

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

**APPLICATION NO. A/YL-SK/284**

<b>Applicant</b>	: Chief Force Limited
<b>Site</b>	: Lot 616 S.B RP (Part) in D.D. 114, Yuen Long
<b>Site Area</b>	: About 1,325m <sup>2</sup>
<b>Lease</b>	: Block Government Lease (demised for agricultural use)
<b>Plan</b>	: Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9
<b>Zoning</b>	: “Village Type Development” (“V”) [Restricted to a maximum building height of 3 storeys (8.23m)]
<b>Application</b>	: Temporary Shop and Services (Motor-vehicle Showroom) for a Period of 3 years

**1 The Proposal**

- 1.1 The applicant seeks planning permission for temporary shop and services (motor-vehicle showroom) at the application site (the Site) for a period of 3 years. The Site falls within an area zoned “V” on the approved Shek Kong OZP No. S/YL-SK/9 (**Plan A-1**). According to the Notes of the OZP, ‘Shop and Services’ is a Column 2 use within “V” zone, which requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use without valid planning permission.
- 1.2 According to the applicant’s submission, the applied use will comprise two one-storey structures for a temporary office and a meter room respectively, with a building height of about 2.5m to 3.5m and a total floor area of about 61m<sup>2</sup> (**Drawing A-1**). The remaining site area will mainly serve as an outdoor motor-vehicle showroom, circulation space and vehicular access. Two parking spaces for private vehicles are provided on-site. The operation hours will be 9:00a.m. to 7:00p.m. daily. The Site is directly accessible from Kam Tin Road. The site layout plan, landscape, drainage and fire service installations proposals are at **Drawings A-1 to A-4**.
- 1.3 The Site involves 10 previous applications for various temporary uses including vehicle park, open storage and shop and services uses. The last application No.

A/YL-SK/228 submitted by the same applicant for the same applied use was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 26.1.2018. However, the application was revoked on 26.6.2020 due to non-compliance with approval conditions in relation to the implementation of the tree preservation and drainage proposal.

- 1.4 Compared with the last approved application (No. A/YL-SK/228), there is no change in terms of the applied use, site area/boundary, number of structures, floor area and layout under the current application.
- 1.5 In support of the application, the applicant has submitted the following documents:
  - (a) Application Form with Planning Statement received on 13.7.2020 **(Appendix I)**
  - (b) Further Information (FI) received on 29.9.2020 **(Appendix Ia)**  
*[exempted from publication]*
- 1.6 At the request of the applicant, the Committee on 28.8.2020 agreed to defer making a decision on the application to allow time for the applicant to address departmental comments. After the deferral request, the applicant has submitted FI in response to departmental comments on 29.9.2020. The application is scheduled for consideration by the Committee at this meeting.

## **2 Justifications from the Applicant**

- 2.1 The justifications put forth by the applicant in support of the application are detailed in **Appendices I and Ia**, and are briefly summarized as follows:
  - (a) This application is the re-submission of the previous approved planning application (No. A/YL-SK/228). The applied use of the current application is the same as the previous application, and there was no adverse comment and complaint from government departments and nearby residents received in relation to the applied use.
  - (b) The applied temporary use is a Column 2 use in the “V” zone of the OZP, which is in line with the planning intention of the zone to serve the needs of the villagers and to support the village development.
  - (c) The Site would solely be used as the applied use. No vehicles exceeding 5.5 tonnes will be allowed to park/store at the Site to ensure the environmental quality of the Site.
- 2.2 Regarding the non-compliance with approval conditions of the previous approved application, the applicant stated that the progress of complying with the approval conditions was affected due to the coronavirus outbreak. To demonstrate his intention to comply with the approval conditions, the applicant has submitted landscape, drainage and fire service installations proposals (**Drawings A-2 to A-4**) for this application. The applicant commits to complying with relevant approval conditions as soon as possible upon approval of the application.

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

The applicant is not the “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 (the Ordinance) (TPB PG-No. 31) by posting site notice at the Site and sending notification letter to the Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

### **4 Background**

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

### **5 Previous Applications**

5.1 The Site involves 10 previous applications for temporary uses including public vehicle park (with or without vehicles exceeding 5.5 tonnes), open storages and shop and services uses for a period of 12 months, 3 years or 5 years. Details of these applications are summarized in **Appendix II** and their locations of the applications are shown on **Plan A-1**.

#### Nine approved applications

5.2 Applications (No. A/YL-SK/37, 81, 92, 110, 127, 155, 177, 212 and 228) for temporary uses including public vehicle park, open storage and shop and services uses for a period of 12 months, 3 years or 5 years were approved with conditions by the Committee or the Board on review between 1997 and 2018 mainly on the grounds that temporary approvals of the applications would not jeopardize the long-term planning intention of the “V” zone; the developments were not incompatible with the surrounding land uses; there was no adverse comments from the relevant Government departments; and the technical concerns could be addressed by appropriate approval conditions. However, Applications (No. A/YL-SK/155, 212 and 228) were revoked between 2010 and 2020 due to non-compliance with approval conditions.

#### One rejected application

5.3 Application (No. A/YL-SK/149) for temporary open storage of new private cars and light goods vehicles prior to sale for a period of 3 years was rejected by the Committee on 19.12.2008 and the Board on review on 12.6.2009 mainly on the grounds that the applied use was not in line with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13E); and no strong justification had been given in the submission to justify a departure from the planning intention of the “V” zone, even on a temporary basis.

## **6 Similar Application**

There is no similar application for ‘Shop and Services (Motor Vehicles Showroom)’ use within the “V” zones on the OZP.

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

7.1 The site is:

- (a) currently fenced, hard-paved and occupied by the applied use without valid planning permission; and
- (b) abutting Kam Tin Road and with direct vehicular access from the road.

7.2 The surrounding areas are rural in character mainly occupied by residential dwellings/structures, agricultural land, shops, open storage yards, workshops and vacant/unused land (**Plan A-2**):

- (a) to its west are some residential dwellings/ structures, agricultural land and vacant/ unused land;
- (b) to its east across Kam Tin Road is a large piece of land zoned “Industrial (Group D)” (“I(D)”) which is mainly occupied by open storage yards and machinery workshops;
- (c) to its north across a river is a large stretch of land zoned “Open Storage” (“OS”), which is mainly occupied by open storage yards, vehicle repair workshop and vacant/ unused land;
- (d) to its south and southwest are mainly village houses of Sheung Tsuen. A mirror factory and shops are located to the south of the Site; and
- (e) shops are found along Kam Tin Road.

## **8 Planning Intention**

The planning intention of the “V” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and re-provisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

## **9 Comments from Relevant Government Departments**

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

### **Land Administration**

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

- (a) the Site comprises 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; and
- (b) should the planning approval be given to the planning application, the lot owner(s) will need to apply to DLO/YL of LandsD to permit the structures to be erected or regularize any irregularities on site, if any. Besides, given the applied 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 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**

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

- (a) he has no comment on the application from traffic engineering perspective; and
- (b) should the application be approved, approval condition on no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period should be stipulated.

9.1.3 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**

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

- (a) 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;
- (b) the applicant should be reminded that it is the obligation of the applicant to meet all the statutory requirements under the Water Pollution Control Ordinance and provide necessary mitigation measures to prevent polluting the natural stream; and
- (c) there is no environmental complaint at the Site received by the DEP in the past three years.

### **Nature Conservation**

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

- (a) he has no comment on the application from nature conservation point of view noting that the Site has been paved; and
- (b) it is noted a watercourse is located to the north of the Site (**Plan A-2**). Should the application be approved, the applicant is advised to adopt necessary measures to avoid causing disturbance or pollution to the watercourse during operation.

### **Drainage**

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

- (a) he has no objection in-principle to the application from public drainage perspective;
- (b) should the application be approved, the conditions requiring the submission of a revised drainage proposal and the implementation and maintenance of the drainage proposal/facilities for the development to the satisfaction of the Director of Drainage Services or of the Board should be included in the planning approval; and
- (c) his detailed comments on the submitted drainage proposal are at **Appendix III**.

### **Fire Safety**

#### 9.1.7 Comments of the Director of Fire Services (D of FS):

- (a) he has no objection in-principle to the proposal subject to fire service installations being provided to his satisfaction; and
- (b) the submitted fire service installations proposal (**Drawing A-4**) is considered acceptable and his detailed comments on the submitted fire service installations proposal is at **Appendix III**.

### **Building Matters**

#### 9.1.8 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 Site, he is not in a position to offer comments on their suitability for the use proposed in the application;
- (b) if the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of the BA, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any applied use under the application;
- (c) for UBW erected on leased land, enforcement action may be taken by 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 Site under the BO;
- (d) before any new building works (including containers/open sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO;
- (e) the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations respectively; and
- (f) the Site does not abut on a specified street of not less than 4.5m wide, and its permitted development intensity of each individual site shall be determined under Regulation 19(3) of the Building (Planning) Regulations at the building plan submission stage.

### **District Officers' Comments**

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

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

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

- (a) Project Manager/West, Civil Engineering and Development Department (PM(NTW), CEDD);
- (b) Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (d) Director of Electrical and Mechanical Services (DEMS); and
- (e) Commissioner of Police (C of P).

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

On 21.7.2020, 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 the applied temporary shop and services (motor vehicles showroom) for a period of 3 years at the Site zoned "V" on the approved Shek Kong OZP No. S/YL-SK/9 (**Plan A-1**). The "V" zone is primarily intended to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and re-provisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small House development, selected commercial and community uses serving the needs of the villagers and in support of the village development are permitted on the ground floor of New Territories Exempted Houses. Although the applied use is not entirely in line with the planning intention, DLO/YL of LandsD advises that there is currently no Small House application approved or under processing at the Site. Approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the "V" zone.

11.2 The applied use abutting Kam Tin Road is considered not incompatible with the surrounding areas which are predominantly occupied by residential dwellings/structures, agricultural land, shops, workshops, open storage yards, and vacant/unused land (**Plan A-2**). Relevant government departments consulted, including C for T, DEP, CE/MN of DSD and D of FS have no adverse comment on/ no objection to the application from traffic, environmental, drainage and fire safety aspects. It is anticipated that the applied use would not generate significant traffic, environmental, drainage and fire safety impacts on the surrounding areas. To minimize the possible environmental nuisance generated by the applied use, approval conditions restricting the operation hours, workshop-related activities



and types of vehicles within the Site are recommended in paragraphs 12.2 (a) to (c) below. Moreover, the technical requirements of C for T, CE/MN of DSD and D of FS could be addressed by appropriate approval conditions in paragraph 12.2 (d) to (h) below. Besides, the applicant will be advised to adopt the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” in order to alleviate any potential environmental impact.

- 11.3 The Site is the subject of 10 previous applications for various temporary uses including public vehicle park, open storage and shop and services uses. Nine of them were approved with conditions by the Committee between 1997 and 2018 as stated in paragraph 5.2 above. The last approved application (No. A/YL-SK/228) for the same use as the current one submitted by the same applicant was revoked due to non-compliance with approval conditions. The applicant explained that the implementation of drainage proposal and landscape proposal was affected by coronavirus outbreak. In support of the current application, the applicant submitted drainage, landscape and FSIs proposals, and committed to complying with all the approval conditions imposed by the Board as soon as possible upon approval of this application. Should the application be approved, shorter compliance periods are recommended for close monitoring of the progress on compliance with the approval conditions. The applicant will also be advised that should he fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 11.4 There is no public comment received during the statutory publication period.

## **12 Planning Department’s Views**

- 12.1 Based on the assessments made in paragraph 11, the Planning Department has no objection to the application.
- 12.2 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 until 23.10.2023. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

### Approval conditions

- (a) no operation between 7:00p.m. to 9:00a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out at 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 vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the submission of a revised drainage proposal within **3** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 23.1.2021;
- (f) in relation to (e) above, the implementation of the drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 23.4.2021;
- (g) in relation to (f) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) the implementation of the accepted fire service installations 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 23.4.2021;
- (i) if any of the above planning conditions (a), (b), (c), (d) or (g) 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
- (j) if any of the above planning conditions (e), (f) 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.

Advisory clauses

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

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

the applied use is not in line with the planning intention of the "V" zone which is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and re-provisioning of village houses affected by Government projects. No strong planning justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis.

**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 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.

13.3 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.

**14 Attachments**

<b>Appendix I</b>	Application Form received on 13.7.2020
<b>Appendix Ia</b>	Further Information (FI) dated 29.9.2020
<b>Appendix II</b>	Previous applications covering the application site
<b>Appendix III</b>	Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Landscape Proposal
<b>Drawing A-3</b>	Drainage Proposal
<b>Drawing A-4</b>	Fire Service Installations Proposal
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
OCTOBER 2020**