

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/1119

- Applicant** : Chief Force Limited
- Site** : Lot 139 RP (Part) in D.D. 108, Fan Kam Road, Pat Heung, Yuen Long
- Site Area** : About 1,019m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
- Zoning** : “Residential (Group D)” (“R(D)”)
[restricted to a maximum plot ratio of 0.2 and a maximum building height of 2 storeys (6m)]
- Application** : Temporary Open Storage of Construction Materials and Construction Machineries 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 temporary open storage of construction materials and construction machineries 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-1a**). 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 “R(D)” zone also requires planning permission from the Board. The Site is currently hard-paved and used for the applied use without valid planning permission (**Plan A-4**).
- 1.2 The Site is accessible from Fan Kam Road via a local track (**Plan A-2**). According to the applicant, the applied use involves an area of about 561m² (55% of the Site) for open storage use, and one single-storey structure with a height of 2.5m and a floor area of about 15m² for ancillary office (**Drawing A-1**). Metal fence with a height of 2m will be erected along the site boundary to mitigate potential nuisance to the nearby woodlands. Three parking spaces including two for light goods vehicles and one for medium/heavy goods vehicle are provided within the Site to support the applied use. No container tractor/vehicle and vehicle exceeding 24 tonnes will be allowed to enter or park at the Site at all times. No dismantling,

maintenance, repairing, cleaning, paint-spraying or other workshop activities will be conducted at the Site at all times. The applicant also applies for regularisation of associated filling of land for the entire Site with cement for a depth of about 0.15m, raising the site level to +58.6mPD for site formation (**Drawing A-2**). No further filling will be undertaken at the Site. The operation hours are between 9:00 a.m. and 6:00 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 5.5.2026 and 7.5.2026 (**Appendix I**)
- (b) Further Information (FI) received on 9.7.2026* (**Appendix Ia**)
- (c) FI received on 21.8.2026* (**Appendix Ib**)

** accepted and exempted from publication and recounting requirements*

1.4 On 26.6.2026, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months 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 **Ib**, and can be summarised as follows:

- (a) The applied use on a temporary basis will not frustrate the long-term planning intention of the “R(D)” zone.
- (b) The Site falls within Category 2 areas under the Town Planning Board Guidelines for ‘Applications for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13G) and is situated within or adjacent to clusters of open storage, port back-up, or other types of brownfield/temporary uses. The applied use is not incompatible with the surrounding land uses.
- (c) The Site has already been filled under previous approved applications and no further filling of land will be undertaken. Within the waterworks reserve of the Site, there will be no structure erection, parking of vehicles (except those required to serve the applied use) or planting of new trees/shrubs. Any storage of construction materials or machineries located within the waterworks reserve can be readily removed at any time upon request. The relevant departments will have free access at all times to the waterworks reserve for maintenance and repair works.
- (d) The Site is the subject of an approved application (No. A/YL-PH/958) for shop and services (motor-vehicle showroom). Since the approval of last application, no complaint related to the Site has been received from the public or government departments.

- (e) Local demand for shop and services use has declined in view of changing economic conditions. Hence, the current application is submitted to meet the demand for open storage yards arising from on-going construction projects in the territory, while also better utilising land resources.
- (f) The applied use will not cause any adverse drainage, traffic or environmental impacts. All drainage facilities and fire service installations (FSIs) at the Site will be properly maintained. The latest condition record of the existing drainage facilities, the latest fire certificates (FS 251) and a FSIs proposal have been submitted in support of the current application. The applicant will apply for Short Term Waiver for the applied use should the current application be approved.

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. Town Planning Board Guidelines

The TPB PG-No. 13G promulgated on 14.4.2023 are relevant to the application. The Site falls within Category 2 areas under the TPB PG-No. 13G, and the relevant extract of which is at **Appendix II**.

5. Background

The Site is not subject to any active planning enforcement action. Subject to collection of sufficient evidence, appropriate enforcement action under the Town Planning Ordinance would be taken.

6. Previous Applications

- 6.1 The Site, in part or in whole, is the subject of eight previous applications (No. A/YL-PH/240, 491, 515, 684, 704, 760, 849 and 958). Among the eight applications, two applications (No. A/YL-PH/849 and 958) for public vehicle park and shop and services respectively were approved with conditions by the Committee in 2020 and 2023 respectively. The considerations of these applications are not relevant to the current application due to different uses involved.
- 6.2 The other six previous applications (No. A/YL-PH/240, 491, 515, 684, 704 and 760), all involving larger sites areas, for various open storage uses were rejected by the Committee/by the Board upon review or dismissed by the Town Planning Appeal Board (TPAB) between 1998 and 2019 mainly for the reasons that the

proposed use was not in line with the planning intention of the “R(D)” zone and there was no strong justification for a departure from the planning intention; the proposed use was incompatible with the surrounding land uses; there was insufficient information to demonstrate that the proposed use would not have adverse drainage, environmental and/or landscape impacts on the surrounding areas; approval of the application would set an undesirable precedent; and the application did not comply with the then Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that the application site fell within Category 3 areas and no previous planning approval was granted to the site for open storage use.

- 6.3 Details of these applications are summarised in **Appendix III** and their locations are shown on **Plan A-1b**.

7. **Similar Applications**

There are 13 similar applications (No. A/YL-PH/890, 909, 933, 953, 957, 962, 1015, 1051, 1054, 1056, 1062, 1074 and 1120) for various temporary open storage uses (including two renewals of planning approval granted and 11 with filling of land) within the same “R(D)” zone in the vicinity of the Site in the past five years. All these applications were approved with conditions by the Committee between September 2021 and June 2026, mainly on the considerations that the temporary approval would not frustrate the long-term planning intention of the “R(D)” zone; the proposed/applied 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 these similar applications are summarised in **Appendix IV** and the locations are shown on **Plan A-1a**.

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

- 8.1 The Site is:

- (a) accessible from Fan Kam Road via a local track; and
- (b) currently hard-paved and used for the applied use without valid planning permission.

- 8.2 The surrounding areas are rural in character comprising mainly woodland largely within the “Conservation Area” (“CA”) zone to the south and hillslope with woodland within another “CA” zone to the north across Fan Kam Road, as well as open storage/storage yards (three with valid permissions) and grassland to the northeast within the same “R(D)” zone.

9. 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.

10. Comments from Relevant Government Departments

All government 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 V and VI** respectively.

11. Public Comment Received During Statutory Publication Period

On 12.5.2026, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

12. Planning Considerations and Assessments

- 12.1 The application is for temporary open storage of construction materials and construction machineries with ancillary facilities and associated filling of land for a period of three years at the Site zoned “R(D)” (**Plan A-1a**). Whilst the applied 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 “R(D)” zone and 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 applied use with associated filling of land on a temporary basis for a period of three years.
- 12.2 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 and Director of Environmental Protection have no objection to the application from public drainage and environmental planning perspectives respectively.
- 12.3 The applied use is considered not incompatible with the surrounding areas which are rural in character comprising mainly woodlands largely within the “CA” zones to the north and south with open storage/storage yards and grassland to the northeast within the same “R(D)” zone. Besides, the applicant will erect metal fence with a height of 2m along the site boundary to mitigate potential nuisance to the nearby woodland in the “CA” zone to the south. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no comment on the application noting that the Site has been generally formed without any vegetation and no tree felling is involved for the applied use.

- 12.4 The Site falls within Category 2 areas under TPB PG-No. 13G. The application is generally in line with the TPB PG-No. 13G in that the relevant government departments consulted, including those mentioned above as well as 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, approval conditions are recommended in paragraph 13.2 below. It is also recommended to advise to the applicant to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Uses' to minimise any potential environmental nuisance caused by the applied use on the surrounding areas.
- 12.5 While there are six previous applications for open storage use rejected by the Committee/by the Board upon review or dismissed by the TPAB as mentioned in paragraph 6.2 above, the considerations of these applications are not applicable to the current application since the Site currently falls within Category 2 areas under TPB PG-No. 13G and the concerned government departments have no adverse comment on the application from drainage, traffic, visual, landscape and environmental aspects. Besides, there are 13 approved similar applications within the same "R(D)" zone in the vicinity of the Site in the past five years as mentioned in paragraph 7 above. Approving the current application is in line with the Committee's previous decisions.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 above, PlanD 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 28.8.2029. 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 an updated 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 28.11.2026;
- (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 28.2.2027;
- (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 28.5.2027;

- (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 be revoked immediately without further notice.

Advisory Clauses

The recommended advisory clauses are 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 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 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 supporting documents received on 5.5.2026 and 7.5.2026
Appendix Ia	FI received on 9.7.2026
Appendix Ib	FI received on 21.8.2026
Appendix II	Relevant Extract of TPB PG-No. 13G
Appendix III	Previous Applications
Appendix IV	Similar Applications

Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Land Filling Plan
Plan A-1a	Location Plan
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

PLANNING DEPARTMENT
AUGUST 2026