

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

APPLICATION NO. A/YL-PH/1007

<u>Applicant</u>	:	Chief Force Limited
<u>Site</u>	:	Lots 2007 (Part) and 2018 S.A (Part) in D.D. 111, Pat Heung, Yuen Long
<u>Site Area</u>	:	About 427m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
<u>Zoning</u>	:	“Village Type Development” (“V”)
<u>Application</u>	:	Renewal of Planning Approval for Temporary Shop and Services (Vehicles Showroom) for a Period of Three 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 (vehicles showroom) for a period of three years. The Site falls within an area zoned “V” on the approved Pat Heung OZP No. S/YL-PH/11 (**Plan A-1**). According to the Notes of the OZP, ‘Shop and Services’ is a Column 2 use within the “V” zone which 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-PH/888 until 10.9.2024 (**Plans A-2 to A-4**). All the approval conditions under the previous application had been complied with.
- 1.2 According to the applicant, the applied use involves two structures of one to two storeys with building heights of about 5.5m and a total floor area of about 150m² for shelter of showroom, ancillary office and staff room. Five display spaces for private cars are provided at the Site. The operation hours are between 10:00 a.m. to 7:00 p.m. daily (except Fridays) including public holidays. One parking space for private car and one loading/unloading space for light goods vehicle are provided. The Site is accessible from Kam Tin Road via local tracks (**Plans A-1 and A-2**). The layout plan submitted by the applicant is at **Drawing A-1**.
- 1.3 The Site, in part or in whole, is involved in three previous applications (details in paragraph 6 below). Compared with the last approved application No. A/YL-PH/888, the current application is submitted by the same applicant and is the same

in terms of 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 (Appendix I)
received on 13.5.2024
- (b) Further information (FI) received on 17.6.2024* (Appendix Ia)
- (c) FI received on 10.7.2024* (Appendix Ib)
**accepted and exempted from publication and recounting requirements*

1.5 On 2.7.2024, 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 in **Appendices I to Ib**. They can be summarised as follows:

- (a) The applied use is for displaying second-hand private cars for sale to mainly serve the local needs of villagers in the nearby areas. It is on a temporary basis and its approval would not jeopardise the long term planning intention of the “V” zone.
- (b) There is no change in the development parameters as compared to the previous application (No. A/YL-PH/888). There was no adverse comment from government departments nor public complaint during the approval period under the previous application. All of the approval conditions under the previous application had been complied with. The existing fire service installations (FSIs) and drainage facilities implemented at the Site will be properly maintained.
- (c) The ancillary office and staff room will not be used for domestic purpose. The Site will not be used for open storage of vehicle parts and no workshop activities will be carried out at the Site. Vehicles exceeding 5.5 tonnes will not be allowed to enter/exit or park at the Site. The applied use is anticipated to generate infrequent traffic trips and will not induce adverse environmental, traffic and drainage impacts on the surrounding areas.
- (d) Regarding the unauthorised structures under lease on the subject private lots, the applicant will liaise with the concerned lot owner(s) for removing the unauthorised structures on the lot or applying Short Term Waiver (STW). Meanwhile, he has already applied for STW for the applied use and is awaiting for approval from the Lands Department (LandsD).

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 notice to the Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Member's inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines on 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 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, in part or in whole, is involved in three previous applications (No. A/YL-PH/338, 870 and 888). Rejected application No. A/YL-PH/338, covering only a small portion of the Site but involving a larger site area, was for temporary open storage use which is not relevant to the current application. The other two applications (No. A/YL-PH/870 and 888), both for temporary shop and services for three years, were approved with conditions by the Committee in January and September 2021 respectively, mainly on the considerations that temporary approval of the application would not frustrate the long-term planning intention; the applied use was not incompatible with the surrounding uses; and there was no adverse departmental comment or their technical concerns could be addressed by approval conditions. The permission under application No. A/YL-PH/870 was subsequently revoked in January 2022 due to non-compliance with the approval conditions.
- 6.2 Compared with the last approved application (No. A/YL-PH/888), the current application is submitted by the same applicant and is the same in terms of applied use, site area/boundary, layout and major development parameters. All the approval conditions had been complied with and the planning permission is valid until 10.9.2024.
- 6.3 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-PH/839, 850, 880, 946, 948 and 970), involving four sites, for various temporary shop and services uses (including two renewals of temporary permissions) within "V" zones in the vicinity of the Site in the past five years. All these applications were approved with conditions by the Committee between June 2020 and October 2023 on the similar considerations as

stated in paragraph 6.1 above. The planning permission under application No. A/YL-PH/880 was subsequently revoked in November 2023 due to non-compliance with the approval condition.

- 7.2 Details of the similar 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-4)

- 8.1 The Site is:

- (a) currently fenced, erected with temporary structures and used for the applied use with valid planning permission under the previous application No. A/YL-PH/888; and
- (b) accessible from Kam Tin Road via local tracks.

- 8.2 The surrounding areas are rural in character intermixed with residential dwellings/structures, open storage/storage yards and workshop. Those open storage/storage yards within the “Open Storage” zone to the south of the Site are always permitted within the zone. Other open storage/storage yards and workshop within the same “V” zone are without valid planning permission.

9. Planning Intention

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 Houses. Other commercial, community and recreational uses may be permitted on application to the Board.

10. Comments from Relevant Government Departments

- 10.1 Apart from the government department as set out in paragraph 10.2, other 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.

10.2 The following government department has adverse comment on the application:

Land Administration

Comments of the District Lands Officer/Yuen Long, LandsD (DLO/YL, LandsD):

- (a) he has adverse comment;
- (b) the Site comprises Old Schedule Agricultural Lot Nos. 2007 and 2018 S.A both in D.D. 111 held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
- (c) there are unauthorised structures within the said private lots and extend from/to the adjoining lots not covered by the subject planning application. The lot owner(s) should immediately rectify/apply for regularisation on the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice; and
- (d) the lot owner(s)/applicant shall either (i) remove the unauthorised structure(s) not covered by the subject planning application immediately; or (ii) include the unauthorised structure(s) in the subject planning application for the further consideration by the relevant departments and, subject to the approval of the Board to the planning application which shall have reflected the rectification or amendment as aforesaid required, apply to his office for an STW to permit the structure(s) erected. The application(s) for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STW, if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate to be imposed by LandsD. In addition, LandsD reserves the right to take enforcement action against the lot owner(s)/applicant for any breach of the lease conditions, including the breach(es) already in existence or to be detected at any point of time in future; and
- (e) there is no Small House application approved or under processing within the Site.

11. Public Comment Received During Statutory Publication Period

The application was published for public inspection. During the statutory publication 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 (vehicles showroom) for a period of three years at the Site zoned “V” (**Plan A-1**). 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, and land within the “V” 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. The applied use is not entirely in line with the planning intention of the “V” zone. According to the applicant, the applied use is to mainly serve the local needs of villagers nearby. Besides, there is no Small House application approved or under processing within the Site according to DLO/YL, LandsD. It is considered that temporary approval of the application for a further period of three years would not frustrate the long-term planning intention of the “V” zone.

- 12.2 The applied use is considered not incompatible with the surrounding land uses intermixed with open storage/storage yards and residential dwellings/structures. The Chief Town Planner/Urban Design and Landscape of the Planning Department considers that no significant landscape impact arising from the applied use is anticipated.
- 12.3 DLO/YL, LandsD has adverse comment on the application in view of unauthorised structures within the subject private lots but outside the Site. In this regard, the applicant states that he will liaise with the concern lot owner(s) for removing unauthorised structures or applying for STW. An advisory clause on the need for rectifying or regularising the unauthorised structures with LandsD is also recommended should the Committee approve the application.
- 12.4 Other relevant departments consulted including the Commissioner for Transport, the Director of Environmental Protection, 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. 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 the Environmental Protection Department to minimise any potential environmental nuisance.
- 12.5 The application is generally in line with TPB PG-No. 34D in that all the approval conditions under the previous application No. A/YL-PH/888 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.
- 12.6 There are two relevant approved previous applications for temporary shop and services at the Site and six approved similar applications in the vicinity of the Site as mentioned in paragraphs 6.1 and 7.1. 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 has no objection to the renewal of planning approval for temporary shop and services 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 11.9.2024 to 10.9.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (b) the implemented fire service installations on the site shall be maintained in efficient working order at all times during the planning approval period; and
- (c) if any of the above planning condition (a) or (b) 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.

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 applicant.

15. Attachments

Appendix I	Application form with supplementary information received on 13.5.2024
Appendix Ia	FI received on 17.6.2024
Appendix Ib	FI received on 10.7.2024
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 previous and similar applications
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
JULY 2024**