

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/557

- Applicant** : Mr. Kong Chun Ying represented by Metro Planning & Development Company Limited
- Site** : Lots 2207 RP (Part), 2213 S.A RP, 2213 S.B and 2214 RP in D.D. 129, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 2,050m²
- 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** : “Recreation” (“REC”)
- Application** : Proposed Temporary Warehouse for Storage of Building Materials for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse for storage of building materials for a period of three years at the application site (the Site) (**Plan A-1**) zoned “REC” 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 partly vacant, and partly hard-paved and erected with temporary structures (**Plans A-2, A-4a to A-4b**).
- 1.2 As shown on the **Plan A-2**, the Site is accessible from Deep Bay Road via a local track with the ingress/egress point at the southeast. As shown on the layout plan at **Drawing A-1**, four single-storey structures (about 3m to 6.5m in height) with a total floor area of about 1,160m² for warehouse, fire service water tank and pump room, site office and toilet uses are proposed. As indicated in the submission, the proposed temporary warehouse is for storage of building materials such as tiles, marble and sanitary wares. A parking space for private car, and two loading/unloading spaces for light goods vehicles will be provided. According to the applicant, no open storage and workshop activity will be carried out at the Site.
- 1.3 According to the applicant, the operation hours are between 9 a.m. and 7 p.m. from Mondays to Saturdays. There is no operation on Sundays and public holidays. Drainage facilities (i.e. surface U-channels and catchpits) will be provided at the Site (**Drawing A-2**).

- 1.4 The Site was involved in two previous applications, including one application (No. A/YL-LFS/455) submitted by the same applicant as the current application involving the same use and development parameters which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2023. The planning permission was subsequently revoked in 2024 due to non-compliance with approval conditions (details at paragraph 5 below).
- 1.5 In support of the application, the applicant has submitted the Application Form with attachments which were received on 28.4.2025 (**Appendix I**).

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 proposed use is temporary in nature, and would not jeopardise the long-term planning intention of the “REC” zone;
- (b) the proposed use is not incompatible with the surrounding areas comprising mainly open storage yards and warehouses;
- (c) the proposed development is small in scale. There would be no night-time operation. The proposed development would not generate significant adverse traffic, environmental, noise and drainage impacts. No felling of trees will be undertaken;
- (d) similar applications in the vicinity have been approved; and
- (e) under the previous planning permission (application No. A/YL-LFS/455), the applicant was unable to comply with the approval conditions as he has not taken possession of the Site.

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 Ordinance (TPB PG-No. 31B) by posting site notice and sending notification letter to the Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

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

5. Previous Applications

- 5.1 The Site was involved in two previous applications (No. A/YL-LFS/146 and 455) for temporary open storage and warehouse uses respectively. Application No.

A/YL-LFS/146 for proposed temporary open storage of construction materials for a period of three years was rejected by the Committee on 4.8.2006. The considerations of this application are not relevant to the current application which involves a different use.

- 5.2 Application No. A/YL-LFS/455, submitted by the same applicant as the current application involving the same use and development parameters, was approved with conditions by Committee in 2023 mainly on the considerations that approval of the application on a temporary basis for a period of three years would not jeopardise the long-term planning intention of the “REC” zone, the proposed use is considered not incompatible with the surrounding land uses and the technical requirements of relevant departments could be addressed by approval conditions. However, the planning permission was subsequently revoked in 2024 owing to non-compliance with time-limited approval conditions on the submission and/or implementation of revised drainage, fire service installations and run-in/out proposals. According to the applicant, it was due to that he has not taken possession of the Site after the approval therefore he was unable to comply with the conditions.
- 5.3 Details of the above previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

6. Similar Applications

- 6.1 Within the same “REC” zone, there were six similar applications for temporary warehouse/storage use in the past five years. All of them were approved by the Committee. Details of the similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.
- 6.2 Applications No. A/YL-LFS/392, 441, 469, 490, 510 and 538 covering five sites were approved with conditions by the Committee between 2021 and 2024 mainly on similar considerations as those mentioned in paragraph 5.2 above.

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

- 7.1 The Site is:
- (a) partly vacant, and partly hard-paved and erected with temporary structures; and
 - (b) located about 100m northeast of the Lau Fau Shan Roundabout, and is accessible from Deep Bay Road via a local track.
- 7.2 The surrounding areas are predominated by open storage yards, restaurants, car parks, plant nursery, a logistic centre, residential dwellings, vacant land and shrubland. Some of the uses are suspected unauthorized developments (UDs) subject to planning enforcement action.

8. Planning Intention

The “REC” zone is intended primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.

9. 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 III and IV** respectively.

10. Public Comment Received During Statutory Publication Period

On 6.5.2025, the application was published for public inspection. During the statutory public inspection period, a public comment from an individual (**Appendix V**) was received objecting to the application mainly on grounds that the applicant failed to comply with the previous approval conditions and the proposed development will turn the New Territories into a brownfield site.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary warehouse for storage of building materials for a period of three years at the Site zoned “REC” on the OZP (**Plan A-1**). Although the proposed use is not in line with the planning intention of the “REC” zone, there is no known development proposal 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 “REC” zone.
- 11.2 The Site is located in an area predominated by open storage yards, restaurants, car parks, plant nursery, a logistic centre, residential dwellings, vacant land and shrubland. The proposed use is generally considered not incompatible with the surrounding land uses.
- 11.3 Concerned government departments consulted including Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department (CE/MN of DSD) and Director of Fire Services (D of FS) have no objection to or no adverse comment on the application from traffic, environment, drainage and fire safety aspects respectively. The technical requirements of CE/MN of DSD and D of FS could be addressed by imposing approval conditions in paragraph 12.2 below. To minimise any possible environmental nuisance, 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.
- 11.4 The Committee has approved six similar applications covering five sites within the same “REC” zone in the past five years. The Site was also involved in a previous application (No. A/YL-LFS/455) for warehouse use which was approved in 2023

but the planning permission was subsequently revoked in 2024 owing to non-compliance with time-limited approval conditions as detailed in paragraph 5.2. The applicant claimed that under the previous planning permission (application No. A/YL-LFS/455), he has not taken possession of the Site therefore he was unable to comply with the approval conditions. For the current application, the applicant has submitted a drainage proposal and the concerned departments have no adverse comment on the application. In this regard, sympathetic consideration may be given to the current application. Should the application be approved, the applicant will be advised that should he fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further applications.

- 11.5 Regarding the public comment objecting to the application on grounds as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.4 above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comment mentioned in paragraph 10 above, Planning Department has no objection to the application 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 **20.6.2028**. 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 **20.12.2025**;
- (b) in relation to (a) above, the implementation of the revised 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 **20.3.2026**;
- (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 submission of a fire service installations proposal within **6 months** from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **20.12.2025**;
- (e) in relation to condition (d) above, the implementation of the fire service installations proposal within **9 months** from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **20.3.2026**;
- (f) the submission of a run-in/out proposal within **6 months** from the date of planning approval to the satisfaction of the Director of Highways and the

Commissioner for Transport or of the Town Planning Board by **20.12.2025**;

- (g) in relation to (f) above, the implementation of the run-in/out proposal within **9 months** from the date of planning approval to the satisfaction of the Director of Highways and the Commissioner for Transport or of the Town Planning Board by **20.3.2026**;
- (h) if any of the above planning conditions (c) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (i) if any of the above planning conditions (a), (b), (d), (e), (f) or (g) is not complied with by the above 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 IV**.

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

the proposed development is not in line with the planning intention of the "REC" zone, which is primarily for recreational developments for the use of the general public. There is no strong planning justification 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 planning 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 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

Appendix I	Application Form with attachments received on 28.4.2025
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment Received During Statutory Publication Period
Drawing A-1	Layout Plan
Drawing A-2	Drainage Plan
Plan A-1	Location Plan with Previous and Similar Applications

Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos

PLANNING DEPARTMENT
JUNE 2025