

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

APPLICATION NO. A/YL-KTS/1030

<u>Applicant</u>	:	Chief Force Limited
<u>Site</u>	:	Lots 1319 (Part) and 1336 S.A (Part) in D.D.106, Kong Ha Wai, Kam Sheung Road, Pat Heung, Yuen Long
<u>Site Area</u>	:	About 2,508m 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>	:	“Residential (Group D)” (“R(D)”)
<u>Application</u>	:	Renewal of Planning Approval for Temporary Open Storage of Vehicles and Modification Workshop for Vans and Lorries 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 modification workshop for vans and lorries for a period of three years at the application site (the Site), which falls within an area zoned “R(D)” on the OZP (**Plan A-1a**). According to the covering Notes of the OZP, temporary use of 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/907 until 18.12.2024 (**Plans A-1b, A-2, A-4a and A-4b**).
- 1.2 The Site is accessible from Kam Sheung Road via a local track (**Plans A-1a and A-3**). According to the applicant, the applied use involves eight single-storey structures with building heights ranging from 2.6m to 5.3m and a total floor area of not more than 807.8m² for workshop, storage and office uses. Vehicles of 5.5 tonnes are used for operation of the applied use. Modification workshop activities are mainly carried out within the enclosed structures. The operation hours are from 9:00 a.m. to 6:00 p.m., Mondays to Saturdays and no operation on Sundays and public holidays. The layout plan submitted by the applicant is at **Drawing A-1**.
- 1.3 The Site is the subject of 11 previous applications for similar temporary open storage/storage of vehicles and workshop uses. The last previous application No.

A/YL-KTS/907 submitted by the same applicant for the same use at the same site with the same layout and development parameters was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 26.11.2021. All the time-limited approval conditions have been complied with.

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

- (a) Application Form with supplementary information (**Appendix I**) received on 27.9.2024
- (b) Further Information (FI) received on 1.11.2024* (**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 and FI at **Appendices I and Ia** and can be summarised as follows:

- (a) The applied use is temporary in nature. It does not involve permanent structures and will not jeopardize the implementation of the long-term planning intention.
- (b) The application is for renewal of a previously approved application No. A/YL-KTS/907. No complaint was received from the local or government department since the last approval and the Site has been kept in good condition.
- (c) The drainage facilities on-site have been cleaned regularly to avoid flooding. The Site has also been provided with appropriate fire service installations (FSIs). There is no traffic impact on Kam Sheung Road or the surrounding area. The applicant will comply with all approval conditions to be stipulated by the Board. No adverse environmental impact would be brought by the applied use.

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. 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 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, in part or in whole, is the subject of 11 previous applications (No. A/YL-KTS/127, 168, 221, 259, 335, 417, 461, 594, 684, 804 and 907) for similar temporary open storage/storage of vehicles and workshop uses. Details of the applications are summarized in **Appendix IV** and their locations are shown on **Plan A-1b**.
- 6.2 All previous applications were approved with conditions by the Committee or by the Board upon review between 1998 and 2021 mainly on the considerations that approval of the application on a temporary basis would not frustrate the long-term planning intention of the site; the proposed/applied use was generally in line with the then TPB PG-No. 13F or its previous versions that previous approvals for similar applied use had been granted, relevant departments in general had no adverse comment and/or the concerns of relevant departments could be addressed by approval conditions; and there were no changes in planning circumstances. The planning permissions under applications No. A/YL-KTS/221 and 417 were subsequently revoked in 2001 and 2008 respectively due to non-compliance with the approval conditions.
- 6.3 Compared with the last approved application No. A/YL-KTS/907, the current application is submitted by the same applicant for the same use at the same site with the same layout and development parameters. All time-limited approval conditions have been complied with and the planning permission is valid until 18.12.2024.

7. Similar Applications

There are three similar applications (No. A/YL-KTS/844, 951 and 954) covering two sites for similar temporary open storage and workshop use within the same “R(D)” zone in the vicinity of the Site in the past five years. All the applications were approved with conditions by the Committee between 2020 and 2023 mainly on the considerations as stated in paragraph 6.2 above, except that the considerations in relation to the then TPB PG-No. 13F were relevant for applications No. A/YL-KTS/844 and 951 only. Details of the similar applications are summarised in **Appendix IV** and the locations are shown on **Plan A-1a**.

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

8.1 The Site is:

- (a) accessible from Kam Sheung Road a local track; and
- (b) occupied by the applied use with valid planning permission under application No. A/YL-KTS/907.

8.2 The surrounding areas comprise predominantly open storage/storage yards (with one covered by planning approval), vehicle repair workshop, warehouse, a transitional housing development named Pok Oi Kong Ha Wai Village, vacant land, gardening and shops and residential structures.

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 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 V** and **VI** respectively.

11. 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 development from flight safety perspective (**Appendix VII**).

12. Planning Considerations and Assessments

12.1 The application is for renewal of planning permission for temporary open storage of vehicles and modification workshop for vans and lorries for a period of three years at the Site zoned “R(D)” (**Plan A-1a**). Whilst the applied use is not in line with the planning intention of the “R(D)” zone, 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(D)” zone.

12.2 The applied use is considered not incompatible with the surrounding areas which comprise predominantly open storage/storage yards (with one covered by planning approval), vehicle repair workshop, warehouse, a transitional housing,

vacant land, gardening and shops and residential structures (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape of the Planning Department (CTP/UD&L, PlanD) considers that significant adverse landscape impacts arising from the applied use is not anticipated and she has no comment on the application from landscape planning perspective.

- 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 (irrespective of whether the application is submitted by the applicant of previous approval or a different applicant). 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 generate 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 departments and local residents can be addressed through the implementation of approval conditions.

- 12.4 The application is considered generally in line with TPB PG-No. 13G in that previous approvals for the similar temporary open storage/storage of vehicles and workshop uses had been granted to the Site between 1998 and 2021 (**Plan A-1b and Appendix IV**); all the approval conditions under the last previous application No. A/YL-KTS/907 had been complied with; and the relevant government departments consulted, including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department, CTP/UD&L, PlanD, 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 the 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” to minimise any potential environmental nuisance caused by the proposed use on the surrounding areas.
- 12.5 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 approval 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.
- 12.6 Given that 11 previous applications for similar temporary open storage/storage of vehicles and workshop uses have been granted to the Site by the Committee/the Board upon review between 1998 to 2021 and there are three similar approved applications within the same “R(D)” zone in the vicinity of the Site in the past five years, approving the current application is in line with the Committee’s previous

decisions.

- 12.7 For the public comment mentioned in paragraph 11 above, the Director-General of Civil Aviation advises that the maximum level of the structure (i.e. one storey) is in general compatible with the building heights in the surrounding areas and has no comment on the application.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 above and having taking into account the public comment mentioned in paragraph 11 above, PlanD 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 19.12.2024 to 18.12.2027. 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; and
- (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.

Advisory clauses

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

- 13.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:

the applied use is not in line with the planning intention of the "R(D)" zone which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and also for low-rise, low-density residential developments. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

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 27.9.2024
Appendix Ia	FI received on 1.11.2024
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
Appendix VII	Public comment
Drawing A-1	Site layout plan
Plan A-1a	Location plan with similar applications
Plan A-1b	Previous application plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4a and 4b	Site photos

**PLANNING DEPARTMENT
NOVEMBER 2024**