

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

**APPLICATION NO. A/YL-KTN/1110**

<b><u>Applicant</u></b>	: Chief Force Limited
<b><u>Site</u></b>	: Lots 381 RP (Part), 382 RP (Part) and 412 RP (Part) in D.D. 110, Pat Heung, Yuen Long, New Territories
<b><u>Site Area</u></b>	: About 1,753m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11
<b><u>Zoning</u></b>	: “Agriculture” (“AGR”)
<b><u>Application</u></b>	: Temporary Open Storage of Construction Materials 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 construction materials 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 zoned “AGR” on the OZP (**Plan A-1a**). According to the covering Notes of the OZP, temporary use or development of any land not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). Filling of land in the “AGR” zone also requires planning permission from the Board. The Site is fenced-off, largely hard-paved, erected with some temporary structures and occupied by storage use with valid planning permission under application No. A/YL-KTN/827 until 10.6.2025 (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Kam Tai Road via local tracks (**Plans A-1a, A-2 and A-3**). According to the applicant, the applied use involves an area of about 948m<sup>2</sup> (54% of the Site) for open storage of construction materials (such as ironwares, steel, sand, pipes, etc.) with a maximum stacking height of 5m, and five single-storey structures with heights of not more than 6m and a total floor area of about 249m<sup>2</sup> for storage, ancillary staff resting rooms and shelter shed (**Drawing A-1**). The applicant also applies for regularisation of filling of land for about 1,610m<sup>2</sup> (about 91.8%) of the Site with concrete of about 0.1m in depth (to a level of about 11.4mPD) for site formation and vehicular circulation (**Drawing A-2**). Two parking spaces for private car and four parking spaces for light goods vehicle or medium goods vehicle (MGV) will be provided within the

Site. Existing peripheral fencing of 2.5m in height and buffer planting of 36 trees along the site boundary will be maintained to minimise environmental impacts on the surrounding areas (**Drawing A-1**). No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities will be involved at the Site. The operation hours will be between 9:00 a.m. and 6:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. Plans showing the site layout and land filling area submitted by the applicant are on **Drawings A-1** and **A-2** respectively.

- 1.3 The Site is the subject of nine previous applications (details at paragraph 6 below), including the last application No. A/YL-KTN/827 for temporary private car park and storage use submitted by the same applicant as the current application approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2022 and the planning permission is valid until 10.6.2025. Whilst having the same site area/boundary, number of structures, building heights and total floor area as the last application, the current application involves a different layout with specified open storage area.
- 1.4 In support of the application, the applicant has submitted the following documents:
  - (a) Application Form with attachments received on 17.4.2025 (**Appendix I**) and 23.4.2025
  - (b) Further Information (FI) received on 23.5.2025\* (**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) The temporary nature of the application would not frustrate the long-term planning intention of the “AGR” zone. The applied use is not incompatible with the surrounding areas and there were similar applications approved in the vicinity of the Site.
- (b) The current application involves no major changes from the last application No. A/YL-KTN/827 which was submitted by the same applicant. No complaint related to the Site has been received from the public or government department since the last approval, and all the approval conditions have been complied with.
- (c) Sufficient space will be provided for vehicles to manoeuvre smoothly within the Site and the applied use will generate infrequent trips. Adverse impacts on the surrounding areas are not anticipated. In support of the application, the applicant has submitted photo record of the implemented drainage facilities at the Site and a fire service installations proposal.

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

The applicant is not a ‘current land owner’ but has complied with the requirement 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. 31B) by posting site notice and sending notice 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 ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13G) promulgated by the Board on 14.4.2023 are relevant to the application. The Site falls within Category 2 areas under TPB PG-No. 13G<sup>1</sup>, and the relevant extracts of which are at **Appendix II**.

### **5. Background**

The Site is currently not subject to any active planning enforcement action. It is covered by a valid planning permission (No. A/YL-KTN/827) for renewal of planning approval for temporary private car park and storage use for a period of three years until 10.6.2025. Follow-up investigation will be taken upon expiry of the current planning permission if the subject application is not approved by the Committee.

### **6. Previous Applications**

- 6.1 The Site is the subject of nine previous applications (No. A/YL-KTN/130, 263, 339, 354, 373, 399, 517, 648 and 827). Application No. A/YL-KTN/354 for temporary private vehicle park was approved in 2011 and its considerations are not relevant to the current application due to different use involved.
- 6.2 Applications No. A/YL-KTN/130 and 263, both covering larger site areas, for temporary open storage were rejected by the Committee in 2001 and 2007 respectively, mainly on the grounds that there was no strong planning justification for a departure from the planning intention of the “AGR” zone; the proposed/applied use was not compatible with the surrounding land uses; and the application did not comply with the then Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses.
- 6.3 Subsequently, applications No. A/YL-KTN/339, 373, 399, 517, 648 and 827, covering similar or the same site area as the current application, for temporary open storage or storage use (including five applications also involved private car park; and two renewals of temporary approval granted) were approved with conditions by the Committee between 2010 and 2022 mainly on the considerations that the applied use on a temporary basis would not frustrate the

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<sup>1</sup> The Site was re-categorised from Category 3 to Category 2 areas under TPB PG-No. 13E promulgated by the Board in 2008.

long-term planning intention of the “AGR” zone; the applied use was not incompatible with the surrounding land uses; the relevant government departments consulted generally had no adverse comments or the concerns could be addressed by approval conditions; and the application was in line with the then Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses. The planning permissions under two of these applications (No. A/YL-KTN/339 and 373) were revoked in 2010 and 2012 respectively due to non-compliance with approval conditions. The planning permission under the last application No. A/YL-KTN/827 is valid until 10.6.2025. Compared with the last approved application No. A/YL-KTN/827 which was submitted by the same applicant as the current application, the major development parameters remain unchanged but a different layout with specified open storage area is involved in the current application as mentioned in paragraph 1.3 above.

- 6.4 Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1b**.

## **7. Similar Applications**

There are five similar applications (No. A/YL-KTN/729, 893, 906, 965 and 1002), involving four sites, for temporary open storage use (including three renewals of temporary approval granted) within the same “AGR” zone in the vicinity of the Site in the past five years, which were all approved with conditions by the Committee between 2020 and 2024 mainly on the similar considerations as mentioned in paragraph 6.3 above. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1a**.

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

- 8.1 The Site is:

- (a) fenced-off, largely hard-paved, erected with some temporary structures and occupied by storage use with valid planning permission under application No. A/YL-KTN/827 until 10.6.2025; and
- (b) accessible from Kam Tai Road via local tracks.

- 8.2 The surrounding areas are rural in character with an intermix of warehouse/open storage/storage yards (including three sites with valid planning permissions under applications No. A/YL-KTN/872, 965 and 1002), vehicle repair workshop, parking of vehicles (with valid planning permission under application No. A/YL-KTN/888), training centre for construction industry (with valid planning permission under application No. A/YL-KTN/1103), plant nursery, residential structures and vacant land. To the northeast of the Site is a transitional housing development (with valid planning permission under application No. A/YL-PH/999).

**9. Planning Intention**

- 9.1 The planning intention of the “AGR” zone is primarily 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.
- 9.2 According to the Explanatory Statement of the OZP for the “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 paragraph 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 IV** and **V** 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 from environmental planning perspective;
- (b) based on the information provided, the applied use would not involve dusty operation but it would involve the use of heavy vehicle (i.e. MGV). There are residential structures within 100m from the boundary of the Site. As such, according to the revised ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (‘CoP’), it is anticipated that the applied use would cause environmental nuisance to the residential structures nearby;
- (c) no comment on the applied filling of land;
- (d) there was no environmental complaint received against the Site in the past three years; and
- (e) advisory comments are at **Appendix V**.

**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) the Site falls within the “AGR” zone. Agricultural infrastructures such as road access and water source are available in the area. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc.; and
- (c) no comment on the application from nature conservation perspective.

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

On 25.4.2025, 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 construction materials with ancillary facilities and associated filling of land for a period of three years at the Site zoned “AGR” (**Plan A-1a**). 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 of three years.
- 12.2 Filling of land in the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the surrounding areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department (CE/MN of DSD) has no objection to the application from public drainage perspective and DEP has no comment on the applied filling of land from environmental planning 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 rural in character with an intermix of warehouse/open storage/storage yards, vehicle repair workshop, parking of vehicles, training centre for construction industry, plant nursery, residential structures and vacant land. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective considering that significant adverse landscape impact arising from the applied use is not anticipated.
- 12.4 DEP does not support the application as the applied use involves the use of heavy vehicle and there are sensitive receivers in the vicinity of the Site. In this regard, the existing peripheral fencing of 2.5m in height and buffer planting of 36 trees along the site boundary will be maintained by the applicant to minimise environmental impact. The Site has been used for storage purpose with planning permission since 2012 and there was no environmental complaint received against the Site in the past three years. To address DEP’s concerns, the applicant will

be advised to follow the revised 'CoP' to minimise any potential environmental nuisance caused by the applied use should the application be approved by the Committee. The operation of the applied use is also subject to the relevant pollution control ordinances.

- 12.5 The Site falls within Category 2 areas under TPB PG-No. 13G. The application is considered generally in line with TPB PG-No. 13G in that, except for DEP, the relevant departments consulted, including the Commissioner for Transport and Director of Fire Services, have no objection to or no adverse comment on the application. The drainage record submitted by the applicant is considered acceptable by CE/MN of DSD. DEP's concerns can be addressed as mentioned in paragraph 12.4 above. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 13.2 below.
- 12.6 The Site is the subject of eight previous applications involving temporary open storage or storage use as mentioned in paragraphs 6.2 and 6.3 above. Whilst applications No. A/YL-KTN/130 and 263 were rejected by the Committee in 2001 and 2007 respectively, their planning circumstances are different from the current application, which is considered acceptable as assessed in paragraphs 12.3 to 12.5 above. Besides, the remaining six previous applications involving temporary open storage or storage use at the Site were all subsequently approved with conditions by the Committee and there are five approved similar applications within the same "AGR" zone in the vicinity of the Site in the past five years as mentioned in paragraph 7 above. Approving the current application is in line with the Committee's previous decisions.

### **13. Planning Department's View**

- 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 6.6.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### **Approval conditions**

- (a) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (b) 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 6.12.2025;
- (c) in relation to (b) above, the implementation of the 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 6.3.2026;

- (d) 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;
- (e) if any of the above planning condition (b) or (c) 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
- (f) upon expiry of the planning permission, the reinstatement of the site, including the removal of hard paving and fill materials 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 V**.

- 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**

<b>Appendix I</b>	Application Form with attachments received on 17.4.2025 and 23.4.2025
<b>Appendix Ia</b>	FI received on 23.5.2025
<b>Appendix II</b>	Relevant extracts of TPB PG-No. 13G
<b>Appendix III</b>	Previous and similar applications



<b>Appendix IV</b>	Government departments' general comments
<b>Appendix V</b>	Recommended advisory clauses
<b>Appendix VI</b>	Fire Services Department's good practice guidelines for open storage sites
<b>Drawing A-1</b>	Site layout plan
<b>Drawing A-2</b>	Land filling plan
<b>Plan A-1a</b>	Location plan
<b>Plan A-1b</b>	Previous application plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plan A-4</b>	Site photos

**PLANNING DEPARTMENT  
JUNE 2025**