

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/1104

- Applicant** : Mr MAK Chun Leung represented by Lanbase Surveyors Limited
- Site** : Lots 469 S.A RP (Part) and 469 S.B RP (Part) in D.D. 110 and Adjoining Government Land (GL), Pat Heung, Yuen Long
- Site Area** : About 835m² (including GL of about 105m² (about 12.6%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Storage of Construction Materials 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 storage of construction materials 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 “AGR” 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 within the “AGR” zone also requires planning permission from the Board. The Site is currently hard-paved and erected with two temporary structures for storage without valid planning permission (**Plan A-4**).
- 1.2 The Site is accessible from Kam Tin Road via Leung Shing Road (**Plan A-2**). According to the applicant, the proposed use will involve three single-storey open-shed structures with a height of not more than 5m and a total floor area of about 333m² for storage of construction materials, ancillary office and shelter for parking. Protection board with a height of 1.5m will be erected along the site boundary near the watercourse to the north to prevent construction materials from falling into the watercourse. One loading/unloading bay and one waiting area for light goods vehicle (LGV), and one parking space for private car will be provided within the Site (**Drawing A-1**). Vehicles exceeding 5.5 tonnes will not be allowed to enter or park at the Site at all times. No open storage activities, storage of dangerous goods or workshop activities will be conducted at the Site at all times. The proposed

use/works will be set back 3m away from the top of the bank of the adjacent watercourse. The applicant also applies for regularisation of associated filling of land for the entire Site with concrete for a depth of about 0.2m, raising the site level to about +13.64mPD for site formation to support the proposed use (**Drawing A-2**). No further filling of land will be undertaken at the Site. The operation hours will be between 11:00 a.m. and 6:00 p.m. daily, including 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:

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|-----|--|--------------------------------|
| (a) | Application Form with Planning Statement received on 16.1.2026 | (Appendices I and Ia) |
| (b) | Further Information (FI) received on 10.3.2026* | (Appendix Ib) |
| (c) | FI received on 30.3.2026 [#] | (Appendix Ic) |
| (d) | FI received on 26.5.2026* | (Appendix Id) |
| (e) | FI received on 9.7.2026* | (Appendix Ie) |
| (f) | FI received on 20.7.2026* | (Appendix If) |

**accepted and exempted from publication and recounting requirements*

[#] accepted and not exempted from publication and recounting requirements

1.4 On 13.3.2026 and 22.5.2026, 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, Planning Statement and FIs at **Appendices I** to **If**, and can be summarised as follows:

- (a) The temporary nature of the application will not frustrate the long-term planning intention of the “AGR” zone. The proposed use is not incompatible with the surrounding land uses.
- (b) Majority of the Site falls within the Category 2 areas under the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’. There are similar applications approved for temporary commercial uses including open storage/storage yards and public vehicle parks in the “AGR” zone in the recent years. Therefore, the proposed use is considered not incompatible with the surrounding areas.
- (c) The proposed use will not cause any adverse impacts on drainage, environmental or traffic aspects. As the applicant resides in the adjacent house, they will ensure ongoing site management. Given the small scale of the proposed use and the

provision of a waiting area for LGVs, traffic flow is expected to be minimal. No significant adverse impacts on the surrounding areas are anticipated.

- (d) A drainage proposal has been submitted in support of the current application. The applicant will provide proper drainage facilities and fire service installations at the Site, apply for Short Term Tenancy/Short Term Waiver for the proposed use and follow the proposed scheme as submitted upon approval of the planning application. The site boundary has been revised in order not to avoid encroaching upon the works area of the Northern Link (NOL) Main Line to facilitate smooth implementation and operation of the NOL.

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

The applicant is not the “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 publishing notice in local newspapers and sending notice to the Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements as set out at TPB PG-No. 31B are not applicable.

4. Background

The Site is not subject to any active enforcement action.

5. Previous Application

There is no previous application involving the Site.

6. Similar Applications

There are two similar applications (No. A/YL-PH/973 and 1088), involving the same site, for temporary storage of cleansing products and packaging within the same “AGR” zone in the vicinity of the Site in the past five years. The two applications were approved with conditions by the Committee in 2023 and 2025 respectively, mainly on the considerations that the temporary approval would not frustrate the long-term planning intention of the “AGR” zone; the applied use was not incompatible with the surrounding land uses; and the concerned government departments consulted in general had no adverse comment or their technical concerns could be addressed by relevant approval conditions. The planning permission under application No. A/YL-PH/973 was subsequently revoked on 24.5.2025 due to non-compliance with approval conditions. Details of these similar applications are summarised in **Appendix II** and the locations are 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 Kam Tin Road via Leung Shing Road; and
- (b) currently hard-paved and erected with two temporary structures for storage without valid planning permission.

7.2. The surrounding areas are rural in character comprising mainly open storage/storage yards (one with valid permission) intermixed with scattered residential structures, vehicle repair workshops, vehicle parks (one with valid permission), a dog kennel, vacant land, and grassland. The Shek Kong Stabling Sidings and Emergency Rescue Siding of the Express Rail Link (XRL) is located to the west across Leung Shing Road.

8. **Planning Intention**

8.1 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

8.2 According to the Explanatory Statement of the OZP for “AGR” zone, as filling of land may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

9. **Comments from Relevant Government Departments**

9.1 Apart from the government department as set out in paragraph 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 III** and **IV** respectively.

9.2 The following government department does not support the application:

Agriculture and Nature Conservation

9.2.1 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation;
- (b) the Site falls within the “AGR” zone and is generally vacant with some structures. Agricultural infrastructures such as road access and water source are available in the area. The Site can be used for

agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc.; and

- (c) no comment on the application from nature conservation perspective as protection board would be provided along the site boundary to avoid disturbance to the watercourse.

10. Public Comments Received During Statutory Publication Periods

On 19.9.2025 and 10.4.2026, the application was published for public inspection. During the statutory public inspection periods, two public comments from individuals were received including one objecting to the application and another one expressing concern on the application (**Appendix V**). The major objection grounds and concerns are that the portion of the Site encroaching upon the works area of NOL may impede the construction of the NOL; and the Site is in close proximity to a watercourse and the proposed use may cause potential contamination.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary storage of construction materials with ancillary facilities and associated filling of land for a period of three years at the Site zoned “AGR” (**Plan A-1**). Whilst the proposed use is not in line with the planning intention of the “AGR” zone and DAFC does not support the application from agricultural perspective, taking into account 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 “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department, who also considers the submitted drainage proposal acceptable, and the Director of Environmental Protection have no objection to the application from public drainage and environmental planning perspectives respectively. As the Site is zoned “AGR”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “AGR” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.
- 11.3 The proposed use is considered not incompatible with the surrounding areas which are rural in character comprising mainly open storage/storage yards intermixed with scattered residential structures, vehicle repair workshops, vehicle parks, a dog kennel, vacant land and grassland as well as the Shek Kong Stabling Sidings and Emergency Rescue Siding of the XRL. Besides, the applicant will erect protection board with a height of 1.5m along the site boundary to prevent construction materials from falling into the watercourse, and the site boundary has been revised to avoid encroaching upon the works area of the NOL to facilitate smooth implementation and operation of the NOL. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the

application from landscape planning perspective and considers that the proposed use is not entirely incompatible with the surrounding environment and significant adverse landscape impact on the Site 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 government departments, relevant approval conditions are recommended in paragraph 12.2 below. It is also recommended to advise the applicant to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' to minimise the potential environmental nuisance on the surrounding areas.
- 11.5 There are two approved similar applications within the same "AGR" 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 decisions.
- 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 24.7.2029. 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 24.4.2027;
- (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 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 24.1.2027;
- (d) in relation to (c) 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 24.4.2027;

- (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;
- (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; and
- (g) upon expiry of the planning permission, the reinstatement of the site, including the removal of fill materials and hard paving, and grassing of the site to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

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

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 "AGR" zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purpose. 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

Appendices I and Ia	Application Form with Planning Statement received on 16.1.2026
Appendix Ib	FI received on 10.3.2026
Appendix Ic	FI received on 30.3.2026
Appendix Id	FI received on 26.5.2026
Appendix Ie	FI received on 9.7.2026
Appendix If	FI received on 20.7.2026

Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	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
JULY 2026**