

RNTPC Paper No. A/YL-KTN/915
For Consideration by
the Rural and New Town
Planning Committee
on 23.6.2023

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

APPLICATION NO. A/YL-KTN/915

<u>Applicant</u>	:	Chief Force Limited (志科有限公司)
<u>Site</u>	:	Lots 376 RP (Part), 380 RP (Part) and 384 RP (Part) in D.D. 110, Kam Tin North, Yuen Long, New Territories
<u>Site Area</u>	:	About 860 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/710 until 14.7.2023 (**Plans A-2 to A-4**).
- 1.2 According to the applicant, 10 parking spaces for light goods vehicles not exceeding 5.5 tonnes are provided within the Site. Besides, there is a single-storey temporary structure with total floor area of about 15m² and building height of about 2.5m for temporary ancillary staff restroom and office use. 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 from a local track branching off Kam Tai Road. The site layout plan submitted by the applicant is at **Drawing A-1**.
- 1.3 The Site is involved in six previous planning applications (detailed in paragraph 6 below). The current application is the same as the last approved application No.

A/YL-KTN/710 submitted by the same applicant in terms of the applied use, site area/boundary, layout and major development parameters. All the approval conditions are complied with.

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

- (a) Application form with supplementary planning statement received on 27.4.2023 **(Appendix I)**
- (b) Further information (FI) received on 13.6.2023* **(Appendix Ia)**

**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, supplementary planning statement and FI in **Appendices I and Ia**. They can be summarised as follows:

- (a) There is no residential use within 100m of the Site. The nearby uses are mostly open storages. The applied use is compatible with the surrounding uses.
- (b) The applied use is the same as the last approved application (No. A/YL-KTN/710), 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 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 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/130, 149, 161, 263, 563 and 710) for various temporary open storages and temporary private vehicle park (including renewal of the planning approval).
- 6.2 Applications No. A/YL-KTN/563 and 710 for the same use as the current application with the same layout and development parameters (except with a slightly larger site area for application No. A/YL-KTN/563) submitted by the same applicant were approved with conditions by the Rural and New Town Planning Committee (the Committee) in July 2017 and July 2020 respectively, mainly on the considerations that temporary approval would not frustrate the long-term planning intention of “AGR” zone; the development was not incompatible with the surrounding land uses; and relevant departments consulted in general had no adverse comment on the application or their technical concerns could be addressed by relevant approval conditions.
- 6.3 The other four applications (No. A/YL-KTN/130, 149, 161 and 263) for various temporary open storages and all covering much larger site areas are not relevant to the current application.
- 6.4 Details of the applications are summarised in **Appendix III** and the locations are shown on **Plan A-1b**.

7. **Similar Applications**

- 7.1 There are four similar applications (No. A/YL-KTN/648, 694, 827 and 888), involving two sites, for renewal of planning approval for temporary private vehicle park within the same “AGR” zone in the vicinity of the Site in the past 5 years. All applications were approved with conditions by the Committee between May 2019 and March 2023 on similar considerations as stated in paragraph 6.2 above.
- 7.2 Details of the applications are summarised in **Appendix III** and the locations are shown on **Plan A-1a**.

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

- 8.1 The Site is:
 - (a) currently used for the applied use with valid planning permission under application No. A/YL-KTN/710; and
 - (b) accessible via a local track branching off Kam Tai Road.

8.2 The surrounding areas have the following characteristics:

- (a) to its east and northeast are open storage yards (one with valid planning permission under application No. A/YL-PH/936 within the Pat Heung OZP area);
- (b) to its immediate south is an open storage yard. To its further southeast are open storage yards and an orchard;
- (c) to its immediate west and southwest is a works site (with valid planning permission under application No. A/YL-PH/913 approved for proposed transitional housing and hobby farm straddling the Kam Tin North OZP and the Pat Heung OZP areas), and open storage yards (with valid planning permissions under applications No. A/YL-KTN/827 and 893); and
- (d) to its north is a vehicle park for lorry and trailer (with valid planning permission under application No. A/YL-KTN/888) and an open storage yard.

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 Departments

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 public inspection period, no public comment was received.

12. Planning Considerations and Assessments

12.1 The application is for renewal of planning permission for temporary private vehicle park for light goods vehicles at the Site zoned “AGR”. 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, the Director of Agricultural, Fisheries and Conservation (DAFC) has no adverse comment on the application. It is considered that approval of the application on a temporary basis for a further period of 3 years 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 yards and vehicle park. The Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L of PlanD) considers that significant adverse landscape impact arising from the development is not anticipated and has no objection to the application from landscape planning perspective.
- 12.3 The application is generally in line with TPB PG-No. 34D in that the current application is the same as the last approved application No. A/YL-KTN/710 in terms of the applied use, site area/boundary, layout and major development parameters; all the approval conditions have been complied with; the renewal of planning approval period sought 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.
- 12.4 Other relevant government departments consulted including the Commissioner for Transport (C for T), the Director of Environmental Protection, the Chief Engineer/Mainland North of Drainage Services Department and the Director of Fire Services have no adverse comment on the application. To minimise any potential environmental nuisances and to 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 the Environmental Protection Department.
- 12.5 There are two approved previous applications (No. A/YL-KTN/563 and 710) for the same temporary private vehicle park use at the Site and four similar applications within the same "AGR" zone in the vicinity of the Site approved by the Committee as stated in paragraphs 6.2 and 7.1 above. Approving the current application is in line with the Committee's previous decisions.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12, 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 15.7.2023 until 14.7.2026. 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 vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations are allowed to be parked/stored on the site at any time during the planning approval period;
- (d) 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;
- (e) 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;
- (f) the existing drainage facilities implemented on the site shall be maintained at all times during the planning approval period;
- (g) 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 15.10.2023;
- (h) the existing fire service installations implemented on the site shall be maintained in efficient working order at all times during the planning approval period;
- (i) if any of the above planning condition (a), (b), (c), (d), (e), (f) or (h) 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;
- (j) if the above planning condition (g) 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; and
- (k) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

[The above approval conditions are the same as those under the previous approved application No. A/YL-KTN/710, except deletion/revision of the conditions related to the traffic and landscape aspects based on the latest comments of C for T and CTP/UD&L of PlanD.]

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 27.4.2023
Appendix Ia	FI received on 13.6.2023
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
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
Plan A-4	Site photos

**PLANNING DEPARTMENT
JUNE 2023**