

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

**APPLICATION NO. A/YL-PH/942**

<b><u>Applicant</u></b>	:	Chief Force Limited
<b><u>Site</u></b>	:	Lots 2887 (Part), 2888 (Part) and 2901 in D.D.111, Pat Heung, Yuen Long
<b><u>Site Area</u></b>	:	About 5,060m <sup>2</sup>
<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>Zonings</u></b>	:	“Residential (Group D)” (“R(D)”) (about 93%) [restricted to a maximum plot ratio of 0.2 and building height of 2 storeys (6m)]  “Agriculture” (“AGR”) (about 7%)
<b><u>Application</u></b>	:	Renewal of Planning Approval for Temporary Open Storage of Construction Materials, Machinery (Electricity Generator), Vehicle Parts, Temporary Transit Shipment Particles and Containers for Storage of Plastic Barriers 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, machinery (electricity generator), vehicle parts, temporary transit shipment particles and containers for storage of plastic barriers for a period of 3 years. The Site is mostly zoned “R(D)” (93%) with a minor portion zoned “AGR” (7%) 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 3 years requires planning permission from the Town Planning Board (the Board). The Site is paved and fenced, and currently used for the applied use with valid planning permission under Application No. A/YL-PH/831 (**Plans A-2 to A-4b**).
- 1.2 According to the applicant, two temporary structures with building height of not more than two storeys (or about 4m) and total floor area of about 152m<sup>2</sup> are provided at the Site for staff rest room, offices and toilet uses. The operation hours are between 9:00 a.m. to 6:00 p.m. from Mondays to Saturdays, excluding on

Sundays and public holidays. The applicant states that no vehicle parking space or loading/unloading is provided at the Site, and all vehicles for goods delivery will leave the Site immediately and operation of the Site does not involve vehicles exceeding 5.5 tonnes. The Site is accessible via a local access leading from Kam Tin Road. The site layout plan submitted by the applicant is at **Drawing A-1**.

- 1.3 The Site is involved in ten previous applications for various temporary open storage uses (details at paragraph 6 below). The last application No. A/YL-PH/831 submitted by the same applicant for the same use was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 26.5.2020. When compared with the last application, the current application is generally the same in terms of the applied use, site area / boundary, layout and major development parameters.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application form with supplementary information received (**Appendix I**) on 7.2.2023
  - (b) Further information (FI) received on 27.3.2023 (**Appendix Ia**)

## **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 temporary nature of the application will not frustrate the long-term planning intention of the “R(D)” and “AGR” zones.
- (b) There is no change in the applied use and layout of the development between the current application and the last approved application No. A/YL-PH/831. Relevant government departments and nearby residents had no adverse comments or complaint on the development, and all the approval conditions for the last application are complied with.
- (c) There will be no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities undertaken within the Site.
- (d) The development will not induce adverse traffic impact, drainage impact nor fire safety concern to the surrounding area. The applicant undertakes to comply with all the approval conditions to be stipulated by the Committee.

## **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 site notice and notifying the Pat Heung Rural

Committee by registered mail. Detailed information would be deposited at the meeting for Members' inspection.

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

- 4.1 The Town Planning Board Guidelines on 'Application for Open Storage and Port Back-up Uses' (TPB PG-No.13F) promulgated by the Board on 27.3.2020 are relevant to this application. The Site mostly falls within Category 2 areas (i.e. the "R(D)" portion which accounts for about 93% of the Site) and minor portion falls within Category 3 areas (i.e. the "AGR" zone which accounts for about 7% of the Site) under TPB PG-No. 13F. 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 relevant to this application. The relevant assessment criteria are 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 whole or in part, is involved in ten previous applications (No. A/YL-PH/195, 296, 375, 392, 555, 613, 627, 685, 741 and 831) for various temporary open storage uses.
- 6.2 Application No. A/YL-PH/195, with its site covering the northern portion of the Site, was for temporary open storage of containers and workshop for converting containers. The application was rejected by the Committee in July 1998 mainly on the grounds that the development was not in line with the relevant Town Planning Board Guidelines for application for open storage and port back-up uses in that it was incompatible with the nearby village houses; and there was insufficient information to demonstrate that there were no suitable sites within the "Open Storage" sites in the Pat Heung area for the development.
- 6.3 For the other nine previous applications (including renewal of the planning approval granted by the Committee), all of them were approved by the Committee or the Board on review between September 1999 and May 2020. These applications were approved on the considerations that temporary approval of the applications would not frustrate the long-term planning intention; the developments were not incompatible with the surrounding land uses; relevant departments consulted in general had no adverse comment and/or their technical concerns could be addressed by approval conditions; and / or the applications were in line with the relevant Town Planning Board Guidelines for application for open storage and port back-up uses / renewal of planning approval for temporary use or development. Nevertheless, the planning approval for three of them (Applications No. A/YL-PH/296, 613 and 627)

were revoked in 2000, 2011 and 2013 due to non-compliance with approval conditions.

- 6.4 Compared with the last approved Application No. A/YL-PH/831, 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 have been complied with and the planning permission is valid until 25.5.2023.
- 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 11 similar applications (including renewal of the temporary planning approval granted by the Board), involving six sites, for various temporary open storage / warehouse uses within the same “AGR” / “R(D)” zones in vicinity of the Site in the past five years. Except Application No. A/YL-PH/821, all applications were approved with conditions by the Committee between April 2018 and March 2023 on similar considerations as stated in paragraph 6.3 above. Nevertheless, the planning permissions for Applications No. A/YL-PH/765, 789, 810 and 923 were revoked subsequently due to non-compliance with the approval conditions. Application No. A/YL-PH/821 was rejected by the Committee in November 2019 mainly on the grounds that the application was not complied with the then TPB PG-No. 13E in which the site fell within Category 3 area; and there was insufficient information in the submission to demonstrate that the development would not result in adverse traffic impact.
- 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-4)**

- 8.1 The Site is:
- (a) paved and fenced, and currently used for the applied use with valid planning permission under Application No. A/YL-PH/831; and
  - (b) accessible via a local access leading from Kam Tin Road.
- 8.2 The surrounding areas have the following characteristics:
- (a) to its east, west and south are mainly open storage / storage yards (including a site with planning permission under Application No. A/YL-PH/910), warehouses and vehicle repair workshops within the same “R(D)” zone;
  - (b) to its north is the adjoining “AGR” zone where open storage yards, a site office, residential dwellings / structures, a vehicle park, vacant land and a site approved for temporary war game centre under Application No. A/YL-

PH/918 can be found; and

- (c) to its further west and northwest is the “Village Type Development” zone of Wang Toi Shan Wing Ning Lei (橫台山永寧里) where residential dwellings / structures (the nearest being about 30m to the northwest), a warehouse, open storage yards, a vehicle repair workshop and vacant structures can be found.

## **9. Planning Intentions**

- 9.1 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.
- 9.2 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.

## **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 approval for temporary open storage of construction materials, machinery (electricity generator), vehicle parts, temporary transit shipment particles and containers for storage of plastic barriers at the Site which is mostly zoned “R(D)” (93%) with a minor portion zoned “AGR” (7%). Whilst 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, and for low-rise, low-density residential developments subject to planning permission from the Board, the planning intention of the “AGR” zone is primarily to retain and safeguard good quality 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. The applied use is not in line with the planning intentions of the “R(D)” and “AGR” zones. Nevertheless, there is no known permanent development at this part of the “R(D)” zone. The Director of

Agriculture, Fisheries and Conservation has no strong view on the application considering that the previous application for the same use on the Site was approved. It is considered that approval of the application on a temporary basis would not frustrate the long-term planning intentions of the “R(D)” and “AGR” zones.

- 12.2 The development is considered not incompatible with the surrounding land uses which are predominantly rural in character, mainly comprising open storage / storage yards, warehouses, vehicle repair workshops and scattered residential structures/dwellings. The Chief Town Planner/Urban Design and Landscape of Planning Department considers that further adverse landscape impact arising from the continuous use of the Site for the applied use is not anticipated, and has no objection to the application from the landscape planning perspective.

- 12.3 According to TPB PG-No. 13F, the Site mostly falls within Category 2 areas with minor portion in Category 3 areas. The following 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 proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas.

Category 3 areas: within these areas, “existing” and approved open storage and port back-up uses are to be contained and further proliferation of such uses is not acceptable. Applications would normally not be favourably considered unless the applications are on sites with previous planning approvals. Sympathetic consideration may be given if the applicants have demonstrated genuine efforts in compliance with approval conditions of the previous planning applications and included in the fresh applications relevant technical assessments/proposals, 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 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 TPB PG-No. 34D in that previous approvals for open storage use at the Site were granted since 1999 and all the approval conditions in the last approved application (No. A/YL-PH/831) have been complied with. There is no adverse comment from the relevant departments and no local objection conveyed by the District Officer (Yuen Long) of Home Affairs Department. The current application submitted by the same applicant is the same in terms of the use, site area / boundary, layout and major development parameters. As there is no major change in the planning circumstances since the last approval, sympathetic consideration could be given to the current application.

- 12.5 Relevant departments consulted, including the Commissioner for Transport,

Director of Environmental Protection (DEP), Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services, have no adverse comment on the application. To minimise any potential environmental nuisances and 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 latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by DEP.

- 12.6 There are 10 similar applications, involving five sites, approved by the Committee for various temporary open storage / warehouse uses within the same "R(D)" / "AGR" zones as detailed in paragraph 7 above. The circumstances of the only rejected similar application were different as stated in paragraph 7 above. Approval of 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 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 26.5.2023 until 25.5.2026. 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 drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) the submission of the records of 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 26.8.2023;

- (g) the submission of a revised fire service installations proposal within **6** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 26.11.2023;
- (h) in relation to (g) above, the implementation of the revised fire service installations proposal within **9** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 26.2.2024;
- (i) if any of the above planning condition (a), (b), (c), (d) or (e) 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;
- (j) if any of the above planning condition (f), (g) and (h) 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
- (k) 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.

*[The above approval conditions are the same as those under the planning permission of previous Application No. A/YL-PH/831, except deletion of / revision to the conditions related to the traffic and fire safety aspects based upon the latest comments of C for T and D of FS.]*

#### 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 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 7.2.2023
<b>Appendix Ia</b>	FI received on 27.3.2023
<b>Appendix II</b>	Relevant extract of TPB PG-No. 13F
<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 applications 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**