

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

**APPLICATION NO. A/YL-KTS/931**

<b><u>Applicant</u></b>	:	Tomorrow View Limited represented by Ms. LO Lai Wah
<b><u>Site</u></b>	:	Lot 235 RP (Part) in D.D. 103, Ko Po Tsuen, Yuen Long
<b><u>Site Area</u></b>	:	About 80.7 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>	:	Proposed Temporary Vehicle Repair Workshop and Shop and Services (Motor-vehicle Showroom) with Ancillary Office for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary vehicle repair workshop and shop and services (motor-vehicle showroom) with ancillary office for a period of 3 years. The Site falls within an area zoned “AGR” on the Kam Tin South OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land not exceeding a period of 3 years requires planning permission from the Town Planning Board (the Board). The Site is currently paved and partly fenced, and used as a vehicle service workshop without planning permission (**Plans A-2 to A-4b**).
- 1.2 According to the applicant, the proposed development involves a 2-storey structure (about 6.5m high) with floor area of about 161.4m<sup>2</sup> for vehicle repair workshop, motor-vehicle showroom and ancillary office uses. Two areas will be provided at the Site for vehicle repair and display of vehicles respectively. The operation hours are between 9:00 a.m. and 6:00 p.m. Mondays to Saturdays, with no operation on Sundays and public holidays. The Site is accessible to Kam Tin Road via a local track. The site layout plan submitted by the applicant is at **Drawing A-1**.

- 1.3 The Site is involved in a previous application (No. A/YL-KTS/66) (detailed in paragraph 5 below).
- 1.4 In support of the application, the applicant has submitted the following documents:
  - (a) Application form and supplementary information (**Appendix I**) received on 14.6.2022, 16.6.2022 and 21.6.2022
  - (b) Further Information (FI) received on 15.9.2022 (**Appendix Ia**)
  - (c) FI received on 1.11.2022 and 3.11.2022 (**Appendix Ib**)
- 1.5 At the request of the applicant, the Rural and New Town Planning Committee (the Committee) agreed on 12.8.2022 to defer making a decision on the application for one month to allow time for the applicant to prepare FI to address the departmental comments.

## **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 to Ib**. They can be summarized as follows:

- (a) the applicant would like to make a proper use of the Site as a vehicle repair workshop and vehicle showroom on a temporary basis;
- (b) vehicles without licence will be towed to the Site by trucks; and
- (c) the proposed use would not induce adverse impacts on the surrounding areas.

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

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Background**

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

## **5. Previous Applications**

- 5.1 The Site is involved in a previous application (No. A/YL-KTS/66) for alteration to and relocation of structures in an existing open storage of vehicles and vehicle parts. The application was approved by the Committee in 1997 but is not relevant to the current application which is for temporary vehicle repair workshop and shop and services (motor-vehicle showroom).

- 5.2 Details of the application are summarized in **Appendix II** and the location is shown on **Plan A-1**.

## **6. Similar Applications**

- 6.1 There are two similar applications (No. A/YL-KTS/743 and 811) for temporary vehicle repair workshop within the same “AGR” zone in the past 5 years. Both applications were approved with conditions by the Committee in September 2017 and February 2019 respectively 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 rural land uses; relevant departments in general had no objection and/or their technical concerns could be addressed by appropriate approval conditions. However, the planning permission of application No. A/YL-KTS/743 was revoked in February 2020 due to non-compliance with approval conditions.
- 6.2 Details of the similar applications are summarized at **Appendix II** and the locations are shown on **Plan A-1**.

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

- 7.1 The Site is:
- (a) paved and partly fenced, and used as a vehicle service workshop without planning permission; and
  - (b) accessible to Kam Tin Road via a local track.
- 7.2 The surrounding areas have the following characteristics:
- (a) to its north, northwest and northeast, across Kam Tin Road, are residential dwellings/structures, a restaurant, a sitting out area, retail shops, a home for the elderly, parking of vehicles, retail of vehicles (covered by valid planning permission under Application No. A/YL-KTN/718) and vacant land (which is the site of Application No. A/YL-KTN/698 approved for proposed flat with minor relaxation of plot ratio and building height restrictions);
  - (b) to its east, southeast and west are open storage yards (one of which is covered by valid planning permission under Application No. A/YL-KTS/821), a site with works in progress (covered by valid planning permission under Application No. A/YL-KTS/828 for a radio base station) and grassland; and
  - (c) to its south and southwest are grassland and Tsing Long Highway, across which are grassland, an open storage yard and a site with works in progress.

## **8. Planning Intention**

The planning intention of the “AGR” zone is 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.

## **9. Comments from Relevant Government Departments**

- 9.1 Apart from the government department as set out in paragraph 9.2 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 are provided in **Appendices III and IV** respectively.
- 9.2 The following government department has objection to / reservation on the application.

### **Agriculture and Nature Conservation**

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

- (a) the Site falls within the “AGR” zone on the OZP. The agricultural activities are active in the vicinity, and 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. As the Site possesses potential for agricultural rehabilitation, the development proposal is not supported from agricultural perspective; and
- (b) from nature conservation point of view, DAFC has no adverse comment on the application.

## **10. Public Comment Received During Statutory Publication Period (Appendix V)**

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 proposed use would cause adverse environmental impacts to the surrounding areas; and approval of the application will gradually encroach onto the “AGR” zone.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for proposed temporary vehicle repair workshop and shop and services (motor-vehicle showroom) with ancillary office at the Site within the “AGR” zone. The planning intention of the “AGR” zone is 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 proposed development is not in line with the planning intention of the “AGR” zone and DAFC does not support the application as the Site falling with the “AGR” zone has potential for agricultural rehabilitation. Nevertheless, it is considered that temporary approval of the application for a period of 3 years would not jeopardize the long-term planning intention of the “AGR” zone.

- 11.2 The proposed development is considered not incompatible with the surrounding land uses which are rural in character intermixed with open storage yards, residential dwellings/structures, restaurant, retail shops, vacant land and grassland. The CTP/UD&L of PlanD states that the proposed use is not incompatible with the surrounding landscape setting of the area and has no objection to the application from the landscape planning perspective.
- 11.3 Relevant government departments consulted including C for T, DEP, CE/MN of DSD and D of FS have no adverse comment on the application. It is anticipated that the proposed development would not result in significant adverse traffic, environmental, landscape and drainage impacts to the surrounding areas. To minimize / address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 12.2 below. The applicant will also be 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” to minimize any possible environmental nuisance.
- 11.4 There are 2 similar applications for temporary vehicle repair workshop use within the same “AGR” zone in the vicinity of the Site approved by the Committee in the past 5 years (**Plan A-1**). Approval of the current application is in line with the Committee’s previous decisions.
- 11.5 A public comment objecting to the application was received from an individual during the statutory publication period as mentioned in paragraph 10 above. In this regard, government departments’ comments, planning assessments and considerations above are relevant.

## **12. Planning Department’s Views**

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10 above, the Planning Department considers that the proposed use could be tolerated for a period of 3 years.
- 12.2 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 until 11.11.2025. The following approval conditions 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) the submission of a drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 11.5.2023;
- (d) in relation to (c) above, the implementation of the 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 11.8.2023;
- (e) in relation to (d) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) the implementation of the accepted fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 11.5.2023;
- (g) if any of the above planning condition (a), (b) 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; and
- (h) if any of the above planning condition (c), (d) or (f) 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 attached in **Appendix IV**.

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

the proposed development 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.

**13. Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 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.
- 13.3 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.

**14. Attachments**

<b>Appendix I</b>	Application form and supplementary information received on 14.6.2022, 16.6.2022 and 21.6.2022
<b>Appendix Ia</b>	FI received on 15.9.2022
<b>Appendix Ib</b>	FI received on 1.11.2022 and 3.11.2022
<b>Appendix II</b>	Previous and similar applications
<b>Appendix III</b>	Government departments' general comments
<b>Appendix IV</b>	Recommended advisory clauses
<b>Appendix V</b>	Public comment
<b>Drawing A-1</b>	Site layout plan
<b>Plan A-1</b>	Location plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plan A-4a &amp; 4b</b>	Site photos