

RNTPC Paper No. A/YL-KTN/888
For Consideration by
the Rural and New Town
Planning Committee
on 17.3.2023

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

APPLICATION NO. A/YL-KTN/888

<u>Applicant</u>	:	Chief Force Limited (志科有限公司)
<u>Site</u>	:	Lots 375 S.C RP (Part) and 376 RP (Part) in D.D. 110, Kam Tin North, Yuen Long
<u>Site Area</u>	:	About 2,327 m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Draft Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/10
<u>Zoning</u>	:	“Agriculture” (“AGR”)
<u>Application</u>	:	Renewal of Planning Approval for Temporary Private Vehicle Park for Light Goods Vehicles 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 private vehicle park for light goods vehicles for a period of 3 years. The Site falls within an area zoned “AGR” 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 currently used for the applied use with valid planning permission under Application No. A/YL-KTN/694 until 20.3.2023 (**Plans A-2 to A-4b**).
- 1.2 The Site is involved in eight previous planning applications (detailed in paragraph 6 below). The current application is the same as the last approved application No. A/YL-KTN/694 submitted by the same applicant in terms of the applied use, site area / boundary and major development parameters, except with minor changes in the disposition of the temporary structures. All the approval conditions are complied with.
- 1.3 According to the applicant, 14 parking spaces for private cars, light goods vehicles and vehicles not exceeding 5.5 tonnes are provided within the Site. Besides, there are two single-storey structures with total floor area of about 45m² and building height of 2.5m for drivers’ rest room and site office uses at the Site. No dismantling, maintenance, repairing, cleaning, paint-spraying or workshop-related activity will

be carried out within the Site. The operation hours are between 9:00 a.m. to 6:00 p.m. from Mondays to Saturdays. There is no operation on Sundays and public holidays. The Site is accessible via a local track branching off from Kam Tai Road. 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 planning statement received on 17.1.2023 **(Appendix I)**
- (b) Further information (FI) received on 7.3.2023 and 8.3.2023 respectively **(Appendix Ia)**
- (c) FI received on 10.3.2023 **(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 planning statement and FIs in **Appendices I to Ib**. They can be summarized as follows:

- (a) The applied use is temporary in nature and will not jeopardize the long-term planning intention of the “AGR” zone.
- (b) The applied use is the same as the last approved application (No. A/YL-KTN/694), which was not subject to any adverse departmental comments or public complaints. The applicant has complied with all the approval conditions under the last application.
- (c) The drainage facilities and fire service installations at the Site will be properly maintained. No adverse traffic impact would be induced. The applicant will comply with all the approval conditions if the renewal application is approved.

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. 31A) by posting site notice and sending registered mail to the Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

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**.

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 six previous applications (No. A/YL-KTN/263, 340, 400, 429, 548 and 694) for temporary open storage / temporary private vehicle park (including renewal of the planning approval). For the latter three planning applications (No. A/YL-KTN/429, 548 and 694) for the same vehicle park use, they are submitted by the same applicant.
- 6.2 Application No. A/YL-KTN/263 covering a larger site area for temporary open storage of building materials and vehicle parts is not relevant to the current application which is for temporary private vehicle park use. The other five applications (No. A/YL-KTN/340, 400, 429, 548 and 694) for the same use (including renewal of the planning approvals granted by the Board) as the current application were approved with conditions by the Rural and New Town Planning Committee (the Committee) between January 2010 and March 2020 on similar considerations that temporary approval of the applications would not jeopardize the long-term planning intention; the developments were not incompatible with the surrounding land uses; relevant departments (except the Director of Agriculture, Fisheries and Conservation) had no adverse comment on the applications; and/or the renewal applications complied with the relevant Town Planning Board Guidelines on renewal of planning approval for temporary use or development. Nevertheless, the planning permission for Application No. A/YL-KTN/400 was revoked in September 2013 due to non-compliance with approval conditions.
- 6.3 Compared with the last approved Application No. A/YL-KTN/694, the current application submitted by the same applicant is the same in terms of the applied use, site area / boundary and major development parameters, except with minor changes in the disposition of the temporary structures. All the approval conditions are complied with and the planning permission is valid until 20.3.2023.
- 6.4 Details of the applications are summarized in **Appendix III** and the locations are shown on **Plan A-1b**.

7. **Similar Applications**

- 7.1 There are three similar applications (No. A/YL-KTN/648, 710 and 827), involving two sites, for temporary private vehicle park use (including renewal of the temporary planning approval) in the vicinity of the Site within the same “AGR” zone on the Kam Tin North OZP in the past five years. All applications were approved on similar considerations as stated in paragraph 6.2 above.
- 7.2 Details of the applications are summarized in **Appendix III** 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) currently used for the applied use with valid planning permission under Application No. A/YL-KTN/694; and
- (b) accessible via a local track leading to Kam Tai Road.

8.2 The surrounding areas have the following characteristics:

- (a) to its south and southwest are open storage/ storage yards (two of which covered with planning permissions No. A/YL-KTN/704 and 710) and vacant land (which is the site approved for temporary transitional housing development and place of recreation, sports or culture (hobby farm) under application No. A/YL-PH/913);
- (b) to the north across a local access road and a nullah is grassland, open storage/ storage yards and vacant land; and
- (c) to its east are open storage/ storage yards (one of which is covered with planning permission No. A/YL-PH/825), parking of vehicles, grassland and a grave.

9. Planning Intention

The planning intention of the “AGR” zone is to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

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 IV** and **V** respectively.

11. Public Comments Received During the Statutory Publication Period (Appendix VI)

The application was published for public inspection. During the statutory publication period, a public comment from an individual was received objecting to the application mainly on the grounds that the approval conditions under the previous application have not yet been fully complied.

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning permission for temporary private vehicle park for light goods vehicles in “AGR” zone. The planning intention of the “AGR” zone is to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. The applied use is not in line with the planning intention of the “AGR” zone. Nevertheless, DAFC has no strong view on the application. It is considered that approval of the application on a temporary basis would not frustrate the long-term planning intention of the “AGR” zone.
- 12.2 The development is not incompatible with the surrounding land uses which are rural in character intermixed with open storage/ storage yards, grassland, parking of vehicles and vacant land. The CTP/UD&L of PlanD states that given that there is no significant change in the layout of the applied use, further significant adverse landscape impact arising from the development is not anticipated and hence has no objection to the application.
- 12.3 The application is in line with TPB PG-No. 34D in that previous approval (Application No. A/YL-KTN/694) for the same use was granted on 20.3.2020 and all the approval conditions under the last application have been complied with. Compared with the last approved application, the current application is the same in terms of applied use, site area / boundary and major development parameters, except with minor changes in the disposition of the temporary structures. As there is no major change in planning circumstances since the last approval, sympathetic consideration could be given to the current application.
- 12.4 It is anticipated that the development would not result in adverse traffic, environmental and drainage impacts to the surrounding areas. Other relevant government departments consulted including C for T, DEP, CE/MN of DSD 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.
- 12.5 There are three similar applications for temporary private vehicle park use within the same “AGR” zone approved by the Committee between 2019 and 2022 as mentioned in paragraph 7 above. Approving the current renewal application is in line with the Committee’s previous decisions.
- 12.6 One public comment objecting to the application were received during the statutory publication period as detailed in paragraph 11 above. In this regard, the departmental comments and planning considerations and assessments as stated 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 comment mentioned in paragraph 11, 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 21.3.2023 until 20.3.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 6:00 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 medium or heavy goods vehicles exceeding 5.5 tonnes, including container trailers/tractors, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (d) a notice should be posted at a prominent location of the Site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes, including container trailers/tractors, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at all times during the planning approval period;
- (e) the existing drainage facilities implemented on the Site shall be maintained at all times during the planning approval period;
- (f) the submission of the record of the existing drainage facilities on the Site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 20.6.2023;
- (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;
- (h) if any of the above planning condition (a), (b), (c), (d), (e) 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; and
- (i) if the above planning condition (f) 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.

[The above approval conditions are the same as those under the previous approved application No. A/YL-KTN/694, except deletion / revision of the conditions related to the traffic and drainage aspects based on the latest comments of C for T and CE/MN of DSD.]

Advisory clauses

The recommended advisory clauses are attached at **Appendix V**.

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 planning statement received on 17.1.2023
Appendix Ia	FI received on 7.3.2023 and 8.3.2023
Appendix Ib	FI received on 10.3.2023
Appendix II	Relevant extract of TPB PG-No. 34D
Appendix III	Previous and similar applications
Appendix IV	General departmental comments
Appendix V	Recommended advisory clauses
Appendix VI	Public comment
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
MARCH 2023**