

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

**APPLICATION NO. A/YL-LFS/559**

- Applicant** : Mr. Lau Kam Wing represented by Metro Planning & Development Company Limited
- Site** : Lot 20 RP (Part) in D.D.128, Lots 2393 RP (Part) and 2394 RP (Part) in D.D.129 and Adjoining Government Land (GL), Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 574.9m<sup>2</sup> (including GL of about 10m<sup>2</sup> or 1.7%)
- 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 D)” (“R(D)”) [restricted to a maximum plot ratio (PR) of 0.2 and a maximum building height (BH) of 2 storeys (6m)]
- Application** : Renewal of Planning Approval for Temporary Shop and Services (Convenience Store) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning approval for temporary shop and services (convenience store) for a period of three years at the application site (the Site) (**Plan A-1**) zoned “R(D)” on the OZP. According to the Notes of the OZP for “R(D)” zone, ‘Shop and Services’ is a Column 2 use that requires planning permission from the Town Planning Board (the Board). The Site is currently generally vacant, erected with structures with some miscellaneous items being stored in them (**Plans A-2, A-4a and A-4b**). According to the applicant, a new operator is being sought at the moment.
- 1.2 The Site is accessible from Deep Bay Road via a storage yard to the immediate south of the Site (**Drawing A-2**). As shown on the layout plan at **Drawing A-1**, the applied use comprises six structures (one storey and not exceeding 4m in height), with a total floor area of about 163m<sup>2</sup> for convenience store, store room, rain shelter, toilet, fire service pump room and water tank purposes. Two parking spaces for private cars and one loading/unloading space for light goods vehicle is also provided. The operation hours are from 8:00 a.m. to 10:00 p.m. daily (including public holidays). Drainage facilities including surface U-channels and catchpits are provided (**Drawing A-3**). The proposed layout plan, vehicular access plan and as-built

drainage plan are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site was involved in five previous applications (No. A/YL-LFS/249, 287, 340, 421 and 430). Compared with the last previous application No. A/YL-LFS/430 approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2022, the current renewal application is submitted by the same applicant for the same use at the same site, with the same site layout and development parameters (details at paragraph 5 below).
- 1.4 In support of the application, the applicant has submitted the following documents:
  - (a) Application Form with attachments received on 27.5.2025 (**Appendix I**)
  - (b) Further Information (FI) received on 18.6.2025\* (**Appendix Ia**)
  - (c) FI received on 3.7.2025\* (**Appendix Ib**)  
*[\*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 the FIs at **Appendices I to Ib**. They can be summarised as follows:

- (a) 'Shop and Services' is a Column 2 use in the "R(D)" zone of the OZP. It will benefit the residents nearby;
- (b) The applied use is not incompatible with the surrounding environment. It is a complementary use to the adjacent residential dwellings;
- (c) The applied use would not generate adverse traffic, environmental and drainage impacts;
- (d) The Site is the subject of four previously approved applications for the same use as the current application. The applicant has complied with all the approval conditions of the last planning permission;
- (e) The previous convenience store has ceased operation in February 2025 and the Site is now vacant. The applicant is looking for a new operator to take up the Site for operating a convenience store; and
- (f) Similar applications for shop and services have been approved in the "R(D)" zone of other OZPs.

## **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 notice at the Site and sending notification letter

to the Ha Tsuen Rural Committee. Detailed information would be deposited at the meeting for Members' inspection. For the GL portion, the requirements under TPB PG-No. 31B are not applicable.

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

The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D) are relevant to the application. The relevant assessment criteria are at **Appendix II**.

#### **5. Background**

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

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

- 6.1 The Site is the subject of five previous applications (No. A/YL-LFS/249, 287, 340, 421 and 430) for the same applied use as the current application except application No. A/YL-LFS/421 which was for temporary warehouse. All four applications for temporary convenience store were approved with conditions by the Committee between 2013 and 2022 mainly on considerations that temporary use would not jeopardise the long-term planning intention of the "R(D)" zone; the applied use was not incompatible with the surrounding land uses; and there were no adverse comments from concerned government departments and technical concerns could be addressed by approval conditions. All time-limited approval conditions under the last previous application No. A/YL-LFS/430 have been complied with and the permission is valid until 12.8.2025.
- 6.2 Application No. A/YL-LFS/421 for temporary warehouse for storage of metal ware, spare parts and wires with ancillary office, involving only a small portion of the current Site, was approved with conditions by the Committee on 4.3.2022. The consideration of this application is not relevant to the current application which involves a different use.
- 6.3 Details of the previous applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

#### **7. Similar Application**

There is no similar application for temporary shop and services use within the subject "R(D)" zone.

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

- 8.1 The Site is:

- (a) generally vacant, erected with structures with some miscellaneous items stored in them; and
  - (b) located to the west of Deep Bay Road, and is accessible from Deep Bay Road via a local track.
- 8.2 The surrounding areas are predominated by open storage yards, warehouse, sewage pumping station, a church named Wing Jan Lutheran Church, vacant land and shrubland.

## **9. Planning Intention**

The “R(D)” zone is intended 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**

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 Comment Received During Statutory Publication Period**

On 3.6.2025, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

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

- 12.1 The application is for renewal of planning approval of temporary shop and services (convenience store) for a period of three years at the Site zoned “R(D)” on the OZP (**Plan A-1**). The “R(D)” zone is intended 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. Although the applied use is not entirely in line with the planning intention of the “R(D)” 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 renewal application on a temporary basis for a further 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.

- 12.2 The applied use is considered not incompatible with the surrounding land uses, which mainly consist of open storage yards, warehouse, vacant land and shrubland (**Plan A-2**).
- 12.3 The application complies with TPB PG-No.34D in that there has been no material change in planning circumstances since the granting of the previous approval under application No. A/YL-LFS/430; adverse planning implications arising from the renewal of the planning approval are not envisaged; all time-limited conditions under previous approval have been complied with; and the three-year approval period sought is the same timeframe as the previous approval and is considered reasonable.
- 12.4 Relevant government departments including Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North of the Drainage Services Department and Director of Fire Services 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 13.2 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.
- 12.5 The Committee has approved four previous applications (No. A/YL-LFS/249, 287, 340 and 430) for shop and services use at the Site (**Plan A-1**). Approval of the current application is in line with the previous decisions of the Committee.

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

- 13.1 Based on the assessments made in paragraph 12, 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 and be renewed from **13.8.2025 to 12.8.2028**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### **Approval Conditions**

- (a) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (b) the submission of a condition record of the existing drainage facilities on the Site within **3 months** from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **13.11.2025**;
- (c) the submission of a fire service installations proposal within **6 months** from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **13.2.2026**;
- (d) in relation to condition (c) above, the implementation of the fire service

installations proposal within **9 months** from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **13.5.2026**;

- (e) if the above planning condition (a) 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
- (f) if any of the above planning condition (b), (c) or (d) 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 V**.

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

the applied use 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. There is no strong planning justification for a departure from such 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 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 27.5.2025
<b>Appendix Ia</b>	FI received on 18.6.2025
<b>Appendix Ib</b>	FI received on 3.7.2025
<b>Appendix II</b>	Relevant Extracts of Town Planning Board Guidelines for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D)
<b>Appendix III</b>	Previous Applications
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Layout Plan

<b>Drawing A-2</b>	Vehicular Access Plan
<b>Drawing A-3</b>	As-built Drainage Plan
<b>Plan A-1</b>	Location Plan with Previous Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
JULY 2025**