

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/577

- Applicant** : Mr. WONG Yin Tai represented by Metro Planning and Development Company Limited
- Site** : Lots 1703 (Part) and 1704 (Part) in D.D. 129, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : 880m² (about)
- 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 E)” (“R(E)”) [Restricted to a maximum plot ratio of 0.4 and a maximum building height of 3 storeys (9m) including car park]
- Application** : Temporary Open Storage of Construction Machinery and Construction Materials for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary open storage of construction machinery and construction materials for a period of three years at the application site (the Site) falling within an area zoned “R(E)” on the OZP (**Plan A-1**). 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 hard paved and used for the applied use without valid planning permission (**Plans A-2 to A-4b**).
- 1.2 The Site is accessible from Deep Bay Road via a local track, with the ingress/egress located at the northwest of the Site (**Drawing A-1 and Plan A-2**). According to the applicant, the Site is used for open storage of construction machinery such as electric generators and building materials such as tiles and sanitary wares. One loading/unloading space for light goods vehicle (LGV) is provided. Only LGV will access/park at the Site. No medium goods vehicle, heavy goods vehicle and container tractor/trailer will access/park at the Site. The operation hours would be between 9 a.m. and 7 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. No workshop activities will be carried out at the Site.

The layout plan and proposed drainage plan submitted by the applicant are at **Drawings A-1 and A-2** respectively.

1.3 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with attachments received on 15.10.2025 (Appendix I)
- (b) Further Information (FI) received on 23.12.2025[^] (Appendix Ia)
- (c) FI received on 5.3.2026* (Appendix Ib)
- (d) FI received on 2.4.2026* (Appendix Ic)
[[^]accepted but not exempted from publication and recounting requirements]
[*accepted and exempted from publication and recounting requirements]

1.4 On 5.12.2025 and 6.2.2026, the Committee agreed to defer making a decision on the application each 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 FIs at **Appendices I to Ic**. They can be summarised as follows:

- (a) the applied use is temporary in nature, and would not jeopardise the long-term planning intention of the “R(E)” zone;
- (b) the Site falls within Category 2 areas under the Town Planning Board Guidelines No.13G;
- (c) the applied use is compatible with the surrounding environment predominated by warehouses and open storage yards; and
- (d) the applied use would not generate significant traffic, noise, drainage and environmental impacts.

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 site notice and sending notice 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 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. Relevant extract of the Guidelines is attached at **Appendix II**.

5. **Background**

The Site is currently not subject to any active planning enforcement action. Subject to collection of sufficient evidence, appropriate enforcement action under the Town Planning Ordinance would be taken.

6. **Previous Application**

There is no previous application covering the Site.

7. **Similar Applications**

7.1 Within the same “R(E)” zone, there are seven similar applications (No. A/YL-LFS/396, 416, 451, 508, 524, 525 and 546) for various open storage uses in the past five years. Four of them were approved while three 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 Applications No. A/YL-LFS/396, 525 and 546 falling entirely within the “R(E)” zone were approved with conditions by the Committee in 2021 and 2025 respectively mainly on considerations that temporary approval would not jeopardise the long-term planning intention; the applied use was in line with the relevant TPB PG-No. 13; the applied use was not incompatible with the surrounding area; and concerned government departments generally had no objection to the application and/or the technical concerns could be addressed by implementation of approval conditions.

7.3 Application No. A/YL-LFS/451 straddling “R(E)” and “Recreation” zones was approved with conditions by the Committee on 3.2.2023 mainly on similar considerations mentioned in paragraph 7.2 above.

Rejected applications

7.4 Applications No. A/YL-LFS/416, 508 and 524 straddling the “R(E)” and “Green Belt” (“GB”) zones were rejected by the Committee in 2022 and 2024 respectively mainly on the grounds of having no strong planning justification in the submission for a departure from the planning intentions; not in line with the relevant TPB PG-No. 13 as well as TPB PG-No. 10 in that the applicant failed to demonstrate the applied use would not have significant adverse traffic and geotechnical impacts on the surrounding areas.

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

8.1 The Site is:

- (a) accessible from Deep Bay Road via a local track; and
- (b) currently hard-paved and used for the applied use without valid planning permission.

8.2 The surrounding areas are predominated by warehouses, logistics centre and open storage yards, with some covered by valid planning permission. The permitted Burial Ground No. YL/59 is located to the further south and east mainly within the “GB” zone.

9. Planning Intention

The “R(E)” zone is intended primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the Board. Whilst existing industrial uses will be tolerated, new industrial developments are not permitted in order to avoid perpetuation of industrial/residential interface problem.

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 the Statutory Publication Periods

On 24.10.2025 and 30.12.2025, the application was published for public inspection. During the statutory public inspection periods, one public comment from an individual was received (**Appendix VI**) objecting to the application mainly on the ground that the Committee has been inconsistent in considering brownfield-related applications within the “R(E)” zone.

12. Planning Considerations and Assessments

12.1 The application is for temporary open storage of construction machinery and construction materials for a period of three years at the Site zoned “R(E)” on the OZP (**Plan A-1**). Although the applied use is not in line with the planning intention of the “R(E)” zone, there is no known development proposal to implement the zoned use 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 “R(E)” zone. Notwithstanding the above, 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 and land resumption/clearance programme is currently being reviewed under the relevant

investigation study and subject to change. Should the application be approved, the applicant would 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, logistics centre and open storage yards and some of which have obtained planning permission. The applied use is considered 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 in line with TPB PG-No. 13G in that there are no adverse comments from concerned government departments including the Director of Environmental Protection, Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department (CE/MN of DSD) and Director of Fire Services (D of FS) from environmental, traffic, drainage and fire safety perspectives respectively. The technical requirements of CE/MN of DSD and D of FS could be addressed by implementing the 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 adopt the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' should the application be approved by the Committee.
- 12.4 The Committee has approved four similar applications in the past five years. Although the Committee rejected three similar applications (No. A/YL-LFS/416, 508 and 524) between 2022 and 2024, the planning circumstances of the rejected applications are different in that there were adverse departmental comments and "GB" zone was involved. In view of the above, approval of the current application is generally in line with the previous decisions of the Committee.
- 12.5 Regarding the public comment 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 and each planning application would be considered on its own merits.

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, 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 **17.4.2029**. 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 **17.10.2026**;

- (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 **17.1.2027**;
- (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 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 **17.10.2026**;
- (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 **17.1.2027**;
- (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 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(E)" zone, which is primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the Board. 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 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

Appendix I	Application Form received on 15.10.2025
Appendix Ia	FI received on 23.12.2025
Appendix Ib	FI received on 5.3.2026
Appendix Ic	FI received on 2.4.2026
Appendix II	Extract of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13G)
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment Received During Statutory Publication Periods
Drawing A-1	Layout Plan
Drawing A-2	Drainage Plan
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
APRIL 2026**