

TOWN PLANNING BOARD

TPB Paper No. 11031

**For Consideration by
the Town Planning Board on 14.11.2025**

**REVIEW OF APPLICATION NO. A/YL-TYST/1316
UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE**

**Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years
in “Village Type Development” Zone,
Lot 2677 in D.D. 120, Shap Pat Heung, Yuen Long**

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in “Village Type Development” Zone,
Lot 2677 in D.D. 120, Shap Pat Heung, Yuen Long**

1. Background

- 1.1 On 10.6.2025, the applicant, Mr. MAN Cheung Lam represented by Mr. HUI Kwan Yee, sought planning permission for temporary open storage of construction materials for a period of three years at the application site (the Site) under section 16 of the Town Planning Ordinance (the Ordinance). The Site falls mainly within an area zoned “Village Type Development” (“V”)¹ on the approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/14 (**Plan R-1**).
- 1.2 On 1.8.2025, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the application for the following reasons:
- (a) the applied use was not in line with the planning intention of the “V” zone, which was to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within this zone was primarily intended for development of Small Houses (SHs) by indigenous villagers. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis; and
 - (b) the applied use was 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 was no previous approval granted at the site; and there were adverse environmental impacts on the surrounding areas.
- 1.3 The Site is subject to an active planning enforcement case No. E/YL-TYST/924 against unauthorized development (UD) involving storage use (including deposit of containers) and use for place for parking of vehicles (**Plan R-2**). Enforcement Notice was issued on 7.3.2025 requiring discontinuance of the UD. As site inspections upon expiry of the notice revealed that the UD has not been discontinued, prosecution action is being considered.
- 1.4 For Members’ reference, the following documents are attached:
- (a) RNTPC Paper No. A/YL-TYST/1316 **(Annex A)**

¹ A minor portion at the east of the Site (about 1.1%) falls within the “Open Space” zone on the OZP, which can be considered as minor boundary adjustment allowed under the covering Notes of the OZP.

- (b) Extract of minutes of the RNTPC Meeting held on 1.8.2025 (Annex B)
- (c) Secretary of the Board's letter dated 15.8.2025 (Annex C)

2. Application for Review

On 22.8.2025, the applicant applied under section 17(1) of the Ordinance for a review of RNTPC's decision to reject the application (Annex D).

3. Justifications from the Applicant

The justifications put forth by the applicant in support of the review application are detailed at Annex D as summarised below:

- (a) majority of the government departments consulted had no objection to or no adverse comment on the section 16 application; and
- (b) there was only one public comment objecting to the section 16 application received during the statutory publication period.

4. The Section 16 Application

The Site and its Surrounding Areas (Plans R-1 to R-4)

- 4.1 The situation of the Site and the surrounding areas at the time of consideration of the s.16 application by the RNTPC are set out in paragraphs 8.1 and 8.2 of Annex A. There has not been any major change in the planning circumstances of the Site and the area since then.
- 4.2 The Site is:
 - (a) accessible from Lam Hi Road via a local track (Plans R-2 and R-3); and
 - (b) unpaved, partly fenced off and currently occupied by the applied use without valid planning permission (Plans R-2 to R-4).
- 4.3 The surrounding areas comprise predominantly village houses and residential structures intermixed with open storage/storage yards, warehouses, parking of vehicles, agricultural land, unused land and vacant land/structures. Some of these uses within the "V" zone are suspected UDs 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 R-2 and R-3).

Planning Intention

- 4.4 There has been no change in the planning intention of the subject "V" zone as mentioned in paragraph 9 of Annex A, 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 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 floors of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

Town Planning Board Guidelines

4.5 According to TPB PG-No. 13G promulgated by the Board on 14.4.2023, the Site falls within Category 4 areas. The relevant extract of the Guidelines is attached at **Appendix II** of **Annex A**.

Previous Application

4.6 There is no previous planning application concerning the Site.

Similar Application

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

5. Comments from Relevant Government Departments

5.1 Comments on the section 16 application made by relevant government departments are set out in paragraph 10 and **Appendix III** of **Annex A**. Their advisory comments, if any, are at **Appendix IV** of **Annex A** and recapitulated at **Annex E**.

5.2 In respect of the review application, relevant government departments have been further consulted and they maintained their previous comments on the application. Comments from the Director of Environmental Protection (DEP) as set out in paragraph 10.2 of **Annex A** are recapitulated as follows:

Environment

5.2.1 Comments of 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 R-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) his advisory comments are at **Annex E**.

6. Public Comment Received During the Statutory Publication Period

6.1 On 5.9.2025, the review 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 and port back-up uses at Category 4 areas should normally be rejected according to the TPB PG-No. 13G; the Site is the subject of UD; and there are residential structures in the vicinity of the Site (**Annex F**).

- 6.2 A public comment objecting to the application was received from an individual at the section 16 application stage as set out in paragraph 11 of **Annex A**.

7. Planning Considerations and Assessments

- 7.1 The application is for a review of the RNTPC's decision on 1.8.2025 to reject the subject application for temporary open storage of construction materials for a period of three years at the Site zoned "V" on the OZP (**Plan R-1**). The application was rejected for the reasons that the applied use was (i) not in line with the planning intention of the "V" zone; and (ii) not in line with the TPB PG-No. 13G in that there was no previous approval granted at the Site and there were adverse environmental impacts on the surrounding areas.

Justifications for the Review Application

- 7.2 In support of the review application, the applicant puts forward justifications that (1) majority of the government departments consulted had no objection to or no adverse comment on the section 16 application; and (2) there was only one public comment objecting to the section 16 application received during the statutory publication period.
- 7.3 The major development parameters and layout of the applied use remain unchanged in the review application. There has been no material change in the planning circumstances since the consideration of the section 16 application by the RNTPC on 1.8.2025. Having considered the written representation, the planning considerations and assessments as set out in paragraph 12 of **Annex A** remain valid and the planning considerations and assessments on the review application are detailed below.

Planning Intention of the "V" Zone and Land Use Compatibility

- 7.4 The Site falls within the "V" zone which is primarily intended for development of SHs by indigenous villagers. The applied use is not in line with the planning intention of the "V" zone. Although the Site is adjoined by open storage yards, those within the same "V" zone are suspected UDs subject to planning enforcement action. 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 Site is accessible from Lam Hi Road via a local track and heavy vehicle traffic is expected to travel along the main village cluster of Lam Hau Tsuen and residential structures located to the further northwest and north of the Site respectively (**Plans R-2** and **R-3**). DEP maintains his view that he does not support the application as there are sensitive receivers of residential use in the vicinity of the Site and the applied use would cause traffic of heavy vehicles, thus environmental nuisance is expected. The applied use is considered not compatible with the surrounding village setting within the "V" zone. There is no strong

planning justification given in the review submission for a departure from the planning intention of the “V” zone, even on a temporary basis.

Departmental Comments

7.5 In Justification (1) of the review submission, the applicant states that majority of the government departments consulted have no objection to or no adverse comment on the section 16 application. In this regard, while relevant government departments, including the Commissioner for Transport, Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department, have been further consulted on the review application and they maintain their no objection to or no adverse comment on the application, DEP maintains his view that he does not support the application as discussed in paragraph 7.4 above.

Not in line with TPB PG-No. 13G

7.6 The Site falls within Category 4 areas under TPB PG-No. 13G, wherein application would normally be rejected except under exceptional circumstances. In this regard, the applicant has not provided any information in the review submission to justify for the applied use and there is no exceptional circumstance in the current application that warrant sympathetic consideration. 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 relevant government 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.

Public Comments

7.7 In Justification (2) of the review submission, the applicant states that there was only one public comment objecting to the section 16 application received during the statutory publication period. The public comment objecting to the section 16 application was summarised in paragraph 11 and attached in **Appendix V** of **Annex A**. After considering the public comment together with the applicant’s submission, relevant TPB guidelines, planning circumstances as well as departmental comments, the RNTPC decided to reject the section 16 application.

7.8 Regarding the public comment objecting to the review application on the grounds as summarised in paragraph 6.1 above, the planning considerations and assessments in paragraphs 7.1 to 7.7 above are relevant.

8. Planning Department’s Views

8.1 Based on the assessments made in paragraph 7, having taken into account the public comment in paragraph 6 and given that there has been no material change in the planning circumstances since the consideration of the subject application by the RNTPC, the Planning Department maintains its previous view of not supporting the review 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.

8.2 Alternatively, should the Board 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 14.11.2028. 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 14.5.2026;
- (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 14.8.2026;
- (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 14.5.2026;
- (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 14.8.2026;
- (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 attached at **Annex E**.

9. Decision Sought

- 9.1 The Board is invited to consider the application for a review of the RNTPC's decision and decide whether to accede to the application.
- 9.2 Should the Board decide to reject the review application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 9.3 Alternatively, should the Board decide to approve the review 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.

10. Attachments

Annex A	RNTPC Paper No. A/YL-TYST/1316
Annex B	Extract of Minutes of the RNTPC Meeting held on 1.8.2025
Annex C	Secretary of the Board's Letter dated 15.8.2025
Annex D	Letter from the Applicant dated 22.8.2025
Annex E	Recommended Advisory Clauses
Annex F	Public Comment
Plan R-1	Location Plan
Plan R-2	Site Plan
Plan R-3	Aerial Photo
Plan R-4	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2025**