

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/1062

- Applicant** : City Centre Trading Limited represented by Chief Force Limited
- Site** : Lots 138 S.B RP (Part) and 139 RP (Part) in D.D 108, Ta Shek Wu, Pat Heung, Yuen Long
- Site Area** : About 240m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
- Zoning** : “Residential (Group D)” (“R(D)”) [restricted to a maximum plot ratio of 0.2 and a maximum building height of 2 storeys (6m)]
- Application** : Proposed Temporary Open Storage of Vehicles for Sale and Associated Filling of Land for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary open storage of vehicles for sale and associated filling of land for a period of three years at the application site (the Site), which falls within an area zoned “R(D)” on the OZP (**Plan A-1**). 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 Town Planning Board (the Board). Filling of land in the “R(D)” zone also requires planning permission from the Board. The Site is currently fenced, hard-paved and vacant (**Plan A-4**).
- 1.2 The Site is accessible from Fan Kam Road via a local track (**Plan A-2**). According to the applicant, five displaying spaces, including two for light/medium goods vehicles and three for private cars, will be provided within the Site and no structures will be erected thereon (**Drawing A-1**). No heavy goods vehicles will be allowed to enter or be parked or stored at the Site. The applicant also applies for regularisation of associated filling of land for the entire Site with asphalt for a depth of about 0.1m, raising the site level from +59mPD to +59.1mPD for site formation (**Drawing A-2**) and no further filling is required. 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. No dismantling, maintenance, repairing, cleansing,

paint spraying or other workshop activities will be conducted at the Site. The layout plan and land filling plan submitted by the applicant are at **Drawings A-1** and **A-2** respectively.

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

- (a) Application Form with supporting documents received (**Appendix I**)
on 15.4.2025, 17.4.2025 and 24.4.2025
- (b) Further Information (FI) received on 29.5.2025* (**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 proposed use is intended to provide an open storage of vehicles for sale for customers to view the vehicles on site after previewing them on the internet.
- (b) The Site is within the Category 2 areas under the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’, according to which if no complaint related to the Site has been received from the public or government departments, approval on temporary basis for a period of three years could be granted.
- (c) The Site is accessible by public transport and no car parking spaces will be provided within the Site for both customers and staff members.
- (d) The Site has already been filled and no further filling of land will be carried out. There will be no structure erection for storage or car parking purpose and no new trees/shrubs planting within the waterworks reserve of the Site.
- (e) The proposed use will not cause any adverse impact on drainage, traffic and environmental aspects. Drainage and fire service installations (FSIs) proposals have been submitted in support of the current application. The applicant will comply with all of the approval conditions should the current application be approved.

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 site notices and sending notice to the Pat Heung Rural Committee by registered mail. 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 on 14.4.2023 are relevant to the application. The Site falls within Category 2 areas 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 three previous planning applications (No. A/YL-PH/240, 491 and 515) for various temporary open storage uses covering a much larger site. All three applications were rejected by the Rural and New Town Planning Committee (the Committee) of the Board in 1998 or by the Board upon review between 2005 and 2006. Details of these applications are summarised in **Appendix III** and their locations are shown on **Plan A-1**.
- 6.2 Application No. A/YL-PH/240 for temporary open storage of construction materials (iron frames) was rejected mainly for the reasons that there was no strong justification for departure from the planning intention of the “R(D)” zone; the proposed use was not compatible with the nearby village houses; there was insufficient information to demonstrate that the proposed use would not have adverse traffic and drainage impacts on the surrounding land uses; and approval of the application would set an undesirable precedent.
- 6.3 Applications No. A/YL-PH/491 and 515 for temporary open storage of excavators and loaders or bulldozers for sale were rejected mainly on the considerations that the applied use was not in line with the planning intention of the “R(D)” zone; and the application did not comply with the then Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that the application site fell within Category 3 area and no previous planning approval was granted to the site for open storage use.

7. Similar Applications

There are eight similar applications (No. A/YL-PH/869, 909, 933, 953, 957, 1015, 1051 and 1056) for various temporary open storage uses (including one renewal of planning approval granted by the Board and five with filling of land) within the same “R(D)” 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 May 2025, mainly on the considerations that the temporary approval would not frustrate the long-term planning intention of the “R(D)” zone; the proposed/applied use was 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. Details of these similar applications are summarised in **Appendix IV** and the locations are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) accessible from Fan Kam Road via a local track; and
- (b) currently fenced, hard-paved and vacant.

8.2 The surrounding areas are rural in character comprising mainly woodland intermixed with open storage/storage yards (one with valid permission under application No. A/YL-PH/957), a vehicle park (with valid permission under application No. A/YL-PH/922), residential structures, grassland and vacant land.

9. Planning Intention

The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

10. Comments from Relevant Government Departments

10.1 Apart from the government department 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 V** and **VI** respectively.

10.2 The following government department does 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”) as there are sensitive receivers in the vicinity (i.e. a residential structure is about 50m northeast of the Site) and the proposed use involves the displaying spaces for medium goods vehicles which are considered as ‘heavy vehicles’. Thus, environmental nuisance is expected;

- (b) no objection to the filling of land from environmental planning perspective;
- (c) no substantiated environmental complaint concerning the Site was received in the past three years; and
- (d) advisory comments are at **Appendix VI**.

11. Public Comment Received During Statutory Publication Period

On 15.4.2025, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received expressing concerns on the application mainly that the proposed use would likely turn into a vehicle repair workshop in view of the small site area and such use may cause land contamination (**Appendix VII**).

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary open storage of vehicles for sale and associated filling of land for a period of three years at the Site zoned “R(D)” (**Plan A-1**). Whilst the proposed use is not in line with the planning intention of the “R(D)” zone, there is currently no known proposal for long-term development at the Site or in its vicinity within the “R(D)” zone and approval of the application on a temporary basis would not jeopardise the long-term planning intention of the “R(D)” zone. Taking into account the above and the planning assessments below, there is no objection to the proposed use with associated filling of land on a temporary basis of three years.
- 12.2 Filling of land within the “R(D)” zone requires planning permission from the Board. 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 objection to the filling of land from environmental planning perspective.
- 12.3 The proposed use is considered not incompatible with the surrounding areas which are rural in character comprising mainly woodland intermixed with open storage/storage yards, a vehicle park, residential structures, grassland and vacant land. The Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L, PlanD) considers that significant adverse landscape impact arising from the proposed use is not anticipated.
- 12.4 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 government departments consulted, including the Director of Fire Services who also considers the submitted FSIs proposal acceptable, Commissioner for Transport, CE/MN of DSD and CTP/UD&L of PlanD have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, relevant approval conditions are recommended in

paragraph 13.2 below. DEP does not support the application as the proposed 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. 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 land uses, and the relevant statutory environmental requirements and practice notes.

- 12.5 While there are three previous applications for various open storage uses rejected by the Committee or by the Board upon review as mentioned in paragraph 6 above, the considerations of these applications are not applicable to the current application since the Site currently falls within Category 2 areas under TPB PG-No. 13G and the concerned departments have no adverse comments on the application except DEP which has been addressed in paragraph 12.4 above. Besides, there are eight approved similar applications within the same “R(D)” 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.
- 12.6 Regarding the public comment mentioned in paragraph 11 above, the departmental comments and planning assessments above are relevant. Regarding the concern that the Site might be used for vehicle repair workshop, any unauthorized development on the Site would be subject to planning enforcement action.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comment mentioned in paragraph 11 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 submission of a revised 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 6.12.2025;
- (b) in relation to (a) above, the implementation of the revised drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 6.3.2026;
- (c) in relation to (b) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) 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 18.7.2025;

- (e) the implementation of the accepted 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;
- (f) if the above planning condition (c) 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
- (g) if any of the above planning condition (a), (b), (d) or (e) 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 VII**.

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

the proposed use with associated filling of land is not in line with the planning intention of the "R(D)" zone, which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential developments subject to planning permission from the Board. There is no strong planning justification given in the submission for a departure from the planning intention, even on 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 15.4.2025, 17.4.2025 and 24.4.2025
Appendix Ia	FI received on 29.5.2025
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
Appendix VII	Public Comment
Drawing A-1	Layout Plan
Drawing A-2	Land Filling Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

PLANNING DEPARTMENT
JUNE 2025