

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

APPLICATION NO. A/YL-KTS/955

- Applicant** : Creative Pro Advertising Produce Limited represented by Mr. HUI Kwan Yee
- Site** : Lot 1638 RP (Part) in D.D. 106 and Adjoining Government Land, Yuen Kong, Kam Tin, Yuen Long
- Site Area** : About 642.21 m² (including Government land of about 172.8 m² (about 27%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
- Zoning** : “Agriculture” (“AGR”) (80%)
“Residential (Group C)1” (“R(C)1”) (20%)
[maximum plot ratio of 0.4 and maximum building height of 3 storeys (9m)]
- Application** : 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 is zoned “AGR” and “R(C)1” on the approved Kam Tin South OZP. The applied use is neither a Column 1 nor Column 2 use in the “AGR” zone but is a Column 2 use in the “R(C)1” zone. According to the Notes of the OZP, temporary use not exceeding a period of three years, notwithstanding that the use or development is not provided for in terms of the OZP, requires planning 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/845). All the approval conditions have been complied with and the planning permission is valid until 24.4.2023.

- 1.2 According to the applicant, ten one-storey structures with a total floor area of about 249.71m² and building height not exceeding 2.44m are erected within the Site for office, toilet, pantry, store room, electricity meter room and shelter uses. Two parking spaces for private cars are provided within the Site. The operation hours are between 10:00 a.m. and 8:00 p.m. daily, including public holidays. The site layout plan submitted by the applicant is at **Drawing A-1**.
- 1.3 The Site is the subject of seven previous applications (details at paragraph 6 below). The current application is the same as the last approved application No. A/YL-KTS/845 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 received on 1.3.2023 **(Appendix I)**
 - (b) Further information (FI) received on 12.4.2023 **(Appendix Ia)**
 - (b) Further information (FI) received on 14.4.2023 **(Appendix Ib)**
 - (b) Further information (FI) received on 17.4.2023 **(Appendix Ic)**

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 to Ic** respectively, which can be summarized as follows:

- (a) The application is for renewal of the last approval of Application No. A/YL-KTS/845 granted by the Board. All the approval conditions have been complied with.
- (b) The temporary real estate agency will continue to provide service to the villagers and residents in Kam Tin area.

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. 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 currently not subject to any active planning enforcement action.

6. Previous Applications

- 6.1 The Site is the subject of seven previous applications (Nos. A/YL-KTS/497, 604, 608, 649, 704, 729 and 845). Except application No. A/YL-KTS/604, all the applications were for the same use and were approved with conditions by the Committee between 2010 and 2020 mainly on the grounds that the development was not incompatible with the surrounding land uses; there was no adverse departmental comment; and departmental concerns could be addressed by appropriate approval conditions. The planning permissions of application Nos. A/YL-KTS/608, 649 and 704 were revoked due to non-compliance with approval conditions. The rejected application No. A/YL-KTS/604 which is for proposed temporary private garden is not relevant to the current application.
- 6.2 Compared with the development scheme under the last approved application No. A/YL-KTS/845, the applied use, site area / boundary, layout and major development parameters of the current application remain unchanged. The planning permission is valid until 24.4.2023 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 no application for similar temporary shop and services (real estate agency) use within the same “R(C)1” zone on the Kam Tin South OZP. However, there are three similar applications for temporary shop and services use within the same “AGR” zone and straddling the adjoining “Village Type Development” zone in the vicinity of the Site in the past five years. The applications were approved with conditions by the Committee between 2019 and 2021 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-4b)

- 8.1 The Site is:

- (a) currently used for the applied use covered by valid planning permission under Application No. A/YL-KTS/845; and
- (b) accessible via Kam Sheung Road.

8.2 The surrounding areas have the following characteristics:

- (a) to its north are residential dwellings/structures, fallow agricultural land and an orchard. A residential development, namely Seasons Palace, within “R(C)1” zone is located to its further northeast;
- (b) to its west are residential dwellings/structures, a car service workshop and parking of vehicles; and
- (c) to its south across Kam Sheung Road are residential dwellings/structures, a plant nursery, a restaurant and vacant land.

9. Planning Intention

- 9.1 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.
- 9.2 The planning intention of the “R(C)1” zone is 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

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, a public comment from an individual was received. The commenter objects to the application mainly on the ground that the proposed development will adversely affect the flight safety.

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 at the Site which

largely falls within the “AGR” zone (80%) with a portion falling within “R(C)1” zone (20%). 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 planning intention of the “R(C)1” 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. Although the applied use is not entirely in line with the planning intention of the “AGR” and “R(C)1” zones, the development can help meet the local demand for real estate agency services and there is no known programme for long-term development at the Site. It is considered that approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “AGR” and “R(C)1” zones.

- 12.2 The applied use is considered not incompatible with the surrounding land uses which are rural in character intermixed with residential structures/development, orchard, plant nursery, fallow agricultural and vacant land (**Plan A-2**). In this regard, Chief Town Planner/Urban Design and Landscape of Planning Department has no objection to the application from the landscape point of view and considers that further significant adverse impact arising from the continuous use is not anticipated.
- 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 2010 and all approval conditions under the last approved application (No. A/YL-KTS/845) 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 the Commissioner for Transport (C for T), the Director of Environmental Protection (DEP), the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) and the Director of Fire Services (D of FS), have no adverse comment on the renewal application, and there is no local objection as conveyed by the District Officer (Yuen Long), Home Affairs Department (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 six previous approvals for the same temporary real estate agency use have been granted to the Site and three similar applications with their sites falling within the same “AGR” zone has been approved in the past five years,

approval of the current application is in line with the Committee's previous decisions.

- 12.6 As regards flight safety concern raised by a public comment, it should be noted that the development is about 770m away from the Shek Kong Airfield, with one-storey structures not exceeding 2.44m in height.

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 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 25.4.2023 until 24.4.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 8:00 p.m. and 10:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (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; and
- (e) if any of the above planning condition (a), (b), (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

[The above approval conditions are the same as those under the last approved Application No. A/YL-KTS/845, except deletion / revision to those conditions on the 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 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 reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix I	Application form with supplementary information received on 1.3.2023
Appendix Ia	FI received on 12.4.2023
Appendix Ib	FI received on 14.4.2023
Appendix Ic	FI received on 17.4.2023
Appendix II	Relevant extracts of TPB PG-No. 34D
Appendix III	Previous and similar applications
Appendix IV	Government departments' general comments
Appendix V	Recommended advisory clauses
Appendix VI	Public comment received during the statutory inspection period
Drawing A-1	Site layout plan
Plan A-1a	Location plan with similar application
Plan A-1b	Previous application plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4a & 4b	Site photos