

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/1054

- Applicant** : Konwo Modular House Limited represented by Mr WONG Sun Wo William
- Site** : Lots 87, 88, 89, 103 and 104 in D.D. 108, Pat Heung, Yuen Long, New Territories
- Site Area** : About 3,530m²
- 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 Modular Integrated Construction Components with Ancillary Facilities and Associated Filling of Land for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary open storage of modular integrated construction (MiC) components with ancillary facilities and associated filling of land for a period of three years at the application site (the Site), which falls within an area zoned “R(D)” 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 in the “R(D)” zone also requires planning permission from the Board. The Site is currently hard-paved and used for the applied use without valid planning permission (**Plan A-4**).
- 1.2 The Site is accessible from Fan Kam Road via a local track, with the vehicular ingress/egress proposed at the northern part of the Site (**Plan A-2**). According to the applicant, the applied use involves erection of one single-storey structure with a height of 4.5m and a total gross floor area of about 150m² for ancillary office, an area of about 2,200m² (62.3% of the Site) for open storage of MiC components and the remaining area for vehicular manoeuvring space (**Drawing A-1**). Two parking spaces for private cars and one loading/unloading bay for medium goods vehicles

are provided within the Site to support the applied use. The applicant also applies for regularisation of associated filling of land for the entire Site with concrete for a depth of about 0.15m, raising the site level to a range between +41mPD and +42mPD for site formation (**Drawing A-2**), and no further filling is required. No assembling works and workshop activities will be conducted at the Site. The operation hours are between 8:00 a.m. and 6:00 p.m. from Mondays to 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 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with supporting documents received on 19.2.2025, 24.2.2025 and 26.2.2025 (**Appendix I**)
- (b) Further Information (FI) received on 11.6.2025* (**Appendix Ia**)

** accepted and exempted from publication and recounting requirements*

1.4 On 11.4.2025, 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 applicant is a supplier of MiC components for construction companies and light public housing developments in Hong Kong. The Site is required for storage of MiC components before delivery to various construction sites for installation.
- (b) Regarding the public concerns on the potential traffic impact and pedestrian safety issues to the nearby villagers, the proposed ingress/egress point and the vehicular access road is relocated from the southern part to the northern part of the Site to avoid using the local track leading to Ta Shek Wu under the latest proposal.
- (c) No structures will be erected within the waterworks reserve and free access will be made available for relevant government departments and parties for maintenance.
- (d) The applied use will not cause any adverse impact on traffic and environmental aspects. Drainage and fire service installations (FSIs) proposals have been submitted in support of the current application. The applicant will apply for Short Term Waiver (STW) to rectify the lease breaches upon planning approval 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 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 Applications

- 6.1 The northern part of the Site is involved in two previous planning applications (A/YL-PH/479 and 725) with larger site areas. Application No. A/YL-PH/479 for temporary open storage of vehicles was rejected by the Board upon review on 22.4.2005, mainly for the reasons that the application did not comply with the then TPB PG-No. 13C in that the application site fell within Category 3 areas and no previous planning approval was granted to the site for open storage use. Considerations of this application are not relevant to the current application as the Site currently falls within Category 2 areas under the TPB PG-No. 13G.
- 6.2 Application No. A/YL-PH/725 for temporary public car park, which was approved with conditions by the Committee on 5.2.2016, is not relevant to the current application due to different use involved. Details of these previous applications are summarised in **Appendix III** and their locations are shown on **Plan A-1**.

7. Similar Applications

- 7.1. There are nine similar applications (No. A/YL-PH/869, 909, 933, 953, 957, 1015, 1051, 1056 and 1062) for various temporary open storage uses (including one renewal of planning approval granted by the Board and seven with filling of land) 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 2021 and 2025, mainly on the considerations that the temporary approval would not frustrate the long-term planning intention of the "R(D)" zone; the proposed/applied use(s) were 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 IV** and the locations are shown on **Plan A-1**.

- 7.2. Other than the similar applications mentioned above, one application (No. A/YL-PH/1074) for proposed temporary open storage of construction materials and construction machineries and associated filling of land within the same “R(D)” zone on the OZP will be considered at the same meeting (**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 hard-paved and used for the applied use without planning permission.

- 8.2 The surrounding areas are rural in character comprising mainly open storage/storage yards with a vehicle park (including a site with valid planning permission) intermixed with residential structures, warehouses, a vehicle repair workshop, vacant land and woodland.

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

- 10.1 Apart from the government departments as set out in paragraphs 10.2 and 10.3 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 V** and **VI** respectively.

- 10.2 The following government department has adverse comment on the application:

Land Administration

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

- (a) has adverse comment on the application;
- (b) the Site comprises Old Schedule Agricultural Lot Nos. 87, 88, 89, 103 and 104 all in D.D. 108 held under the Block Government Lease which contains restriction that no structures are allowed to be erected without the prior approval of the Government;

- (c) there is/are unauthorized structure(s) on Lot No. 88 in D.D.108 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
- (d) if the planning application is approved, the lot owner(s) shall apply to his office for a STW to permit the structure(s) erected within the said private lots of the Site. The application(s) for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STW, if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate by LandsD. Besides, given the applied use is temporary in nature, only erection of temporary structure(s) will be considered.

10.3 The following government department does not support the application:

Environment

10.3.1 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 10m to the west of the Site) and the applied use involves the use of medium goods vehicle which is considered as 'heavy vehicle'. Thus, environmental nuisance is expected;
- (b) no objection to the filling of land from environmental planning perspective;
- (c) there were three environmental complaints related to the Site including one on water aspect and two on waste aspect in the past three years; and
- (d) advisory comments are at **Appendix VI**.

11. Public Comments Received During Statutory Publication Periods

On 28.2.2025 and 17.6.2025, the application was published for public inspection. During the statutory public inspection periods, a total of seven public comments from individuals were received. Four object to the application and three express concerns on the application, mainly on the grounds that the applied use is considered not compatible with the surrounding areas; the applied use would cause adverse traffic, environmental and noise impacts to the surrounding areas; the use of heavy vehicles would have potential pedestrian safety issues to the nearby villagers; and the operation hours of the applied use are unclear (**Appendix VII**).

12. Planning Considerations and Assessments

- 12.1 The application is for temporary open storage of MiC components with ancillary facilities and associated filling of land for a period of three years at the Site zoned “R(D)” (**Plan A-1**). Whilst 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 or in its vicinity within the “R(D)” zone, 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 above and 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) has no objection to the application from public drainage perspective and DEP has no objection to the filling of land from environmental planning perspective.
- 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 with a vehicle park intermixed with residential structures, warehouses, a vehicle repair workshop, vacant land and woodland. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) considers that significant adverse 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 application is considered generally in line with TPB PG-No. 13G in that except DEP and DLO/YL, LandsD, the relevant government departments consulted, including the Commissioner for Transport and Director of Fire Services who also considers the submitted FSIs proposal acceptable, 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. DEP does not support the application as the applied use involves the use of heavy vehicles and environmental nuisance on the sensitive receivers (i.e. residential structures) in the vicinity of the Site is expected. Should the Committee decide to approve the application, it is recommended to advise the applicant to follow the ‘CoP’ to minimise the potential environmental nuisance on the surrounding land uses, and the relevant statutory environmental requirements and practice notes. The operation of the applied use will also be subject to the relevant pollution control ordinance. Regarding DLO/YL, LandsD’s concerns on the unauthorised structures within the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 12.5 While there is one previous application covering part of the Site for open storage use rejected by the Board upon review as mentioned in paragraph 6.1 above, the considerations of that application is not applicable to the current application since the Site currently falls within Category 2 areas under TPB PG-No. 13G and the concerned departments have no adverse comments on the application except for DEP that the concern of which has been addressed in paragraph 12.4 above. On the other hand, there are nine approved similar applications within the same “R(D)”

zone in the vicinity of the Site in the past five years as detailed in paragraph 7.1 above. Approving the current application is in line with the Committee's previous decisions.

- 12.6 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 1.8.2028. 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 1.2.2026;
- (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 1.5.2026;
- (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 12.9.2025;
- (e) 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 1.5.2026;
- (f) 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; and
- (g) if any of the above planning condition (a), (b), (d) or (e) 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 VII**.

- 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 for low-rise, low-density residential developments subject to planning permission from the Board. 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

Appendix I	Application Form with supporting documents received on 19.2.2025, 24.2.2025 and 26.2.2025
Appendix Ia	FI received on 11.6.2025
Appendix II	Relevant Extract 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-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
AUGUST 2025**