

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

APPLICATION NO. A/YL-KTS/1047

<u>Applicant</u>	:	Mr. TANG Shin Hing Daniel
<u>Site</u>	:	Lot 452 RP (Part) in D.D. 109, Kam Tin, Yuen Long, New Territories
<u>Site Area</u>	:	About 720m 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 C)” (“R(C)”) <i>[Maximum plot ratio of 0.8, maximum site coverage of 40% and maximum building height of 4 storeys (12m)]</i>
<u>Application</u>	:	Renewal of Planning Approval for Temporary Car Park (Private Cars and Light Goods Vehicles) for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission for temporary car park (private cars and light goods vehicles) for a period of three years at the application site (the Site), which falls within an area zoned “R(C)” 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/915 until 22.3.2025 (**Plans A-1b to A-4**).
- 1.2 The Site is accessible from Kam Tin Road via a short local track (**Plans A-2 and A-3**), with an ingress/egress at the northeast. According to the applicant, the applied use provides a total of 25 parking spaces (each of 2.5m x 5m) for private cars and light goods vehicles. No vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulation is permitted to park at the Site. No medium or heavy vehicles exceeding 5.5 tones, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at all times, and a notice indicating such is posted at a prominent location of the Site at all times. No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities will be carried out

at the Site. The operation hours are between 6:00 a.m. and 10:30 p.m. daily. The site layout plan submitted by the applicant is at **Drawing A-1**.

1.3 The Site, in part or in whole, was the subject of four previous applications for temporary car park uses (**Plans A-1b**) (details at paragraph 6 below). The last application No. A/YL-KTS/915 (renewal of planning permission previously granted), submitted by a different 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 4.3.2022. All 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 2.12.2024
 - (b) Further Information (FI) received on 17.1.2025* (**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 and provides a short-term solution for the demand of car parking spaces. It allows flexibility and will not jeopardise the implementation of the long-term planning intention for the Site.
- (b) All the approval conditions have been complied with under the previous approval (application No. A/YL-KTS/915) and the Site has been maintained in a good condition. The applicant has submitted the accepted Fire Services Installations (FSIs) plan and drainage plan under the previous application A/YL-KTS/915 and the corresponding FS251 certificate and drainage record. No reversing of vehicles into or out from the Site is allowed. All existing trees within the Site have been maintained in good condition. No medium or heavy vehicles exceeding 5.5 tones are allowed to be parked/stored on or enter/exit the Site. Hence, the applied use would not cause significant drainage, traffic, landscape and environmental impacts to the surrounding areas.

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 Members’ inspection.

4. Town Planning Board Guidelines

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 relevant to the application and the relevant extract of which is attached at **Appendix II**.

5. Background

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

6. Previous Applications

- 6.1 The Site, in whole or in part, is involved in four previous applications (No. A/YL-KTS/622, 689, 818 and 915) for similar temporary car park use (including one for renewal of planning permission granted) as the current application. All applications were approved with conditions by the Committee between 2013 and 2022 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 not incompatible with the surrounding areas; relevant government departments consulted in general had no adverse comment and/or the concerns of relevant departments could be addressed by approval conditions; and previous approvals had been granted and there were no changes in planning circumstances. The planning permission for application No. A/YL-KTS/622 was subsequently revoked in 2014 due to non-compliance with the approval conditions.
- 6.2 The last application No. A/YL-KTS/915, submitted by a different applicant for the same use at the same site with the same layout and development parameters, was approved with conditions by the Committee on 4.3.2022. All time-limited approval conditions have been complied with and the planning permission is valid until 22.3.2025.
- 6.3 Details of the applications are summarised in **Appendix III** and their locations are shown on **Plan A-1b**.

7. Similar Application

There is no similar application within the same “R(C)” zone on the OZP in the past five years.

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 short local access; and

- (b) occupied by the applied use with valid planning permission until 22.3.2025 under application No. A/YL-KTS/915.

8.2 The surrounding areas are predominated by brownfield operations, shop and services use, restaurant, residential developments and structures, rural settlement of Wing Lung Wai, government, institution or community facilities and cultivated agricultural land.

9. 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.

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/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 department supports the application:

Traffic

Comments of the Commissioner of Transport (C for T):

- (a) supports the planning application from traffic engineering perspective to address the local parking demand; and
- (b) advisory comments are in **Appendix V**.

11. Public Comment Received During Statutory Publication Period

On 10.12.2024, the application was published for public inspection. During the statutory public inspection period, one public comment was received from the Aviation Club of Hong Kong, China expressing concern on the height of the applied use from flight safety perspective (**Appendix VI**).

12. Planning Considerations and Assessments

12.1 The application is for renewal of planning permission for temporary car park (private cars and light goods vehicles) for a period of three years at the Site zoned “R(C)” (**Plan A-1a**). Whilst the applied use is not in line with the planning intention of the “R(C)” zone, there is no known development programme involving the Site. C for T supports the planning application from traffic

engineering perspective as it could help address the local parking demand. Taking into account the above and the planning assessments below, it is considered that 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.

- 12.2 The applied use is considered not incompatible with the surrounding areas which are predominated by brownfield operations, shop and services use, restaurant, residential developments and structures, rural settlement of Wing Lung Wai, government, institution or community facilities and cultivated agricultural land (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) considers that significant landscape impact arising from the applied use is not anticipated and has no comment on the application from landscape planning perspective.
- 12.3 Other concerned government departments consulted including the Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department, Director of Fire Services and Director-General of Civil Aviation (DG of CA) have no adverse comment on or no objection to the application. To address the technical requirements of concerned departments, appropriate 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 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.
- 12.4 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 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.
- 12.5 Given that four previous applications for similar car park use at the Site have been approved by the Committee between 2013 and 2022, approving the current application is in line with the Committee’s previous decisions.
- 12.6 For the public comment mentioned in paragraph 11 above, there is no structure to be erected at the Site and DG of CA 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 23.3.2025 to 22.3.2028. 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 V**.

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 2.12.2024
Appendix Ia	FI received on 17.1.2025
Appendix II	Relevant extract of TPB PG-No. 34D
Appendix III	Previous applications
Appendix IV	Government departments' general comments
Appendix V	Recommended advisory clauses
Appendix VI	Public comment
Drawing A-1	Site layout plan
Plan A-1a	Location plan
Plan A-1b	Previous applications plan

Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4	Site photos

**PLANNING DEPARTMENT
JANUARY 2025**