

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

**APPLICATION NO. A/YL-KTS/923**

<b><u>Applicant</u></b>	:	賴月良女士
<b><u>Site</u></b>	:	Lots 425 S.A (Part) and 429 RP (Part) in D.D. 103, Ko Po San Tsuen, Kam Tin, Yuen Long
<b><u>Site Area</u></b>	:	About 450 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 Storage and Parking of Private Vehicles 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 storage and parking of private cars for a period of 3 years. The Site falls within an area zoned “AGR” zone on the approved Kam Tin South OZP. According to the Notes of the OZP, the applied use is neither a Column 1 nor Column 2 use in the “AGR” zone which requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use with valid planning permission under Application No. A/YL-KTS/819 until 24.6.2022 (**Plans A-2 and A-4**).
- 1.2 According to the applicant, two one-storey structures with a total floor area of about 450m<sup>2</sup> and building height ranging from 2.8m to 4.6m are erected within the Site for storage and parking of private cars. 18 private car parking spaces are provided within the Site. The operation hours of the development are 24 hours daily. The Site is accessible via a local track from Kam Tin Road (**Plans A-1 and A-2**). The site layout plans submitted by the applicant are at **Drawings A-1 and A-2**.
- 1.3 The Site is the subject of five previous applications (No. A/YL-KTS/407, 517, 617, 707 and 819) (details at paragraph 6 below).

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

- (a) Application form with supplementary information received on 27.4.2022 **(Appendix I)**
- (b) Further information (FI) received on 14.6.2022 **(Appendix Ia)**

## **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 at **Appendices I and Ia** respectively, which can be summarized as follows:

- (a) The application is for renewal of the last approved Application No. A/YL-KTS/819 submitted by the same applicant for the same use. As compared to the previous application, the applied use, site area / boundary and major development parameters remain unchanged except with minor amendment to the site layout.
- (b) The Site has been used for the applied use with planning permissions for more than ten years. The applicant owns some precious private cars for collection and needs a place to park/store the cars. Given the nature and scale of the development, no adverse environmental and traffic impacts will be generated 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 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 posting a site notice and notifying the Kam Tin Rural Committee by registered mail. 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 this application. The relevant assessment criteria are attached at **Appendix II**.

## **5. Background**

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

## **6. Previous Applications**

- 6.1 The Site is the subject of five previous applications (No. A/YL-KTS/407, 517, 617, 707 and 819) submitted by the same applicant for the same applied use (and renewal of the planning approval granted by the Rural and New Town Planning Committee (the Committee)) as the current application. All the applications were approved with conditions by the Committee between October 2007 and May 2019 mainly on the grounds that approval of the applications on a temporary basis would not frustrate the long-term planning intention; the developments were not incompatible with the surrounding land uses; the applications were generally in line with the relevant Town Planning Board Guidelines for renewal of planning approval for temporary use or development; relevant departments in general had no objection and/or their technical concerns could be addressed by appropriate approval conditions. Nevertheless, Application No. A/YL-KTS/617 was revoked in May 2014 due to non-compliance with approval conditions.
- 6.2 Compared with the development scheme under the last approved application No. A/YL-KTS/819, the applied use, site area / boundary, layout and major development parameters of the current application remain largely unchanged except the relocation of the converted container to a position next to the ingress/egress to suit the applicant's need. The planning permission is valid until 24.6.2022 and all the approval conditions have been complied with.
- 6.3 Details of the previous applications are summarized at **Appendix III** and the locations are shown on **Plan A-1**.

## **7. Similar Application**

There is no similar application for temporary storage, warehouse or parking of vehicles uses within the "AGR" zone in the vicinity of the Site on the Kam Tin South OZP.

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

- 8.1 The Site is:
  - (a) currently used for the applied use covered by valid planning permission under Application No. A/YL-KTS/819; and
  - (b) accessible via a local track branching off from Kam Tin Road.
- 8.2 The surrounding areas have the following characteristics:
  - (a) to its north and northwest are residential dwellings/structures (the nearest about 15m to the north), open storage/storage yards, warehouses, a workshop and fallow agricultural land;

- (b) to its east and northeast across a local track is a site office and vacant land (with valid planning permissions for animal boarding establishment and vehicle repair workshop under Applications No. A/YL-KTS/791 and 811); and
- (c) to its south and southwest are an open storage yard (approved under Application No. A/YL-KTS/896), parking of vehicles and residential dwellings/structures. To its further south are an animal boarding establishment (approved under Application No. A/YL-KTS/867) and the Au Tau Water Treatment Works.

## **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**

All 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 IV and V** respectively.

## **11. Public Comment Received During Statutory Publication Period (Appendix VI)**

The application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received. The commenter objects to the application mainly on the grounds that the development would create adverse traffic and environmental impact, fire safety risk thus affecting the quality of life of the residents nearby.

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

- 12.1 The application is for renewal of planning approval for temporary storage and parking of private cars for a period of three years within an area zoned “AGR”. The planning intention of the “AGR” zone is 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. The development is not in line with the planning intention of the “AGR” zone. Nevertheless, DAFC has no strong view on the renewal application from agricultural point of view as the Site has low potential for agricultural rehabilitation. It is considered that temporary approval of the application would not jeopardise 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/storage yards, warehouses, parking of vehicles, animal boarding establishments, residential dwellings/structures, water treatment works and vacant land (some of which were approved for various temporary uses) (**Plan A-2**).
- 12.3 The application is generally in line with the TPB PG-No. 34D in that previous approvals for the same use were granted since 2007 and all approval conditions under the last approved application (No. A/YL-KTS/819) have been complied with. The current application submitted by the same applicant is the same as the last approved application in terms of applied use, site area / boundary and major development parameters except with minor amendment to the site layout. Relevant departments consulted, including C for T, DEP, CE/MN of DSD and D of FS, have no adverse comment on the renewal application, and there is no local objection 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.
- 12.4 To minimise any potential environmental nuisances and to address the technical requirements of concerned government 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 latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimise the possible environmental impacts on the surrounding areas.
- 12.5 One public comment objecting to the application was received during the statutory publication period as mentioned in paragraph 11 above. In this regard, government departments' comments and planning assessments 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 considers that the temporary storage and parking of private cars 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 25.6.2022 until 24.6.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) 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;
- (b) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the Site at any time during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (e) 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
- (f) if any of the above planning condition (a), (b), (c), (d) or (e) 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 the same as those under the last approved Application No. A/YL-KTS/819, except deletion / revision to those conditions on the drainage, fire safety and landscape aspects based on the latest comments of CE/MN of DSD, D of FS and CTP/UD&L of PlanD.]*

Advisory clauses

The recommended advisory clauses are 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 reasons for rejection should be given to the applicant.

**15. Attachments**

<b>Appendix I</b>	Application form with supplementary information received on 27.4.2022
<b>Appendix Ia</b>	FI received on 14.6.2022
<b>Appendix II</b>	Relevant extracts of TPB PG-No. 34D
<b>Appendix III</b>	Previous applications
<b>Appendix IV</b>	Government departments' general comments
<b>Appendix V</b>	Recommended advisory clauses
<b>Appendix VI</b>	Public comment
<b>Drawings A-1 &amp; A-2</b>	Site layout plans
<b>Plan A-1</b>	Location 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**