

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/1045

- Applicant** : United Sky International Development Limited by Metro Planning and Development Company Limited
- Site** : Lot 226 (Part) in D.D. 111, Pat Heung, Yuen Long, New Territories
- Site Area** : About 90m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
- Zoning** : “Village Type Development” (“V”)
[restricted to maximum building height of 3 storeys (8.23m)]
- Application** : Proposed Filling and Excavation of Land for Permitted House (New Territories Exempted House)

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed filling and excavation of land for permitted house (New Territories Exempted House) (NTEH) at the application site (the Site), which falls within an area zoned “V” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “V” zone, ‘House (NTEH only)’ is always permitted while filling and excavation of land require planning permission from the Town Planning Board (the Board). The Site is currently occupied by an existing NTEH (**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 entire Site will be filled with soil covered by concrete for a depth of about 1.64m raising the site formation level from +24.76mPD to +26.40mPD (similar to the existing level (i.e. about +26.40mPD) of the surrounding area) for forming a platform to facilitate the redevelopment of an existing NTEH, which is situated at a level lower than the surrounding area (**Drawing A-2** and **Plan A-4**). For provision of 300mm U-shaped surface drainage channel, execution of land with a depth of about 0.375m and a total area of 15m² is also proposed along the periphery of the Site after the platform is formed for erection of the permitted NTEH. The land filling plan and section 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 and supporting information received (Appendix I)
on 6.1.2025 and 10.1.2025
- (b) Further Information (FI) received on 18.7.2025* (Appendix Ia)

** accepted and exempted from publication and recounting requirements*

1.4 On 28.2.2025 and 23.5.2025, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months each 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 Site falls within the “V” zone and the development of NTEH is always permitted. The proposed filling and excavation of land for site formation and provision of drainage channel purposes, which are to facilitate the redevelopment of the existing NTEH at the Site, are considered in line with the planning intention of the “V” zone.
- (b) As the nearby villagers have filled the surrounding area (at a site level of about +26.40mPD) to reduce the risks of flooding, the Site is currently sunken and is subject to accumulation of stormwater in the event of prolonged rainfall, causing adverse drainage impact, flooding and inconvenience to the applicant. Hence, the proposed filling of land is to raise the site formation level for the redevelopment of the existing NTEH. Excavation of land along the periphery of the Site is also required for the provision of 300mm U-shaped surface drainage channel which would connect and discharge the surface runoff to the existing stream.
- (c) No adverse impact on the surrounding areas is anticipated in view of the nature and scale of the proposed land filling and excavation works. A drainage proposal has been submitted to demonstrate that the proposed works would not induce significant adverse drainage impact on the surrounding areas.

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

The applicant is the “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

4.1 The Site is not subject to any active enforcement action.

- 4.2 Part of the surrounding area of the Site is subject to a planning enforcement action against unauthorized development (UD) involving storage use (No. E/YL-PH/900) (**Plan A-2**). An Enforcement Notice was issued on 15.8.2024. Since the UD has not been discontinued upon expiry of the notice, prosecution action has been taken. Further site inspection will be conducted to ascertain if the UD has been discontinued under prevailing procedures. The site level of the concerned area is about +26.40mPD.

5. Previous Application

The Site forms part of a larger site for a previous application (No. A/YL-PH/551) for temporary open storage of construction materials and tools and vehicles prior to sale with ancillary vehicle repair workshop which was rejected by the Committee in 2008. Considerations of this previous application are not relevant to the current application due to different use involved. Details of this application is summarised at **Appendix II** and the location is shown on **Plan A-1**.

6. Similar Application

There is one similar application (No. A/YL-PH/949) for proposed filling of land for permitted agricultural use within the same “V” zone in the vicinity of the Site in the past five years. The application was approved with conditions by the Committee on 11.9.2023, mainly on the considerations that the proposed land filling to provide levelled platform was not excessive and the site formation level was comparable to the surrounding areas; the proposed filling of land would not cause significant adverse impacts on the areas; and relevant government departments consulted in general had no adverse comment on the application or their technical concerns could be addressed by relevant approval conditions. Details of the similar application are summarised in **Appendix III** and the location is shown on **Plan A-1**.

7. The Site and Its Surrounding Areas (Plans A-1 to A-4)

7.1 The Site is:

- (a) currently occupied by an existing NTEH; and
- (b) accessible from Fan Kam Road via a local track.

7.2 The surrounding areas are rural in character comprising mainly residential structures, open storage/storage yards, a car repair workshop, a factory, vacant land, grassland. Village settlements of Sheung Che and Shui Kan Shek are located to the further west and north respectively, and a stream is located to the further east of the Site.

8. Planning Intention

The planning intention of the “V” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and re-provisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this 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 NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

9. Comments from Relevant Government Departments

9.1. The following Government departments have been consulted and their views on the application are summarised as follows:

Land Administration

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

- (a) a Building Licence No. 347 was issued on 19.11.1973 to Lot 226 in D.D. 111 (the Lot). The Building Licence permitted the Licensee to erect a NTEH having a built-over area of not more than 700ft² (65.03m²) with a height of not exceeding 15 feet and not more than one storey with a cockloft within ground floor of the building not exceeding 50% of the built-over area, i.e. 1 and 1/2 storey. “Letter Confirming Conditions of Grant Complied With” in respect of the building erected was issued on 28.9.1976; and
- (b) the current registered owner of the Lot submitted an application for rebuilding of a three-storey (8.23m) NTEH with a built-over area of not more than 65.03m² to his office on 1.2.2018. Site inspection revealed a significant level difference of about 1.64m between the existing house and the surrounding ground level. The applicant confirmed that he intended to carry out landfilling for future development. As planning permission would be required for such landfilling, the rebuilding application was rejected on 7.1.2025. Resubmission of a rebuilding application would be required should the planning application be approved.

Environment

9.1.2. Comments of the Director of Environmental Protection (DEP):

- (a) no objection to the application from environmental planning perspective;

- (b) no substantiated environmental complaint concerning the Site has been received in the past three years; and
- (c) advisory comments are at **Appendix IV**.

Drainage

9.1.3. Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) no objection to the application from public drainage point of view;
- (b) the submitted drainage proposal is considered acceptable;
- (c) should the application be approved, approval conditions requiring the implementation of the drainage proposal and maintenance of the implemented drainage facilities for the development at the Site should be included in the planning permission; and
- (d) advisory comments are at **Appendix IV**.

District Office's Comments

9.1.4. Comments of the District Officer (Yuen Long), Home Affairs Department:

no particular comment on the application and no comment was received from the locals upon close of consultation.

9.2. The following government departments have no objection to/no adverse comment on the application and their advisory comments, if any, are in **Appendix IV**:

- (a) Director of Fire Services (D of FS);
- (b) Commissioner for Transport (C for T);
- (c) Chief Building Surveyor/New Territories West, Buildings Department;
- (d) Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD);
- (e) Chief Engineer/Construction, Water Supplies Department;
- (f) Chief Highway Engineer/New Territories West, Highways Department (HyD);
- (g) Chief Engineer/Railway Development 1-1, HyD; and
- (h) Project Manager (West), Civil Engineering and Development Department.

10. Public Comment Received During Statutory Publication Period

On 14.1.2025, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed filling and excavation of land for permitted house (NTEH) at the Site zoned “V” (**Plan A-1**). While “House (NTEH only)” is always permitted, filling and excavation of land within the “V” zone require planning permission from the Board. DLO/YL, LandsD advised that the Site is covered by a valid Building Licence. According to the applicant, the proposed filling of land with soil covered by concrete for a depth of about 1.64m for the entire Site is to raise the site formation level of the Site from +24.76mPD to +26.40mPD to form a platform with a level similar to the surrounding area (i.e. about +26.40mPD) to facilitate the redevelopment of the existing NTEH, which is currently situated at a level lower than the surrounding area. Filling of land for the Site to a level similar to the surrounding area will also help reduce the risks of flooding for the future redeveloped NTEH. Besides, the proposed excavation of land with a depth of about 0.375m and a total area of 15m² along the periphery of the Site to be undertaken after site formation is also required for provision of 300mm U-shaped surface drainage channel. In this regard, CE/MN, DSD, who considers the submitted drainage proposal acceptable, and DEP have no objection to the application on public drainage and environmental planning aspects respectively.
- 11.2 The proposed filling and excavation of land for the permitted NTEH is considered not incompatible with the surrounding areas, which are rural in character comprising mainly residential structures, open storage/storage yards, a car repair workshop, a factory, vacant land, grassland, as well as village settlements of Sheung Che and Shui Kan Shek and a stream to the further west, north and east respectively (**Plan A-2**). CTP/UD&L, PlanD has no comment on the application from landscape planning perspective.
- 11.3 Other relevant government departments consulted including C for T and D of FS 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 12.2 below. It is also recommended to advise the applicant to follow the good engineering practice set out in the ‘Recommended Pollution Control Clauses for Construction Contracts’ issued by the Environmental Protection Department to minimise the potential environmental impacts during construction stage.
- 11.4 There is one approved similar application within the same “V” zone in the vicinity of the Site in the past five years as mentioned in paragraph 6 above. Approving the current application is in line with the Committee’s previous decision.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 above, PlanD has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 5.9.2029, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted

is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the implementation of the accepted drainage proposal upon completion of the land filling and excavation works to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (b) if the above planning condition (a) is not complied with, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.

Advisory Clauses

The recommended advisory clauses are at **Appendix IV**.

12.3 There is no strong reason to recommend rejection of the application.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 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 date when the validity of the permission should expire.
- 13.3 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.

14. Attachments

Appendix I	Application Form and supporting information received on 6.1.2025 and 10.1.2025
Appendix Ia	FI received on 18.7.2025
Appendix II	Previous Application
Appendix III	Similar Application
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Land Filling Plan
Drawing A-2	Section Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos