

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/558

- Applicant** : Mr. Tang Chung Wai represented by R-riches Property Consultants Limited
- Site** : Lots 2092 and 2093 (Part) in D.D. 129, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 2,234 m²
- 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 (excluding Dangerous Goods Godown) with Ancillary Office for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse (excluding dangerous goods godown) with ancillary office 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, partly hard-paved and erected with temporary structures, and used for open storage of miscellaneous items without valid planning permission (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site is accessible from Deep Bay Road via a local track, with the ingress/egress located at the southeast of the Site (**Plan A-2 and Drawing A-3**). As indicated in the submission, the proposed warehouse would be used for storage of miscellaneous goods including packaged foods, apparel, footwear, electronic goods and furniture. As shown on the layout plan at **Drawing A-2**, three structures of one storey (about 3.5m to 13m in height) with a total floor area of 999m² are proposed for warehouse with ancillary office, meter room and washroom purposes. Two parking spaces for private car and two loading/unloading spaces for light goods vehicle are provided. According to the applicant, no dangerous goods will be stored and no dismantling, maintenance, recycling, cleaning, paint spraying and other workshop activities will be carried out at the Site at any time during the planning approval period.

- 1.3 According to the applicant, the operation hours would be between 8 a.m. and 7 p.m. from Mondays to Saturdays. There would be no operation on Sundays and public holidays. The location plan, layout plan, swept path analysis plan as well as drainage plan submitted by the applicant are at **Drawings A-1 to A-4** respectively.
- 1.4 The Site was involved in a previous application (No. A/YL-LFS/490) for proposed temporary warehouse for storage of miscellaneous goods for a period of three years, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2023 and the planning permission was subsequently revoked on 27.10.2024 owing to non-compliance with time-limited approval conditions regarding submission of drainage and fire service installations (FSIs) proposals (details at paragraph 5 below).
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments received on 6.5.2025 (**Appendix I**)
 - (b) Further Information (FI) received on 18.6.2025* (**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 at **Appendix I**. They can be summarised as follows:

- (a) the Site is strategically located close to the supply chain networks and border control points;
- (b) there is no planned recreational development in the area. Approval of the application on a temporary basis of three years would not frustrate the long-term planning intention of the “REC” zone;
- (c) the Site is situated in an area predominated by open storage yards, warehouses and public vehicle parks. The proposed use is not incompatible with the surrounding areas;
- (d) the Site is the subject of an approved application (No. A/YL-LFS/490) submitted by the same applicant for the same use which was approved by the Board in 2023. Various similar s.16 planning application were also approved by the Board. Approval of the current application will not set an undesirable precedent;
- (e) sufficient manoeuvring space would be provided at the Site to ensure no vehicle will reverse onto local access. Traffic generated/attracted by the proposed use is minimal. Adverse traffic impact is not anticipated;
- (f) the applicant has made efforts in complying with approval conditions under the previous application but the submissions were considered not acceptable by concerned departments and hence the planning permission was revoked. The applicant wishes to continue complying with the approval conditions. In support of the application, the applicant has submitted both drainage and FSIs proposals; and

- (g) the applicant will strictly comply with all environmental protection/pollution control ordinances and relevant guidelines to minimise adverse environmental impacts and nuisance to the surrounding areas.

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 seven previous applications for temporary open storage, shop and services or warehouse uses. All of them were approved with conditions by the Committee or the Board on review. Details of the previous application are summarised in **Appendix II** and their locations are shown on **Plan A-1**.
- 5.2 Applications No. A/YL-LFS/28, 45 and 68 for temporary open storage of marble involving a larger site were approved with conditions by the Committee or the Board on review between 1998 and 2001. Applications No. A/YL-LFS/307, 330 and 374 for temporary shop and services (retail of family goods) were approved with conditions by the Committee between 2018 and 2020. The considerations of these previous applications are not relevant to the current application for temporary warehouse.
- 5.3 Application No. A/YL-LFS/490, 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 was 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 on 27.10.2024 owing to non-compliance with time-limited approval conditions on the submission of drainage and FSIs proposals.

6. Similar Applications

- 6.1 Within the same “REC” zone, there were seven similar applications for temporary warehouse or 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, 445, 469, 510, 538 and 557 covering six sites were approved with conditions by the Committee between 2021 and 2025 mainly on similar considerations as mentioned in paragraph 5.3 above.

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

7.1 The Site is:

- (a) partly vacant, partly hard-paved and erected with temporary structures, and used for temporary open storage without valid planning permission; and
- (b) located to the northwest of Deep Bay Road, and is accessible from Deep Bay Road via a local track.

7.2 The surrounding areas are predominated by open storage yards (some with planning approvals), warehouses, eating places, car parks, vehicle assembly workshop, residential dwellings, vacant land and shrubland.

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, one public comment from an individual (**Appendix V**) was received objecting to the application mainly on the grounds that the Site was involved in a previous application which the approval conditions were not complied with.

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary warehouse (excluding dangerous goods godown) with ancillary office 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. The Project Manager (West) of Civil Engineering and Development Department

advises that the Site falls within the study area of Lau Fau Shan Development in which the implementation programme and land resumption/clearance programme are currently being reviewed under the relevant investigation study and subject to change. Approval of the application on a temporary basis for a period of three years would not jeopardise the long-term development of the Site. Nonetheless, should the application be approved, the applicant should 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.

- 11.2 The Site is located in an area predominated by open storage yards, warehouses, eating places, car parks, vehicle assembly workshop, residential dwellings, vacant land and shrubland. The proposed use is considered not incompatible with the surrounding land uses.
- 11.3 Concerned government departments consulted including the 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, environmental, 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 Site was also involved in a previous application (No. A/YL-LFS/490) 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. For the current application, the applicant has submitted drainage and FSIs proposals 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 The Committee has approved seven similar applications covering six sites within the same “REC” zone in the past five years. Approving the application is in line with the Committee’s previous decisions.
- 11.6 Regarding the public comment objecting to the application as stated in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.5 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.

- 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 **4.7.2028**. 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 **4.1.2026**;
- (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 **4.4.2026**;
- (c) in relation to (b) above, the implemented drainage facilities 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 planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **4.1.2026**;
- (e) in relation to (d) 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 **4.4.2026**;
- (f) 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
- (g) if any of the above planning conditions (a), (b), (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 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 use is not in line with the planning intention of the "Recreation" 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 6.5.2025
Appendix Ia	FI received on 18.6.2025
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	Location Plan
Drawing A-2	Layout Plan
Drawing A-3	Swept Path Analysis Plan
Drawing A-4	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 and A-4b	Site Photos

**PLANNING DEPARTMENT
JULY 2025**