

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

**APPLICATION NO. A/YL-PH/1051**

- Applicant** : Chief Force Limited
- Site** : Lots 159 (Part), 160 (Part), 162 (Part), 163 (Part) and 164 (Part) in D.D. 108 and Adjoining Government Land (GL), Ta Shek Wu, Pat Heung, Yuen Long
- Site Area** : About 4,460m<sup>2</sup> (including GL of about 845m<sup>2</sup> (19%))
- 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 (excluding Dangerous Goods) 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 (excluding dangerous goods) 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). The Site is currently hard paved, erected with some temporary structures and used for the open storage of construction materials and machineries (with open storage of machineries covered by a valid planning permission until 6.5.2025 under application No. A/YL-PH/909) (**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 one single-storey structure of 2.5m in height for guard room and one two-storey structure of 5m in height for ancillary office, staff resting room, with a total floor area of about 150m<sup>2</sup>. An area of about 3,048m<sup>2</sup> (68.3%) of the Site is used for open storage uses, including about 2,443m<sup>2</sup>

for construction materials (i.e. soil and stones) and about 605m<sup>2</sup> for construction machineries (i.e. excavators and loaders) (**Drawing A-1**). One loading/unloading bay for light/medium goods vehicles is provided within the Site to support the applied use. The applicant also applies for regularisation of associated filling of land for the entire Site with cement and asphalt for a depth of about 0.1m, raising the site level from +57.4mPD to +57.5mPD for site formation (**Drawing A-2**) and no further filling is required. The existing 62 trees along the site boundary will be retained (**Drawing A-3**). 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. No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities will be conducted at the Site. The layout plan, land filling plan and landscape proposal plan submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site, in part or in whole, is the subject of nine previous applications for various temporary open storage uses (details at paragraph 6 below). The last application (No. A/YL-PH/909) for renewal of a planning approval for open storage use submitted by the same applicant was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 6.5.2022. All approval conditions for the last application have been complied with and the planning permission is valid until 6.5.2025. Compared with the last application which covers open storage of construction machineries only, the current application involves open storage of construction materials and machineries as well as regularisation of associated filling of land, while the site layout and number of structures remain unchanged.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with supporting documents received (**Appendix I**) on 11.2.2025 and supplementary information (SI) received on 13.2.2025
  - (b) Further Information (FI) received on 2.4.2025\* (**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 **Appendix I** and **Ia**, and can be summarised as follows:

- (a) Compared with the last application (No. A/YL-PH/909), the current application involves the same number of structures and the same site layout, but an additional open storage use of construction materials and regularisation of filling of land at the Site. Hence, the applicant determined to submit a fresh application.
- (b) Since the previous planning approval, no complaint related to the Site has been received from the public or government departments. All approval conditions have been complied with and the Site has been maintained in a good condition. The existing 62 trees along the site boundary will be retained.

- (c) The applied use will not cause any adverse impacts on drainage, traffic and environmental aspects. The openly-stored construction materials will be covered by impermeable tarpaulins to minimise dust dispersion. A drainage proposal with photo record of the implemented drainage facilities, a fire service installations (FSIs) proposal with fire certificates and a landscape proposal have also been submitted in support of the current application.

### **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 notices and sending notice to the Pat Heung Rural Committee by registered mail. 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. Town Planning Board Guidelines**

The Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (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 enforcement action.

### **6. Previous Applications**

- 6.1 The Site, in part or in whole, is the subject of nine previous planning applications (No. A/YL-PH/240, 404, 487, 556, 602, 664, 731, 801 and 909) for various temporary open storage uses. Among the nine applications, eight were approved with conditions while one was rejected by the Committee. The last three applications (No. A/YL-PH/731, 801 and 909) were submitted by the same applicant as the current application. Details of these applications are summarised in **Appendix III** and their locations are shown on **Plan A-1b**.

#### **Rejected Application**

- 6.2 Application No. A/YL-PH/240 for temporary open storage of construction materials (iron frames) was rejected by the Committee in November 1998, mainly for the reasons that the proposed use was not in line with the planning intention of the “R(D)” zone and not compatible with the nearby village houses; there was insufficient information to demonstrate that a proper vehicular access road could be provided to connect the application site with Fan Kam Road; there was insufficient

information to demonstrate that the proposed use would not have adverse drainage impact on the surrounding land uses; and approval of the application would set an undesirable precedent.

### Approved Applications

- 6.3 Among the eight approved applications (No. A/YL-PH/404, 487, 556, 602, 664, 731, 801 and 909), seven were for temporary open storage of excavators and loaders (including two renewals of planning approvals granted) and one was for temporary open storage of excavators, loaders and construction materials. These applications were approved with conditions by the Committee between November 2002 and May 2022, 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(s) were 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/556 was subsequently revoked in March 2009 due to non-compliance with approval conditions.
- 6.4 Compared with the last application No. A/YL-PH/909 which covers open storage of construction machineries only, the current application is submitted by the same applicant at the same site for open storage of construction materials and machineries as well as regularisation of associated filling of land, while the site layout and number of structures remain unchanged. All approval conditions under the last application have been complied with and the planning permission is valid until 6.5.2025.

## **7. Similar Applications**

- 7.1. There are five similar applications (No. A/YL-PH/869, 933, 953, 957 and 1015), involving three sites, for various temporary open storage uses 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 January 2021 and November 2024 on similar considerations as mentioned in paragraph 6.3 above. The planning permissions under applications No. A/YL-PH/869, 933 and 953 were subsequently revoked between April 2023 and November 2024 due to non-compliance with 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, erected with some temporary structures and used for open storage of construction materials and machineries (with open storage of

machineries covered by a valid planning permission until 6.5.2025 under application No. A/YL-PH/909).

- 8.2 The surrounding areas are rural in character comprising mainly residential structures of Ta Shek Wu and woodland intermixed with a vehicle park (with valid permission under application No. A/YL-PH/922), a storage yard, an orchard, cultivated agricultural land and vacant land.

## **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**

- 10.1 Apart from the government department as set out in 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 in the Recommended Advisory Clauses, if any, are provided in **Appendices V** and **VI** respectively.

- 10.2 The following government department does not support the application:

### **Environment**

- 10.2.1 Comments of the Director of Environmental Protection (DEP):

- (a) does not support the application in accordance with the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” as there are sensitive receivers in the vicinity (i.e. a residential structure is about 12m east of the Site) and the applied use involves the use of a loading/unloading bay for medium goods vehicle which is considered as ‘heavy vehicle’. Thus, environmental nuisance is expected;
- (b) no objection to the filling of land from environmental perspective;
- (c) no substantiated environmental complaint concerning the Site was received in the past three years; and
- (d) advisory comments are at **Appendix VI**.

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

On 18.2.2025, the application was published for public inspection. During the statutory public inspection period, one public comment from the representative of Ta Shek Wu

objecting to the application was received mainly on the grounds that the residents of Ta Shek Wu were not consulted on the application by the applicant; and the applied use would cause adverse traffic and environmental impacts to the village (**Appendix VII**).

## **12. Planning Considerations and Assessments**

- 12.1 The application is for temporary open storage of construction materials and construction machineries (excluding dangerous goods) 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 within the “R(D)” zone at the Site. Taken into account the planning assessments below, there is no objection to the applied use with associated filling of land on a temporary basis of three years.
- 12.2 Filling of land within the “R(D)” zone requires planning permission from the Board and the application is to regularise the existing land filling at the Site. According to the applicant, the entire Site has already been filled and no further filling of land is required. The Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD), who also considers the submitted drainage proposal with photo record of the implemented drainage facilities acceptable, has no objection to the application from drainage perspective, while DEP has no objection to the filling of land from environmental perspective.
- 12.3 The applied use is considered not incompatible with the surrounding land uses which are rural in character comprising mainly residential structures of Ta Shek Wu and woodland intermixed with a vehicle park, a storage yard, an orchard, cultivated agricultural land and vacant land. The Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L, PlanD) considers that significant adverse landscape impact arising from the applied use is not anticipated.
- 12.4 The Site falls within Category 2 areas under TPB PG-No. 13G. The following guidelines are relevant:
- Category 2 areas: planning permission could be granted on a temporary basis up to a maximum period of three years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments, where appropriate, should be submitted to demonstrate that the proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas.
- 12.5 The application is considered generally in line with TPB PG-No. 13G in that except for DEP, the relevant government departments consulted, including the Director of Fire Services, the Commissioner for Transport, and CTP/UD&L of PlanD have no objection to or adverse comment on the application. To address the technical requirements of concerned government departments, relevant approval conditions are recommended in paragraph 13.2 below. DEP does not support the application as the applied use involves the use of heavy vehicles and environmental nuisance

on the sensitive receivers (i.e. residential structures) in the vicinity of the Site is expected. Nonetheless, there was no substantiated environmental complaint concerning the Site, which has been approved for open storage of construction machineries since 2020, in the past three years. Should the Committee decided to approve the application, it is recommended to advise the applicant to follow the “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 land uses.

- 12.6 There are eight approved applications for similar applied use at the Site, and five approved similar applications within the same “R(D)” zone in the vicinity of the Site in the past five years as detailed in paragraphs 6 and 7 above respectively. Approving the current application is in line with the Committee’s previous decisions.
- 12.7 Regarding the public comment mentioned in paragraph 11 above, it should be noted that the applicant has complied with the requirements set out in TPB-PG No. 31B as mentioned in paragraph 3 above, and PlanD has followed the administrative measure set out in the Town Planning Board Guidelines No. 30C to inform the public about the availability of the application for public inspection. The departmental comments and planning assessments above are also relevant.

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

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comment mentioned in paragraph 11 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 11.4.2028. 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 11.1.2026;
- (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 provision of fire extinguisher(s) within **6** weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 23.5.2025;
- (d) 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 11.10.2025;

- (e) in relation to (d) 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 11.1.2026;
- (f) 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
- (g) if any of the above planning condition (a), (c), (d) or (e) 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 VII**.

- 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 given 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**

<b>Appendix I</b>	Application Form with supporting documents received on 11.2.2025 and SI received on 13.2.2025
<b>Appendix Ia</b>	FI received on 2.4.2025
<b>Appendix II</b>	Relevant Extract of TPB PG-No. 13G
<b>Appendix III</b>	Previous Applications
<b>Appendix IV</b>	Similar Applications
<b>Appendix V</b>	Government Departments' General Comments
<b>Appendix VI</b>	Recommended Advisory Clauses
<b>Appendix VII</b>	Public Comment
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Land Filling Plan
<b>Drawing A-3</b>	Landscape Proposal Plan
<b>Plan A-1a</b>	Location Plan
<b>Plan A-1b</b>	Previous Application Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
APRIL 2025**