

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

APPLICATION NO. A/YL-KTN/860

<u>Applicant</u>	:	Ms. WONG Shui-ying
<u>Site</u>	:	Lot 667 (Part) in D.D. 110, Kam Tin Road, Yuen Long
<u>Site Area</u>	:	About 595 m 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/9
<u>Zoning</u>	:	“Residential (Group D)” (“R(D)”) [maximum plot ratio of 0.4 and maximum building height of 3 storeys (9m)]
<u>Application</u>	:	Renewal of Planning Approval for Temporary Open Storage of Vehicles (Lorries, Vans and Private Cars) for Sale for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission to use the application site (the Site) for temporary open storage of vehicles (lorries, vans and private cars) for sale for a period of 3 years. The Site falls within an area zoned “R(D)” on the Kam Tin North OZP (**Plan A-1a**). According to the covering Notes of the OZP, temporary use or development of any land not exceeding a period of 3 years requires planning permission from the Town Planning Board (the Board). The Site is paved, partly fenced and currently used for the applied use with valid planning permission under Application No. A/YL-KTN/677 until 15.11.2022 (**Plans A-2 to A-4b**).
- 1.2 The Site is involved in ten previous planning applications (detailed in paragraph 6 below). The current application is the same as the last approved application No. A/YL-KTN/677 submitted by the same applicant in terms of the applied use, site area / boundary, site layout and major development parameters. All the approval conditions are complied with.
- 1.3 According to the applicant, the Site is occupied by a shed with floor area of about 30m² and building height of about 6m for use as rain/sun shelter. A total of 12 lorries, vans or private cars could be stored within the Site. No vehicles exceeding 5.5 tonnes will be parked / stored and no workshop will be provided within the Site.

The operation hours are between 9:00 a.m. to 7:00 p.m. from Mondays to Saturdays. There is no operation on Sundays and public holidays. The Site is directly accessible from Kam Tin Road via the ingress/egress located in the southwest of the Site. The site layout plan submitted by the applicant is at **Drawing A-1**.

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

- (a) Application form with supplementary information (Appendix I)
received on 19.9.2022 and 23.9.2022
- (b) Further Information (FI) received on 4.11.2022 and (Appendix Ia)
7.11.2022

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 in **Appendices I** and **Ia**. They can be summarized as follows:

- (a) The development has a long history in serving the community and is a business complementing other car yards and car dismantling business along Kam Tin Road.
- (b) The vehicles will be transported or driven to the Site during day time and are likely to remain in the Site for one or two weeks before successful sale. Therefore, the number of trips generated will be relatively small.
- (c) The shed is for general shelter purpose only and there is no water or electricity supply and parking within the shed.
- (d) The applicant has adhered strictly to those planning conditions stipulated by the Board in the previously approved application. No modification to the existing structure was made. Drainage facilities implemented on-site have been properly maintained. No adverse environmental, traffic and drainage impacts are anticipated.

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 ‘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 this application. Relevant extract of the Guidelines is attached 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. 13F) promulgated on 27.3.2020 are also relevant to the application. The Site falls

within Category 3 area under the Guidelines. Relevant extract of the Guidelines 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 ten previous applications (No. A/YL-KTN/45, 76, 104, 179, 254, 332, 389, 486, 539 and 677) submitted by the same applicant and covering similar site area as the current application. All applications, mainly for the same temporary open storage of vehicles (with or without car repairing workshop) use were approved between December 1997 and November 2019 mainly on considerations that the developments were in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that previous planning approvals were given and the applicants had complied with the approval conditions; approval of the applications on a temporary basis would not frustrate the long-term planning intention of the “R(D)” zone; there was no change in the planning circumstances pertaining to the site since the granting of previous approvals; the developments were not incompatible with the surrounding land uses; and there was no adverse departmental comments or the departmental concerns could be addressed by imposition of approval conditions. However, the planning permission of application No. A/YL-KTN/486 was revoked on 18.12.2015 due to non-compliance with the approval condition on provision of fire extinguisher.
- 6.2 Compared with the last approved Application No. A/YL-KTN/677, the current application submitted by the same applicant is the same in terms of the applied use, site area / boundary, site layout and major development parameters. All the approval conditions are complied with and the application is valid until 15.11.2022.
- 6.3 Details of the applications are summarized in **Appendix IV** and the locations are shown on **Plan A-1b**.

7. **Similar Applications**

- 7.1 There are 5 similar applications (No. A/YL-KTN/580, 601, 631, 635 and 810), involving 4 sites, for various temporary open storage uses or renewal of the planning approval granted by the Rural and New Town Planning Committee (the Committee) within the same “R(D)” zone in the vicinity of the Site in the past 5 years. All the applications for were approved with conditions by the Committee between January 2018 and January 2022 on similar considerations as stated in paragraph 6.1 above. However, the planning permission of Application No. A/YL-KTN/635 was revoked in April 2021 due to non-compliance with approval conditions.
- 7.2 Details of the applications are summarized in **Appendix IV** and the locations are shown on **Plan A-1a**.

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

8.1 The Site is:

- (a) paved, partly fenced and currently used for the applied use with valid planning permission under Application No. A/YL-KTN/677; and
- (b) accessible from Kam Tin Road.

8.2 The surrounding areas have the following characteristics:

- (a) to the west are open storage yards for vehicles and vehicle parts, one of them is covered by valid planning permission (No. A/YL-KTN/742) and one of them is an “existing use” under the Town Planning Ordinance;
- (b) to the east is a tailor shop, and to the further east, within the “Open Space” zone, are active farmland and grass land;
- (c) to the north are residential dwellings / structures (the nearest about 20m) and grass land. To the further north, across Kam Tin River, are a fish farm and grass land; and
- (d) to the south is Kam Tin Road, and across which is the 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 Department

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 V** and **VI** respectively.

11. Public Comments Received During the 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 vehicles (lorries, vans and private cars) within the “R(D)” zone for a period of 3 years. 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. Whilst the applied use is not in line with the planning intention of the “R(D)” zone, there is no known programme for permanent development at the Site. It is considered that approval of the application on a temporary basis would not frustrate the long-term planning intention of the “R(D)” zone.

- 12.2 The development is not incompatible with the surrounding land uses which are rural in character intermixed with open storage yards, a residential dwellings/structures, barracks, active farmland and vacant / grass land. The closest residential dwelling / structure is about 20m to the north. Nevertheless, vehicles entering the Site will gain direct access from Kam Tin Road and hence would not pass by any residential structure.

- 12.3 According to TPB PG-No. 13F, the Site falls within Category 3 areas. The following guidelines are relevant:

Category 3 areas: within these areas, “existing” and approved open storage and port back-up uses are to be contained and further proliferation of such uses is not acceptable. Applications would normally not be favourably considered unless the applications are on sites with previous planning approvals. Sympathetic consideration may be given if the applicants have demonstrated genuine efforts in compliance with approval conditions of the previous planning applications and included in the fresh applications relevant technical assessments/proposals, if required, to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. 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, planning permission could be granted a temporary basis up to a maximum period of 3 years.

- 12.4 The application is generally in line with the TPB PG-No. 34D and 13F in that the current application is same as the last application (No. A.YL-KTN/677) in terms of applied use, site area / boundary, layout and major development parameters; the applicant has complied with all the approval conditions; the approval period sought under the renewal application is of the same time frame as the previous approval; and there has been no material change in planning circumstances since the granting of the previous approval.

- 12.5 It is anticipated that the development would not result in adverse traffic, environmental, drainage and landscape impacts to the surrounding areas. Relevant government departments consulted including C for T, DEP, CE/MN of DSD, CTP/UD&L of PlanD and D of FS have no adverse comment on the application. To minimize any potential environmental nuisances and address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 13.2 below. The applicant will also be advised to follow the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by DEP.

12.6 There are 5 similar applications for various temporary open storage within the same “R(D)” zone approved with conditions by the Committee between 2018 and 2022 as mentioned in paragraph 7 above. Approving the current renewal application is in line with the Committee’s previous decisions on previous and similar applications.

12.7 No public comment was received during the statutory publication period.

13. Planning Department’s Views

13.1 Based on the assessments made in paragraph 12 above, the Planning Department considers that the applied use could be tolerated for a further period of 3 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 3 years, and be renewed from 16.11.2022 until 15.11.2025. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation between 7:00 p.m. and 9:00 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 or other workshop activities shall be carried out on the Site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the existing drainage facilities implemented on the Site shall be maintained at all times during the planning approval period;
- (g) 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
- (h) if any of the above planning condition (a), (b), (c), (d), (e), (f) or (g) 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 previous approved application No. A/YL-KTN/677, except deletion of / revision to

those conditions related to the drainage and fire safety aspects based on the latest comments of CE/MN of DSD and D of FS.]

Advisory clauses

The recommended advisory clauses are attached 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 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 supplementary information received on 19.9.2022 and 23.9.2022
Appendix Ia	FI received on 4.11.2022 and 7.11.2022
Appendix II	Relevant extract of TPB PG-No. 34D
Appendix III	Relevant extract of TPB PG-No. 13F
Appendix IV	Previous and similar applications
Appendix V	General departmental comments
Appendix VI	Recommended advisory clauses
Drawing A-1	Site layout plan
Plan A-1a	Location plan with similar applications
Plan A-1b	Previous application plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4a and A-4b	Site photos

**PLANNING DEPARTMENT
NOVEMBER 2022**