

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATIONS NO. A/YL-KTN/678, 688 and 689**

**Applicants** : Harvest Hill (Hong Kong) Limited (Application No. A/YL-KTN/678)  
Grand Access Inc Limited (Application No. A/YL-KTN/688)  
Grand Access Inc Limited (Application No. A/YL-KTN/689)

All represented by Metro Planning and Development Company Limited

**Sites** : Lots 484 (Part), 486 (Part), 487 (Part), 488, (Application No. A/YL-KTN/678)  
489 (Part), 490 and 1643 (Part)  
Lot 1648 (Application No. A/YL-KTN/688)  
Lots 1640 (Part), 1644 (Part), 1645 S.A (Application No. A/YL-KTN/689)  
(Part), 1645 RP (Part) and 1647 (Part)

All in D.D. 107, Fung Kat Heung, Yuen Long

**Site Areas** : About 3,060m<sup>2</sup> (Application No. A/YL-KTN/678)  
About 1,400 m<sup>2</sup> (Application No. A/YL-KTN/688)  
About 3,630 m<sup>2</sup> (Application No. A/YL-KTN/689)

**Lease** : Block Government Lease (demised for agricultural use)

**Plan** : Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/9

**Zoning** : "Agriculture" ("AGR")

**Applications** : Proposed Temporary Shop and Services (Application No. A/YL-KTN/678)  
(Retail of Forklift) for a Period of 3 Years

Proposed Temporary Shop and Services (Application No. A/YL-KTN/688)  
(Retail of Construction Materials) for a  
Period of 3 Years

Proposed Temporary Shop and Services (Application No. A/YL-KTN/689)  
(Sale of Truck Mounted Crane and  
Miniature Excavator) for a Period of 3 Years

## 1. The Proposals

- 1.1 The applicants submitted the applications to seek planning permission to use the application sites (the Sites) which are close to each other in the same zone for proposed temporary shop and services for retail of forklift (A/YL-KTN/678), retail of construction materials (A/YL-KTN/688) and sale of truck mounted crane and miniature excavator (A/YL-KTN/689) for a period of 3 years. The Sites are zoned “AGR” and ‘Shop and Services’ is neither a Column 1 nor Column 2 use in the “AGR” zone. According to the covering Notes of the OZP, temporary use or development not exceeding a period of 3 years requires planning permission from the Town Planning Board (the Board), notwithstanding that the use or development is not provided for in terms of the OZP. The Site of Application No. A/YL-KTN/678 is partly vacant and partly used for storage of construction machinery without valid planning permission, the Site of Application No. A/YL-KTN/688 is vacant and the Site of Application No. A/YL-KTN/689 is partly vacant and partly used for parking of vehicles without valid planning permission (**Plans A-2 and A-4a to 4d**).
- 1.2 The Sites of Applications No. A/YL-KTN/688 and 689 are subject to a previous application for temporary back-up warehouses (storage of new electrical components and garments in packed boxes) for a period of 3 years. The Site of Application No. A/YL-KTN/689 is also subject to a previous application for temporary open storage of brand new vehicle (private cars) for a period of 3 years. Both previous applications were rejected by the Rural and New Town Planning Committee (the Committee) in 2013 and 2016.
- 1.3 The development parameters of the proposed developments are summarized below:

	A/YL-KTN/678	A/YL-KTN/688	A/YL-KTN/689
Total floor area (m <sup>2</sup> )	730	486	900
No. of structures	5 (shop for selling forklift, guard room and toilet)	4 (retail of construction materials, guard room and toilet)	5 (shop and shelter for selling truck mounted crane and miniature excavator) and toilet)
Building height	1 storey (3m to 6.5m)	1 storey (3m to 7.5m)	1 storey (3m to 7.5m)
No. of parking space	2 (private car)	2 (private car)	4 (private car)
No. of loading/unloading space	2 (light goods vehicles)	2 (light goods vehicles)	2 (light goods vehicles)

- 1.4 The Sites are accessible from San Tam Road via a local track. No medium or heavy goods vehicles exceeding 5.5 tonnes will enter the Sites and no workshop activities will be carried out at the Sites. The operation hours are between 9:00 a.m. and 7:00 p.m. from Mondays to Saturdays. There is no operation on Sundays and public holidays. The site layout plans submitted by the applicants are at **Drawings A-1 to A-3**.

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

- (a) Application Form of Application No. A/YL-KTN/678 with planning statement and plans received on 20.9.2019 **(Appendix I)**
- (b) Application Form of Application No. A/YL-KTN/688 with planning statement and plans received on 15.10.2019 **(Appendix Ia)**
- (c) Application Form of Application No. A/YL-KTN/689 with planning statement and plans received on 22.10.2019 and supplementary information received on 17.10.2019 **(Appendix Ib)**
- (d) Further Information (FI) of Application No. A/YL-KTN/678 received on 13.1.2020, 19.3.2020, 27.4.2020, 4.5.2020, 16.6.2020, 22.7.2020, 19.11.2020, 21.12.2020 and 22.12.2020 **(Appendices Ic to Ij)**
- (e) FI of Application No. A/YL-KTN/688 received on 11.2.2020<sup>#</sup> **(Appendix Ik)**
- (f) FI of Application No. A/YL-KTN/688 received on 12.3.2020, 24.7.2020, 31.8.2020, 19.11.2020, 22.12.2020 and 28.12.2020 **(Appendices Il to Ip)**
- (g) FI of Application No. A/YL-KTN/689 received on 11.2.2020<sup>#</sup> **(Appendix Iq)**
- (h) FI of Application No. A/YL-KTN/689 received on 12.3.2020, 19.3.2020, 24.7.2020, 31.8.2020, 19.11.2020 and 28.12.2020 **(Appendices Ir to Iw)**  
<sup>#</sup> *accepted but not exempted from publication requirement*

1.6 At the request of the applicants, the Committee agreed to defer a decision on the applications on 15.11.2019, 6.3.2020, 15.5.2020 and 15.9.2020 (for No. A/YL-KTN/678) and 13.12.2019, 26.5.2020 and 18.9.2020 (for Nos. A/YL-KTN/688 and 689) for two months respectively in order to allow time for the applicants to address departmental comments. Subsequently, the applicants have submitted FI in response to departmental comments. The applications are scheduled for considered by the Committee at this meeting.

## 2. **Justifications from the Applicants**

The justifications put forth by the applicants in support of the applications are detailed in the planning statements and FIs in **Appendices I to Iw**. They can be summarized as follows:

- (a) The Sites are about the same level as the adjoining land zoned “Industrial (Group D)” (“I(D)”) which are occupied by warehouse. The proposed uses instead of agricultural

use are more compatible with the adjoining use. The Sites and their vicinity have been hard paved without agricultural activity.

- (b) The Sites are limited in size and the proposed uses are compatible with the surrounding warehouse. The proposed developments would not generate adverse traffic, environmental and drainage impacts on the surrounding area.
- (c) The proposed developments are temporary in nature and the Sites can be converted to agricultural use when necessary, therefore would not jeopardize the long-term planning intention of the “AGR” zone.
- (d) The proposed shop and services at the Sites can benefit the industrial/warehouse uses in the “I(D)” zone with pressing demand. The land in “I(D)” zone has been occupied by warehouses which out-compete retail activity due to higher rent. The Sites seem to be the only sites available for the proposed uses.
- (e) There are also similar applications for shop and services use approved in the “AGR” zone in Yuen Long and other areas in the New Territories.

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

The applicants are not the “current land owner” but have 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. 31A) by posting site notice and sending notice to the Kam Tin Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Background**

4.1 The Sites are not subject to active planning enforcement action.

4.2 On 18.3.2020, the Government has announced eight shortlisted clusters of brownfield sites which are suitable for public housing in the short to medium term to meet the pressing need for public housing. Civil Engineering and Development Department (CEDD) is undertaking engineering feasibility studies (EFS) for these shortlisted clusters to ascertain the future development and infrastructure works required at these sites. Sha Po (east of San Tam Road) where the Sites are situated is the broad location of one of the shortlisted clusters.

### **5. Previous Applications**

5.1 The Site of Application No. A/YL-KTN/678 is not the subject of any previous application.

5.2 The Sites of Applications No. A/YL-KTN/688 and 689 are subject to a previous application (No. A/YL-KTN/397) for temporary back-up warehouses (storage of new

electrical components and garments in packed boxes) for a period of 3 years covering a larger area straddling the subject “AGR” zone and the adjoining “Village Type Development” (“V”) and “I(D)” zones which was rejected by the Committee in 2013. The southern part of Application No. A/YL-KTN/689 is also subject to another previous application (No. A/YL-KTN/523) for temporary open storage of brand new vehicle (private cars) for a period of 3 years covering a larger area involving also the adjacent “V” zone which was rejected by the Committee in 2016. Both previous applications were rejected mainly on the grounds that the developments were not in line with the planning intentions of the “AGR” and the “V” zones; it did not comply with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that the development was not compatible with the surrounding land uses, there was no previous approval granted at the site and there were adverse departmental comments; the applicant failed to demonstrate that the development would not generate adverse traffic, drainage, environmental and/or landscape impacts on the surrounding areas; and/or approval of the application would undesirable precedents. Details of these applications are summarized in **Appendix II** and their locations are shown on **Plan A-1b**.

## 6. **Similar Applications**

- 6.1 There are twelve similar applications for temporary shop and services use within the same “AGR” zone. Nine of them were approved with conditions by the Committee for 3 years between 2013 and 2020 and three were rejected by the Committee or the Board on review between 2016 and 2018. Details of the applications are summarized in **Appendix III** and their locations are shown on **Plan A-1a**.

### *Approved applications (9)*

- 6.2 Seven applications (No. A/YL-KTN/413, 446, 447, 448, 540, 541 and 699) for temporary shop and services (plant showroom) for a period of 3 years were approved with conditions by the Committee between 2013 and 2020 mainly for the reasons that temporary approval would not jeopardize the long-term planning intention of the “AGR” zone; the developments were not incompatible with the surrounding land uses; relevant departments including the Director of Agriculture, Fisheries and Conservation (DAFC) had no adverse comment; and the departmental concern could be addressed by approval conditions.
- 6.3 Two applications (No. A/YL-KTN/637 and 656) for proposed temporary shop and services (retail of tail lift) for a period of 3 years located to the north/ west of the Sites (submitted by the same applicant of Application No. A/YL-KTN/678) were approved with conditions by the Committee in January and August 2019 mainly for the reasons that temporary approval would not jeopardize the long-term planning intention of the “AGR” zone; the developments were not incompatible with the surrounding land uses; the sites were located at the fringe of the “AGR” zone and adjoining the “I(D)” zone; relevant departments except DAFC and/or the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had no adverse comment; and departmental concerns could be addressed by approval conditions.

*Rejected applications (3)*

- 6.4 Application No. A/YL-KTN/531 for temporary shop and services (pet shop with ancillary office and guard room) for a period of 3 years was rejected by the Committee in 2016 on the grounds that the proposed development was not in line with the planning intention of the “AGR” zone; and DAFC did not support the application. Subsequently, an application (No. A/YL-KTN/541) at the same site for temporary shop and services (plant showroom) was approved in 2017 (paragraph 6.2 above).
- 6.5 Applications No. A/YL-KTN/624 and 629 for temporary shop and services (plant showroom) for a period of 3 years were rejected by the Board on review in 2019 and the Committee 2018 on the grounds that the proposed development was not in line with the planning intention of the “AGR” zone; and the applicant failed to demonstrate that the proposed development would not generate environmental nuisance to the surrounding areas.
- 6.6 There is an application (No. A/YL-KTN/679) for proposed temporary shop and services (selling of hardware accessories) for a period of 3 years within the same “AGR” zone and adjoining “V” zone to be considered at the same meeting.

**7. The Sites and Their Surrounding Areas (Plans A-1a to A-4d)**

7.1 The Sites are:

- (a) all hard paved;
- (b) partly vacant and partly used storage of construction machinery without valid planning permission (for Nos. A/YL-KTN/678);
- (c) vacant (Application No. A/YL-KTN/688);
- (d) partly vacant and partly used for parking of vehicles without valid planning permission (Application No. A/YL-KTN/689); and
- (e) accessible from San Tam Road via a local track.

7.2 The surrounding areas of the Sites are rural in character intermixed with open storage yards, residential structures/dwellings, warehouses, fallow agricultural land and vacant/unused land:

- (a) to the north are open storage yards and warehouses in the “I(D)” zone;
- (b) to the west of Application No. A/YL-KTN/678 and north of Applications No. A/YL-KTN/688 and 689 are for temporary shop and services (retail of tail lift) with planning permission; and
- (c) to the west are open storage/ storage yard and parking of vehicles; and

- (d) to its south and east are open storage yard, vacant residential dwellings/ structures, fallow agricultural land and unused land. To the further south is Sha Po Tsuen Road and across which are the village houses of Sha Po Tsuen in the “V” zone.

## **8. Planning Intention**

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. Comments from Relevant Government Departments**

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

### **Land Administration**

- 9.1.1 Comments of the District Lands Officer, Yuen Long, Lands Department (DLO/YL, LandsD):
  - (a) The Sites comprise Old Schedule 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) The Sites are accessible from San Tam Road via Government Land (GL) and/ or private land. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Sites.
  - (c) The Sites do not fall within Shek Kong Airfield Height Restriction Area.
  - (d) Should the applications be approved, the lot(s) owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularities on the Sites, if any. Besides, given the proposed uses are temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction 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 landlord or lessor at its sole discretion and there is no guarantee that such application 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.

### **Traffic**

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

- (a) He has no comment on the applications from traffic engineering perspective.
- (b) Should the applications 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 Sites are connected to the public road network via a section of a local access road which is not managed by his 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/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) His department is not/shall not be responsible for the maintenance of any access connecting the Sites and San Tam Road.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Sites to nearby public roads or exclusive road drains.

### **Environment**

9.1.4 Comments of the DEP:

- (a) There was no substantiated environmental complaint received for the Sites in the past three years.
- (b) The applicant is 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.

### **Landscape**

9.1.5 Comments of the CTP/UD&L, PlanD:

- (a) She has no objection to the applications from the landscape planning perspective.



- (b) With reference to the aerial photo taken in 2018, the Sites situated in an area of rural landscape character. The surrounding area of the Sites comprised temporary structures, storage of vehicles and tail lift, vacant lands and scattered tree groups. Considering that adjacent sites for temporary shop and services (Applications No. A/YL-KTN/656 and 637) within the same “AGR” zone have been approved by the Committee and similar use could be found in proximity, the proposed developments are considered not incompatible with existing landscape setting in the proximity.
- (c) According to the site visits conducted on 11.10.2019 and 5.11.2019, the Sites were hard paved and no significant vegetation was found within the Sites. Further significant adverse landscape impact arising from the developments is not anticipated.

### **Agriculture and Nature Conservation**

#### 9.1.6 Comments of the DAFC:

- (a) The Sites are currently paved and vacant. Agricultural activities are active in the vicinity and agricultural infrastructures such as road access and water source are also available. The Sites can be used for agricultural activities such as greenhouses, plant nurseries, etc. As the Sites possess potential for agricultural rehabilitation, the applications are not supported from agricultural point of view.
- (b) The Sites are paved and disturbed. He has no adverse comments on the applications from nature conservation perspective.
- (c) For Application No. A/YL-KTN/689, he noted that the Site is subject to a previous complaint which involved an unauthorized land use for warehouse. The site history should be taken into account when considering the application and whether approval of the application would encourage “destroy first, develop later” approaches.

### **Drainage**

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

- (a) He has no in-principle objection to the proposed developments from the public drainage point of view.
- (b) Should the applications be approved, approval conditions requiring the submission (with an updated drainage plan showing the details of the drains within the Sites of Application Nos. A/YL-KTN/688 and 689), implementation and maintenance of a revised drainage proposal for the developments 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 objection in principle to the proposals subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposals, FSIs are anticipated to be required. Therefore, the applicants are 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 FSI to be installed should be clearly marked on the layout plans.
- (c) The applicants are 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 granted by the Building Authority (BA) for the existing structures at the Sites, he is not in a position to offer comments on the suitability for the use proposed in the applications.
- (b) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BA, they are unauthorized building works (UBW) under the BO and should not be designated for any proposed use under the applications.
- (c) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with the prevailing 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 Sites 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 Sites, prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (e) The Sites 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) The Sites do not abut on a specified street of not less than 4.5m wide and their permitted development intensity shall be determined under 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):

He has not received any comments from locals and he has no comment from departmental point of view.

9.2 The following Government departments have no comment on/objection to the applications:

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

## **10. Public Comments Received During the Statutory Publication Period**

The applications were published for public inspection for three weeks. The FIs for Applications No. A/YL-KTN/688 and 689 submitted on 11.2.2020 were also published for three weeks. A total of four public comments were received for Application No. A/YL-KTN/678 (**Appendices IV-1 to IV-4**), ten public comments were received for Application No. A/YL-KTN/688 (**Appendices IV-5 to IV-15**) and nine public comments were received for Application No. A/YL-KTN/689 (**Appendices IV-10, to IV-16 to 23**) from The Hong Kong Bird Watching Society, Kadoorie Farm and Botanic Garden Corporation, Designing Hong Kong Limited, World Wildlife Fund (for Nos. A/YL-KTN/688 and 689) and two individuals (one only for Nos. A/YL-KTN/688 and 689). All of them object to/have reservation on the applications mainly on the grounds that the proposed uses are not in line with the planning intention of the "AGR" zone; the Sites involved unauthorized development/ enforcement cases; approval of the applications will legitimize unauthorized development, promote "Destroy First, Develop Later" and set an undesirable precedent for similar applications with the "AGR" zone; consideration should be given to amalgamate the brownfield uses on multi-storey industrial complex and free up sites for more efficient land use; and expressed reservation on the traffic, environmental and legal status of the land of the applications.

## **11. Planning Considerations and Assessments**

11.1 The applications are for proposed temporary shop and services for retail of forklift (Application No. A/YL-KTN/678), retail of construction materials (Application

No. A/YL-KTN/688) and sale of truck mounted crane and miniature excavator (Application No. A/YL-KTN/689) at the Sites zoned “AGR”. 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. The proposed uses are not in line with the planning intention of the “AGR” zone, and DAFC does not support the applications from agricultural point of view.

- 11.2 Notwithstanding the above, the Sites are located at the fringe of the “AGR” zone and near the “I(D)” zone in the north/ west. According to the applicant, the proposed developments are to serve the industrial/warehouse uses in the adjacent “I(D)” zone. The proposed uses are considered not incompatible with the surrounding land uses which are predominated by open storage yards, residential structures/dwellings, warehouses, fallow agricultural land and vacant/unused land. Moreover, the Sites are located in the Sha Po (east of San Tam Road) brownfield cluster which the Government has shortlisted as having high potential for public housing development. CEDD has commenced an EFS to ascertain the potential housing development. The temporary approval of the applications for a period of three years will utilize the land resources pending future long-term development.
- 11.3 In view of the nature of the current applications, it is unlikely that the proposed temporary shop and services uses would generate significant adverse traffic and drainage impacts and environmental nuisance to the surrounding area. Relevant departments consulted including C for T, DEP, CE/MN of DSD, D of FS, CTP/UD&L of PlanD (except DAFC) have no adverse comment on the applications. To minimize the possible environmental nuisance generated by the proposed uses, approval conditions restricting the operation hours, type of vehicles and prohibiting workshop-related activities are recommended in paragraphs 12.2 (a) to (d) below. 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”. Moreover, the technical requirements of C for T, CE/MN of DSD and D of FS could be addressed by approval conditions in paragraphs 12.2 (e) to (j) below.
- 11.4 Applications No. A/YL-KTN/688 is subject to one and A/YL-KTN/689 is subject to two previous rejected applications for warehouse/ open storage uses. The current applications are for a different use. There are twelve similar applications for temporary shop and services uses within the same “AGR” zone. Nine of them were approved with conditions by the Committee between 2013 and 2020 (paragraph 6 and **Plan A-1a** refer), including two applications for retail of tail lifts (No. A/YL-KTN/637 and 656) to the north of the Sites. Although there are three other similar applications for temporary shop and services (pet shop with ancillary office and guard room/ plant showroom) rejected by the Committee, these applications are subject to circumstances different from the current applications as the Sites are located at the fringe of the “AGR” zone and adjoining “I(D)” zone with active industrial uses.
- 11.5 23 public comments objecting to/have reservation on the applications were received during the statutory publication period as mentioned in paragraph 10 above. In this

regard, the departmental comments as well as planning considerations and assessments as stated above are relevant.

## 12. Planning Department's Views

12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments in paragraph 10, the Planning Department considered that the proposed temporary shop and services for retail of forklift (No. A/YL-KTN/678), retail of construction materials (No. A/YL-KTN/688) and sale of truck mounted crane and miniature excavator (No. A/YL-KTN/689) could be tolerated for a period of 3 years.

12.2 Should the Committee decide to approve the applications, it is suggested that the permissions shall be valid on a temporary basis for a period of 3 years until 8.1.2024. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval Conditions

- (a) no operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) 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;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the Sites at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the submission of a revised 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 8.7.2021;
- (g) in relation to (f) above, the implementation of the revised 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 8.10.2021;
- (h) in relation to (g) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;

- (i) the submission of a 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 8.7.2021;
- (j) in relation to (i) above, the implementation of the fire service installations proposal 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 8.10.2021;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e) or (h) 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;
- (l) if any of the above planning conditions (f), (g), (i) or (j) 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
- (m) upon the expiry of the planning permission, the reinstatement of the Sites to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

#### Advisory Clauses

The recommended advisory clauses are at **Appendix V**.

- 12.3 Alternatively, should the Committee decide to reject the applications, the following reason for rejection is suggested for Members' reference:

the proposed development is not in line with the planning intention of the "AGR" zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. This zone is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

### **13. Decision Sought**

- 13.1 The Committee is invited to consider the applications and decide whether to grant or refuse to grant permissions.
- 13.2 Should the Committee decide to approve the application(s), Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission(s), and the period of which the permission(s) should be valid on a temporary basis.
- 13.3 Alternatively, should the Committee decide to reject the application(s), Members are invited to advise what reason(s) for rejection should be given to the applicant.

## **14. Attachments**

<b>Appendix I</b>	Application Form of Application No. A/YL-KTN/678 with planning statement and plans received on 20.9.2019
<b>Appendix Ia</b>	Application Form of Application No. A/YL-KTN/688 with planning statement and plans received on 15.10.2019
<b>Appendix Ib</b>	Application Form of Application No. A/YL-KTN/689 with planning statement and plans received on 22.10.2019 and supplementary information of Application No. A/YL-KTN/689 received on 17.10.2019
<b>Appendices Ic to Ij</b>	FI of Application No. A/YL-KTN/678 received on 13.1.2020, 19.3.2020, 27.4.2020, 4.5.2020, 16.6.2020, 22.7.2020, 19.11.2020, 21.12.2020 and 22.12.2020
<b>Appendices Ik to Ip</b>	FI of Application No. A/YL-KTN/688 received on 11.2.2020, 12.3.2020, 24.7.2020, 31.8.2020, 19.11.2020, 22.12.2020 and 28.12.2020
<b>Appendices Iq to Iw</b>	FI of Application No. A/YL-KTN/689 received on 11.2.2020, 12.3.2020, 19.3.2020, 24.7.2020, 31.8.2020, 19.11.2020 and 28.12.2020
<b>Appendix II</b>	Previous s.16 applications covering the Sites
<b>Appendix III</b>	Similar applications within the same “AGR” zone on the Kam Tin North OZP
<b>Appendices IV-1 to IV-23</b>	Public comments received during the statutory publication period
<b>Appendix V</b>	Advisory Clauses
<b>Drawing A-1</b>	Layout Plan of Application No. A/YL-KTN/678
<b>Drawing A-2</b>	Layout Plan of Application No. A/YL-KTN/688
<b>Drawing A-3</b>	Layout Plan of Application No. A/YL-KTN/689
<b>Plan A-1a</b>	Location Plan with Similar Applications
<b>Plan A-1b</b>	Previous Application Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo

**Plans A-4a and      Site Photos**  
**A-4d**

**PLANNING DEPARTMENT**  
**JANUARY 2021**