

RNTPC Paper No. A/YL-PH/958  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 28.7.2023

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

**APPLICATION NO. A/YL-PH/958**

**Applicant** : Chief Force Limited

**Site** : Lot 139 RP (Part) in D.D. 108, Fan Kam Road, Pat Heung, Yuen Long

**Site Area** : About 1,019 m<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** : “Residential (Group D)” (“R(D)”)  
[Maximum plot ratio of 0.2 and building height of 2 storeys (6m)]

**Application** : Proposed Temporary Shop and Services (Motor-vehicle Showroom) with Ancillary Storage and Office for a Period of 3 Years and Filling of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary shop and services (motor-vehicle showroom) with ancillary storage and office for a period of 3 years and filling of land. The Site falls within an area zoned “R(D)” on the Pat Heung OZP. According to the Notes of the OZP, ‘Shop and Services’ is a Column 2 use within the “R(D)” zone, which require planning permission from the Town Planning Board (the Board). Filling of land within “R(D)” zone also requires planning permission from the Board. The Site is currently paved, fenced, mainly vacant and erected with a structure (**Plans A-2 and A-4**).
- 1.2 According to the applicant, the proposed development involves one 1-storey temporary structure with a building height of not more than 2.5m and a total floor area of not more than 15m<sup>2</sup> for ancillary office. The display area will accommodate 14 private cars and two light goods vehicles parking spaces for visitors will be provided. The applicant also applies for regularisation of filling of land by 0.15m in depth to about 54.3mPD for the whole Site. The operation hours will be 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

local track. The site layout plan submitted by the applicant is shown on **Drawing A-1**.

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

- (a) Application form with supplementary information (**Appendix I**)  
received on 5.6.2023, 9.6.2023 and 12.6.2023
- (b) Further Information (FI) received on 10.7.2023\* (**Appendix Ia**)
- (c) FI received on 20.7.2023\* (**Appendix Ib**)

*\* 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 FIs at **Appendices I to Ib**. They can be summarised as follows:

- (a) The proposed development is temporary in nature and would not frustrate the long-term planning intention of the Site.
- (b) The proposed shop and services (motor-vehicle showroom) is intended to serve the needs of the locals and meet the local demands for vehicle showroom. The proposed development is for the display of motor vehicles. Customers will be able to view the displayed motor-vehicles at the proposed development and the sales will take place on the Internet.
- (c) No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities will be carried out within the Site. The proposed development would not result in adverse traffic and drainage impacts to the surrounding areas nor increase the fire safety risk in the area.

## **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 requirement 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. 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.

## **4. Background**

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

## **5. Previous Applications**

- 5.1 The Site, in part or in whole, is involved in seven previous applications (No. A/YL-PH/240, 491, 515, 684, 704, 760 and 849) for various temporary open storage or public vehicle park uses, which are not relevant to the current application for shop and services use.
- 5.2 Details of the applications are summarised in **Appendix II** and their locations are shown on **Plan A-1a**.

## **6. Similar Application**

- 6.1 There is one similar application (No. A/YL-PH/784) within the same “R(D)” zone for temporary shop and services (real estate agency) use in the vicinity of the Site in the past five years. The application was approved by the Committee in June 2018 mainly on the considerations that temporary planning permission would not frustrate the long-term planning intention; and the proposed development was not incompatible with the surrounding land uses. The planning permission was revoked in September 2020 due to non-compliance with approval conditions.
- 6.2 Details of the application are summarised in **Appendix II** and the location is shown on **Plan A-1a**.

## **7. The Site and Its Surrounding Areas (Plans A-2 to A-4)**

- 7.1 The Site is:
- (a) currently paved, fenced, mainly vacant and erected with a structure; and
  - (b) accessible from Fan Kam Road via a local track.
- 7.2 The surrounding areas have the following characteristics:
- (a) to the northeast across a local track are an open storage/storage yard and vacant land;
  - (b) to the south and southeast are woodlands;
  - (c) to the southwest is an open storage/storage yard; and
  - (d) to the west are the Dongjiang water mains maintained and managed by the Water Supplies Department and Fan Kam Road.

## **8. 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.

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

The 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 III** and **IV** respectively.

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

The application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received raising concern on the application that the real intention is not for the applied use.

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

11.1 The application is for proposed temporary shop and services (motor-vehicle showroom) with ancillary storage and office for a period of 3 years and filling of land at the Site zoned “R(D)”. 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. Whilst the proposed development is not entirely in line with the planning intention of the “R(D)” zone, the proposed development could serve the needs of the locals, and there is currently no known proposal for long-term development at the Site. It is considered that approval of the application on a temporary basis of three years would not frustrate the long-term planning intention of the Site. Filling of land within the “R(D)” zone requires planning permission from the Board. In this regard, the Chief Engineer/Mainland North of Drainage Services Department (CE/MN of DSD) and the Director of Environmental Protection have no objection to the application from drainage and environmental perspectives.

11.2 The proposed development is considered not incompatible with the surrounding land uses which are predominated by open storage/storage yards, vacant land and woodland. Relevant departments consulted including the Commissioner for Transport, the Chief Town Planner/Urban Design and Landscape of the Planning Department, DEP, the Chief Engineer/Mainland North of the Drainage Services Department and the Director of Agriculture, Fisheries and Conservation have no adverse comment on the application. To address the technical requirements of concerned government departments, relevant approval conditions are recommended in paragraph 12.2 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 the Environmental Protection Department to minimise the possible environmental nuisance generated by the proposed development.

- 11.3 Given that there is one similar application for temporary shop and services as mentioned in paragraph 5 above, approval of the current application is in line with the Committee's previous decisions.
- 11.4 For the public comment which raises concern as detailed in paragraph 10, the departmental comments and planning assessments above are relevant.

## **12. Planning Department's Views**

- 12.1 Based on the assessments made in paragraph 11 above and having taking into account the public comment mentioned in paragraph 10, the Planning Department has no objection to the proposed development.
- 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 3 years until 28.7.2026. 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 shall be carried out on the site at any time during the planning approval period;
- (d) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (e) the submission of condition records of the existing drainage facilities implemented on the Site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 28.10.2023;
- (f) the provision of fire extinguisher(s) within **6** weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 8.9.2023;
- (g) the implementation of the accepted 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 28.1.2024;
- (h) 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; and

- (i) if any of the above planning condition (e), (f) or (g) 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 attached at **Appendix IV**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed development is not in line with the planning intention of the "R(D)" zone which is intended 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 Town Planning Board. There is no strong planning justification in the submission for a departure from the planning intention, 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 information received on 5.6.2023, 9.6.2023 and 12.6.2023
<b>Appendix Ia</b>	FI received on 10.7.2023
<b>Appendix Ib</b>	FI received on 20.7.2023
<b>Appendix II</b>	Previous and similar applications
<b>Appendix III</b>	Government departments' general comments
<b>Appendix IV</b>	Recommended advisory clauses

<b>Appendix V</b>	Fire Services Department's good practice guidelines for storage sites
<b>Appendix VI</b>	Public comment
<b>Drawing A-1</b>	Site layout plan
<b>Plan A-1a</b>	Location plan with similar application
<b>Plan A-1b</b>	Previous applications plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plan A-4</b>	Site photos

**PLANNING DEPARTMENT  
JULY 2023**