

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/1074

- Applicant** : Chief Force Limited
- Site** : Lots 163 (Part), 164 (Part), 165 (Part) and 166 (Part) in D.D. 108, Fan Kam Road, Pat Heung, Yuen Long
- Site Area** : About 834m²
- 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** : Proposed Temporary Open Storage of Construction Materials and Construction Machineries and Associated Filling of Land for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary open storage of construction materials and construction machineries 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 vehicle parking with a valid planning permission under application No. A/YL-PH/1064 until 20.6.2028 (**Plan A-4**).
- 1.2 The Site is accessible from Fan Kam Road via a local track (**Plan A-2**). According to the applicant, the proposed use involves an area of about 537m² (64.4% of the Site) for open storage uses, including about 400m² for construction materials and about 137m² for construction machineries (**Drawing A-1**). No structure will be erected on the Site. Two parking spaces for light goods vehicles and one parking space for medium goods vehicles will be provided within the Site to support the proposed use. The applicant also applies for regularisation of associated filling of

land for the entire Site with concrete for a depth of about 0.2m, raising the site level to +57.2mPD for site formation (**Drawing A-2**) and no further filling is required. No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities will be conducted at the Site. The operation hours will be between 9:00 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 to 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 3.6.2025 and 5.6.2025
- (b) Further Information (FI) received on 24.7.2025* (**Appendix Ia**)

** 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 and FI at **Appendices I and Ia**, and can be summarised as follows:

- (a) The current application is the subject of an approved application (No. A/YL-PH/922) for temporary private vehicle park which was subsequently renewed in June 2025 (application No. A/YL-PH/1064). With the same site area/boundary as the previous applications, the current application involves change in the proposed use due to decreasing parking demand at the Site and a shortage of open storage sites in the vicinity of the Site. Hence, a fresh application is submitted.
- (b) Since the approval of application No. A/YL-PH/922, no complaint related to the Site has been received from the public or government departments, and the Site has been maintained in a good condition.
- (c) The proposed use will not cause any adverse impacts on drainage, traffic and environmental aspects. A drainage proposal with photo record of the implemented drainage facilities and a fire service installations (FSIs) proposal with fire certificate have been submitted in support of the current application. The proposed access to the Site from Fan Kam Road will not pass through areas with residential structures located to the southeast, minimising any potential disturbances to the residents.

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 Applications

- 6.1 The Site, in part or in whole, is the subject of four previous applications (No. A/YL-PH/240, 852, 922 and 1064) for various temporary open storage and vehicle park uses. Details of these applications are summarised in **Appendix III** and their locations are shown on **Plan A-1**.
- 6.2 Application No. A/YL-PH/240 for temporary open storage of construction materials (iron frames) was rejected by the Committee on 13.11.1998, mainly for the reasons that there was no strong justification for departure from the planning intention of the “R(D)” zone; the proposed use was not compatible with the nearby village houses; there was insufficient information to demonstrate that the proposed use would not have adverse traffic and drainage impacts on the surrounding land uses; and approval of the application would set an undesirable precedent.
- 6.3 The other three applications (No. A/YL-PH/852, 922 and 1064) for temporary private vehicle parks (including one renewal of planning approval granted and one with filling of land) submitted by the same applicant as the current application, were approved with conditions by the Committee between September 2020 and June 2025. The last application No. A/YL-PH/1064 for renewal of planning approval for temporary private vehicle park (private cars only) was approved with conditions by the Committee on 20.6.2025 and the planning permission is valid until 20.6.2028. Compared with the last application, the current application is submitted by the same applicant at the same site for a different proposed use. Considerations of these applications are not relevant to the current application due to different use involved.

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/1054) for temporary open storage of modular integrated construction components with ancillary facilities 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 vehicle parking with a valid planning permission under application No. A/YL-PH/1064 until 20.6.2028.

- 8.2 The surrounding areas are rural in character comprising mainly residential structures of Ta Shek Wu and open storage/storage yards (including two sites with valid planning permissions) intermixed with vacant land, grassland, woodland 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

- 10.1 Apart from the government department as set out in 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 V** and **VI** respectively.

- 10.2 The following government department does 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’) issued by the Environmental

Protection Department as there are sensitive receivers in the vicinity (i.e. a residential structure is about 1.9m southeast of the Site) and the proposed use involves the use of a parking space for 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) no substantiated environmental complaint concerning the Site was received in the past three years; and
- (d) advisory comments are at **Appendix VI**.

11. Public Comment Received During Statutory Publication Period

On 10.6.2025, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual objecting to the application was received mainly on the grounds that the Site is in close proximity to residential structures.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary open storage of construction materials and construction machineries and associated filling of land for a period of three years at the Site zoned "R(D)" (**Plan A-1**). Whilst the proposed 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 proposed 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, who also considers the submitted drainage proposal with photo record of the implemented drainage facilities acceptable, 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 proposed use is considered not incompatible with the surrounding land uses which are rural in character comprising mainly residential structures of Ta Shek Wu and open storage/storage yards intermixed with vacant land, grassland, woodland and graves. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) considers that significant adverse landscape impact arising from the proposed 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, the relevant government departments consulted, including the Commissioner for Transport and Director of Fire Services who also considers the submitted FSIs proposal with fire certificate acceptable, have no objection to or no adverse comment on the application. To address the technical requirements of concerned government departments, relevant approval conditions are recommended in paragraph 13.2 below. DEP does not support the application as the proposed 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. The operation of the proposed use will also be subject to the relevant pollution control ordinance.
- 12.5 While there is one previous application for open storage use rejected by the Committee as mentioned in paragraph 6.2 above, the considerations of that application are 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 mentioned in paragraph 7.1 above. Approving the current application is in line with the Committee's previous decisions.
- 12.6 Regarding the public comment 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 comment 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 implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (b) 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;
- (c) 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;

- (d) if the above planning condition (a) 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
- (e) if any of the above planning condition (b) or (c) 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 proposed 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 3.6.2025 and 5.6.2025
Appendix Ia	FI received on 24.7.2025
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 Comment
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