

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

APPLICATION NO. A/YL-PS/767

- Applicant** : SL Environment Limited represented by Metro Planning & Development Company Limited
- Site** : Various Lots in D.D. 126 and adjoining Government Land (GL), Ping Shan, Yuen Long
- Site Area** : About 45,870m² (including GL of about 362m² (0.8 %))
- Lease** : Block Government Lease (demised for agricultural purposes)
- Plan** : Draft Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/21
- Zoning** : “Residential (Group A)6” (about 81.9%);
[restricted to a maximum building height of 160mPD and a maximum plot ratio of 6.7]
- “Recreation” (“REC”) (about 17.3%); and
- “Village Type Development” (“V”) (about 0.8%)¹
[restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Proposed Temporary Warehouse and Open Storage of Construction Machinery and Construction Materials and Associated Filling of Land and Pond for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse and open storage of construction machinery and construction materials and associated filling of land and pond for a period of three years at the application site (the Site) zoned “R(A)6” and “REC” 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 permission from the Town Planning Board (the Board). Filling of land and filling of pond within the “REC” zone also require planning permission from the Board. The Site is currently hard-paved and partly occupied by open storage of construction

¹ About 313.8m² (0.8%) of the Site falls within an area zoned “V”, which can be regarded as minor boundary adjustment in accordance with the covering Notes of the OZP and is not included in the planning assessment.

machinery, construction materials and vehicles without valid planning permission (**Plans A-2, A-4a to 4c**).

- 1.2 The Site, with the ingress/egress at the western part, is accessible from Tin Wah Road via a local track (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, the applied warehouse and open storage uses are for storage of construction machinery and materials including electric generators, excavators, sanitary wares, barricades and metal. 37 one to two-storeys structures with a total floor area of not more than 14,187 m² (2.5m to 8m in height) are proposed for warehouse, open sheds, site office, electricity meter room and toilet. No workshop activities are to be carried out at the Site. Besides, about 22,000m² (about 48% of the Site) would be used for open storage of construction machinery and construction materials. 12 private car parking spaces and a loading/unloading (L/UL) area for medium goods vehicles/heavy goods vehicles (MGVs/HGVs) of about 2,000m² are provided at the western part of the Site. Sufficient manoeuvring space will be provided within the Site to ensure that no vehicle will queue back to or reverse onto/from the Site to the public road. The operation hours are 9 a.m. to 9 p.m. from Mondays to Saturdays and there is no operation on Sundays and public holidays. To minimise the potential environmental nuisance to the surrounding area, the applicant proposes a 2.5m solid boundary wall along the eastern site periphery and no operation will be carried out during sensitive hours (i.e. 11:00p.m. to 7:00a.m.).
- 1.3 The current application is also to regularise the filling of portion of land in the eastern part (about 5,564m² or 12.1% of the Site) and ponds in the northern part (about 8,500m² or 18.5% of the Site)² which had already been filled with concrete (with depths of 0.2m and 1.2m for land and pond respectively) under previous planning approvals for site formation and maneuvering of vehicles. No further filling of land or pond will be carried out.
- 1.4 The Site was, in part or in whole, involved in 13 previous applications for temporary open storage of new vehicles approved by the Rural and New Town Planning Committee (the Committee) of the Board between 1994 and 2022 (details at paragraph 6 below). Compared with the last approved application (No. A/YL-PS/653), the current application is submitted by a different applicant for different open storage use at the same site with warehouse under different layouts and development parameters. A comparison of the major development parameters between the last approved application and the current application is as follows:

Major Development Parameters	Previously Approved Application No. A/YL-PS/653 (a)	Current Application No. A/YL-PS/767 (b)	Difference (b)-(a)
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² According to the Notes of the OZP, filling of land and filling of pond within the “REC” zone require planning permission from the Board. According to Planning Department’s estimation, the area of filling of land and filling of pond within the “REC” zone of the Site are about 4,880m² (10.6% of the Site) and about 708m² (1.5% of the Site) respectively.

Development/Use	Temporary Open Storage of New Vehicles (Private Cars, Taxis, LGVs and Light Buses Only) for a Period of 3 Years	Temporary Warehouse and Open Storage of Construction Machinery and Construction Materials and Associated Filling of Land and Pond for a Period of 3 Years	- Additional warehouse use - Associated filling of land and pond
Site Area	45,870 m ² (about)	(including 362 m ² of GL)	No change
Total Floor Area	About 5.8 m ²	Not more than 14,187 m ²	+14,181.2 m ²
No. of structure(s)	1 - guard room (1-storey, not exceeding 3m in height)	37 site office, open shed for storage, warehouse for storage, electricity meter room and toilet (1-2 storeys, 2.5 to 8.5m in height)	+36
No. of parking space	--	12	12
L/UL area	About 4,670m ² (indicative)	About 2,000m ²	-2,670m ² (-57%)
Operation Hours	9:30 a.m to 9:00 p.m (excluding Sundays and public holidays)	9 a.m to 9 p.m (excluding Sundays and public holidays)	Change in operation hours

- 1.5 According to the landscape proposal submitted by the applicant, 80 existing trees are identified within the Site. Based on the surveyed condition of the trees and to mitigate the adverse landscape impact arising from the proposal, five trees are proposed to be felled and five new trees are proposed to be planted along the periphery of northwestern and southeastern portions of the Site (**Drawings A-4 and A-5**).
- 1.6 The layout plan, as-built drainage plan, plan showing the extent of filling of land and pond and landscape proposal submitted by the applicant are shown at **Drawings A-1 to A-5** respectively.
- 1.7 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 10.11.2025 (**Appendix I**)
 - (b) Supplementary Information (SI) received on 13.11.2025 (**Appendix Ia**)
 - (c) Further Information (FI) received on 7.12.2025 (**Appendix Ib**)
[accepted but not exempted from publication and recounting requirements]
 - (d) FI received on 22.12.2025 (**Appendix Ic**)
[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 FIs at **Appendices I to Ic**. They can be summarised as follows:

- (a) The Site is the subject of 12 previous planning approvals for open storage use since 1998.
- (b) Most of the Site falls within the 'Category 2 Areas' of 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 temporary in nature and are not incompatible with surrounding land uses.

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 publishing notices in local newspapers and sending notices to the Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members' inspection. For the GL portion, the requirements under TPB PG-No. 31B are not applicable.

4. **Background**

The storage use at the Site is a suspected unauthorized development which would be subject to planning enforcement action.

5. **Town Planning Board Guidelines**

- 5.1 The Town Planning Board Guidelines for "Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance" (TPB PG-No. 12C) are relevant to this application. According to the said Guidelines, a minor portion the Site (3.1%) falls within the Wetland Buffer Area (WBA) (**Plan A-1**). Relevant extract of the Guidelines is at **Appendix II**.
- 5.2 TPB PG-No. 13G promulgated by the Board on 14.4.2023 is relevant to the application. The Site falls mostly within Category 2 area (96.1%) and slightly encroaches onto Category 3 area (3.1%) under TPB PG-No. 13G.

The relevant extracts of the Guidelines are attached at **Appendix III**.

6. Previous Applications

- 6.1 The Site was, in part or in whole, involved in 14 previous applications for temporary open storage of new vehicles. 13 of them (No. A/DPA/YL-PS/30³, A/YL-PS/14, 40, 76, 106, 122, 167, 255, 311, 405, 511, 579 and 653) were approved by the Committee between 1994 and 2022 while one application (No. A/DPA/YL-PS/3³) was rejected by the Board upon review in 1994. Details of these previous applications are summarised in **Appendix IV** and their boundaries are shown on **Plan A-1**.

Approved Applications

- 6.2 Application No. A/DPA/YL-PS/30 for temporary open storage of new vehicles covering a larger site was approved with conditions by the Committee in 1994 for a period of 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; and approval of temporary use would not jeopardise the long-term planning intention of the area.
- 6.3 12 applications (No. A/YL-PS/14, 40, 76, 106, 122, 167, 255, 311, 405, 511, 579 and 653) for temporary open storage of new vehicles covering different extents of the Site for a period of 12 months or three years were approved with conditions by the Committee between 1997 and 2022 on the considerations that the temporary use would not frustrate long-term development of the application site; the applied use would unlikely cause significant adverse traffic and environmental impacts; and relevant departments had no objection to the application. As for the last approved application No. A/YL-PS/653, all the time-limited approval conditions have been complied with and the planning permission lapsed on 3.3.2025.

Rejected Application

- 6.4 Application No. A/DPA/YL-PS/3 for open storage of new vehicles covering a larger site was rejected by the Board upon review in 1994 mainly on grounds that the applied use was not compatible with surrounding land uses; and the applicant failed to demonstrate that there would not be adverse traffic, drainage, visual and noise impacts on the surrounding areas.

7. Similar Applications

- 7.1 There are seven similar applications (No. A/YL-PS/669, 680, 695, 697, 711, 721 and 764) within/straddling the same “R(A)6” and “REC” zones for temporary open storage use which were all approved with conditions by the Committee in the past five years mainly on similar considerations as those

³ The Site was designated as “Unspecified Use” area on the then draft Ping Shan Development Permission Area Plan No. DPA/YL-PS/1 gazetted on 18.6.1993.

mentioned in paragraph 6.3 above. Details of the applications are summarised at **Appendix V** and the locations of the sites are shown on **Plan A-1**.

- 7.2 There is no similar application for warehouse use within/straddling the the same “R(A)6” and “REC” zones in the past five years.

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

- 8.1 The Site is:

- (a) hard-paved and partly occupied by open storage of construction machinery, construction materials and vehicles without valid planning permission; and
- (b) accessible via a local track leading from Tin Wah Road (**Plans A-2 and A-3**).

- 8.2 The surrounding areas comprise predominantly storage/open storage yards, vehicle parks, vacant and unused land intermixed with a training centre, a pond, residential dwellings and a pumping station.

9. Planning Intentions

- 9.1 The “R(A)” zone is intended primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building.
- 9.2 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.
- 9.3 According to the Explanatory Statement of the OZP for “REC” zone, filling of land/pond 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 Departments

- 10.1 Apart from the government department as set out in paragraphs 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 VI and VII** respectively.
- 10.2 The following government has reservation on the application:

Land Administration

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

- (a) has reservation on the application from land administration point of view;
- (b) the Site comprises Old Schedule Agricultural Lot and GL held under Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
- (c) the following lots within the Site are covered by Short Term Waiver (STW) listed below:

Lot No. (D.D. 126)	STW No.	Use
102	4225	Temporary Open Storage of New Vehicles (Cars, Taxis, Light Goods Vehicles and Light Buses only)
112	2753	Storage of Plastic Materials
233	2756	

- (d) majority of the GL (about 358m²) in the Site is covered by a Short Term Tenancy No. 2868 for the purposes of “Temporary Open Storage Of New Vehicles (Cars, Taxis, Light Goods Vehicles and Light Buses only)”. No permission is given for occupation of the remaining GL (about 4m² subject to verification) included in the Site. The act of occupation of GL without Government’s prior approval is an offence under the Land (Miscellaneous Provisions) Ordinance (Cap.28);
- (e) the following irregularities covered by the current application have been detected by his office:

LandsD has reservation on the application since there are unauthorised structure(s) on the 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 regularization the lease breaches as demanded by LandsD; and

- (f) the applicant should note his advisory comments at **Appendix VII**.

11. Public Comments Received During Statutory Publication Periods

On 18.11.2025 and 19.12.2025, the application was published for public inspection. During the statutory public inspection periods, two public comments (**Appendix VIII**)

were received from the same individual raising concerns on land use compatibility and suitability of the Site for the applied uses.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary warehouse and open storage of construction machinery and construction materials and associated filling of land and pond for a period of three years at the Site zoned “R(A)6” and “REC” on the OZP. The proposed uses are not in line with the planning intentions of the “R(A)6” and “REC” zones. There is no known development proposal for the “REC” portion of the Site. The majority of the Site also falls within the development area of the proposed public housing development at Tin Tsz Road. In this regard, the Chief Engineer/Housing Project 3 of Civil Engineering and Development Department (CE/HP3, CEDD) has no adverse comment on the application. Approval of the application on a temporary basis for a period of three years would not affect the implementation of the planned public housing development at the Site nor frustrate the long-term planning intentions of the area. Should the application be approved, it is suggested to include an advisory clause to remind the applicant that the Site may be resumed by the Government at any time during the planning approval period for the implementation of government projects and not to carry out any substantive works during the approval period.
- 12.2 The application also seeks planning permission for regularisation of the existing filling of land (about 4,880m² or 10.6% of the Site) and pond (about 708m² or 1.5% of the Site) within the “REC” zone of the Site with concrete with a depth of 0.2m and 1.2m respectively which had been carried out during previous planning approvals for site formation and maneuvering of vehicles. Planning permission is required for filling of land and pond within “REC” zone as they may cause adverse drainage and environmental impacts on the surrounding areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) and Director of Environmental Protection (DEP) have no objection to the applied filling of land and pond from drainage and environmental perspectives respectively.
- 12.3 The Site is situated in an area surrounded by storage/open storage yards, vehicle parks, vacant and unused land intermixed with a training centre, a pond, residential dwellings and a pumping station (**Plan A-2**). The applied uses are considered not incompatible with the surrounding areas.
- 12.4 Although a minor portion of the Site (3.1%) falls within the WBA of TPB PG-No. 12C, planning applications for local and minor uses (including temporary uses) are exempted from the requirement of ecological impact assessment. Besides, the Site was the subject of previous approvals for temporary open storage use approved by the Committee between 1994 and 2022. In this regard, the Director of Agriculture, Fisheries and Conservation has no comment on the application from nature conservation point of view.
- 12.5 The Site falls mainly within Category 2 areas (96.1%) with a minor portion

within Category 3 areas (3.1%) under TPB PG-No. 13G. The application is considered generally in line with TPB PG-No. 13G in that the Site was granted with previous approvals and all the approval conditions have been complied with; and other relevant government departments consulted, including the Commissioner for Transport, CE/MN, DSD and Director of Fire Services have no objection to or adverse comment on the application from traffic, drainage 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 also 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 caused by the applied uses on the surrounding areas and to keep the Site clean and tidy at all times.

- 12.6 As for DLO/YL, LandsD’s concerns on the unauthorised structure within the Site and illegal occupation of GL, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 12.7 The Committee has approved 13 previous applications for temporary open storage use involving different extents of the Site between 1994 and 2022 and seven similar applications for open storage use within/straddling the “R(A)6” and “REC” zones in the past five years. Approval of the current application is generally in line with the Committee’s previous decisions.
- 12.8 Regarding the public comments 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 assessment made in paragraph 12 and having taken into account the public comments 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 **6.2.2029**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (b) the submission of the condition record of the existing drainage facilities on the Site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **6.5.2026**;

- (c) the submission of a fire service installations proposal within **6** months from the date of the 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 fire service installations proposal within **9** months from the date of the 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 (a) 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 (b), (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 attached at **Appendix VII**.

- 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 and pond are not in line with the planning intentions of the "R(A)" and "REC" zones, which are primarily for high-density residential and for recreational developments for the use of the general public 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 received on 10.11.2025
Appendix Ia	SI dated 13.11.2025
Appendix Ib	FI dated 7.12.2025
Appendix Ic	FI dated 22.12.2025
Appendix II	Extract of the TPB PG-No. 12C
Appendix III	Extract of the TPB PG-No. 13G
Appendix IV	Previous Applications
Appendix V	Similar Applications
Appendix VI	Government Departments' General Comments
Appendix VII	Recommended Advisory Clauses
Appendix VIII	Public Comments
Appendix IX	The Good Practice Guidelines for Open Storage Sites issued by Fire Services Department
Drawing A-1	Layout Plan
Drawing A-2	As-built Drainage Plan
Drawing A-3	Filling of Land and Pond Area Plan
Drawings A-4 and A-5	Landscape Proposal
Plan A-1	Location Plan with Previous and Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4c	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2026**