

RNTPC Paper No. A/YL-KTS/999
For Consideration by
the Rural and New Town
Planning Committee
on 10.5.2024

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

APPLICATION NO. A/YL-KTS/999

Applicant : Mr. TANG Luen Kwong

Site : Lots 703, 704 S.B RP and 705 S.B RP in D.D. 106, Kam Tin, Yuen Long

Site Area : About 1,463.95m²

Lease : Block Government Lease (demised for agricultural use)

Plan : Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15

Zoning : “Residential (Group D)” (“R(D)”)

Application : Renewal of Planning Approval for Temporary Open Storage of Vehicles and Vehicle Parts with Ancillary Office for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission for temporary open storage of vehicles and vehicle parts with ancillary office for a period of three years at the application site (the Site) which falls within an area zoned “R(D)” on the Kam Tin South OZP (**Plan A-1a**). 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/883. All the approval conditions had been complied with and the planning permission is valid until 22.5.2024.
- 1.2 According to the applicant, the applied use involves five structures with building heights of not more than 5.5m and a total floor area of 158.99m² for storage and office uses. Two parking spaces for private vehicles and two loading/unloading spaces for light goods vehicles are provided at the Site. The operation hours are from 9:00 a.m. to 6:00 p.m. from Mondays to Saturdays with no operation on Sundays and public holidays. The Site is accessible from Shek Kong Airfield Road with an ingress/egress at the north-eastern corner. The layout plan submitted by the applicant is at **Drawing A-1**.
- 1.3 The Site is involved in ten previous applications (see details under paragraph 6 below). Compared with the last approved application No. A/YL-KTS/883, 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 21.3.2024
- (b) Further Information (FI) received on 2.5.2024* (Appendix Ia)

** exempted from publication and recounting requirements*

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**. They can be summarised as follows:

- (a) The applied use provides a short term solution for the high demand for open storage space. The applied use is temporary in nature and will not jeopardise the long-term planning intention of the “R(D)” zone.
- (b) The applied use is in line with the Town Planning Board Guidelines for application for open storage and port back-up uses. The applied use is compatible with the surrounding land uses including open storage of the construction materials and vehicle parts. Moreover, drainage facilities, fire service installations, site paving and fencing have been implemented on the Site to the satisfaction of the relevant departments. The re-granting of planning permission will not cause problem on land use compatibility.
- (c) The operation has not caused any nuisance to the nearby residents/occupants in the past three years. The applied use would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas and will not create undesirable precedent.
- (d) The total height of the structures and the vehicles/vehicle parts stored at the Site would not exceed 5.5m and would not pose adverse flight safety impact on the Shek Kong runway.

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

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by posting site notice and sending notices to the Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Member’s 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 involved in ten previous applications (No. A/YL-KTS/160, 205, 273, 316, 369, 463, 563, 665, 776 and 883) covering various site areas for temporary open storage of vehicles and vehicle parts (including three renewals of temporary permissions). All the applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board or the Board on review between March 1999 and April 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. The planning permissions under applications No. A/YL-KTS/205 and 273 were revoked in September 2001 and May 2003 respectively due to non-compliance with the approval conditions.
- 6.2 Compared with the last approved application No. A/YL-KTS/883, 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. All the approval conditions under application No. A/YL-KTS/883 had been complied with and the planning permission is valid until 22.5.2024.
- 6.3 Details of the previous applications are summarised in **Appendix IV** and the locations are shown on **Plan A-1b**.

7. Similar Applications

- 7.1 There are five similar applications (No. A/YL-KTS/844, 880, 886, 907 and 951), involving four sites, for temporary open storage (including three renewals of temporary permissions) within “R(D)” zone on the OZP in the vicinity of the Site in the past five years. All the applications were approved with conditions by the

Committee between May 2020 and March 2023, on similar considerations as stated in paragraph 6.1 above.

7.2 Details of the similar applications are summarised in **Appendix IV** 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) currently fenced-off, paved, and used for the applied use with valid planning permission under application No. A/YL-KTS/883; and
- (b) accessible from Shek Kong Airfield Road with an ingress/egress at the north-eastern corner.

8.2 The surrounding areas are mainly rural in character intermixed with open storage/storage yards, vehicle repairing workshop (with valid planning permission under application No. A/YL-KTS/894), residential structures/dwellings, grassland and vacant land. The open storage/storage yards are without valid planning permission. To the east across Shek Kong Airfield Road are Shek Kong Barracks. To the southwest is an ecological mitigation planting area. Kam Tin River is to the further southwest 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, two public comments were received from the Aviation Club of Hong Kong, China, raising concerns about the heights of vehicles and vehicle parts to be stored at the Site.

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning permission for temporary open storage of vehicles and vehicle parts with ancillary office for a period of three years at the Site zoned “R(D)” (**Plan A-1a**). 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 with height not exceeding 5.5m is not significant. The applied use is not incompatible with the surrounding land uses which are intermixed with open storage/storage yards, vehicle repairing workshop, residential structures/dwellings and vacant land. The Chief Town Planner/Urban Design & Landscape of the Planning Department considers that no significant landscape impact arising from the applied use is anticipated.
- 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 and 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/883 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. 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 ten approved previous applications and five approved similar applications in the vicinity as stated in paragraphs 6.1 and 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 23.5.2024 to 22.5.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) 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;
- (b) 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;
- (c) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) the submission of a condition record 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 Town Planning Board by 23.8.2024;
- (e) the existing fire service installations implemented on the site shall be maintained in efficient working order at all times during the planning approval period;
- (f) if any of the above planning condition (a), (b), (c), or (e) 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
- (g) if the above planning condition (d) is not complied 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 planning Application No. A/YL-KTS/883, except deletion/revision to the conditions on operation, traffic and landscape 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 21.3.2024
Appendix Ia	FI received on 2.5.2024
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-1a	Location plan with similar applications
Plan A-1b	Previous application plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
MAY 2024**