

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

APPLICATION NO. A/YL-KTS/1008

<u>Applicant</u>	:	High Way Development and Trading Limited
<u>Site</u>	:	Lots 617 RP and 618 RP in D.D. 103, Ko Po San Tsuen, Kam Tin, Yuen Long
<u>Site Area</u>	:	About 1,530 m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
<u>Zoning</u>	:	“Agriculture” (“AGR”)
<u>Application</u>	:	Renewal of Planning Approval for Temporary Open Storage of Vehicles and Container Trailers/Tractors Park for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission for temporary open storage of vehicles and container trailers/tractors park for a period of three years at the application site (the Site) (**Plan A-1**). According to the covering Notes of the OZP, temporary use of any land not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by the applied use with valid planning permission under application No. A/YL-KTS/896 until 5.10.2024 (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Kam Tin Road via a local track (**Plans A-1 to A-3**). According to the applicant, the applied use involves two structures of one to two storeys with building heights of not more than 5.6m and a total floor area of about 89m² for storage, office and a covered car parking space. 15 container trailer parking spaces, six container tractor parking spaces and three private car parking spaces are provided within the Site. The operation hours are from 8:00 a.m. to 7:00 p.m. daily. The layout plan submitted by the applicant is at **Drawing A-1**.
- 1.3 The Site is the subject of ten previous applications for various temporary open storage uses (details at paragraph 6 below) which were all approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 2000 and 2021. The last application No. A/YL-KTS/896 was approved with conditions by the Committee on 27.8.2021 for a period of three years, and all

the time-limited approval conditions have been complied with. Compared with the last application, the current application is submitted by the same applicant for the same applied use at the same site with the same layout and 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 15.7.2024
- (b) Further Information (FI) received on 20.8.2024* (**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 applicant is engaged in business related to container transportation between Hong Kong and Mainland and planning permissions have been granted for the applied use at the Site for a long time. All the time-limited planning conditions of the last planning approval under application No. A/YL-KTS/896 stipulated by the Board on drainage and fire safety aspects have been complied with.
- (b) Self-monitoring measures will be adopted regarding vehicular access arrangements and road safety aspects of the development. Only the applicant's vehicles will be allowed to enter the Site. The width of the access road leading to the Site is wide enough and hence the pedestrian walkway nearby would not be affected. There is also adequate vehicular maneuvering space within the Site. The container vehicle drivers would be advised to drive cautiously in order not to cause danger to the pedestrians nearby and affect other road users of the local road network.

3. Compliance with the 'Owner's Consent/Notification' Requirements

The applicant is not the "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. 31B) by posting site notice and sending the notice to the Kam Tin Rural Committee by registered post. 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 2 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 the 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 the subject of ten previous applications (No. A/YL-KTS/191, 214, 300, 318, 400, 460, 580, 675, 793 and 896) submitted by the same applicant for temporary open storage of vehicles with/without container trailers/tractors park. Details of the previous applications are summarised in **Appendix IV** and the locations are shown on **Plan A-1**. All the applications were approved with conditions by the Committee between 2000 and 2021 mainly on the considerations that temporary approval would not jeopardise the long term planning intention for the Site; the intended use was not incompatible with the surrounding land uses; there was no adverse comment from concerned government departments; and the intended use complied with the then TPB PG-No. 13F or its previous versions. However, the planning permissions under applications No. A/YL-KTS/191, 300 and 400 were subsequently revoked in 2000, 2004 and 2008 respectively due to non-compliance with time-limited approval conditions. For the remaining seven applications, all approval conditions were complied with.
- 6.2 Compared with the last approved application No. A/YL-KTS/896, the current application is submitted by the same applicant for the same temporary use with the same layout and development parameters. All time-limited approval conditions have been complied with and the planning permission is valid until 5.10.2024.

7. Similar Applications

There are four similar applications (No. A/YL-KTS/821, 879, 922 and 923) covering three sites for temporary open storage use within the same “AGR” zone in the vicinity of the Site in the past five years. Details of the similar applications are summarised in **Appendix IV** and the locations are shown on **Plan A-1**. All the applications were approved with conditions by the Committee between 2019 and 2022 on similar considerations as stated in paragraph 6.1 above.

8. The Site and Its Surrounding Areas (Plans A-1 to A-4)

- 8.1 The Site is:

- (a) accessible from Kam Tin Road via a local track; and
- (b) fenced-off and paved with temporary structures for the applied use with valid

planning permission.

- 8.2 The surrounding areas comprise predominantly open storage yards (one of which is covered by valid planning permission No. A/YL-KTS/923), scattered residential structures (the nearest is about 15m to the west of the Site), two animal boarding establishments (both are covered by valid planning permissions No. A/YL-KTS/867 and 935), warehouses, vehicle repair workshop and vacant land. To the south of the Site is the Au Tau Treatment Works.

9. Planning Intention

The planning intention of the “AGR” zone is primarily 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

- 10.1 Apart from the government department as set out in paragraph 10.2 below, other 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.

- 10.2 The following government department does not support the application:

Environment

- 10.2.1 Comments of the Director of Environmental Protection (DEP):

- (a) according to the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”, he does not support the application as sensitive receivers, i.e. residential structures are found in the vicinity of the Site (the nearest is about 15m to its west (**Plan A-2**)) and the applied use involves traffic of heavy vehicles, thus environmental nuisance is expected;
- (b) there was no substantiated environmental complaint concerning the Site received in the past three years; and
- (c) should the application be approved, the applicant should note his advisory comments in **Appendix VI**.

11. Public Comment Received During Statutory Publication Period

On 23.7.2024, 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 and container trailers/tractors park for a period of three years at the Site zoned “AGR” on the OZP (**Plan A-1**). Whilst the applied use is not in line with the planning intention of the “AGR” zone, the Director of Agriculture, Fisheries and Conservation (DAFC) has no strong view on the renewal application from agricultural and nature conservation perspectives having considered that a previous application for the same use at the Site was approved. In view of the above and taking into account the planning assessments below, the applied use on a temporary basis for a further period of three years could be tolerated.
- 12.2 The applied use is considered not incompatible with the surrounding areas which comprise predominantly open storage yards, scattered residential structures, animal boarding establishments, warehouses, vehicle repair workshop and vacant land (**Plan A-2**).
- 12.3 DEP does not support the application as there are sensitive receivers of residential structure in the vicinity of the Site (about 15m to the west of the Site) (**Plan A-2**). Nonetheless, there was no substantiated environmental complaint concerning the Site in the past three years. Should the planning application be approved, the applicant will be advised to follow the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any potential environmental nuisance caused by the applied use on the surrounding areas and to keep the Site clean and tidy at all times.
- 12.4 The Site falls within Category 2 areas under TPB PG-No. 13G. The following considerations in the Guidelines are relevant:
- Category 2 areas: planning permission could be granted on a temporary basis up to a maximum period of three years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments, where appropriate, should be submitted to demonstrate that the proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas.
- 12.5 The application is considered generally in line with TPB PG-No. 13G in that the relevant government departments consulted, including the Commissioner for Transport, Chief Engineer/Mainland North of the Drainage Services Department, Chief Town Planner/Urban Design and Landscape of the Planning Department and Director of Fire Services have no objection to or no adverse comment on the application from traffic, drainage, landscaping and fire safety aspects respectively, and DEP’s concerns could be addressed as mentioned in paragraph 12.3 above. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 13.2 below.
- 12.6 The application is also considered generally in line with TPB PG-No. 34D in that there has been no material change in the planning circumstances since the previous approval was granted; no adverse planning implication arising from the renewal is anticipated; all the time-limited conditions under the previous approval had

been satisfactorily complied with; and the three-year approval period sought which is the same timeframe as the previous approval is reasonable.

- 12.7 The Committee has approved 10 previous applications for the same applied use at the Site between 2000 and 2021 and four similar applications within the same “AGR” zone in the vicinity of the Site in the past five years. Approval of 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 three 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 three years and be renewed from 6.10.2024 to 5.10.2027. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (b) the existing fire service installations implemented on the site shall be maintained in efficient working order at all times during the planning approval period;
- (c) if any of the above planning condition (a) or (b) 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
- (d) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

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.
- 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 15.7.2024
Appendix Ia	FI received on 20.8.2024
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
Plan A-4	Site photos

**PLANNING DEPARTMENT
SEPTEMBER 2024**