

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

**APPLICATION NO. A/YL-KTS/948**

<b><u>Applicant</u></b>	: Wang Lee Realty Development Limited represented by Goldrich Planners and Surveyors Limited
<b><u>Site</u></b>	: Lot 1486 S.C. RP (Part) in D.D. 106 and Adjoining Government Land, Kam Sheung Road, Yuen Long
<b><u>Site Area</u></b>	: About 185 m <sup>2</sup> (including Government Land of about 9m <sup>2</sup> (about 5%))
<b><u>Land Status</u></b>	: (i) Block Government Lease (demised for agricultural use) (about 95% of the Site) (ii) Government Land (about 5% of the Site)
<b><u>Plan</u></b>	: Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
<b><u>Zoning</u></b>	: “Village Type Development” (“V”) [maximum building height of 3 storeys (8.23m)]
<b><u>Application</u></b>	: Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency) 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 (real estate agency) for a period of 3 years. The Site falls within an area zoned “V” on the Kam Tin South OZP. According to the Notes of the OZP, ‘Shop and Services’ is a Column 2 use under the “V” zone which requires permission from the Town Planning Board (the Board). The Site is currently used for the applied use under the last approved application (No. A/YL-KTS/841). All the approval conditions have been complied with and the planning permission is valid until 20.3.2023.
- 1.2 According to the applicant, three one-storey structures with a total floor area of about 73.7m<sup>2</sup> and building height ranging from 2.7m to 3.7m are erected within the Site for site office and open shed uses. One private car parking space is provided within the Site. The operation hours are between 9:00a.m.

and 9:00p.m. daily including public holidays. The Site is accessible via a local track from Kam Sheung Road (**Plans A-1a and A-2**). The site layout plan submitted by the applicant is at **Drawing A-1**.

- 1.3 The Site is the subject of four previous applications (No. A/YL-KTS/242, 546, 650 and 841) (details at paragraph 6 below). The current application is the same as the last approved application No. A/YL-KTS/841 submitted by the same applicant in terms of the same use, site area / boundary, layout and major development parameters.
- 1.4 In support of the application, the applicant has submitted the following documents:
  - (a) Application form with supplementary information (Appendix I)  
received on 19.1.2023
  - (b) Further information (FI) received on 6.3.2023 (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/841 granted by the Board. All the approval conditions have been complied with.
- (b) The development is compatible with the surroundings and will not create adverse traffic, environmental, landscape and drainage impacts on the surrounding areas. The applicant will comply with all the planning conditions to be stipulated by the Rural and New Town Planning Committee (the Committee).

## **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. Regarding the portion of the Site falling within government land, the “Owner’s Consent / Notification” Requirements are not applicable.

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 four previous applications (No. A/YL-KTS/242, 546, 650 and 841). Except application No. A/YL-KTS/242, all the applications were for the same use and were approved with conditions by the Committee between September 2011 and March 2020 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; relevant departments in general had no objection and/or their technical concerns could be addressed by appropriate approval conditions. The rejected application No. A/YL-KTS/242 which is for proposed temporary open storage is not relevant to the current application.
- 6.2 Compared with the development scheme under the last approved application No. A/YL-KTS/841, the applied use, site area / boundary, layout and major development parameters of the current application remain unchanged. The planning permission is valid until 20.3.2023 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-1b**.

7. **Similar Application**

- 7.1 There is a similar application for renewal of planning approval for temporary shop and services use within the same “V” zone and straddling the adjoining “AGR” zone in the vicinity of the Site in the past five years. The application was approved with conditions by the Committee in June 2020 on similar considerations as stated in paragraph 6.1 above.
- 7.2 Details of the application are summarized at **Appendix III** and the location is shown on **Plan A-1a**.

**8. The Site and Its Surrounding Areas (Plans A-1a 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/841; and
- (b) accessible via a local track branching off from Kam Sheung Road.

8.2 The surrounding areas have the following characteristics:

- (a) to its north, northwest and northeast are residential structures/dwellings, parking of vehicles, a real estate agency (approved under Application No. A/YL-KTS/846), open storage yards, a workshop, a warehouse and active farmland;
- (b) to its east and southeast are parking of vehicles and a car service shop; and
- (c) to its west and southwest across Kam Sheung Road are residential structures / dwellings, storage yards, a warehouse, a petrol filling station and sites with works in progress.

**9. Planning Intention**

The planning intention of the “V” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

**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**

The application was published for public inspection. During the statutory public inspection period, no public comment was received.

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

- 12.1 The application is for renewal of planning approval for temporary shop and services (real estate agency) for a period of three years within an area zoned “V” which is intended to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Although the applied use is not entirely in line with the planning intention of the “V” zone, the development can help meet the local demand for real estate agency services. DLO/YL of LandsD advises that there is no Small House application approved or under processing within the Site. It is considered that approval of the application on a temporary basis would not jeopardize the long-term planning intention of the “V” zone.
- 12.2 The applied use is considered not incompatible with the surrounding land uses which are rural in character intermixed with residential developments/dwellings, storage / open storage yards, parking of vehicles, real estate agency, petrol filling station and active farmland (**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 2011 and all approval conditions under the last approved application (No. A/YL-KTS/841) 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. 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’ issued by DEP.
- 12.5 Given that three previous approvals for the same temporary real estate agency use have been granted to the Site and one similar application with its site partly falling within the same “V” zone has been approved in the past five years, approval of the current application is in line with the Committee’s previous decisions.

### 13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12, the Planning Department has no objection to the temporary shop and services (real estate agency) for a further 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 21.3.2023 until 20.3.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### Approval conditions

- (a) no operation between 9:00p.m. and 9:00a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) the submission of records 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 TPB by 20.6.2023;
- (c) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (d) the existing fire service installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period;
- (e) if any of the above planning condition (a), (c) or (d) 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
- (f) if the above planning condition (b) 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 approval conditions are the same as those under the last approved Application No. A/YL-KTS/841, except deletion / revision to those conditions on the traffic, drainage and fire safety aspects based on the latest comments of C for T, CE/MN of DSD and D of FS.]*

#### 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 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 19.1.2023
<b>Appendix Ia</b>	FI received on 6.3.2023
<b>Appendix II</b>	Relevant extracts of TPB PG-No. 34D
<b>Appendix III</b>	Previous and similar applications
<b>Appendix IV</b>	Government departments' general comments
<b>Appendix V</b>	Recommended advisory clauses
<b>Drawing A-1</b>	Site layout plan
<b>Plan A-1a</b>	Location plan with similar application
<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  
MARCH 2023**