

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

**APPLICATION NO. A/YL-KTN/965**

<b><u>Applicant</u></b>	: Chief Force Limited
<b><u>Site</u></b>	: Lots 422 S.C RP (Part) and 422 RP (Part) in D.D. 110, Pat Heung, Yuen Long, New Territories
<b><u>Site Area</u></b>	: about 1,280 m <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 (currently in force)  Draft Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/10 (at the time of submission) [No change to the zoning of the application site on the OZP]
<b><u>Zoning</u></b>	: “Agriculture” (“AGR”)
<b><u>Application</u></b>	: Temporary Open Storage of Vehicles and Vehicle Parts for Export for a Period of 3 Years and Filling of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary open storage of vehicles and vehicle parts for export for a period of 3 years and filling of land. The Site falls within the “AGR” zone on the Kam Tin North OZP (**Plan A-1**). 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 within “AGR” zone also requires planning permission from the Board. The Site is currently paved, fenced and used for the applied use with valid planning permission under application No. A/YL-KTN/729 (**Plans A-2 to A-4**).
- 1.2 According to the applicant, two structures of 1 to 2-storey (not more than 5.4m high) will be erected at the Site for staff common room, office and meeting room with a total floor area of about 198m<sup>2</sup>. Three parking spaces for private cars and a loading/unloading bay for light goods vehicle will be provided. The applicant also applies for regularisation of filling of land for the whole Site by 0.05m in depth with

concrete. The proposed operation hours are from 9a.m. to 6p.m. from Mondays to Saturdays, and no operation on Sundays and public holidays. The Site is accessible from Kam Tin Road via a local track. The site layout plan submitted by the applicant is at **Drawing A-1**.

- 1.3 The Site involves in five previous applications for the same applied use, which were all approved with conditions by the Rural and New Town Planning Committee (the Committee) between 2010 and 2020 (details are at paragraph 6 below). The last approved application No. A/YL-KTN/729 was submitted by the same applicant as the current application, and the planning permission is valid until 22.12.2023. The relevant approval conditions have been complied with. The current application is submitted mainly due to reduction in site area, changes in layout and development parameters including gross floor area (GFA), building height (BH) and number of structures. A comparison of the major development parameters of the current application with application No. A/YL-KTN/729 is summarised below:

<b>Parameters</b>	<b>Previous Application No. A/YL-KTN/729 (a)</b>	<b>Current Application No. A/YL-KTN/965 (b)</b>	<b>Difference (b) - (a)</b>
Site Area	About 2,049.66 m <sup>2</sup>	About 1,280 m <sup>2</sup>	-769.66 m <sup>2</sup> (-38%)
GFA	About 2,402.7 m <sup>2</sup>	About 198 m <sup>2</sup>	- 2,204.7 m <sup>2</sup> (-92%)
BH	1 to 3 storeys (not more than 7m)	1 to 2 storeys (not more than 5.4m)	- 1 storey (- 1.6m)
No. of Structures	6	2	- 4 (-67%)
Parking Spaces	3 for private cars & 1 for loading/unloading bay for light goods vehicle	3 for private cars & 1 for loading/unloading bay for light goods vehicle	No change

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

- (a) Application form with supplementary information received (**Appendix I**) on 30.10.2023
- (b) Further Information (FI) received on 30.11.2023 and (**Appendix Ia**) 12.12.2023\*

*\* 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, the supplementary information and FI at **Appendices I** and **Ia**. They can be summarized as follows:

- (a) The application is for the same use as the previously approved application (No. A/YL-KTN/729). No adverse comment from government departments nor local objection was received during the last planning approval period. As compared with the previous application, there is no change in terms of land use and the Site has been maintained in good condition. The reason for the change in layout and development parameters in the current application is due to the termination of the tenancy of some lots covered by the previously approved application.
- (b) The applied use is temporary in nature and will not jeopardize the long-term planning intention of the “AGR” zone. Landscape, drainage facilities and fire service installations within the Site will be properly maintained. No tractor and vehicle exceeding 5.5 tonnes will be allowed to enter the Site and no workshop activities will be involved within the Site.

### **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 Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by posting site notice and sending registered mail 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 enforcement action. Subject to collection of sufficient evidence, appropriate enforcement action under the Town Planning Ordinance would be undertaken.

### **5. 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. Relevant extracts of the Guidelines are attached at **Appendix II**.

### **6. Previous Applications**

- 6.1 The Site involves five previous planning applications (No. A/YL-KTN/341, 364, 452, 578 and 729) for the same applied use as the current application. All the applications were approved with conditions by the Committee between 2010 and 2020 for 1 year or 3 years mainly on the considerations that the applied use was not incompatible with the surrounding land uses; the temporary nature of the applied use would not jeopardize the long-term planning intention; relevant departments consulted generally

had no adverse comment on the application or their technical concerns could be addressed by appropriate 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 permission under application No. A/YL-KTN/341 was revoked in 2010 due to non-compliance with approval conditions. The approval conditions for the last application No. A/YL-KTN/729 submitted by the same applicant as the current application have been complied with and the planning permission is valid until 22.12.2023.

- 6.2 Details of the previous applications are summarized in **Appendix III** and their locations are shown on **Plan A-1**.

## **7. Similar Applications**

- 7.1 There are six similar applications (No. A/YL-KTN/654, 704, 706, 893 and 906; and A/YL-PH/960), involving four sites, for various temporary open storage uses (including renewal of temporary planning approval) within /straddling the same “AGR” zone on the Kam Tin North in the vicinity of the Site in the past 5 years. All applications were approved by the Committee between May 2019 and September 2023 on similar considerations as stated in paragraph 6.1 above. The planning permission under application No. A/YL-KTN/654 was revoked in June 2019 due to non-compliance with approval conditions.
- 7.2 Details of the similar applications are summarized in **Appendix III** and their locations are shown on **Plan A-1**.

## **8. The Site and Its Surrounding Area (Plans A-2 to A-4)**

- 8.1 The Site is:
- (a) paved, fenced and currently used as the applied use with valid planning permission under application No. A/YL-KTN/729; and
  - (b) accessible from Kam Tin Road via a local track.
- 8.2 The surrounding areas are rural in character mainly intermixed with open storage/storage yards (including one site with valid planning permission under application No. A/YL-KTN/893), warehouses/storages (involving one site with valid planning permission under application No. A/YL-KTN/872), vehicle repair workshop, shops, plant nursery and residential structures/dwellings. The low-rise residential development (namely Seasons Villas (四季雅苑)) is located to the south across Kam Tai Road and Kam Tin North River.

## **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, as filling of land/pond 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 department 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 are provided in Appendices IV and V respectively.
- 10.2 The following government department does not support the application:

### **Agriculture and Nature Conservation**

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 and is generally used as an open storage. The agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses and plant nurseries; and
- (c) no comment on the application from nature conservation perspective.

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

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 vehicles and vehicle parts for export for a period of 3 years and filling of land at the Site zoned “AGR” (**Plan A-1**). The planning intention of the “AGR” zone is primarily to retain and safeguard good 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. Whilst the applied use is not in line with the planning intention of “AGR” zone and DAFC does not support the application from agricultural perspective, taking into account the planning assessments below, the applied use on a temporary basis of 3 years could be tolerated.

- 12.2 Filling of land within the “AGR” zones require 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) and the Director of Environmental Protection (DEP) have no adverse comment on the applied filling of land from drainage and environmental perspectives. An approval condition requiring the reinstatement of the Site to an amenity 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 intermixed with open storage/storage yards, warehouses and low-rise residential structures/dwellings. The Chief Town Planner/Urban Design and Landscape, Planning Department considers that significant adverse landscape impact arising from the applied use is not anticipated and has no objection to the application from landscape planning perspective.
- 12.4 The Site Falls within Category 2 areas under TPB PG-No. 13G. The following considerations in the Guidelines are relevant:
- Category 2 areas: planning permission could be granted on a temporary basis up to a maximum period of 3 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 applied use 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 relevant departments consulted including the Commissioner for Transport, DEP, CE/MN of DSD and the Director of Fire Services have no objection to or no adverse comments on the application. To address the technical requirements of concerned government departments, relevant approval conditions are recommended in paragraph 13.2 below. The applicant will also be advised to follow the revised ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by DEP to minimise the possible environmental nuisance generated by the applied use.
- 12.6 The Site involves five approved previous applications for temporary open storage uses. The last approved application (No. A/YL-KTN/729) for the same applied use was submitted by the same applicant and the planning permission is valid until 22.12.2023. The current application is of a smaller development scale. In addition, there are six approved similar applications for various temporary open storage uses in the vicinity in the past 5 years as detailed in paragraph 7 above. 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, the Planning Department considers that the applied use could be tolerated for a period of three years.
- 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 22.12.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### Approval conditions

- (a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities, shall be carried out on the site at any time during the planning approval period;
- (d) no 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;
- (e) 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 22.6.2024;
- (f) in relation to (e) above, the implementation of the 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 22.9.2024;
- (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 provision of fire extinguisher(s) with a valid fire certificate (FS 251) 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 2.2.2024;
- (i) 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 22.6.2024;
- (j) in relation to (i) 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 22.9.2024;
- (k) if any of the above planning condition (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;

- (l) if any of the above planning condition (e), (f), (h), (i) or (j) 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
- (m) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

#### Advisory clauses

The recommended advisory clauses are attached 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 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. This zone is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning justification has been 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 supplementary information received on 30.10.2023
<b>Appendix Ia</b>	FI received on 30.11.2023 and 12.12.2023
<b>Appendix II</b>	Relevant Extract of TPB PG-No. 13G
<b>Appendix III</b>	Previous and similar applications
<b>Appendix IV</b>	Government department's 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>Plan A-1</b>	Location plan with similar applications
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plan A-4</b>	Site photos

**PLANNING DEPARTMENT**  
**December 2023**