

RNTPC Paper No. A/YL-KTN/1034
For Consideration by
the Rural and New Town
Planning Committee
on 6.9.2024 20.9.2024

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

APPLICATION NO. A/YL-KTN/1034

<u>Applicant</u>	: Chief Force Limited
<u>Site</u>	: Lots 247 (Part) and 250 (Part) in D.D. 110, Tsat Sing Kong, Pat Heung, Yuen Long, New Territories
<u>Site Area</u>	: About 235m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11
<u>Zoning</u>	: “Village Type Development” (“V”) [maximum building height of 3 storeys (8.23m)]
<u>Application</u>	: Proposed Temporary Shop and Services (Vehicle Sales and Showroom) for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services (vehicle sales and showroom) for a period of three years at the application site (the Site), which falls within an area zoned “V” on the approved Kam Tin North OZP No. S/YL-KTN/11 (**Plan A-1**). According to the Notes of the OZP, ‘Shop and Services’ is a Column 2 use under the “V” zone which requires planning permission from the Town Planning Board (the Board). The Site is currently vacant and covered with grass (**Plans A-2 to A-4**).
- 1.2 According to the applicant, the proposed use involves an open area of about 122m² for displaying at the same time not more than six private cars or not more than three light goods vehicles (LGVs) for sales. No structure is proposed at the Site. The remaining area will be used for one parking space for LGV and vehicular manoeuvring space. The entire Site will be hard paved for the proposed use. The proposed operation hours are from 9 a.m. to 7 p.m., from Mondays to Saturdays, with no operation on Sundays and public holidays. The Site is accessible from Kam Tin Road via local tracks (**Plans A-1 to A-3**). The site layout plan submitted by the applicant is at **Drawing A-1**.

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

- (a) Application form with attachments received on 15.7.2024 (Appendix I)
- (b) Further Information (FI) received on 14.8.2024* (Appendix Ia)
- (c) FI received on 20.8.2024* (Appendix Ib)

** accepted and exempted from publication and recounting requirements*

1.4 ***In light of ‘gale/storm signal No. 8’ announced by the Government on 5.9.2024, the Rural and New Town Planning Committee (the Committee) agreed on 8.9.2024 to defer considering of the application to this meeting.***

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the application form with attachments and FI at **Appendices I to Ib** and can be summarised as follows:

- (a) The proposed use is intended to mainly meet the local demand for second-hand vehicle sales and showroom. The temporary nature of the application will not frustrate the long-term intention of the “V” zone. In support of the current application, the applicant has submitted drainage and fire service installations proposals.
- (b) No vehicle parts will be stored and no medium or heavy goods vehicle exceeding 5.5 tonnes will be involved at the Site. No dismantling, maintenance, repairing, cleaning, paint-spraying or workshop-related activity will be carried out at the Site. The proposed use will not induce adverse traffic, environmental and drainage impacts on the surrounding areas. The applicant undertakes to comply with the approval condition(s) should planning approval be granted.
- (c) In response to the public comments, the Site is vacant with grass and it does not form part of any existing access to the nearby village houses. For the village houses to the north of the Site, they have access on the west of their lot connecting to an existing track without passing through the Site. The Site also does not involve any lots where village houses are erected. As such, the proposed use at the Site would not obstruct the access to the surrounding village houses. Whilst it is proposed to fence off the Site for operation and proper management sakes, chain-link fencing of not more than 2m in height will be used to minimise any negative shading and ventilation impacts.

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 Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Member’s inspection.

4. Background

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

5. Previous Application

There is no previous application covering the Site.

6. Similar Application

There is no similar application for shop and services use within the same “V” zone in the vicinity of the Site in the past five years.

7. The Site and Its Surrounding Areas (Plans A-2 to A-4)

7.1 The Site is:

- (a) currently vacant and covered with grass; and
- (b) accessible from Kam Tin Road via local tracks.

7.2 The surrounding areas are rural in character with an intermix of open storage/storage yards, car service, village settlements of Tsat Sing Kong (the nearest residential structures are within about 5m to the north of the Site), grassland and vacant land. To the immediate east and further northeast of the Site is a temporary open storage with valid planning permission under application No. A/YL-PH/960 straddling the Pat Heung OZP area.

8. Planning Intention

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.

9. Comments from the 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 in the Recommended Advisory Clauses are provided in **Appendices II** and **III** respectively.

10. Public Comments Received During Statutory Publication Period (Appendix IV)

On 23.7.2024, the application was published for public inspection. During the statutory public inspection period, 17 public comments were received from villagers of Tsat Sing Kong and individuals objecting to the application mainly on the grounds that there are nuisances from the temporary open storage use under application No. A/YL-PH/960 and the fencing erected for the open storage use has enclosed the village houses; the proposed use at the Site would obstruct the access to the nearby village houses; there would be adverse environmental, traffic and drainage impacts; the Site should be used for agricultural purposes; and the proposed use is not in line with the planning intention for the Site.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary shop and services (vehicle sales and showroom) for a period of three years at the Site zoned “V” (**Plan A-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, and land within this zone is primarily intended for development of Small Houses by indigenous villagers. Other commercial, community and recreational uses may be permitted on application to the Board. Whilst the proposed use is not entirely in line with the planning intention of the “V” zone, it is intended to meet the local demand for vehicle sales and showroom services. According to the District Lands Officer/Yuen Long of the Lands Department, there is no Small House application approved or under processing at the Site. It is considered that approval of the application on a temporary basis for three years would not frustrate the long-term planning intention of the “V” zone.
- 11.2 The Site is currently vacant and covered with grass. The proposed use is of a minor scale involving a site area of about 235m². Significant impact arising from the proposed use is not anticipated. The proposed use is considered not incompatible with the surrounding land uses which are rural in character with an intermix of open storage/storage yards, car service and residential structures. The Chief Town Planner/Urban Design and Landscape of the Planning Department considers that no significant landscape impact arising from the proposed use is anticipated.
- 11.3 Other relevant government departments consulted, including the Commissioner for Transport, the Director of Environmental Protection, the Chief Engineer/Mainland North of the Drainage Services Department, and the Director of Fire Services, have no objection to or no adverse comment on the application. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 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” to minimise any potential environmental nuisance caused by the proposed use on the surrounding areas.

- 11.4 There are 17 public comments objecting to the application as mentioned in paragraph 10 above. Those comments in relation to application No. A/YL-PH/960 are not relevant to the current application and according to the approved scheme under application No. A/YL-PH/960, the application site of which does not enclose any village house and boundary fencing has been proposed along the site to minimise possible environmental nuisance to the nearby area. Regarding the concern on obstructing the existing access, the applicant has indicated that the Site does not form part of any existing access to the village houses nearby. For other objecting comments and concerns, the departmental comments and planning considerations above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments in paragraph 10, the Planning Department has no objection to the application.
- 12.2 Should ~~the Rural and New Town Planning Committee~~ (the Committee) ~~of the Board~~ 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 6.9.2027 20.9.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) 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 ~~6.3.2025~~ 20.3.2025;
- (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 ~~6.6.2025~~ 20.6.2025;
- (c) in relation to (b) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) the implementation of the accepted 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 ~~6.6.2025~~ 20.6.2025;
- (e) 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
- (f) if any of the above planning condition (a), (b) or (d) 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 III**.

- 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 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. 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 with attachments received on 15.7.2024
Appendix Ia	FI received on 14.8.2024
Appendix Ib	FI received on 20.8.2024
Appendix II	Government departments' general comments
Appendix III	Recommended advisory clauses
Appendix IV	Public comments
Drawing A-1	Site layout plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
SEPTEMBER 2024**