

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/883

<u>Applicant</u>	:	Mr. TANG Kam Leung represented by R-riches Property Consultants Limited
<u>Site</u>	:	Lot 173 RP (Part) in D.D. 109, Kam Hing Wai, Kam Tin, Yuen Long, New Territories
<u>Site Area</u>	:	About 775m 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 at the time of submission Draft Kam Tin North OZP No. S/YL-KTN/10 currently in force [The zoning and development restrictions for the Site remain unchanged on the current draft OZP No. S/YL-KTN/10]
<u>Zoning</u>	:	“Village Type Development” (“V”) [maximum building height of 3 storeys (8.23m)]
<u>Application</u>	:	Proposed Temporary Shop and Services with Ancillary Office for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary shop and services with ancillary office for a period of 5 years. 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 partly grown with a few trees (**Plans A-2 to A-4**).
- 1.2 According to the applicant, the proposed development, intended for operation of a vehicle showroom to serve the nearby residents, involves two 1-storey structures with building heights of about 3m and a total floor area of about 72m² for vehicle showroom (i.e. private and light goods vehicles), office and washroom uses. The applicant states that the Site will accommodate approximately seven vehicles for sale. The estimated number of staff working at the Site and visitors that can be accommodated per day are 4 and 10

respectively. Three private car parking spaces will be provided at the Site. The operation hours will be from 9:00 a.m. to 9:00 p.m. daily, including public holidays. The Site is accessible from Chi Ho Road via a local access. 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 supplementary information (**Appendix I**) received on 4.1.2023
- (b) Further Information (FI) received on 17.2.2023 (**Appendix Ia**)
- (c) FI received on 23.2.2023 (**Appendix Ib**)

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 to Ib**. They can be summarized as follows:

- (a) The proposed use is temporary in nature and will not frustrate the long-term planning intention of the “V” zone. The development is not incompatible with the surrounding environment.
- (b) The proposed development can help serve the local community and better utilize the land resource.
- (c) Adequate manoeuvring space for vehicles will be provided within the Site. Towing of vehicles would not be required as they will be driven to the Site with trade licence by staff. The proposed development will not induce adverse traffic, environmental, landscape and drainage impacts to the surrounding areas.
- (d) The applicant will strictly follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department and ProPECC PN 5/93 for sewage treatment at the Site.

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 section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting site notice and sending notification letter to the Kam Tin Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

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

5. **Previous Application**

There is no previous application for the Site.

6. **Similar Application**

6.1 There is one similar application (No. A/YL-KTN/768) for proposed temporary shop and services (motor-vehicle showroom) and public vehicle park (excluding container vehicle) within the same “V” zone in the vicinity of the Site in the past 5 years. It was approved with conditions by the Rural and New Town Planning Committee (the Committee) in June 2021 mainly for the reasons that approval of the application on a temporary basis would not frustrate the long-term planning intention; the applied use was not incompatible with the surrounding land uses; the site was the subject of a previously approved application for public vehicle park submitted by the same applicant; and concerned departments consulted in general had no objection to the application or their technical concerns could be addressed by relevant approval conditions.

6.2 Details of the similar application are summarized in **Appendix II** and the location is 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 vacant and partly grown with a few trees; and
- (b) accessible from Chi Ho Road.

7.2 The surrounding areas have the following characteristics:

- (a) to its north, northeast and east are residential dwellings / structures including two New Territories Exempted Houses (NTEHs) under construction, a storage yard and vacant land. To its further north, across a water course, is vacant land within the “Agriculture” zone;
- (b) to its south are Chi Ho Road, Kam Tin North River and Kam Tai Road; and
- (c) to its immediate west is vacant land and further west are a motor-vehicle showroom and public vehicle park (with valid planning permission under Application No. A/YL-KTN/768) and residential dwellings / structures.

8. Planning Intention

The planning intention of the “V” zone is to reflect existing recognized 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 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 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 are provided in **Appendices III** and **IV** respectively.

10. Public Comment Received During Statutory Publication Period

The application was published for public inspection. During the three-week statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary shop and services with ancillary office at the Site, which is a Column 2 use within the “V” zone. The planning intention of the “V” zone is to reflect existing recognized 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. 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. Whilst the development is not entirely in line with the planning intention of the “V” zone, it can help meet the shop and services needs of the nearby residents. DLO/YL of LandsD advises that there is no Small House application approved or under processing at the Site. In this regard, it is considered that temporary approval of the application for a period of 5 years would not jeopardize the long-term planning intention of the “V” zone.
- 11.2 The applied use is considered not incompatible with the surrounding land uses which are rural in character predominated by residential dwellings / structures, a vehicle showroom cum public vehicle park (with valid planning

permission) and vacant land. The Chief Town Planner / Urban Design and Landscape of Planning Department considers that no significant landscape impact arising from the proposed use within the Site is anticipated and has no objection to the application from the landscape planning perspective.

- 11.3 Taking into account the nature and scale of the proposed development, the application would unlikely cause significant adverse traffic, environmental, landscape and drainage impacts to the surrounding area. 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 minimize / 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 relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize any possible environmental nuisance.
- 11.4 There is one similar application for temporary shop and services (motor-vehicle showroom) and public vehicle park use in the vicinity of the Site approved by the Committee in June 2021 as detailed in paragraph 6 above. Approval of the current application is in line with the Committee’s previous decision on similar application.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11, the Planning Department has no objection to the proposed use for a period of 5 years.
- 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 5 years until 3.3.2028. The following approval conditions 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 3.9.2023;
- (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 3.12.2023;
- (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 3.9.2023;
- (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 3.12.2023;
- (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 attached in **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 development is not in line with the planning intention of the "V" zone which is to reflect existing recognized 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. No strong planning justification has been 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 supplementary information received on 4.1.2023
Appendix Ia	FI received on 17.2.2023
Appendix Ib	FI received on 23.2.2023
Appendix II	Similar application
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Drawing A-1	Site layout plan
Plan A-1	Location plan with similar applications
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
MARCH 2023**