

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-KTS/1024**

<b><u>Applicant</u></b>	: Mr. TANG Tsz-ki
<b><u>Site</u></b>	: Lot 367 RP (Part) in D.D. 109, Kam Sheung Road, Kam Tin South, Yuen Long
<b><u>Site Area</u></b>	: About 284m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
<b><u>Zoning</u></b>	: “Village Type Development” (“V”) [ <i>Restricted to a maximum building height of 3 storeys (8.23m)</i> ]
<b><u>Application</u></b>	: Temporary Shop and Services (Real Estate Agency) for a Period of three Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary shop and services (real estate agency) for a period of three years at the application site (the Site), which falls within an area zoned “V” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “V” zone, ‘Shop and Services’ other than on the ground floor of a New Territories Exempted House (NTEH) is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by the applied use without valid planning permission (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Kam Sheung Road via a local access road (**Plans A-2 and A-3**). According to the applicant, the applied use involves a one-storey structure with floor area of about 47m<sup>2</sup> and building height of 3.5m for real estate agency office use. Four private car parking spaces for staff or visitors are provided within the Site. According to the applicant, no goods vehicles exceeding 5.5 tonnes will be allowed to enter/exit or park at the Site. The operation hours are between 9:00 a.m. and 6:00 p.m. daily including public holidays. The layout plan submitted by the applicant is at **Drawing A-1**.
- 1.3 The Site is the subject of four previous applications submitted by the same applicant for the same applied use as the current application at the Site. The last application No. A/YL-KTS/903 with the same layout and development

parameters was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 24.9.2021 and lapsed on 19.10.2024 (details at paragraph 5 below).

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

- (a) Application form with attachments received on 29.8.2024 (Appendix I)
- (b) Further Information (FI) received on 8.10.2024\* (Appendix Ia)
- (c) Further Information (FI) received on 17.10.2024\* (Appendix Ib)

*\* 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 with attachments and FI at **Appendices I to Ia**, which can be summarised as follows:

- (a) The applied use is to provide real estate services for the local community. It is in line with the planning intention of “V” zone.
- (b) The Site is subject to four previous applications (No. A/YL-KTS/502, 648, 799 and 903) for shop and services use which were all approved by the Committee between 2010 and 2021. All approval conditions, including provision of fire services installations, under the previous planning permission (A/YL-KTS/903) have been complied with.
- (c) Sufficient maneuvering space is provided within the Site to ensure that no vehicle will turn back onto local access. The applied use is compatible with the surrounding land uses and would not generate adverse traffic, drainage, sewerage, environmental and fire safety impacts to the vicinity.

## **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. 31B) by posting site notice and sending notice to the Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Member’s inspection.

## **4. Background**

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

## **5. Previous Applications**

- 5.1 The Site is the subject of four previous applications (No. A/YL-KTS/502, 648, 799 and 903) submitted by the same applicant for the same applied use at the Site as the current application. All four applications were approved with conditions by the Committee between 2010 and 2021 mainly on the considerations that the proposed developments were of relatively small in scale and the approval of the applications on a temporary basis for three years would not jeopardize the long-term planning intention of the “V” zone; the development were not incompatible with the surrounding land uses; and relevant departments consulted has no adverse comment on the applications / renewal applications. The planning permission for application No. A/YL-KTS/648 was revoked in October 2015 due to non-compliance with planning conditions. For the last application (No. A/YL-KTS/903), which was a renewal of planning approval granted by the Board, all the time-limited approval conditions have been complied with and the planning permission lapsed on 19.10.2024.
- 5.2 Details of the previous applications are summarised in **Appendix II** and the locations are shown on **Plan A-1**.

## **6. Similar Applications**

- 6.1 There are six similar applications (No. A/YL-KTS/863, 884, 904, 914, 927 and 974) involving four sites for similar temporary shop and services uses within the same or adjoining “V” zones in the vicinity of the Site in the past five years. All of them were approved by the Committee between 2019 and 2024 mainly on similar considerations as those in paragraph 5.1 above. The planning permissions for three of them (No. A/YL-KTS/863, 884 and 914) were subsequently revoked due to non-compliance with approval conditions.
- 6.2 Details of the applications are summarized in **Appendix II** and their locations are shown on **Plan A-1**.

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

- 7.1 The Site is:
- (a) accessible from Kam Sheung Road via a local access road; and
  - (b) occupied by the applied use without valid planning application.
- 7.2 The surrounding areas comprise predominantly residential developments intermixed with shop and services use, restaurant, car dismantling workshop, open storage yards and parking of vehicles.

## **8. 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 NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

## **9. Comments from the 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 III and IV respectively**.

## **10. Public Comments Received During Statutory Publication Period**

On 6.9.2024, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

## **11. Planning Considerations and Assessments**

11.1 The application is for temporary shop and services (real estate agency) for a period of three 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. Although the applied use is not entirely in line with the planning intention of the “V” zone, the applicant claims that the applied use could serve the local demand for shop and services in the area. Besides, the District Lands Officer/Yuen Long of Lands Department advises that there is no Small House application approved or under processing within the Site. The applied use of temporary nature would not adversely affect the land availability for NTEH/Small House developments within the “V” zone in the long term. Approval of the application on a temporary basis for a period of three years would not jeopardise the long-term planning intention of the “V” zone.

11.2 The applied use is considered not incompatible with the surrounding areas which comprise predominantly residential developments intermixed with shop and services use, restaurant, car dismantling workshop, open storage yards and parking of vehicles (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) considers that no significant

landscape impact arising from the applied use is anticipated and has no objection to the application from landscape planning perspective.

- 11.3 Relevant government departments consulted including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department and 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 12.2 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” in order to minimise the potential environmental nuisance caused by the applied use on the surrounding areas.
- 11.4 There are four previous applications for the same applied use at the Site and six similar applications approved for similar shop and services use within the same or the adjoining “V” zones in the past five years as mentioned in paragraphs 5.1 and 6.1 above respectively. Approval of the current application is in line with the Committee’s previous decisions.

## **12. Planning Department’s Views**

- 12.1 Based on the assessments made in paragraph 11 above, PlanD 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 three years until 25.10.2027. The following condition of approval and advisory clauses are also suggested for Members’ reference:

### Approval conditions

- (a) the submission of a 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 25.4.2025;
- (b) in relation to (b) above, the implementation of the 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 25.7.2025;
- (c) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (d) if ~~any of~~ the above planning condition (c) 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
- (e) if any of the above planning condition (a) or (b) 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 There is no strong reason to recommend rejection.

## **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**

<b>Appendix I</b>	Application form with attachments received on 29.8.2024
<b>Appendix Ia</b>	FI received on 8.10.2024
<b>Appendix Ib</b>	FI received on 17.10.2024
<b>Appendix II</b>	Previous and similar applications
<b>Appendix III</b>	Government departments' general comments
<b>Appendix IV</b>	Recommended advisory clauses
<b>Drawing A-1</b>	Layout plan
<b>Plan A-1</b>	Location plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plan A-4</b>	Site photos

**PLANNING DEPARTMENT  
OCTOBER 2024**