

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

**APPLICATION NO. A/YL-PH/1047**

- Applicant** : United Sky International Development Limited represented by Metro Planning and Development Company Limited
- Site** : Lot 213 (Part) in D.D. 111, Pat Heung, Yuen Long, New Territories
- Site Area** : About 210m<sup>2</sup>
- 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”)  
[restricted to maximum building height of 3 storeys (8.23m)]
- Application** : Proposed Temporary Shop and Services for a Period of Three Years and Associated Filling of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary shop and services for a period of three years and associated filling of land at the application site (the Site), which falls within an area zoned “V” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “V” zone, ‘Shop and Services’ other than those on the ground floor of a New Territories Exempted House (NTEH) is a Column 2 use which requires planning permission from the Town Planning Board (the Board). Filling of land within the “V” zone also requires planning permission from the Board. The Site is currently hard paved and occupied by storage of miscellaneous objects and a temporary roofless structure 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 proposed use involves one two-storey structure with a building height of not exceeding 7m and a gross floor area of not more than 230m<sup>2</sup> for a retail shop and an ancillary toilet. The retail shop is intended for selling construction materials such as sanitary ware, plastic pipes and corrugated metal sheets etc. One parking space for light goods vehicles will be provided within the Site to support the proposed use. The applicant also applies for regularisation of the associated filling of land of the entire Site in a depth of about 0.2m (to a level of +26.4mPD) for site formation (**Drawing A-2**). The operation hours will be

between 9:00 a.m. and 9:00 p.m. daily including public holidays. There will be five staff members to support the operation of the proposed use. 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 (**Appendix I**) on 21.1.2025
- (b) Further Information (FI) received on 5.3.2025\* (**Appendix Ia**)

*\* 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** and **Ia**, and can be summarised as follows:

- (a) The proposed use on a temporary basis will not jeopardise the long-term planning intention of the “V” zone and is compatible with the surrounding environment mainly comprising village houses. The proposed use is intended to serve the residents in the vicinity.
- (b) A similar application (No. A/YL-PH/966) for shop and services use adjacent to the Site was approved and similar consideration should be given to the current application.
- (c) The applicant claims that the existing temporary roofless structure at the Site is being demolished and the fencing currently on the adjoining Government land (GL) will be removed to cease the unlawful occupation of GL. The existing miscellaneous objects currently being stored at the Site are related to the existing temporary roofless structure. Upon completion of the demolition works, the applicant will remove the miscellaneous objects and erect the proposed temporary structure for retail shop and ancillary toilet at the Site in accordance with the submitted layout plan should the application be approved.
- (d) The proposed use will not cause any adverse impact on drainage, traffic and environmental aspects. A drainage proposal has been submitted in support of the current application.

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

The applicant is the “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**

There is no previous application involving the Site.

## **6. Similar Applications**

There are 18 similar applications, involving 13 sites, including one for proposed filling of land and 17 for various temporary shop and services uses (nine of which involve associated filling of land) within or partially within the “V” zone in the vicinity of the Site in the past five years. All these applications were approved with conditions by the Committee between January 2020 and February 2025, mainly on the considerations that the proposed filling of land or temporary approval would not frustrate the long-term planning intention of the “V” zone; the proposed filling of land or proposed/applied use was not incompatible with the surrounding land uses; the concerned government departments consulted in general had no adverse departmental comments or their technical concerns could be addressed by relevant approval conditions. The planning permissions under applications No. A/YL-PH/818, 867, 880, 889 and 925 were subsequently revoked between January 2022 and June 2024 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) currently hard paved and occupied by storage of miscellaneous objects and a temporary roofless structure without valid planning permission; and
- (b) accessible from Fan Kam Road via a local track.

7.2 The surrounding areas are rural in character comprising mainly residential structures of Sheung Che intermixed with open storage/storage yards, a car repair workshop, a factory, vacant land and grassland.

## **8. Planning Intention**

The planning intention of the “V” zone is to reflect existing recognized 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.

## **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 has adverse comment on 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 Old Schedule Agricultural Lot No. 213 in D.D. 111 held under the Block Government Lease which contains restriction that no structures are allowed to be erected without the prior approval of the Government;
- (c) there is/are unauthorized structure(s) on the Lot No. 213 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;
- (d) there is no Small House application approved or under processing within the Site; and
- (e) advisory comments are at **Appendix IV**.

## **10. Public Comment Received During Statutory Publication Period**

On 28.1.2025, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

## **11. Planning Considerations and Assessments**

11.1 The application is for proposed temporary shop and services for a period of three years and associated filling of land at the Site zoned “V” (**Plan A-1**). Whilst the proposed use is not entirely in line with the planning intention of the “V” zone, the applicant claimed that the proposed use is intended to serve the residents in the vicinity. DLO/YL, LandsD advises that there is no Small House application

approved or under processing at the Site. The proposed use of temporary nature would not adversely affect the land availability for NTEH/Small House development 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 Filling of land within the “V” zone requires planning permission from the Board. In this regard, the Chief Engineer/Mainland North of Drainage Services Department, who also considers the submitted drainage proposal acceptable, and Director of Environmental Protection have no objection to the application from drainage and environmental perspectives respectively.
- 11.3 The proposed use is considered not incompatible with the surrounding land uses which comprise mainly residential structures of Sheung Che intermixed with open storage/storage yards, a car repair workshop, a factory, vacant land and grassland. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) considers that significant 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. It is also recommended to advise the applicant 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 potential environmental nuisance on the surrounding areas. Regarding DLO/YL, LandsD’s concerns on the unauthorized structures and uses within the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.5 There are 18 approved similar applications within or partially within the “V” zone in the vicinity of the Site in the past five years as detailed in paragraph 6 above. Approving the current application is in line with the Committee’s previous decisions.

## **12. Planning Department’s Views**

- 12.1 Based on the assessments made in paragraph 11 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 14.3.2028. 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 14.12.2025;
- (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 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 14.9.2025;
- (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 14.12.2025;
- (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 proposed use with associated filling of land is not in line with the planning intention of the "V" zone which is to provide land primarily for development of Small Houses by indigenous villagers. There is no strong planning justification 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**

<b>Appendix I</b>	Application Form with Supporting Documents received on 21.1.2025
<b>Appendix Ia</b>	FI received on 5.3.2025
<b>Appendix II</b>	Similar Applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Land Filling Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
MARCH 2025**