

RNTPC Paper No. A/YL-PH/1001  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 10.5.2024

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

**APPLICATION NO. A/YL-PH/1001**

**Applicant** : Chief Force Limited

**Site** : Lots 2901 (Part), 2902 (Part), 2904 (Part), 2905 (Part), 2909 (Part) and 2911 (Part) in D.D. 111 and Adjoining Government Land (GL), Pat Heung, Yuen Long

**Site Area** : About 2,162m<sup>2</sup> (including about 298.5m<sup>2</sup> of GL (about 14%))

**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)”)

**Application** : Renewal of Planning Approval for Temporary Open Storage of Construction Material and Vehicle Parts for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning permission for temporary open storage of construction material and vehicle parts for a period of three years at the application site (the Site) which falls within an area zoned “R(D)” on the Pat Heung OZP (**Plan A-1a**). According to the covering Notes of the OZP, temporary use of any land not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use with valid planning permission under the previous application No. A/YL-PH/881. All the approval conditions had been complied with and the planning permission is valid until 19.6.2024.
- 1.2 According to the applicant, the applied use involves three structures with building heights of not more than 6m and a total floor area of 420m<sup>2</sup> for ancillary office, staff resting room and E&M facilities. One loading/unloading space for light goods vehicle is provided at the Site. The operation hours are from 9:00 a.m. to 6:00 p.m. from Mondays to Saturdays with no operation on Sundays and public holidays. The Site is accessible from Kam Tin Road via local tracks (**Plan A-1a**). The layout plan as submitted by the applicant is at **Drawing A-1**.

- 1.3 The Site is the subject of ten previous applications (see details under paragraph 6 below). Compared with the last approved application No. A/YL-PH/881, the current application is submitted by the same applicant and is the same in terms of the applied use, site area/boundary and major development parameters except with slight changes to the layout with rearranged disposition of the structures.
- 1.4 In support of the application, the applicant has submitted the following document:  
Application form with supplementary information received on (Appendix I)  
12.3.2024

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

The justifications put forth by the applicant in support of the application are detailed in the application form and supplementary information at **Appendix I**. They can be summarised as follows:

- (a) The current application is a renewal application to the last approved application No. A/YL-PH/881 with no major change in the proposal. There was no complaint from government departments and nearby residents during the approval period in the last application and the Site has been kept in good condition.
- (b) The applied use is temporary in nature. No dismantling, maintenance, repairing, cleansing, paint spraying, and other workshop activities would be carried out at the Site.
- (c) Temporary structures erected at the Site would only be used for ancillary office and staff resting purposes during operation hours. No staff will stay overnight and the Site will not be used for domestic purpose.
- (d) Existing drainage facilities and fire service installations (FSIs) facilities at the Site would be maintained in order.

## **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. 31B) by posting site notice and sending notices to the Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Member’s inspection. For the GL portion, the “Owner’s Consent/Notification” Requirements are not applicable.

## **4. Town Planning Board Guidelines**

- 4.1 The Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No. 13G) promulgated by the Board on 14.4.2023 are relevant to the application. The Site falls within the Category 2 areas under TPB PG-No. 13G. The relevant extract of the Guidelines is attached at **Appendix II**.

- 4.2 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 also relevant to this application. The relevant extract of the Guidelines is attached at **Appendix III**.

## 5. **Background**

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

## 6. **Previous Applications**

- 6.1 The majority part of the Site is involved in ten previous applications for various temporary open storage uses. Application No. A/YL-PH/161 for temporary open storage of goods vehicles and goods vehicle repairing workshop was rejected by the Rural and New Town Planning Committee (the Committee) of the Board in 1998 mainly on the grounds that the development was not in line with the planning intention of the “R(D)” zone; there was no information to demonstrate that the development would not have adverse drainage impact on the surrounding areas; and there was no justification to allow open storage uses to proliferate in the “R(D)” zone.
- 6.2 The other nine applications (No. A/YL-PH/302, 382, 440, 560, 613, 641, 716, 776 and 881) for temporary open storage uses (including two renewals of temporary permissions) were all approved by the Committee or the Board on review between 1999 and 2021, mainly on the considerations that temporary approval would not jeopardise the long term planning intention; the development was not incompatible with the surrounding land uses; there was no adverse comment from concerned departments; and the development complied with the Town Planning Board Guidelines for application for open storage and port back-up uses. The planning permissions under applications No. A/YL-PH/302, 560 and 613 were revoked in 2000, 2008 and 2011 respectively due to non-compliance with the approval conditions.
- 6.3 Compared with the last approved application No. A/YL-PH/881, the current application is the same in terms of site area/boundary and major development parameters except with slight changes to the layout. All the approval conditions under application No. A/YL-PH/881 have been complied with and the planning permission is valid until 19.6.2024.
- 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 nine similar applications, involving five sites, for temporary open storage (including three renewals of temporary permissions) within/straddling the same “R(D)” zone in the vicinity of the Site in the past five years. Application No. A/YL-

PH/821 was rejected by the Committee in 2019, mainly on the grounds that the development was not in line with the planning intentions of “Agriculture” (“AGR”) and “R(D)” zones; and the application did not comply with the then Town Planning Board Guidelines for application for open storage and port back-up uses.

- 7.2 The other eight similar applications (No. A/YL-PH/810, 814, 831, 878, 910, 923, 937 and 942) were approved with conditions by the Committee between 2019 and 2023, on the similar considerations as stated in paragraph 6.2 above. The planning permissions under applications No. A/YL-PH/810 and 923 were revoked in 2021 and 2022 respectively due to non-compliance with the approval conditions.
- 7.3 Details of the similar 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-4)**

8.1 The Site is:

- (a) currently fenced-off, paved, erected with temporary structures, and used for the applied use with valid planning permission under application No. A/YL-PH/881; and
- (b) accessible from Kam Tin Road via local tracks.

8.2 The surrounding areas are mainly rural in character intermixed with open storage/storage yards (including two sites with valid planning permissions under applications No. A/YL-PH/910 and 942), residential structures/dwellings (the nearest in about 30m to the west), grassland and workshops. Except for the sites of applications No. A/YL-PH/910 and 942, the open storage/storage yards and workshops are without valid planning permission.

## **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 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 publication 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 and vehicle parts for a period of three years at the Site zoned “R(D)” (**Plan A-1a**). 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. The applied use is not in line with the planning intention of the “R(D)” zone. Nevertheless, there is no known long-term development at the Site. It is considered that approval of the application on a temporary basis for a further period of three years would not frustrate the long-term planning intention of the “R(D)” zone.

12.2 The applied use is not incompatible with the surrounding land uses which are intermixed with open storage/storage yards, residential structures/dwellings and workshops. The Chief Town Planner/Urban Design & Landscape considers that no significant landscape impact arising from the applied use is anticipated.

12.3 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 three 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 proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas.

12.4 The application is generally in line with TPB PG-No. 13G as well as TPB PG-No. 34D in that the relevant departments consulted, including the Commissioner for Transport, the Director of Environmental Protection (DEP), the Chief Engineer/Mainland North of the Drainage Services Department and the Director of Fire Services have no objection to or no adverse comment on the application; all the approval conditions of the last permission under application No. A/YL-PH/881 had been complied with; the renewal of planning approval period sought is of the same time frame as the previous approval; and there has been no material change in the planning circumstances since the granting of the previous approval. To address the technical requirements of concerned departments, appropriate 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.

- 12.5 There are nine approved pervious applications and eight approved similar applications for temporary open storage uses as stated in paragraphs 6.2 and 7.2 above. The planning circumstances of the rejected previous application and the rejected similar application as mentioned in paragraphs 6.1 and 7.1 are different from the current application in that there was no information to demonstrate that the development would not have adverse impact or the application did not comply with the then Town Planning Board Guidelines for application for open storage and port back-up uses. 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 further 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 and be renewed from 20.6.2024 to 19.6.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### Approval conditions

- (a) 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;
- (b) no dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities shall be carried out on the site at any time during the planning approval period;
- (c) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) the existing fire service installations implemented on the site shall be maintained in efficient working order at all times during the planning approval period; and
- (e) if any of the above planning condition (a), (b), (c), or (d) 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.

*[The above approval conditions are the same as those under the last approved planning Application No. A/YL-PH/881, except deletion/revision to the conditions on operation, traffic and drainage aspects based on the latest comments from relevant departments.]*

### 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 approval.

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 12.3.2024
<b>Appendix II</b>	Relevant extract of TPB PG-No. 13G
<b>Appendix III</b>	Relevant extract of TPB PG-No. 34D
<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 and 4b</b>	Site photos