

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

**APPLICATION NO. A/YL-PH/1042**

- Applicant** : Chief Force Limited
- Site** : Lots 2623, 2624, 2625 (Part) and 2632 (Part) in D.D. 111, Pat Heung, Yuen Long, New Territories
- Site Area** : About 3,602m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
- Zoning** : “Village Type Development” (“V”)  
[restricted to maximum building height of 3 storeys (8.23m)]
- Application** : Proposed Temporary Shop and Services (Motor-vehicle Showroom) for a Period of Three Years and Associated Filling of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary shop and services (motor-vehicle showroom) for a period of three years and associated filling of land at the application site (the Site), which falls within an area zoned “V” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “V” zone, ‘Shop and Services’ other than those on the ground floor of a New Territories Exempted House (NTEH) is a Column 2 use which requires planning permission from the Town Planning Board (the Board). Filling of land within the “V” zone also requires planning permission from the Board. The Site is currently largely paved, partly vacant and partly occupied by the proposed use with valid planning permission (**Plan A-4**).
- 1.2 The Site is accessible from Kam Tin Road via a local track (**Plan A-2**). According to the applicant, a total of 49 spaces for motor-vehicle display will be accommodated within the Site and there will be no erection of structures. Eight parking spaces for private cars and four parking spaces for light goods vehicles (LGVs) will also be provided within the Site to support the proposed use. The applicant also applies for the associated filling of land for about 22% of the Site (791m<sup>2</sup>) in a depth of about 0.05m (from +32.45mPD to +35.5mPD) for vehicular

access and maneuvering<sup>1</sup> (**Drawing A-2**). The operation hours will be between 9:00 a.m. and 6:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities will be conducted on site and no vehicle exceeding 5.5 tonnes will be allowed to park within the Site. The layout plan and land filling plan submitted by the applicant are at **Drawings A-1** and **A-2** respectively.

1.3 Major part of the Site is the subject of a previous application (No. A/YL-PH/994) submitted by the same applicant for the same use which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 16.8.2024 and the planning permission is valid until 16.8.2027 (details in paragraph 5 below). Compared with the previous application, the current application involves increases in site area, as well as number of spaces for motor-vehicle display and parking spaces for private cars and LGVs.

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

- (a) Application Form with Supplementary Statement (SI) (**Appendix I**)  
received on 17.12.2024
- (b) Further Information (FI) received on 4.2.2025\* (**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 with SI and FI at **Appendices I** and **Ia**, and can be summarised as follows:

- (a) The proposed use on a temporary basis would not jeopardise the long-term planning intention of the “V” zone. It would not cause any adverse impact on drainage, traffic, environmental and fire safety aspects nor create significant nuisance to the surrounding land uses.
- (b) The proposed use is intended to serve the local neighbourhood and provide a venue to display samples for customers who place orders on the Internet.
- (c) The applicant intends to expand the business with a larger site area. As the increase in site area exceeds 10% which is beyond Class A or Class B amendments specified under the Town Planning Board’s Guidelines on Class A and Class B Amendments to Approved Development Proposals (TPB PG-No. 36C), a fresh application is required.
- (d) Fire service installations (FSIs) and drainage proposals have been submitted in support of the current application. The applicant will comply with all approval conditions to be imposed.

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<sup>1</sup> According to the applicant, about 78% of the Site (2,811m<sup>2</sup>) has already been filled under the previous approval of application No. A/YL-PH/994.

### **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 by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Background**

The Site is not subject to any active enforcement action.

### **5. Previous Application**

- 5.1. Major part of the Site is the subject of the previous application (No. A/YL-PH/994) submitted by the same applicant for the same use, which was approved with conditions by the Committee on 16.8.2024, mainly on the considerations that the temporary approval would not frustrate the long-term planning intention of the “V” zone; the proposed use was not incompatible with the surrounding land uses; the concerned government departments consulted in general had no adverse departmental comments or their technical concerns could be addressed by relevant approval conditions. The planning permission is valid until 16.8.2027.
- 5.2. Compared with the last approved application, the current application involves increases in site area, as well as the number of spaces for motor-vehicle display and parking spaces for private cars and LGVs. Given that the increase in site area is more than 10%, a fresh application is required. Details of the application is summarised at **Appendix II** and the location is shown on **Plan A-1**.

### **6. Similar Applications**

- 6.1 There are 16 similar applications, involving 11 sites, for various temporary shop and services uses (including renewal of planning approvals granted) within the “V” zone in the vicinity of the Site in the past five years. All these applications were approved with conditions by the Committee between January 2020 and January 2025 mainly on similar considerations as stated in paragraph 5.1 above. The planning permissions under applications No. A/YL-PH/818, 867, 880, 889 and 925 were subsequently revoked between January 2022 and June 2024 due to non-compliance with approval conditions. Details of these similar applications are summarised in **Appendix III** and the locations are shown on **Plan A-1**.
- 6.2 Other than the similar applications mentioned in paragraph 6.1 above, two applications (No. A/YL-PH/1032 and 1043) for temporary shop and services uses

(one for motor-vehicle showroom as the current application) within the same “V” zone on the OZP will be considered at the same meeting (**Plan A-1**).

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

### **7.1 The Site is:**

- (a) currently largely paved, partly vacant and partly occupied by the proposed use with valid planning permission; and
- (b) accessible from Kam Tin Road via a local track.

### **7.2 The surrounding land uses are rural in character comprising mainly residential structures of Wang Toi Shan Shan Tsuen and Wing Ning Lei intermixed with vehicle parks (one with valid permission under application No. A/YL-PH/1004), open storage/storage yards, vacant land and grassland.**

## **8. Planning Intention**

The planning intention of the “V” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

## **9. Comments from Relevant Government Departments**

9.1. Apart from the government department as set out in paragraph 9.2 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, if any, are provided in **Appendices IV** and **V** respectively.

9.2. The following government department has adverse comment on the application:

### **Land Administration**

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

- (a) has adverse comment on the application;

- (b) the Site comprises Old Schedule Agricultural Lots 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) LandsD has reservation on the application since there are unauthorised building works and/or uses on Lot 2625 in D.D. 111 which are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD; and
- (d) no Small House application approved or under processing within the Site.

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

On 24.12.2024, the application was published for public inspection. During the statutory public inspection period, one comment was received from an individual expressing concerns that the increases in site area and number of spaces for motor-vehicle display are too much compared to the previous application (No. A/YL-PH/994); such increase should not be considered as in compliance with the streamlined arrangement; and the proposal could potentially impact the natural drainage capacity (**Appendix VI**).

#### **11. Planning Considerations and Assessments**

- 11.1 The application is for proposed temporary shop and services (motor-vehicle showroom) for a period of three years and associated filling of land at the Site zoned “V” (**Plan A-1**). Whilst the proposed use is not entirely in line with the planning intention of the “V” zone, according to the applicant, the proposed use is intended to serve the local neighbourhood. DLO/YL of LandsD advises that there is no Small House application approved or under processing at the Site. The proposed use of temporary nature would not adversely affect the land availability for NTEH/Small House development within the “V” zone in the long term. Approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “V” zone.
- 11.2 Filling of land within the “V” zone requires planning permission from the Board. In this regard, the Chief Engineer/Mainland North of Drainage Services Department and Director of Environmental Protection have no objection to the application from drainage and environmental perspectives respectively.
- 11.3 The proposed use is considered not incompatible with the surrounding land uses which mainly comprise residential structures of Wang Toi Shan Shan Tsuen and Wing Ning Lei intermixed with vehicle parks, open storage/storage yards, vacant land and grassland. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) considers that significant landscape impact arising from the proposed use is not anticipated.

- 11.4 Other relevant government departments consulted including the Commissioner for Transport and Director of Fire Services have no objection to or adverse comment on the application. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 12.2 below. It is also recommended to advise the applicant to follow the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise the potential environmental nuisance on the surrounding land uses. Regarding DLO/YL, LandsD’s concerns on the unauthorised structures and uses within the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.5 Major part of the Site is the subject of one previously approved application for the same use and there are 16 similar applications for various temporary shop and services uses in the vicinity of the Site approved by the Committee in the past five years as detailed in paragraphs 5 and 6. Approving the current application is in line with the Committee’s previous decisions.
- 11.6 Regarding the public comment expressing concern 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 having taken into account the public comment 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 14.2.2028. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

### Approval Conditions

- (a) 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 14.8.2025;
- (b) in relation to (a) above, the implementation of the revised 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 14.11.2025;
- (c) in relation to (b) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) 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 14.8.2025;

- (e) in relation to (d) 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 14.11.2025;
- (f) if the above planning condition (c) 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
- (g) if any of the above planning condition (a), (b), (d) 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.

#### 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 proposed use with associated filling of land is not in line with the planning intention of the "V" zone which is to provide land primarily for development of Small Houses by indigenous villagers. No strong planning justification has been given in the submission for a departure from the planning intentions, 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**

<b>Appendix I</b>	Application Form with Supplementary Statement received on 17.12.2024
<b>Appendix Ia</b>	FI received on 4.2.2025
<b>Appendix II</b>	Previous Application
<b>Appendix III</b>	Similar Applications
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	Public Comment
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Land Filling Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
FEBURARY 2025**