

RNTPC Paper No. A/YL-KTN/694  
For Consideration by  
the Rural and New Town  
Planning Committee  
On 20.3.2020

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

**APPLICATION NO. A/YL-KTN/694**

- Applicant** : Chief Force Limited 志科有限公司
- Site** : Lots 375 S.C RP (Part) and 376 RP (Part) in D.D. 110, Kam Tin North, Yuen Long
- Site Area** : About 2,327 m<sup>2</sup>
- 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”)
- Application** : Renewal of Planning Approval for Temporary Private Vehicle Park for Light Goods Vehicles 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 private vehicle park for light goods vehicles for a period of 3 years. The Site is zoned “AGR” and the applied use is neither a Column 1 nor Column 2 use in the “AGR” zone. According to the Notes of the OZP, temporary use or development not exceeding a period of three 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 previous planning permission lapsed on 8.2.2020) (**Plans A-2 to A-4b**).
- 1.2 The Site was the subject of five previous applications (No. A/YL-KTN/263, 340, 400, 429 and 548) for open storage and vehicle park uses. The last application (No. A/YL-KTN/548) for the same applied use was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 3.2.2017 for 3 years up to 7.2.2020. All the approval conditions have been complied with.

- 1.3 According to the applicant, 14 parking spaces for vehicles not exceeding 5.5 tonnes are provided within the Site. Besides, two single-storey structures with a total floor area of 45m<sup>2</sup> and building height of 2.5m are erected on-site for staff rest rooms (30m<sup>2</sup>) and office (15m<sup>2</sup>) uses. No dismantling, maintenance, repairing, cleaning, painting-spraying or workshop-related activity will be carried out within the Site. The operation hours are between 9:00 a.m. to 6:00 p.m. from Mondays to Saturdays. There is no operation on Sundays and public holidays. The Site is accessible via a local track branching off Kam Tai Road. The layout plan, landscape plan, drainage plan, fire service installations (FSIs) plan and vehicular access plan submitted by the applicant are in **Drawings A-1 to A-5**.
- 1.4 When compared with the last approved application (No. A/YL-KTN/548), the current application submitted by the same applicant is the same in terms of use, site area / boundary, layout, number of parking spaces and total floor area.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with supplementary statement and plans received on 10.12.2019 **(Appendix I)**
  - (b) Further Information (FI) received on 17.12.2019 in response to departmental comments **(Appendix Ia)**  
*(exempted from publication)*
  - (c) FI received on 11.1.2020 in response to departmental comments **(Appendix Ib)**  
*(exempted from publication)*
  - (d) FI received on 30.1.2020 in response to departmental comments **(Appendix Ic)**  
*(exempted from publication)*
- 1.6 In light of the special work arrangement for government departments due to the novel coronavirus infection, the meeting originally scheduled for 7.2.2020 (the previous application was valid up to 7.2.2020) for consideration of the application has been rescheduled, and the Town Planning Board has agreed to defer consideration of the application. The application is now 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 supplementary statement in **Appendix I**. They can be summarized as follows:

- (a) The applied use is temporary in nature, and it will not jeopardize the planning intention of the “AGR” zone.

- (b) The applied use is the same as the last application (No. A/YL-KTN/548), which was not subject to adverse department comment or public complaints. The applicant has complied with all the approval conditions under the last application.
- (c) The landscaping, drainage facilities and fire service installations at the Site will be properly maintained. The applicant will comply with all the approval conditions if the application is approved.

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

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting site notice and sending registered mail to the Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Town Planning Board Guidelines**

The Town Planning Board Guidelines for ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34C) are relevant to this application. The relevant assessment criteria are attached at **Appendix II**.

### **5. Background**

The Site is currently not the subject of any active planning enforcement case.

### **6. Previous Applications**

- 6.1 The Site was involved in five previous applications (No. A/YL-KTN/263, 340, 400, 429 and 548) for open storage and vehicle park uses. Details of these applications are summarized in **Appendix III** and their locations are shown on **Plan A-1**.
- 6.2 Application No. A/YL-KTN/263 covering a larger site area for proposed temporary open storage of building materials and vehicle parts for a period of three years was rejected by the Committee in 2007 on the grounds that the development was not in line with the planning intention of the “AGR” zone; the development was not compatible with the surrounding land uses; the application did not comply with the Town Planning Board Guidelines for Open Storage and Port Back-up Uses in that there was no previous approval granted at the site, residential dwellings were located in close proximity to the site and would be susceptible to adverse environmental nuisances and there were adverse comments from concerned department; there was no information to demonstrate that other

suitable sites within the “Industrial (Group D)” (“I(D)”) and “Open Storage” (“OS”) zones could not be identified for the use under application; and approval of the application would set an undesirable precedent.

- 6.3 Applications No. A/YL-KTN/340, 400, 429 and 548 for the same use as the current application were approved with conditions by the Committee from 2010 to 2017 on similar considerations that approval on temporary basis would not jeopardize the long-term planning intention of the “AGR” zone; the developments were not incompatible with the surrounding land uses; and relevant departments (except the Director of Agriculture, Fisheries and Conservation) had no adverse comment on the application. Application No. A/YL-KTN/400 was revoked on 15.9.2013 due to non-compliance with conditions related to the submission of records of the existing drainage facilities and fire service installations proposal. The planning permission of the last application (No. A/YL-KTN/548) was valid until 7.2.2020 and all approval conditions have been complied with.

## **7. Similar Applications**

- 7.1 There are seven similar applications (No. A/YL-KTN/99, 354, 373, 399, 517, 563 and 648) for various temporary vehicle park use within the same “AGR” zone on the Kam Tin North OZP. Details of the applications are summarized in **Appendix IV** and their locations are shown on **Plan A-1**.
- 7.2 Applications No. A/YL-KTN/354, 373, 399, 517 and 648 on one site and 563 on another site located to the south of the Site for temporary private vehicle park for light / medium goods vehicles with / without storage of construction materials for a period of three years were approved with conditions by the Committee between 2011 and 2019 on similar considerations that temporary approval would not frustrate the long-term planning intention; the developments were not incompatible with the surrounding land uses; relevant departments had no adverse comment (except Director of Environmental Protection and / or Director of Agriculture Fisheries and Conservation) and the departmental concerns could be addressed by appropriate approval conditions. However, Applications No. A/YL-KTN/354 and 373 were revoked on 20.5.2011 and 10.11.2012 respectively due to non-compliance with approval conditions.
- 7.3 Application No. A/YL-KTN/99 for temporary private car and lorry parks and storage of miscellaneous goods for a period of 3 years was rejected by the Committee in 1999 on the grounds that the proposed development was not in line with the planning intention of "AGR" zone; not compatible with the surrounding area with village house and cultivated and fallow agricultural land; there was no information to demonstrate the development would not cause adverse drainage impact on the surrounding areas; and approval of the application would set an undesirable precedent.

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

8.1 The Site is:

- (a) paved and fenced and currently used for the applied use (previous planning permission under Application No. A/YL-KTN/548 lapsed on 8.2.2020); and
- (b) accessible via a local track leading to Kam Tai Road.

8.2 The surrounding areas are rural in character intermixed with open storage/storage yards, parking of vehicle and unused land. Some of the open storage / storage yards are suspected unauthorized development subject to enforcement action by the Planning Authority (**Plan A-2**):

- (a) to its south, southwest and east are parking of vehicles with planning permissions under Application No. A/YL-KTN/563 and 648, open storage / storage yards (including two with planning permission under application No. A/YL-KTN/553 and A/YL-PH/825), and vacant / unused land; and
- (b) to its north is a nullah and further north are open storage yards and unused land.

**9. Planning Intention**

The planning intention of the “AGR” zone is 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.

**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 Scheduled Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government.
- (b) Lot No. 375 S.C RP in D.D. 110 is covered by Short Term Waiver (STW) No. 4490 to permit structures erected thereon for

the purpose of 'Temporary Private Vehicle Park for Light Goods Vehicles'.

- (c) Should planning approval be given to the subject planning application, the STW holder(s) will need to apply to his office for modification of the STW conditions where appropriate, and the owner(s) of the lot(s) without STW will need to apply to his office to permit the structures to be erected or regularize any irregularities on the Site, if any. 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 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 rent 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) Should the application be approved, approval condition on no vehicle is allowed to queue back to or reserve 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 (TD). 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.

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

- (a) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.
- (b) His department shall not be responsible for the maintenance of any access connecting the Site and Kam Tai Road / Kam Tin Road.

### **Agriculture**

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

Considering that previous applications for the same use as the current application were approved by the Board, he has no strong view against the current renewal application of planning approval.

### **Environment**

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

There was no environmental complaint at the Site received in the past three years. 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**

10.1.6 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) The Site is the subject of five previous applications. The last application No. A/YL-KTN/548 for renewal of planning approval for the same use, to which she had no objection, was approved by the Committee in 2017.
- (c) With reference to the aerial photo taken in 2018, the Site is situated in an area of rural landscape character. The Site’s surrounding area is comprised of open storage yards, temporary structures, carparks, vacant lands and scattered tree groups. The development is considered not incompatible with existing landscape setting in the proximity.
- (d) Comparing the aerial photo of 2018 with that of 2015, there is no significant change in the surrounding landscape character. According to the site inspection on 23.12.2019, 31 nos. of existing trees in fair condition were found along the boundary within the Site. Further significant adverse landscape impact arising from the continued use for temporary private vehicle park for light goods vehicles is not anticipated.

### **Drainage**

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

- (a) He has no in-principle objection to the development from the public drainage point of view.
- (b) The applicant is requested to review the drainage proposal with a larger portion of runoff falling onto / passing through the Site discharging to nearby northern main drainage channel so as to reduce the loading to local areas where record of flooding cases in the vicinity was received.
- (c) Should the application be approved, approval conditions on submission of a revised drainage proposal and implementation and maintenance of the drainage proposal for the development should be included.

### **Fire Safety**

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

He has no in-principle objection to the renewal application subject to the existing Fire Service Installations (FSIs) implemented on site being maintained in efficient working order at all times.

### **Building Matters**

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

- (a) There is no record of approval by the Building Authority (BA) for the existing structures at the Site and 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) are to be carried out on the Site, the prior approval and consent of the BD should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (c) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are UBW under the BO and should not be designed for any



proposed use under the application.

- (d) 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.
- (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 4.5m wide, its 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**

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

He has not received any comment from the locals upon close of consultation and he has no particular comment on the application.

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

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

#### **11. Public Comment Received During Statutory Publication Period**

On 17.12.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one comment from an individual was received objecting to the application mainly on the grounds that the development is not in line with the planning intention of "AGR" zone; approval of the application would set an undesirable precedent encouraging further encroachment onto land zoned "AGR"; the development is not in line with the government's policy to support local agriculture; brownfield use should be phased out; and parking facilities should be accommodated in basements or high-rise buildings (**Appendix V**).

## **12. Planning Considerations and Assessments**

- 12.1 The application is for renewal of the planning permission for temporary private vehicle park for light goods vehicles in “AGR” zone. The planning intention of the “AGR” zone is 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 applied use is not in line with the planning intention of the “AGR” zone. Nevertheless, DAFC has no strong view to the application. It is considered that approval of the application on a temporary basis would not frustrate the long-term planning intention of the “AGR” zone.
- 12.2 The development is considered not incompatible with the surrounding land uses, which is rural in character intermixed with parking of vehicle, open storage / storage yards, and unused land.
- 12.3 The application is in line with TPB PG-No. 34C in that previous approval (Application No. A/YL-KTN/548) for the same applied use was granted on 3.2.2017 and all the approval conditions under the last application have been complied with. Compared with the last approved application, the current application is the same in terms of use, site area, number of parking spaces and total floor area. As there is no major change in planning circumstances since the last approval, sympathetic consideration could be given to the current application.
- 12.4 Concerned departments consulted have no adverse comments on the application. To minimize the possible environmental nuisance, approval conditions restricting the operation hours and types of vehicles are recommended in paragraph 13.2 (a) to (e) below. The applicant will also be advised to adopt mitigation measures as set out in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the DEP. The technical requirements of C for T, CE/MN of DSD and D of FS can be addressed by imposing the approval conditions recommended in paragraphs 13.2 (f) to (j) below.
- 12.5 One public comment objecting the application was received during the statutory publication period with details stated in paragraph 11 above. In this regard, the departmental comments and the planning considerations and assessments as stated above are relevant.

## **13. Planning Department’s View**

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comment mentioned in paragraph 11 above, the Planning Department considers that the temporary private vehicle park for light goods vehicles 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 20.3.2020 until 20.3.2023. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation between 6:00 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 trailers/tractors, 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) a notice should be posted at a prominent location of the Site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes, including container trailers/tractors, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at all times during the planning approval period;
- (e) no vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations are allowed to be parked/stored on the Site at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the submission of a revised drainage proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 20.9.2020;
- (h) in relation to (g) above, the implementation of the revised drainage proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 20.12.2020;
- (i) in relation to (h) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (j) the existing fire service installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period;

- (k) if any of the above planning condition (a), (b), (c), (d), (e), (f), (i) or (j) 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 condition (g) or (h) 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 expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

*[The above approval conditions are similar to those under the last Application No. A/YL-KTN/548, except deletion / change of those on landscape, drainage and FSIs based on the comments of CTP/UD&L of PlanD, CE/MN of DSD and D of FS.]*

#### Advisory Clauses

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

13.3 There is no strong reason to recommend rejection of the 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**

<b>Appendix I</b>	Application form received on 10.12.2019
<b>Appendix Ia</b>	Further Information (FI) received on 17.12.2019
<b>Appendix Ib</b>	FI received on 11.1.2020
<b>Appendix Ic</b>	FI received on 30.1.2020

<b>Appendix II</b>	Relevant extract of Town Planning Board Guidelines No. 34C on “Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use of Development” (TPB PG-No. 34C)
<b>Appendix III</b>	Previous s.16 applications covering the Site
<b>Appendix IV</b>	Similar applications within the same “AGR” zone on the approved Kam Tin North OZP
<b>Appendix V</b>	Public Comment
<b>Appendix VI</b>	Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Landscape Plan
<b>Drawing A-3</b>	Drainage Plan
<b>Drawing A-4</b>	Fire Service Installations Plan
<b>Drawing A-5</b>	Vehicular Access plan
<b>Plan A-1</b>	Location Plan with Previous and Similar Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a &amp; 4b</b>	Site Photos

**PLANNING DEPARTMENT  
MARCH 2020**