

RNTPC Paper No. A/YL-KTN/1003  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 10.5.2024

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**APPLICATION FOR RENEWAL OF PLANNING APPROVAL  
FOR TEMPORARY USE  
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-KTN/1003**

**Applicant** : Mr. LEE Wai Tong

**Site** : Lots 629 S.T, 629 S.U, 630 S.B ss.16 and 630 S.B ss.17 in D.D. 110, Shek Kong San Tsuen, Kam Tin Road, Kam Tin, Yuen Long

**Site Area** : About 1,960 m<sup>2</sup>

**Lease** : Block Government Lease (demised for agricultural use)

**Plan** : Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11

**Zoning** : “Residential (Group D)” (“R(D)”)

**Application** : Renewal of Planning Approval for Temporary Open Storage of Construction Machinery, Private Vehicles and Vehicle Parts for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning permission for temporary open storage of construction machinery, private vehicles and vehicle parts for a period of three years at the application site (the Site) which falls within an area zoned “R(D)” on the Kam Tin North OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use of any land not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use with valid planning permission under the previous application No. A/YL-KTN/762. All the approval conditions have been complied with and the planning permission is valid until 5.6.2024.
- 1.2 According to the applicant, the applied use involves four structures of one to two storeys with building heights of not more than 4.5m and a total floor area of 469.6m<sup>2</sup> for ancillary storage and office uses. Six parking spaces for private cars and one loading/unloading space for medium goods vehicle are provided on-site. The operation hours are from 9:30 a.m. to 6:00 p.m. from Mondays to Saturdays with no operation on Sundays and public holidays. The Site is directly accessible from Kam Tin Road. The layout plan as submitted by the applicant is at **Drawing A-1**.

- 1.3 The Site, in whole or in part, is the subject of 11 previous applications (see details under paragraph 6 below). Compared with the last approved application No. A/YL-KTN/762, the current application is submitted by the same applicant and is the same in terms of the applied use, site area/boundary, layout and major development parameters.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application form with supplementary information received (Appendix I) on 15.3.2024
  - (b) Further Information (FI) received on 2.5.2024\* (Appendix Ia)  
*\* 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, supplementary information and FI at **Appendices I and Ia**. They can be summarised as follows:

- (a) All the approval conditions under the last approved application No. A/YL-KTN/762 had been complied with. Compared with the previous application, the site layout and planning circumstances remain unchanged.
- (b) Appropriate measures have been provided to minimise environmental nuisance. Existing drainage facilities and fire service installations (FSIs) facilities at the Site are well maintained to function properly. No complaint from government departments or neighbours had been received during the approval period.
- (c) The approval of the current renewal application would maintain a small business in this difficult economic environment.

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

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Town Planning Board Guidelines**

- 4.1 The Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No. 13G) promulgated by the Board on 14.4.2023 are relevant to the application. The Site falls within the Category 3 areas under TPB PG-No. 13G. The relevant extract of the Guidelines is attached at **Appendix II**.
- 4.2 The Town Planning Board Guidelines for ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ (TPB PG-No. 34D) are also relevant to this application. The relevant extract of the Guidelines is attached at **Appendix III**.

## 5. **Background**

The Site is currently not subject to any active planning enforcement action.

## 6. **Previous Applications**

- 6.1 The Site, in whole or in part, is the subject of 11 previous applications for various temporary open storage uses. Application No. A/YL-KTN/42 for temporary open storage of private vehicles and vehicle parts was rejected by the Rural and New Town Planning Committee (the Committee) of the Board in 1997, mainly on the grounds that the development was not in line with the planning intention of the “R(D)” zone; and the development was not compatible with the surrounding uses.
- 6.2 The other 10 applications (No. A/YL-KTN/65, 92, 117, 169, 252, 328, 381, 462, 601 and 762) for temporary open storage of construction machinery, private vehicles and vehicle parts (including six renewals of temporary permissions) were all approved with conditions by the Committee between 1998 and 2021, mainly on the considerations that temporary approval would not jeopardise the long term planning intention; the development was not incompatible with the surrounding land uses; there was no adverse comment from concerned departments; and the development complied with the Town Planning Board Guidelines for application for open storage and port back-up uses.
- 6.3 Compared with the last approved application No. A/YL-KTN/762, the current application is the same in terms of the applied use, site area/boundary, layout and major development parameters. All the approval conditions under application No. A/YL-KTN/762 had been complied with and the planning permission is valid until 5.6.2024.
- 6.4 Details of the previous applications are summarised in **Appendix IV** and the locations are shown on **Plan A-1**.

## 7. **Similar Applications**

- 7.1 There are seven similar applications (No. A/YL-KTN/631, 677, 742, 792, 810, 860 and 966), involving four sites, for temporary open storage (including four renewals of temporary permissions) within/straddling the same “R(D)” zone in the vicinity of the Site in the past five years. All the applications were approved with conditions by the Committee between March 2019 and December 2023, on similar considerations as stated in paragraph 6.2 above. The planning permission under application No. A/YL-KTN/792 was revoked in August 2022 due to non-compliance with the approval conditions.
- 7.2 Details of the similar applications are summarised in **Appendix IV** and the locations are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) currently fenced-off, paved, erected with temporary structures, and used for the applied use with valid planning permission under application No. A/YL-KTN/762; and
- (b) directly accessible from Kam Tin Road.

8.2 The surrounding areas are rural in character intermixed with open storage/storage yards, workshop, car services shop, residential dwellings/structures (the nearest less than 10m to the north) and vacant land. The open storage/storage yards, workshop and car services shop are without valid planning permissions. To the south across Kam Tin Road are Shek Kong Barracks.

**9. Planning Intention**

The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

**10. Comments from Relevant Government Departments**

10.1 Apart from the government department as set out in paragraph 10.2 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 are provided in **Appendices V** and **VI** respectively.

10.2 The following government department does not support the application:

**Environment**

Comments of the Director of Environmental Protection (DEP):

- (a) according to the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”, he does not support the application as sensitive receivers, i.e. residential dwellings/structures are found in the vicinity of the Site and the applied use involves the use of heavy vehicles, thus environmental nuisance is expected; and
- (b) there was no environmental complaint concerning the Site received in the past three years.

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

The application was published for public inspection. During the statutory publication period, no public comment was received.

## **12. Planning Considerations and Assessments**

- 12.1 The application is for renewal of planning permission for temporary open storage of construction machinery, private vehicles and vehicle parts for a period of three years at the Site zoned “R(D)” (**Plan A-1**). The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board. The applied use is not in line with the planning intention of the “R(D)” zone. Nevertheless, there is no known long-term development at the Site. It is considered that approval of the application on a temporary basis for a further period of three years would not frustrate the long-term planning intention of the “R(D)” zone.
- 12.2 The applied use is not incompatible with the surrounding land uses which are intermixed with open storage/storage yards, workshop, car services shop, and residential dwellings/structures. The Chief Town Planner/Urban Design & Landscape of the Planning Department considers that no significant landscape impact arising from the applied use is anticipated.
- 12.3 DEP does not support the application as the applied use involves the use of heavy vehicles and environmental nuisance is expected given there are sensitive receivers in the vicinity. In this regard, there was no environmental complaint concerning the Site in the past three years. To address DEP’s concerns, approval conditions restricting the operation hours and prohibiting workshop activities are recommended in paragraph 13.2 below. The applicant will also be advised to follow the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP to minimise possible environmental nuisance generated by the applied use.
- 12.4 The Site falls within Category 3 areas under TPB PG-No. 13G. The following considerations in the Guidelines are relevant:

Category 3 areas: applications would normally not be favourably considered unless the applications are on sites with previous planning approvals (irrespective of whether the application is submitted by the applicant of previous approval or a different applicant). Sympathetic consideration may be given if genuine efforts have been demonstrated in compliance with approval conditions of the previous planning applications and/or relevant technical assessments/proposals have been included in the fresh applications, if required, to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. Planning permission could be granted on a temporary basis up to a maximum period of three years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of

approval conditions;

- 12.5 The application is generally in line with TPB PG-No. 13G and TPB PG-No. 34D in that previous approvals for the same use have been granted since 1998 and all the approval conditions under the last application No. A/YL-KTN/762 had been complied with. The relevant departments consulted, including the Commissioner for Transport, Chief Engineer/Mainland North of the Drainage Services Department and Director of Fire Services have no objection to or no adverse comment on the application; and DEP's concerns can be addressed as mentioned in paragraph 12.3 above. In addition, the renewal of planning approval period sought is of the same time frame as the previous approval; and there has been no material change in the planning circumstances since the granting of the previous approval. To address the technical requirements of the concerned government departments, relevant approval conditions are recommended in paragraph 13.2 below.
- 12.6 There are seven approved similar applications in the vicinity of the Site in the past five years as stated in paragraph 7.1 above. Approving the current application is in line with the Committee's previous decisions.

### **13. Planning Department's Views**

- 13.1 Based on the assessments made in paragraph 12, the Planning Department considers that the applied use could be tolerated for a further period of three years.
- 13.2 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 and be renewed from 6.6.2024 to 5.6.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### Approval conditions

- (a) no operation between 6:00 p.m. and 9:30 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities shall be carried out on the site at any time during the planning approval period;
- (d) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (e) the existing fire service installations implemented on the site shall be maintained in efficient working order at all times during the planning approval period; and
- (f) if any of the above planning condition (a), (b), (c), (d) or (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.

*[The above approval conditions are the same as those under the last approved planning Application No. A/YL-KTN/762, except deletion/revision to the conditions on operation, traffic, landscape and drainage aspects based on the latest comments from relevant departments.]*

#### Advisory clauses

The recommended advisory clauses are at **Appendix VI**.

13.3 There is no strong reason to recommend rejection of the renewal application.

### **14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission for renewal of the planning approval.
- 14.2 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.
- 14.3 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.

### **15. Attachments**

<b>Appendix I</b>	Application form with supplementary information received on 15.3.2024
<b>Appendix Ia</b>	FI received on 2.5.2024
<b>Appendix II</b>	Relevant extract of TPB PG-No. 13G
<b>Appendix III</b>	Relevant extract of TPB PG-No. 34D
<b>Appendix IV</b>	Previous and similar applications
<b>Appendix V</b>	Government departments' general comments
<b>Appendix VI</b>	Recommended advisory clauses
<b>Drawing A-1</b>	Site layout plan
<b>Plan A-1</b>	Location plan with similar applications
<b>Plan A-2</b>	Site plan

**Plan A-3**                      Aerial photo

**Plans A-4a and 4b**      Site photos

**PLANNING DEPARTMENT  
MAY 2024**