation of the accepted drainage proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **22.10.2021**;
- (f) in relation to (e) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (g) 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 **22.7.2021**;
- (h) in relation to (g) 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 **22.10.2021**;
- (i) if any of the above planning conditions (a), (b), (c), (d) or (f) 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
- (j) if any of the above planning conditions (e), (g) or (h) 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**.

**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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

- 13.3 Alternatively, 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. Attachments**

<b>Appendix I</b>	Application form received on 24.11.2020
<b>Appendix Ia</b>	SI received on 26.11.2020
<b>Appendix Ib</b>	SI received on 27.11.2020
<b>Appendix II</b>	Previous Application covering the Site
<b>Appendix III</b>	Similar Application within the same “V” zone
<b>Appendix IV-1</b>	Public Comment
<b>Appendix V</b>	Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Proposed Landscape Proposal
<b>Drawing A-3</b>	Proposed Drainage Proposal
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and 4b</b>	Site Photos

**PLANNING DEPARTMENT  
JANUARY 2021**