

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/764

- Applicant** : Mr. CHAN Chun Wo represented by Metro Planning & Development Company Limited
- Site** : Lots 106 (Part), 107 (Part), 289 (Part), 293 (Part), 294 (Part), 295 (Part), 301 (Part), 302 (Part) and 319 (Part) in D.D.126, Fung Ka Wai, Ping Shan, Yuen Long
- Site Area** : 3,030 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/21
(Currently in force)
- Approved Ping Shan OZP No. S/YL-PS/20
(At the time of submission)
- Zoning** : “Recreation” (“REC”) (about 57%); and
- “Village Type Development” (“V”) (about 43%)
[Restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Temporary Public Vehicle Park (Private Cars) and Open Storage of Construction Machinery and Construction Materials and Associated Filling of Land for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary public vehicle park (private cars) and open storage of construction machinery and construction materials and associated filling of land for a period of three years at the application site (the Site) zoned “REC” and “V” on the OZP (**Plan A-1a**). According to the Notes of the OZP, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use requiring planning permission from the Town Planning Board (the Board) within both “REC” and “V” zones, while temporary use or development of any land or buildings not exceeding a period of three years also requires planning permission from the Board. Besides, filling of land within both “REC” and “V” zones also requires planning permission from the Board. The Site is currently fenced off,

largely hard-paved and partly occupied by the applied open storage use without valid planning permission (**Plans A-2, A-4a and A-4b**)¹.

- 1.2 The Site comprises two portions (i.e. northern portion and southern portion) separated by internal fencing which are not interconnectable. Each portion shall have its individual access connecting to Tin Wah Road via a local track with ingress/egress at the northeastern part for the northern portion and the southwestern part for the southern portion respectively (**Plans A-2 and A-3**). The northern portion which falls within “V” and “REC” zones with an area of about 1,340m² (about 44.2% of site area) will be used for a public vehicle park while the southern portion which falls entirely within “REC” zone with an area of about 1,690m² (about 55.8% of site area) will be used for open storage of construction machinery and construction materials. For the northern portion, 30 parking spaces for private cars (5m x 2.5m each) will be provided and no open storage, workshop or car beauty activities will be carried out. For the southern portion, two areas with a total area of about 650m² will be used for open storage. A single-storey open shed for storage use (8.5m in height) with a floor area not exceeding 230m² and a loading/unloading space for light goods vehicle are proposed. The items to be stored at the open areas and underneath the open shed mainly include electric generators, miniature excavators, sanitary wares and barricades.
- 1.3 The operation hours are 24 hours daily (including Sundays and public holidays) for the public vehicle park at northern portion, and 9 a.m. to 7 p.m. from Mondays to Saturdays and no operation on Sundays and public holidays for the open storage use at southern portion. The plans showing the vehicular access, layout, filling of land area and landscape proposal submitted by the applicant are at **Drawings A-1 and A-4** respectively.
- 1.4 The current application also seeks planning permission to regularise the filling of land at about 89% of the Site (about 2,700 m²) with concrete of about 0.2m in depth for site formation and maneuvering of vehicles (**Drawing A-3**).
- 1.5 According to the landscape proposal submitted by the applicant, to mitigate the adverse landscape impact arising from the applied uses and associated filling of land, 39 new trees are proposed to be planted along the periphery of the Site (**Drawing A-4**).
- 1.6 The Site was involved in four previous applications for temporary open storage or public vehicle park use approved by the Rural and New Town Planning Committee (the Committee) of the Board between 1994 and 2024 (details at paragraph 5 below). Compared with the last approved application (No. A/YL-PS/727) for temporary public vehicle park, the current application is submitted by a different applicant on the same site with an additional applied use (i.e. open storage) and different layout and development parameters.
- 1.7 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments received on 9.9.2025 (**Appendix I**)
 - (b) Supplementary Information (SI) received on 17.9.2025 (**Appendix Ia**)

¹ The Site is covered by a planning permission for proposed temporary public vehicle park (private cars) under application No. A/YL-PS/727 which is valid until 20.9.2027.

- (c) Further Information (FI) received on 12.11.2025* (Appendix Ib)
- (d) FI received on 11.12.2025* (Appendix Ic)

**accepted and exempted from publication and recounting requirements*

1.8 On 7.11.2025, the Committee 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, SI and FI at **Appendices I to Ib**. They can be summarised as follows:

- (a) The Site is subject to previous planning approvals for similar or same use as the applied uses since 1998, and is currently covered by a valid planning permission under application No. A/YL-PS/727 for public vehicle park.
- (b) The applied uses which are temporary in nature will not jeopardise the long-term planning intentions of the “REC” and “V” zones. The portion of the Site applied for open storage use falls within Category 2 areas under the Town Planning Board Guidelines for Applications for Open Storage and Port Back-up Uses (TPB PG-No. 13G).
- (c) The applied uses could meet exigent open storage demand in Ping Shan area.
- (d) No significant adverse impact is anticipated from the applied uses.
- (e) The applied uses are compatible with the surrounding areas.
- (f) No adverse traffic, drainage and environmental impacts are anticipated.

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 posting site notices and sending the notice to the Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

TPB PG-No. 13G promulgated on 14.4.2023 is relevant to the application. The areas zoned “REC” and “V” within Site fall within Category 2 (about 57%) and Category 4 (about 43%) areas respectively under the Guidelines. The relevant extract of the Guidelines is at **Appendix II**.

5. **Background**

The Site is currently not subject to any planning enforcement action.

6. **Previous Applications**

- 6.1 The Site, in whole or in part, was involved in seven previous applications (No. A/DPA/YL-PS/3 and 30, A/YL-PS/14, 40, 49, 365 and 727). Details of these previous applications are summarised in **Appendix III** and their locations are shown on **Plan A-1b**.

Approved applications

- 6.2 Applications No. A/DPA/YL-PS/30², A/YL-PS/14 and 40, for temporary open storage of new vehicles covering much larger sites were approved with conditions by the Committee between 1994 and 1998 for a period of 12 months or three years on the considerations that there was no immediate alternative site available for open storage of new vehicles; minimal adverse environmental impacts were envisaged; the temporary use would not jeopardise the long-term planning intention of the area; and relevant departments had no objection to the application.
- 6.3 Application No. A/YL-PS/49 for golf driving range was approved with conditions by the Committee in 1999. The considerations are not relevant to the current application which involves different uses.
- 6.4 Application No. A/YL-PS/727 covering the same site for proposed temporary public vehicle park (private cars) was approved with conditions by the Committee on 20.9.2024 for a period of three years mainly on the considerations that the applied use would not frustrate the long-term planning intentions of the relevant zones; the proposed use was not incompatible with surrounding areas; and relevant government departments had no objection to/no adverse comment on the application. The planning permission is valid until 20.9.2027.

Rejected applications

- 6.5 Applications No. A/DPA/YL-PS/3, covering a much larger site, and A/YL-PS/365, which falls entirely within “V” zone, for permanent/temporary open storage of vehicles were rejected by the Committee or by the Board upon review in 1994 and 2012 respectively. Application No. A/DPA/YL-PS/3 was rejected mainly on grounds that the applicant failed to demonstrate that there would not be adverse drainage, visual and noise impacts on the surrounding areas; and to demonstrate that the number of vehicles received/despached in future would be maintained at the present level. Application No. A/YL-PS/365 was rejected mainly on the grounds that the applied use was not in line with planning intention of “V” zone; the applicant failed to demonstrate that there would not be adverse traffic, drainage, visual and noise impacts on the surrounding areas; approval of the application would set an undesirable precedent; and the applied use did not comply with the then TPB PG-No. 13E.

² The Site was designated as “Unspecified Use” area on the then Ping Shan Development Permission Area Plan No. DPA/YL-PS/1 gazetted on 18.6.1993.

7. Similar Application

There is one similar application (No. A/YL-PS/634) for temporary public vehicle park (private cars) with ancillary site office for a period of three years within/straddling the same “REC” and “V” zones in the past five years. The application was approved with conditions by the Committee on 14.5.2021 mainly on similar considerations as those mentioned in paragraph 6.4 above. Details of the application are summarised at **Appendix IV** and the location of the application site is shown on **Plan A-1a**.

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

8.1 The Site is:

- (a) currently fenced off, largely hard-paved and partly occupied by the applied storage use without valid planning permission; and
- (b) accessible via a local track leading from Tin Wah Road for both the northern and southern portions.

8.2 The surrounding areas comprise predominantly open storage yards for new vehicles and/or construction materials and parking of vehicles intermixed with some vacant land adjoining the village settlements of Fung Ka Wai.

9. Planning Intentions

9.1 The “REC” zone is intended primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.

9.2 The “V” zone is intended to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. 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 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 New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

9.3 According to the Explanatory Statement of the OZP, filling of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the environment, permission from the Board is required for such activities.

10. Comments from Relevant Government Bureaux/Departments

10.1 Apart from the government department as set out in paragraph 10.2 below, other departments consulted have no objection to/no adverse comment on the application.

Their general comments and advisory comments 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 Comment of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) the Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
- (b) irregularities covered by the current planning application have been detected by his office. LandsD has reservation on the planning application since there are unauthorised structures on Lot 319 in D.D. 126 which is already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify and/or apply for regularisation the lease breaches as demanded by LandsD;
- (c) there is no SH application approved or under processing at the Site; and
- (d) to note his advisory comments at **Appendix VI**.

11. Public Comment Received During Statutory Publication Period

On 19.9.2025, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received (**Appendix VII**) expressing concerns that open storage use would encroach onto the area within “V” zone.

12. Planning Considerations and Assessments

- 12.1 The application is for temporary public vehicle park (private cars) and open storage of construction machinery and construction materials and associated filling of land for a period of three years at the Site zoned “REC” and “V” on the OZP. Whilst the applied uses are not in line with the planning intentions of the “REC” and “V” zones, it could provide private car parking spaces and spaces for storage of construction materials to cater such demands in the area. Besides, there is no known development programme for the area in the “REC” zone and DLO/YL, LandsD advises that there is no SH application approved or under processing in the area zoned “V” within the Site. Approval of the application on a temporary basis for a period of three years would not frustrate the long-term development of the area.
- 12.2 The current application also seeks planning permission for regularisation of the filling of land at 89% of the Site with concrete with a depth of about 0.2 m for site formation and maneuvering of vehicles. The requirement for planning permission for filling of land within “REC” and “V” zones are to address the possible drainage

impact on the adjacent areas and adverse impacts on the environment. In this regard, the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) and Director of Environmental Protection (DEP) have no in-principle objection to the application from drainage and environmental perspectives respectively.

- 12.3 The surrounding areas comprise predominantly open storage yards, parking of vehicles intermixed with some vacant land adjoining the village settlements of Fung Ka Wai (**Plan A-2**). The applied uses are considered not incompatible with the surrounding land uses.
- 12.4 The Site falls within “REC” (about 57%) and “V” (about 43%) zones which fall within Category 2 and Category 4 areas respectively under TPB PG-No. 13G. For the northern portion of the Site which is applied for public vehicle park use, TPB PG-No. 13G is not applicable. According to the applicant, no open storage activity will be carried out at the northern portion.
- 12.5 For the southern portion of the Site applied for open storage use, it falls entirely within “REC” zone which is within Category 2 areas under TPB PG-No. 13G. In this regard, the applied open storage use at the “REC” zone is considered generally in line with TPB PG-No. 13G in that previous planning approvals for similar open storage uses have been granted; and other relevant government departments consulted, including the Commissioner for Transport and Director of Fire Services have no objection to or adverse comment on the application from traffic and fire safety perspectives respectively. To address the technical requirements of concerned government departments, relevant approval conditions are recommended in paragraph 13.2 below. The applicant will be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise the possible environmental nuisance on the surrounding areas; and to keep the Site clean and tidy at all times. The applicant has also committed to divide the northern and southern portions of the Site by internal fencing and provided separated access for each portion in order to prevent the open storage activity from encroaching onto the “V” zone portion. In this regard, an approval condition requiring the provision of internal fencing before commencement of operation of the applied uses is recommended in paragraph 13.2 below.
- 12.6 As for DLO/YL, LandsD’s concerns on the unauthorised structure(s) on the Site, the applicant indicates that STW will be applied from DLO/YL, LandsD upon approval of this application. The applicant will also be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 12.7 The Committee has approved three previous applications for temporary open storage use between 1994 and 1999³, one previous application for public vehicle park use at the Site in 2024 and a similar application for temporary vehicle park use within/straddling the same “REC” and “V” zones in the past five years. Although there are two previous applications (No. A/DPA/YL-PS/3⁴ and A/YL-PS/365) for open storage use covering the “V” zone portion of the Site rejected by the Committee or by the Board upon review in 1994 and 2012 on the grounds as those

³ The application site for A/DPA/YL-PS/13 was zoned “Unspecified Use” while the application sites for A/YL-PS/14 and 40 were zoned “REC” at the time of consideration.

⁴ The application site for A/DPA/YL-PS/3 was zoned “Unspecified Use” at the time of consideration.

mentioned in paragraph 6.5 above, the considerations of these rejected applications are not applicable to the current application in that the applied open storage use in the current application is confined within the “REC” portion of the Site, relevant government departments consulted have no objection to/no adverse comment on the current application from traffic, drainage, visual and noise impacts perspectives and the current application is considered generally in line with TPB PG-No. 13G as mentioned in paragraph 12.5 above. Approval of the application is generally in line with the previous decisions of the Committee.

- 12.8 Regarding the public comment as summarised in paragraph 11 above, the planning considerations and assessments in paragraphs 12.1 to 12.7 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, the Planning Department 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 **7.11.2028**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the provision of internal fencing, as proposed by the applicant, before commencement of operation of the applied uses to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) 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 **9.7.2026**;
- (c) in relation to (b) 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 **9.10.2026**;
- (d) in relation to (c) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (e) the submission of a proposal for fire service installations 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 **7.9.2026**;
- (f) in relation to (e) above, the implementation of the proposal for fire service installations 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 **9.10.2026**;
- (g) if the above planning condition (a) is not complied with before commencement of operation of the applied uses, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;

- (h) if the above planning condition (d) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (i) if any of the above planning condition (b), (c), (e) or (f) is not complied with by the above 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 **Appendix VI**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applied uses with associated filling of land are not in line with the planning intentions of the "REC" and "V" zones which are for recreational developments for the use of the general public and for development of Small Houses by indigenous villagers respectively. No strong planning justification has been given in the submission for a departure from the planning intentions, 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 Attachment received on 9.9.2025
Appendix Ia	SI received on 17.9.2025
Appendix Ib	FI received on 12.11.2025
Appendix Ic	FI received on 11.12.2025
Appendix II	Relevant Extract of TPB PG-No.13G
Appendix III	Previous Applications
Appendix IV	Similar Application
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Appendix VII	Public Comment
Appendix VIII	The Good Practice Guidelines for Open Storage Sites issued by Fire Services Department
Drawing A-1	Vehicular Access Plan
Drawing A-2	Layout Plan
Drawing A-3	Filling of Land Area Plan

Drawing A-4

Plan A-1a

Plan A-1b

Plan A-2

Plan A-3

Plans A-4a and 4b

Landscape Proposal

Location Plan

Previous Applications Plan

Site Plan

Aerial Photo

Site Photos

**PLANNING DEPARTMENT
JANUARY 2026**