

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

APPLICATION NO. A/YL-PH/1086

<u>Applicant</u>	: Sino Express Intelligence Co., Limited
<u>Site</u>	: Lots 1689 S.A (Part), 1689 S.B (Part), 1689 S.B ss.1, 1689 S.C, 1689 S.D, 1695 and 1696 (Part) in D.D. 111 and Adjoining Government Land (GL), Leung Uk Tsuen, Yuen Long
<u>Site Area</u>	: About 8,874m ² (including GL of about 920m ² (10.4%))
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
<u>Zoning</u>	: “Agriculture” (“AGR”)
<u>Application</u>	: Temporary Shop and Services (Convenience Store) and Public Vehicle Park (Excluding Container Vehicle) 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 shop and services (convenience store) and public vehicle park (excluding container vehicle) 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-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 within the “AGR” zone also requires planning permission from the Board. The Site is currently hard-paved and partly used for parking of vehicles without valid planning permission (**Plans A-4a and A-4b**).
- 1.2 The Site is accessible from Kam Tin Road via Leung Shing Road with an ingress/egress at the southwestern corner of the Site (**Plan A-2**). According to the applicant, the applied uses involve 136 parking spaces, including 128 for private cars and eight for medium/heavy goods vehicles (M/HGVs), serving the nearby residents, workers and electric vehicle (EV) drivers. All parking spaces will be equipped with EV charging facilities with 15 direct current (DC) chargers and 40 alternating current (AC) chargers to suit different types of EVs. Only licensed private cars, commercial vehicles and M/HGVs are allowed to be parked within the

Site, and entry and parking of container vehicles and vehicles exceeding 26 tonnes at the Site are not allowed. Besides, parking spaces for M/HGVs as well as the vehicular access through Leung Shing Road are located near the southern part of the Site which is at a distance from the surrounding village settlements to the north and east. The applied uses also involve four temporary structures with height ranging from 5m to 7m and a total floor area of about 661m² for convenience store, office and staff resting room, automatic battery swapping station and electricity substation (**Drawing A-1**). Hoarding with a height of 3m will be erected along the boundary of the Site on all sides to minimise potential noise disturbance caused by manoeuvring of M/HGVs. The applicant also applies for regularisation of associated filling of land for the entire Site with asphalt and concrete in a depth of about 0.25m, raising the site level to about +16.0mPD for vehicle manoeuvring and parking (**Drawing A-2**). No further land filling is required. The operation hours are from 6:00 a.m. to 11:00 p.m. daily, including public holidays. The layout plan and land filling plan submitted by the applicant are at **Drawings A-1** and **A-2** respectively.

1.3 The Site is the subject of five previous applications for various uses (details in paragraph 5 below). The last application (No. A/YL-PH/955) submitted by the same applicant for the same uses as the current application was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 11.9.2023. The planning permission was subsequently revoked on 11.6.2025 due to non-compliance with the approval conditions. Compared with the last application, the current application has the same number of parking spaces and temporary structures and involves a change in site boundary and reduction in site area (about -1,109m² or -11.1%).

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

(a) Application Form with supporting documents received (**Appendix I**) on 15.8.2025 and 18.8.2025

(b) Further Information (FI) received on 28.11.2025* (**Appendix Ia**)

**accepted and exempted from publication and recounting requirements*

1.5 On 10.10.2025, the Committee agreed to defer making a decision on the application for two months as requested by the applicant.

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 will not frustrate the long-term planning intention of the “AGR” zone. The applied uses are not incompatible with the surrounding land uses.

(b) The current application is the subject of an approved application (No. A/YL-PH/955) for the same applied uses. The approval conditions under the last

application (No. A/YL-PH/955) were not complied with in time due to delays in processing the Short Term Tenancy (STT) and Short Term Waiver (STW) for the applied uses, and a conflict between the original site boundary and the alignment of the Northern Link. Compared with the last application, the current application involves the same number of parking spaces and temporary structures with a reduced site area. A fresh application is submitted to regularise the revised site boundary and reflect the existing conditions at the Site.

- (c) Since the approval of application No. A/YL-PH/955, no complaint related to the Site has been received from the public or government departments, and the Site has been maintained in a good condition. There is no change to the existing operation scale and mode.
- (d) The applied uses are intended to cater for the demand for grocery of the local neighbourhood and serve the nearby residents, workers and EV drivers in the surrounding Pat Heung and Kam Tin areas. Closed-circuit television cameras will be installed around the Site to enhance security and address potential security concerns. Only licensed private cars, commercial vehicles and M/HGVs are allowed to be parked within the Site should the current application be approved.
- (e) The public vehicle park providing parking spaces with charging facilities for EVs is generally in-line with the government policy on promoting EV adoption as well as its broader goal of achieving carbon neutrality. Commercial EVs, including taxis, are also allowed to be parked at the Site. It can meet the increasing demand for EV parking with charging facilities.
- (f) The applied uses will not cause any adverse environmental, traffic and drainage impacts on the surrounding areas. Parking spaces for M/HGVs and site access are located on the southern part of the Site, at a distance from the residential structures to the north and east. Hoarding with a height of 3m will be erected along the site boundary to minimise potential nuisance to the surrounding area. The existing watercourse adjacent to the Site will not be affected. Fire service installations (FSIs) and drainage proposals have been submitted in support of the current application.

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

The applicant is not the “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. 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. Background

The Site is not subject to any active enforcement action.

5. **Previous Applications**

- 5.1. The Site is the subject of five previous applications for various uses. There are four applications (No. A/YL-PH/645, 678, 687 and 919) for temporary open storage uses and transitional housing development, with three rejected and one approved by the Committee between 2012 and 2022. Considerations of these previous applications are not relevant to the current application due to different uses involved.
- 5.2. The last previous application (No. A/YL-PH/955) submitted by the same applicant for the same uses was approved with conditions by the Committee on 11.9.2023 mainly on the considerations that the temporary approval would not frustrate the long-term planning intention of the “AGR” zone; the proposed uses 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 was subsequently revoked on 11.6.2025 due to non-compliance with approval conditions related to the implementation of the drainage and FSI proposals. Compared with the last application, the current application has the same number of parking spaces and temporary structures, and involves changes as set out in paragraph 1.3 above.
- 5.3. Details of these previous applications are summarised at **Appendix II** and the locations are shown on **Plan A-1**.

6. **Similar Applications**

There are two similar applications (No. A/YL-PH/857 and 991) for proposed temporary public vehicle park and shop and services uses with filling of land respectively within the same “AGR” zone in the vicinity of the Site in the past five years. These applications were approved with conditions by the Committee in 2021 and 2024 respectively mainly on the similar considerations as mentioned in paragraph 5.2 above. Details of these similar applications are summarised in **Appendix III** and the locations are shown on **Plan A-1**.

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

- 7.1 The Site is:
 - (a) currently hard-paved and partly used for parking of vehicles without valid planning permission; and
 - (b) accessible from Kam Tin Road via Leung Shing Road with an ingress/egress at the southwestern corner of the Site.
- 7.2 The surrounding areas are rural in character comprising mainly open storage/storage yards intermixed with vehicle parks (one with valid planning permission), a warehouse, a vehicle repair workshop, scattered residential structures, vacant land and grassland. Village settlements of Wang Toi Shan Tsoi

Yuen Tsuen (South) and Leung Uk Tsuen are located to the north and east respectively. Shek Kong Stabling Sidings and Emergency Rescue Siding of the Express Rail Link (XRL) is located to the immediate southwest.

8. Planning Intention

- 8.1 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.
- 8.2 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.

9. Comments from Relevant Government Bureau/Departments

- 9.1 Apart from the government bureau/departments as set out in paragraphs 9.2 and 9.3 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.
- 9.2 The following government bureau/department supports the application:

Policy Aspect

9.2.1 Comments of the Secretary for Environment and Ecology (SEE):

- (a) as there will be 128 private car parking spaces and eight M/HGVs parking spaces, with the provisions for 15 DC EV chargers (output power not less than 100kW) and 40 AC EV chargers (output power not less than 7kW) provided at the Site, he supports the application as the applied use of public vehicle park with EV charging facilities and proposed setup of battery swapping station, in line with their direction to support the marketing development of the related technologies;
- (b) to echo with the latest version of the Chapter 8 of the Hong Kong Planning Standards and Guidelines (HKPSG) about EV charging facilities and to support the Government’s policies in promoting the wider adoption of EVs, the applicant is suggested to comply with the relevant requirement of HKPSG, i.e. EV chargers with output power of not less than 7kW (i.e. medium chargers) should be installed in all parking spaces for private cars, light goods vehicles and motorcycles of the Site; and
- (c) advisory comments are at **Appendix V**.

Transport

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

- (a) supports the applied use of public vehicle park from traffic engineering perspective to address the local demand for parking spaces; and
- (b) advisory comments are at **Appendix V**.

9.3 The following government departments have adverse comment on or do not support the application:

Land Administration

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

- (a) has adverse comment on the planning application;
- (b) the Site comprises GL and Old Schedule Agricultural Lots 1689 S.A, 1689 S.B, 1689 S.B ss.1, 1689 S.C, 1689 S.D, 1695 and 1696 all in D.D. 111 held under the Block Government Lease which contains restriction that no structures are allowed to be erected without the prior approval of the Government;
- (c) no permission is given for occupation of GL (about 49m²) included in Site. Any occupation of GL without Government's prior approval is an offence under the Land (Miscellaneous Provisions) Ordinance (Cap. 28);
- (d) a portion of the GL (871m²) in the Site is covered by STT No. STTYL0280 for the purpose of "vehicular circulation and access ancillary to public vehicle park and ancillary uses as may be approved by DLO/YL, LandsD";
- (e) letter of approval (LoA) MT/LM 16070 was given for erection of structures for Agricultural purposes on Lots 1689 S.B, 1689 S.B ss.1, 1689 S.C and 1695 all in D.D. 111;

Unauthorized structure(s) covered by the application

- (f) there are unauthorized structure(s) on Lot 1689 S.C in D.D. 111 covered by the application. The lot owner(s) should immediately rectify/apply for regularisation on the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;

Unauthorized structure(s) and unlawful occupation of GL not covered by the application

- (g) there are unauthorized structure(s) within Lot 1689 S.A in D.D. 111 not covered by the application. The lot owner(s) should immediately rectify/apply for regularisation on the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;
- (h) the GL adjoining Lot 1689 S.A in D.D. 111 not covered by the application has been unlawfully occupied with unauthorized structure(s) without permission. Any occupation of GL without Government's prior approval is an offence under the Land (Miscellaneous Provisions) Ordinance (Cap. 28). This office reserves the rights to take necessary land control action against the unlawful occupation of GL without further notice;
- (i) the lot owner(s)/applicant shall remove the unauthorized structure(s) and cease the unlawful occupation of the GL not covered by the application immediately for the further consideration by the relevant departments and, subject to the approval of the Board to the application which shall have reflected the rectification or amendment as aforesaid required, apply to his office for a modification of the STT conditions where appropriate and the lots owner(s) shall apply to his office for the STWs to permit the structure(s) erected within the private lots. The application(s) for STWs and STT will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STWs and STT, if approved, will be subject to such terms and conditions including the payment of waiver fee, rent and administrative fee as considered appropriate by LandsD. In addition, LandsD reserve the right to take enforcement action against the lot owner(s)/applicant for any breach of the lease conditions, including the breach(es) already in existence or to be detected at any point of time in future and land control action for any unlawful occupation of GL; and
- (j) advisory comments are at **Appendix V**.

Environment

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

- (a) does not support the application from environmental planning perspective 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 17.4m to the east of the Site) and the applied uses involve the use of parking spaces for M/HGV which is considered as 'heavy vehicle'. 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;
- (d) regarding the public comment on the environmental pollution issues arising from the installation and operation of EV charging facility at the Site, should the planning application be approved, the applicant shall make reference to “Recommended Pollution Control Clauses” to implement suitable mitigation measures and good site practice to minimise potential environmental impacts during construction. Also, it is reminded that the construction and operation of the applied uses is subject to statutory control of relevant pollution control ordinances including the Air Pollution Control Ordinance (Cap. 311); and
- (e) advisory comments are at **Appendix V**.

Agriculture and Nature Conservation

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

- (a) does not support the application from agricultural perspective as the Site falls within the “AGR” zone and is generally paved land and agricultural infrastructures such as road access and water source are available, the Site can be used for agricultural activities such as greenhouses and plant nurseries;
- (b) no comment on the application from nature conservation perspective; and
- (c) advisory comments are at **Appendix V**.

10. Public Comments Received During Statutory Publication Period

On 22.8.2025, the application was published for public inspection. During the statutory public inspection period, two public comments from individuals were received. One comment objected to the application mainly on the grounds that the applied uses would cause adverse impacts on environmental, noise, traffic, sewerage and fire safety aspects to the surrounding areas; and there is insufficient information on the security measures to be adopted. Another comment expressed concerns that the previous planning permission had been revoked due to non-compliance with approval conditions related to drainage and fire safety, and the filling of a large area of land may cause flood risks under current weather conditions (**Appendix VI**).

11. Planning Considerations and Assessments

- 11.1 The application is for temporary shop and services (convenience store) and public vehicle park (excluding container vehicle) with ancillary facilities and associated filling of land for a period of three years at the Site zoned “AGR” (**Plan A-1**). Whilst the applied uses are not in line with the planning intention of the “AGR” zone and DAFC does not support the application from agricultural perspective, the applicant claims that the applied uses are intended to serve the nearby residents, workers and EV drivers. SEE is in support of the application as the applied use of public vehicle park with EV charging facilities and proposed setup of battery swapping station which is in line with Government’s direction to support the marketing development of the related technologies, and C for T also supports the application for addressing the local parking demand. Taking into account the above and the planning assessments below, there is no objection to the applied uses with associated filling of land on a temporary basis for a period of three years.
- 11.2 Filling of land within the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department (CE/MN of DSD), who also considered the submitted drainage proposal acceptable, has no objection to the application from public drainage perspective and DEP has no objection to the 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.
- 11.3 The applied uses are considered not incompatible with the surrounding areas which are rural in character comprising mainly open storage/storage yards intermixed with vehicle parks, a warehouse, a vehicle repair workshop, vacant land, grassland and residential structures/village settlements, as well as the Shek Kong Stabling Sidings and Emergency Rescue Siding of the XRL. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective and considers that significant adverse landscape impact arising from the applied uses is not anticipated.
- 11.4 While DEP does not support the application as the applied uses involve the use of heavy vehicles and environmental nuisance on the sensitive receivers (i.e. residential structures) in the vicinity of the Site is expected, no substantiated environmental complaint concerning the Site was received in the past three years. To minimise possible nuisance, the applicant will erect hoarding along the boundary of the Site on all sides, locate the parking spaces for M/HGVs as well as the vehicular access through Leung Shing Road near the southern part of the Site which is at a distance from the residential structures/village settlements to the north and east, and restrict container vehicles and vehicles exceeding 26 tonnes from entering or parking at the Site. Should the Committee decide to approve the application, it is recommended to advise the applicant to follow the latest ‘CoP’ to minimise the potential environmental nuisance on the surrounding areas. Regarding DLO/YL, LandsD’s concerns on the unauthorized structure(s) within the Site, the applicant

will be advised to liaise with LandsD on these land administration matters should the application be approved by the Committee.

- 11.5 Other relevant government departments consulted, including the Director of Fire Services, have no objection to or no adverse comment on the application. To address the technical requirements of the concerned departments, relevant approval conditions are recommended in paragraph 12.2 below.
- 11.6 The Site is the subject of one previous application submitted by the same applicant for same uses which was approved with conditions by the Committee in September 2023, and the planning permission was subsequently revoked in June 2025 due to non-compliance with approval conditions as mentioned in paragraph 5.2 above. In this regard, the applicant has submitted drainage and FSIs proposals in support of the current application and the concerned departments have no objection to or no adverse comment on the application. Sympathetic considerations may be given to the current application. Should the application be approved, the applicant will be advised that sympathetic consideration may not be given to any further applications should it fail to comply with any of the approval conditions again resulting in revocation of planning permission. Besides, there are two similar applications within the same “AGR” zone in the vicinity of the Site approved by the Committee in the past five years as detailed in paragraph 6 above. Approving the current application is in line with the Committee’s previous decisions.
- 11.7 Regarding the public comments mentioned in paragraph 10 above, the departmental comments and planning assessments above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and taking into account the public comments mentioned in paragraph 10 above, PlanD 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 three years until 23.1.2029. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) the implementation of the accepted 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 23.10.2026;
- (b) in relation to (a) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (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 23.7.2026;

- (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 23.10.2026;
- (e) if the above planning condition (b) 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 (a), (c), 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; and
- (g) upon expiry of the planning permission, the reinstatement 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 V**.

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

the applied uses with associated filling of land are 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 purpose. There is no strong planning justification in the submission for 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

Appendix I	Application Form and supporting documents received on 15.8.2025 and 18.8.2025
Appendix Ia	FI received on 28.11.2025
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
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
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
JANUARY 2026**