

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

APPLICATION NO. A/YL-KTN/1087

<u>Applicant</u>	: Firm Yield Development Limited
<u>Site</u>	: Lots 529 S.B (Part) in D.D. 109, Lot 644 S.A RP (Part) in D.D. 110, and adjoining Government Land (GL), Kam Tin Road, Kam Tin, Yuen Long, New Territories
<u>Site Area</u>	: About 460m ² (including GL of about 38m ² (8%))
<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>	: “Open Space” (“O”) (about 371m ² (81%)); “Residential (Group D)” (“R(D)”) (about 89m ² (19%)) [restricted maximum PR of 0.4 and building height of 3 storeys (9m)]
<u>Application</u>	: Renewal of Planning Approval for Temporary Open Storage of Private Cars for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval to continue using the application site (the Site) for temporary open storage of private cars for a period of three years. The Site falls within an area zoned partly “O” (81%) and partly “R(D)” (19%) on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently erected with temporary structures and occupied by the applied use with valid planning permission under application No. A/YL-KTN/810 until 8.3.2025 (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Kam Tin Road (**Plan A-2**). According to the applicant, the applied use involves an open shed and two container structures of one to two storeys with heights not exceeding 6m and a total floor area of about 238m² for rain shelter, ancillary site office and storage. Storage space for 16 private cars and five parking spaces for private cars for staff and visitors will be provided at the Site (**Drawing A-2**). The operation hours are from 9:00 a.m. to 8:00 p.m.

from Mondays to Saturdays, with no operation on Sundays and public holidays. The layout plans submitted by the applicant are at **Drawings A-1** and **A-2**.

- 1.3 The Site is the subject of nine previous applications (details at paragraph 6 below) including the last approved application No. A/YL-KTN/810 submitted by the same applicant for the same use as the current application. The planning permission is valid until 8.3.2025 and all the approval conditions have been complied with. Compared with application No. A/YL-KTN/810, the development parameters and layout under the current application remain unchanged.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 13.1.2025 (**Appendix I**)
 - (b) Further Information (FI) received on 20.1.2025* (**Appendix Ia**)
 - (c) FI received on 7.2.2025* (**Appendix Ib**)
 - (d) FI received on 12.2.2025* (**Appendix Ic**)
 - (e) FI received on 14.2.2025* (**Appendix Id**)

** 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 FI at **Appendices I** to **Id**, and can be summarised as follows:

- (a) The applicant's company has been established for over 20 years. Previous applications for the same applied use at the Site have been approved, including the last application No. A/YL-KTN/810. The applicant intends to continue its operation at the Site so that the staff would not become unemployed.
- (b) The application is for renewal of planning approval. All the approval conditions under the previous application have been complied with. The storage of vehicles would not cause significant traffic impact. In support of the current application, record of existing drainage facilities and certificate of fire service installation and equipment (FS 251) have been submitted.

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 publishing notices in local newspapers and sending notice to the Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members' inspection. For the GL portion of the Site, the 'Owner's Consent/ Notification' requirements are not applicable.

4. Town Planning Board Guidelines

- 4.1 The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D) are relevant to the application. The assessment criteria are detailed at **Appendix II**.
- 4.2 The Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13G) promulgated by the Board on 14.4.2023 are relevant to the application. The Site falls within Category 3 areas under TPB PG-No. 13G and the relevant extract is at **Appendix III**.

5. Background

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

6. Previous Applications

- 6.1 The Site is the subject of nine previous applications (No. A/YL-KTN/33, 77, 128, 148, 160, 241, 455, 631 and 810). All these applications were submitted by the same applicant as the current application. Application No. A/YL-KTN/33 for public car park is not relevant to the current application due to different use involved.
- 6.2 Application No. A/YL-KTN/148 for temporary open storage of private cars and company cars maintenance was rejected by the Rural and New Town Planning Committee (the Committee) of the Board in August 2002 mainly on the grounds that the applied use did not comply with the relevant Town Planning Board Guidelines for application for open storage and port back-up uses and there was insufficient information to demonstrate that the applied use would not cause adverse environmental and drainage impacts on the surrounding areas.
- 6.3 The remaining seven applications (No. A/YL-KTN/77, 128, 160, 241, 455, 631 and 810) for temporary open storage of private cars (including two renewals of temporary approval granted) were approved with conditions by the Committee between 1998 and 2022 mainly on the considerations that temporary approval would not frustrate the long-term planning intentions of the “O” and “R(D)” zones; the applied use was not incompatible with the surrounding areas; the relevant government departments consulted generally had no adverse comment or their technical concerns could be addressed by approval conditions; and the applied use was generally in line with the Town Planning Board Guidelines for application for open storage and port back-up uses. The planning permissions under applications No. A/YL-KTN/128 and 455 were subsequently revoked in November 2001 and February 2015 respectively due to non-compliance with approval conditions. For the last approved application No. A/YL-KTN/810, all approval conditions have been complied with and the planning permission is valid

until 8.3.2025. Compared with application No. A/YL-KTN/810, the current application is the same in terms of development parameters and layout.

- 6.4 Details of the previous applications are at **Appendix IV** and the locations are shown on **Plan A-1**.

7. Similar Applications

- 7.1 There are six similar applications (No. A/YL-KTN/742, 762, 792, 860, 966 and 1003), involving four sites, for various temporary open storage uses (including five renewals of temporary approval granted) within the same “R(D)” zone, and no similar application within the same “O” zone, in the vicinity of the Site in the past five years. All these applications were approved with conditions by the Committee between 2021 and 2024 on the similar considerations as mentioned in paragraph 6.3 above. The planning permission under application No. A/YL-KTN/792 was subsequently revoked in August 2022 due to non-compliance with 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 erected with temporary structures and occupied by the applied use with valid planning permission under application No. A/YL-KTN/810; and
 - (b) accessible from Kam Tin Road.
- 8.2 The surrounding areas are rural in character with an intermix of vehicle service workshops, open storage yard, parking of vehicles, petrol filling stations and residential structures. To the further northwest is the residential development namely Seasons Monarch. To the further south are Shek Kong Barracks.

9. Planning Intentions

- 9.1 The planning intention of the “O” zone is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.
- 9.2 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 the Relevant Government Departments

All the 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, if any, are provided in **Appendices V and VI** respectively.

11. Public Comments Received During Statutory Publication Period

On 17.1.2025, the application was published for public inspection. During the statutory public inspection period, 35 comments were received from individuals, including 28 in the same standard form, objecting the application mainly on the grounds that the applied use will induce adverse traffic impact (**Appendix VII**).

12. Planning Considerations and Assessments

12.1 The application is for renewal of planning approval for temporary open storage of private cars for a period of three years at the Site zoned partly “O” (about 81%) and partly “R(D)” (about 19%) (**Plan A-1**). Whilst the applied use is not in line with the planning intentions of the “O” and “R(D)” zones, the Director of Leisure and Cultural Services advises that there is no plan to develop the Site into public open space in the upcoming three years and has no objection to the application, and there is also no known development proposal for the “R(D)” zone within the Site. Renewal of planning approval for the applied use on a temporary basis for a period of three years would not frustrate the long-term planning intentions of the “O” and “R(D)” zones.

12.2 The applied use is considered not incompatible with the surrounding land uses which are rural in character with an intermix of vehicle service workshops, open storage yard, parking of vehicles, petrol filling stations and residential structures. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective considering that significant adverse landscape impact is not anticipated.

12.3 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.

- 12.4 The application is considered generally in line with TPB PG-No. 13G in that previous planning approvals for the same applied use have been granted between 1998 and 2022. The current application is the same as the last approved application No. A/YL-KTN/810 in terms of development parameters and layout. All the approval conditions under the application No. A/YL-KTN/810 have been complied with. In this regard, sympathetic consideration may be given to the current application.
- 12.5 The application is also considered generally in line with TPB PG-No. 34D in that there is no major change in planning circumstances; all the approval conditions under the last application have been complied with; adverse planning implication arising from the renewal is not anticipated; and the three-year approval period sought which is the same timeframe as the last approval is reasonable.
- 12.6 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 the concerned departments, relevant approval conditions 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' to minimise any potential environmental nuisance caused by the applied use.
- 12.7 The Site is the subject of eight previous applications for temporary open storage as detailed in paragraph 6 above. Whilst application No. A/YL-KTN/148 was rejected by the Committee, its planning circumstances are different from the current application in that it did not comply with the relevant Town Planning Board Guidelines for application for open storage and port back-up uses and there was insufficient information to demonstrate that it would not cause adverse environmental and drainage impacts. For the seven previously approved applications for the same applied use and submitted by the same applicant as the current application, although the planning permissions under two applications were subsequently revoked due to non-compliance with approval conditions, all the approval conditions under the last approved application No. A/YL-KTN/810 have been complied with. In this regard, sympathetic consideration may be given to the current application. The applicant will be advised that sympathetic consideration may not be given to any further applications should he fail to comply with any of the approval conditions again resulting in revocation of planning permission.
- 12.8 There are six approved similar applications for temporary open storage within the same "R(D)" zone in the vicinity of the Site as mentioned in paragraph 7.1 above. Approving the current application is in line with the Committee's previous decisions.

- 12.9 Regarding the public comments as mentioned in paragraph 11 above, the departmental comments and planning assessments above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11 above, PlanD has no objection to the application.
- 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 9.3.2025 to 8.3.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (b) 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
- (c) if any of the above planning condition (a) or (b) 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.

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.
- 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

Appendix I	Application Form with attachments received on 13.1.2025
Appendix Ia	FI received on 20.1.2025
Appendix Ib	FI received on 7.2.2025
Appendix Ic	FI received on 12.2.2025
Appendix Id	FI received on 14.2.2025
Appendix II	Relevant extract of TPB PG-No. 34D
Appendix III	Relevant extract of TPB PG-No. 13G
Appendix IV	Previous and similar applications
Appendix V	Government departments' general comments
Appendix VI	Recommended advisory clauses
Appendix VII	Public comments
Drawings A-1 and A-2	Site layout plans
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
FEBRUARY 2025**