

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

APPLICATION NO. A/YL-KTS/995

<u>Applicant</u>	:	H N L Development Company Limited represented by Metro Planning & Development Company Limited
<u>Site</u>	:	Lot 496 S.B RP in D.D. 109, Shek Kong Airfield Road, Kam Tin, Yuen Long, New Territories
<u>Site Area</u>	:	About 1,020 m 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>Zoning</u>	:	“Residential (Group D)” (“R(D)”)
<u>Application</u>	:	Renewal of Planning Approval for Temporary Open Storage and Warehouse (Construction Machinery and Materials) for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission for temporary open storage and warehouse (construction machinery and materials) for a period of three years at the application site (the Site) which falls within an area zoned “R(D)” on the approved Kam Tin South OZP No. S/YL-KTS/15 (**Plan A-1**). According to the covering Notes of the OZP, temporary use of any land not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use with valid planning permission under the previous application No. A/YL-KTS/886. All the approval conditions had been complied with and the planning permission is valid until 28.5.2024.
- 1.2 According to the applicant, the applied use involves four structures of one to two storeys with building heights of not more than 8.5m and a total floor area of 280m² for warehouse, ancillary site office, toilet and electricity meter room. An open area of about 540m² will be used for storage of construction machinery and materials. A parking space for light goods vehicle is provided on-site. The operation hours are from 9:00 a.m. to 7:00 p.m. from Mondays to Saturdays with no operation on Sundays and public holidays. The Site is accessible from Shek Kong Airfield Road (**Plans A-2 and A-3**). The layout plan as submitted by the applicant is at **Drawing A-1**.

- 1.3 The Site is the subject of two previous applications (details under paragraph 6 below). Compared with the last approved application No. A/YL-KTS/886, the current application is submitted by the same applicant and 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 applicant has submitted the following documents:
- (a) Application form with supplementary information received (**Appendix I**) on 16.2.2024
 - (b) Further Information (FI) received on 20.3.2024* (**Appendix Ia**)
 - (c) FI received on 22.3.2024* (**Appendix Ib**)
 - (d) FI received on 27.4.2024* (**Appendix Ic**)
- * accepted and exempted from publication and recounting requirements*
- 1.5 On 5.4.2024, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months as requested by the applicant.

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 FIs at **Appendices I to Ic**. They can be summarised as follows:

- (a) The Site falls within Category 2 areas in the Town Planning Board Guidelines for application for open storage and port back-up uses and sympathetic consideration could be given if no adverse comment is received.
- (b) The applied use would benefit the open storage industry in the area as there is an acute demand for open storage in Kam Tin. The development is temporary and would not jeopardise the long-term planning intention.
- (c) The construction machinery and construction materials to be stored at the Site are not significant in size and no tall machineries/structures/vehicles/cranes would be involved. No significant adverse traffic, environmental and drainage impact is anticipated.

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

- 4.1 The Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No. 13G) promulgated by the Board on 14.4.2023 are

relevant to the application. The Site falls within the Category 2 areas under TPB PG-No. 13G. The relevant extract of the Guidelines is attached at **Appendix II**.

- 4.2 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 also relevant to this application. The relevant extract of the Guidelines is attached at **Appendix III**.

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 two previous applications (No. A/YL-KTS/599 and 886). Application No. A/YL-KTS/599 for temporary warehouse and ancillary office and open storage (power generator, machinery and parts) for a period of three years submitted by a different applicant was rejected by the Board on review in September 2013, mainly on the grounds that the development was not in line with the planning intention of the “R(D)” zone; the application did not comply with the then Town Planning Board Guidelines for application for open storage and port back-up uses; and the applicant failed to demonstrate that the development would not generate adverse impacts on the surrounding areas.
- 6.2 Application No. A/YL-KTS/886 submitted by the same applicant for the same applied use as the current application was approved with conditions by the Committee in May 2021, mainly on the considerations that temporary approval would not jeopardise the long term planning intention; the development was not incompatible with the surrounding land uses; there was no adverse comment from concerned departments; and the development complied with the then Town Planning Board Guidelines for application for open storage and port back-up uses.
- 6.3 Compared with the last approved application No. A/YL-KTS/886, the current application is the same in terms of the site area/boundary, layout and major development parameters. All the approval conditions under application No. A/YL-KTS/886 had been complied with and the planning permission is valid until 28.5.2024.
- 6.4 Details of the previous applications are summarised in **Appendix IV** and the locations are shown on **Plan A-1**.

7. Similar Applications

- 7.1 There are two similar applications (No. A/YL-KTS/880 and 883) for temporary open storage within the same “R(D)” zone in the vicinity of the Site in the past five years. Both applications were approved with conditions by the Committee in April 2021 on the similar considerations as stated in paragraph 6.2 above.

7.2 Details of the similar applications are summarised in **Appendix IV** 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 fenced-off, paved, and used for the applied use with valid planning permission under application No. A/YL-KTS/886; and
- (b) accessible from Shek Kong Airfield Road via a short section of local access.

8.2 The surrounding areas are mainly rural in character intermixed with open storage yards and workshops (without valid planning permission), grassland and vacant land. To the north across Shek Kong Airfield Road are the Shek Kong Barracks. Kam Tin River is to the south across Kam Shui North Road.

9. Planning Intention

The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from 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 V** and **VI** respectively.

11. Public Comments Received During Statutory Publication Period (Appendix VII)

The application was published for public inspection. During the statutory publication period, three public comments were received including two comments from the Aviation Club of Hong Kong, China and one comment from an individual. All the comments mainly concerned about the height of structures/materials of the applied use.

12. Planning Considerations and Assessments

12.1 The application is for renewal of planning permission for temporary open storage and warehouse (construction machinery and materials) for a period of three years at the Site zoned “R(D)” (**Plan A-1**). The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board. The applied use is

not in line with the planning intention of the “R(D)” zone. Nevertheless, there is no known long-term development at the Site. It is considered that approval of the application on a temporary basis for a further period of three years would not frustrate the long-term planning intention of the “R(D)” zone.

- 12.2 The development scale of the applied use involving four structures not exceeding 8.5m in height is not significant. The applied use is not incompatible with the surrounding uses intermixed with open storage yards and workshops.

- 12.3 The Site falls within Category 2 areas under TPB PG-No. 13G. The following considerations in the Guidelines are relevant:

Category 2 areas: planning permission could be granted on a temporary basis up to a maximum period of three years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments, where appropriate, should be submitted to demonstrate that the proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas.

- 12.4 The application is generally in line with TPB PG-No. 13G as well as TPB PG-No. 34D in that the relevant departments consulted, including the Commissioner for Transport, the Director-General of Civil Aviation, the Director of Environmental Protection (DEP), the Chief Engineer/Mainland North of the Drainage Services Department and the Director of Fire Services have no objection to or no adverse comment on the application; all the approval conditions of the last permission under application No. A/YL-KTS/886 had 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. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 13.2 below. The applicant will also be advised to follow the revised ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by DEP to minimise the possible environmental nuisance generated by the applied use.

- 12.5 There are two approved similar applications within the same “R(D)” zone in the vicinity in the past five years as stated in paragraph 7.1 above. Approving the current application is in line with the Committee’s previous decisions.

- 12.6 Regarding the public comments mentioned in paragraph 11, the departmental comments and planning assessments above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and taking into account the public comments in paragraph 11, the Planning Department considers that the applied use could be tolerated for a further period of three 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 three years and be renewed from 29.5.2024 to 28.5.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities shall be carried out on the site at any time during the planning approval period;
- (b) 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;
- (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.

[The above approval conditions are the same as those under the last approved planning Application No. A/YL-KTS/886, except deletion/revision to the conditions on operation time, traffic, drainage and fire safety aspects based on the latest comments from relevant departments.]

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 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 applicant.

15. Attachments

Appendix I	Application form with supplementary information received on 16.2.2024
Appendix Ia	FI received on 20.3.2024
Appendix Ib	FI received on 22.3.2024
Appendix Ic	FI received on 27.4.2024
Appendix II	Relevant extract of TPB PG-No. 13G
Appendix III	Relevant extract of TPB PG-No. 34D
Appendix IV	Previous and similar applications
Appendix V	Government departments' general comments
Appendix VI	Recommended advisory clauses
Appendix VII	Public comments
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 & 4b	Site photos

**PLANNING DEPARTMENT
MAY 2024**