

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/1057

- Applicant** : Chief Force Limited
- Site** : Lot 1845 (Part) in D.D. 111 and Lots 9 RP (Part), 10 RP (Part), 12 RP, 13 RP (Part), 14 (Part), 32 (Part), 33 RP, 34 (Part), 35 S.A (Part), 35 S.B, 36 (Part), 37 (Part), 38, 39 (Part) and 40 (Part) in D.D. 114 and Adjoining Government Land (GL), Pat Heung, Yuen Long, New Territories
- Site Area** : About 10,800m² (including GL of about 280m² (2.6%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
- Zoning** : “Agriculture” (“AGR”) (about 97%)
“Open Storage” (“OS”) (about 3%)
- Application** : Temporary Open Storage of Second-Hand Vehicles for Export, Vehicle Parts and Construction Materials (excluding Dangerous Goods) with Ancillary Facilities and Associated Filling of Land for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary open storage of second-hand vehicles for export, vehicle parts and construction materials (excluding dangerous goods) with ancillary facilities and associated filling of land for a period of three years at the application site (the Site), which falls within an area mainly zoned “AGR” with a small portion zoned “OS” on the OZP (**Plan A-1a**). According to the Notes of the OZP, ‘Open Storage’ is always permitted in the “OS” zone whilst it is neither a Column 1 nor Column 2 use under the “AGR” zone. According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Board. Filling of land within the “AGR” zone also requires planning permission from the Board. The Site is divided into western and eastern parts by existing water mains, and both parts are currently hard paved and occupied by the applied use with valid planning permission under application No. A/YL-PH/916 until 10.6.2025 (**Plans A-1b, A-4a and A-4b**).

- 1.2 The Site is accessible from Kam Tin Road via a local track (**Plan A-2**). According to the applicant, the applied use involves four structures, including two single-storey structures of 2.5m in height for staff resting rooms in the western part of the Site, and two two-storey structures of 5m in height for ancillary office and staff resting rooms in the eastern part of the Site, with a total floor area of about 322m². The western part is used for temporary open storage of construction materials, while the eastern part is used for temporary open storage of vehicles not exceeding 5.5 tonnes and vehicle parts. The applicant also applies for regularisation of associated filling of land for an area of about 9,793 m² of the Site with cement for a depth of about 0.1m, raising the site level from +22.4mPD to +22.5mPD for site formation (**Drawing A-2**) and no further filling is required. The existing 137 trees along the site boundary within the Site will be retained (**Drawing A-3**). While no parking space will be provided and no vehicle exceeding 5.5 tonnes will be allowed to enter the Site, 24-tonne vehicles will be deployed to transport the construction materials to the entrance of the Site two to three times per month. The operation hours are between 9:00 a.m. and 6:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. The layout plan, land filling plan and landscape plan submitted by the applicant are at **Drawings A-1 to A-3** respectively.
- 1.3 The Site, in part or in whole, is the subject of seven previous applications for various temporary open storage uses (details at paragraph 6 below). The last application (No. A/YL-PH/916) for renewal of a planning approval for temporary open storage use submitted by the same applicant as the current application was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 20.5.2022 and the planning permission is valid until 10.6.2025. Compared with the last application, the current application involves regularisation of associated filling of land of the entire Site, while the site area / boundary, applied use, site layout and major development parameters remain unchanged.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with supporting documents received (**Appendix I**) on 13.3.2025 and 20.3.2025
 - (b) Further Information (FI) received on 29.4.2025* (**Appendix Ia**)

** accepted and exempted from publication and recounting requirements*

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FI at **Appendices I and Ia**, and can be summarised as follows:

- (a) Compared with the last application (No. A/YL-PH/916), the current application is the same as the last application in terms of site area / boundary, applied use, site layout and major development parameters, but involves regularisation of filling of land at the Site. Hence, the applicant decides to submit a fresh application before the existing planning permission lapses.

- (b) Since the previous planning approval, no complaint related to the Site has been received from the public or government departments. The Site has been maintained in a good condition and the existing 137 trees along the site boundary will be retained.
- (c) The applied use will not cause any adverse impacts on drainage, traffic and environmental aspects. A drainage proposal with photo record of the implemented drainage facilities, a fire service installations (FSIs) proposal with fire certificates and a landscape proposal have been submitted in support of the current application.

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

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

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13G) promulgated on 14.4.2023 are relevant to the application. The Site falls within Category 1 and 2 areas (for “OS” and “AGR” portions respectively) under the TPB PG-No. 13G, and the relevant extract of which is at **Appendix II**.

5. Background

The Site is not subject to any active enforcement action.

6. Previous Applications

- 6.1 The Site, in part or in whole, is the subject of seven previous planning applications (No. A/YL-PH/235, 409, 608, 666, 733, 805 and 916) for various temporary open storage uses. Among the seven applications, five were approved with conditions while two were rejected by the Committee. The last three applications (No. A/YL-PH/733, 805 and 916) were submitted by the same applicant for the same applied use as the current application. Details of these applications are summarised in **Appendix III** and their locations are shown on **Plan A-1b**.

Rejected Applications

- 6.2 Applications No. A/YL-PH/235 (covering a much larger site area which encroached onto an area zoned “Village Type Development” (“V”) on the OZP) and A/YL-

PH/409 (straddling an area zoned “OS” and “AGR” on the OZP) for temporary open storage uses were rejected by the Committee in October 1998 and by the Board upon review in December 2002 respectively, mainly for the reasons that the proposed use was not in line with the planning intentions of the “AGR” and/or “V” zones; the proposed use was not compatible with the surrounding land uses; and approval of the application would set an undesirable precedent.

Approved Applications

- 6.3 The other five applications (No. A/YL-PH/608, 666, 733, 805 and 916) for temporary open storage of second-hand vehicles for display for export and vehicle parts, four of which also included temporary open storage of construction materials (including two renewals of planning approvals granted), were approved with conditions by the Committee between January 2011 and May 2022, mainly on the considerations that the temporary approval would not frustrate the long-term planning intentions of the “AGR” zone; the proposed/applied use were not incompatible with the surrounding land uses; and the concerned government departments consulted in general had no adverse comment or their technical concerns could be addressed by relevant approval conditions. The planning permission under application No. A/YL-PH/608 was subsequently revoked in September 2012 due to non-compliance with approval conditions.
- 6.4 Compared with the last application No. A/YL-PH/916, the current application submitted by the same applicant involves regularisation of associated filling of land at the Site, while the site area, site boundary, applied use, site layout and major development parameters remain unchanged. The planning permission of the last application is valid until 10.6.2025.

7. Similar Applications

There are eight similar applications (No. A/YL-PH/865, 873, 885, 914, 941, 945, 1009 and 1050), involving five sites, for various temporary open storage uses within the same “AGR” zone in the vicinity of the Site in the past five years. All these applications were approved with conditions by the Committee between January 2021 and March 2025 on similar considerations as mentioned in paragraph 6.3 above. Details of these similar applications are summarised in **Appendix IV** and the locations are shown on **Plan A-1a**.

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

8.1 The Site is:

- (a) accessible from Kam Tin Road via a local track; and
- (b) divided into western and eastern parts, and both parts are currently hard paved and occupied by the applied use with valid planning permission under application No. A/YL-PH/916 until 10.6.2025.

- 8.2 The surrounding areas are occupied predominantly by open storage/storage yards (one with valid permission under application No. A/YL-PH/941) and warehouses (one with valid permission under application No. A/YL-PH/1050) intermixed with a vehicle repair workshop, scattered residential structures, plant nurseries and vacant land. Shek Kong Stabling Sidings and Emergency Rescue Siding of the Express Rail Link (XRL) is located to the immediate southwest.

9. Planning Intention

- 9.1. The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fishponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.
- 9.2. According to the Explanatory Statement of the OZP for “AGR” zone, as filling of land may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

10. Comments from Relevant Government Departments

- 10.1 Apart from the government departments as set out in 10.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses, if any, are provided in **Appendices V** and **VI** respectively.
- 10.2 The following government departments do not support the application:

Environment

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

- (a) does not support the application in accordance with the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (‘CoP’) issued by the Environmental Protection Department as there are sensitive receivers in the vicinity (i.e. a residential structure is about 10m northwest of the Site) and the applied use involves the use of heavy vehicles. Thus, environmental nuisance is expected;
- (b) no objection to the filling of land from environmental perspective;
- (c) no substantiated environmental complaint concerning the Site was received in the past three years; and
- (d) advisory comments are at **Appendix VI**.

Agriculture and Nature Conservation

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

- (a) does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation;
- (b) no comment on the application from nature conservation perspective as the Site falls within the “AGR” and “OS” zones and has been paved; and
- (c) advisory comments are at **Appendix VI**.

11. Public Comment Received During Statutory Publication Period

On 21.3.2025, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

12. Planning Considerations and Assessments

- 12.1 The application is for temporary open storage of second-hand vehicles for export, vehicle parts and construction materials (excluding dangerous goods) with ancillary facilities and associated filling of land for a period of three years at the Site mainly zoned “AGR” with a small portion zoned “OS” (**Plan A-1a**). The applied use is always permitted within “OS” zone. Whilst the applied use is not in line with the planning intention of the “AGR” zone and DAFC does not support the application from agricultural perspective, taking into account the planning assessments below, there is no objection to the applied use with associated filling of land on a temporary basis for a period of three years.
- 12.2 Filling of land within the “AGR” zone requires planning permission from the Board. In this regard, the Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD), who also considers the submitted drainage proposal with photo record of the implemented drainage facilities acceptable, has no objection to the application from drainage perspective, and DEP has no objection to the filling of land from environmental perspective. As the site is zoned “AGR”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “AGR” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.
- 12.3 The applied use is considered not incompatible with the surrounding areas which are occupied predominantly by open storage/storage yards and warehouses intermixed with a vehicle repair workshop, scattered residential structures, plant nurseries and vacant land, as well as the Shek Kong Stabling Sidings and Emergency Rescue Siding of the XRL. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) has no adverse comment

from landscape planning perspective and considers that further significant adverse landscape impact within the Site arising from the continuous use of the Site for the applied use is not anticipated.

- 12.4 The Site falls within Category 1 and 2 areas (for “OS” and “AGR” portions respectively) under TPB PG-No. 13G. The following guidelines are relevant:

Category 1 areas: favourable consideration will normally be given to applications within these areas, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments should be submitted if the proposed uses, such as container trailer/tractor park and open storage of chemical products/ dangerous goods etc., may cause significant environmental and traffic concerns.

Category 2 areas: planning permission could be granted on a temporary basis up to a maximum period of three years, 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. Technical assessments, where appropriate, should be submitted to demonstrate that the proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas.

- 12.5 The application is considered generally in line with TPB PG-No. 13G in that, except for DEP, the relevant government departments consulted, including the Director of Fire Services, the Commissioner for Transport and CTP/UD&L of PlanD, have no objection to or adverse comment on the application. To address the technical requirements of concerned government departments, relevant approval conditions are recommended in paragraph 13.2 below. DEP does not support the application as the applied use involves the use of heavy vehicles and environmental nuisance on the sensitive receivers (i.e. residential structures) in the vicinity of the Site is expected. Nonetheless, the Site has been approved and used for various open storage uses since 2013 and there was no substantiated environmental complaint concerning the Site in the past three years. Should the Committee decide to approve the application, it is recommended to advise the applicant to follow the ‘CoP’ to minimise the potential environmental nuisance on the surrounding areas.
- 12.6 There are five previously approved applications for similar applied use at the Site, and eight approved similar applications within the same “AGR” zone in the vicinity of the Site in the past five years as detailed in paragraphs 6 and 7 above respectively. Approving the current application is in line with the Committee’s previous decisions.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 above, PlanD has no objection to the application.

- 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 three years until 2.5.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (b) the provision of fire extinguisher(s) within **6** weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 13.6.2025;
- (c) the submission of a revised 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 2.11.2025;
- (d) in relation to (c) above, the implementation of the revised fire service installations proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 2.2.2026;
- (e) if the above planning condition (a) 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;
- (f) if any of the above planning condition (b), (c) or (d) 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
- (g) upon expiry of the planning permission, the reinstatement of the "Agriculture" portion of the site, including the removal of fill materials and hard paving, and grassing of the site to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

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

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

the applied use with associated filling of land is not in line with the planning intention of the "AGR" zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification given in the submission for a departure from the planning intention, even on a temporary basis.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 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 supporting documents received on 13.3.2025 and 20.3.2025
Appendix Ia	FI received on 29.4.2025
Appendix II	Relevant Extract of TPB PG-No. 13G
Appendix III	Previous Applications
Appendix IV	Similar Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Land Filling Plan
Drawing A-3	Landscape Plan
Plan A-1a	Location Plan
Plan A-1b	Previous Application Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
MAY 2025**