

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

APPLICATION NO. A/YL-KTN/950

<u>Applicant</u>	:	Yatlee Investments Limited
<u>Site</u>	:	Lots 232 S.B ss.9 and 232 S.B RP (Part) in D.D.103, Ko Po Tsuen, Kam Tin, Yuen Long
<u>Site Area</u>	:	About 229m 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>	:	Renewal of Planning Approval for Temporary Shop and Services (Wheelchair Accessible Vehicles Showroom) 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 shop and services (wheelchair accessible vehicles showroom) for a period of three years. The Site falls within an area zoned “V” on the Kam Tin North OZP. 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 used for the applied use with valid planning permission under application No. A/YL-KTN/718 until 22.9.2023 (**Plans A-2 to A-4**).
- 1.2 The Site is involved in two previous applications (details at paragraph 6 below). The current application is the same as the last approved application No. A/YL-KTN/718 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.
- 1.3 According to the applicant, the development involves one single-storey structure with a total floor area of about 229m² and building height of not more than 4m for wheelchair accessible vehicles showroom and ancillary office uses. Not more than six wheelchair accessible vehicles would be displayed at the Site. The operation hours are from 9:00 a.m. to 6:00 p.m. daily, including public holidays. No vehicles

exceeding 5.5 tonnes are allowed to enter the Site. The Site is accessible from Kam Tin Road via a local access. 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 received (**Appendix I**) on 28.7.2023 and 4.8.2023
- (b) Further Information (FI) received on 30.8.2023* (**Appendix Ia**)
- (c) FI received on 12.9.2023* (**Appendix Ib**)
- (d) FI received on 14.9.2023* (**Appendix Ic**)

** 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 FIs at **Appendices I to Ic**. They can be summarised as follows:

- (a) In view of the limited affordable wheelchair accessible vehicles in the market, the applicant intends to provide retail services of this type of vehicles to meet the needs of the elderly and disabled, including local villagers and the public.
- (b) There is no change in the applied use and layout of the development between the current application and the last approved application No. A/YL-KTN/718. All the approval conditions of the last application have been complied with.
- (c) The existing drainage facilities and fire service installations (FSIs) on the Site will be maintained to the satisfaction of the concerned departments.

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

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. The relevant assessment criteria are 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 involved in two previous applications (No. A/YL-KTN/574 and 718) submitted by the same applicant for the same use as the current application which were approved with conditions by the Rural and New Town Planning Committee (the Committee) in September 2017 and September 2020 respectively, mainly on the grounds that the 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 on the application or their technical concerns could be addressed by relevant approval conditions.
- 6.2 Compared with the last approved application No. A/YL-KTN/718, the current application is the same in terms of the applied use, site area / boundary, layout and major development parameters. All the approval conditions are complied with and the planning permission is valid until 22.9.2023.
- 6.3 Details of the previous applications are summarised in **Appendix III** and the locations are shown on **Plan A-1**.

7. Similar Applications

- 7.1 There are two similar applications (No. A/YL-KTN 606 and 736) for temporary shop and services and eating place (outside seating accommodation of a restaurant) with ancillary parking spaces within the same “V” zone in the vicinity of the Site in the past five years. The two applications were approved with conditions by the Committee in June 2018 and December 2020 respectively on similar considerations as stated in paragraph 6.1 above. The planning permission under application No. A/YL-KTN/736 was revoked in June 2022 due to non-compliance with approval conditions.
- 7.2 Details of the similar applications are summarised in **Appendix III** and the locations are shown on **Plan A-1**.

8. The Site and Its Surrounding Areas (Plans A-1 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/718; and
 - (b) accessible via a local access leading to Kam Tin Road.
- 8.2 The surrounding areas have the following characteristics:
 - (a) to its east are village settlements of Ko Po Tsuen, and to its further northeast are grassland and residential dwellings/structures;
 - (b) to its north and west are residential dwellings/structures including Kam Po Garden and Kam Fung Terrace, restaurants (including one with valid

planning permission under application No. A/YL-KTN/700), shops, an elderly centre and parking of vehicles;

- (c) to its south across Kam Tin Road in the “Agriculture” (“AGR”) zone are parking of vehicles, vehicle repair workshops and an open storage yard (with valid planning permission under application No. A/YL-KTS/922).

9. Planning Intention

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. 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 (NTEH). Other commercial, community and recreational uses may be permitted on application to the Board.

10. Comments from Relevant Government Departments

All 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 Comment Received During Statutory Publication Period (Appendix VI)

The application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual raising concerns over the compliance status of the previous planning permission.

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning permission for temporary shop and services (wheelchair accessible vehicles showroom) for a period of three years at the Site zoned “V”. 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. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. Other commercial, community and recreational uses may be permitted on application to the Board. While the applied use is not entirely in line with the planning intention of the “V” zone, the applicant indicates that the applied use is intended to meet the needs of the elderly and disabled including local villagers. The District Lands Officer/Yuen Long of the Lands Department advises that there is no Small House application approved or under processing within the Site. Approval of the application on a temporary basis for a further period of three years would not frustrate the long-term planning intention of the

“V” zone.

- 12.2 The applied use is considered not incompatible with the surrounding land uses which are rural in character predominated by residential dwellings/structures, restaurants and shops. The Chief Town Planner/Urban Design and Landscape of the Planning Department (CTP/UD&L of PlanD) considers that significant adverse landscape impact arising from the continuous use is not anticipated, and has no objection to the application from landscape planning perspective.
- 12.3 The application is generally in line with the TPB PG-No. 34D in that the current application is the same as the last approved application No. A/YL-KTN/718 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 the planning circumstances since the granting of the previous approval.
- 12.4 Other relevant departments consulted including the Commissioner for Transport (C for T), the Director of Environmental Protection (DEP), the Chief Engineer/Mainland North of the Drainage Services Department (CE/MN of DSD) and the Director of Fire Services (D of FS) have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 13.2 below.
- 12.5 There are two approved previous applications for the same use at the Site and two approved similar applications within the same “V” zone as stated in paragraphs 6.1 and 7.1 above. Approving the current application is in line with the Committee’s previous decisions.
- 12.6 Regarding the public comment as detailed in paragraph 11, the government department’s comments and planning assessments 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 as mentioned in paragraph 11 above, the Planning Department has no objection to the application.
- 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 three years and be renewed from 23.9.2023 to 22.9.2026. 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 medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, 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;

- (c) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) the submission of a 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 Board by 23.12.2023;
- (e) the existing fire service installations implemented on the site shall be maintained in efficient working order at all times during the planning approval period;
- (f) if any of the above planning condition (a), (b), (c) or (e) 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 the above planning condition (d) 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 last approved planning Application No. A/YL-KTN/718 except the deletion of condition relating to traffic aspect based on the latest comments of C for T]

Advisory clauses

The recommended advisory clauses are 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 approval.
- 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 applicants.

15. Attachments

Appendix I	Application form with supplementary information received on 28.7.2023 and 4.8.2023
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Appendix Ia	FI received on 30.8.2023
Appendix Ib	FI received on 12.9.2023
Appendix Ic	FI received on 14.9.2023
Appendix II	Relevant extract of TPB PG-No. 34D
Appendix III	Previous and similar applications
Appendix IV	Government departments' general comments
Appendix V	Recommended advisory clauses
Appendix VI	Public comment
Drawing A-1	Site layout plan
Plan A-1	Location plan with previous and similar applications
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

PLANNING DEPARTMENT
SEPTEMBER 2023