

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/996

<u>Applicant</u>	:	Mr. Tang Siu Ming
<u>Site</u>	:	Lot 688 S.B in D.D.106, Shek Kong Airfield Road, Kam Tin, Yuen Long
<u>Site Area</u>	:	About 2,510 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)”) <i>[Restricted to a maximum plot ratio (PR) of 0.2 and a maximum building height (BH) of 2 storeys (6m)]</i>
<u>Application</u>	:	Temporary Open Storage of Vehicles and Vehicle Parts with Ancillary Office for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary open storage of vehicles and vehicle parts with ancillary office for a period of 3 years at the application site (the Site) (**Plan A-1a**) zoned “R(D)” on the OZP. 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 used for the applied use without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site abuts Shek Kong Airfield Road. According to the applicant, the area used for open storage use is about 1,867m² (about 75% of the total site area). The proposed operation hours are between 9am and 6pm on Mondays to Fridays, between 10am and 6pm on Saturdays with no operation on Sundays and public holidays. The layout plan submitted by the applicant is at **Drawing A-1**.
- 1.3 The Site is involved in 8 previous applications for various temporary open storage uses covering different extent of the Site which were all approved by the Rural and New Town Planning Committee (the Committee) of the Board between 1998 and 2021 (details at paragraph 6 below).
- 1.4 Compared with the last application (No. A/YL-KTS/880), the current application is submitted by a different applicant for the same use at the same site with slightly

different layout and changes in development parameters. A comparison of the major development parameters of the current application and the last approved application are summarised as follows:

Major Development Parameters	Last Approved Application No. A/YL-KTS/880 (a)	Current Application No. A/YL-KTS/996 (b)	Difference (b)-(a)
Applied Use	Temporary Open Storage of Vehicles and Vehicle Parts with Ancillary Office for a Period of 3 Years		---
Site Area	About 2,510 m ²		No Change
No. and Height of Structures	9 • for storage, site offices and canopies (2.25 – 5.55m, 1 storey)	9 • for storage, site offices and canopies (2.25 – 5.55m, 1 storey)	No Change
Total Floor Area of Structures	About 667m ²	About 643m ²	- 24m ² (-3.6%)
No. of Parking and Loading/Unloading (L/UL) Space(s)	8 (for private cars) (5m/8m x 2.5m each) 4 (for light goods vehicles) (6m x 2.5m each)	8 (for private cars) (5m/8m x 2.5m each) 4 (for light goods vehicles) (6m x 2.5m each)	No Change
Operation Hours	9:00 a.m. to 6:00 p.m. (Mondays to Fridays), 10:00 a.m. to 6:00 p.m. (Saturdays) with no operation on Sundays and Public Holidays	9:00 a.m. to 6:00 p.m. (Mondays to Fridays), 10:00 a.m. to 6:00 p.m. (Saturdays) with no operation on Sundays and Public Holidays	No Change

1.5 In support of the application, the applicant have submitted the following documents:

- (a) Application form and supplementary information (**Appendix I**)
received on 21.2.2024
- (b) Further Information (FI) received on 12.3.2024* (**Appendix Ia**)
- (c) FI received on 27.5.2024* (**Appendix Ib**)
- (d) FI received on 18.6.2024* (**Appendix Ic**)

**exempted from publication and recounting requirements*

1.6 On 19.4.2024, the Rural and New Town Planning Committee (the Committee) agreed to defer making a decision on the application for two months as requested by the applicant.

2. Justifications from the Applicants

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 current application is the subject of the previous approved application No. A/YL-KTS/880. The vehicle and vehicle parts to be stored at the Site would have no adverse traffic on the surrounding.
- (b) Fire extinguishers and emergency lights have been installed at the Site in accordance with the comments of Fire Services Department (FSD). The existing drainage facilities and fire service installations (FSIs) on the Site shall be maintained to the satisfaction of concerned departments.

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 “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13G) promulgated by the Board on 14.4.2023 is relevant to the application. The Site falls within Category 2 areas under the TPB PG-No. 13G. The relevant extract of the Guidelines is 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 8 previous applications (No. A/YL-KTS/125, 151, 161, 170, 206, 274, 794 and 880) for various temporary open storage uses with or without workshop uses, all of which were approved with conditions by the Committee between 1998 and 2021 mainly on the considerations that the applied/proposed uses were generally in line with the then TPB PG-No. 13 (or its later versions); temporary approval would not frustrate the long-term planning intention; the development was not incompatible with the surrounding uses; and no adverse comment from relevant departments or their concerns could be addressed by approval conditions. The planning permissions for A/YL-KTS/206, 274 and 794 were subsequently revoked due to non-compliance with the approval conditions. Details of the previous applications are summarised in **Appendix III** and the locations are shown on **Plan A-1b**.

6.2 As for the last application (No. A/YL-KTS/880), all the time-limited approval conditions have been complied with and the planning permission lapsed on 16.4.2024.

7. Similar Applications

Four similar applications (No. A/YL-KTS/883, 886, 995 and 999) for various temporary open storage uses within the same “AGR” zone including three renewal applications were considered by the Committee in the past 5 years. All the applications were approved with conditions by the Committee between April 2021 and May 2024 on similar considerations mentioned in para. 6.1 above. Details of the applications are summarised in **Appendix III** and the locations are shown on **Plan A-1a**.

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

8.1 The Site is:

- (a) abutting Shek Kong Airfield Road to the north (**Plan A-2**); and
- (b) currently used for the applied use without valid planning permission.

8.2 The surrounding areas have the following characteristics:

comprises predominantly Shek Kong Barracks, open storage/storage yards which are covered by valid planning permissions, vehicle repair workshop which is suspected unauthorized development, scattered residential dwellings/structures (the nearest one at about 30 m to the southeast) and planting area.

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 government bureau/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

On 1.3.2024, the application was published for public inspection. During the statutory publication period, two public comments were received from Aviation Club of Hong

Kong, China and an individual raising concerns mainly on the potential flight safety (**Appendix VI**).

12. Planning Considerations and Assessments

12.1 The application is for temporary open storage of vehicles and vehicle parts with ancillary office for a period of 3 years at the Site zoned “R(D)” (**Plan A-1a**). Whilst the applied use is not in line with the planning intention of “R(D)” zone, there is no known development programme for the Site. As such, approval of the application on a temporary basis for a period of 3 years would not jeopardise the long-term planning intention of the area.

12.2 The surrounding area comprises predominantly Shek Kong Barracks, open storage/storage yards, vehicle repair workshop, scattered residential dwellings/structures and planting area (**Plan A-2**). The applied use is generally not incompatible with the surrounding area.

12.3 The Site falls within Category 2 areas under the 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 3 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 applied use is generally in line with the TPB PG-No. 13G in that relevant departments consulted, including the Commissioner for Transport, the Chief Engineer/Mainland North of the Drainage Services Department, the Director of Fire Services, the Director of Environmental Protection, the Director-General of Civil Aviation and the Chief Town Planner/Urban Design and Landscape of the Planning Department have no objection to or no adverse comment on the application. The applied use will unlikely create significant adverse traffic, drainage, fire safety, environmental, aviation safety and landscape impacts to the surrounding areas. 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 be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimise the possible environmental nuisance on the surroundings.

12.5 Given that the Committee has approved 8 applications for various temporary open storage uses involving the Site between 1998 and 2021 and 4 similar applications within the same “R(D)” zone in the past 5 years, approval of the current application is in line with the Committee’s previous decisions.

12.6 Regarding the public comments received as summarised in paragraph 11 above, the planning consideration and assessments in paragraphs 12.1 to 12.5 above are

relevant.

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, the Planning Department considers that the applied use could be tolerated for a 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 until 19.7.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (b) the submission of a record of the existing drainage facilities on the site within **3** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 19.10.2024;
- (c) the implementation of the accepted fire service installations proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 19.4.2025;
- (d) if the above planning condition (a) 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) if any of the above planning condition (b) or (c) 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 at **Appendix V**.

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

the applied use is not in line with the planning intention of the "R(D)" zone, which 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. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant 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 21.2.2024
Appendix Ia	FI received on 12.3.2024
Appendix Ib	FI received on 27.5.2024
Appendix Ic	FI received on 18.6.2024
Appendix II	Relevant extract of TPB PG-No. 13G
Appendix III	Previous and similar applications
Appendix IV	Government departments' general comments
Appendix V	Recommended advisory clauses
Appendix VI	Public comments
Drawing A-1	Site layout plan
Plan A-1a	Location plan
Plan A-1b	Previous application plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
JULY 2024**