

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/555

- Applicant** : Right Spread Investment Limited represented by Grandmax Surveyors Limited
- Site** : Various Lots in D.D. 129, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 15,500m²
- 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 Open Storage of Construction Materials and Construction Equipment for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary open storage of construction materials and construction equipment 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 vacant and covered by vegetation except for a small part at the western side which has been hard paved (**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 southwest of the Site (**Drawings A-1 and A-2**). According to the applicant’s submission, construction materials such as bricks, ceramic tiles, cement and metal/steel products, as well as construction equipment such as portable cement mixer, handheld power tools, compact skid-steer loaders and compact excavators will be stored at the Site. As shown on the layout plan at **Drawing A-1**, the area designated for open storage comprises about 14,163m² (or 91.4%) of the Site. Three single-storey structures (about 3.5m in height) with a total floor area of about 108m² are proposed for site office and storeroom uses. Three parking spaces for private cars and six loading/unloading spaces for light goods vehicles (LGVs) would be provided. No medium goods vehicle, heavy goods vehicle and

container tractor/trailer would be allowed to enter/exit or to be parked at the Site. No wheel-washing or equipment cleansing activities will be carried out at the Site. As part of the landscape mitigation measures, the applicant also proposes to plant 50 new trees along the periphery of the Site (**Drawing A-3**).

- 1.3 According to the applicant, the operation hours would be between 8 a.m. and 6 p.m. from Mondays to Saturdays. There is no operation on Sundays and public holidays. Plans showing the site layout, site location and landscape proposal submitted by the applicant are at **Drawings A-1 to A-3** respectively.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with planning statement received on 8.4.2025 (**Appendix I**)
 - (b) Further Information (FI) received on 19.5.2025* (**Appendix Ia**)
 - (c) FI received on 11.6.2025* (**Appendix Ib**)
 - (d) FI received on 4.7.2025* (**Appendix Ic**)
 - (e) FI received on 8.7.2025* (**Appendix Id**)
- * accepted and exempted from publication and recounting requirements*
- 1.5 On 6.6.2025, the Rural and New Town Planning Committee (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 with planning statement and FIs at **Appendices I to Id**. They can be summarised as follows:

- (a) the Site is located close to the Kong Sham Western Highway, which allows convenient access to Shenzhen and the eastern part of Guangdong Province;
- (b) the proposed use would provide supporting storage facilities for cross-border users with short-term needs, facilitate efficient transportation, optimise land resources, create job opportunities and promote local economy;
- (c) the Site falls within the Category 2 areas under 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'. The proposed use is not in contrary to the Guidelines;
- (d) the planning intention of the "REC" zone can hardly be materialised in the short term. The proposed use which is temporary in nature would not jeopardise the long-term planning intention of the "REC" zone;
- (e) the surrounding areas of the Site are predominated by open storage yards and warehouses. The proposed use is not incompatible with the surrounding areas;

- (f) the proposed use would not cause adverse traffic, environmental and archaeological impacts to the local area. The technical concern on drainage aspect could be addressed by approval conditions;
- (g) the Site is partly covered by shrubs and weeds without any old and valuable trees. To mitigate the landscape impact, 50 new trees would be planted along the periphery of the Site; and
- (h) similar applications were approved by the Board within the same “REC” zone. No undesirable precedent would be set.

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 publishing notices in local newspapers and sending notification letter 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 TPB PG-No. 13G. Relevant extract of the Guidelines is attached at **Appendix II**.

5. Background

A small part of the Site at the western side is subject to active planning enforcement action (Case No. E/YL-LFS/657) against unauthorized development (UD) involving storage use (including deposit of containers) (**Plan A-2**). Enforcement Notice (EN) was issued on 15.4.2025 requiring discontinuance of the UD by 15.5.2025. Recent site inspection revealed that the UD was discontinued. The enforcement site would be monitored under established procedure.

6. Previous Application

A small part of the Site was involved in a previous application (No. A/YL-LFS/137) for proposed temple development which was rejected by the Committee on 10.10.2008. The considerations of this application is not relevant to the current application which involves a different use. Details of the previous application are summarised in **Appendix III** and its location is shown on **Plan A-1**.

7. Similar Applications

- 7.1 Within the same “REC” zone, there are eight similar applications (No. A/YL-LFS/351, 400, 451, 479, 493, 514, 515 and 516) for various open storage uses in the past five years. Six of them were approved while two were 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 Application No. A/YL-LFS/451 was approved with conditions by the Committee on 3.2.2023 mainly on considerations that the applied use was in line with the relevant TPB PG-No.13F in that the site was subject of previous planning permission, and there had been no major change in planning circumstances since the granting of the previous permission; and concerned government departments generally had no objection to the application and/or the technical concerns could be addressed by approval conditions.
- 7.3 The other five applications (No. A/YL-LFS/479, 493, 514, 515 and 516) were approved with conditions by the Committee between August 2023 and May 2024, i.e. after the sites and their adjoining areas were reclassified to Category 2 areas under TPB PG-No. 13G, mainly on considerations that the applied use was in line with TPB PG-No. 13G in that concerned government departments generally had no objection to the applications and the technical concerns could be addressed by approval conditions.

Rejected applications

- 7.4 Applications No. A/YL-LFS/351 and 400 were rejected by the Committee in 2020 and 2021 respectively, i.e. when the sites and its adjoining areas were still classified as Category 3 areas under the then TPB PG-No. 13F, mainly on grounds that no strong planning justification was submitted for a departure from the planning intention; the site was not subject to previous permission for open storage use; and there were adverse departmental comments on environmental, traffic, landscape and/or drainage aspects.

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

8.1 The Site:

- (a) is currently vacant and covered by vegetation except for a small part at the western side which has been hard paved;
- (b) is accessible from Deep Bay Road to its west via a local track; and
- (c) falls within the Lau Fau Shan Site of Archaeological Interest.

- 8.2 The surrounding areas are predominated by open storage yards and vacant land. Other uses such as animal boarding establishment, religious institution, parking of vehicles, pigsty and residential dwellings are also found in the vicinity of the Site.

9. 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.

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 15.4.2025, the application was published for public inspection. During the statutory public inspection period, four public comments from individuals (**Appendix VI**) were received objecting to the application mainly on the following grounds:

- (a) the Site abuts the “Green Belt” (“GB”) zone where members of public can enjoy cycling and sunset view. The proposed use would pose significant adverse visual, landscape, environmental and drainage impacts on the surrounding areas. The proposed use is therefore not in line with the planning intention;
- (b) the site is large and the access roads are narrow. The heavy vehicle traffic generated by the proposed use would cause adverse traffic impact and pose safety hazard to nearby villagers;
- (c) the proposed use involves extensive site formation and felling of trees, resulting in significant adverse ecological and slope safety impacts. It is a ‘destroy first, build later’ case. Approval of the application would allow further expansion of brownfield activities in the area; and
- (d) the Site is different from those of the approved similar applications in that the Site abuts the “GB” zone and has a sloping terrain.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary open storage of construction materials and construction equipment 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. Moreover, 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 programme and land resumption/clearance programme are currently being reviewed under the relevant

investigation study and subject to change. 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 surrounding areas of the Site are predominated by open storage yards and vacant land intermixed with parking of vehicles, a pigsty and a religious institution. Although there are also some residential dwellings in the vicinity, the Director of Environmental Protection (DEP) has no objection to the application as the proposed use would not involve the use of heavy vehicles. On the other hand, as part of the landscape mitigation measures, the applicant proposes to plant 50 new trees along the periphery of the Site. In this regard, the Chief Town Planner/Urban Design and Landscape of Planning Department has no comment on the application from landscape planning perspective.
- 12.3 The Site falls within Category 2 areas under TPB PG-No. 13G. The application is considered in line with TPB PG-NO. 13G in that relevant government departments consulted including the Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department, Director of Fire Services, Head of Geotechnical Engineering Office of CEDD, Director of Agriculture, Fisheries and Conservation, and Chief Heritage Executive (Antiquities and Monuments) of Antiquities and Monuments Office have no adverse comment on or no objection to the application from traffic, drainage, fire safety, slope safety, ecological and archaeological perspectives respectively. The technical requirements of concerned departments 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.
- 12.4 The Committee has approved six similar applications in the past five years. Although the Committee had rejected two similar applications (No. A/YL-LFS/351 and 400) in 2020 and 2021, these applications were rejected when the sites fell within Category 3 areas under the then TPB PG-No. 13F and there were adverse departmental comments. For the current application, the Site and its adjoining area have been reclassified from Category 3 to Category 2 areas under the TPB PG-No. 13G promulgated on 14.4.2023, and there are no adverse comments from concerned government departments on the application. Approval of the current application is in line with the previous decisions of the Committee.
- 12.5 Regarding the public comments received objecting to the application as summarised in paragraph 11 above, the planning considerations and assessments in paragraphs 12.1 to 12.4 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 above, 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 **1.8.2028**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a drainage impact assessment 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 **1.2.2026**;
- (b) in relation to (a) above, the implementation of the drainage proposal identified in the drainage impact assessment 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 **1.5.2026**;
- (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 **12.9.2025**;
- (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 **1.2.2026**;
- (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 **1.5.2026**;
- (g) the submission of a detailed proposal in respect of additional passing bay(s) and associated engineering drawing within **6 months** from the date of planning approval to the satisfaction of the Commissioner of Transport and Director of Highways, or of the Town Planning Board by **1.2.2026**;
- (h) in relation to (g) above, the implementation of the detailed proposal in respect of additional passing bay(s) and associated engineering works within **9 months** from the date of planning approval to the satisfaction of the Commissioner of Transport and Director of Highways, or of the Town Planning Board **1.5.2026**;
- (i) 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
- (j) if any of the above planning condition (a), (b), (d), (e), (f), (g) or (h) 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 reasons for rejection are suggested for Members' reference:

the proposed use 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.

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 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

Appendix I	Application Form received on 8.4.2025
Appendix Ia	FI received on 19.5.2025
Appendix Ib	FI received on 11.6.2025
Appendix Ic	FI received on 4.7.2025
Appendix Id	FI received on 8.7.2025
Appendix II	Extracts of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13G)
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments Received During Statutory Publication Period
Appendix VII	'Good Practice for Open Storage Sites' by the Fire Services Department
Drawing A-1	Layout Plan
Drawing A-2	Location Plan
Drawing A-3	Landscape 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 4b	Site Photos

**PLANNING DEPARTMENT
AUGUST 2025**