

RNTPC Paper No. A/YL-KTS/873  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 5.2.2021

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

**APPLICATION NO. A/YL-KTS/873**

- Applicant** : 勤成建業有限公司 represented by Miss Lo Lai Wah
- Site** : Lot 41 RP (Part) in D.D. 106, Kam Tin, Yuen Long
- Site Area** : About 382 m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
- Zoning** : “Residential (Group A)” (“R(A)”)  
[Maximum plot ratio of 3 and maximum building height of 69mPD]
- Application** : Temporary Workers Resting Room and Equipment Storage Room (Construction Equipment) for a Period of 1 Year

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Sites) for temporary workers resting room and equipment storage room (construction equipment) for a period of 1 year. The Site is zoned “R(A)” on the Kam Tin South OZP and the applied use is neither a Column 1 nor Column 2 use in the “AGR” 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 partly used as a worker resting room without planning permission and partly occupied by a vacant structure (**Plans A-2 to A-4**).
- 1.2 Part of the Site is subject to a previous application submitted by a different applicant for proposed temporary shop and services (convenience store with ancillary office) for a period of 5 years which was rejected by the Rural and New Town Planning Committee (the Committee) in 2019.

1.3 The Site involves two pieces of land. The applied use includes two single-storey structures with a building height of not more than 4.5m and a total floor area of 353m<sup>2</sup> for workers resting room and construction equipment storage room. The operation hours are from 7am to 6pm on Mondays to Saturdays (no operation on Sundays and public holidays). No parking space and loading/unloading bay are provided on-site. The Site is accessible from Kam Ho Road via a footpath. The location and site layout plans submitted by the applicant are at **Drawings A-1** and **A-2**.

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

- (a) Application form received on 17.12.2020 **(Appendix I)**
- (b) Supplementary information (SI) received on 24.12.2020 **(Appendix Ia)**
- (c) Further information (FI) received on 27.1.2021 **(Appendix Ib)**  
*[exempted from publication requirement]*

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed the application form at **Appendix I**. They are summarized as follows:

The applicant wants to provide a resting room for the workers and storage for construction equipment associated with an on-going construction project in the area.

## **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 notice at the Site and sending notification to Kam Tin Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Background**

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

## **5. Previous Application**

The eastern portion of the Site is subject to a previous application (No. A/YL-KTS/815) submitted by a different applicant for proposed temporary shop and

services (convenience store with ancillary office) for a period of 5 years which was rejected by the Committee on 8.3.2019 on the grounds that the proposed development was not in line with the planning intention of the “R(A)” zone; the site was located within an area planned for public housing development; and approval of the application for a period of 5 years would be in conflict with the implementation of the public housing development. Details of the application are summarized in **Appendix II** and its location is shown on **Plan A-1**.

## **6. Similar Application**

There is no similar application for the applied use within the same “R(A)” zone on the OZP.

## **7. The Site and its Surrounding Areas (Plans A-1 to A-4)**

7.1 The Site is:

- (a) currently occupied by a worker’s resting room at the western portion and a vacant structure at the eastern portion;
- (b) accessible to Kam Ho Road via a footpath; and
- (c) within a “R(A)” zone planned for public housing development, which is targeted for phased completion starting from 2026.

7.2 The surrounding areas are rural in character predominated by cultivated/fallow agricultural land, residential structures/dwellings and West Rail Kam Sheung Road Station:

- (a) to its immediate east and south are cultivated/fallow agricultural land, residential structures/dwellings and unused land;
- (b) to its west is the Tsing Long Highway; and
- (c) to its north across Kam Ho Road are a work site the West Rail Kam Sheung Road Station.

## **8. Planning Intention**

The planning intention of the “R(A)” zone is primarily for medium-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building. According to the Explanatory Statement (ES) of the OZP, the “R(A)” zone is intended for public housing developments.

## 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 an Old Schedule Agricultural Lot 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 proposed structure(s) of the planning application is for “workers resting room” use. According to the established practice, application of Short Term Wavier and etc. of structures for domestic/residential uses (including workers resting room use) on private agricultural land will not be entertained. Hence, even if the Board approves the application, his office will not consider to approve/regularize any structure(s) erected/to be erected on the lot for domestic/residential uses.
- (c) Should the application be approved, the lot owner(s) will need to apply to his office to effect the proposal (except the structure(s) for “workers resting room” use) or regularize any irregularities on 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 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.
- (d) The lot concerned falls within the resumption project, namely "PWP Item No. B776CL Site Formation and Infrastructure Works for Public Housing Developments at Kam Tin South, Yuen Long" and the lot will be resumed soon.

9.1.2 Comments of the Chief Estate Surveyor/ Railway Development, Lands Department (CES/Railway Development, LandsD):

The Site falls within Railway Development Strategy 2014 (RDS 2014) Northern Link (NOL) and Kwu Tung Station Limit of Area of Influence (AOI). He has no comment on the application provided that Railway Development Office, Highways Department has no adverse comment on the application and the proposed development would not pose obstacles to the implementation of the NOL project.

**Traffic**

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

Considering that there is neither parking provision nor vehicular access to the lot and the induced traffic impact is minimal, he has no comment on the application.

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

It is noted that no vehicular access is proposed or to be granted under the application. He has no comment on the application from highways maintenance point of view.

9.1.5 Comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD 2-2, RDO, HyD):

It is noted that the Site falls within the AOI of the proposed NOL. Although the programme and the alignment of the proposed NOL are still under review, those areas within the AOI may be required to be vacated at the time for construction of the NOL and subject to nuisance, such as noise and vibration of the proposed NOL. He has no objection in principle to the application from the development point of view of the NOL, provided that the applicant is satisfied with the surrounding condition in respect of nuisance taking into account the future construction, operation and maintenance of NOL.

**Project Interface**

9.1.6 Comments of the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD):

- (a) It is noted that the Site is in conflict with the boundary of the project "Site Formation and Infrastructure Works for Public Housing Developments at Kam Tin South, Yuen Long –

Phase 1” with works planned to commence in mid-2021. As such, the application is not supported.

- (b) The application is not related to Contract No. YL/2017/01 “Site Formation and Infrastructure Works for Development at Kam Tin South – Advanced Works” managed by his office.

9.1.7 Comments of the Director of Housing (D of Housing):

- (a) The Site falls within the planned public housing development.
- (b) The Housing Department (HD) has tentatively scheduled for starting the Ground Investigation (GI) works when the site access is available and subject to the site clearance to be undertaken by LandsD. Subject to LandsD's land clearance programme and advice, he concerns that the temporary workers resting room and equipment storage room may obstruct the access to the GI locations and the GI works. In addition, the applied use should not generate any adverse impacts which would affect the programme of the public housing development and the scheduled handover date from CEDD to HD. If both LandsD and CEDD advise that the clearance and site formation programme will be adversely affected, HD will not support the application.

**Environment**

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

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 the DEP.

**Drainage**

9.1.9 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) Should the application be approved, the conditions requiring the submission, implementation and maintenance of a drainage proposal for the development to the satisfaction of

the Director of Drainage Services or of the Board should be included in the planning approval.

### **Building Matters**

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

- (a) Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of the Building Authority should be obtained, otherwise they are unauthorized building works (UBW) under the Buildings Ordinance (BO). The development intensity of the separated sites shall be considered separately. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (b) His detailed comments on UBW, provision of access and temporary buildings are at **Appendix III**.
- (c) Detailed checking under the BO will be carried out at building plan submission stage.

### **Fire Safety**

9.1.11 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 BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

### **District Officer's Comments**

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

- (a) As there is no village representative in the vicinity of the Site, no consultation was conducted by his office.
- (b) He has no comment on the application from departmental point of view.

9.2 The following departments have no objection to or no comment on the application:

- (a) Director of Electrical and Mechanical Services;
- (b) Chief Engineer/Construction, Water Supplies Department; and
- (c) Commissioner of Police (C of P).

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

On 29.12.2020, the application was published for public inspection. During the three-week statutory publication period, no public comment was received.

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

11.1 The application is for temporary workers resting room and equipment storage room (construction equipment) for a period of one year within "R(A)" zone. The planning intention of the "R(A)" zone is primarily for medium-density residential developments. According to the ES of the OZP, the "R(A)" zone is intended for public housing developments. Implementation works of the public housing development at the Site is scheduled for start within 2021. The proposal involving two single-storey structures for worker resting and storage purpose is not in line with the planning intention of the "R(A)" zone. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

11.2 PM(W) of CEDD does not support the application as the location of the Site is in conflict with the boundary of the project "Site Formation and Infrastructure Works for Public Housing Developments at Kam Tin South, Yuen Long – Phase 1" with works to be commenced in mid-2021. D of Housing also does not support the application as it will adversely affect the programme of the public housing development. Approval of the application, even for a period of 1 year, would be in conflict with the implementation of the planned public housing development at the subject "R(A)" zone. The proposed resting and storage rooms are not related to the project commenced by CEDD.



- 11.3 The eastern portion of the Site is subject to a previous application for temporary shop and services for a period of 5 years which was rejected by the Committee on the consideration that the proposed use would be in conflict with the implementation of the public housing development. Similar consideration is applicable to this application.
- 11.4 No public comment on the application was received during the statutory publication period.

## **12. Planning Department's Views**

- 12.1 Based on the assessments made in paragraph 11 above, 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 "R(A)" zone which is primarily for medium-density residential developments. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis; and
  - (b) the Site is located within an area planned for public housing development. Approval of the application would be in conflict with the implementation works which is planned to commence in mid-2021.
- 12.2 Alternatively, 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 1 year until 5.2.2022. 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 7:00 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) the submission of drainage proposal within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 5.5.2021;
- (d) in relation to (c) above, the implementation 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 5.8.2021;

- (e) in relation to (d) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) the submission of fire service installations proposal within **3** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 5.5.2021;
- (g) in relation to (f) above, the implementation 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 5.8.2021;
- (h) if any of the above planning conditions (a), (b) or (e) 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
- (i) if any of the above planning conditions (c), (d), (f) or (g) 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 recommended advisory clauses are at **Appendix III**.

### **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 received on 17.12.2020
- Appendix Ia** SI received on 24.12.2020
- Appendix Ib** FI received on 27.1.2021

<b>Appendix II</b>	Previous application at the Site
<b>Appendix III</b>	Advisory Clauses
<b>Drawing A-1</b>	Location Plan
<b>Drawing A-2</b>	Site Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
FEBURARY 2021**