

APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/396

- Applicant** : Mr. WONG Hing Yau represented by Metro Planning and Development Company Limited
- Site** : Lots 2189 RP and 2378 RP (Part) in D.D. 129, and Adjoining Government Land (GL), Lau Fau Shan, Yuen Long, New Territories
- Site Area** : 697 m² (about) (including about 50 m² of GL (about 7.2%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/10 currently in force
- Approved Lau Fau Shan and Tsim Bei Tsui OZP No. S/YL-LFS/9 at the time of submission
- Zonings** : “Residential (Group E)” (“R(E)”)
[Restricted to a maximum plot ratio of 0.4 and a maximum building height of 9m]
[No change to the zoning]
- Application** : Renewal of Planning Approval for Temporary Open Storage of Construction Material for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval to use the application site (the Site) for temporary open storage of construction material for a period of 3 years (**Plan A-1**). Although the applied use is neither a Column 1 or 2 use in the “R(E)” zone, according to the Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years requires planning permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for under the Notes of the OZP. The Site is currently occupied by the applied use with valid planning permission under application No. A/YL-LFS/322.
- 1.2 The Site involves 5 previous applications for temporary open storage of construction material. The last application (No. A/YL-LFS/322) for the same use

as the current application was approved with conditions for a period of 3 years by the Rural and New Town Planning Committee (the Committee) of the Board on 6.7.2018. All the time-limited approval conditions under the last application had been complied with and the permission is valid up to 6.7.2021. Compared with the last application, the current application is submitted by the same applicant for the same use on the same site with the same site layout and development parameters.

- 1.3 The Site is hard paved and bounded by 2.5m high peripheral hoarding. The ingress/egress point is located at the western side of the Site connecting to Lau Fau Shan Road (**Plan A-2**). According to the layout plan at **Drawing A-3**, there are totally 4 structures (with a total floor area of 298m² and building height of 4m) and 1 loading/unloading space for light goods vehicle (not exceeding 5.5 tonnes) at the Site. The changing room, converted container for site office, toilet and open shed for storage are located at the eastern side of the Site while the remaining area is for open storage of construction material. According to the applicant, there will be no operation on-site from 6:00 pm to 9:00 am and on Sunday and public holidays. The proposed tree preservation and landscape plan, as-built drainage plan and catchment of the proposed drains plan are at **Drawings A-4 to A-6** respectively.
- 1.4 The major development parameters of the current application are the same as the previously approved application No. A/YL-LFS/322, which are summarised as follows:

Major Development Parameters	Last Approved Application No. A/YL-LFS/322	Current Application No. A/YL-LFS/396
Applied Use	Temporary Open Storage of Construction Material for a Period of 3 Years	
Site Area	About 697 m ² (including about 50 m ² of GL)	
Total Floor Area (Non-domestic)	About 298 m ²	
No. of Structures/Building Height	4 / 4m	
No. of Loading/Unloading Space	1 (for light goods vehicle) (7m x 3.5m)	
Operation Hours	9:00 a.m. to 6:00 p.m. with no operation on Sundays and public holidays	

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

- (a) Application Form with annexes and plans received on 31.3.2021 **(Appendix I)**
- (b) Further information (FI) received on 14.5.2021 clarifying the operation hours and site management measures **(Appendix Ia)**
- (c) FI received on 21.5.2021 with Fire Service Installations certificate (FS 251) for fire extinguishers **(Appendix Ib)**

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form (**Appendix I**). They can be summarised as follows:

- (a) The application is for renewal of the previous approved planning application No. A/YL-LFS/322. There is no change of development parameters. All the approval conditions have been complied with. The Site has been the subject of five approved planning permissions and has been occupied by the same applied use since 2006.
- (b) The Site is within Category 2 area under the Town Planning Board Guidelines for Open Storage and Port Back-up Uses (TPB PG-No.13F).
- (c) The proposed development would not jeopardize the planning intention of “R(E)” zone because the proposed development is temporary in nature.
- (d) The proposed development is small scale and adjoining to a logistic centre within the same R(E)” zone, the development is not incompatible with the surrounding environment.
- (e) The development 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. 31A) by posting site notice and sending notice to the Ping Shan Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection. For GL portion, the requirements under TPB PG-No.31A are not applicable.

4. Town Planning Board Guidelines

- 4.1 On 27.3.2020, the Board promulgated the revised Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F). The Site falls within Category 2 area under the Guidelines. Relevant extracts of the Guidelines are attached at **Appendix II**.
- 4.2 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. 34C) are also relevant to the application. The relevant assessment criteria are at **Appendix III**.

5. Background

The Site is currently not subject to planning enforcement action.

6. Previous Applications

- 6.1 The Site involves five previous applications (No. A/YL-LFS/149, 193, 237, 277 and 322) for temporary open storage of construction material. Details of the applications are summarised in **Appendix IV**. All applications were approved with conditions each for a period 3 years by the Committee between 2006 and 2018, mainly on the considerations that the proposals were not incompatible with the surrounding uses; the proposals would not frustrate the long-term development of the area; and the concerns of relevant government departments could be addressed by imposing approval conditions. The applicant has complied with all the approval conditions of the last application No. A/YL-LFS/322.
- 6.2 Compared with the last application No. A/ YL-LFS/322, the current application is submitted by the same applicant for the same use on the same site with the same layout and development parameters.

7. Similar Applications

- 7.1 There are 11 similar applications for various temporary open storage uses within the same “R(E)” zone since 2011. A total of 8 applications were approved with conditions by the Committee each for a period of 3 years, whilst 1 application was approved for 1 year, mainly on similar considerations that the developments were not incompatible with the surrounding uses and the concerns of relevant departments could be addressed by imposing approval conditions. Amongst these approved applications, one of them was subsequently revoked due to non-compliance with approval conditions.
- 7.2 Two other similar applications were rejected by the Committee mainly for the reasons of not in line with the planning intention, not compatible with the surrounding development, not in line with the prevailing TPB Guidelines for Application for Open Storage and Port Back-Up Uses, and failed to demonstrate that the development would not generate environmental nuisance on the residential dwellings in the vicinity and along the access road and that the applicant would comply with the approval conditions imposed by the Board. Details of the applications are summarised in **Appendix V** and the locations of the sites are shown on **Plan A-1**.

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

- 8.1 The Site is:
- (a) abutting and accessible from Lau Fau Shan Road;
 - (b) paved and fenced off; and
 - (c) currently occupied by the applied use with valid planning permission under application No. A/YL-LFS/322.

8.2 The surrounding areas have the following characteristics:

- (a) to its immediate north are a residential dwelling (about 4m away) and a warehouse. Further north are a car park, parking of trailers and a vehicle repair workshop, which are existing uses tolerated under the Town Planning Ordinance while the open storage of vehicle parts is suspected unauthorised development (UD) subject to enforcement action taken by the planning authority;
- (b) to its northeast is a logistics centre with valid planning permission under planning application No. A/YL-LFS/334; and
- (c) to its west across Lau Fau Shan Road are open storage yards, storage use and warehouse, of which some are suspected UD's subject to enforcement action and some vacant lands.

9. Planning Intention

The planning intention of the "R(E)" zone is 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

10.1 The following Government departments have been consulted and their views on the application and public comments, where relevant, are summarised as follows:

Land Administration

10.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site comprises Old Schedule Agriculture Lots (OSALs) and GL. The OSALs are held under Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) The GL with an area of 48m² (about) at the Site is covered by a Short Term Tenancy (STT) No. 2619 for the purpose of "Temporary Open Storage of Construction Materials". No permission is given for occupation of the remaining GL (about 2m² subject to verification) included in the Site. The act of occupation of GL without Government's prior approval is not allowed.
- (c) The private lots in the Site are covered by Short Term Waivers (STWs) as listed below:

Lot No.	STW No.	Purposes
2189 RP	3555	Temporary Open Storage of Construction Materials
	3556	
2378 RP	4319	Temporary Open Storage of Metal Ware, Construction Machinery and Materials, Brand-new Trailer with Ancillary Canteen and Trailer Park

- (d) Should planning approval be given to the subject planning application, the STT/STW holders will need to immediately apply to his office for modification of the STT/STW conditions where appropriate. Also, the applicant has to either exclude the GL without STT from the Site or apply for a formal approval prior to the actual occupation of the above GL. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Application(s) for any of the above will be considered by the LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by the LandsD.

Traffic

10.1.2 Comments of the Assistant Commissioner for Transport /New Territories, Transport Department (AC for T/NT, TD):

- (a) He has no adverse comment on the application from traffic engineering point of view.
- (b) Sufficient manoeuvring spaces shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from the public roads.

10.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) The access arrangement should be commented by TD.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (c) HyD shall not be responsible for the maintenance of any access connecting the Site and Lau Fau Shan Road.

Environment

10.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) He has no comment on the application. According to the submitted

information, the proposed development does not involve operation of heavy vehicle nor dusty operation.

- (b) There was no substantiated environmental complaint concerning the Site received in the past three years.
- (c) Should the planning application be approved, the applicant should be advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Use” (Code of Practice) to minimise any potential environmental nuisances on the surrounding area.

Drainage

10.1.5 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection in principle to the application from a drainage point of view. Based on the submission by the applicant, the existing drainage facilities would be maintained.
- (b) Should the Board consider that the application is acceptable from the planning point of view, approval conditions requiring the maintenance of the existing drainage facilities and the submission of condition record of the existing drainage facilities to the satisfaction of the Director of Drainage Services or of the Board should be stipulated.
- (c) His detailed comments are at **Appendix VIII**.

Building Matters

10.1.6 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) As there is no record of approval by the Building Authority for the existing structures at the Site, he is not in a position to offer comments on the suitability for the use proposed in the application.
- (b) The applicant should be reminded of the detailed comments at **Appendix VIII**.

Fire Safety

10.1.7 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) The applicant should adhere to the ‘Good Practice Guidelines for Open Storage’ at **Appendix VI**.

- (c) The applicant should be reminded of the detailed comments in **Appendix VIII.**

Landscape

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

- (a) According to the aerial photo of 2020 and the site inspection photos taken on 16.4.2021, the Site is hard paved open storage in operation with temporary structure at the east. There are around 16 nos. of existing *Ficus microcarpa* (細葉榕) mainly along northern and southwestern boundaries within the Site. The Site is situated in an area of rural coastal plains landscape character predominated by temporary structures, village houses and vehicle parks and tree groups. Significant adverse landscape impact to landscape resources and change to the character arising from the continued use of development is not anticipated.

- (b) His detailed comments are at **Appendix VIII.**

Geotechnical

10.1.9 Comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD):

He has no adverse comment on the application. The applicant should be reminded to submit the proposed building work plans to the BD for approval as required under the provisions of the Buildings Ordinance.

District Officer's Comments

10.1.10 Comments of the District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD):

His office has not received any comment from locals regarding the application.

10.2 The following Government departments have no comment on the application:

- (a) Commissioner of Police (C of P);
- (b) Director of Agriculture, Fisheries and Conservation (DAFC);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (d) Chief Engineer/Land Works, CEDD (CE/LW, CEDD); and
- (e) Project Manager (West), CEDD (PM(W), CEDD).

11. Public Comments Received During Statutory Publication Period

On 9.4.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one public comment was received from an individual, objecting to the application on the grounds that the applied use will cause adverse traffic, environmental and fire safety impacts on the surrounding area (**Appendix VII**).

12. Planning Considerations and Assessment

12.1 The application is for renewal of planning approval for temporary open storage of construction material for a period of 3 years at the Site zoned “R(E)” on the OZP. Although the applied use is not in line with the planning intention of the “R(E)” zone, which is to phase out the existing industrial uses through redevelopment for residential use, there is no immediate development proposal for the Site and the applied use is temporary in nature which could be tolerated in the interim. In this regard, approval of the application on a temporary basis of 3 years would not jeopardize the long term development of the Site.

12.2 The surrounding areas comprise predominantly open storage yards, warehouses and vehicle repair workshops (**Plan A-2**). Although there is one residential dwelling in the vicinity, the development is generally not incompatible with the surrounding uses.

12.3 The Site falls within Category 2 areas under the TPB PG-No. 13F. The following considerations in the Guidelines are relevant:

Category 2 areas: planning permission could be granted on a temporary basis up to a maximum period of 3 years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments, where appropriate, should be submitted to demonstrate that the proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas.

12.4 The application is generally in line with TPB PG-No. 13F in that the Site is the subject of a previous approved planning application No. A/YL-LFS/322 and all the approval conditions have been complied with. The applied use would not generate adverse impacts and the technical concerns of relevant government departments could be addressed through the implementation of approval conditions.

12.5 The application is also generally in line with TPB PG-No. 34C in that there is no material change in planning circumstance since the previous temporary approval was granted; adverse planning implications arising from renewal of the planning approval are not envisaged; all the time-limited approval conditions under the previous application No. A/YL-LFS/322 had been complied with; and the 3-year approval period sought is reasonable and of the same timeframe as the previous approval.

- 12.6 There are no adverse comments or objections from concerned Government departments. To address the concerns on environmental aspect and the technical requirements of other concerned government departments, relevant approval conditions are recommended in paragraph 13.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and UD on the Site will be subject to enforcement action by the Planning Authority. Should the planning application be approved, the applicant will also be advised to keep the Site clean and tidy at all times and to follow the latest Code of Practice to minimise any potential environmental impact on the surrounding areas.
- 12.7 The Committee has approved 5 previous applications for the same use submitted by the same applicant on the Site and 9 similar applications within the same “R(E)” zone for various temporary open storage/port back-up uses since 2010 (**Plan A-1**), there has been no material change in the planning circumstances. Approval of the subject application is in line with the Committee’s previous decisions.
- 12.8 One public comment was received during the statutory publication period 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, and having taken into account the public comment summarised in paragraph 11 above, the Planning Department considers that the temporary open storage of construction material could be tolerated for a further period of 3 years.
- 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 3 years and be renewed from 7.7.2021 to 6.7.2024. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no open storage, storage of materials and parking of vehicles, is allowed within 1m of any tree on the site, as proposed by the applicant, at any time during the planning approval period;
- (d) no repairing, cleansing, dismantling and workshop activity, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (e) no vehicle exceeding 5.5 tonnes as defined in the Roads (Traffic) Ordinance

including medium/heavy goods vehicle and container vehicle/trailer/tractor, as proposed by the applicant, is allowed to enter/exit or to be parked/stored on the Site at any time during the planning approval period;

- (f) no vehicle queuing back to or reverse onto/from the public road is allowed at any time during the planning approval period;
- (g) the existing fencing on-site shall be maintained at all times during the planning approval period;
- (h) the existing trees and landscape planting on the Site shall be maintained in good condition at all times during the planning approval period;
- (i) the existing drainage facilities on-site shall be maintained at all times during the planning approval period;
- (j) 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 **7.10.2021**;
- (k) 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 **7.1.2022**;
- (l) in relation to (k) 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 **7.4.2022**;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) 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
- (n) if the above planning condition (j), (k) or (l) 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.

[Approval conditions (a) to (l) are the same as those under the permission for application No. A/YL-LFS/322, and the reinstatement clause and the stacking height of stored materials clause have been deleted to accord with the department's latest requirements.]

Advisory clauses

The recommended advisory clauses are at **Appendix VIII**.

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

There is no strong reason to recommend rejection of the application.

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

Appendix I	Application Form with annex and plans received on 31.3.2021
Appendix Ia	FI received on 14.5.2021
Appendix Ib	FI received on 21.5.2021
Appendix II	Relevant Extracts of TPB PG-No. 13F
Appendix III	Relevant Extracts of TPB PG-No. 34C
Appendix IV	Previous Applications covering the Site
Appendix V	Similar Applications within the same “R(E)” zone on the OZP
Appendix VI	Good Practice Guidelines for Open Storage issued by the Director of Fire Services
Appendix VII	Public Comment received during Statutory Publication Period
Appendix VIII	Recommended Advisory Clauses
Drawings A-1 and A-2	Location Plans of Application Site
Drawing A-3	Proposed Layout Plan
Drawing A-4	Tree Preservation Proposal and Landscape Plan
Drawing A-5	As-built Drainage Plan
Drawing A-6	Catchment of Proposed Drains Plan
Plan A-1	Location Plan with Similar Applications and Previous Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MAY 2021**