

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

**APPLICATION NO. A/YL-PH/1010**

<b><u>Applicant</u></b>	:	Chief Force Limited
<b><u>Site</u></b>	:	Lots 101 S.J (Part), 179 S.A RP (Part), 179 S.E RP (Part) and 179 S.D & S.F & S.G & S.I (Part) in D.D. 111 and Adjoining Government Land (GL), Pat Heung, Yuen Long
<b><u>Site Area</u></b>	:	About 1,018m <sup>2</sup> (including GL of about 43m <sup>2</sup> (4.2%))
<b><u>Lease</u></b>	:	Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	:	Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
<b><u>Zoning</u></b>	:	“Residential (Group D)” (“R(D)”)
<b><u>Application</u></b>	:	Renewal of Planning Approval for Temporary Open Storage of Goods Vehicles for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning permission for temporary open storage of goods vehicles for a period of three years at the application site (the Site) which falls within an area zoned “R(D)” on the approved Pat Heung OZP No. S/YL-PH/11 (**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/883. All the approval conditions had been complied with and the planning permission is valid until 17.7.2024.
- 1.2 According to the applicant, the applied use involves a two-storey structure with building height of 4.5m and total floor area of about 55m<sup>2</sup> at the north-eastern corner of the Site for ancillary staff resting room and office. The remaining open area will be mainly used for storing a maximum of 18 light goods vehicles and seven medium goods vehicles as well as manoeuvring space. One private car parking space for visitors will also be 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 Fan Kam Road via a short section of local track (**Plans A-1a and A-2**). The ingress/egress of the Site is at the

south-western corner. The layout plan submitted by the applicant is at **Drawing A-1**.

- 1.3 The Site, in part or in whole, is involved in eight previous applications (details under paragraph 6 below). Compared with the last approved application No. A/YL-PH/883, 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 but with a slight adjustment to the layout.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application form with supplementary information received (**Appendix I**) on 24.4.2024
  - (b) Further Information (FI) received on 18.6.2024\* (**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, supplementary information and FI at **Appendices I** and **Ia**. They can be summarised as follows:

- (a) The current application is for renewal of planning permission under the last application No. A/YL-PH/883 with no major change in the proposal. There had been no complaint from government departments, and the applicant had complied with all the planning approval conditions.
- (b) The applied use is temporary in nature. No dismantling, maintenance, repairing, cleaning, paint-spraying or workshop-related activity will be carried out at the Site. The goods vehicles will be stored at the Site for sale and will not involve frequent movement. The private car parking space is for the use of visitors. No significant adverse traffic impact is anticipated. The existing drainage and fire service installations (FSIs) facilities implemented at the Site would also be maintained. No structure, storage or car parking would encroach on the waterworks reserve area along the western boundary of the Site (**Drawing A-1**).

## **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 notice 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 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 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 Site, in part or in whole, is involved in eight previous applications (No. A/YL-PH/305, 381, 494, 574, 646, 718, 781 and 883) for various temporary open storage uses since it has been zoned “R(D)”.
- 6.2 Application No. A/YL-PH/494 was rejected by the Board on review in 2005 mainly on the grounds that the proposed use was not in line with the planning intention of the “R(D)” zone; it did not comply with the then TPB PG-No. 13D in that the proposed use was not compatible with the surrounding land uses; and there was insufficient information to demonstrate that the proposed use would not have adverse environmental impacts.
- 6.3 Seven other applications (including two renewals of temporary approvals) were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board or the Board on review between 1999 and 2021, mainly on the considerations that temporary approval would not frustrate the long-term planning intention of the “R(D)” zone; the proposed use was not incompatible with the surrounding land uses; there was no adverse departmental comment or their technical concerns could be addressed by relevant approval conditions; and the proposed use complied with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses. The planning permission under application No. A/YL-PH/305 was subsequently revoked in 2000 due to non-compliance with the approval conditions.
- 6.4 Compared with the last approved application No. A/YL-PH/883, the current application is submitted by the same applicant and is the same in terms of the site area/boundary and major development parameters but with a slight adjustment to the layout by shifting the vehicle storage area farther away from the waterworks reserve on the western boundary. All the approval conditions under application No. A/YL-PH/883 had been complied with and the planning permission is valid until 17.7.2024.

6.5 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 four similar applications (No. A/YL-PH/817, 855, 932 and 965), involving two sites, for renewal of temporary approvals for various open storage uses within the same “R(D)” zone in the vicinity of the Site in the past five years from November 2019 to September 2023. All these applications were approved with conditions by the Committee on the similar considerations as stated in paragraph 6.3 above.

7.2 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 a two-storey structure, and used for the applied use with valid planning permission under application No. A/YL-PH/883;
- (b) accessible from Fan Kam Road via local tracks; and
- (c) partly falls within an existing waterworks reserve of a 48” diameter raw water trunk main along the western boundary of the Site.

8.2 The surrounding areas are mainly rural in character intermixed with open storage/storage yards, workshop, parking of vehicles (including a site with valid planning permission under application No. A/YL-PH/928), residential dwellings/structures (the nearest is about 40m to the east), works sites (one site with valid planning permission for proposed houses under application No. A/YL-PH/829), grassland and vacant land. The open storage/storage yards within the “R(D)” zone 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**

- 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 are provided in **Appendices V and VI** respectively.
- 10.2 The following government department does not support the application:

### **Environment**

Comments of the Director of Environmental Protection (DEP):

- (a) does not support the application according to the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”, as the applied use involves heavy vehicles and there are sensitive receivers present within 100m from the Site;
- (b) should the application be approved, the same approval conditions related to environmental protection under the last application No. A/YL-PH/883 should be imposed; and
- (c) there was no environmental complaint concerning the Site received in the past three years.

## **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 goods vehicles 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 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 three years would not frustrate the long-term planning intention of the “R(D)” zone.
- 12.2 The applied use is considered not incompatible with the surrounding uses intermixed with open storage/storage yards, workshop, parking of vehicles, residential dwellings/structures and works sites. Whilst DEP does not support the application as the applied use involves the use of heavy vehicles and there are

sensitive receivers in the vicinity of the Site, the access to the Site is via a short section of local track from Fan Kam Road without passing by the residential dwellings/structures. Besides, according to the applicant, the vehicles stored on the Site will not involve frequent movement. There was no environmental complaint concerning the Site in the past three years. To address DEP's concerns, approval conditions restricting the operation hours 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 possible environmental nuisance generated by the applied use.

- 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 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 and DEP's concerns can be addressed as mentioned in paragraph 12.2 above. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 13.2 below. Besides, all the approval conditions of the last planning permission under application No. A/YL-PH/883 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.
- 12.5 There are four similar applications approved within the same "R(D)" zone in the vicinity in the past five years as stated in paragraph 7.1 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 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 18.7.2024 to 17.7.2027. 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 at 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 and other workshop activities are allowed on the site at any time during the planning approval period;
- (d) no heavy goods vehicles exceeding 24 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 drainage facilities on the site shall be maintained at all times during the planning approval period;
- (f) 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
- (g) if any of the above planning condition (a), (b), (c), (d), (e) or (f) 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.

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 24.4.2024
<b>Appendix Ia</b>	FI received on 18.6.2024
<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

**PLANNING DEPARTMENT  
JUNE 2024**