

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

**APPLICATION NO. A/YL-HTF/1185**

- Applicant** : Mr. LAM Yiu Pong represented by Lanbase Surveyors Limited
- Site** : Lots 368 RP and 375 RP in D.D. 128 and Adjoining Government Land (GL), Ngau Hom Shek, Yuen Long, New Territories
- Site Area** : About 2,495m<sup>2</sup> (including GL of about 574m<sup>2</sup> or 23%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ha Tsuen Fringe Outline Zoning Plan (OZP) No. S/YL-HTF/12
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Open Storage of Construction Materials with Ancillary Site Office for a Period of 3 Years and Associated Filling of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary open storage of construction materials with ancillary site office for a period of three years and associated filling of land at the application site (the Site) zoned “AGR” 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). According to the Notes of the OZP for the “AGR” zone, filling of land also requires planning permission from the Board. The Site is currently formed, partly vacant and partly used for warehouse/storage without valid planning permission (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site can be accessed via a local track leading from Deep Bay Road and the ingress/egress is at the northern tip of the Site (**Plans A-2 and A-3**). As shown on the proposed layout plan at **Drawing A-1**, seven single-storey (2.4m to 8m in height) structures with a total floor area of about 1,005.4m<sup>2</sup> will be erected for open shed, office and toilet uses. The open sheds, which account for an area of about 985m<sup>2</sup> (or about 39% of the Site), will be used for open storage of construction materials while the remaining areas of the Site will be mainly for circulation purpose. Two parking spaces for private cars and one

loading/unloading space for light goods vehicle will be provided. No medium or heavy goods vehicle or container vehicle will be used. The operation hours will be between 8:00 a.m. and 8:00 p.m. from Mondays to Saturdays, and there will be no operation on Sundays and public holidays.

- 1.3 The applicant also seeks planning permission to regularise the land filling works that had been undertaken at the Site. As shown on the land filling plan at **Drawing A-2**, the entire Site (i.e. about 2,495m<sup>2</sup>) has been filled with concrete of not more than 0.2m in depth.
- 1.4 The Site was involved in three previous applications, including an application (No. A/YL-HT/378) for open storage use rejected by the Rural and New Town Planning Committee (the Committee) of the Board in 2005 (details at paragraph 6 below).
- 1.5 In support of the application, the applicant submitted the following documents:
  - (a) Application Form with attachment received on 15.1.2025 (**Appendix I**)
  - (b) Planning Statement (**Appendix Ia**)
  - (c) Supplementary Information (SI) received on 22.1.2025 (**Appendix Ib**)
  - (d) Further Information (FI) received on 28.2.2025\* (**Appendix Ic**)
  - (e) FI received on 4.3.2025\* (**Appendix Id**)
  - (f) FI received on 9.4.2025\* (**Appendix Ie**)

*\*accepted and exempted from publication and  
recounting requirements*
- 1.6 On 14.3.2025, the Committee agreed to defer making a decision on the application for two months 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 Planning Statement at **Appendix Ia**. They can be summarised as follows:

- (a) The Site falls within Category 2 areas under 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).
- (b) The proposed use is compatible with the surrounding areas.
- (c) No adverse traffic, environmental and drainage impacts are anticipated.
- (d) The proposed use is temporary in nature and will not jeopardise the long-term planning intention of the Site.

**3. Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is not the “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 obtaining consent from the “current land owners” of the Site. Detailed information would be deposited at the meeting for Members’ inspection. The “Owner’s Consent/Notification” requirements under TPB PG-No. 31B are not applicable to the GL portion.

**4. Background**

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

**5. Town Planning Board Guidelines**

TPB PG-No. 13G is relevant to the application. The Site is located within Category 2 areas under the prevailing TPB PG-No. 13G promulgated on 14.4.2023. Relevant extract of the Guidelines is at **Appendix II**.

**6. Previous Applications**

- 6.1 Parts of the Site were involved in three previous applications for temporary open storage, barbecue area and animal boarding establishment uses. Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1b**.

*Approved application*

- 6.2 Application No. A/YL-HTF/1128 for temporary animal boarding establishment was approved with conditions by the Committee in 2022. All the time-limited approval conditions were complied with and the planning permission lapsed in February 2025. The considerations for this previous application are not relevant to the current application which involves a different use.

*Rejected applications*

- 6.3 Application No. A/YL-HT/378 for temporary open storage of construction machinery and materials was rejected by the Committee in 2005 when the site fell within Category 3 areas under the then TPB PG-No. 13C mainly on grounds that there was no strong justification for a departure from the planning intention of the “AGR” zone; not in line with the then TPB PG-No. 13C in that there were adverse departmental comments and insufficient information to demonstrate no adverse traffic, environmental, drainage and landscape impacts; and setting an undesirable precedent.

- 6.4 Application No. A/YL-HT/491 for temporary open-air barbecue area was

rejected by the Committee in 2007. The considerations for this previous application are not relevant to the current application which involves a different use.

## **7. Similar Applications**

- 7.1 There are five similar applications (No. A/YL-HTF/1133, 1150, 1155, 1166 and 1179) involving various open storage uses with/without filling of land within the same “AGR” zone in the past five years. All of them were approved with conditions by the Committee between 2022 and 2024 mainly on considerations that the application was in line with TPB PG-No. 13F/G; the applied use was not incompatible with the surrounding areas; concerned government departments generally had no objection to the application and/or the technical concerns could be addressed by approval conditions. Applications No. A/YL-HTF/1133, 1166 and 1179 had also obtained policy support from the Development Bureau as they were for accommodating brownfield operations affected by the development of the Hung Shui Kiu/Ha Tsuen New Development Area. Details of these similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1a**.
- 7.2 For Members’ information, application No. A/YL-HTF/1182 for temporary open storage of construction materials for a period of three years and associated filling of land within the subject “AGR” zone will be considered in the same meeting (**Plan A-1a**).

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

- 8.1 The Site is:
- (a) formed, partly vacant and partly used for warehouse/storage without valid planning permission; and
  - (b) accessible via a local track leading from Deep Bay Road.
- 8.2 The surrounding areas are predominated by vacant/unused land and open storage yards intermixed with residential dwellings. Some of the open storage yards are suspected unauthorized developments subject to planning enforcement action.

## **9. Planning Intention**

- 9.1 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.
- 9.2 According to the Explanatory Statement of the OZP, as filling of land may cause

adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities in the subject “AGR” zone.

## 10. Comments from Relevant Government Departments

10.1 Apart from the government departments 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 are provided in **Appendices IV and V** respectively.

10.2 The following government departments do not support or have reservation on the application:

### Land Administration

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

- (a) the Site comprises Old Schedule Agricultural Lots 368 RP and 375 RP in D.D. 128 held under the Block Government Lease which contains the restriction that no structure is allowed to be erected without the prior approval of the Government, and GL;
- (b) the following private lot is covered by Short Term Waiver (STW) as shown below:

STW No.	Lot No. in D.D. 128	Purpose
5410	375 RP	Temporary Animal Boarding Establishment (Dog Kennel)

- (c) the GL (about 574m<sup>2</sup>) within the Site is covered by Short Term Tenancy No. STTYL0164 for the purpose of temporary animal boarding establishment (dog kennel);
- (d) the following irregularity covered by the planning application has been detected by his office:

LandsD has reservation on the planning application since there is/are unauthorised structure(s) on Lot 368 RP in D.D. 128 which is/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

- (e) if the planning application is approved, the applicant should note his advisory comments at **Appendix V**.

### **Agriculture and Nature Conservation**

#### 10.2.2 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) the Site falls within the “AGR” zone and is generally vacant with some structures. Agricultural infrastructures such as road access and water source are available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, the proposed development is not supported from agricultural perspective; and
- (b) he has no adverse comment on the application from nature conservation perspective. The applicant should note his advisory comments at **Appendix V**.

### **11. Public Comment Received During the Statutory Publication Period**

On 24.1.2025, the application was published for public inspection. During the statutory public inspection period, a public comment from an individual was received (**Appendix VII**) expressing concerns on the application mainly on grounds that the approval conditions under application No. A/YL-HTF/1128 for animal boarding establishment use have not been complied with; land filling has already been taken place within the Site and GL is involved; the Site does not fall within Category 2 areas under TPB PG-No. 13G; and the proposed use is not in line with the zoning of the Site.

### **12. Planning Considerations and Assessments**

12.1 The application is for proposed temporary open storage of construction materials with ancillary site office for a period of three years and associated filling of land at the Site zoned “AGR” on the OZP. The proposed use is not in line with the planning intention of the “AGR” zone and DAFC does not support the application from the agricultural perspective. Notwithstanding the above, the Project Manager (West) of Civil Engineering and Development Department advises that the Site falls within the study area of Lau Fau Shan Development in which the implementation and land resumption/clearance programme is currently being reviewed under the relevant investigation study and subject to change. Should the application be approved, the applicant should be reminded that the Site may be resumed by the Government at any time during the planning approval period for potential development project and advised not to carry out any substantial works therein. Taking into consideration the planning assessments below, there is no objection to the proposed use on a temporary basis for a period of three years with associated filling of land.

12.2 The applicant proposes to regularise the filling of land with concrete of not more than 0.2m in depth for the entire Site. Filling of land within the “AGR” zone

requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) and Director of Environmental Protection (DEP) have no objection to the application from drainage and environmental perspectives respectively. As the Site is zoned “AGR”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “AGR” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.

- 12.3 The Site is situated in an area of rural landscape character predominated by vacant/unused land and open storage yards intermixed with residential dwellings. The proposed use is considered generally not incompatible with the surrounding areas. The Chief Town Planner/Urban Design & Landscape of Planning Department (CTP/UD&L, PlanD) has no comment on the application from landscape planning point of view.
- 12.4 The Site falls within Category 2 areas under TPB PG-No. 13G. The proposed use is generally in line with TPB PG-No. 13G in that in addition to CE/MN, DSD and DEP, other relevant government departments including the Commissioner for Transport (C for T) and Director of Fire Services also have no objection to or no adverse comment on the application from traffic and fire safety perspectives respectively. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 13.2 below. Should the application be approved, the applicant will also be advised to follow the latest ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimise possible environmental nuisance on surrounding areas. Regarding DLO/YL, LandsD’s concern on the unauthorised structure(s) erected within Lot 368 RP in D.D. 128, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 12.5 The Committee has rejected a previous application (No. A/YL-HT/378) covering part of the Site for open storage use in 2005 mainly on grounds summarised in paragraph 6.3 above. The planning considerations for the current application are different from the previously rejected application in that C for T, DEP, CE/MN, DSD and CTP/UD&L, PlanD have no objection to or no adverse comment on the current application and the application is considered generally in line with the prevailing TPB PG-No. 13G. Besides, the Committee has approved five similar applications involving various open storage uses with/without filling of land within the same “AGR” zone between 2022 and 2024 mainly on considerations summarised in paragraph 7.1 above. Approval of this application is generally in line with the previous decisions of the Committee.
- 12.6 Regarding the public comment expressing concerns as summarised in paragraph 11 above, the planning considerations and assessments in paragraphs 12.1 to 12.5 above are relevant. Regarding the concern on non-compliance with approval conditions under the previous application (No. A/YL-HTF/1128), all the time-limited approval conditions were complied with as mentioned in

paragraph 6.2 above.

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

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comment mentioned in paragraph 11 above, the Planning Department 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 6.6.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### Approval conditions

- (a) the submission of a 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 **6.12.2025**;
- (b) in relation to (a) above, the implementation of the 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 **6.3.2026**;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) 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 **18.7.2025**;
- (e) the submission of a 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 **6.12.2025**;
- (f) in relation to (e) above, the implementation of the 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 **6.3.2026**;
- (g) 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;
- (h) if any of the above planning condition (a), (b), (d), (e) or (f) 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



- (i) upon expiry of the planning permission, the reinstatement of the application site, including the removal of hard paving and grassing of the application site to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory clauses

The recommended advisory clauses are attached at **Appendix V**.

- 13.3 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 "AGR" zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. There is no strong planning justification 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**

<b>Appendix I</b>	Application Form with Attachment received on 15.1.2025
<b>Appendix Ia</b>	Planning Statement
<b>Appendix Ib</b>	SI received on 22.1.2025
<b>Appendix Ic</b>	FI received on 28.2.2025
<b>Appendix Id</b>	FI received on 4.3.2025
<b>Appendix Ie</b>	FI received on 9.4.2025
<b>Appendix II</b>	Extract of TPB PG-No. 13G
<b>Appendix III</b>	Previous and Similar Applications
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	'Good Practice for Open Storage Sites' issued by the Fire Services Department
<b>Appendix VII</b>	Public Comment
<b>Drawing A-1</b>	Proposed Layout Plan

**Drawing A-2**  
**Plan A-1a**  
**Plan A-1b**  
**Plan A-2**  
**Plan A-3**  
**Plans A-4a and A-4b**

Land Filling Plan  
Location Plan with Similar Applications  
Previous Applications Plan  
Site Plan  
Aerial Photo  
Site Photos

**PLANNING DEPARTMENT**  
**JUNE 2025**