

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

**APPLICATION NO. A/YL-KTS/1035**

<b><u>Applicant</u></b>	: Wah San Motor Trading Limited represented by R-riches Property Consultants Limited
<b><u>Site</u></b>	: Lots 512 RP (Part) and 515 (Part) in D.D. 103 and Adjoining Government Land (GL), Kam Tin, Yuen Long, New Territories
<b><u>Site Area</u></b>	: About 1,837m <sup>2</sup> (including GL of about 41m <sup>2</sup> (2.2%))
<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>	: “Agriculture” (“AGR”)
<b><u>Application</u></b>	: Proposed Temporary Open Storage of Vehicles for Sale (Including New/Used Vehicles) for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary open storage of vehicles for sale (including new/used vehicles) for a period of three years at the application site (the Site), which falls within an area zoned “AGR” on the OZP (**Plan A-1a**). According to the covering Notes of the OZP, temporary use or development of any land not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently paved, fenced and occupied by open storage of vehicles and parts without valid planning permission (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Kam Tin Road via a local access (**Plans A-2 and A-3**). According to the applicant, the proposed use involves nine one to two storeys structures with building heights ranging from about 2.8m to 6m and a total floor area of about 393m<sup>2</sup> for covered storage spaces (for vehicles and tools), portable toilet, covered parking space and site office uses. A total of 50 storage spaces for private cars for sale and four private car parking spaces will be provided at the Site. No trading and other shop and services activities, and no repairing, dismantling, maintenance, cleansing or other workshop activities will be carried out at the Site. No heavy vehicles and no dangerous goods will be stored at the Site. The operation hours will be 9:00 a.m. to 7:00 p.m. daily, including public holidays. The site layout plan and landscape proposal submitted by the applicant are at **Drawings A-1 and A-2**.

- 1.3 The Site, in part or in whole, was the subject of seven previous applications for temporary open storage of vehicles (**Plan A1-b**) (details at paragraph 6 below). The last application No. A/YL-KTS/912 submitted by the same applicant for the same use covering the same site with the same development parameters with minor changes in layout was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 22.4.2022 and the planning permission was subsequently revoked on 22.10.2023 due to non-compliance with approval conditions.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on (**Appendix I**)  
8.10.2024
  - (b) Further Information (FI) received on 20.12.2024\* (**Appendix Ia**)
  - (c) FI received on 3.2.2025\* (**Appendix Ib**)  
\* *accepted and exempted from publication and recounting requirements*
- 1.5 On 6.12.2024, the Committee agreed to defer making a decision on the application for two months as requested by the applicant.

## **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 to Ib** and can be summarised as follows:

- (a) The Site has already been occupied by the open storage of vehicles and parts with no active agricultural use and is surrounded by low-rise temporary structures for similar use, thus is not incompatible with the surrounding areas. Approval of the application would better utilise the precious land resources and would not frustrate the long-term planning intention of the “AGR” zone.
- (b) Previous approvals for the same use submitted by the same applicant at the Site have been granted. The major development parameters of the last approved application No. A/YL-KTS/912 are the same as the current application.
- (c) The trip generation and attraction of the proposed use is minimal. Sufficient manoeuvring space will be provided to avoid queuing and turning back of vehicles outside the Site. The applicant has provided adequate mitigation measures, i.e. submission of the previously accepted fire service installations (FSIs) and drainage proposals, and will follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (the Code of Practice) and other relevant ordinances. Thus, the proposed use will not create significant adverse traffic, environmental and drainage impacts to the surrounding areas.
- (d) The new operator of the Site is committed to comply with relevant approval conditions and other statutory requirements including rectification of the lease breaches.

### **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 Kam Tin Rural Committee. Detailed information would be deposited at the meeting for Member’s inspection. For the GL portion, the “Owner’s Consent / Notification” Requirements are not applicable.

### **4. Background**

4.1 The Site was filled before the incorporation of land filling control to the Notes for the “AGR” zone on the draft Kam Tin South OZP No. S/YL-KTS/8 gazetted on 1.4.2005.

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

### **5. Town Planning Board Guidelines**

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 is relevant to the application. The Site falls within Category 3 areas under the Guidelines. Relevant extracts of the Guidelines are at **Appendix II**.

### **6. Previous Applications**

6.1 The Site, in part or in whole, is the subject of seven previous applications (No. A/DPA/YL-KTS/73 and A/YL-KTS/126, 423, 547, 644, 800 and 912) for temporary open storage of vehicles (including two for renewal of planning permission granted). Details of the previous applications are summarised in **Appendix III** and their locations are shown on **Plan A-1b**.

#### Approved Applications

6.2 Six applications (No. A/YL-KTS/126, 423, 547, 644, 800 and 912) were approved with conditions by the Committee or by the Board upon review between 1998 and 2022 mainly on the considerations that approval on a temporary basis would not frustrate the long-term planning intention; the proposed/applied use was not incompatible with the surrounding land uses; relevant government departments consulted in general had no objection to or no adverse comment; the technical concerns could be addressed by appropriate approval conditions; and the application was in line with the relevant TPB PG-No. 13. The planning permissions of the last two applications (No. A/YL-KTS/800 and 912) submitted by the same applicant as the current application were subsequently revoked in 2021 and 2023 respectively due to non-compliance with approval conditions including those related to submission and/or implementation of drainage and FSIs proposals.

- 6.3 Compared to the last approved application (No. A/YL-KTS/912), the current application involves the same site, the same use, and the same development parameters with minor changes in layout.

Rejected Application

- 6.4 Application No. A/DPA/YL-KTS/73 was rejected by the Board on 13.5.1994 mainly on the grounds that the proposed use at the application site would be affected by the imminent implementation of the then proposed Route 3 (Country Park Section) project; the proposed use was not in line with the planning intention for the area; the proposed use was not compatible with the village settlements in the vicinity; no information on access arrangement and operation of the use had been submitted to demonstrate that the proposed use would have no adverse impact on the traffic; and no drainage proposal had been included in the submission.

**7. Similar Applications**

There are five similar applications (No. A/YL-KTS/879, 896, 922, 923 and 1008) involving four sites for various temporary open storage uses with/without parking of vehicles or container trailers/tractors parks within the “AGR” zone in the vicinity of the Site in the past five years. All the applications were approved with conditions by the Committee between 2021 and 2024 on similar considerations as stated in paragraph 6.2 above. Details of the similar applications are summarised in **Appendix III** and their locations are shown on **Plan A-1a**.

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

- 8.1 The Site is:

- (a) accessible from Kam Tin Road via a local access; and
- (b) paved, fenced and occupied by open storage of vehicles and parts without valid planning permission.

- 8.2 The Site is bounded by Tsing Long Highway (TLH) to its immediate west and south, and the surrounding areas comprise predominantly open storage/storage yards, warehouse, Kam Tin Sewage Pumping Station (KTSPS), scattered residential structures and grassland.

**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 the Relevant Government Departments**

- 10.1 Apart from the government departments 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, if any, are provided in **Appendices IV** and **V** respectively.
- 10.2 The following government departments have adverse comments on/do not support the application:

### **Land Administration**

- 10.2.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):
- (a) has adverse comments on the application;
  - (b) the Site comprises GL and Old Schedule Agricultural Lots No. 512RP and 515 both in D.D. 103 held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
  - (c) it is noted that the applicant has applied for occupation of GL (about 41m<sup>2</sup>) included in the Site. Any occupation of GL without Government's prior approval is an offence under Cap.28;
  - (d) has reservation on the application since there are unauthorised structures and/or uses on the private lots which is/are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD; and
  - (e) his advisory comments are in **Appendix V**.

### **Agriculture and Nature Conservation**

- 10.2.2 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):
- (a) does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation;
  - (b) the Site falls within the "AGR" zone and is generally occupied by some structures. There is no agricultural activity in the vicinity of the Site. Agricultural infrastructures such as road access and water source are available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc.; and

- (c) no comment from nature conservation perspective as no tree felling would be involved in the applied development.

## **11. Public Comment Received During Statutory Publication Period**

On 15.10.2024, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual who objects to the application mainly on the grounds that the approval conditions of the previous applications were not complied with (**Appendix VI**).

## **12. Planning Considerations and Assessments**

12.1 The application is for proposed temporary open storage of vehicles for sale (including new/used vehicles) for a period of three years at the Site zoned “AGR” (**Plan A-1a**). Whilst the proposed use is not in line with the planning intention of the “AGR” zone and DAFC does not support the application from agricultural perspective, the applicant claims that the proposed use could address the demand for open storage of vehicles for sale (including new/used vehicles). Taking into account the planning assessments below, there is no objection to the proposed use on a temporary basis for a period of three years.

12.2 The proposed use is considered not incompatible with the surrounding areas which comprise predominantly open storage/storage yards, warehouse, KTSPS, scattered residential structures and grassland, and the Site is bounded by TLH to its immediate west and south. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment from landscape planning perspective considering that significant adverse impact on existing landscape resources is not anticipated and the proposed use is not incompatible with the surrounding landscape character.

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 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.

12.4 The application is considered generally in line with the TPB PG-No. 13G in that previous approvals for temporary open storage uses at the Site have been granted

since 1998 and relevant government departments consulted, including the Commissioner for Transport, Director of Fire Services (D of FS), Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) and Director of Environmental Protection, have no objection to or no adverse comment on the application. To address the technical requirements of concerned government departments, relevant approval conditions are recommended in paragraph 13.2 below. Should the application be approved, the applicant will also be advised to follow the revised Code of Practice to minimise any potential environmental nuisance caused by the proposed use on the surrounding areas. Regarding DLO/YL, LandsD's concern on the unauthorised structures erected within the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application. The applicant has also committed to rectify on the lease breaches as demanded by LandsD upon approval given by the Committee.

- 12.5 The Site was the subject of six previously approved applications (No. A/YL-KTS/126, 423, 547, 644, 800 and 912) for open storage of vehicles granted by the Committee/the Board between 1998 and 2022. The planning permissions under applications No. A/YL-KTS/800 and 912 submitted by the same applicant for the same use at the same site were revoked due to non-compliance with approval conditions including those related to submission and/or implementation of drainage and FSIs proposals. In this regard, the applicant has submitted the relevant drainage and FSIs proposals in support of the current application which were accepted by CE/MN, DSD and D of FS respectively. Hence, sympathetic considerations may be given to the application. Should the application be approved, the applicant will be advised that sympathetic consideration may not be given to any further applications should he fail to comply with any of the approval conditions again resulting in revocation of planning permission.
- 12.6 Given that six previous applications for temporary open storage of vehicles at the Site and five similar applications for various temporary open storage uses within the "AGR" zone in the vicinity of the Site have been approved by the Committee/the Board in the past five years as mentioned in paragraphs 6 and 7 above, approving the current application is in line with the Committee's previous decisions.
- 12.7 Regarding the public comment mentioned in paragraph 11, the departmental comments and planning assessments above are relevant.

### **13. Planning Department's Views**

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comment mentioned in paragraph 11 above, PlanD has no objection to the application.
- 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 until 14.2.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### Approval conditions

- (a) the implementation of the accepted drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 14.11.2025;
- (b) in relation to (a) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (c) the provision of fire extinguisher(s) within **6** weeks with a valid fire certificate (FS 251) from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 28.3.2025;
- (d) the implementation of the accepted 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 14.11.2025;
- (e) if the above planning condition (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
- (f) if any of the above planning condition (a), (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 V**.

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

the proposed use is not in line with the planning intention of the "AGR" zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification given 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**

<b>Appendix I</b>	Application Form with attachments received on 8.10.2024
<b>Appendix Ia</b>	FI received on 20.12.2024
<b>Appendix Ib</b>	FI received on 3.2.2025
<b>Appendix II</b>	Relevant Extracts of TPB PG-No. 13G
<b>Appendix III</b>	Previous and similar applications
<b>Appendix IV</b>	Government departments' general comments
<b>Appendix V</b>	Recommended advisory clauses
<b>Appendix VI</b>	Public comment
<b>Drawing A-1</b>	Site layout plan
<b>Drawing A-2</b>	Landscape proposal
<b>Plan A-1a</b>	Location plan with similar applications
<b>Plan A-1b</b>	Previous applications plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plan A-4</b>	Site photos

**PLANNING DEPARTMENT  
FEBRUARY 2025**