

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/1040

- Applicant** : 京王工程有限公司 represented by Mr LEE Wai Leung
- Site** : Lot 644 in D.D. 111, Pat Heung, Yuen Long
- Site Area** : About 1,340.4m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
- Zoning** : “Village Type Development” (“V”) (about 54%)
[restricted to a maximum building height of 3 storeys (8.23m)]

“Open Storage” (“OS”) (about 46%)
- Application** : Temporary Warehouse (excluding Dangerous Goods Godown) for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary warehouse (excluding dangerous goods godown) for a period of three years at the application site (the Site) partly zoned “V” (about 54%) and partly zoned “OS” (about 46%) on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘Warehouse (excluding Dangerous Goods Godown)’ is always permitted within the “OS” zone while it is neither a Column 1 nor Column 2 use for the “V” zone. 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). The Site is paved and currently 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 with a total floor area of about 713.2m² involves three single-storey structures with a height of not more than 10m and four containers with a height of 2.37m for storage of hydroelectric engineering construction materials. One parking space and one loading/unloading bay both for light goods vehicles are provided within the Site. The operation hours are between 10:00 a.m. and 4:00 p.m. from Mondays to Saturdays, with no operation on Sundays

and public holidays. The layout plan submitted by the applicant is at **Drawing A-1**.

1.3 The Site is the subject of one previous application (No. A/YL-PH/906) submitted by the same applicant at the same site for the same applied use which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 4.3.2022 and the planning permission was subsequently revoked on 4.12.2022 due to non-compliance with approval conditions on the implementation of drainage and fire service installations (FSIs) proposals. Compared with the previous application, the current application involves changes in layout and development parameters (details in paragraph 5 below).

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

- (a) Application Form with supporting documents received on 5.12.2024 (**Appendices I and Ia**)
- (b) Further Information (FI) received on 20.1.2025* (**Appendix Ib**)

** 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 and FI at **Appendices I to Ib**, and can be summarised as follows:

- (a) The applicant is operating a business on hydroelectric engineering and a warehouse for storage of the hydroelectric engineering construction materials is needed to support the business.
- (b) The previous application (No. A/YL-PH/906) for the same warehouse use was approved in 2022. The Short Term Waiver for the erection of the structure was, however, granted by the Lands Department only in April 2024. The applicant, therefore, could not comply with the approval conditions on the implementation works within the said timeframe.
- (c) The applicant has submitted the drainage and FSIs proposals accepted under the previous application in support of the current application.
- (d) The applicant will not apply for the New Territories Exempted Houses (NTEH) development at the Site during the planning approval period.

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

The applicant is the sole current land owner of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is not subject to any active enforcement action.

5. Previous Application

- 5.1 The Site is the subject of one previous application (No. A/YL-PH/906) for the same applied use which was approved with conditions by the Committee on 4.3.2022, mainly on the considerations that the temporary approval would not frustrate the long-term planning intention of the “V” zone; the applied use was not incompatible with the surrounding 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 was subsequently revoked on 4.12.2022 due to non-compliance with the approval conditions on the implementation of the drainage and FSI proposals.
- 5.2 Compared with the last approved application, the current application is submitted by the same applicant for the same use at the same site with changes in layout and development parameters, including reduction in floor area and coverage, and increase in number of temporary structures. Details of the application is summarised at **Appendix II** and the location is shown on **Plan A-1**.

6. Similar Application

There is no similar application within the same “V” zone in the vicinity of the Site in the past five years.

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
 - (b) paved and currently occupied by the applied use without valid planning permission.
- 7.2 The surrounding areas are rural in character comprising mainly open storage/storage yards intermixed with vehicle dismantle/repair workshops, vehicle parks, residential structures, a warehouse, grassland and vacant land.

8. Planning Intentions

- 8.1 The planning intention of the “V” zone is to reflect existing recognised 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 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 NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

- 8.2 The planning intention of the “OS” zone is primarily for the provision of land for appropriate open storage uses and to regularise the already haphazard proliferation of open storage uses. It provides for the orderly development of land for open storage uses that cannot be accommodated in conventional godown premises.

9. Comments from Relevant Government Departments

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 III** and **IV** respectively.

10. Public Comment Received During Statutory Publication Period

On 20.12.2024, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received expressing concern that the “V” zone is intended to provide land for housing and approval of warehouse and brownfield operations should not be allowed (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for temporary warehouse (excluding dangerous goods godown) for a period of three years at the Site partly zoned “V” (about 54%) and partly zoned “OS” (about 46%) (**Plan A-1**). The applied use is always permitted within the “OS” zone, but it is neither a Column 1 nor Column 2 use for the “V” zone. Whilst the applied use is not in line with the planning intention of the “V” zone, the applicant, as the sole land owner of the Site, confirms that he would not apply for NTEH during the planning approval period. Besides, the District Lands Officer/Yuen Long of Lands Department advises that there is no Small House application approved or under processing at the Site. The applied use of temporary nature would not adversely affect the land availability for NTEH/Small House within the “V” zone in the long term. Approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “V” zone.
- 11.2 The Site is located at the fringe of the “V” zone and straddles a large area zoned “OS”. The applied use is considered not incompatible with the surrounding areas which are rural in character comprising mainly open storage/storage yards, vehicle dismantle/repair workshops, residential structures, a warehouse, grassland and vacant land. The Chief Town Planner/Urban Design and Landscape of

Planning Department (PlanD) considers that significant landscape adverse impacts arising from the applied use is not anticipated.

- 11.3 Other relevant government departments consulted, including the Commissioner for Transport, 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. The applicant will also be advised to follow the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise the possible environmental nuisance caused by the applied use on the surrounding areas.
- 11.4 The Site is the subject of a previously approved application (No. A/YL-PH/906) submitted by the same applicant for the same applied use as the current application and the planning permission was subsequently revoked due to non-compliance with approval conditions related to the implementation of the drainage and FSIs proposals. In support of the current application, the applicant has submitted drainage and FSIs proposals accepted under the previous application. In this regard, the Chief Engineer/Mainland North of Drainage Services Department considers the submitted drainage proposal is acceptable, while the Director of Fire Services has no objection to the application subject to relevant approval conditions be imposed. Should the application be approved, the applicant will be advised that sympathetic consideration may not be given to any further application should he fail to comply with any of the approval conditions again resulting in revocation of planning permission.
- 11.5 Given that one previous application for the same use was approved by the Committee in 2022 as detailed in paragraph 5 above and there has been no major change in planning circumstances, approving the current application is in line with the Committee’s previous decision.
- 11.6 Regarding the public comment expressing concern 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 taking into account the public comment mentioned in paragraph 10 above, PlanD considers that the applied use could be tolerated for a period of three years.
- 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 24.1.2028. 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 24.10.2025;

- (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 the Town Planning Board by 24.7.2025;
- (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 24.10.2025;
- (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 IV**.

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

the applied use is not in line with the planning intention of the "V" zone which is primarily for development of Small Houses by indigenous villagers. No strong planning justification has been given 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 Supporting Documents received on 5.12.2024
Appendix Ib	FI received on 20.1.2025
Appendix II	Previous Application
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JANUARY 2025**