

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

**APPLICATION NO. A/YL-PS/624**

|                           |                                                                                                                                                                                     |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><u>Applicant</u></b>   | : Mr. TANG Pin Fai represented by Metro Planning and Development Company Limited                                                                                                    |
| <b><u>Site</u></b>        | : Lots 256 (Part), 258 RP (Part) & 259 in D.D. 122, Ping Shan, Yuen Long, New Territories                                                                                           |
| <b><u>Site Area</u></b>   | : About 3,472 m <sup>2</sup>                                                                                                                                                        |
| <b><u>Lease</u></b>       | : Block Government Lease (demised for agricultural use)                                                                                                                             |
| <b><u>Plan</u></b>        | : Approved Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/18                                                                                                                       |
| <b><u>Zoning</u></b>      | : “Government, Institution or Community” (“G/IC”) (about 98%) and<br>“Village Type Development” (“V”) (about 2%)<br>[Restricted to a maximum building height of 3 storeys (8.23 m)] |
| <b><u>Application</u></b> | : Temporary Shop 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 wholesale of construction materials for a period of 3 years at the application site (the Site) (**Plan A-1a**). The Site largely falls within an area zoned “G/IC” (98%) with minor portion within “V” zone (2%) on the approved Ping Shan OZP No. S/YL-PS/18 (the OZP). According to the Notes for the “G/IC” zone on the OZP, ‘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 which is always permitted. According to the Notes for the “V” zone on the OZP, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Board. According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of 3 years requires planning permission from the Board notwithstanding that the use or development is not provided for under the Notes of the OZP. The Site is currently used for the applied use with valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is involved in five previous applications (No. A/YL-PS/8, 23, 27, 530 555) for temporary vehicle park, temporary car dismantling workshop and

temporary shop and wholesale of construction materials uses (**Plan A-1b**). The last application No. A/YL-PS/555 for proposed temporary shop and wholesale of construction materials for a period of 3 years was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 16.3.2018 and the permission is valid until 16.3.2021. All the time-limited approval conditions have been complied with. Details of the previous applications are summarised at paragraph 5 and at **Appendix II**.

- 1.3 A comparison of the major development parameters of the current application and the last approved application is as follows:

| <b>Major Development Parameters</b> | <b>Last Approved Application (A/YL-PS/555) (a)</b>                             | <b>Current Application (A/YL-PS/624) (b)</b>                                                   | <b>Difference (b) – (a)</b> |
|-------------------------------------|--------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|-----------------------------|
| Site Area                           | About 3,472m <sup>2</sup>                                                      |                                                                                                | No change                   |
| Applied Use                         | Temporary Shop and Wholesale of Construction Materials for a Period of 3 Years |                                                                                                | No change                   |
| Maximum Floor Area                  | 2,100 m <sup>2</sup>                                                           | 2,360 m <sup>2</sup>                                                                           | + 260 m <sup>2</sup> (+12%) |
| No. of Structures                   | 1<br>• retail and wholesale                                                    | 3<br>• retail and wholesale and site office<br>• toilet<br>• water tank and pump room for FSIs | + 2                         |
| Maximum Height of Structures        | 1 storey (8.5m)                                                                | 1-2 storeys (4-8.5m)                                                                           | + 1 storey (+100%)          |
| No. of Private Car Parking Spaces   | 1<br>(5m x 2.5m each)                                                          |                                                                                                | No change                   |
| No. of Loading/Unloading Bays       | 1<br>(7m x 3.5m each)                                                          |                                                                                                | No change                   |
| Operation Hours                     | 9:00 a.m. to 7:00 p.m. daily<br>(including public holidays)                    |                                                                                                | No change                   |

- 1.4 Compared with the last application No. A/YL-PS/555, the current application is submitted by a different applicant for the same use on the same site, a similar layout with additional structures and increase in total floor area (+260m<sup>2</sup> or +12%).
- 1.5 The vehicular access plan, proposed layout plan, proposed landscape and tree preservation plan and as-built drainage plan are at **Drawings A1 to A4** respectively.

- 1.6 According to the applicant, the Site is accessible from Tsui Sing Road. Only light goods vehicle not exceeding 5.5 tonnes will be allowed to enter/park at the Site. No vehicle stripping, repairing or other workshop activity will be carried out at the Site.
- 1.7 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 18.11.2020 with drainage proposal, estimated traffic generation, proposed layout plan, proposed landscape and tree preservation plan and supplementary information **(Appendix I)**
  - (b) Further information (FI) received on 7.12.2020 to respond departmental comment **(Appendix Ia)**
  - (c) FI received on 8.12.2020 to respond departmental comment **(Appendix Ib)**
  - (d) FI received on 28.12.2020 to respond departmental comment **(Appendix Ic)**  
*(b) to (d) are 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 at **Appendices I to Ib**. They can be summarised as follows:

- (a) The Site is for the applicant's own trading use and the applied use is not a wholesale market.
- (b) The Site is the subject of 2 previous planning permissions for the same applied use since 2017. All the approval conditions imposed on the last permission under application No. A/YL-PS/555 have been complied with. Since additional temporary structures have been erected at the Site, a fresh application is required.
- (c) The construction materials being stored at the Site mainly include sanitary wares and marbles packed in cartons. The applied use would not involve in transportation and/or storage of dusty construction materials. Insignificant environmental, traffic and noise impacts to the surrounding as the applied use is housed within an enclosed structure and no operation will be held during sensitive hours. The applied use is not incompatible with the surrounding environment and land uses, including retail and wholesale and residential uses.
- (d) The Site is not owned by the Government so that the acquisition of land for "G/IC" use takes time. As such, the temporary conversion of the Site for another use would be a prudent use of scarce land resource. It would not jeopardise the long-term planning intention of the "G/IC" zone. Similar temporary retail and wholesale uses were approved by the Committee. 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 Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) 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 not subject to planning enforcement action.

### **5. Previous Applications**

- 5.1 The site is involved in five previous planning applications No. A/YL-PS/8, 23, 27, 530 and 555 for temporary vehicle park, temporary car dismantling workshop and temporary shop and wholesale use. 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/8 and 23 covering a larger site for temporary private car/container vehicle park and temporary public lorry, car and container trailer park for a period of 12 months and 3 years respectively were rejected by the Committee on 20.6.1997 and the Board on 12.6.1998. The reasons were not in line with the planning intentions of “G/IC” and “V” zones; incompatible with the village settlements; insufficient information on access road and landscaping; and undesirable precedent.
- 5.3 Application No. A/YL-PS/27 covering the southern portion of the Site for temporary car dismantling workshop for a period of 3 years was rejected by the Board upon review on 26.6.1998 for similar reasons as stated in paragraph 5.2 above.
- 5.4 Applications No. A/YL-PS/530 and 555 for proposed temporary shop and wholesale of construction materials for a period of 3 years were approved with conditions by the Committee on 13.1.2017 and 16.3.2018 respectively on grounds of 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 3 years would not jeopardise the long-term planning intentions of the “G/IC” and “V” zones. However, application No. A/YL-PS/530 was revoked on 13.4.2018 due to non-compliance with approval conditions.
- 5.5 Compared with the last approved application No. A/YL-PS/555, the current application is submitted by a different applicant for the same use on the same site, a similar layout with additional structures and increase in total floor area (+260m<sup>2</sup> or +12%).

## **6. Similar Applications**

- 6.1 There are five similar applications (Nos. A/YL-PS/483, 503, 531, 568 and 593) for temporary shop and wholesale of construction materials use within the same “G/IC” zone. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1a**.
- 6.2 Applications No. A/YL-PS/483, 503, 531, 568 and 593 for proposed temporary shop and warehouse of construction materials for a period of 3 years were approved with conditions by the Committee on 17.7.2015, 18.12.2015, 13.1.2017, 7.9.2018 and 4.10.2019 respectively. The main considerations were that temporary approval of the application for a period of 3 years would not jeopardise the long-term development of the sites; the proposed use was not incompatible with the surrounding areas; and there was no objection or adverse comment from concerned Government departments. The planning permissions under applications No. A/YL-PS/483, 503 and 531 were revoked on 17.10.2015, 18.5.2018 and 13.6.2019 due to non-compliance with approval conditions.

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

- 7.1 The Site is:
- (a) occupied by temporary structure for shop, warehouse and ancillary office; and
  - (b) accessible from Tsui Sing Road via a local track.
- 7.2 The surrounding areas have the following characteristics:
- (a) to the immediate east and northeast are temporary shop and wholesale of construction materials covered by valid planning permissions under applications No. A/YL-PS/568 and 593. To the immediate southeast is temporary public vehicle park covered by valid planning permission under application No. A/YL-PS/592;
  - (b) to the immediate south are parking of vehicles, which are suspected unauthorised developments. To the further south are village houses of Hang Tau Tsuen; and
  - (c) to the immediate west are graves and unused land.

## **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**

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 the prior approval of the Government.
- (b) Lot No. 256 in D.D. 122 is covered by Short Term Waiver (STW) No. 4857 to permit structures erected thereon for the purpose of “Temporary Shop and Wholesale of Construction Materials”.
- (c) Lot No. 258 RP in D.D. 122 is covered by STW No. 4753 to permit structures erected thereon for the purpose of “Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) and Shop and Wholesale of Construction Materials”.
- (d) Should planning approval be given to the subject planning application, the STW holder(s) will need to apply to his office for modification of the STW conditions where appropriate and the lot owner(s) of the lot(s) without STW will need to apply to his office to permit the structures to be erected or regularise any irregularities on the Site, if any. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD.

### **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 vehicle is 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) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (b) Only the section of Tsui Sing Road of about 120m abutting Ping Ha Road is maintained by HyD. His department shall not be responsible for the maintenance of any access connecting the Site and the section of Tsui Sing Road being maintained by HyD.

**Environment**

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

- (a) Should the application be approved, the applicant shall be advised to follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" ("COP"). The applicant is reminded that it is his obligation to meet the statutory requirements under relevant pollution control ordinances and provide necessary mitigation measures.
- (b) There was no environmental complaint pertaining to the Site received in the past 3 years.

**Landscape**

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

With reference to the aerial photo of 2019 and the site photos taken by his office on 24.5.2019 for compliance check of the last approved application No. A/YL-PS/555, most of the Site is occupied by temporary structures with existing trees of common species along the site boundary. The Site is situated in an area of miscellaneous urban fringe landscape character predominated by warehouses, open storage yards, village houses and woodland. In view that significant adverse landscape impact on existing landscape resources and change in landscape character of the surrounding area arising from the proposed development is not anticipated, he has no objection to the application from landscape planning perspective.

### **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 application from a drainage point of view. 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 submit a revised drainage proposal, to implement and maintain the proposed drainage facilities to the satisfaction of his Division.
- (b) The applicant should note his detailed comments at **Appendix V**.

### **Fire Safety**

9.1.7 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 proposal, 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. The applicant should note his detailed comments at **Appendix V**.

### **Building Matters**

9.1.8 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, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of the Building Authority should be obtained, otherwise they are unauthorised building works (UBW) under the Buildings Ordinance (BO). An Authorised Person should be appointed as the coordinator for the proposed building works in accordance with BO.
- (b) The applicant should note his detailed comments at **Appendix V**.

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

9.1.9 Comments of the DO(YL), HAD:

His office has not received any feedback from locals.



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

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Director of Leisure and Cultural Services (DLCS);
- (c) Executive Secretary (Antiquities & Monuments), Antiquities and Monuments Office (ES(A&M), AMO);
- (d) Director of Electrical and Mechanical Services (DEMS);
- (e) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (f) Commissioner of Police (C of P); and
- (g) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD).

## 10. Public Comment Received During Statutory Publication Period

On 24.11.2020, the application was published for public inspection. During the statutory public inspection period, two objecting public comments from individuals (**Appendices IV-1 and IV-2**) were received on the grounds of adverse traffic and environmental impacts brought by the applied use and the future use of the brownfield sites.

## 11. Planning Considerations and Assessments

- 11.1 The application is for temporary shop and wholesale of construction materials for a period of 3 years. The majority of the Site falls within an area zoned “G/IC” (about 98%), 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. 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. The proposed development, including shop for retail of construction materials is not in line with the planning intention of the “G/IC” zone. However, there is no known programme/intention to implement the zoned use on the Site. Temporary approval of the application for a period of 3 years would not jeopardise the long-term planning intention of the “G/IC” zone.
- 11.2 The Site is mainly surrounded by temporary shop and wholesale of construction materials and parking of vehicles (**Plan A-2**). The proposed development is not incompatible with the surrounding land.
- 11.3 Relevant Government departments, including C for T, DEP, CE/MN of DSD and CTP/UD&L of PlanD, have no objection to or adverse comment on the application. The proposed use will unlikely create significant adverse traffic, environmental, drainage and landscape impacts to the surrounding areas. There has been no environmental complaint concerning the Site received in the past 3 years. To minimise any potential environmental nuisances and to address the technical requirements of concerned Government departments, appropriate approval conditions are recommended in paragraph 12.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorised development on the Site will be subject to enforcement action by the Planning Authority. Should the application be approved, the applicant will be advised to follow the latest “COP” in order to

minimise the possible environmental impacts on the nearby sensitive receivers.

- 11.4 The Committee has approved 2 previous applications for the same use at the Site (No. A/YL-PS/530 and 555) and 5 other similar applications (No. A/YL-PS/483, 503, 531, 568 and 593) within the same “G/IC” zone. Approval of the current application is in line with the Committee’s previous decisions.
- 11.5 There are two public comments received as summarised in paragraph 10 above. The planning considerations and assessments in the paragraphs above are relevant.

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

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department considers that the temporary shop and wholesale of construction materials could be tolerated for a period of 3 years.
- 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 3 years until 8.1.2024. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

### *Approval conditions*

- (a) no operation between 7:00 p.m. and 9:00 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, as proposed by the applicant, 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 boundary fencing shall be maintained during the planning approval period;
- (e) the existing trees within the Site shall be maintained in good condition during the planning approval period;
- (f) 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 **8.7.2021**;
- (g) in relation to (f) 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 **8.10.2021**;

- (h) in relation to (g) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (i) the submission of 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 **8.7.2021**;
- (j) in relation to (i) above, the implementation of 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 **8.10.2021**;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e) or (h) 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;
- (l) if any of the above planning conditions (f), (g), (i) or (j) 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 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**

|                     |                                                                                                                                                                                                 |
|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Appendix I</b>   | Application form received on 18.11.2020 with drainage proposal, estimated traffic generation, proposed layout plan, proposed landscape and tree preservation plan and supplementary information |
| <b>Appendix Ia</b>  | FI received on 7.12.2020                                                                                                                                                                        |
| <b>Appendix Ib</b>  | FI received on 8.12.2020                                                                                                                                                                        |
| <b>Appendix Ic</b>  | FI received on 28.12.2020                                                                                                                                                                       |
| <b>Appendix II</b>  | Previous Applications                                                                                                                                                                           |
| <b>Appendix III</b> | Similar Applications                                                                                                                                                                            |
| <b>Appendix IV</b>  | Public Comments                                                                                                                                                                                 |
| <b>Appendix V</b>   | Advisory Clauses                                                                                                                                                                                |
| <b>Drawing A-1</b>  | Vehicular Access Plan                                                                                                                                                                           |
| <b>Drawing A-2</b>  | Proposed Layout Plan                                                                                                                                                                            |
| <b>Drawing A-3</b>  | Proposed Landscape and Tree Preservation Plan                                                                                                                                                   |
| <b>Drawing A-4</b>  | As-built Drainage 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  
JANUARY 2021**