

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

**APPLICATION NO. A/YL-LFS/546**

- Applicant** : Mr. WONG Suen Hang represented by Metro Planning and Development Company Limited
- Site** : Lots 1700 (Part) and 1701 (Part) in D.D. 129, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : 1,620 m<sup>2</sup> (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/11
- Zoning** : “Residential (Group E)” (“R(E)”) [Restricted to a maximum plot ratio of 0.4 and a maximum building height of 3 storeys (9m) including car park]
- Application** : Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary open storage of construction materials for a period of three years at the application site (the Site) (**Plan A-1**) zoned “R(E)” on the OZP. 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 and vacant (**Plans A-2, A-3 and A-4a to A-4b**).
- 1.2 The Site is accessible from Deep Bay Road via a local track, with the ingress/egress located at the northeast of the Site (Drawing A-1 and Plan A-2). According to the applicant, the majority of the Site (around 73%) will be used for open storage of construction materials such as tiles and sanitary wares. One loading/unloading space for light goods vehicle is also provided. The operation hours would be between 9 a.m. and 7 p.m. from Mondays to Saturdays. There is no operation on Sundays and public holidays. The proposed layout plan, location plan, proposed drainage plan and discharge path plan submitted by the applicant are at **Drawings A-1 to A-4** respectively.

1.3 The Site was involved in four previous applications for various temporary open storage uses, which were all rejected by the Rural and New Town Planning Committee (the Committee) of the Board (details at paragraph 6 below). Compared with the last approved application No. A/YL-LFS/508, the current application is submitted by a different applicant for similar use at the same site with a slightly larger area (+60m<sup>2</sup> or +3.8%).

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

- |     |   |                      |
|-----|---|----------------------|
| (a) | Application Form received on 14.1.2025                      | <b>(Appendix I)</b>  |
| (b) | Further Information (FI) received on 31.3.2025 <sup>#</sup> | <b>(Appendix Ia)</b> |
| (c) | FI received on 28.4.2025 <sup>*</sup>                       | <b>(Appendix Ib)</b> |

*\* accepted and exempted from publication and recounting requirements*

*<sup>#</sup> accepted but not exempted from publication and recounting requirements*

1.5 On 14.3.2025, 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 at **Appendix I**. They can be summarised as follows:

- (a) the Site falls within Category 2 areas under the Town Planning Board Guidelines No.13G;
- (b) the proposed development, which is temporary in nature, would not jeopardise the planning intention of the “R(E)” zone;
- (c) the proposed development is compatible with the surrounding environment; and
- (d) the proposed development would not generate significant traffic, noise, drainage and environmental impacts.

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

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by posting site notice and sending notice to the Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

#### **4. Town Planning Board Guidelines**

The Town Planning Board Guidelines No.13G for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13G) promulgated by the Board on 14.4.2023 are relevant to the application. The Site falls within the Category 2 areas under the TPB PG-No. 13G. Relevant extract of the Guidelines is attached at **Appendix II**.

#### **5. Background**

The Site is currently not subject to any active planning enforcement action.

#### **6. Previous Applications**

- 6.1 The Site was involved in four previous applications for open storage of various items. All of them were rejected by the Committee. Details of these previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.
- 6.2 Application No. A/YL-LFS/33 for open storage of I-Beam when the Site fell within the “Comprehensive Development Area” (“CDA”) zone<sup>1</sup> was rejected by the Committee in 1998 mainly on grounds of insufficient information to demonstrate no adverse traffic and drainage impacts, and setting an undesirable precedent.
- 6.3 Application No. A/YL-LFS/87 for open storage of construction machinery was rejected by the Committee in 2002 mainly on grounds of being not in keeping with the planning intention of the “R(E)” zone which was to encourage phasing out of sporadic rural industries as Director of Environmental Protection (DEP) considered the proposed use would generate heavy vehicular traffic, and no information was provided in the submission to demonstrate no adverse environmental, visual and drainage impacts.
- 6.4 Application No. A/YL-LFS/228 for open storage of construction materials within the “R(E)” and “Green Belt” (“GB”) zones was rejected in 2011 mainly on grounds of having no strong planning justification in the submission for a departure from the planning intentions; not compatible with the existing rural neighbourhood and landscape character; and not in line with the then TPB PG-No. 13E as there were adverse departmental comments on environmental, traffic and landscape aspects.
- 6.5 Application No. A/YL-LFS/508 for open storage of construction materials was rejected in 2024 mainly on grounds of having no strong planning justification in the submission for a departure from the planning intention of the “R(E)” zone; and not in line with the TPB PG-No. 13G as there were adverse departmental comments on traffic and slope safety aspects.

---

<sup>1</sup> The “CDA” zone was rezoned to “R(E)” on the draft Lau Fau Shan and Tsim Bei Tsui OZP No. S/YL-LFS/4 gazetted on 27.10.2000.

## **7. Similar Applications**

- 7.1 Within the same “R(E)” zone, there are four similar applications (No. A/YL-LFS/396, 416, 451 and 525) for various open storage uses in the past five years. Three of them were approved while one was rejected by the Committee. Details of the similar applications are summarised in **Appendix III** and their locations are shown on **Plan A-1**.

### *Approved applications*

- 7.2 Applications No. A/YL-LFS/396 and 525 falling entirely within the “R(E)” zone were approved with conditions by the Committee in 2021 and 2024 respectively mainly on considerations that temporary approval would not jeopardise the long-term planning intention; the applied use was in line with the relevant TPB PG-No. 13; the applied use was not incompatible with the surrounding area; and concerned government departments generally had no objection to the application and/or the technical concerns could be addressed by approval conditions.
- 7.3 Application No. A/YL-LFS/451 straddling “R(E)” and “Recreation” zones was approved with conditions by the Committee on 3.2.2023 mainly on considerations that temporary approval would not jeopardise the long-term planning intention; the applied use was not incompatible with the surrounding land uses; and in line with the then TPB PG-No. 13F in that there were generally no adverse departmental comments; and the technical requirements could be addressed by approval conditions.

### *Rejected application*

- 7.4 Application No. A/YL-LFS/416 straddling the “R(E)” and “GB” zones was rejected by the Committee in 2022 mainly on the grounds of having no strong planning justification in the submission for a departure from the planning intentions; not in line with the then TPB PG-No. 13F, as well as TPB PG-No. 10, in that the applicant failed to demonstrate the applied use would not have significant adverse traffic and geotechnical impacts on the surrounding areas.

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

- 8.1 The Site is:
- (a) accessible from Deep Bay Road via a local track; and
  - (b) hard paved, fenced off, and vacant.
- 8.2 The surrounding areas are predominated by warehouses, logistics centre, open storage yards, vacant land and graves falling within the Permitted Burial Ground No. YL/59. Some of these uses are covered by valid planning permissions, whilst some are suspected unauthorized developments subject to planning enforcement action.

## **9. Planning Intention**

The “R(E)” zone is intended primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the Board. Whilst existing industrial uses will be tolerated, new industrial developments are not permitted in order to avoid perpetuation of industrial/residential interface problem.

## **10. Comments from Relevant Government Departments**

All 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 are provided in **Appendices IV** and **V** respectively.

## **11. Public Comments Received During the Statutory Publication Period**

On 21.1.2025 and 8.4.2025, the application was published for public inspection. During the statutory public inspection period, six public comments from various individuals and villagers were received (**Appendix VI**) objecting to the application mainly on the grounds that the previous application (No. A/YL-LFS/508) for the same use was rejected; the submitted Geotechnical Planning Review Report (GPRR) is not comprehensive and contains many inconsistencies; the proposed access does not have sufficient capacity; and the proposed use would disturb the adjoining permitted burial grounds and cause noise pollution, fire risk, flooding, slope safety, traffic congestion and traffic safety problems.

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

- 12.1 The application is for proposed temporary open storage of construction materials for a period of three years at the Site zoned “R(E)” on the OZP (**Plan A-1**). Although the proposed use is not in line with the planning intention of the “R(E)” zone, there is no known development proposal to implement the zoned use at the Site. Approval of the application on a temporary basis for a period of three years would not jeopardise the long-term planning intention of the “R(E)” zone. Notwithstanding the above, the Project Manager (West) of Civil Engineering and Development Department (CEDD) advises that the Site falls within the study area of Lau Fau Shan Development in which the implementation and land resumption/clearance programme is currently being reviewed under the relevant investigation study and subject to change. Should the application be approved, the applicant would be reminded that the Site may be resumed by the Government at any time during the planning approval period for potential development project and advised not to carry out any substantial works therein.
- 12.2 The Site is located in an area predominated by warehouses, logistics centre, open storage yard, and graveyards (**Plan A-2**). The proposed use is considered generally not incompatible with the surrounding land uses.
- 12.3 According to TPB PG-No. 13G, the Site falls within Category 2 areas. The following considerations in the Guidelines are relevant:

Category 2 areas: planning permission could be granted on a temporary basis up to a maximum period of 3 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 or if required, should be submitted to demonstrate that the proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas.

- 12.4 The application is in line with TPB PG-No. 13G in that there are no adverse comments from concerned government departments including DEP, Commissioner for Transport (C for T), Chief Engineer/Mainland North of Drainage Services Department (CE/MN of DSD) and Director of Fire Services (D of FS) from environmental, traffic, drainage and fire safety perspectives respectively. The technical requirements of CE/MN of DSD and D of FS could be addressed by imposing approval conditions recommended in paragraph 13.2 below. To minimise any possible environmental nuisance on the surrounding areas, the applicant will also be advised to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' should the application be approved by the Committee.
- 12.5 The Site was involved in four previous applications (No. A/YL-LFS/33, 87, 228 and 508) for various temporary open storage uses. Although the Committee rejected all previous applications, the circumstances of these rejected applications are different from the current application in that there were adverse departmental comments on the previous applications and applications no. A/YL-LFS/33 and 228 also involved other zonings (i.e. "CDA" and "GB"). In particular, the last previous application (No. A/YL-LFS/508) for proposed open storage of construction materials was rejected by the Committee in 2024 mainly on the grounds that C for T considered that the proposed use would generate traffic of heavy goods vehicles and the applicant also did not submit GPRR to demonstrate that the proposed use would not affect/be affected by the registered man-made slopes within the Site. For the current application for temporary open storage of tiles and sanitary wares, C for T has no comment on the submission as only light goods vehicle traffic would be generated. Besides, the applicant has also submitted a GPRR in support of the application and Head of Geotechnical Engineering Office, CEDD has no comment on the application from geotechnical aspect.
- 12.6 The Committee approved three similar applications in the past five years. Although the Committee rejected one similar application (No. A/YL-LFS/416) in 2022, the planning circumstances of the rejected application are different in that there were adverse departmental comments and "GB" zone was involved. In view of the above, approval of the current application is not in conflict with the previous decisions of the Committee.
- 12.7 Regarding the public comments objecting to the application as summarised in paragraph 11 above, the planning considerations and assessments in paragraphs 12.1 to 12.6 above are relevant.

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

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comments mentioned in paragraph 11, the Planning Department 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 **23.5.2028**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### **Approval conditions**

- (a) the submission of a revised drainage proposal within **6 months** from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **23.11.2025**;
- (b) in relation to (a) above, the implementation of 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 **23.2.2026**;
- (c) in relation to (b) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (d) the provision of fire extinguisher(s) with a valid fire certificate (F.S. 251) 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 **4.7.2025**;
- (e) 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 **23.11.2025**;
- (f) in relation to (e) 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 **23.2.2026**;
- (g) if the above planning condition (c) 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
- (h) if any of the above planning condition (a), (b), (d), (e) or (f) 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 attached at **Appendix V**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following

reason for rejection is suggested for Members' reference:

the proposed use is not in line with the planning intention of the "R(E)" zone, which is primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the Board. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

#### **14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant planning 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 received on 14.1.2025
<b>Appendix Ia</b>	FI received on 31.3.2025
<b>Appendix Ib</b>	FI received on 28.4.2025
<b>Appendix II</b>	Extract of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13G)
<b>Appendix III</b>	Previous and Similar Applications
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	Public Comments Received During Statutory Publication Period
<b>Appendix VII</b>	'Good Practice for Open Storage Sites' by the Fire Services Department
<b>Drawing A-1</b>	Proposed Layout Plan
<b>Drawing A-2</b>	Vehicular Access Plan
<b>Drawing A-3</b>	Proposed Drainage Plan
<b>Drawing A-4</b>	Discharge Path Plan
<b>Plan A-1</b>	Location Plan with Previous and Similar Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
MAY 2025**