

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

**APPLICATION NO. A/YL-LFS/560**

- Applicant** : Chung Kin Engineering (International) Limited represented by Metro Planning & Development Company Limited
- Site** : Lots 2035 RP (Part), 2036 RP (Part), 2037 (Part), 2038 (Part), 2039 (Part), 2040 RP, 2042 RP(Part), 2049 (Part) and 2052 (Part) in D.D.129, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 1,730m<sup>2</sup>
- 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 Elevated Working Platform for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary open storage of elevated working platform for a period of three years at the application site (the Site) (**Plan A-1a**) 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 paved, vacant and covered by some vegetation (**Plans A-2, 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 (**Drawing A-1 and Plan A-2**). As shown on the layout plan at **Drawing A-1**, an area of about 1,200m<sup>2</sup> (or 69.36%) is designated for open storage of elevated working platform. One two-storey structure (not exceeding 7m in height) and one single-storey structure (not exceeding 3.5m in height) with a total floor area of about 104m<sup>2</sup> are used for site office and toilet purposes. One loading/unloading space for light goods vehicle is provided.
- 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. No workshop activities will be carried out at the Site at all times. The layout plan and drainage plan submitted by the applicant are at **Drawings A-1 and A-2** respectively.

- 1.4 The Site was involved in four previous applications (No. A/YL-LFS/26, 38, 123 and 134) including three for open storage uses, all of which were rejected by the Rural and New Town Planning Committee (the Committee) or the Board on review during 1998 to 2005 (details at paragraph 6 below).
- 1.5 In support of the application, the applicant has submitted the following documents:
- |  |               |
|--|---------------|
| (a) Application Form received on 3.6.2025            | (Appendix I)  |
| (b) Supplementary Information (SI) received 6.6.2025 | (Appendix Ia) |
| (c) Further Information (FI) received 17.7.2025*     | (Appendix Ib) |
| (d) FI received 20.7.2025*                           | (Appendix Ic) |
| (e) FI received 18.8.2025*                           | (Appendix Id) |
- \* accepted and exempted from publication and recounting requirements
- 1.6 On 1.8.2025, the Committee 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 and the SI and FIs at **Appendices I to Ic**. 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 environment predominated by open storage yards and warehouses;
- (c) traffic generated by the proposed use would be minimal and the proposed development would not be operated during sensitive hours (i.e. from 7 p.m to 9 a.m);
- (d) no workshop activities and no night-time operation will be undertaken. Hence, no adverse environmental and noise impacts would be generated;
- (e) insignificant drainage impact as proven in the submitted drainage proposal;
- (f) the site is classified as Category 2 areas according to the Town Planning Board Guidelines No.13G; and
- (g) similar applications have been approved with conditions by the Board within the same “REC” zone.

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

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. The 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 Application**

- 6.1 The Site was involved in four previous applications (No. A/YL-LFS/26, 38, 123 and 134). All of them were rejected by the Board on review or by the Committee during 1998 to 2005. Details of these previous applications are summarised in **Appendix III** and their locations are shown on **Plan A-1b**.
- 6.2 Applications No. A/YL-LFS/26, 38 and 123 involving temporary open storage of construction materials or recycling plastic materials workshop were rejected by the Board on review and the Committee during 1998 to 2005, mainly on the considerations that no strong planning justifications were provided; being not compatible with the surrounding land uses or rural character; insufficient information to demonstrate the proposed use would not have adverse traffic, drainage, environmental or landscape impacts; and setting of undesirable precedent. Application No. A/YL-LFS/123 was also considered as not being in line with the then TPB-PG No. 13C as the Site fell within Category 3 areas at that time.
- 6.3 Application No. A/YL-LFS/134 for temporary plastic recycling workshop for a period of three years was rejected by Committee in 2005. The considerations of this rejected application are not relevant to the current application which involves a different use.

#### 7. **Similar Applications**

- 7.1 Within the “REC” zone, there were 13 similar applications for various open storage uses in the past five years. 11 of them were approved while two were rejected by the Committee. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1a**.

##### *Approved applications*

- 7.2 Two applications (No. A/YL-LFS/399 and 451) were approved with conditions by the Committee on 25.6.2021 and 3.2.2023 respectively mainly on considerations that the applied use was in line with the relevant TPB PG-No. 13 in that the sites were

subject to previous planning permissions, and there had been no major change in planning circumstances since the granting of the previous permissions; and concerned government departments generally had no objection to the applications and/or the technical concerns could be addressed by approval conditions.

- 7.3 Nine applications (No. A/YL-LFS/479, 493, 504, 505, 514, 515, 516, 555 and 568) were approved with conditions by the Committee between August 2023 and September 2025, i.e. after the sites and their adjoining areas were reclassified from Category 3 to Category 2 areas under TPB PG-No. 13G promulgated on 14.4.2023, 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 The remaining two 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 justifications were provided; the sites was not subject to previous permissions 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 is:

- (a) partly paved, vacant and covered by some vegetation;
- (b) accessible from Deep Bay Road to its southwest via a local track; and
- (c) located within the Lau Fau Shan Site of Archaeological Interest.

- 8.2 The surrounding areas are predominated by warehouses, open storage yards and parking of vehicles intermixed with residential dwellings, plant nursery, graves and vacant land.

**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 Bureau/Departments**

All bureau/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 10.6.2025, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual (**Appendix VI**) was received objecting to the application on grounds that the Site has long been hard paved and used for open storage operations without planning permission and no enforcement action has been taken.

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

- 12.1 The application is for proposed temporary open storage of elevated working platform for a period of three years at the Site zoned “REC” on the OZP (**Plan A-1a**). The “REC” zone is primarily intended for recreational developments for the use of the general public and encourages the development of active and/or passive recreation and tourism/eco-tourism. 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. Nonetheless, 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. 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 Site is located in an area predominated by warehouses, open storage yards and parking of vehicles intermixed with residential dwellings, plant nursery, graves and vacant land. 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 application is generally in line with TPB PG-No. 13G in that relevant government departments consulted including the Commissioner for Transport, the 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 adverse comment on or no objection to the application from traffic, environmental, drainage and fire safety perspectives respectively. The technical requirements of CE/MN of DSD and D of FS could be addressed by implementation of 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 Site was involved in three previous applications (No. A/YL-LFS/26, 38 and 123) for open storage uses which were rejected by the Board on review or by the Committee during 1998 to 2005 mainly on the grounds as detailed in paragraph 6 above. When application No. A/YL-LFS/123 was considered in 2005, the Site was still classified as Category 3 areas under the then TPB-PG No. 13C. Subsequently,

there has been a change in planning circumstances in that the Site and its adjoining area have been reclassified from Category 3 to Category 2 areas under the latest TPB PG-No. 13G. Moreover, all relevant departments consulted also have no adverse comments on the current application (as detailed in paragraph 12.4). Besides, the Committee has approved 11 similar applications in the same “REC” zone in the past five years, with nine of them approved after the subject sites were reclassified as Category 2 areas under TPB-PG No. 13G. As such, approval of the current application is considered not in conflict with the previous decisions of the Committee.

- 12.5 Regarding the public comment objecting to the application as stated in paragraph 11 above, the planning considerations and assessments in paragraphs 12.1 to 12.4 above are relevant. Any unauthorized development on the Site would be subject to planning enforcement action.

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

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comment 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 **10.10.2028**. 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 **10.4.2026**;
- (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 **10.7.2026**;
- (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 (FS 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 **21.11.2025**;
- (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 **10.4.2026**;
- (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 **10.7.2026**;

- (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 "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**

<b>Appendix I</b>	Application Form with attachments received on 3.6.2025
<b>Appendix Ia</b>	FI received on 6.6.2025
<b>Appendix Ib</b>	FI received on 17.7.2025
<b>Appendix Ic</b>	FI received on 20.7.2025
<b>Appendix Id</b>	FI received on 18.8.2025
<b>Appendix II</b>	Extracts 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 Comment 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>	Layout Plan
<b>Drawing A-2</b>	Drainage Plan
<b>Plan A-1a</b>	Location Plan with Similar Applications

<b>Plan A-1b</b>	Location Plan with Previous Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
OCTOBER 2025**