

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

APPLICATION NO. A/YL-SK/366

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| <u>Applicant</u> | : Paraking Limited represented by R-riches Property Consultants Limited |
| <u>Site</u> | : Lot 1289 RP (Part) in D.D. 114, Shek Kong, Yuen Long |
| <u>Site Area</u> | : About 148m ² |
| <u>Lease</u> | : Block Government Lease (demised for agricultural use) |
| <u>Plan</u> | : Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9 |
| <u>Zoning</u> | : “Village Type Development” (“V”) (56%) [restricted to a maximum building height of 3 storeys (8.23m)] “Agriculture” (“AGR”) (44%) |
| <u>Application</u> | : Renewal of Planning Approval for Temporary Shop and Services (Car Audio Shop) and Ancillary Office for a Period of 3 Years |

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission for temporary shop and services (car audio shop) and ancillary office for a period of 3 years at the application site (the Site). The Site falls within an area zoned “V” and “AGR” on the approved Shek Kong OZP No. S/YL-SK/9 (**Plan A-1**). According to the Notes of the OZP, ‘Shop and Services’ is a Column 2 use within the “V” zone, whilst it is neither a Column 1 nor Column 2 use for the “AGR” zone. Nevertheless, temporary use or development of any land not exceeding a period of 3 years may be allowed with permission from the Town Planning Board (the Board). The Site is currently fenced, partly vacant and partly erected with a temporary structure and used for the applied use with valid planning permission under the previous application No. A/YL-SK/308 (**Plans A-3 to A-4b**). All the approval conditions under the previous application have been complied with and the planning permission is valid until 25.6.2024.
- 1.2 According to the applicant, the site area is about 148m² and one two-storey structure with a total non-domestic floor area of about 138m² and a building height of about 6m is proposed within the Site for car audio shop and ancillary office uses (**Drawing A-1**). The proposed operation hours will be from 9:00a.m. to 6:00p.m. daily, including public holidays. The applicant estimates that a maximum of 8

visitors will visit the Site daily and there will be 4 staff members working at the Site to support the car audio shop operation. The Site is directly accessible from Kam Sheung Road (**Plans A-2 and A-3**). One private car parking space will be provided on-site. The layout plan submitted by the applicant is at **Drawings A-1**.

- 1.3 The Site is involved in four previous applications (details in paragraph 6 below) including the last approved application No. A/YL-SK/308 submitted by the same applicant for the same applied use as the current application. Compared with the previous application No. A/YL-SK/308, the current application is the same in terms of site area/boundary, major development parameters and layout.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application form with attachments received on 28.2.2024 (**Appendix I**)
 - (b) Further Information (FI) received on 3.4.2024* (**Appendix Ia**)
 - (c) Further Information (FI) received on 10.4.2024* (**Appendix Ib**)
- * accepted and 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 and FIs at **Appendices I to Ib** and summarized below:

- (a) the proposed car audio shop is intended to serve the needs of the nearby residents in Shek Kong. The application is on a temporary basis so that it will not jeopardise the long-term planning intention of the “V” and “AGR” zones. Moreover, it will not set an undesirable precedent as several previous applications, including the latest application (No. A/YL-SK/308) submitted by the same applicant for the same use, have been approved by the Board before;
- (b) all of the approval conditions for the previous application in regards to drainage and fire safety aspects have been complied with;
- (c) the estimated maximum number of visitors would be about 8 per day, and there would be 4 members of staff working on-site. One private car parking spaces will be provided, and no light, medium or heavy goods vehicles will be allowed to enter/exit the Site. Visitors will need to make appointment in advance so as to prevent excessive number of visitors on-site. As the traffic generation will be minimal, no adverse traffic impact is envisaged due to the proposed use; and
- (d) the proposed use will not create significant adverse environmental, landscape and drainage impacts. Adequate mitigation measures on drainage, fire services and landscape aspects will be provided upon approval of the application. The applicant would also strictly follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimise the environmental impacts of the proposed development.

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

The applicant is the sole current land owner of the Site. 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) is 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 is the subject of a previous application (No. A/YL-SK/164) for temporary shop and services (real estate agency) and ancillary office uses, and three previous applications (No. A/YL-SK/204, 234 and 308) for temporary shop and services (car audio shop) and ancillary office use. All the applications were approved with conditions by the Committee for a period of three years between 2011 and 2021. Details of the application are summarised at **Appendix III** and the locations are shown on **Plan A-1**.
- 6.2 The former two applications (No. A/YL-SK/164 and 204) had a slightly larger site area than the current application, whilst the latter two applications (No. A/YL-SK/234 and 308) were submitted by the same applicant of the current application. The four applications were approved mainly on similar considerations that the development was of a relatively small scale and was not incompatible with the surrounding environment; there was no Small House application at the Site; the approval of the development on a temporary basis would not frustrate the long-term planning intentions of the “AGR” and “V” zones; approval of the application was in line with the Committee’s previous decisions; government departments consulted generally had no adverse comment on the application; and the technical concerns/requirements of the relevant government departments could be addressed by the approval conditions. The planning permission for application No. A/YL-SK/234 was subsequently revoked on 6.9.2020 due to non-compliance with approval conditions in relation to the implementations of tree preservation and landscape proposal and fire service installations (FSIs) proposal.
- 6.3 Compared with the last approved application No. A/YL-SK/308 submitted by the same applicant, the current application is the same in terms of site area/boundary, major development parameters and layout. All the approval conditions under application No. A/YL-SK/308 have been complied with and the planning permission is valid until 25.6.2024.

6.4 Details of the previous applications are summarized at **Appendix III** and the locations are shown on **Plan A-1**.

7. Similar Applications

While there is no similar application for temporary shop and services within the same “AGR” zone, there are four similar applications (No. A/YL-SK/253, 254, 298 and 336) for various temporary shop and services uses in the vicinity of the Site within the same “V” zone on the OZP (**Plan A-1**), which were all approved with conditions by the Committee between 2019 and 2022 on similar considerations as stated in paragraph 5. The planning approval for application No. A/YL-SK/254 was subsequently revoked on 17.2.2022 due to non-compliance with approval conditions in relation to the implementations of FSIs and drainage proposals. Details of the similar applications are summarized at **Appendix III** and the locations are shown on **Plan A-1**.

8. The Site and Its Surrounding Areas (Plans A-2 to A-4b)

8.1 The Site is:

- (a) currently fenced, partly vacant and partly erected with a temporary structure and used for the applied use with valid planning permission under the previous application No. A/YL-SK/308; and
- (b) directly accessible from Kam Sheung Road.

8.2 The surrounding areas are predominantly rural in character with mainly domestic dwellings/structures, car repair/trading/workshop and vacant, unused land (**Plans A-2 and A-3**). Adjoining the Site on the west is an area used for temporary motor-vehicle showroom with valid planning permission under application No. A/YL-SK/298 mentioned in paragraph 7 above.

9. Planning Intention

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 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

- 10.1 Apart from the government department as set out in paragraphs 9.2 below, 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 comments on the application:

Land Administration

- 10.2.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):
- (a) the private lot is covered by Short Term waiver (STW) No. 5364 for the purpose of temporary shop and services (car audio shop) and ancillary office;
 - (b) recent site inspection found that the existing structures within the private lot was suspected being used for domestic purposes. According to LandsD's prevailing policy, no STW application / modification will be considered for domestic use. Therefore, Lands Department reserves the right to take enforcement action against such domestic purpose structures in the application site; and
 - (c) there is no Small House application approved or currently under processing at the Site.

11. Public Comments Received During the Statutory Publication Period

The application was published for public inspection on 8.3.2024. 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 permission for temporary shop and services (car audio shop) and ancillary office for a period of 3 years at the Site zoned "AGR" (44%) and "V" (56%) (**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, while the planning intention of the "V" zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within the "V" zone is primarily intended for development of Small Houses by indigenous villagers, and 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 intention of the "AGR" zone, DAFC has no strong view against the application noting that previous application for the same use was approved. The proposed use is also not entirely in

line with the planning intention of the “V” zone. Nevertheless, the District Lands Officer/ Yuen Long of the Lands Department (DLO/YL of LandsD) advises that there is no Small House application approved or under processing at the Site. Taking into account the planning assessments below, the applied use on a temporary basis of 3 years could be tolerated.

- 12.2 The proposed use is considered not incompatible with the surrounding land uses which are rural in character with mainly domestic dwellings/structures, shop and services uses, car repair/trading/workshop and vacant, unused land. The Chief Town Planner/Urban Design and Landscape of the Planning Department (CTP/UD&L, PlanD) considers that significant adverse landscape impact arising from the proposed use is not anticipated and has no objection to the application.
- 12.3 The application is generally in line with TPB PG-No.34D in that all the approval conditions under the previous application No. A/YL-SK/308 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 Whilst DLO/YL of LandsD has concern on the application, it is a land administration issue not directly related to the current planning application. Nevertheless, the applicant will be advised to follow the relevant requirements of LandsD as set out in the recommended advisory clauses.
- 12.5 Other relevant departments consulted, including Commissioner for Transport (C for T), Director of Fire Services (D of FS), Chief Engineer/ Mainland North of Drainage Services Department (CE/MN of DSD) and Director of Environmental Protection (DEP) have no objection to or no adverse comment on the application. 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 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 any potential environmental nuisance.
- 12.6 There are four approved similar applications for temporary shop and services within the same “V” zone in the vicinity of the Site as mentioned in paragraph 7 above. The Committee’s considerations on the similar applications are generally applicable to the current application and approval of this 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 26.6.2024 to 25.6.2027. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no operation between 6:00p.m. and 9:00a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/ trailer, as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (e) the submission of a 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 26.9.2024;
- (f) the existing fire service installations implemented on the site shall be maintained in efficient working order at all times during the planning approval period;
- (g) if any of the above planning condition (a), (b), (c), (d) or (f) 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;
- (h) if the above planning condition (e) 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; and
- (i) upon expiry of the planning permission, the reinstatement of the “AGR” portion of the site 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 last approved planning Application No. A/YL-SK/308, except deletion/revision to the conditions on operation time, submission and implementation of drainage and FSIs proposals based on the latest comments from relevant departments.]

Advisory Clauses

The recommended advisory clauses are attached 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.
- 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

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| Appendix I | Application Form with attachments received on 28.2.2024 |
| Appendix Ia | FI received on 3.4.2024 |
| Appendix Ib | FI received on 10.4.2024 |
| 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 | Layout Plan |
| Plan A-1 | Location Plan |
| Plan A-2 | Site Plan |
| Plan A-3 | Aerial Photo |
| Plan A-4a to A-4b | Site Photos |

**PLANNING DEPARTMENT
APRIL 2024**