

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/935

<u>Applicant</u>	:	Mr. TANG Kam Leung represented by R-riches Property Consultants Limited
<u>Site</u>	:	Lots 171 S.A RP (Part) and 171 S.B (Part) in D.D.109, Kam Hing Wai, Kam Tin, Yuen Long
<u>Site Area</u>	:	About 1,178m 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>	:	“Village Type Development” (“V”) [maximum building height of 3 storeys (8.23m)]
<u>Application</u>	:	Temporary Shop and Services (Motor-vehicle Showroom) and Public Vehicle Park (Excluding Container Vehicle) with Ancillary Facilities for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary shop and services (motor-vehicle showroom) and public vehicle park (excluding container vehicle) with ancillary facilities for a period of 5 years at the application site (the Site) which falls within an area zoned “V” on the Kam Tin North OZP. According to the Notes of the OZP, both ‘Shop and Services’ and ‘Public Vehicle Park (excluding container vehicle)’ are Column 2 uses under “V” zone which require planning permission from the Town Planning Board (the Board). The Site is currently used as public vehicle park with valid planning permission under application No. A/YL-KTN/768 (**Plans A-2 and A-4**).
- 1.2 According to the applicant, the applied use is intended to serve the needs of the villagers. The applied use involves four single-storey structures with building heights of about 3m and a total floor area of about 34m² for motor-vehicle showroom, ancillary site office and guardhouses at the Site. The motor-vehicle showroom display area will accommodate eight private cars/vehicles. For the public vehicle park, a total of 16 parking spaces including 14 for private cars and two for light goods vehicles (LGVs) will be provided. The operation hours for the motor-vehicle showroom will be from 9:00 a.m. to 6:00 p.m. daily (including Sundays and public holidays), whilst those for the public vehicle park will be 24

hours daily (including Sundays and public holidays). Medium or heavy goods vehicles exceeding 5.5 tonnes will not be allowed to park/store on or enter/exit the Site. The Site is accessible from Chi Ho Road. The site layout plan submitted by the applicant is at **Drawing A-1**.

- 1.3 The Site is involved in two approved previous applications, including one application (No. A/YL-KTN/768) for the same use submitted by the same applicant as the current application (details in paragraph 5 below). The current application is submitted mainly for changes in the number of structure and floor area. A comparison of the major development parameters of the current application and the last approved application No. A/YL-KTN/768 is summarised as follows:

	Last Application (A/YL-KTN/768) (a)	Current Application (b)	Difference (b) – (a)
Site Area	About 1,178m ²	About 1,178m ²	No change
No of Structures	2	4	+2 (+100%)
Building Height	About 3m / 1 storey	About 3m / 1 storey	No change
Total Floor Area	About 11m ²	About 34m ²	+23 (+209%)
Vehicle Display Spaces	8	8	No change
Private Car Parking Spaces	15	14	-1 (-6.7%)
LGV Parking Spaces	2	2	No change

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

- (a) Application form with supplementary information received on 23.6.2023 and 30.6.2023 **(Appendix I)**
- (b) Further Information (FI) received on 7.8.2023* **(Appendix Ia)**
** 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, supplementary information and FI at **Appendices I** and **Ia**. They can be summarised as follows:

- (a) The applied use, which is intended to serve the nearby locals and meet the parking needs in the area, is temporary in nature and will not frustrate the long-term planning intention. The applied use is compatible with the surrounding environment.
- (b) There are similar applications for shop and services or public vehicle park approved by the Rural and New Town Planning Committee (the Committee) in the vicinity of the Site within the same “V” zone.
- (c) The applied use will not induce adverse traffic, environmental and drainage impacts to the surrounding areas. No workshop activities will be carried out at the Site. No

medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers are allowed to be parked/stored on or enter/exit the Site.

- (d) The applied use is the same in nature to the previously approved application No. A/YL-KTN/768. While there are some changes in the proposed parameters with additional structures, the additional structures to be erected at the public vehicle park is mainly to support the operation needs of the applied use.
- (e) The applicant undertakes to comply with all the planning conditions should the application be approved by the Committee.

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 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 active planning enforcement case.

5. Previous Applications

- 5.1 The Site is involved in two previous applications (No. A/YL-KTN/737 and 768) submitted by the same applicant as the current application. Application No. A/YL-KTN/737 for temporary public vehicle park and application No. A/YL-KTN/768 for temporary shop and services (motor-vehicle showroom) and public vehicle park were approved with conditions by the Committee in December 2020 and June 2021 respectively, mainly on the considerations that temporary approval would not frustrate the long-term planning intention of the “V” zone; the applied use was considered not incompatible with the surrounding land uses; and the relevant departments consulted generally had no adverse comment or their technical concerns could be addressed by appropriate approval conditions. Whilst the permission under application No. A/YL-KTN/737 was revoked in May 2021 due to the non-compliance with approval conditions, the permission under application No. A/YL-KTN/768 is valid until 25.6.2026. The approval conditions on submission and implementation of fire service installations proposal under application No. A/YL-KTN/768 have been complied with.
- 5.2 Details of the applications are summarised in **Appendix II** and the locations are shown on **Plan A-1**.

6. **Similar Applications**

- 6.1 There are five similar applications (No. A/YL-KTN/619, 717, 803, 816 and 883), involving four sites, for temporary shop and services or public vehicle park uses within or straddling same “V” zone in the vicinity of the Site in the past 5 years. All of the applications were approved with conditions by the Committee between August 2018 and March 2023 on similar considerations as stated in paragraph 5.1 above. The planning permissions under applications No. A/YL-KTN/619 and 717 were revoked subsequently due to non-compliance with approval conditions.
- 6.2 Details of the applications are summarised in **Appendix II** and the locations are 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 used as public vehicle park with valid planning permission under application No. A/YL-KTN/768; and
 - (b) located at the fringe of the “V” zone of Kam Hing Wai (錦慶圍) and is accessible from Chi Ho Road on the south.
- 7.2 The surrounding areas have the following characteristics:
- (a) to the west are residential dwellings/structures and a vehicle park;
 - (b) to the north are mainly vacant land and farmland;
 - (c) to the east are works site and vacant land (with valid planning permission for proposed temporary shop and services under application No. A/YL-KTN/883), a storage yard and residential dwellings/structures; and
 - (d) to the south across Chi Ho Road is Kam Tin North River.

8. **Planning Intention**

The planning intention of the “V” is to reflect existing recognised 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 the ground floor of a New Territories Exempted House. 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 Comments Received During Statutory Publication Period (Appendix V)**

The application was published for public inspection. During the statutory publication period, one public comment was received from an individual raising concerns on the status of the planning permission under the previous application No. A/YL-KTN/768.

11. **Planning Considerations and Assessments**

- 11.1 The application is for temporary shop and services (motor-vehicle showroom) and public vehicle park (excluding container vehicle) with ancillary facilities for a period of 5 years at the Site zoned “V” (**Plan A-1**). The planning intention of the “V” zone is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects, and land within this zone is primarily intended for development of Small Houses by indigenous villagers. Whilst the applied use is not entirely in line with the planning intention of “V” zone, it is intended to serve the nearby locals and meet the parking needs in the area. Regarding the applied public vehicle park, the Commissioner for Transport has no adverse comment on the application from traffic engineering perspective. Besides, the District Lands Officer/Yuen Long of the Lands Department advises that there is no Small House application approved or under processing at the Site. It is considered that temporary approval of the application for a period of 5 years would not frustrate the long-term planning intention of the “V” zone.
- 11.2 The applied use, which is located at the fringe of the “V” zone, is considered not incompatible with the surrounding area which is rural in character predominated by residential dwellings/structures, vehicle park, vacant land and farmland. The Chief Town Planner/Urban Design & Landscape of the Planning Department considers that no significant landscape impact arising from the development is anticipated and has no comment on the application from landscape planning perspective.
- 11.3 Other relevant government departments consulted including the Director of Environmental Protection, the Chief Engineer/Mainland North of the Drainage Services Department (CE/MN of DSD), the Director of Agriculture, Fisheries and Conservation, and the Director of Fire Services have no adverse comment on the application. To 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 revised ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by

the Environmental Protection Department to minimise any potential environmental nuisance.

- 11.4 The Site is the subject of two approved previous applications (No. A/YL-KTN/737 and 768) submitted by the same applicant for shop and services and/or public vehicle park as detailed in paragraph 5. The current application is for amending the development parameters of the approved scheme under application No. A/YL-KYN/768. There are five approved similar applications in the vicinity of the Site in the past 5 years as stated in paragraph 6.1. Approving the current application is in line with the Committee's previous decisions.
- 11.5 Regarding the public comment as detailed in paragraph 10 above, government departments' comments and planning assessments above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10 above, the Planning Department has no objection to the application.
- 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 11.8.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) for motor-vehicle showroom, 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 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;
- (c) for public vehicle park, 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) the submission of a revised 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 11.2.2024;
- (e) in relation to (d) above, the implementation of the revised 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 11.5.2024;
- (f) in relation to (e) above, the implemented drainage facilities on the Site shall

be maintained at all times during the planning approval period;

- (g) the submission of a revised 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 11.2.2024;
- (h) in relation to (g) above, the implementation of the revised 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 11.5.2024;
- (i) if any of the above planning conditions (a), (b), (c) or (f) 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
- (j) if any of the above planning conditions (d), (e), (g) or (h) 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 at **Appendix IV**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applied use is not in line with the planning intention of the "V" zone which is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within the "V" zone is primarily intended for development of Small Houses by indigenous villagers. 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 23.6.2023 and 30.6.2023
Appendix Ia	FI received on 7.8.2023
Appendix II	Previous and Similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comment
Drawing A-1	Site layout plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
AUGUST 2023**