

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

**APPLICATION NO. A/YL-PH/1048**

- Applicant** : Wah Tung Development Company Limited
- Site** : Lot 44 (Part) in D.D. 108, Pat Heung, Yuen Long, New Territories
- Site Area** : About 3,010.7m<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** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Open Storage and Warehouse (excluding Dangerous Goods Godown) of Porcelain Products/Sanitary Utensils, Construction Materials and Machineries with Ancillary Facilities for a Period of Three Years and Associated Filling of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary open storage and warehouse (excluding dangerous goods godown) of porcelain products/sanitary utensils, construction materials and machineries with ancillary facilities for a period of three years and associated filling of land at the application site (the Site), which falls within an area zoned “AGR” on the OZP (**Plan A-1**). 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 within the “AGR” zone also requires planning permission from the Board. The Site is currently fenced, vacant and hard-paved with some vegetation covers and temporary structures (**Plan A-4**).
- 1.2 The Site is accessible from Fan Kam Road via a local track (**Plans A-2 and A-3**). According to the applicant, the proposed uses involve an area of about 1,580.6m<sup>2</sup> (52.5% of the Site) for open storage use, and erection of three single-storey structures with height ranging from 3.2m to 3.7m for warehouse and ancillary office uses and an open shed of 4.3m for loading/unloading (L/UL) activities, with a total floor area of about 409.5m<sup>2</sup> (**Drawing A-1**). An area of about 995.6 m<sup>2</sup> (33% of the Site) will be used for operation and manoeuvring space. Two parking spaces for private cars and two L/UL spaces for heavy goods vehicles will be provided within the Site. The applicant also applies for regularisation of the filling of land

for the entire Site with concrete at a depth of about 0.1m, raising the site level to +38.1mPD for site formation and no further filling is required (**Drawing A-2**). All the existing trees within the Site will be retained. The proposed uses will be set back from the adjacent watercourse for at least 3m and the existing boundary fences within the Site will be retained to avoid disturbance to the adjacent watercourse. The operation hours will be between 8:00 a.m. and 8:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. No maintenance, repairing, or other workshop activities will be conducted, and no dangerous goods will be stored at the Site. The layout plan and land filling plan submitted by the applicant are at **Drawings A-1** and **A-2** respectively.

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

(a) Application Form with supporting documents received (**Appendix I**)  
on 21.1.2025 and 24.1.2025

(b) Further Information (FI) received on 30.4.2025\* (**Appendix Ia**)

*\* accepted and exempted from publication and recounting requirements*

1.4 On 14.3.2025, the Rural and New Town Planning Committee (the Committee) of the Board 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 Application Form and FI at **Appendices I** and **Ia**, and can be summarised as follows:

- (a) The proposed uses on a temporary basis will not jeopardise the long-term planning intention of the Site and are not incompatible with the surrounding land uses. There are also other similar operations/developments in the vicinity of the Site.
- (b) The Site is within the 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', according to which if no complaint or adverse comments related to the Site has been received from the public or government departments, approval of the application on temporary basis for a period of three years could be granted.
- (c) The applicant applies for regularisation of the existing land filling at the Site and no further filling of land will be carried out.
- (d) No tree felling, pond filling or land excavation activities will be carried out. The existing boundary fences within the Site will be retained and the proposed uses will be set back at least 3m away from the top of the bank of the adjacent watercourse to avoid disturbance to the watercourse.
- (e) The proposed uses will not cause any adverse impact on drainage, traffic and environmental aspects. Drainage and fire service installations proposals have been

submitted in support of the current application. The applicant will comply with the approval conditions to be imposed and will apply for Short Term Waiver for the proposed uses at the Site should the current application be approved.

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

The applicant is not a “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 for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13G) promulgated on 14.4.2023 are relevant to the application. The Site falls within Category 2 areas under the 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 Application**

There is no previous application involving the Site.

**7. Similar Applications**

There are two similar applications (No. A/YL-PH/866 and 979), involving one same site, for renewal of planning approvals for temporary open storage of porcelain products/sanitary utensils within the same “AGR” zone in the vicinity of the Site in the past five years. Both applications were approved with conditions by the Committee in January 2021 and January 2024 respectively, mainly on the considerations that the temporary approval would not frustrate the long-term planning intention of the “AGR” zone; the applied use was not incompatible with the surrounding land uses; and the concerned government departments consulted in general had no adverse comment or their technical concerns could be addressed by relevant approval conditions. Details of these similar applications are summarised in **Appendix III** and the locations are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) accessible from Fan Kam Road via a local track; and
- (b) currently fenced, vacant and hard-paved with some vegetation covers and temporary structures.

8.2 The surrounding areas are rural in character comprising mainly warehouses and open storage/storage yards (one with valid planning permission under application No. A/YL-PH/979) intermixed with residential structures, agricultural land, grassland and woodland.

## **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 for “AGR” zone, as filling of land may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

## **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 in the Recommended Advisory Clauses, if any, are provided in **Appendices IV** and **V** respectively.

10.2 The following government departments do not support the application:

### **Environment**

10.2.1 Comments of the Director of Environmental Protection (DEP):

- (a) does not support the application in accordance with the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (“CoP”) as there are sensitive receivers in the vicinity (i.e. a residential structure is about 13m east of the Site) and the proposed uses will involve the use of heavy vehicles. Thus, environmental nuisance is expected;
- (b) no objection to the filling of land from environmental planning perspective;

- (c) no substantiated environmental complaint concerning the Site was received in the past three years; and
- (d) advisory comments are at **Appendix V**.

### **Agriculture and Nature Conservation**

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

- (a) does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation;
- (b) the Site falls within the “AGR” zone and is generally vacant with some structures. The agricultural activities are active in the vicinity, and 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 and plant nurseries, etc.; and
- (c) no comment on the application from nature conservation perspective.

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

On 28.1.2025, the application was published for public inspection. During the statutory public inspection period, two public comments were received including one from the Chairman of the Yuen Long Town Centre and Rural East Area Committee indicating no comment on the application. The other one was from an individual expressing concerns mainly on the grounds that the Site had been used for brownfield operation without valid planning permission and the proposed uses might cause environmental impact on the adjacent watercourse and surrounding areas (**Appendix VI**).

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

- 12.1 The application is for proposed temporary open storage and warehouse (excluding dangerous goods godown) of porcelain products/sanitary utensils, construction materials and machineries with ancillary facilities for a period of three years and associated filling of land at the Site zoned “AGR” (**Plan A-1**). Whilst the proposed uses are not in line with the planning intention of the “AGR” zone and DAFC does not support the application from agricultural perspective, taking into account the planning assessments below, there is no objection to the proposed uses on a temporary basis for a period of three years with associated filling of land.
- 12.2 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 of DSD) has no objection to the application from public drainage perspective and DEP has no objection to the filling of land from environmental

planning perspective. 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 proposed uses are considered not incompatible with the surrounding areas which are rural in character comprising mainly warehouses and open storage/storage yards intermixed with residential structures, agricultural land, grassland and woodland. To avoid disturbance to the adjacent watercourse, the applicant has proposed to set back the proposed uses from the watercourse for at least 3m and retain the existing boundary fences within the Site. The Chief Town Planner/Urban Design and Landscape of Planning Department considers that significant adverse landscape impact arising from the proposed uses is not anticipated.
- 12.4 While DEP does not support the application as the proposed uses involve the use of heavy vehicles and environmental nuisance on the sensitive receivers (i.e. residential structures) in the vicinity of the Site is expected, no substantiated environmental complaint concerning the Site was received in the past three years. Should the Committee decide to approve the application, it is recommended to advise the applicant to follow the “CoP” and the relevant statutory environmental requirements and practice notes to minimise the potential environmental nuisance on the surrounding land uses.
- 12.5 The Site falls within Category 2 areas under TPB PG-No. 13G. The application is considered generally in line with TPB PG-No. 13G in that, except for DEP and DAFC as mentioned above, other relevant government departments consulted, including the Director of Fire Services, Commissioner for Transport and CE/MN of DSD 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.
- 12.6 There are two approved similar applications within the same “AGR” zone in the vicinity of the Site in the past five years as mentioned in paragraph 7 above. Approving the current application is in line with the Committee’s previous decisions.
- 12.7 Regarding the public comments 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 20.6.2028. 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 20.12.2025;
- (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 20.3.2026;
- (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 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 1.8.2025;
- (e) 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 20.12.2025;
- (f) in relation to (e) 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 20.3.2026;
- (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 site, including the removal of fill materials and hard paving, and grassing of the site to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are 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 uses 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, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. 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**

<b>Appendix I</b>	Application Form with supporting documents received on 21.1.2025 and 24.1.2025
<b>Appendix Ia</b>	FI received on 30.4.2025
<b>Appendix II</b>	Relevant Extract of TPB PG-No. 13G
<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 Comments
<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  
JUNE 2025**