

RNTPC Paper No. A/YL-KTS/922  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 10.6.2022

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

**APPLICATION NO. A/YL-KTS/922**

<b><u>Applicants</u></b>	: Mr. TANG Kim Man and Mr. TANG Lai Wan represented by Top Bright Consultants Ltd.
<b><u>Site</u></b>	: Lots 460 RP (Part) and 461 RP (Part) in D.D. 103, Kam Tin Road, Kam Tin, Yuen Long
<b><u>Site Area</u></b>	: About 1,295 m <sup>2</sup>
<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>	: Renewal of Planning Approval for Temporary Open Storage of Vehicle Parts with Ancillary Workshop 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 open storage of vehicle parts with ancillary workshop for a period of 3 years. The Site falls within an area zoned “AGR” on the approved Kam Tin South OZP. According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board), notwithstanding that the use or development is not provided for in terms of the OZP. The Site is currently used for the applied use with valid planning permission under Application No. A/YL-KTS/821 until 21.6.2022 (**Plans A-2 and A-4**).

- 1.2 According to the applicant, three containers and porch with a total floor area of about 272 m<sup>2</sup> and building heights ranging from 2.5 m to 5 m (one to two storeys) are erected on-site for provision of site office, storage and ancillary workshop. Vehicle parts of second-hand private vehicles are stored within the Site. Workshop activities will only be conducted for assembly of vehicle parts for storage or sale purpose on an occasional basis. 4 private car parking spaces for staff or visitors are provided within the Site. Only light goods vehicles are used for delivery of the storage materials. No medium or heavy goods vehicle exceeding 5.5 tonnes and no vehicle exceeding 7m long are allowed to be parked/stored on or enter/exit the Site. The operation hours are from 9:00am to 6:00pm, from Mondays to Saturdays. There is no operation on Sundays and public holidays. The Site is accessible via a local track connecting to Kam Tin Road to the north. The site layout plan submitted by the applicant is shown on **Drawing A-1**.
- 1.3 The Site is the subject of 13 previous applications for various temporary open storage uses with or without ancillary workshop (details at paragraph 6 below).
- 1.4 Compared with the last approved application (No. A/YL-KTS/821), the current application is the same in terms of the applied use, site area / boundary, site layout and major development parameters.
- 1.5 In support of the application, the applicant has submitted the following documents:
  - (a) Application form with supplementary information (Appendix I)  
received on 14.4.2022
  - (b) Further Information (FI) received on 24.5.2022 (Appendix Ia)
  - (c) FI received on 1.6.2022 (Appendix Ib)

## 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 FIs in **Appendices I to Ib**. They can be summarized as follows:

- (a) The applied use on a temporary basis would not jeopardize the long-term planning intention for the “AGR” zone. The previous applications for open storage use were approved by the Rural and New Town Planning Committee (the Committee) between 1994 and 2019.
- (b) The Site falls within Category 2 areas under the Town Planning Board Guidelines No. 13F and is considered tolerable for the development of open storage and port back-up uses on a temporary basis. The development complies with the Town

Planning Board Guidelines No. 34D for renewal of planning approval for temporary use or development in that there are no changes in planning circumstances and no adverse departmental comments or local objections is anticipated against the renewal application.

- (c) The applied use is compatible with the surrounding land uses which are mainly open storage/storage/car parking sites. The Site is also separated from the nearest village, i.e. Ko Po Tsuen, by Kam Tin Road.
- (d) All approval conditions of the previous application (No. A/YL-KTS/821) had been complied with. There are no changes in the planning circumstances since the last application. The applicant commits to comply with the approval conditions should this application be approved.
- (e) The development would not cause adverse drainage, traffic, visual and environmental impacts. The applicant will continue to maintain the existing boundary fencing, planting, fire service installations (FSIs) and drainage facilities implemented on-site.

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

The applicant is not a “current land owner” but has complied with the requirement as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by sending notice to the Kam Tin Rural Committee by registered post and posting notice near the entrance of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

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

- 4.1 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 this application. The relevant assessment criteria are attached at **Appendix II**.
- 4.2 The Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13F) promulgated on 27.3.2020 are relevant to the application. The Site falls within Category 1 and 2 areas under the Guidelines. Relevant extract of the Guidelines is at **Appendix III**.

### **5. Background**

The Site is currently not subject to planning enforcement action.

## 6. Previous Applications

- 6.1 The Site was involved in 13 previous applications for various open storage uses. All the applications, except Application No. A/DPA/YL-KTS/70, were approved with conditions by the Committee between 1994 and 2019 mainly on the grounds that the developments were not incompatible with the surrounding land uses and would not frustrate the long-term planning intention; the applications were generally in line with the relevant Town Planning Board Guidelines for applications for open storage and port back-up uses in that relevant departments generally had no adverse comment; previous planning approvals had been granted and there was no major change in the planning circumstances; and the concern of relevant departments could be addressed by appropriate approval conditions. However, the planning permissions of Applications No. A/YL-KTS/458 and 628 were revoked due to non-compliance with approval conditions.
- 6.2 Compared with the last Application No. A/YL-KTS/821, the current application is the same in terms of the applied use, site area / boundary, site layout and major development parameters. The planning permission is valid until 21.6.2022 and all the approval conditions are complied with.
- 6.3 Details of the applications are summarized in **Appendix IV** and the locations are shown on **Plan A-1b**.

## 7. Similar Applications

- 7.1 There are 4 similar applications (No. A/YL-KTS/793, 819, 879 and 896) for various temporary open storage uses and/or renewal of the planning approval for temporary open storage uses within the “AGR” zone in the vicinity of the Site in the past 5 years. All the applications were approved with conditions by the Committee between 2018 and 2021 on similar considerations as stated in paragraph 6.1 above.
- 7.2 Details of these applications are summarized in **Appendix IV** and the 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) paved and fenced off and currently used for the applied use covered by valid planning permission under Application No. A/YL-KTS/821; and
  - (b) accessible via a local track connecting to Kam Tin Road to the north.

8.2 The surrounding areas have the following characteristics:

- (a) to its northwest is open storage yards for vehicles and parking of vehicles;
- (b) to its immediate north and south are bounded by Kam Tin Road and Tsing Long Highway respectively. A village settlement Ko Po Tsuen (高埔村) is located to the further north across Kam Tin Road with the nearest residential dwelling about 50 m away; and
- (c) to its immediate east are a vehicle workshop, an open storage yard and vegetated land.

## **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 Relevant Government Departments**

The 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 (Appendix VII)**

The application was published for public inspection. During the statutory public inspection period, a public comment was received. The commenter objects to the application mainly on the grounds that the development would cause adverse impacts on traffic, environment and fire safety and the well-being of the villagers nearby.

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

- 12.1 The application is for renewal of planning permission for temporary open storage of vehicle parts with ancillary workshop for a period of 3 years at a Site zoned “AGR”. 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. The applied use is not in line with the planning intention of the “AGR” zone. Nevertheless, DAFC has no strong view to the application from the agricultural perspective. It is

considered that temporary approval of the application would not frustrate the long-term planning intention of the “AGR” zone.

- 12.2 The development is not incompatible with the surrounding land uses which are rural in character intermixed with open storage yards, parking of vehicles, workshop, residential dwellings/structures and vegetated land.
- 12.3 The Site falls within Category 2 areas under the TPB PG-No. 13F. The following considerations in the Guidelines are relevant:

Category 2 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. Technical assessments, where appropriate, should be submitted to demonstrate that the proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas.

- 12.4 The application is generally in line with the TPB PG-No. 13F and 34D in that previous approvals for the same use were granted since 2009 and all approval conditions under the last approved application (No. A/YL-KTS/821) have been complied with. The current application submitted by the same applicant is the same as the last approved application in terms of the applied use, site boundary / layout and major development parameters. Relevant departments consulted, including C for T, DEP, CE/MN of DSD and D of FS, have no adverse comment on the application and there is no local objection received against the renewal application as conveyed by DO(YL). As previous approvals have been granted and there is no major change in planning circumstances since the last approval, sympathetic consideration could be given to the current renewal application for a further period of 3 years. To minimize any potential environmental nuisances and address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 13.2 below. The applicant will also be advised to adopt the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Uses” issued by DEP.
- 12.5 The Site is the subject of previous approvals for the same temporary open storage and ancillary workshop uses since 2009. Besides, there are 4 similar applications for temporary open storage uses within the same “AGR” zone in the vicinity of the Site approved by the Committee in the past 5 years. Approval of the current renewal application is in line with the Committee’s previous decisions.
- 12.6 One public comment objecting to the application was received during the statutory publication period as detailed in paragraph 11 above. The departmental comments and planning assessments and considerations as stated 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 above, the Planning Department considers that the applied use could be tolerated 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 22.6.2022 until 21.6.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### Approval conditions

- (a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) 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;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road 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) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (g) 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
- (h) if any of the above planning condition (a), (b), (c), (d), (e), (f) or (g) 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.

*[The above approval conditions are similar to those under the last planning approved Application No. A/YL-KTS/821, except those on drainage and fire safety aspects based on the latest comments of CE/MN of DSD and D of FS.]*

### Advisory clauses

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

- 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 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 supplementary information received on 14.4.2022
<b>Appendix Ia</b>	FI received on 24.5.2022
<b>Appendix Ib</b>	FI received on 1.6.2022
<b>Appendix II</b>	Relevant extract of TPB PG-No. 34D
<b>Appendix III</b>	Relevant extract of TPB PG-No. 13F
<b>Appendix IV</b>	Previous and similar applications
<b>Appendix V</b>	Government departments' general comments
<b>Appendix VI</b>	Recommended advisory clauses
<b>Appendix VII</b>	Public comment
<b>Drawing A-1</b>	Site layout plan
<b>Plan A-1a</b>	Location plan with similar applications
<b>Plan A-1b</b>	Previous application plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plan A-4</b>	Site photos

**PLANNING DEPARTMENT  
JUNE 2022**