

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

**APPLICATION NO. A/YL-KTS/898**

- Applicant** : Multi Link Corporation Limited represented by M&D Planning and Surveyors Consultant Limited
- Site** : Lots 1689 S.C, 1689 S.D, 1689 S.E, 1689 S.F, 1689 S.G, 1689 S.H and 1689 RP in D.D. 109 and Adjoining Government Land, Kam Tin Road, Kam Tin, Yuen Long
- Site Area** : About 1,111.95m<sup>2</sup> (including Government Land (GL) of about 195.75m<sup>2</sup> (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%)  
[Maximum building height of 3 storeys (8.23m)]
- Application** : Renewal of Planning Approval for Temporary Shop and Services (Motor Vehicles Showroom) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning permission to use the application site (the Site) for temporary shop and services (motor vehicles showroom) for a period of 3 years. The Site falls mainly within the “R(C)” zone (about 98%) with a minor portion within the “V” zone (2%). According to the Notes of the OZP, ‘Shop and Services’ is a Column 2 use in both the “R(C)” and “V” zones which requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use (**Plans A-2 to A-4b**) under the last approved planning application No. A/YL-KTS/797 and its planning permission is valid until 19.10.2021.

- 1.2 According to the applicant, the temporary shop and services (motor vehicles showroom) involves four one to two-storey structures (2.8m to 6.9m in height) with total floor area of about 183.86m<sup>2</sup> for temporary office, storage, meeting room and shelter uses. 18 private car and 7 light goods vehicle display areas are provided within the Site, 5 of which are for vehicle parking of its customers and staff. The operation hours are between 10:30a.m. and 6:30p.m. from Mondays to Saturdays, 11:30 a.m. to 6:30 p.m. on Sundays and public holidays and the development will not involve vehicles exceeding 5.5 tonnes. The Site is directly accessible from Kam Tin Road. The site layout plan as submitted by the applicant is at **Drawing A-1**.
- 1.3 When compared with the last approved application (No. A/YL-KTS/797), the current application submitted by the same applicant is for the same use, layout and development parameters.
- 1.4 In support of the application, the applicant has submitted the following documents:
  - (a) Application form and supplementary information **(Appendix I)** received on 22.7.2021
  - (b) Further Information (FI) received on 1.9.2021, **(Appendix Ia)** 2.9.2021 and 3.9.2021 in response to departmental comments  
*(exempted from publication requirement)*

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the application form, supplementary information and FI in **Appendices I and Ia** respectively. They can be summarized as follows:

- (a) Kam Tin Town is a well known area for vehicle sales and storage. There are similar uses in the vicinity and thus the current application 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 departments had no adverse comment on the previous application, which was approved by the Committee in 2018. The proposed use and development parameters under the current renewal application remain unchanged.

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

Town Planning Board Guidelines on '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 this application. The relevant assessment criteria are extracted below:

- (a) whether there has been any material change in planning circumstances since the previous temporary approval was granted (such as a change in the planning policy/land-use zoning for the area) or a change in the land uses of the surrounding areas;
- (b) whether there are any adverse planning implications arising from the renewal of the planning approval (such as pre-emption of planned permanent development);
- (c) whether the planning conditions under previous approval have been complied with to the satisfaction of relevant Government departments within the specified time limits;
- (d) whether the approval period sought is reasonable; and
- (e) any other relevant considerations.

#### 5. **Background**

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

#### 6. **Previous Applications**

- 6.1 The Site, in part or in whole, is the subject of 5 previous applications for various development / temporary uses. Details of the applications are summarized in **Appendix II** and their locations are shown on **Plan A-1b**.
- 6.2 The Site or part of the Site was rejected thrice by the Committee or by the Board on review in 1993, 1999 and 2000 respectively for residential development (No. A/DPA/YL-KTS/27), temporary open storage of vehicles and vehicle parts (No. A/YL-KTS/149), and temporary public car park (No. A/YL-KTS/223) uses, which are unrelated to the current application for temporary shop and services use. Details of these 3 previous applications are summarised in **Appendix II**.
- 6.3 The other two applications (No. A/YL-KTS/746 and 797) for the same applied use submitted by the same applicant as the current application were approved with conditions by the Committee in October 2017 and October 2018 respectively mainly for the same reasons that the proposed uses on a temporary basis would not frustrate the long-term planning intention of the "R(C)" zone; the developments were considered not incompatible with the surrounding areas; relevant departments in general had no adverse comments on the applications; and the technical concerns could be

addressed by approval conditions. However, the planning permission for Application No. A/YL-KTS/746 was revoked in July 2018 due to non-compliance of approval conditions. For the last approved application (No. A/YL-KTS/797) for the same applied use as the current application and submitted by the same applicant, all the approval conditions have been complied with and the planning permission is valid until 19.10.2021.

**7. Similar Application**

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

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

8.1 The Site is:

- (a) fenced, hard-paved and currently used for the applied use with a valid planning permission under Application No. A/YL-KTS/797; and
- (b) directly accessible to / from Kam Tin Road.

8.2 The surrounding areas are rural in character predominated by parking of vehicles / car park, car beauty workshop, car service, open storage / storage yards, warehouse, shops, office, residential structures / dwellings, youth centres, fallow / cultivated agricultural land and vacant land:

- (a) to its west and immediate east in the “R(C)” zone are parking of vehicles / car park (including one with valid planning permission), a car beauty workshop, an open storage yard, a retail shop, a youth centre, fallow agricultural land and residential structures / dwellings;
- (b) to its further east and south in the “V” zone is a youth centre (with valid planning permission), nullah, cultivated agricultural land, residential structures / dwellings and vacant land; and
- (c) to its north across Kam Tin Road in the neighbouring “V” zone is a car service shop, open storage / storage yards and residential structures / dwellings.

**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 The following government departments have been consulted and their views on the application are summarized as follows:

### **Land Administration**

#### **10.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):**

- (a) The Site comprises GL and 7 private lots held under New Grant No. 808 for private residential purposes.
- (b) No permission is given for occupation of GL (subject to verification) included in the Site. Any occupation of GL without Government's prior approval is not allowed.
- (c) Should the application be approved, the lot owner(s) will need to apply to his office to waive the user restriction as stipulated in the lease conditions, permit the erection of structures, and regularize any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Furthermore, the applicant has to either exclude the GL from the Site or obtain a formal approval prior to the actual occupation of the GL. Applications for any of the above will be considered by LandsD acting in the capacity as the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others, the payment of rent or fee, as may be imposed by the LandsD.

### **Traffic**

#### **10.1.2 Comments of the Commissioner for Transport (C for T):**

- (a) He has no comment on the renewal application from traffic engineering perspective.
- (b) Should the application be approved, approval condition on no vehicle is allowed to queue back to or reverse onto / from public road at any time during the planning approval period should be included.

#### **10.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):**

- (a) His department shall not be responsible for the maintenance of any access connecting the Site and Kam Tin Road.

- (b) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

### **Environment**

#### 10.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) There was no environmental complaint concerning the Site in the past three years.
- (b) The applicant is advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the DEP.

### **Nature Conservation**

#### 10.1.5 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

Noting that the previous application for the same use as the current application was approved by the Board, he has no comment on the application for renewal of planning approval. Nevertheless, should the planning application be approved, the applicant shall be reminded to implement appropriate measures to avoid polluting or disturbing the adjacent meander to the south of the Site.

### **Drainage**

#### 10.1.6 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection in-principle to the development.
- (b) Apparently, the applicant would maintain the same drainage facilities as those implemented under the previous planning application No. A/YL-KTS/797.
- (c) Should the application be approved, approval conditions on the maintenance of the drainage facilities implemented under Application No. A/YL-KTS/797 and submission of records of the existing drainage facilities on the Site should be included.

### **Fire Safety**

#### 10.1.7 Comments of the Director of Fire Services (D of FS):

He has no in-principle objection to the renewal application subject to the existing fire service installations (FSIs) implemented on site being maintained in efficient working order at all times.

### **Building Matters**

#### 10.1.8 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) There is no record of approval by the Building Authority (BA) for the structures at the Site. He is not in a position to offer comments on their suitability for the use proposed in the application.
- (b) Before any new building works (including containers / open shed as temporary buildings) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance.
- (c) His detailed comments on UBW and provision of access are at **Appendix IV**.

### **District Officer's Comments**

#### 10.1.9 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

He has not received any comment from the locals upon close of consultation and he has no particular comment on the application.

#### 10.2 The following government departments have no comment on the application:

- (a) Chief Engineer / Construction, Water Supplies Department;
- (b) Director of Electrical and Mechanical Services;
- (c) Project Manager (West), Civil Engineering and Development Department; and
- (d) Commissioner of Police.

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

On 3.8.2021, the application was published for public inspection. During the first three weeks of the statutory publication period, which ended on 24.8.2021, one public comment from an individual was received (**Appendix III**). The commenter objects to the application mainly on the grounds that the development would result in adverse environmental impact and fire safety risk, and affect the safety and living quality of the nearby villagers.

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

- 12.1 The application is for renewal of the planning approval for temporary shop and services (motor vehicle showroom) for a period of 3 years mainly within the “R(C)” zone (98%) with a minor portion within the “V” zone (2%). The applied use is not in line with the planning intention of the “R(C)” zone, which is for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board. Nevertheless, as there is no known development programme for the subject “R(C)” site, it is considered that temporary approval of the application would not frustrate the long-term planning intention of the “R(C)” zone.
- 12.2 The development is considered not incompatible with the surrounding land uses which are rural in character predominated by car park, vehicle parking, car services and car beauty related shops, residential structures / dwellings, youth centres, fallow / cultivated agricultural land and vacant land.
- 12.3 The application is in line with the TPB PG-No. 34D in that the previous approval for the same applied use was granted in 2018 and all the approval conditions of the previous approved application (No. A/YL-KTS/797) have been complied with. There is no adverse comment from all relevant departments on the application. Compared with the last approved application, the current application is submitted by the same applicant for the same use with the same layout and development parameters. Besides, there is no major change in planning circumstances since the last approval.
- 12.4 Relevant Government departments consulted, including C for T, DEP, CE/MN of DSD and D of FS, have no objection to or no adverse comment on the application. To minimize any possible environmental nuisance, approval conditions restricting the operation hours, types of vehicles and prohibiting workshop activities are recommended in paragraphs 13.2(a) to (d) below. The applicant will also be advised to adopt the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’. The technical requirements of C for T, CE/MN of DSD and D of FS could be addressed by imposing approval conditions (f) to (j) in paragraph 13.2 below.
- 12.5 There are no similar applications for temporary shop and services (motor vehicles showroom) within the same “R(C)” and “V” zones on the OZP.



- 12.6 One public comment was received during the statutory publication period objecting to the application as mentioned in paragraph 10 above. In this regard, the departmental comments and planning assessments and considerations above are relevant.

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

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comment mentioned in paragraph 11, the Planning Department has no objection to the renewal of the planning approval for temporary shop and services (motor vehicles showroom) for a period of 3 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 3 years, and be renewed from 20.10.2021 until 19.10.2024. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### Approval Conditions

- (a) no operation between 6:30p.m. and 10:30a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation between 10:30 a.m. and 11:30 a.m. on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities are allowed on the Site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (e) the existing boundary fencing on the Site shall be maintained at all times during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto / from public road at any time during the planning approval period;
- (g) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) the submission of a record of the existing drainage facilities on the Site within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 20.1.2022;

- (i) the existing fire service installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period;
- (j) if any of the above planning condition (a), (b), (c), (d), (e), (f), (g) or (i) 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
- (k) if the above planning condition (h) 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.

*[The above planning conditions are largely the same as those under the planning permission of previous application No. A/YL-KTS/797, except deletion / change of those on landscape, traffic, drainage and FSIs based on the comments of CTP/UD&L of PlanD, C for T, CE/MN of DSD and D of FS.]*

#### Advisory Clauses

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

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 for renewal of the planning approval.
- 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 and Supplementary Information received on 22.7.2021
<b>Appendix Ia</b>	FI received on 1.9.2021, 2.9.2021 and 3.9.2021
<b>Appendix II</b>	Previous s.16 Applications covering the Site
<b>Appendix III</b>	Public Comment

<b>Appendix IV</b>	Advisory Clauses
<b>Drawing A-1</b>	Site Layout Plan
<b>Plan A-1a</b>	Location Plan
<b>Plan A-1b</b>	Previous Applications Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
SEPTEMBER 2021**