

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

APPLICATION NO. A/YL-KTN/966

<u>Applicant</u>	:	Ms. Wong Shui Ying
<u>Site</u>	:	Lots 666 S.B (Part) and 667 (Part) in D.D. 110, Kam Tin Road, Yuen Long
<u>Site Area</u>	:	436 m ² (about)
<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/11 (currently in force) Draft Kam Tin North OZP No. S/YL-KTN/10 (at the time of submission) [no change to the zoning of the application site on the OZP]
<u>Zoning</u>	:	“Residential (Group D)” (“R(D)”)
<u>Application</u>	:	Renewal of Planning Approval for Temporary Open Storage of Vehicles (Lorries, Vans and Private Cars) for Sale for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission for temporary open storage of vehicles (lorries, vans and private cars) for sale for a period of 3 years at the application site (the Site) which falls within an area zoned “R(D)” on the Kam Tin North OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use 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 the previous application No. A/YL-KTN/742. All the approval conditions have been complied with and the planning permission is valid until 26.1.2024.
- 1.2 According to the applicant, the development involves 4 single-storey structures with building heights of not more than 3.84m and a total floor area of 213.1m² for ancillary office and rain shelter purposes. The operation hours are from 9:00 a.m. to 7:00 p.m. from Mondays to Saturdays with no operation on Sundays and public holidays. Six parking spaces for light goods vehicles are provided on-site. According to the applicant, no vehicles exceeding 5.5 tonnes will be parked/stored

on-site. The Site is directly accessible to Kam Tin Road. The site layout as submitted by the applicant is at **Drawing A-1**.

1.3 The Site is involved in 9 previous applications (details in paragraph 6 below). Compared with the last approved application No. A/YL-KTN/742, the current application submitted by the same applicant is the same in terms of the applied use, site area/boundary, layout and major development parameters.

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

- (a) Application form with supplementary information received (**Appendix I**) on 30.10.2023
- (b) Further Information (FI) received on 8.12.2023* (**Appendix Ia**)
- (c) FI received on 12.12.2023* (**Appendix Ib**)

** 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 Ib**. They can be summarised as follows:

- (a) The development complements the car yards and car dismantling business along Kam Tin Road. The applied use utilises the land in a more centralised and efficient way for those frequent visitors to the area.
- (b) The vehicles stored at the Site will be transported/driven to the Site during daytime and likely to be remained in the Site for one or two weeks before the vehicles are sold. Therefore, the number of trips generated by the vehicles will be relatively small.
- (c) The applicant has strictly adhered to the recommendations/conditions under the previous approved applications. Minimum environmental, traffic and drainage impacts were generated in the past years. No workshop would be provided within the Site.

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

4.1 The Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No. 13G) promulgated by the Board on 14.4.2023 are

relevant to the application. The Site falls within the Category 3 areas under TPB PG-No. 13G. The relevant extract of the Guidelines is attached at **Appendix II**.

- 4.2 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 also relevant to this application. The relevant extract of the Guidelines is attached at **Appendix III**.

5. Background

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

6. Previous Applications

- 6.1 The Site is involved in 9 previous applications (No. A/YL-KTN/175, 250, 275, 289, 312, 367, 456, 580 and 742). Applications No. A/YL-KTN/175, 250 and 275 for temporary retail shop use are not relevant to the current application. The other 6 applications (No. A/YL-KTN/289, 312, 367, 456, 580 and 742) submitted by the same applicant for the same applied use (including renewal of temporary approval granted) as the current application were all approved by the Rural and New Town Planning Committee (the Committee) between February 2008 and January 2021, mainly on the considerations that temporary approval would not jeopardise the long term planning intention; the development was not incompatible with the surrounding land uses; there was no adverse comment from concerned departments; and the development complied with the then Town Planning Board Guidelines for application for open storage and port back-up uses. The planning permission under application No. A/YL-KTN/289 was revoked in 2008 due to non-compliance with the approval conditions.
- 6.2 Compared with the last approved application No. A/YL-KTN/742, the current application is the same in terms of the site area/boundary, layout and major development parameters. All the approval conditions have been complied with and the planning permission is valid until 26.1.2024.
- 6.3 Details of the previous applications are summarised in **Appendix IV** and the locations are shown on **Plan A-1**.

7. Similar Applications

- 7.1 There are 8 similar applications (No. A/YL-KTN/601, 635, 631, 677, 762, 810, 792 and 860), involving 4 sites, for various temporary open storage (including renewal of temporary planning approval granted) within/straddling the same “R(D)” zone in the vicinity of the Site in the past 5 years. All the applications were approved with conditions by the Committee on similar considerations as stated in paragraph 6.1 above. The planning permissions under applications No. A/YL-KTN/635 and 792 were revoked in 2021 and 2022 due to non-compliance with approval conditions.

7.2 Details of the similar applications are summarised in **Appendix IV** and the locations are shown on **Plan A-1**.

8. The Site and Its Surrounding Areas (Plans A-1 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/742; and
- (b) directly accessible from Kam Tin Road.

8.2 The surrounding areas are rural in character intermixed with open storage/storage yards, a workshop, a car service shop, residential dwellings/structures and vacant/unused land. To the south is Kam Tin Road. Across Kam Tin Road are the Shek Kong Barracks.

9. Planning Intention

The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from 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 V** and **VI** respectively.

11. Public Comment Received During Statutory Publication Period

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

12. Planning Considerations and Assessments

12.1 The application is for renewal of planning permission for temporary open storage of vehicles (lorries, vans and private cars) for sale for a period of 3 years at the Site zoned “R(D)”. The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board. The applied use is not in line with the planning intention of the “R(D)” zone. Nevertheless, there is no known programme for long-term development at the Site. 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 “R(D)” zone.

- 12.2 The applied use is not incompatible with the surrounding land uses which are intermixed with open storage yards, residential dwellings/structures, workshop and vacant land.

- 12.3 The Site falls within Category 3 areas under TPB PG-No. 13G. The following considerations in the Guidelines are relevant:

Category 3 areas: applications would normally not be favourably considered unless the applications are on sites with previous planning approvals. Sympathetic consideration may be given if genuine efforts have been demonstrated in compliance with approval conditions of the previous planning applications and/or relevant technical assessments/proposals have been included in the fresh applications, if required, to demonstrate that the proposed uses would not general adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. Planning permission could be granted on a temporary basis up to a maximum period of 3 years, subject to no adverse departmental comments and local objections, or the concerns of the developments and local residents can be addressed through the implementation of approval conditions.

- 12.4 The application is generally in line with TPB PG-No. 13G and TPB PG-No. 34D in that previous approvals for the same applied use have been granted since 2008 and all the approval conditions of the last permission under Application No. A/YL-KTN/742 have been complied with; there is no adverse comment from the relevant departments; 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. Relevant departments consulted, including the Commissioner for Transport, the Director of Environmental Protection (DEP), the Chief Engineer/Mainland North of the Drainage Services Department and the Director of Fire Services 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. 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 DEP to minimise the possible environmental nuisance generated by the applied use.

- 12.5 There are 8 approved similar applications within the same “R(D)” zone in the vicinity in the past 5 years as stated in paragraph 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 27.1.2024 to 26.1.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 7:00 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 dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities shall be carried out on the site at any time during the planning approval period;
- (d) 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;
- (e) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (f) the existing fire service installations implemented on the site shall be maintained in efficient working order at all times during the planning approval period;
- (g) if any of the above planning condition (a), (b), (c), (d), (e) 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.

[The above approval conditions are the same as those under the last approved planning Application No. A/YL-KTN/742, except deletion/revision to the conditions on traffic, drainage and fire safety aspects based on the latest comments from C for T, CE/MN of DSD and D of FS.]

Advisory clauses

The recommended advisory clauses are at **Appendix VI**.

- 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 applicant.

15. Attachments

Appendix I	Application form with supplementary information received on 30.10.2023
Appendix Ia	FI received on 8.12.2023
Appendix Ib	FI received on 12.12.2023
Appendix II	Relevant extract of TPB PG-No. 13G
Appendix III	Relevant extract of TPB PG-No. 34D
Appendix IV	Previous and similar applications
Appendix V	Government departments' general comments
Appendix VI	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
Plans A-4a & 4b	Site photos