

RNTPC Paper No. A/YL-KTS/951  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 31.3.2023

---

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL**  
**FOR TEMPORARY USE**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-KTS/951**

- Applicant** : Chief Force Limited
- Site** : Lot 1280 RP (Part) in D.D. 106 and Adjoining Government Land, Kong Ha Wai, Kam Sheung Road, Pat Heung, Yuen Long
- Site Area** : About 3,670 m<sup>2</sup> (including about 13.8m<sup>2</sup> of government land (about 0.4%))
- Land Status** : (i) Block Government Lease (demised for agricultural use) (about 99.6% of the Site)  
(ii) Government Land (GL) (about 0.4% of the Site)
- Plan** : Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
- Zoning** : “Residential (Group D)” (“R(D)”) [maximum plot ratio of 0.2 and building height of 2 storeys (6m)]
- Application** : Renewal of Planning Approval for Temporary Open Storage of Construction Materials with Ancillary Site Office and Staff Restrooms for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning permission to use the application site (the Site) for temporary open storage of construction materials with ancillary site office and staff restrooms for a period of 3 years. The Site falls within an area zoned “R(D)” on the OZP. According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of 3 years requires planning permission from the Town Planning Board (the Board). The Site is currently fenced off and paved, and used for the applied use with valid planning permission under Application No. A/YL-KTS/844 (**Plans A-2 to A-4b**).
- 1.2 According to the applicant, five single storey structures with a total floor area of about 455m<sup>2</sup> and building height of about 2.5m are erected within the Site for site office, storage, staff restroom and toilet uses. No dismantling, maintenance,

repairing, cleansing, paint spraying or other workshop activities would be carried out at the Site. The operation hours are between 9:00 a.m. and 6:00 p.m. from Mondays to Saturdays, and there is no operation on Sundays and public holidays. No medium and/or heavy goods vehicles exceeding 5.5 tonnes will be used for operation of the development. The Site is accessible from Kam Sheung Road / Kam Shui Road via a local track. The site layout plan submitted by the applicant is at **Drawing A-1**.

- 1.3 The Site is involved in eleven previous applications for various temporary open storage uses (details at paragraph 6 below). When compared with the last approved application (No. A/YL-KTS/844), the current application submitted by the same applicant is the same in terms of the applied use, site area/ boundary, layout and major development parameters. All the approval conditions for application No. A/YL-KTS/844 are complied with.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application form with supplementary information (**Appendix I**)  
(SI) received on 7.2.2023
  - (b) Supplementary planning statement (**Appendix Ia**)
  - (c) Further information (FI) received on 20.2.2023 (**Appendix Ib**)
  - (d) FI received on 16.3.2023 (**Appendix Ic**)

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the application form, SI, supplementary planning statement and FIs at **Appendices I to Ic**. They can be summarised as follows:

- (a) The development is temporary in nature and will not jeopardize the long-term planning intention of the “R(D)” zone.
- (b) The application is for renewal of the previous application (No. A/YL-KTS/844) approved by the Rural and New Town Planning Committee (the Committee) in 2020. No local objection nor adverse departmental comments were received in the previous application. All the approval conditions for the previous application have been complied with.
- (c) The development will not induce adverse traffic, environmental, drainage impacts nor fire safety concern. The applicant will make every effort in complying with the approval conditions should the application be approved.

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

The applicant is not a “current land owner” 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. 31A) by posting notice at the Site and sending notification letter to the Pat Heung Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion of the Site, the requirements as set out in TPB PG-No. 31A are not applicable.

**4. Town Planning Board Guidelines**

- 4.1 The Town Planning Board Guidelines for ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ (TPB PG-No. 34D) are relevant to this application. The relevant assessment criteria are attached at **Appendix II**.
- 4.2 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. 13F) promulgated on 27.3.2020 are relevant to the application. The Site is within Category 3 area. The relevant extract of the Guidelines is at **Appendix III**.

**5. Background**

The Site is currently not subject to any active planning enforcement action.

**6. Previous Applications**

- 6.1 The Site was involved in eleven previous applications (No. A/DPA/YL-KTS/92, A/YL-KTS/97, 144, 222, 266, 290, 408, 528, 637, 730 and 844) for various temporary open storage uses and renewal of the planning approval granted by the Committee.
- 6.2 All applications were approved by the Committee between 1994 and 2020 for the reasons that the developments were not incompatible with the surrounding land uses; temporary planning permission would not frustrate the long-term planning intention; the developments were generally in line with the then Town Planning Board Guidelines on application for open storage and port back-up uses and the Town Planning Board Guidelines for renewal of planning approval for temporary use or development. However, applications No. A/YL-KTS/222

and 226 were subsequently revoked in 2001 and 2002 respectively due to non-compliance with approval conditions.

- 6.3 Compared with the last approved Application No. A/YL-KTS/844, the current application submitted by the same applicant is the same in terms of the applied use, site area / boundary, layout and major development parameters. The planning permission is valid until 26.5.2023 and all the approval conditions are complied with.
- 6.4 Details of the previous applications are summarised in **Appendix IV** and the locations are shown on **Plan A-1b**.

## **7. Similar Applications**

- 7.1 There are seven similar applications (No. A/YL-KTS/776, 794, 804, 880, 883, 886 and 907), involving four separate sites, for various temporary open storage uses within the “R(D)” zone in the vicinity of the Site in the past 5 years. All applications were approved with conditions by the Committee between March 2018 and November 2021 on similar grounds as stated in paragraph 6.2 above. However, the planning permission of Application No. A/YL-KTS/794 was revoked in January 2021 due to non-compliance with approval conditions.
- 7.2 Details of the 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) currently fenced off and paved, and used for the applied use with valid planning permission under Application No. A/YL-KTS/844; and
  - (b) accessible from Kam Sheung Road / Kam Shui Road via a local track.
- 8.2 The surrounding areas have the following characteristics:
- (a) to its north, south and west are open storage/ storage yards (including one with valid planning permission under Application No. A/YL-KTS/907), parking of vehicles, residential dwellings/ structures, fallow agricultural land and vacant land;
  - (b) to its east are the mitigation planting areas for the Kam Tin Main Drainage Channel project (**Plan A-2**) and a nullah, and to the further east across the nullah is the village settlement of Kam Tsin Wai in an area

zoned “Village Type Development”; and

- (c) to its further southwest are a transition housing development namely the “Pok Oi Kong Ha Wai Village” (博愛江夏圍村) with valid planning application No. A/YL-KTS/847.

## **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**

All government 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 V** and **VI** respectively.

## **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 renewal of planning permission for temporary open storage of construction materials with ancillary site office and staff restrooms for a period of three years at the Site zoned “R(D)”. The development 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. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board. Nevertheless, there is no known proposal for long-term development at the Site. It is considered that approval of the application on a temporary basis for a further period of 3 years would not frustrate the long-term planning intention of the “R(D)” zone.
- 12.2 The development is considered not incompatible with the surrounding land uses, which are mainly rural in character intermixed with open storage/ storage yards, parking of vehicles, transitional housing, residential dwellings/ structures, fallow agricultural land and vacant land. Similar applications for temporary

open storage uses are approved by the Committee in its vicinity (**Plan A-1a**).

- 12.3 The Site falls within Category 3 areas under the TPB PG-No. 13F. The following considerations in the Guidelines are relevant:

Category 3 areas: applications would normally not be favourably considered unless the applications are on sites with previous planning approvals (irrespective of whether the application is submitted by the applicant of previous approval or a different applicant). Sympathetic consideration may be given if genuine efforts have been demonstrated in compliance with approval conditions of the previous planning applications and relevant technical assessments/proposals have been included in the fresh applications, if required, to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. 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, planning permission could be granted on a temporary basis up to a maximum period of 3 years.

- 12.4 The application is generally in line with the TPB PG-No. 13F and 34D in that previous approvals for open storage use at the Site were granted since 1994 and all approval conditions under the last approved application No. A/YL-PH/844 have been complied with. The current application submitted by the same applicant is the same as the last approved application in terms of the use, site area/ boundary, layout and major development parameters. Relevant departments consulted have no adverse comment on the application and there is no local objection received against the renewal application as conveyed by DO(YL). As there is no major change in planning circumstances since the last approval, sympathetic consideration could be given to the current application.
- 12.5 Concerned departments consulted have no adverse comment on/ no objection to the application. To minimise the potential environmental nuisances/ technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 13.2 below. Whilst DEP received an environmental complaint case regarding noise aspect at the Site in the past three years, the applicant undertakes to comply with all the approval conditions should the renewal application is approved by the Committee. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorised development at the Site will be subject to enforcement action by the Planning Authority. The applicant will also be advised to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by DEP.
- 12.6 There are seven similar applications for temporary open storage uses within the "R(D)" zone in the vicinity of the Site approved by the Committee in the past 5 years. Approval of the current renewal 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 3 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 3 years and be renewed from 27.5.2023 until 26.5.2026. 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 are allowed on the Site at any time during the planning approval period;
- (d) no medium or heavy goods 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 existing boundary fence on the Site shall be maintained at all times during the planning approval period;
- (f) no disturbance to the mitigation planting areas along the eastern boundary of the Site at any time during the planning approval period;
- (g) the existing drainage facilities implemented on the Site shall be maintained at all times during the planning approval period;
- (h) the existing fire service installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period;
- (i) the submission of condition records of the existing drainage facilities on the Site within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 27.8.2023;

- (j) if any of the above planning condition (a), (b), (c), (d), (e), (f), (g) or (h) 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
- (k) if the above planning condition (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.

*[The above approval conditions are the same as those under the previous Application No. A/YL-KTS/844, except those on conditions related to the traffic aspect, based on latest comments from C for T.]*

Advisory clauses

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

- 13.3 There is no strong reason to recommend rejection of the renewal application.

**14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission for renewal of the planning application.
- 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 7.2.2023 |
| <b>Appendix Ia</b> | Supplementary planning statement                                     |
| <b>Appendix Ib</b> | FI received on 20.2.2023   |
| <b>Appendix Ic</b> | FI received on 16.3.2023   |
| <b>Appendix II</b> | Relevant extract of TPB PG-No. 34D                                   |



|                              |  |
|------------------------------|--|
| <b>Appendix III</b>          | Relevant extract of TPB PG-No. 13F       |
| <b>Appendix IV</b>           | Previous and similar applications        |
| <b>Appendix V</b>            | Government departments' general comments |
| <b>Appendix VI</b>           | Recommended advisory clauses             |
| <b>Drawing A-1</b>           | Site layout plan                         |
| <b>Plan A-1a</b>             | Location plan with similar applications  |
| <b>Plan A-1b</b>             | Previous application plan                |
| <b>Plan A-2</b>              | Site plan                                |
| <b>Plan A-3</b>              | Aerial photo                             |
| <b>Plans A-4a &amp; A-4b</b> | Site photos                              |

**PLANNING DEPARTMENT  
MARCH 2023**