

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/662

<u>Applicant</u>	: Wing Lung Wai Community represented by M & D Planning and Surveyors Consultant Ltd.
<u>Site</u>	: Lots 457(Part), 458(Part) and 465 S.A(Part) in D.D. 109 and Adjoining Government Land, Kam Tin Road, Kam Tin, Yuen Long
<u>Site Area</u>	: 5,246.1 m ² (including Government Land of about 133.8m ² (2.6%))
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/9
<u>Zoning</u>	: “Village Type Development” (“V”) [maximum building height of 3 storeys (8.23m)]
<u>Application</u>	: Proposed Temporary Shop and Services (Motor Vehicle Showroom) with Storage of Vehicles/Vehicles Parts and Ancillary Offices Use for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary shop and services (motor vehicle showroom) with storage of vehicles/vehicles parts and ancillary offices for a period of 3 years. According to the Notes of the OZP, ‘Shop and Services’ is a Column 2 use under the “V” zone which requires planning permission from the Town Planning Board (the Board), while storage use is neither Column 1 nor Column 2 use. Nevertheless, for use or development not provided for in terms of the OZP, the Board may grant permission for a maximum period of three years. The Site is used for open storage of vehicles without valid planning permission (**Plans A-2 and A-4a to A-4c**).
- 1.2 The Site involves 13 previous applications for temporary open storage of vehicles/vehicle parts/vehicles for sales with/without retail/trading activities, vehicle workshop and shop and services uses. The last applications No. A/YL-KTN/602 for

the same applied use for a period of 3 years was rejected by the Board on review on 28.12.2018.

- 1.3 According to the applicant, the proposed development involves four temporary structures with details below:

Structure	Use	Total Floor Area (m ²)	Building Height (m)
A	Warehouse for storage of vehicles	1,354.0	5m (1-storey)
B	Warehouse for storage of vehicle parts	133.8	5m (1-storey)
C	Vehicle showroom	609.8	5m (1-storey)
D	Office		5m (2-storey)
	- Ground floor for carpark use	517.2	
	- First floor for office use	517.2	
Total:		3,132.0	-

There will be 44 vehicles to be stored in the warehouse, 43 vehicles to be stored in open area, and 25 cars to be placed in the vehicle showroom. In addition, a total of 33 car parking spaces for visitor and staff are proposed, of which 19 spaces will be indoor and 14 spaces will be outdoor. A loading/unloading bay for vehicles not more than 5.5 tonnes will be provided at the Site. No vehicles exceed 5.5 tonnes will be stored or enter the Site. The operation hours are from 9:00 am to 8:00 pm daily. The Site is accessible from Kam Tin Road in the south. The site layout plan is at **Drawing A-1**.

- 1.4 A comparison of the major development parameters of the current application and the last rejected application (No. A/YL-KTN/602) is given in the following table:

Major Development Parameters	Last Rejected Application No. A/YL-KTN/602	Current Application	Difference (b)-(a)
Site Area (m ²)(about)	5,310	5,246.1	-63.9 (-1.2%)
Total floor area (m ²)	4,548.8	3,132	-1,416.8 (-31.1%)
Building Height (m)	8	5	-3 (-37.5%)
Covered Area	86%	50%	-36% (-41.9%)
Total no. of vehicle	184	145	-39 (-21.2%)
- No. of vehicle stored	118 (all indoor)	87 (44 indoor and 43 in open area)	-31 (-26.3%)

Major Development Parameters	Last Rejected Application No. A/YL-KTN/602	Current Application	Difference (b)-(a)
- No. of vehicle in showroom	28	25	-3 (-10.7%)
- No. of Parking Spaces	38	33	-5 (-13.2%)

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

- (a) Application form with planning statement and plans (**Appendix I**) received on 2.5.2019
- (b) Supplementary Information (SI) received on 8.5.2019 (**Appendix Ia**)
- (c) Further Information (FI) received on 16.7.2019 (**Appendix Ib**) providing information on trip generation and parking arrangements

1.6 At the request of the applicant, the Committee agreed to defer consideration of the application on 21.6.2019 to allow time for the applicant to prepare FI to address the departmental comments. After the deferral request, the applicant had submitted FI in response to departments' comments. The application is scheduled for consideration by the Committee at this meeting.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the planning statement and SI in **Appendices I and Ia**. They can be summarized as follows:

- (a) The Site is currently used for temporary storage of vehicles for sale which is subject to a previous approved Application no. A/YL-KTN/125. Using the Site for vehicles showroom and sale of vehicles could attract investment into the area and create more job opportunities.
- (b) The Site is currently owned by the applicant and is held under "Tso Tong". According to the record from the Lands Department, there is no small house application at the Site in the last 10 years. Should there be any application for small house development at the Site by local villagers or new development proposed by the government, the applicant promises to give up the current application.
- (c) Kam Tin is the center point between Hong Kong Island/Kowloon and New Territories and easily accessible to other places within Hong Kong. Kam Tin area is traditionally a place for vehicles storage and supply of vehicles parts, the proposed use could bring synergy to the car industry. The approval of the application could

relieve the demand for vehicle showroom in urban area and better utilize land resources.

- (d) While a few trees will need to be felled, the applicant will provide trees within the Site in accordance with relevant guidelines to ensure compatibility with surrounding area. The vicinity of the Site is mainly occupied by parking of goods vehicles and vehicle showroom (Application no. A/YL-KTS/797). Utilizing the site for vehicle showroom could bring about positive environmental, visual and landscape impact on the area.
- (e) The proposed use would not generate significant traffic to the area and affect pedestrian safety. The main business is vehicle display and storage of vehicles for sales. Temporary structures on site will be built by light, fireproof and anti-heat materials. No adverse environmental and drainage impact is anticipated.
- (f) The location and covered area of the structures in this application is similar to those in 1990 based on aerial photo. Thus, it will not set an undesirable precedent.
- (g) The application is supported by the representative of Wing Lung Wai Village Representative, Kam Tin District Council members and Chairman of Kam Tin Rural Committee. The stakeholder of Wing Lung Wai Community could share the profit of the proposed use and reduce welfare from the government.

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

The applicant is the sole “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

The shop and services (motor vehicle showroom), parking of vehicles and storage use on the Site would be subject to planning enforcement action.

5. **Previous Applications**

- 5.1 The Site involves 13 previous applications, including 6 applications at the eastern part of the Site (Nos. A/YL-KTN/28, 50, 125, 184, 207 and 245) and 6 applications at the southwestern part of the Site (Nos. A/YL-KTN/27, 70, 110, 185, 208 and 244) (**Plan A-1b**) for temporary open storage of vehicles/vehicle parts/vehicles for sales with/without retail/trading activities and vehicle workshop, and one application (No. A/YL-KTN/602) covering about the same site area of the Site for the same applied use. Nine applications (No. A/YL-KTN/27, 50, 70, 110, 125, 184, 185, 207 and 208) were approved with conditions by the Committee between 1997

and 2004 and 4 applications (No. A/YL-KTN/28, 244, 245 and 602) (including the last 3 applications) were rejected in 1997, 2006 and 2018. Details of these applications and their location are shown in **Appendix II** and **Plan A-1b**.

- 5.2 Application No. A/YL-KTN/28 at the eastern portion of the Site (**Plan A-1b**) for temporary open storage of vehicle parts with retail activities for 12 months was rejected by the Committee on 18.4.1997 mainly on the grounds that the development was not in line with the planning intention and not compatible with surrounding village settlements; failed to demonstrate no adverse impact on the surrounding areas; and approval of the application would set an undesirable precedent. Subsequently, Application No. A/YL-KTN/27 at the southwestern portion of the Site for temporary open storage of vehicles and vehicles parts with retail activities for 12 months was approved with conditions by the Board upon review on 15.8.1997 based on sympathetic consideration that it was a small-scale operation and temporary approval was granted to allow more time to relocate the operation to a permanent site.
- 5.3 Application Nos. 50, 125, 184, and 207 at the eastern portion of the Site and Nos. 70, 110, 185 and 208 at the southwestern portion of the Site for various temporary open storage of vehicles/vehicles parts/vehicles for sale with/without trading activities/workshop were approved with conditions by the Committee between 1998 to 2004 (Nos. 50 and 70 approved for one year and Nos. 110 and 125 for 3 years; Nos. 184, 185, 207 and 208 approved for one year instead of 3 years sought). These applications were approved mainly for the reasons that previous approval had been granted and there was no change in planning circumstances; in line with Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” in that previous approval for similar use had been granted and all approval conditions were complied with; no adverse departmental comment; the development was not expected to generate significant adverse environmental impact on surrounding area; no local objection was received; and similar applications in the vicinity had been approved. Application Nos. A/YL-KTN/184, 185, 207 and 208 were approved for a period of 1 year (instead of the 3 years sought) to provide time for the applicant to relocate the operation to other suitable locations. Application No. A/YL-KTN/207 was revoked on 3.9.2005 due to non-compliance with approval condition on provision of run-in/out to the application site.
- 5.4 Application Nos. A/YL-KTN/244 and 245 for temporary open storage of vehicles and vehicles parts/ vehicles for sale for 3 years were both rejected by the Committee on 3.3.2006 mainly on the grounds that the application was not in line with the planning intention; previous approvals had been given to allow time to relocate the operation to a suitable location, but there was insufficient information to demonstrate genuine effort had been taken to relocate the operation to other areas; not in line with Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” in that residential dwellings in the vicinity would be subject to environmental nuisances generated by the development.

- 5.5 The last Application No. A/YL-KTN/602 covered almost the same site for the same use and submitted by the same applicant of the current application for a period of 3 years were rejected by the Board on review on 28.12.2018 mainly on the grounds that the proposed development was not in line with the planning intention of the “V” zone; and the scale of the proposed development was excessive and not compatible with the developments in the surrounding area.

6. **Similar Applications**

- 6.1 There are 10 similar applications (No. A/YL-KTN/365, 403, 409, 417, 430, 438, 547, 572, 611 and 644) for shop and services use within the same “V” zone on the OZP. Details of the applications are at **Appendix III** and their locations are shown on **Plan A-1a**.
- 6.2 All the 10 applications for various shop and services uses (real estate agency, grocery and metalware retail shop and/or car beauty product, pet grooming and retail shop, and bookshop) were approved with conditions by the Committee between 2011 and 2019 for similar reasons that approval on a temporary basis would not jeopardize the planning intention of the “V” zone; there was no adverse departmental comment; the developments were not incompatible with the surrounding environment; and not likely to cause adverse environmental impacts on the surrounding areas. However, Application Nos. A/YL-KTN/365, 409, 438, 403, 417, 547 and 611 were revoked due to non-compliance with approval conditions.
- 6.3 In addition to the above, two applications at a site zoned “Residential (Group C)” on the south of the Site (Nos. A/YL-KTS/746 and 797) within the Kam Tin South OZP for proposed temporary shop and services (motor vehicles showroom) for a period of 3 years were approved with conditions by the Committee on 27.10.2017 and 19.10.2018 mainly on the reasons that approval on a temporary basis would not frustrate the long-term planning intention; the development was considered not incompatible with the surrounding areas; no adverse departmental comments and technical concerns could be addressed by approval conditions. Application No. A/YL-KTS/746 was revoked on 27.7.2018 due to non-compliance of approval conditions.

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

- 7.1 The Site is :
- (a) partly used for open storage of vehicle for sale and partly used for open storage of vehicle without valid planning permission; and

- (b) accessible from Kam Tin Road.

7.2 The surrounding areas are rural in character predominated by residential dwellings/structures, village houses, open storage/ storage yards, workshops, car park and vacant/unused land. All of the open storage/storage yards and workshops are suspected unauthorized development subject to enforcement action by the Planning Authority:

- (a) to its north are residential dwellings/structures, parking of vehicle and an open storage yard;
- (b) to its east are open storage/storage yards and a residential dwelling/structure;
- (c) to its immediate south and west are residential dwellings/structures and workshop/storage respectively. To its further west are residential dwellings/structures and village houses including Wing Lung Wai and Pattaya; and
- (d) some retails shops and real estate agency on ground floor of village houses are located on both sides of Kam Tin Road at the south of the Site. Across Kam Tin Road are a temporary car park for private cars and light goods vehicles with planning permission (No. A/YL-KTS/818), residential dwellings/structures and unused/vacant land.

8. Planning Intention

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

9. Comments from Relevant Government Departments

9.1 The following Government departments have been consulted and their views on the application are summarized as follows:

Land Administration

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

- (a) The Site comprises Government land (GL) and Old Scheduled Agricultural Lots 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.
- (b) Within the Site, the private lots are currently covered by Short Term Waiver (STW) whereas the GL therein is covered by the Short Term Tenancy (STT), details of which are listed below:

STW/STT No.	Lot No. /GL in D.D. 109	Permitted Use
STW 2152	457(Part), 458(Part) and 465 S.A(Part)	Storage of vehicles and vehicles parts
STW 2235	457(Part) and 458(Part)	Wood yard and storage of building materials
STT 887	GL	Storage of construction plants and materials

- (c) The Site is accessible to Kam Tin Road via GL. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site.
- (d) The Site falls within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structure shall not exceed the relevant airfield height limit within SKAHRA.
- (e) Should the application be approved, the STW/STT holder(s) will need to apply to his office for modification of the STW/STT conditions where appropriate. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No constriction of New Territories Exempted Building(s) will be considered or allowed. Applications for any of the above will be considered by LandsD acting in the capacity as the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by the LandsD.

- (f) There is no Small House application(s) approved or currently under processing at the Site.

Traffic

9.1.2 Comments of the Commissioner for Transport (C for T):

- (a) He has no comment on the application from traffic engineering perspective.
- (b) Should the application be approved, approval condition on no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period should be included.
- (c) The Site is connected to the public road network via a section of a local access road which is not managed by Transport Department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.

9.1.3 Comments of the Chief Highway Engineer/NT West, Highways Department (CHE/NTW, HyD):

- (a) If the proposed run-in is agreed by TD, the applicant should provide the run in/out at Kam Tin Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement.
- (b) HyD shall not be responsible for the maintenance of any access connecting the Site and Kam Tin Road.
- (c) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.

Environment

9.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) There was no environmental complained concerning the Site received in the past three years.
- (b) Should the application be approved, relevant approval conditions to restrict heavy vehicles as well as dismantling, maintenance,

repairing, cleansing, paint spraying and other workshop activities should be imposed to address the environmental concerns. The applicant is also advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP to minimize any potential environmental nuisances.

Landscape

9.1.5 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) She has no objection to the application from the landscape planning point of view.
- (b) With reference to the aerial photo taken in 2018, the surrounding area is comprised of village houses, temporary structures, carparks and scattered tree groups. The proposed use is not incompatible with the landscape setting in proximity.
- (c) According to the site visit conducted on 5.6.2019, existing trees in poor to good conditions were found at the northern part, eastern boundary and central axis from north to south of the Site. According to the proposed layout plan, the existing trees are in direct conflict with the proposed layout and tree removal is necessary. In view that these existing trees are expected to be removed due to the proposed development are common species in local environment, further significant adverse landscape impact arising from the proposed development is not anticipated.
- (d) In consideration that the Site is not located within landscape sensitive areas and there is no prominent public frontage around the Site, should the application be approved by the Board, landscape condition is not recommended as its effect on enhancing the quality of public realm is not apparent.
- (e) The applicant is reminded that tree removal works shall be approved by the relevant authority prior to the commencement of works.

Nature Conservation

9.1.6 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

The Site is located in “V” zone and has been disturbed for some years. As such, he has no comment on the application from nature conservation point of view.

Drainage

9.1.7 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection in principle to the proposed development from the public drainage point of view.
- (b) Should the application be approved, approval conditions requiring the submission, implementation and maintenance of the drainage proposal for the development should be included in the planning permission.

Fire Safety

9.1.8 Comments of the Director of Fire Services (D of FS):

- (a) He has no in-principle objection to the application subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans.
- (c) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Building Matters

9.1.9 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) As there is no record of approval by the Building Authority for the existing structures at the Site, he is not in a position to offer comments on the suitability for the proposed use in the application.

- (b) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the planning application.
- (c) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.
- (d) Before any new building works (including containers/ open sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (e) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively.
- (f) If the Site does not abut on a specified street of not less than 4.5 wide, its permitted development intensity shall be determined under the Regulation 19(3) of the B(P)R at the building plan submission stage.

District Officer's Comments

9.1.10 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

His office has not received any locals' comment on the application and he has no comment on the application.

9.2 The following Government departments have no comment on the application:

- (a) Director of Electrical and Mechanical Services;
- (b) Chief Engineer/Construction, Water Supplies Department;
- (c) Project Manager/West, Civil Engineering and Development Department;
and
- (d) Commissioner of Police.

10. Public Comments Received During Statutory Publication Period

On 10.5.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, three comments from Designing Hong Kong Limited and individuals were received (**Appendices IV-1 to IV-3**). The commenters object to the application mainly on the grounds that previous application for the same use was rejected and the same decision should apply if no elements has changed; previous approvals had been given to allow time to relocate the operation at the Site but there was insufficient information to demonstrate genuine effort had been taken to relocate the operation to other areas; the application is not in line with the planning intention of the “V” zone; the proposed office and vehicle showroom with large site coverage and the height is not compatible with the surrounding environment; the proposed development does not aim to serve the local villagers and its temporary nature was in doubt; and approval of the application would set an undesirable precedent.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary shop and services (motor vehicle showroom) with storage of vehicles/vehicles parts and ancillary offices use for a period of 3 years. 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 this zone is primarily intended for development of Small Houses by indigenous villagers. 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 NTEH. 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. According to DLO/YL of LandsD, there is no Small House application approved or under processing at the Site. While a temporary approval may not jeopardize the long-term implementation of Small House at the Site, consideration should also be given to whether the proposed use is of a scale compatible with the village setting and can serve the need of villagers or in support of the village development. In this case, the proposed development involves the parking or storage of 145 vehicles and 4 structures with a height of 5m and floor area of 3,132m². Such scale is considered excessive in the village setting and not compatible with the developments in the surrounding areas. Given its nature and scale, the proposed motor-vehicle showroom and vehicle storage are not considered to be generally serving the needs of local villagers. While similar applications for ‘Shop and Services’ uses were approved in the same “V” zone, they are mainly for small scale grocery, retail shop and bookshop meeting the daily needs of the locals. There is no strong justification to provide commercial use of such scale and nature in the village setting.
- 11.2 The Site is within a village setting. The surrounding area is mainly predominated by residential dwellings/structures and open storage yards. To the north, west and south

of the Site are low-rise village houses including Wing Lung Wai with the nearest residential dwellings/structures less than 5m on the south and west. The proposed use with such scale is considered not compatible with the surrounding environment.

- 11.3 The Site is the subject of 13 previous applications. Twelve of them were for temporary open storage of vehicles/vehicle parts/vehicles for sales with/ without retail/trading activities and vehicle workshop. Some of them were approved on sympathetic ground to allow them to relocate the operation to other more suitable location but the last 2 (No. A/YL-KTN/244 and 255) were rejected by the Committee in 2006 on the ground that no genuine efforts had been taken to relocate the operation as mentioned in paragraphs 5.2 to 5.5 above. The last application No. A/YL-KTN/602 for the same applied use and submitted by the same applicant of the current application for a period of 3 years was rejected by the Board on review on 28.12.2018 on the grounds that the development was not in line with the planning intention of the “V” zone and the scale of the proposed development was excessive and not compatible with the developments in the surrounding areas. Compared with the last application, the current application is with similar layout and slight decrease in total floor area (-1,416.8m² or -31.1%), building height (from 8m to 5m), number of vehicles parked and stored (total from 184 to 145). However, the scale of the development is still considered excessive in this locality. Also, there is no major change in planning circumstance since the last rejected application.
- 11.4 10 similar applications for temporary shop and services use (real estate agency, grocery and metalware retail shop or car beauty product retail shop, pet grooming and retail shop, and bookshop) within the same “V” zone were approved by the Committee from 2011 to 2019 as stated in paragraph 6.2 above. However, these applications involved a much smaller site area (71m² to 868m² respectively) and the nature of operation is of a smaller scale akin to the daily need of the locals. For the two applications for temporary shop and services (motor vehicles showroom) at a site zoned “R(C)” on the south of the Site (Application Nos. A/YL-KTS/746 and 797), they involve a relatively small area (1,112m²), floor area (183.86m²) and number of vehicles (18 private cars and 7 light goods vehicles).
- 11.5 Three objecting comments were received during the statutory public consultation period. In this regard, the departmental comments and the planning considerations and assessments above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taking into account the public comments in paragraph 10, the Planning Department does not support the application for the following reasons:
- (a) the proposed development is not in line with the planning intention of the “V” zone which is to reflect existing recognized and other villages, and to

provide land considered suitable for village expansion and reprovisioning of village houses affected by the Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. No strong planning justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis; and

- (b) the scale of the proposed development is excessive and not compatible with the developments in the surrounding areas.

12.2 Alternatively, should the Committee decide to approve the application, the permission shall be valid on a temporary basis for a period of 3 years until 6.9.2022. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation between 8:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities are allowed on the Site at any time during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractor/trailer, 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;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the submission of a run-in/out proposal within **6** months from the date of planning approval to the satisfaction of the Director of Highways and Commissioner for Transport or of the Town Planning Board by 6.3.2020;
- (f) in relation to (e) above, the implementation of run-in/out proposal within **9** months from the date of planning approval to the satisfaction of the Director of Highways and Commissioner for Transport or of the Town Planning Board by 6.6.2020;
- (g) the submission of drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 6.3.2020;

- (h) in relation to (g) above, the implementation of the drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 6.6.2020;
- (i) in relation to (h) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (j) the submission of fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 6.3.2020;
- (k) in relation to (j) above, the provision of fire service installations 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 6.6.2020;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (i) 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
- (m) if any of the above planning conditions (e), (f), (g), (h), (j) or (k) 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 advisory clauses are in **Appendix V**.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 13.3 Alternatively, 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. Attachments

Appendix I	Application form with planning statement and plans received on 2.5.2019
Appendix Ia	SI received on 8.5.2019
Appendix Ib	FI received on 16.7.2019
Appendix II	Previous s.16 applications covering the Site
Appendix III	Similar applications within the same “V” zone in the vicinity on the Kam Tin North OZP
Appendices IV-1 to IV-3	Public comments received during the statutory publication period
Appendix V	Advisory clauses
Drawing A-1	Layout Plan
Plan A-1a	Location Plan with similar applications
Plan A-1b	Previous applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4c	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2019**