

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

APPLICATION NO. A/YL-KTN/742

- Applicant** : Ms. Wong Shui Ying
- Site** : Lots 666 S.B (Part) and 667 (Part) in D.D. 110, Kam Tin Road, Yuen Long
- Site Area** : 436m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/9
- Zoning** : “Residential (Group D)” (“R(D)”) [Maximum plot ratio of 0.2 and maximum building height of 2 storey (6m)]
- Application** : Renewal of Planning Approval for Temporary Open Storage of Vehicles (Lorries, Vans and Private Cars) for Sale for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission to use the application site (the Site) for temporary open storage of vehicles (lorries, vans and private cars) for sale for a period of 3 years. The Site falls within the “R(D)” zone on the Kam Tin North OZP and the applied use is neither Column 1 nor Column 2 use in the “R(D)” zone. According to the covering Notes of the OZP, temporary use 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 is currently used for the applied use with planning permission (**Plans A-2 and A-4**). All the approval conditions of the last approved application No. A/YL-KTN/580 have been complied with and the planning permission is valid until 26.1.2021.
- 1.2 According to the applicant, four one-storey structures with a total floor area of about 213.1m² and height of 2.3m to 3.84m are erected within the Site as office and rain shelter purposes and some structures are vacant. Six parking spaces for light goods vehicles are provided on-site. According to the applicant, no vehicles exceeding 5.5 tonnes will be parked/ stored on-site. The operation hours are between 9:00a.m. to 7:00p.m. from Mondays to Saturdays.

There is no operation on Sundays or public holidays. The Site is directly accessible to Kam Tin Road. The site layout as submitted by the applicant is at **Drawing A-1**.

- 1.3 Compared with the last approved application No. A/YL-KTN/580, the current application submitted by the same applicant is the same in terms of applied use, site area/ boundary, number of structures, floor area and site layout.
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application form with attachments received on 26.11.2020 **(Appendix I)**
 - (b) Further information (FI) received on 15.1.2021 providing responses to departmental comments **(Appendix Ia)**
[exempted from publication requirement]

2. Justifications from the Applicant

The justifications put forth by the applicant are detailed in the attachment of the application form and FI in **Appendices I to Ia**. They can be summarized as follows:

- (a) The development complements the car yards and car dismantling business along Kam Tin Road. The development utilises the land in a more centralised and efficient way for those frequent visitors to the area.
- (b) The vehicles stored at the Site will be transported/ driven to the Site during daytime and likely to be remained in the Site for one or two weeks before the vehicles are sold. Therefore, the number of trips generated by the vehicles will be relatively small.
- (c) The applicant has strictly adhered to the recommendations / conditions under the previous approved applications. Minimum environmental, traffic and drainage impacts were generated in the past years. No workshop would be provided within the Site.

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

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

4. Town Planning Board Guidelines

- 4.1 The Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No. 13F) promulgated by the Board on 27.3.2020 are relevant to the application. The Site falls within the Category 3 areas under TPB PG-No. 13F. The relevant extract of the Guidelines is attached at **Appendix II**.

- 4.2 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. 34C) are also relevant to this application. The relevant assessment criteria are extracted below:
- (a) whether there has been any material change in planning circumstances since the previous temporary approval was granted (such as a change in the planning policy/land-use zoning for the area) or a change in the land uses of the surrounding areas;
 - (b) whether there are any adverse planning implications arising from the renewal of the planning approval (such as pre-emption of planned permanent development);
 - (c) whether the planning conditions under previous approval have been complied with to the satisfaction of relevant Government departments within the specified time limits;
 - (d) whether the approval period sought is reasonable; and
 - (e) any other relevant considerations.

5. **Background**

The Site is currently not subject to any active planning enforcement action.

6. **Previous Applications**

- 6.1 The Site was involved in eight previous applications. Details of the applications are summarized in **Appendix III** and their locations are shown on **Plan A-1**.
- 6.2 Applications No. A/YL-KTN/175, 250 and 275 were for temporary car accessories retail shop and ancillary open storage of light goods vehicles for sale for a period of three years. Applications No. A/YL-KTN/250 and 275 were submitted by the same applicant as the current application. All these three applications were approved by the Committee between 2003 and 2007 on similar consideration that the developments were compatible with the surrounding land uses; there was no adverse comment from concerned departments or local objections received; and / or previous approval had been granted and the applicant had made effort in complying with the approval conditions. Applications No. A/YL-KTN/250 and 275 were revoked in 2006 and 2008 respectively due to non compliance with condition.
- 6.3 Applications No. A/YL-KTN/289, 312, 367, 456 and 580 submitted by the same applicant as the current application were for temporary open storage of light goods vehicles/ lorries, vans and private cars for sale for a period of three years. All five applications were approved by the Committee between 2008 and 2018 on similar consideration that the development were in line with TPB PG-No. 13D or 13E in that previous approvals have been granted; the

applicant had demonstrated effort in complying with the approval conditions; the development were not incompatible with surrounding areas; and the concern of relevant government departments could be addressed by approval conditions. Application No. A/YL-KTN/289 was revoked in 2008 due to non compliance with condition. All approval conditions of last approved Application No. A/YL-KTN/580 were complied with and the planning permission is valid until 26.1.2021.

7. Similar Applications

- 7.1 There are 16 similar applications for various temporary open storage uses covering 5 sites within the same “R(D)” zone on the OZP since the promulgation of the then TPB PG-No. 13E on 17.10.2008. Details of the applications are summarized in **Appendix IV** and their locations are shown on **Plan A-1**.
- 7.2 15 applications were approved with conditions by the Committee between 2009 and 2019 mainly on the considerations that the developments on a temporary basis would not frustrate the long-term planning intention for the “R(D)” zone; the developments were not incompatible with the surrounding land uses; and the approvals were in line with the TPB-PG No. 13E in that previous approvals were granted and there were no adverse departmental comment / local objection or departmental concerns could be addressed by approval conditions.
- 7.3 Application No. A/YL-KTN/345 was rejected by the Committee in 2010 mainly on the grounds that the application did not comply with the TPB-PG No. 13E in that no previous approval was granted at the Site and the applicant failed to demonstrate that the development would not generate adverse drainage, traffic and landscaping impacts on the surrounding areas; and the approval of the application would set an undesirable precedent.

8. The Site and Its Surrounding Areas (Plans A-1 to A-4)

- 8.1 The Site is:
 - (a) currently used for the applied use with valid planning permission; and
 - (b) directly accessible from Kam Tin Road.
- 8.2 The surrounding areas are rural in character intermixed with open storage/storage yards, a workshop, a car service shop, residential dwellings/structures and vacant / unused land:
 - (a) to the north are residential dwellings/structures (the nearest is about 30m) and vacant/ unused land;
 - (b) to the west are open storage yards, a vehicle repair workshop, a car service shop and a residential dwelling/ structure;

- (c) to the south is Kam Tin Road. Across Kam Tin Road is the Shek Kong Barracks; and
- (d) to the immediate east is an open storage of vehicle for sale with planning permission. A tailor shop is located to the further east.

9. **Planning Intention**

The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

10. **Comments from Relevant Government Departments**

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

Land Administration

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

- (a) The Site comprises 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) Within the Site, the private lots are covered by the following Short Term Waivers (STW):

STW Nos.	Lot No. in D.D.	Permitted Use
STW 1946	666 S.B	Rattan Furniture Shop
STW 4478	667	Temporary Open Storage of Vehicles (Lorries, Vans and Private Cars) for Sale

- (c) Should the application be approved, the STW holder(s) will need to apply to his office for modification of the STW 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. Applications for any of the above will be considered by the LandsD acting in the capacity of landlord or lessor at its sole discretion and there is no guarantee that such application will

be approved. If such application 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

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

- (a) He has no comment on the application from the traffic engineering point of view.
- (b) 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.

10.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

Environment

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

- (a) There was no environmental complaint concerning the Site received 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.

Nature Conservation

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

She has no comment on the application from the nature conservation point of view considering that the previous applications for the same use as the current application were approved by the Board and the site has been hard-paved.

Drainage

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

- (a) He has no in-principle objection to the development.

- (b) Presumably, the applicant would implement the same drainage facilities as those for the previous application No. A/YL-KTN/580. The applicant should inform relevant department if there is any change on-site.
- (c) Should the application be approved, approval conditions requiring the maintenance of the drainage facilities implemented under Application No. A/YL-KTN/580 and submission of records of the existing drainage facilities on site should be included.

Fire Safety

10.1.7 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 FSI to be installed should be clearly marked on the layout plans. Besides, the good practice guidelines for open storage sites in **Appendix V** should be adhered to.
- (c) Having considered the nature of the open storage use, the condition on provision of fire extinguisher(s) within 6 weeks from the date of the planning approval should be included in the planning permission. To address this condition, the applicant should submit a valid fire certificate (FS251) to his department for approval.
- (d) 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

10.1.8 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 their suitability for the use proposed in the application.

- (b) Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (c) His detailed comments on UBW and provision of access are at **Appendix VII**.

District Officer's Comments

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

He has not received any local comment on the application and has no comment on the application.

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

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

11. Public Comments Received During Statutory Publication Period

On 8.12.2020, the application was published for public inspection. During the three-week statutory publication period, two public comments were received from individuals (**Appendices VI-1 and VI-2**) objecting to the application mainly on the grounds that the applied use will increase traffic flow, affect pedestrian safety and living quality of the residents; and the applied use and the adjoining vehicle related businesses should be accommodated in built facility for efficient land use.

12. Planning Considerations and Assessments

12.1 The application is for renewal of planning permission for temporary open storage of vehicles (lorries, vans and private cars) for sale in "R(D)" zone. The planning intention of the "R(D)" zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board. The applied use is not in line with the planning intention of the "R(D)" zone. Nevertheless, there is no known programme for permanent development at the Site. It is considered that approval of the application on a temporary basis would not frustrate the long-term planning intention of the "R(D)" zone.

- 12.2 The development is considered not incompatible with the surrounding land uses which are intermixed with open storage yards, residential dwellings/structures and unused/vacant land.
- 12.3 According to TPB PG-No. 13F, the Site falls within Category 3 areas. The following guidelines are relevant:
- Category 3 areas: within these areas, “existing” and approved open storage and port back-up uses are to be contained and further proliferation of such uses is not acceptable. Applications would normally not be favourably considered unless the applications are on sites with previous planning approvals. Sympathetic consideration may be given if genuine efforts have been demonstrated in compliance with approval conditions of the previous planning applications and relevant technical assessments/proposals have been included in the fresh applications, if required, to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. Subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions, planning permission could be granted on a temporary basis up to a maximum period of 3 years.
- 12.4 To minimize any possible environmental nuisance generated by the applied use, approval conditions restricting the operation hours and vehicle type and prohibiting workshop use at the Site are recommended in paragraphs 13.2 (a) to (d) below. The applicant will also be advised to adopt the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”. The technical requirements of C for T, CE/MN of DSD and D of FS could be addressed by approval conditions in paragraphs 13.2 (e) to (j).
- 12.5 The application is generally in line with the TPB PG-No. 13F and TPB PG-No. 34C in that previous approvals for the same applied use have been granted and all the approval conditions of the last approval (Application No. A/YL-KTN/580) have been complied with. There is no adverse comment from the relevant departments and no major change in planning circumstances since the last approval. Compared with the last approved application No. A/YL-KTN/580, the current application is submitted by the same applicant for the same use with the same site area, layout and floor area. Sympathetic consideration could be given to the current application.
- 12.6 There are 16 similar applications for various temporary open storage within the same “R(D)” zone. 15 of them were approved with conditions by the Committee between 2009 and 2019 as mentioned in paragraph 7.2 above. The only rejected application was rejected on the grounds that the application was not in line with TPB PG-No. 13E. Approving the current application is in line with the Committee’s previous decisions on these similar applications.
- 12.7 Two public comments objecting to the application were received during the statutory publication period as mentioned in paragraph 11 above. In this

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

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11, the Planning Department considers that the temporary open storage of vehicles (lorries, vans and private cars) for sale could be tolerated for a 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 27.1.2021 to 26.1.2024. 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 dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities shall be carried out on the Site at any time during the planning approval period;
- (d) 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;
- (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 existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (g) the submission of the record of the existing drainage facilities on the Site within **3** months from the date of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 27.4.2021;
- (h) the provision of fire extinguisher(s) with a valid fire certificate (FS 251) within **6** weeks from the date of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 10.3.2021;
- (i) the submission of fire service installations proposal within **6** months from the date of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 27.7.2021;

- (j) in relation to (i) above, the implementation of fire service installations proposal within **9** months from the date of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 27.10.2021;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e) 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; and
- (l) if the above planning condition (g), (h), (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.

[The above approval conditions are similar to those under the last Application No. A/YL-KTN/580.]

Advisory Clauses

The recommended advisory clauses are attached at **Appendix VII**.

13.3 There is no strong reason to reject the renewal application.

14. Decision Sought

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

15. Attachments

Appendix I	Application form with attachment received on 26.11.2020
Appendix Ia	FI received 15.1.2021
Appendix II	Relevant extract of TPB PG-No. 13F
Appendix III	Previous s.16 applications of the Site
Appendix IV	Similar applications within the same “R(D)” zone on the Kam Tin North OZP

Appendix V	Good Practice Guidelines for Open Storage Sites
Appendix VI	Public comments received during the statutory publication period
Appendix VII	Advisory Clauses
Drawing A-1	Location Plan
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JANUARY 2021**