

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

**APPLICATION NO. A/YL-LFS/550**

- Applicant** : Mr. Cheung Kiu Kin
- Site** : Lot 911 S.B RP (Part) in D.D.129, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 443 m<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** : “Green Belt” (“GB”)
- Application** : Proposed Temporary Open Storage of Construction Equipment with Ancillary Facilities for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary open storage of construction equipment with ancillary facilities for a period of three years (**Plan A-1**). The Site falls within an area zoned “GB” on the approved Lau Fau Shan and Tsim Bei Tsui OZP No. S/YL-LFS/11. 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 permission from the Town Planning Board (the Board). The Site is currently vacant, fenced off and partly hard-paved<sup>1</sup> without valid planning permission (**Plans A-4a and A-4b**).
- 1.2 The Site is accessible from Tin Yuet Road via a local track (**Plans A-1 and A-2**). As shown on the layout plan at **Drawing A-1**, about 27% (120m<sup>2</sup>) of the Site will be used for open storage of construction equipment (movable storage racks) and two single-storey container structures (3m in height) with a total floor area of about 29.8m<sup>2</sup> for staff working and resting area are proposed. The ingress/egress point will be located at the northwest of the Site. Two parking spaces for private car and one loading/unloading space for light goods vehicle will be provided.
- 1.3 According to the applicant, the operation hours would be between 8 a.m. to 6 p.m. from Mondays to Saturdays. There would be no operation on Sundays and public holidays.

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<sup>1</sup> The Site has been partially hard-paved without planning permission. The applicant has not applied for planning permission for land filling in the current application.

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

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|-----|--|---------------|
| (a) | Application Form received on 6.2.2025                | (Appendix I)  |
| (b) | Supplementary Information (SI) received on 10.2.2025 | (Appendix Ia) |
| (c) | Further Information (FI) received on 11.3.2025*      | (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 SI at **Appendices I and Ia**. They can be summarised as follows:

- (a) the proposed use provides storage area for supporting the construction industry and the development proposal of Lau Fau Shan / Tsim Bei Tsui / Pak Nai area;
- (b) the disruption to the existing environment will be minimal; and
- (c) the proposed use provides job opportunities for nearby residents.

## **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**

- 4.1 Town Planning Board Guidelines for “Application for Development within the Green Belt Zone under Section 16 of the Town Planning Ordinance” (TPB PG-No. 10) are relevant to the application. The relevant assessment criteria are detailed at **Appendix II**.
- 4.2 According to 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, the Site falls within the Category 4 area. The relevant assessment criteria are detailed at **Appendix III**.

## **5. Background**

- 5.1 As shown on the time-series aerial photos taken in 2012, 2013, 2022 and 2023 (**Plans A-3a to A-3d**), the Site has been transformed from a mostly vegetated land to hard-

paved land over the years.

- 5.2 The Site is subject to a planning enforcement action (Case No. E/YL-LFS/643) against unauthorized development (UD) involving storage use (**Plan A-2**). Enforcement Notice (EN) was issued on 28.10.2024 requiring discontinuation of the UD by 28.12.2024. Recent site inspection revealed that the UD was discontinued. The case is currently under monitoring.

## **6. Previous Application**

The Site is not involved in any previous application.

## **7. Similar Applications**

Within/straddling the same “GB” zone, there are six similar applications (No. A/YL-LFS/358, 373, 416, 443, 508 and 539) for temporary open storage of various materials with or without warehouse and filling of land in the past five years. All of them were rejected by the Rural and New Town Planning Committee (the Committee) / the Board on review between 2020 and 2025 mainly on grounds of being not in line with the planning intention and relevant Town Planning Board Guidelines; not compatible with the surrounding area; and/or failure to demonstrate no adverse slope safety impact; and/or setting of undesirable precedent. Details of the similar applications are summarised in **Appendix IV** and their locations are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) vacant, fenced off, and partly hard-paved without valid planning permission; and
- (b) accessible from Tin Yuet Road located to its east via a local track.

8.2 The surrounding areas are predominated by cultivated farmland, shrubland and plant nursery. Other uses such as warehouse, open storage yards and residential dwellings are also found in the vicinity of the Site. The warehouse and open storage uses are suspected UD's subject to planning enforcement action.

## **9. Planning Intention**

The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

## **10. Comments from Relevant Government Departments**

10.1 Apart from the government department as set out in paragraph 10.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments are provided in **Appendices V and VI** respectively.

10.2 The following government department has concern on the application:

### **Landscape**

10.2.1 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) The Site is situated in area of rural landscape predominated by temporary structures, village houses, graveyard and woodland. According to the site photos on 14.2.2025 (**Plans A-4a and A-4b**), the Site was hard paved without existing vegetation.
- (b) Noting the proposed temporary structures and open storage of movable storage racks shown in the layout plan within the Site and the dense tree groups located in close proximity to the Site, she considers that the proposed use will affect the landscape character of the subject “GB” zone from landscape planning perspective.

## **11. Public Comments Received During the Statutory Publication Period**

On 14.2.2025, the application was published for public inspection. During the statutory public inspection period, two public comments from Kadoorie Farm and Botanic Garden and an individual (**Appendix VII**) were received objecting to the application mainly on grounds that the proposed use is not in line with the planning intention; there are no previous planning approvals for the proposed use; and the Site does not fall within Category 2 areas under TPB PG-No. 13G.

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

12.1 The application is for proposed temporary open storage of construction equipment with ancillary facilities for a period of three years at the Site. The Site falls within the “GB” zone of the OZP (**Plan A-1**), which is primarily intended for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. The proposed open storage use is not in line with the planning intention of the “GB” zone. There is no strong planning justification given in the submission for a departure of the planning intention, even on a temporary basis.

12.2 The Site is located in an area predominated by cultivated farmland and shrubland (**Plan A-2**). Although there are warehouses and open storage yards in the vicinity of the Site, they are suspected UD's subject to planning enforcement action. The

proposed open storage use is considered not compatible with the surrounding land uses and the wider context of the “GB” zone.

- 12.3 According to TPB PG-No. 10, an application for new development within “GB” zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds. The development should not involve extensive clearance of existing natural vegetation and affect the existing natural landscape. The design and layout of any proposed development within “GB” zone should also be compatible with the surrounding areas. The issue on land use compatibility has been discussed in paragraph 12.2 above. Regarding the impact on existing natural vegetation and landscape, the Site was involved in land filling works without planning permission but no application is made to regularise the land filling works that had already been carried out at the Site. By comparing the site condition through aerial photos taken from 2012 to 2023 (**Plans A-3a to A-3d**), it is observed that vegetation clearance and site formation had been undertaken at the Site. Noting that there are dense tree groups located in close proximity to the Site, CTP/UD&L of PlanD considers that the proposed use will affect the landscape character of the subject “GB” zone from landscape planning perspective. However, no information is provided in the submission on the mitigation of the adverse landscape impacts arising from the proposed use. In view of the above, the proposed use is considered not in line with TPB PG-No. 10.
- 12.4 The Site falls within Category 4 areas under the TPB PG-No. 13G for ‘Application for Open Storage and Port Back-up Uses’ in which applications would normally be rejected except under exceptional circumstances. The proposed use is not in line with TPB PG-No. 13G in that the Site was not involved in any previous approvals for open storage use; there are no exceptional circumstances to justify for the proposed use; and there are adverse comments from CTP/UD&L of PlanD on landscape aspect.
- 12.5 Other concerned departments including the Director of Environmental Protection, Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to or no comment on the proposed development from environmental, traffic, drainage and fire safety perspectives.
- 12.6 There is no previous application for open storage use approved at the Site. Meanwhile, there are six similar applications for open storage uses within the same “GB” zone which were rejected by the Committee in the past five years as detailed in paragraph 7 above. The planning circumstances of the current application are similar to those of the rejected similar applications. Rejecting the subject application is in line with the previous decisions of the Committee.
- 12.7 Regarding the public comments received objecting to the application as summarised in paragraph 11, the planning considerations and assessments in paragraphs 12.1 to 12.6 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, the Planning Department does not

support the application for the following reasons.

- (a) the proposed use is not in line with the planning intention of the “GB” zone, which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the proposed use is not in line with the Town Planning Board Guidelines for ‘Application for Development within the Green Belt zone under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 10) in that the proposed use is considered not compatible with the surrounding areas, and the applicant fails to demonstrate that the proposed use would not have significant adverse landscape impact on the surrounding areas; and
- (c) the proposed use is not in line with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No. 13G) in that the Site falls within Category 4 areas and there is no previous planning approval for open storage use; and there are adverse departmental comments on landscape aspect.

13.2 Alternatively, 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 **28.3.2028**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) the submission of a 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 **28.9.2025**;
- (b) in relation to (a) above, the implementation of the 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 **28.12.2025**;
- (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 **9.5.2025**;
- (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 **28.9.2025**;
- (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 **28.12.2025**;

- (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;
- (h) if any of the above planning condition (a), (b), (d), (e) or (f) 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; and
- (i) upon expiry of the planning permission, the reinstatement of the Site, including the removal of fill materials and hard paving and grassing of the Site to the satisfaction of the Director of Planning or of the Town Planning Board.

#### Advisory Clauses

The recommended advisory clauses are attached at **Appendix VI**.

### **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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 14.3 Alternatively, 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.

### **15. Attachments**

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| <b>Appendix I</b>    | Application Form Received on 6.2.2025   |
| <b>Appendix Ia</b>   | SI Received on 10.2.2025  |
| <b>Appendix Ib</b>   | FI Received on 11.3.2025  |
| <b>Appendix II</b>   | Extracts of Town Planning Board Guidelines for Application for Development within Green Belt Zone (TPB PG-No. 10) |
| <b>Appendix III</b>  | Extract of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13G) |
| <b>Appendix IV</b>   | Similar Applications  |
| <b>Appendix V</b>    | Government Departments' General Comments  |
| <b>Appendix VI</b>   | Recommended Advisory Clauses  |
| <b>Appendix VII</b>  | Public Comments Received During Statutory Publication Period  |
| <b>Appendix VIII</b> | 'Good Practice for Open Storage Sites' by the Fire Services Department  |
| <b>Drawing A-1</b>   | Layout Plan   |
| <b>Plan A-1</b>      | Location Plan with Similar Applications   |

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| <b>Plan A-2</b>            | Site Plan  |
| <b>Plans A-3a to A-3d</b>  | Aerial Photos taken in 2012, 2013, 2022 and 2023 |
| <b>Plans A-4a and A-4b</b> | Site Photos                                      |

**PLANNING DEPARTMENT  
MARCH 2025**