

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

APPLICATION NO. A/YL-SK/373

<u>Applicant</u>	: Mr. CHOW Yuet-fai
<u>Site</u>	: Lot 1289 S.F RP in D.D. 114, Kam Sheung Road, Shek Kong, Yuen Long
<u>Site Area</u>	: About 90m 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”) [restricted to a maximum building height of 3 storeys (8.23m)]
<u>Application</u>	: Renewal of Planning Approval for Temporary Office with Ancillary Storage Area and Car Parking for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission for temporary office with ancillary storage area and car parking for a period of 3 years at the application site (the Site). The Site falls within an area zoned “V” on the approved Shek Kong OZP No. S/YL-SK/9 (**Plan A-1**). 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 paved and used for the applied use with valid planning permission under the previous application No. A/YL-SK/309 (**Plans A-3 to A-4**). All the approval conditions had been complied with and the planning permission is valid until 3.8.2024.
- 1.2 According to the applicant, the site area is about 90m² and three container-converted structures (two double-decked and one single-decked) with a total non-domestic floor area of about 114m² and a building height of 6m are erected within the Site for office, storage, ancillary toilet, ancillary electric meter room and ancillary water meter room uses (**Drawings A-2 and A-3**). The operation hours are from 9:00 a.m. to 5 p.m. from Mondays to Fridays with no operation on Saturdays, Sundays and public holidays. The Site is accessible through two ingress/egress points located at the south and north of the Site via an adjoining local track for the northern ingress/egress point to Kam Sheung Road (**Plans A-2 and A-3**). Two covered private car parking spaces and one open parking space for light goods vehicle are provided at the Site. The layout plan and floor plans submitted by the

applicant are at **Drawings A-1 to A-3**.

1.3 The Site in whole, is involved in four previous applications (details under paragraph 6 below). Compared with the last approved application No. A/YL-SK/373, 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 attachments received on 20.5.2024 **(Appendix I)**

(b) Further Information (FI) received on 26.6.2024* **(Appendix Ia)**

** 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 FI at **Appendices I and Ia** and summarized below:

The use of the Site is same as the previous approved application for a temporary office for supporting the business of maintenance, decoration and minor renovation works/ services. The ancillary storage areas are for the storage of tools, small equipment and materials. The two private car parking spaces and one parking space for light good vehicle provided at the Site are for staff uses only.

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 Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by obtaining consent of the 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 “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 whole, is involved in four previous applications (No. A/YL-SK/183, 203, 238 and 309) for the same applied use submitted by the same applicant of the current application. Details of the application are summarised at **Appendix III** and the locations are shown on **Plan A-1**.
- 6.2 All the applications were approved with conditions by the Committee for a period of three years between 2013 and 2021, mainly on the considerations that temporary approval would not frustrate the long term planning intention; there was no Small House application at the Site; the applied use was not incompatible with the surrounding land uses; no significant adverse environmental impact to the surrounding area is envisaged; and the relevant departments consulted in general had no adverse comment on the application or their technical concerns could be addressed by the approval conditions. The planning permission under application No. A/YL-SK/183 (approved in April 2013) was subsequently revoked on 5.10.2013 due to non-compliance with the approval conditions in relation to the submissions and implementations of landscape proposal and fire service installations (FSIs) proposal.
- 6.3 Compared with the last approved application No. A/YL-SK/309 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 that application had been complied with and the planning permission is valid until 3.8.2024.
- 6.4 Details of the previous applications are summarized at **Appendix III** and the locations are shown on **Plan A-1**.

7. Similar Application

There is no similar application within the same “V” zone in the vicinity of the Site in the past five years.

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

- 8.1 The Site is:
- (a) currently paved and used for the applied use with valid planning permission under the previous application No. A/YL-SK/309; and
 - (b) accessible through two ingress/egress points located at the south and north of the Site via an adjoining local track to Kam Sheung Road for the northern ingress/egress point.
- 8.2 The surrounding areas are predominantly rural in character intermixed with domestic structures/dwellings, vehicle repair workshops, a retail vehicle showroom, a car audio shop (with valid planning permission under application No. A/YL-SK/366), cultivated/fallow agricultural land and vacant/unused land (**Plans A-2 and A-3**).

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 (SHs) 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

Government 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 Comments Received During the Statutory Publication Period

The application was published for public inspection on 31.5.2024. 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 approval for temporary office with ancillary storage area and car parking for a period of 3 years at the Site zoned “V” (**Plan A-1**). The planning intention of the “V” zone is primarily 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 SHs by indigenous villagers, and other commercial, community and recreational uses may be permitted on application to the Board. The proposed use is not entirely in line with the planning intention of the “V” zone. Nevertheless, the District Land Officer/Yuen Long of the Lands Department (DLO/YL of LandsD) advises that there is no SH 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 intermixed with domestic structures/dwellings, vehicle repair workshops, a retail vehicle showroom, a car audio shop, cultivated/fallow agricultural land and vacant/unused land. The Chief Town Planner/Urban Design and Landscape of the Planning Department (CTP/UD&L, PlanD) has no objection to the application and considers that significant adverse landscape impact arising from the proposed use is not anticipated.

- 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/309 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 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 latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by DEP to minimise any potential environmental nuisance.
- 12.5 The Site was involved in four previous applications for temporary office as stated in paragraph 6 above. Approving the current application is in line with the Committee's previous decision.

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 4.8.2024 to 3.8.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) 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
- (b) 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.

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

Appendix I	Application Form with attachments received on 20.5.2024
Appendix Ia	FI received on 26.6.2024
Appendix II	Relevant extract of TPB PG-No. 34D
Appendix III	Previous applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Layout Plan of upper deck
Drawing A-3	Layout Plan of lower deck
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos