

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/1064

<u>Applicant</u>	: 上越有限公司
<u>Site</u>	: Lots 587 (Part), 588 (Part), 589 RP (Part) and 591 RP (Part) in D.D. 103, Kam Tin, Yuen Long, New Territories
<u>Site Area</u>	: About 3,500m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
<u>Zoning</u>	: “Agriculture” (“AGR”)
<u>Application</u>	: Proposed Temporary Vehicle Repair Workshop for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary vehicle repair workshop for a period of three years at the application site (the Site), which falls within an area zoned “AGR” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently partially fenced-off, partially hard-paved, partially occupied by overgrown vegetation with tree clusters at the eastern part and some solar panels at the western boundary of the Site (**Plans A-2 and A-4**).
- 1.2 The Site is accessible via a local track leading to Kam Tin Road (**Plans A-1a and A-3**). According to the applicant, the proposed use involves three single-storey structures (not more than 4m in height) with a total floor area of about 675m² for vehicle repair workshops, ancillary office and toilet. No workshop activities will be carried out at the open area of the Site. Two private car parking spaces (5m x 2.5m) and two loading/unloading (L/UL) spaces (7m x 3.5m) for light goods vehicle (LGV) would be provided within the Site. Sufficient manoeuvring space will also be provided within the Site to avoid vehicles turning back to the local access road. The proposed operation hours are between 8:00 a.m. and 8:00 p.m.

from Mondays to Saturdays, with no operation on Sundays and public holidays.
The site layout plan submitted by the applicant is at **Drawing A-1**.

- 1.3 The Site, in part or in whole, is the subject of seven previous applications. The last application No. A/YL-KTS/811 submitted by a different applicant for the same use covering a slightly ~~smaller~~ **larger** site with different layout and development parameters was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 22.2.2019 and the planning permission was subsequently revoked on 22.5.2021 due to non-compliance of time-limited approval conditions (details at paragraph 5 below). Comparison of the major development parameters between the last application and the current application are as follows:

Development Parameters	A/YL-KTS/811 Previous application (a)	A/YL-KTS/1064 Current application (b)	Difference (b)-(a)
Site Area	3,534.8 m ² (about)	3,500 m ² (about)	-34.8m ² (-1%)
Gross Floor Area	about 1,818 m ²	about 675 m ²	-1,143m ² (-62.9%)
Site Coverage	about 26%	about 19%	-7%
No. of Blocks	9	3	-6 (-67%)
No. of Storeys/ Building Height	2 storeys (not more than 7.5m)	1 storey (not more than 4m)	-1 storey (-3.5m)
Private Car Parking Spaces/ L/UL Spaces	4 for private cars 1 L/UL for LGV	2 for private cars 2 L/UL for LGV	-2 +1

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

- (a) Application Form with Supplementary Information (**Appendix I**)
received on 14.3.2025 and 20.3.2025
- (b) Further Information (FI) received on 25.4.2025* (**Appendix Ia**)
- (c) FI received on 29.4.2025* (**Appendix Ib**)
**accepted and 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 in the Application Form and FIs at **Appendices I to Ib**. They can be summarised as follows:

- (a) The proposed use is compatible with the surrounding area. Previous planning approval for the same use covering the Site has been granted and similar planning approvals are also observed in the vicinity of the Site.

- (b) The proposed use is temporary in nature and would not frustrate the planned development, if any, at the Site. The applicant commits to actively communicate with relevant departments to ensure that the proposed use would not result in adverse impacts on the surrounding areas.
- (c) No adverse environmental, traffic, drainage and ecological impacts arising from the proposed development are anticipated.

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 notice to the Kam Tin Rural Committee. Detailed information would be deposited at the meeting for Member’s inspection.

4. **Background**

- 4.1 The Site was filled before the incorporation of land filling control to the Notes for the “AGR” zone on the draft Kam Tin South OZP No. S/YL-KTS/8 gazetted on 1.4.2005.
- 4.2 The Site is not subject to any active enforcement action.

5. **Previous Applications**

- 5.1 The Site, in part or in whole, is the subject of seven previous applications (No. A/YL-KTS/111, 131, 365, 484, 504, 539 and 811). Applications No. A/YL-KTS/131 and A/YL-KTS/811 for temporary open storage of vehicles with ancillary vehicle repairing workshop and proposed temporary vehicle repair workshop were approved by the Board upon review and the Committee in 1998 and 2019 respectively. The remaining five applications (i.e. A/YL-KTS/111, 365, 484, 504 and 539) for various temporary open storage uses were all rejected by the Board upon review or the Committee between 1998 and 2011 which the considerations are irrelevant to the current application due to different applied uses involved. Details of the previous applications are summarised in **Appendix II** and their locations are shown on **Plan A-1b**.
- 5.2 Application No. A/YL-KTS/131 for temporary open storage of vehicles with ancillary vehicle repairing workshop for a period of 12 months was approved with conditions by the Board upon review on 20.11.1998 mainly on the consideration that land could be made available for the widening of the existing footway leading to the application site for vehicular access. However, the approval conditions

relating to vehicular access, landscaping and drainage facilities were not complied with.

- 5.3 Application No. A/YL-KTS/811 for proposed temporary vehicle repair workshop for a period of three years was approved with conditions by the Committee on 22.2.2019 mainly on the considerations that temporary approval would not frustrate the long-term planning intention of the “AGR” zone; and the relevant government departments consulted generally had no adverse comment on the application or their technical concerns could be addressed by appropriate approval conditions. The planning approval was subsequently revoked on 22.5.2021 due to non-compliance with time-limited approval conditions regarding the provision of boundary fencing, the submission and implementation of drainage proposal and the provision of fire service installations.
- 5.4 Compared with the last approved application No. A/YL-KTS/811, the current application is submitted by a different applicant for the same use covering a slightly smaller site with different layout and development parameters as mentioned in paragraph 1.3 above.

6. Similar Application

There is one similar application (No. A/YL-KTS/931) for proposed temporary vehicle repair workshop and shop and services (motor-vehicle showroom) with ancillary office within the same “AGR” zone in the vicinity of the Site on the OZP in the past five years. It was approved with conditions by the Committee in 2022 mainly on similar considerations as mentioned in paragraph 5.3 above. Details of the similar application are summarised in **Appendix II** and the location is shown on **Plan A-1a**.

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

7.1 The Site is:

- (a) accessible via a local track leading to Kam Tin Road; and
- (b) currently vacant, partially fenced-off, partially hard-paved, and partially occupied by overgrown vegetation with tree clusters at the eastern part and some solar panels at the western boundary of the Site

7.2 The surrounding areas are occupied predominantly by open storage and storage yards, vehicle repair workshop, site offices, Au Tau Treatment Works, animal boarding establishments, scattered residential structures, ponds, grassland and vacant land.

8. Planning Intention

The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to

retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

9. Comments from Relevant Government Departments

9.1 Apart from the government department as set out in paragraph 9.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses, if any, are provided in **Appendices III** and **IV** respectively.

9.2 The following government department does not support application:

Agriculture and Nature Conservation

Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation;
- (b) the Site falls within the “AGR” zone and is generally vacant. Agricultural infrastructures such as road access and water source are available in the area. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc.; and
- (c) no comments from nature conservation perspective.

10. Public Comment Received During Statutory Publication Period

On 21.3.2025, the application was published for public inspection. During the statutory publication period, two public comments were received from individuals objecting to the application on the grounds that operation continued at the Site despite that the previous approval covering the Site was revoked and there are potential fire safety concern arising from the proposed use (**Appendix V**).

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary vehicle repair workshop for a period of three years at the Site zoned “AGR” (**Plan A-1**). Whilst the proposed use is not in line with the planning intention of the “AGR” zone and DAFC does not support the application from agricultural perspective, taking into account the planning assessments below, there is no objection to the proposed use on a temporary basis for a period of three years.

11.2 The proposed use is considered not incompatible with the surrounding areas which are occupied predominantly by open storage and storage yards, vehicle repair workshop, site offices, Au Tau Treatment Works, animal boarding establishments, scattered residential structures, ponds, grassland and vacant land (**Plan A-2**). The

Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective and considers that the proposed use is not incompatible with surrounding landscape character and significant adverse landscape impact on landscape resources within the Site arising from the proposed use is not anticipated.

- 11.3 Other relevant government departments consulted including the Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department, Director of Environmental Protection and Director of Fire Services have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 12.2 below. It is also recommended to advise the applicant to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' to minimise any potential environmental nuisance caused by the proposed use on the surrounding areas.
- 11.4 The Committee has approved two previous applications for the same or similar use covering the Site in 1998 and 2019 respectively and one similar application within the same "AGR" zone in the past five years as stated in paragraphs 5 and 6 above. Approving the current application is in line with the Committee's previous decisions.
- 11.5 For the public comments mentioned in paragraph 10 above, the Site is currently vacant without any operations and the departmental comments and planning considerations 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 comments mentioned in paragraph 10 above, PlanD 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 2.5.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference:
 - (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 2.11.2025;
 - (b) in relation to (a) 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 2.2.2026;
 - (c) in relation to (b) above, the implemented drainage facilities 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 2.11.2025;

- (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 2.2.2026;
- (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 in **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 "AGR" zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification 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 14.3.2025
Appendix Ia	FI received on 25.4.2025
Appendix Ib	FI received on 29.4.2025
Appendix II	Previous and Similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comments

Drawing A-1	Site layout plan
Plan A-1a	Location plan
Plan A-1b	Previous Application Plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

PLANNING DEPARTMENT
MAY 2025