

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

**APPLICATION NO. A/YL-TYST/1316**

<b><u>Applicant</u></b>	:	Mr. MAN Cheung Lam represented by Mr. HUI Kwan Yee
<b><u>Site</u></b>	:	Lot 2677 in D.D. 120, Shap Pat Heung, Yuen Long
<b><u>Site Area</u></b>	:	1,198.5 m <sup>2</sup> (about)
<b><u>Lease</u></b>	:	Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	:	Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/14
<b><u>Zonings</u></b>	:	“Village Type Development” (“V”) (about 98.9%); and <i>[Restricted to a maximum building height of 3 storeys (8.23m)]</i> “Open Space” (“O”) (about 1.1%) <sup>1</sup>
<b><u>Application</u></b>	:	Temporary Open Storage of Construction Materials for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicants seek planning permission for temporary open storage of construction materials for a period of three years at the application site (the Site) zoned “V” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently unpaved, partly fenced-off and occupied by the applied use without valid planning permission (**Plans A-2 to A-4**).
- 1.2 The Site with the ingress/egress at the northern part is accessible from Lam Hi Road via a local track (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, the applied use is for storage of construction materials (including iron bars, water barriers, construction tools and tents, etc.). A total of eight single-storey structures (about 2.9m in height) with a total floor area of about 126.5m<sup>2</sup> are provided for storage use while the remaining area is used for open storage, vehicular access/manoeuvring and loading/unloading space. Plan showing the site layout

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<sup>1</sup> Regarded as minor boundary adjustment allowed under the covering Notes of the OZP.

with vehicular access leading to the Site submitted by the applicant is at **Drawing A-1**.

1.3 The major development parameters of the application are summarised as follows:

Site Area	About 1,198.5 m <sup>2</sup>
Total Floor Area (Non-domestic)	About 126.5 m <sup>2</sup>
No. and Height of Structures	8 • for storage use (2.9 m, 1 storey)
No. of Parking Space	Nil
No. of Loading/ Unloading Space	1 (for medium goods vehicle) (7m x 3.5m)
Operation Hours	24 hours daily including Sundays and Public Holidays

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

- (a) Application Form with attachments received on 10.6.2025 (**Appendix I**)
- (b) Supplementary Information (SI) received on 19.6.2025 (**Appendix Ia**)
- (c) Further Information (FI) received on 24.7.2025 (**Appendix Ib**)  
*[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, SI and FI (**Appendices I to Ib**). They can be summarised as follows:

- (a) the Site has been vacant for a long time and overgrown with weeds. The lack of proper management has caused adverse environmental impacts to the surrounding areas;
- (b) there is a shortage of land for open storage use in the area and the applied use can facilitate the small house construction works in the vicinity of the Site; and
- (c) the loading/unloading activities of the Site will only be conducted once or twice per day and no adverse traffic impact arising from the applied use is envisaged.

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

The applicant is not a “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 of the “current land owner”. 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” (TPB PG-No. 13G) is relevant to the application. The Site falls within Category 4 areas under TPB PG-No. 13G promulgated by the Board on 14.4.2023. The relevant extract of the Guidelines is at **Appendix II**.

#### **5. Background**

The Site is subject to planning enforcement action against unauthorized development (UD) involving storage use (including deposit of containers) and use for place for parking of vehicles (**Plan A-2**). Enforcement Notice was issued on 7.3.2025 requiring discontinuance of the UD. Site inspections conducted on 9.5.2025 and 4.7.2025 revealed that the UD was not discontinued. Prosecution action would be considered.

#### **6. Previous Application**

There is no previous planning application concerning the Site.

#### **7. Similar Application**

There is no similar application within the subject “V” zone in the past five years.

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

8.1 The Site is:

- (a) accessible from Lam Hi Road via a local track (**Drawing A-1, Plans A-2 and A-3**); and
- (b) unpaved, partly fenced off and currently occupied by the applied use without valid planning permission (**Plans A-2 to A-4**).

8.2 The surrounding areas comprise predominantly village houses and residential structures intermixed with open storage/storage yards, warehouses, a vehicle repair workshop, parking of vehicles, agricultural land, unused land and vacant land/structures. Some of these uses within the “V” zone are suspected UD's subject to planning enforcement action. There are residential structures in the vicinity of the Site with the nearest one located about 35m to its north. The main village cluster of Lam Hau Tsuen is located at about 60m to the northwest of the Site (**Plans A-2 and A-3**).

#### **9. Planning Intention**

The planning intention of the “V” zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses (SHs) by indigenous villagers. It is also intended to concentrate village type development within the zone for a more orderly

development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

## **10. Comments from Relevant Government Departments**

10.1 Apart from the government department 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 III** and **IV** 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) he does not support the application as there are residential uses in the vicinity (with the nearest one located about 35m to its north) (**Plan A-2**) and the applied use will cause traffic of heavy vehicles, environmental nuisance is expected;
- (b) no environmental complaint concerning the Site received in the past three years; and
- (c) should the application be approved, the applicant should note his advisory comments in **Appendix IV**.

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

On 20.6.2025, the application was published for public inspection. During the statutory public inspection period, a public comment was received from an individual objecting to the application on the grounds that open storage use should not be carried out in the vicinity of village houses and approval of the application would jeopardise the planning intention of the subject “V” zone (**Appendix V**).

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

12.1 The application is for temporary open storage of construction materials for a period of three years at the Site zoned “V” on the OZP. The applied use is not in line with the planning intention of the “V” zone, which is primarily intended for development of SH by indigenous villagers. There is no strong planning justification given in the submission for a departure from the planning intention of the “V” zone, even on a temporary basis.

12.2 The surrounding areas comprise predominantly village houses and residential structures with the nearest residential structure located about 35m to the north of the Site. The main village cluster of Lam Hau Tsuen is located about 60m to the

further northwest of the Site (**Plans A-2 and A-3**). Although the Site is adjoined by open storage yards, those within the same “V” zone are suspected UD’s subject to planning enforcement action. The applied use is considered not compatible with the surrounding village setting within the “V” zone.

12.3 Whilst the concerned government departments consulted, including the Commissioner for Transport, Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department have no objection to or no adverse comment on the application from traffic, fire safety and drainage aspects respectively, DEP does not support the application as there are sensitive receivers of residential use in the vicinity of the Site (with the nearest one located about 35m to its north) (**Plan A-2**) and the applied use will cause traffic of heavy vehicles, thus environmental nuisance is expected.

12.4 The Site falls within Category 4 areas under TPB PG-No. 13G. The following considerations in the Guidelines are relevant:

Category 4 areas: applications for open storage and port back-up uses would normally be rejected except under exceptional circumstances. For applications on sites with previous planning approvals, and subject to no adverse departmental comments and local objections, sympathetic consideration may be given if the applicants have demonstrated genuine efforts in compliance with approval conditions of the previous planning application and included in the applications relevant technical assessments/proposals to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. The intention is however to encourage the phasing out of such non-conforming uses as early as possible. Planning permission for a maximum period of three years may be allowed for an applicant to identify suitable sites for relocation.

12.5 The application is considered not in line with TPB PG-No. 13G in that no previous approval for open storage use has been granted at the Site; there are adverse comments from the relevant department; and there is insufficient information in the submission to demonstrate that the applied use would not have adverse environmental impact on the surrounding areas. Besides, there is no similar application approved within the same “V” zone in the past five years.

12.6 Regarding the public comment as summarised in paragraph 11 above, the planning considerations and assessments in paragraphs 12.1 to 12.5 above are relevant.

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

13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comment mentioned in paragraph 11 above, the Planning Department does not support the application for the following reasons:

- (a) the applied use is not in line with the planning intention of the “Village Type Development” zone which is to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis; and

- (b) the applied use is not in line with the Town Planning Board Guidelines on 'Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance' (TPB PG-No. 13G) in that there is no previous approval granted at the site; and there are adverse environmental impacts on the surrounding areas.

13.2 Alternatively, 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 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 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 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 1.2.2026;
- (e) in relation to (d) 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 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 IV**.

## **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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 14.3 Alternatively, 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.

**15. Attachments**

<b>Appendix I</b>	Application Form with attachments received on 10.6.2025
<b>Appendix Ia</b>	SI received on 19.6.2025
<b>Appendix Ib</b>	FI received on 24.7.2025
<b>Appendix II</b>	Relevant Extracts of TPB PG-No. 13G
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendix V</b>	Public Comment
<b>Appendix VI</b>	Good Practice Guidelines for Open Storage
<b>Drawing A-1</b>	Site Layout Plan with Vehicular Access
<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  
AUGUST 2025**