

RNTPC Paper No. A/YL-KTS/1029
For Consideration by
the Rural and New Town Planning
Committee on 22.11.2024

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/1029

- Applicant** : Multi Link Corporation Limited represented by M&D Planning and Surveyors Consultant Limited
- Site** : Lots 1689 S.C (*Part*), 1689 S.D (*Part*), 1689 S.E, 1689 S.F, 1689 S.G, 1689 S.H and 1689 RP in D.D. 109 and Adjoining Government Land (GL), Kam Tin Road, Kam Tin, Yuen Long
- Site Area** : About 1,111.95m² (including GL of about 195.75m² (17.6%))
- Lease** : New Grant No. 808 for private residential purposes
- Plan** : Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
- Zonings** : “Residential (Group C)” (“R(C)”) (98%)
[Maximum plot ratio of 0.8, maximum site coverage of 40% and maximum building height of 4 storeys (12m)]

“Village Type Development” (“V”) (2%)¹
[Maximum building height of 3 storeys (8.23m)]
- Application** : Temporary Shop and Services (Motor Vehicles Showroom) for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary shop and services (motor vehicles showroom) for a period of three years at the application site (the Site), which falls within an area zoned the “R(C)” on the OZP (**Plan A-1a**). According to the Notes of the OZP, ‘Shop and Services’ is a Column 2 use for “R(C)” zone which requires planning permission from the Town Planning Board (the Board). The Site is hard-paved and currently occupied by the applied use without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Kam Tin Road (**Plans A-2 and A-3**). According to the applicant, the applied use involves four one to two-storey structures (about 3.15m to 6.9m in height) with a total floor area of about 452.52m² for

¹ Regarded as minor boundary adjustment allowed under the covering Notes of the OZP.

temporary office, motor vehicle show room, storage, meeting room, toilet and shelters uses. 18 private car and seven light goods vehicle display areas are provided within the Site, five of which are for private vehicle parking for the customers and staff (**Drawing A-2**). The operation hours are between 10:30 a.m. and 6:30 p.m. from Mondays to Saturdays, and 11:30 a.m. to 6:30 p.m. on Sundays and public holidays. No car beauty, washing, repairing, dismantling or other workshop activities will be carried out at the Site. No medium or heavy goods vehicles exceeding 5.5 tonnes, including container trailer/tractor will be allowed to enter/park at the Site. The site layout plan and the vehicle manoeuvring plan submitted by the applicant are at **Drawings A-1 and A-2**.

- 1.3 The Site is involved in six previous applications. The last application No. A/YL-KTS/898 submitted by the same applicant for the same use covering the same site with different layout and development parameters was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 10.9.2021 and the planning permission lapsed on 20.10.2024 (details at paragraph 5 below).
- 1.4 In support of the application, the applicant has submitted the Application Form with supplementary information received on 25.9.2024 (**Appendix I**).

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form at **Appendix I**. They can be summarised as follows:

- (a) Kam Tin Town is a well-known area for vehicle sales and storage. The applied use could serve such demand for shop and services use in the locality. There are similar uses in the vicinity and thus the applied use will not be incompatible with the surrounding area.
- (b) The applied use will not result in adverse environmental, drainage, traffic and landscape impacts or fire safety risk to the nearby residents.
- (c) Relevant government departments had no adverse comment on the previous applications, which were approved by the Committee in 2018 and 2021. The applied use, numbers of car parking spaces, site area and relevant landscape, drainage, fire service installations proposals remain unchanged if compared with the last approved application No. A/YL-KTS/898, while the site coverage and total floor area have been increased due to the addition of structures to cope with the operation need.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is the sole “current land owner” of the private land portion of the Site. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the “Owner’s Consent / Notification” Requirements are not applicable.

4. Background

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

5. Previous Applications

- 5.1 The Site, in part or in whole, is involved in six previous applications (No. A/DPA/YL-KTS/27, A/YL-KTS/149, 223, 746, 797 and 898). Three of the applications (No. A/DPA/YL-KTS/27, A/YL-KTS/149 and 223) for residential development, temporary open storage and temporary public vehicle park are not relevant to the current application. Details of the previous applications are summarised in **Appendix II** and their locations are shown on **Plan A-1b**.
- 5.2 The remaining three applications (No. A/YL-KTS/746, 797 and 898) for the same applied use submitted by the same applicant covering the same site as the current application were approved with conditions by the Committee between 2017 and 2021 mainly on the considerations that the proposed use on a temporary basis would not frustrate the long-term planning intention of the “R(C)” zone; the proposed use was considered not incompatible with the surrounding areas; and relevant government departments in general had no adverse comments on the applications and the technical concerns could be addressed by approval conditions. The planning permission under application No. A/YL-KTS/746 was subsequently revoked in July 2018 due to non-compliance with approval conditions. For the last approved application (No. A/YL-KTS/898), all the approval conditions have been complied with and the planning permission lapsed on 20.10.2024.

6. Similar Application

There is no similar application for temporary shop and services (motor vehicles showroom) use within the same “R(C)” zone in the vicinity of the Site.

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

- 7.1 The Site is:
- (a) hard-paved and occupied by the applied use without valid planning permission; and
 - (b) accessible from Kam Tin Road.
- 7.2 The surrounding areas comprise predominantly village houses, various types of brownfield operations, community service centre, cultivated agricultural land and grass land.

8. Planning Intention

The planning intention of the “R(C)” zone is primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood 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 Comment Received During Statutory Publication Period

On 4.10.2024, the application was published for public inspection. During the statutory public inspection period, one public comment from the Aviation Club of Hong Kong, China was received expressing concern on the height of the proposed use from flight safety perspective.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary shop and services (motor vehicle showroom) for a period of three years at the Site zoned “R(C)” (**Plan A-1**). The planning intention of the “R(C)” zone is primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board. While the applied use is not entirely in line with the planning intention of the “R(C)” zone, the applicant claims that the applied use is to serve the local neighbourhood. Besides, as there is no known development programme involving the Site, approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “R(C)” zone.
- 11.2 The applied use is considered not incompatible with the surrounding areas which comprise predominantly village houses, various types of brownfield operations, community service centre, cultivated agricultural land and grass land (**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, Director of Fire Services and Director-General of Civil Aviation 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 three previous applications for the same applied use at the Site approved between 2017 and 2021 as mentioned in paragraph 5.2 above. Approval of the current application is in line with the Committee’s previous decisions.
- 11.5 For the public comment mentioned in paragraph 10 above, the Director-General of Civil Aviation advises that the maximum level of the 2-storey structure (i.e. not exceeding 6.9m) are in general compatible with the building heights in the surrounding areas and has no comment on the application.

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, 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 22.11.2027. The following condition 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 submission of a record of the existing drainage facilities on the Site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 22.2.2025;
- (c) 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 22.5.2025;
- (d) in relation to (c) 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 22.8.2025;
- (e) if the above planning condition (a) 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;

- (f) if any of the above planning condition (b), (c) or (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.

Advisory Clauses

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

- 12.3 There is no strong reason to recommend rejection of the application.

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 and Supplementary Information received on 25.9.2024
Appendix II	Previous applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public Comment
Drawing A-1	Site Layout Plan
Drawing A-2	Vehicle manoeuvring plan
Plan A-1a	Location Plan
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo

Plan A-4

Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2024**