

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1048

<u>Applicant</u>	: Alpha Bless Limited represented by Man Chi Consultants and Construction Limited
<u>Site</u>	: Lots 1198 S.B (Part) and 1199 RP (Part) in D.D. 109, Kam Tin, Yuen Long, New Territories
<u>Site Area</u>	: About 7,414.8m 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”) [restricted to maximum building height of 3 storeys (8.23m)]
<u>Application</u>	: Proposed Temporary Shop and Services for a Period of Five Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services for a period of five years at the application site (the Site), which falls within an area zoned “V” on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘Shop and Services’ (being not on the ground floor of a New Territories Exempted House (NTEH)) is a Column 2 use under the “V” zone which requires planning permission from the Town Planning Board (the Board). The Site is currently fenced-off, paved and largely vacant with some temporary structures (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Kong Tai Road (**Plans A-2 and A-3**). According to the applicant, the proposed use involves 15 single-storey structures with a total floor area of about 1,736m² and building heights of not more than 3.5m for shop and services (including convenience stores, retail shops, medical consulting rooms, barber shops and beauty parlours), ancillary office, storeroom, guard house, electricity meter room, water tank and pump room (**Drawing A-1**). The proposed use will accommodate not more than 70 visitors and 20 staff members at one time, and 14 parking spaces for private car and four loading/unloading spaces for light goods vehicle will be provided within the Site. A peripheral planting buffer of about 3m in width along the Site boundary is proposed. The proposed operation hours will be between 7 a.m. and 9 p.m. daily, including

Sundays and public holidays. 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 29.8.2024 (**Appendix I**) and 3.9.2024
- (b) Further Information (FI) received on 15.11.2024* (**Appendix Ia**)
- (c) FI received on 23.12.2024* (**Appendix Ib**)

** accepted and exempted from publication and recounting requirements*

1.4 On 25.10.2024, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months as requested by the applicant.

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**, and can be summarised as follows:

- (a) The proposed use is intended to provide services to the local residents in the surrounding communities. The proposed use is not incompatible with the surrounding areas and similar applications were approved in the vicinity of the Site. The temporary nature of the application will not frustrate the long-term planning intention of the “V” zone.
- (b) Sufficient space will be provided for vehicles to manoeuvre smoothly within the Site and the proposed use will generate infrequent trips. A peripheral planting buffer along the site boundary is proposed to minimise the potential environmental nuisance. Adverse impacts are not 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 obtaining consent from the ‘current land owners’. 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 Applications**

Parts of the Site are involved in two previous applications (No. A/YL-KTN/168 and 640) for houses and temporary public vehicle park which are not relevant to the current application due to different uses involved. Details of the previous applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

6. **Similar Applications**

- 6.1 There are four similar applications (No. A/YL-KTN/708, 796, 1057 and 1065) for various temporary shop and services with or without public vehicle park within the same “V” zone in the vicinity of the Site in the past five years.
- 6.2 Application No. A/YL-KTN/708 for temporary shop and services (motor vehicle showroom) was rejected by the Committee in May 2020 mainly on the grounds that it was not in line with the planning intention of the “V” zone as the proposed use, which involved parking of 59 vehicles in open air, was akin to open storage and no strong justification was given for the proposed use of such scale and nature in the “V” zone and a departure from the planning intention.
- 6.3 Applications No. A/YL-KTN/796 (which was subsequent to application No. A/YL-KTN/708 with similar site area) for temporary motor vehicle showroom and public vehicle park, as well as A/YL-KTN/1057 and 1065 both for temporary shop and services were all approved with conditions by the Committee between December 2021 and December 2024 mainly on the considerations that the temporary approval would not frustrate the long-term planning intention of the “V” zone; the proposed use was not incompatible with the surrounding land uses; and the relevant government departments consulted generally had no adverse comments or their technical concerns could be addressed by approval conditions. The planning permission under application No. A/YL-KTN/796 was subsequently revoked in June 2024 due to non-compliance with approval conditions.
- 6.4 Details of the similar applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

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

- 7.1 The Site is:
 - (a) currently fenced-off, paved and largely vacant with some temporary structures; and
 - (b) accessible from Kong Tai Road.
- 7.2 The surrounding areas are rural in character with an intermix of open storage/storage yards, parking of vehicles, vehicle repair workshop, warehouse, residential structures, farmland, grassland and vacant land. To the south are an existing water stream and a wetland within the “Conservation Area (1)” zone. To

the further east is the residential development Seasons Monarch. To the further southwest across Kam Tin Bypass are the village settlements of Kam Tin Shing Mun San Tsuen and Tai Hong Wai. The village settlement of Tai Kong Po is about 500m to the further northeast (**Plan A-1**).

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 NTEH. 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 III** and **IV** respectively.

10. Public Comments Received During Statutory Publication Period

On 6.9.2024, the application was published for public inspection. During the statutory public inspection period, three public comments were received from the villagers of Tai Kong Po, owners of Seasons Monarch and an individual. The comments from the villagers and owners object to the application mainly on the grounds of adverse environmental, safety and traffic impacts; whilst the individual objects to the application mainly on the grounds that retail outlets in the “V” zone should serve the village but not private residential development like Seasons Monarch (**Appendix V**).

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary shop and services for a period of five 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, the applicant indicates that it is intended to provide services to the local residents. According to the District Lands Officer/Yuen Long of Lands Department, there is no Small House application approved or under processing

within the Site. The proposed use of temporary nature would not adversely affect the land availability for NTEH/Small House development within the “V” zone in the long term. It is considered that approval of the application on a temporary basis for five years would not frustrate the long-term planning intention of the “V” zone.

- 11.2 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, parking of vehicles, vehicle repair workshop, warehouse, residential structures, farmland, grassland and vacant land. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) 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, Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department 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. 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.
- 11.4 There are four similar applications involving various temporary shop and services within the same “V” zone in the vicinity of the Site in the past five years, with three of them (applications No. A/YL-KTN/796, 1057 and 1065) approved by the Committee as mentioned in paragraph 6.3 above. Whilst the similar application No. A/YL-KTN/708 was rejected by the Committee, its planning circumstances are different from the current application as it involved large scale open-air vehicle showroom akin to open storage as mentioned in paragraph 6.2 above. Approving the current application is in line with the Committee’s previous decisions.
- 11.5 Regarding the public comments mentioned in paragraph 10, the departmental comments and planning assessments 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 five years until 10.1.2030. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (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 10.7.2025;

- (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 10.10.2025;
- (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 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 10.7.2025;
- (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 10.10.2025;
- (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 at **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 "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, and 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 29.8.2024 and 3.9.2024
Appendix Ia	FI received on 15.11.2024
Appendix Ib	FI received on 23.12.2024
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-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
JANUARY 2025**