

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATIONS NO. A/YL-KTN/1057 and 1065

<u>Applicant</u>	: Alpha Bless Limited represented by Man Chi Consultants and Construction Limited	
<u>Sites</u>	: Lots 1198 S.A RP (Part) and 1199 RP (Part) in D.D. 109	(Application No. A/YL-KTN/1057)
	: Lots 1198 S.A RP (Part), 1198 S.A ss.1 and 1198 S.A ss. 2 in D.D. 109 and adjoining Government Land (GL)	(Application No. A/YL-KTN/1065)
	Kam Tin, Yuen Long, New Territories	
<u>Site Areas</u>	: About 2,514.8m ²	(Application No. A/YL-KTN/1057)
	: About 8,776m ² (including GL of about 44m ² (about 0.5%))	(Application No. A/YL-KTN/1065)
<u>Leases</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>Applications</u>	: Proposed Temporary Shop and Services for a Period of Five Years	

1. The Proposals

- 1.1 The applicant seeks planning permissions for proposed temporary shop and services for a period of five years at the application sites (the Sites), which fall 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). Currently, the Sites are partly fenced and paved, largely vacant and occupied by some vehicles,

and a few temporary structures are also erected at the Site under application No. A/YL-KTN/1065 (**Plans A-4a and A-4b**).

- 1.2 The Sites are accessible from Kong Tai Road (**Plans A-2 and A-3**). Major development parameters of the two applications are summarised as follows:

	A/YL-KTN/1057	A/YL-KTN/1065
Site Area (about)	2,514.8m ²	8,776m ²
No. of Structures	6	12
No. of Storey	1	
Building Height	Not more than 3.5m	
Total Floor Area	About 748m ²	About 1,577.5m ²
Use of the Structures	<ul style="list-style-type: none"> • shop and services[#] • ancillary office, guard house and electricity meter room 	<ul style="list-style-type: none"> • shop and services[#] • ancillary office, storeroom, guard house, electricity meter room, and water tank and pump room
No. Parking Spaces for Private Car	3	7
No. of Loading/unloading Space for Light Goods Vehicle	1	4

[#] convenience stores, retail shops, medical consulting rooms, barber shops, beauty parlours, etc.

- 1.3 According to the applicant, the proposed use will involve not more than 30 visitors and ten staff members in each of the Sites and the operation hours will be between 7 a.m. and 9 p.m. daily, including Sundays and public holidays. For application No. A/YL-KTN/1065, a 3m buffer from an existing watercourse within the Site is proposed. The site layout plans submitted by the applicant are at **Drawings A-1 and A-2**:
- 1.4 In support of the applications, the applicant has submitted the following documents:

- Application Form (No. A/YL-KTN/1057) with (**Appendix Ia**) attachments received on 8.10.2024
- Application Form (No. A/YL-KTN/1065) with (**Appendix Ib**) attachments received on 10.10.2024
- Further Information (FI) for application No. A/YL-KTN/1057 received on 15.11.2024^{*} (**Appendix Ic**)
- FI for application No. A/YL-KTN/1057 received on 20.11.2024^{*} (**Appendix Id**)
- FI for application No. A/YL-KTN/1057 received on 27.11.2024^{*} (**Appendix Ie**)
- FI for application No. A/YL-KTN/1065 received on 20.11.2024^{*} (**Appendix If**)

^{*} accepted and exempted from publication and recounting requirements

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the applications are detailed in the Application Forms and FIs at **Appendices Ia to If** 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 there were similar applications approved in the vicinity of the Sites. The temporary nature of the applications 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 Sites. The proposed use will generate infrequent trips. For application No. A/YL-KTN/1065, a 3m buffer from an existing watercourse is proposed to minimise the potential environmental nuisance. Adverse impacts are not anticipated.
- (c) The two applications No. A/YL-KTN/1057 and 1065 are submitted by the same applicant and intended to serve different operators. The applications are submitted separately to allow flexibility in future operation.

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

The applicant is not a ‘current land owner’ of the respective lots 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. Regarding the GL portion of the Site under application No. A/YL-KTN/1065, the ‘Owner’s Consent/Notification’ Requirements are not applicable.

4. Background

The Sites are currently not subject to any active planning enforcement action. Subject to collection of sufficient evidence, appropriate enforcement action under the Town Planning Ordinance would be undertaken.

5. Previous Application

- 5.1 Majority parts of the Sites are the subject of a previous application (No. A/YL-KTN/168) for houses, which is not relevant to the current applications for shop and services due to different use involved.
- 5.2 Details of the previous application are summarised in **Appendix II** and its location is shown on **Plan A-1**.

6. Similar Applications

- 6.1 There are two similar applications (No. A/YL-KTN/708 and 796) for temporary shop and services (motor vehicle showroom) with or without public vehicle park within the same “V” zone in the vicinity of the Sites in the past five years.
- 6.2 Application No. A/YL-KTN/708 for temporary motor vehicle showroom was rejected by the Rural and New Town Planning Committee (the Committee) of the Board 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 Subsequently, application No. A/YL-KTN/796, which covered the majority part of the site under application No. A/YL-KTN/708, for temporary motor vehicle showroom and public vehicle park was approved by the Committee in December 2021 mainly on the considerations that the temporary approval would not jeopardise 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 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 Sites and Theirs Surrounding Areas (Plans A-1 to A-4b)

- 7.1 The Sites are:
 - (a) partly fenced and paved, largely vacant and occupied by some vehicles. Within the Site under application No. A/YL-KTN/1065, there are a few temporary structures erected and part of a watercourse along the northwestern boundary; and
 - (b) accessible from Kong Tai Road.
- 7.2 The surrounding areas are rural in character with an intermix of residential structures, works site, open storage/storage yards, vehicle repair workshop, parking of vehicles, grassland and vacant land. To the southwest across Kam Tin Bypass are the village settlements of Kam Tin Shing Mun San Tsuen and Tai Hong Wai (**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 Relevant Government Departments

All government departments consulted have no objection to or no adverse comment on the applications. Their general comments on the applications and advisory comments in the Recommended Advisory Clauses are provided in **Appendices III** and **IV** respectively.

10. Public Comments Received During Statutory Publication Periods

On 15.10.2024 and 18.10.2024, applications No. A/YL-KTN/1057 and 1065 were published for public inspection respectively. During the statutory publication periods, one public comment was received for each of the applications from the same individual. The comment on application No. A/YL-KTN/1057 objects to the application mainly on the grounds that there is no provision of toilets and the hygiene standard is not met; whereas the comment on application No. A/YL-KTN/1065 objects to the application mainly on the grounds that the proposed use is not in line with the planning intention of the “V” zone and the Site has been filled without prior approval (**Appendices Va** and **Vb**).

11. Planning Considerations and Assessments

11.1 The applications are for proposed temporary shop and services for a period of five years at the Sites 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 provide services to the local residents as indicated by the applicant. According to the District Lands Officer/Yuen Long of Lands Department, there is no Small House application approved or under processing within the Sites. 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 applications 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 residential structures, works site, open storage/storage yards, vehicle repair workshop, parking of vehicles,

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, Director of Fire Services and Director of Food and Environmental Hygiene, have no objection to or no adverse comment on the applications. 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 two similar applications involving temporary shop and services (motor vehicle showroom) within the same "V" zone in the vicinity of the Sites in the past five years as mentioned in paragraph 6.1 above. While the similar application No. A/YL-KTN/708 was rejected by the Committee, its planning circumstances involving large scale open-air vehicle showroom akin to open storage as mentioned in paragraph 6.2 above are different from the current applications. The other similar application No. A/YL-KTN/796 was approved by the Committee as mentioned in paragraph 6.3 above. Approving the current application is in line with the Committee's previous decision.
- 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 applications.
- 12.2 Should the Committee decide to approve the applications, it is suggested that the permissions shall be valid on a temporary basis for a period of five years until 6.12.2029. The following conditions of approval and advisory clauses on each of the applications 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 6.6.2025;
- (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 6.9.2025;
- (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 6.6.2025;
- (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 6.9.2025;
- (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 applications, 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 applications and decide whether to grant or refuse to grant permissions.
- 13.2 Should the Committee decide to approve the applications, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permissions, and the period of which the permissions should be valid on a temporary basis.
- 13.3 Alternatively, should the Committee decide to reject the applications, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix Ia	Application Form (No. A/YL-KTN/1057) with attachments received on 8.10.2024
Appendix Ib	Application Form (No. A/YL-KTN/1065) with attachments received on 10.10.2024
Appendix Ic	FI for application No. A/YL-KTN/1057 received on 15.11.2024
Appendix Id	FI for application No. A/YL-KTN/1057 received on 20.11.2024
Appendix Ie	FI for application No. A/YL-KTN/1057 received on 27.11.2024
Appendix If	FI for application No. A/YL-KTN/1065 received on 20.11.2024
Appendix II	Previous and similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix Va	Public comment for application No. A/YL-KTN/1057
Appendix Vb	Public comment for application No. A/YL-KTN/1065
Drawing A-1	Site layout plan for application No. A/YL-KTN/1057
Drawing A-2	Site layout plan for application No. A/YL-KTN/1065
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4a & 4b	Site photos

**PLANNING DEPARTMENT
DECEMBER 2024**