

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/1026

- Applicant** : Mr NG To Kwong represented by Ms KWONG Lai Fan
- Site** : Lots 2902 (Part), 2905 (Part), 2909 (Part), 2910 (Part) and 2911 (Part) in D.D. 111, Wang Toi Shan, Pat Heung, Yuen Long
- Site Area** : About 686m²
- 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)”) [restricted to a maximum plot ratio of 0.2 and a maximum building height of 2 storeys (6m)]
- Application** : Temporary Open Storage of Construction Materials and Machineries for a Period of Three Years and Associated Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary open storage of construction materials and machineries for a period of three years and associated filling of land at the application site (the Site), which falls within an area zoned “R(D)” on the OZP (**Plan A-1a**). According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). Filling of land in the “R(D)” zone also requires planning permission from the Board. The Site is currently fenced, hard paved, erected with some temporary structures and used for the applied use without valid planning permission (**Plan A-4**).
- 1.2 The Site is accessible from Kam Tin Road via a local track (**Plan A-1a**). According to the applicant, the applied use involves an area of about 69.35m² (10%) for open storage of construction materials including sand, stones etc., an open shed of 3m in height with a floor area of about 172.22m² for storage of materials that could not be exposed under sunlight and six single-storey structures of 2.62m in height with a total floor area of about 89.3m² for storage. The applicant also applies for regularisation of associated filling of land for the entire Site with asphalt for not more than 0.1m in depth for site formation. Three loading/unloading spaces for light goods vehicles (2.5m × 5.3m) are provided within the Site. No workshop

activities will be conducted at the Site. The operation hours are between 9:00 a.m. and 5:00 p.m. from Mondays to Fridays, and between 9:00 a.m. and 1:00 p.m. on Saturdays, with no operation on Sundays and public holidays. The layout plan and land filling plan submitted by the applicant are at **Drawings A-1** and **A-2** respectively.

- 1.3 The Site is the subject of five previously approved applications with various site areas for similar or the same temporary open storage use (details at paragraph 6 below). The last application (No. A/YL-PH/910) submitted by the same applicant for the same use was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 29.7.2022. The planning permission was subsequently revoked on 29.4.2024 due to non-compliance with approval conditions. Compared with the last application, the current application involves a slightly larger site area, changes in site layout, and decrease in number of structures and total floor area as well as regularisation of the associated filling of land for the entire Site.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with supporting documents received on 8.8.2024 and 20.8.2024 (**Appendix I**)
 - (b) Further Information (FI) received on 20.11.2024* (**Appendix Ia**)
 - (c) FI received on 10.3.2025* (**Appendix Ib**)
- * accepted and exempted from publication and recounting requirements*
- 1.5 On 4.10.2024 and 10.1.2025, the Committee agreed to defer making a decision on the application for two months each as requested by the applicant.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FIs at **Appendices I** to **Ib**, and can be summarised as follows:

- (a) The applied use on a temporary basis would not jeopardise the long-term planning intention of the Site. There are other similar operations/developments in the vicinity.
- (b) It is difficult to identify suitable sites for storage of construction materials and machineries in the urban area and in the industrial buildings where headroom is limited. The Site is suitable for the applied use in view of its large site area and distant location from residential settlements.
- (c) The applicant will follow the good practice guidelines for open storage sites although the space for open storage is limited due to the rectangular site configuration and the spaces required for various other purposes including loading/unloading, manoeuvring of vehicles, the structures for storage use and the buffer area in between, and the open shed for storage of construction materials which have to be protected against exposure to sunlight.

- (d) The applied use would not cause any adverse traffic and drainage impacts. Drainage and fire service installations (FSIs) proposals have been submitted in support of the current application.

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. Town Planning Board Guidelines

The Town Planning Board Guidelines on ‘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 Category 2 areas under TPB PG-No. 13G, and the relevant extract of which is at **Appendix II**.

5. Background

The Site is not subject to any active enforcement action.

6. Previous Applications

- 6.1 The Site is the subject of six previous applications (No. A/YL-PH/206, 304, 377, 789, 810 and 910). One application (No. A/YL-PH/206) for temporary lorry and private car repairing workshop was rejected by the Board in December 1998 and the considerations of this application are not relevant to the current application due to different use involved.
- 6.2 Among the other five applications (No. A/YL-PH/304, 377, 789, 810 and 910) submitted by various applicants, two were for temporary open storage of construction materials and three were for temporary open storage of construction materials and machineries. These applications were approved with conditions by the Committee or upon review by the Board between November 1999 and July 2022, mainly on the considerations that the temporary approval would not frustrate the long-term planning intention of the “R(D)” zone; the applied use was not incompatible with the surrounding uses; and the concerned government departments consulted in general had no adverse departmental comments or technical concerns could be addressed by relevant approval conditions. The planning permissions under applications No. A/YL-PH/304, 789, 810 and 910 were subsequently revoked between August 2000 and April 2024 due to non-compliance

with approval conditions. Details of these applications are summarised in **Appendix III** and the locations are shown on **Plan A-1b**.

- 6.3 Compared with the last approved application No. A/YL-PH/910, the current application is submitted by the same applicant for the same applied use on a site of slightly larger site area, with changes in site layout, decrease in number of structures and total floor area, as well as regularisation of the associated filling of land for the entire Site.

7. Similar Applications

- 7.1 There are eight similar applications (No. A/YL-PH/831, 878, 881, 923, 937, 942, 1001 and 1034), involving four sites, for various temporary open storage uses (including five renewal of planning approvals granted by the Board and one with filling of land) within or partially within the same “R(D)” zone in the vicinity of the Site in the past five years. All these applications were approved with conditions by the Committee between May 2020 and December 2024 on similar considerations as mentioned in paragraph 6.2 above. The planning permissions under applications No. A/YL-PH/878 and 923 were subsequently revoked in August 2023 and November 2022 respectively due to non-compliance with approval conditions. Details of these applications are summarised in **Appendix IV** and the locations are shown on **Plan A-1a**.
- 7.2 Other than the similar applications mentioned above, an application (No. A/YL-PH/1056) for temporary vehicle park (medium and heavy goods vehicles) and open storage of operational tools and materials and associated filling of land within the same “R(D)” zone on the OZP will be considered at the same meeting (**Plan A-1a**).

8. The Site and Its Surrounding Areas (Plans A-1a to A-4)

- 8.1 The Site is:
- (a) accessible from Fan Kam Road via a local track; and
 - (b) currently fenced, hard paved, erected with some temporary structures and used for the applied use without valid planning permission.
- 8.2 The surrounding areas are rural in character comprising mainly open storage/storage yards (two with valid planning permissions under applications No. A/YL-PH/942 and 1001), warehouses, vehicle repair/demolishing workshops, village houses of Wang Toi Shan Wing Ning Lei, grassland and graves.

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

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, if any, are provided in **Appendices V** and **VI** respectively.

11. Public Comments Received During Statutory Publication Period

On 23.8.2024, the application was published for public inspection. During the statutory public inspection period, two public comments were received. One was from the Chairman of the Yuen Long Town Centre and Rural East Area Committee indicating that the Committee had no comment on the application. The other one was from an individual expressing concerns on the application (**Appendix VII**) mainly on the grounds that the previous planning permissions were revoked due to non-compliance with approval conditions and therefore approval should not be granted to the current application.

12. Planning Considerations and Assessments

- 12.1 The application is for temporary open storage of construction materials and machineries for a period of three years and associated filling of land at the Site zoned “R(D)” (**Plan A-1a**). While the applied use is not in line with the planning intention of the “R(D)” zone, there is currently no known proposal for long-term development at the Site and approval of the application on a temporary basis would not jeopardise the long-term planning intention of the “R(D)” zone. Taking into account the planning assessments below, there is no objection to the applied use with associated filling of land on a temporary basis for a period of three years.
- 12.2 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, DSD) and the Director of Environmental Protection (DEP) have no objection to the application from drainage and environmental perspectives respectively.
- 12.3 The applied use is considered not incompatible with the surrounding land uses which are rural in character comprising mainly open storage/storage yards, warehouses, vehicle repair/demolishing workshops, village houses of Wang Toi Shan Wing Ning Lei, grassland and graves. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) considers that significant landscape impact arising from the applied use is not anticipated.

- 12.4 The Site falls within Category 2 areas under TPB PG-No. 13G. The following 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.

- 12.5 The application generally complies with the TPB PG-No. 13G in that relevant government departments consulted, including the Commissioner for Transport and Director of Fire Services (D of FS), have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 13.2 below. It is also recommended to advise the applicant to follow the “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 caused on the surrounding land uses.
- 12.6 The Site is the subject of five previously approved applications for similar or the same temporary open storage use submitted by various applicants as mentioned in paragraph 6.2 above. The last application (No. A/YL-PH/910) submitted by the same applicant for the same applied use was approved with conditions by the Committee in July 2022, and the planning permission was subsequently revoked in April 2024 due to non-compliance with approval conditions in relation to the implementation of the drainage and FSIs proposals. In support of the current application, the applicant has submitted drainage and FSIs proposals, which are considered acceptable by CE/MN, DSD and D of FS respectively. As such, sympathetic considerations may be given to the current application. Should the application be approved, the applicant will be advised that sympathetic consideration may not be given to any further applications should it fail to comply with any of the approval conditions again resulting in revocation of planning permission. Besides, there are eight approved similar applications within or partially within the same “R(D)” zone in the vicinity of the Site in the past five years as mentioned in paragraph 7.1 above. Approving the current application is in line with the Committee’s previous decisions.
- 12.7 Regarding the public comment expressing concerns on the application as mentioned in paragraph 11 above, the departmental comments and planning assessments above are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11 above, PlanD has no objection to the application.

- 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 until 2.5.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the implementation of the accepted 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 2.2.2026;
- (b) in relation to (a) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (c) 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 13.6.2025;
- (d) the implementation of the accepted 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 2.2.2026;
- (e) if the above planning condition (b) 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
- (f) if any of the above planning condition (a), (c) or (d) 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 VI**.

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

the applied use with associated filling of land is not in line with the planning intention of the "R(D)" zone, which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and is for low-rise, low-density residential developments subject to planning permission from the Board. There is no strong planning justification given in the submission for a departure from the planning intention, even on a temporary basis.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant 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

Appendix I	Application Form with supporting documents received on 8.8.2024 and 20.8.2024
Appendix Ia	FI received on 20.11.2024
Appendix Ib	FI received on 10.3.2025
Appendix II	Relevant Extracts of TPB PG-No. 13G
Appendix III	Previous Applications
Appendix IV	Similar Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Appendix VII	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Land Filling Plan
Plan A-1a	Location Plan
Plan A-1b	Previous Application Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MAY 2025**