

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

APPLICATION NO. A/YL-PH/1077

<u>Applicant</u>	: Mr YIK King Kung Philip represented by Goldrich Planners and Surveyors Limited
<u>Site</u>	: Lots 29 (Part), 33 (Part) and 35 (Part) in D.D. 111 and Adjoining Government Land (GL), Pat Heung, Yuen Long
<u>Site Area</u>	: About 5,285m ² (including GL of about 523m ² (9.9%))
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
<u>Zoning</u>	: “Residential (Group D)” (“R(D)”) [restricted to a maximum plot ratio of 0.2 and a maximum building height of 2 storeys (6m)]
<u>Application</u>	: Proposed Temporary Warehouse (excluding Dangerous Goods Godown) with Ancillary Facilities and Associated Filling of Land for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities 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 fenced-off and vacant, partly hard-paved and partly covered by weeds (**Plan A-4**).
- 1.2 The Site is accessible from Fan Kam Road via a local track with an ingress/egress at the western part of the Site (**Plan A-2**). According to the applicant, the proposed use involves erection of seven single-storey structures with heights ranging between 3m and 14m and a total floor area of about 3,145m² for warehouses with ancillary offices, meter rooms, pumping room and toilet uses (**Drawing A-1**). The warehouses are intended to store construction materials (including bamboo, scaffoldings, bricks, metals, sand etc.). Two parking spaces for heavy goods

vehicles and three parking spaces for container vehicles will be provided within the Site to support the proposed use. The applicant also applies for associated filling of land for the entire Site¹ with cement with depths ranging from 0.2m to 1.2m, raising the site levels to ranging from +36.2mPD to +39.9mPD for site formation and vehicle manoeuvring (**Drawing A-2**). The existing streamcourse/channel within the Site will be preserved and maintained. No workshop activities will be conducted and no public announcement systems, whistle blowing or portable loudspeaker will be allowed within the Site at all times. The operation hours will be between 8:00 a.m. and 7:00 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** and **A-2** respectively.

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

- (a) Application Form with supporting documents received on 8.7.2025 and 14.7.2025 (Appendix I)
- (b) Further Information (FI) received on 17.10.2025[#] (Appendix Ia)
- (c) FI received on 19.12.2025* (Appendix Ib)
- (d) FI received on 23.1.2026* (Appendix Ic)
- (e) FI received on 4.2.2026* (Appendix Id)

accepted and not exempted from publication and recounting requirements

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1.4 On 5.9.2025 and 5.12.2025, the Rural and New Town Planning 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 FIs at **Appendices I to Id**, and can be summarised as follows:

- (a) The temporary nature of the application will not frustrate the long-term planning intention of the “R(D)” zone. The proposed use is intended to meet the strong demand for warehouses in the Yuen Long area. It is not incompatible with the surrounding land uses and the loading and unloading activities will only be conducted within the proposed operation hours.
- (b) Two similar applications (No. A/YL-PH/908 and 967) for various storage and warehouse uses were approved by the Committee in the recent years within the same “R(D)” zone on the OZP and it is considered that the planning circumstances of the current application are similar to the approved similar applications.

¹ The applicant applies for associated filling of land of the entire Site including regularisation of filling of land of about 1,099m² (20.8%) and proposed filling of land of about 4,187m² (79.2%) of the Site (**Drawing A-2**).

- (c) The proposed use will not cause any adverse impacts on visual, fire safety, traffic, environmental and drainage aspects. No visitors will be received at the Site and no visitor parking space will be provided at the Site. Staff are residents living in the vicinity and will be encouraged to access the Site by public transportation or on foot. The estimated low trip generation and associated gas emission are expected to be minimal. Container vehicles can only enter the Site with prior appointment. No container vehicles will be allowed to enter or exit the Site at the same time. To prevent flooding risk, the existing streamcourse/channel within the Site will be preserved and maintained.
- (d) The applicant will also strictly follow the relevant environmental ordinances, guidelines and requirements in the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (‘CoP’) to minimise potential environmental nuisance and to comply with all environmental protection/pollution control ordinances. A drainage proposal and swept path analysis have been submitted in support of the current application. The applicant undertakes to clear the overgrown vegetations and silting in the downstream channel outside the Site to facilitate the implementation of the drainage proposal. The applicant will apply for Short Term Waiver (STW) and Short Term Tenancy (STT) for the proposed use should the current application be approved. The unauthorised structures have been removed and the land filling works has been ceased at the Site.

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. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is subject to planning enforcement action against unauthorized development (UD) involving filling of land (No. E/YL-PH/967) (**Plan A-2**). Enforcement Notice was issued on 12.6.2025 requiring discontinuation of the UD and Reinstatement Notice (RN) was issued on 20.6.2025 requiring to remove fill materials by 20.9.2025. As the Site has not been reinstated upon expiry of the RN, prosecution action is being considered.

5. Previous Applications

Most part of the Site is the subject of two previous applications (No. A/YL-PH/768 and 861). Application No. A/YL-PH/768 for temporary public vehicle park was approved with conditions by the Committee in 2018 while application No. A/YL-PH/861 for temporary recyclable collection centre was rejected by Committee in 2021. The considerations of these applications are not relevant to the current application due to

different use involved. Details of these applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

6. Similar Application

There is one similar application (No. A/YL-PH/967) for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities within the same “R(D)” zone in the vicinity of the Site in the past five years which was approved with conditions by the Committee on 13.10.2023, mainly on the considerations that the temporary approval would not frustrate the long-term planning intention of the “R(D)” zone; the proposed use was not incompatible with the surrounding land uses; and the concerned government departments consulted in general had no objection to or no adverse comment on the application or their concerns could be addressed by relevant approval conditions. Details of this 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) accessible from Fan Kam Road via a local track and an ingress/egress at the western part of the Site; and
- (b) fenced-off and vacant, partly hard-paved and partly covered by weeds.

7.2 The surrounding areas are rural in character comprising mainly open storage/storage yards (two with valid permissions), residential structures, a warehouse (with valid permission), a plant nursery and grassland. The Hong Kong Police Force (HKPF) Junior Police Call (JPC) Permanent Activity Centre and Integrated Youth Training Camp are located to the northwest across Fan Kam Road and vegetated hillsides with graves within “Conservation Area” zone are located to the northeast and east.

8. 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.

9. Comments from Relevant Government Departments

9.1 Apart from the government departments as set out in 9.2 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 IV** and **V** respectively.

9.2 The following government departments have adverse comment on or do not support the application:

Land Administration

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

- (a) has adverse comment on the application;
- (b) the Site comprises GL and Old Schedule Agricultural Lots 29, 33 and 35 all in D.D. 111 held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government;
- (c) there is/are unauthorised structure(s) and/or uses on Lot 29 in D.D. 111. The lot owner(s) should immediately rectify/apply for regularisation on the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notices;
- (d) LandsD has reservation on the application since there is/are unauthorised structure(s) and/or uses on Lot 35 in D.D.111 which is/are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD;
- (e) no permission is given for occupation of GL (about 523m² subject to verification) included in the Site. Any occupation of GL without Government's prior approval is an offence under the Land (Miscellaneous Provisions) Ordinance (Cap. 28);
- (f) if the application is approved, the lots owner(s) shall apply to his office for a STW and/or STT to permit the structure(s) erected within the said private lot(s) and the occupation of the GL. The application(s) for STW and/or STT will be considered by LandsD acting in the capacity as a landlord and there is no guarantee that it will be approved. The STW and/or STT, if approved, will be subject to such terms and conditions including the payment of waiver fee/rent and administrative fee as considered appropriate by LandsD. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered; and
- (g) advisory comments are at **Appendix V**.

Environment

9.2.2 Comments of the Director of Environmental Protection (DEP):

- (a) does not support the application in accordance with the ‘CoP’ as there are sensitive receivers in the vicinity (i.e. a residential structure is about 5m south of the Site) and the proposed use involves the use of parking spaces for heavy goods vehicles and container vehicles which are 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 V**.

10. Public Comments Received During Statutory Publication Periods

On 15.7.2025 and 28.10.2025, the application was published for public inspections. During the statutory public inspection periods, six public comments from individuals objecting to the application were received, mainly on the grounds that the proposed use is not in line with the planning intention of “R(D)” zone; the proposed use is considered not compatible with the surrounding areas and would cause adverse traffic, environmental and noise impacts and air pollution to the surrounding areas; the use of heavy vehicles would have potential pedestrian safety issues to the nearby villagers; and the filling of land would cause drainage impact to the low-lying areas (**Appendix VI**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities 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 same “R(D)” zone. 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.
- 11.2 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 considered the submitted drainage proposal 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.

- 11.3 The proposed use is considered not incompatible with the surrounding areas which are rural in character comprising mainly open storage/storage yards, residential structures, a warehouse, a plant nursery and grassland, vegetated hillsides with graves and the HKPF JPC Permanent Activity Centre and Integrated Youth Training Camp. Besides, the proposed ingress/egress is located at the western part of the Site and the proposed vehicular access will not pass through the residential structures around the Site. 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.
- 11.4 Other relevant government departments consulted, including the Commissioner for Transport and Director of Fire Services, 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. DEP does not support the application as the proposed use involves the use of heavy vehicles and environmental nuisance to 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 latest ‘CoP’ to minimise the potential environmental nuisance on the surrounding areas. The operation of the proposed use will also be subject to the relevant pollution control ordinance. Regarding DLO/YL, LandsD’s concerns on the unauthorized structure(s) and uses within the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the application be approved by the Committee.
- 11.5 There is one similar application within the same “R(D)” zone in the vicinity of the Site approved by the Committee in the past five years as mentioned in paragraph 6 above. Approving the current application is in line with the Committee’s previous decision.
- 11.6 Regarding the public comments mentioned in paragraph 10 above, the departmental comments and planning assessments above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 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 on a temporary basis for a period of three years until 6.2.2029. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) the implementation of the accepted 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 6.11.2026;

- (b) in relation to (a) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (c) the submission of a revised 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 6.8.2026;
- (d) in relation to (c) above, the implementation of the revised 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 6.11.2026;
- (e) if the above planning condition (b) 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
- (f) if any of the above planning condition (a), (c) or (d) 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 V**.

12.3 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.

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 period of which the permission should be valid on a temporary basis.
- 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 with supporting documents received on 8.7.2025 and 14.7.2025
Appendix Ia	FI received on 17.10.2025
Appendix Ib	FI received on 19.12.2025
Appendix Ic	FI received on 23.1.2026
Appendix Id	FI received on 4.2.2026
Appendix II	Previous Applications
Appendix III	Similar Application
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
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
FEBRUARY 2026**