

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

APPLICATION NO. A/YL-KTS/961

<u>Applicants</u>	:	Messrs. YEUNG Woon Ki and YEUNG Kwok Wah (Managers of Yeung Sz Ki Tso)
<u>Site</u>	:	Lot 1488 RP in D.D. 106, Yuen Kong Tsuen, Pat Heung, Yuen Long
<u>Site Area</u>	:	About 435.6m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
<u>Zonings</u>	:	“Agriculture” (“AGR”) (55% of the Site) “Village Type Development” (“V”) (45% of the Site) [Maximum building height of 3 storeys (8.23m)]
<u>Application</u>	:	Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years

1. The Proposal

- 1.1 The applicants seek 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” (55%) and “V” (45%) on the 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 “V” zone. According to the covering Notes of the OZP, temporary use 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 erected with two structures used for the applied use with valid planning permission under application No. A/YL-KTS/846 (**Plans A-2 to A-4b**). All the approval conditions have been complied with and the planning permission is valid until 23.6.2023.
- 1.2 According to the applicants, the Site is occupied by two 1 to 2-storey structures with building height of not more than 4m and a total floor area of about 210.4m² for office, storage room and car parking uses. Four private car parking spaces are provided within the Site. The operation hours are between 9:00 a.m. and 7:00 p.m. daily. The ingress/egress is located on the west of the Site, which is directly

accessible from Kam Sheung Road. The site layout plan submitted by the applicants is in **Drawing A-1**.

1.3 The Site is involved in four previous approved applications for the same applied use as the current application (details at paragraph 6 below). Compared with the last approved application No. A/YL-KTS/846, the current application submitted by the same applicants is the same in terms of the applied use, site area/boundary, layout and major development parameters.

1.4 In support of the application, the applicants have submitted the following document:

- (a) Application form with supplementary information received (**Appendix I**) on 3.5.2023 and 11.5.2023
- (b) Further Information (FI) received on 19.6.2023* (**Appendix Ia**)
* *exempted from publication and recounting requirements*

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the application are detailed in the application form, supplementary information and FI at **Appendices I** and **Ia**. They can be summarised as follows:

- (a) The Site has been used as real estate agency for more than 10 years. Relevant government departments had no adverse comments or complaint on the applied use.
- (b) There is no change in the applied use and layout of the development between the current application and the last approved application No. A/YL-KTS/846. All the approval conditions of the last application have been complied with.
- (c) The existing drainage facilities and fire service installations (FSIs) on the Site will be maintained to the satisfaction of the concerned departments.

3. Compliance with the ‘Owner’s Consent/Notification’ Requirements

The applicants are 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 involved in four previous applications (No. A/YL-KTS/513, 619, 742 and 846) for the same applied use with the same layout and major development parameters as the current application and submitted by one of the applicants, which were all approved by the Rural and New Town Planning Committee (the Committee) between December 2010 and June 2020 mainly on the considerations that temporary approval would not frustrate the long-term planning intentions of the “AGR” and “V” zones; the applied use was considered not incompatible with the surrounding land uses; and the relevant departments consulted generally had no adverse comment on the application or their technical concerns could be addressed by relevant approval conditions.
- 6.2 Details of the previous applications are summarised in **Appendix III** and the locations are shown on **Plan A-1**.

7. Similar Applications

- 7.1 There are six similar applications (No. A/YL-KTS/809, 841, 845, 900, 948 and 955), involving three sites, for various shop and service uses (including renewal of temporary planning approval) within the same “AGR” or “V” zones in the vicinity of the Site in the past 5 years. All of the applications were approved with conditions by the Committee between January 2019 and April 2023 on similar considerations as stated in paragraph 6.1 above. The planning permission under application No. A/YL-KTS/809 was revoked in June 2021 due to non-compliance with the approval conditions.
- 7.2 Details of the applications are summarised in **Appendix III** and the locations are shown on **Plan A-1**.

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

- 8.1 The Site is:
- (a) currently paved and erected with two structures used for the applied use with valid planning permission under application No. A/YL-KTS/846; and
 - (b) directly accessible via Kam Sheung Road.
- 8.2 The surrounding areas have the following characteristics:
- (a) to the east and northeast within the “V” zone are residential dwellings/structures, a real estate agency (with valid planning permission under application No. A/YL-KTS/948), a car service centre and parking of vehicles;
 - (b) to the north and northwest within the “AGR” zone are parking of vehicles, open storage/storage yards, residential dwellings/structures, a workshop, agricultural land and grassland; and

- (c) to the south and west across Kam Sheung Road are a petrol filling station and open storage/storage yards. The residential development Full Silver Garden within the “Residential (Group C)” zone is located to the further west.

9. Planning Intentions

- 9.1 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.
- 9.2 The planning intention of the “V” zone is to reflect existing recognised 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 the 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 3 years at the Site zoned “AGR” (55%) and “V” (45%) (**Plan A-1**). The planning intention of the “AGR” zone 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. The planning intention of “V” zone is to reflect existing recognised 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. Other commercial, community and recreational uses may be permitted on

application to the Board. While the applied use is not in line with the planning intentions of “AGR” and “V” zones, the Director of Agriculture, Fisheries and Conservation has no adverse comment on the application and the District Lands Officer/Yuen Long of the Lands Department 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 for a further period of 3 years would not frustrate the long-term planning intentions of the “AGR” and “V” zones.

- 12.2 The development is considered not incompatible with the surrounding land uses which are predominantly rural in character with residential dwellings/structures, open storage/storage yards, agricultural land and grassland. The Chief Town Planner/Urban Design and Landscape of the Planning Department (CTP/UD&L of PlanD) considers that significant adverse landscape impact arising from the continuous use is not anticipated, and has no objection to the application from landscape planning perspective.
- 12.3 The application is generally in line with the TPB PG-No. 34D in that the current application is the same as the last approved application No. A/YL-KTS/846 in terms of the applied use, site area/boundary, layout and major development parameters; all the approval conditions have been complied with; the renewal of planning approval period sought is of the same time frame as the previous approval; and there has been no material change in the planning circumstances since the granting of the previous approval.
- 12.4 Other relevant departments consulted including the Commissioner for Transport (C for T), the Director of Environmental Protection (DEP), the Chief Engineer/Mainland North of the Drainage Services Department (CE/MN of DSD) and the Director of Fire Services have no adverse comment on the application.
- 12.5 There are four approved previous applications for the same use at the Site and six similar approved applications within the same “AGR” or “V” zones as stated in paragraphs 6.1 and 7.1 above. Approving 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 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 24.6.2023 until 23.6.2026. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicants, is allowed on the site during the planning approval period;

- (b) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (c) the existing fire service installations implemented on the site shall be maintained in efficient working order at all times during the planning approval period;
- (d) if any of the above planning condition (a), (b) or (c) 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
- (e) upon the expiry of the planning permission, the reinstatement of the portion of the site falling within “Agriculture” zone to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

[The above approval conditions are the same as those under the lasted approved planning Application No. A/YL-KTS/846, except deletion/revision to conditions on the traffic, drainage and landscape aspects based on the latest comments of C for T, CE/MN of DSD and CTP/UD&L of PlanD.]

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 approval.
- 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 applicants.

15. Attachments

Appendix I	Application form with supplementary information received on 3.5.2023 and 11.5.2023
Appendix Ia	FI received on 19.6.2023
Appendix II	Relevant extract of TPB PG-No. 34D
Appendix III	Previous and similar applications
Appendix IV	Government departments' general comments
Appendix V	Recommended advisory clauses
Drawing A-1	Site layout plan

Plan A-1	Location plan with similar applications
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4a & A-4b	Site photos

**PLANNING DEPARTMENT
JUNE 2023**