

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

**APPLICATION NO. A/YL-LFS/400**

- Applicants** : Great Winfield Investment Limited and Envirocycle Tech Limited represented by Chuo Wang Development Consultant Limited
- Site** : Lots 1796, 1798, 1802, 1803, 1804, 1805 and 1806 in D.D. 129, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 3,104.7 m<sup>2</sup>
- 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
- Zoning** : “Recreation” (“REC”)  
*[No change to the zoning under the current OZP]*
- Application** : Proposed Temporary Open Storage (Dump Box) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicants seek planning permission for proposed temporary open storage (dump box) for a period of 3 years at the application site (the Site) (**Plan A-1**). The Site falls within an area 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 permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for in terms of the OZP. The Site is currently partly hard-paved and partly covered with soil/gravel. Large part of the Site is currently vacant with a small part being occupied by the applied use without valid planning permission (**Plans A-4a and A-4b**).
- 1.2 The Site involves a previous planning application (No. A/YL-LFS/351) for proposed temporary vehicle park and open storage of dump truck and skip truck for a period of 3 years which was rejected by the Rural and New Town Planning Committee (the Committee) on 18.9.2020. Compared with the previous application, the current application is submitted by the same applicants at the same site but without the vehicle park use. As shown on **Drawings A-1 and A-2**, the Site comprises three separate portions (the western portion, middle portion and eastern portion) and each

portion has its individual ingress/egress point located at the south-eastern/south-western boundary. The Site is accessible via a local track leading from Deep Bay Road. According to the applicants, the operation hours are from 8 a.m. to 9 a.m. and 5 p.m. to 6 p.m. from Mondays to Saturdays but no operation on Sundays and public holidays. There will be around 5 trucks [light goods vehicles] entering/exiting the Site per week during the operation hours to transport dump boxes to the Site. The location plan, proposed vehicular access plan and proposed manoeuvring space plan are at **Drawings A-1 to A-3** respectively.

1.3 In support of the application, the applicants have submitted the following documents:

- (a) Application Form with attachment received on 3.5.2021 (Appendix I)
- (b) Further Information (FI) received on 18.6.2021 responding to Transport Department's (TD) and Environmental Protection Department's (EPD) comments with a manoeuvring space plan, photos of dump box and dump truck and valid vehicle registration document (Appendix Ia)  
*(exempted from publication and recounting requirements)*

## **2. Justifications from the Applicants**

The justifications put forth by the applicants in support of the application are detailed at **Appendices I and Ia**. They can be summarized as follows:

- (a) The development is for storage of new dump boxes only and there will be no cleansing or repairing activities at the Site. The applicants will take all precautionary measures to avoid any possible environmental impact on the area.
- (b) Adequate space of about 4.5 m width will be reserved at the ingress/egress points, and adequate space will also be reserved for drainage facilities and landscaping.
- (c) Part of the Site was once a pond but it is now dried out. The Site has been abandoned. There will be no vegetation clearance at the Site.
- (d) The Site is accessible via a local track leading from Deep Bay Road and Lau Fau Shan Roundabout, which is about 700 m long and in 3 minutes' travel. Given that there are 4 passing bays en route and limited traffic will be generated from the proposed development, there will be minimal traffic impact to the area.
- (e) The applicants claim that no medium/heavy goods vehicles will be used to transport dump boxes to the Site.

## **3. Compliance with the "Owner's Consent/Notification" Requirements**

The applicants are the sole "current land owners". Detailed information would be deposited at the meeting for Members' inspection.

#### **4. Background**

If there is sufficient evidence to prove unauthorized development (UD) on site under the Town Planning Ordinance, the Site would be subject to planning enforcement action.

#### **5. 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. 13F) are relevant to this application. According to the said Guidelines, the Site falls within Category 3 areas under the TPB PG-No. 13F. Relevant extracts of the Guidelines are attached at **Appendix II**.

#### **6. Previous Application**

- 6.1 The Site involves a previous planning application (No. A/YL-LFS/351) for proposed temporary vehicle park and open storage of dump truck and skip truck for a period of 3 years which was rejected by the Committee on 18.9.2020 on the grounds of not in line with the planning intention of the “REC” zone and the TPB PG-No. 13F in that no previous approval had been granted and there were adverse departmental comments and local objections. Details of this application are summarized at **Appendix III** and its location is shown on **Plan A-1**.
- 6.2 Compared with the previous application, the current application is submitted by the same applicants at the same site but without the vehicle park use.

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

- 7.1 Within the same “REC” zone, there are 17 similar applications (No. A/YL-LFS/186, 187, 211, 225, 229, 230, 232, 236, 250, 255, 260, 272, 283, 293, 326, 329 and 336) for temporary open storage since 2008, 11 of which were approved with conditions while the other 6 applications were rejected by the Committee. Details of these applications are summarized at **Appendix IV** and their locations are shown on **Plan A-1**.

##### Approved Applications

- 7.2 Applications No. A/YL-LFS/186, 211, 232, 250, 255, 272 and 283 (covering more or less the same site) falling within the same “REC” zone and its adjoining “Residential (Group E)” (“R(E)”) zone for temporary open storage of marbles, construction materials, aluminum cans and cylinders/frames and small-scale machinery were approved with conditions for a period of 12 months or 3 years by the Committee between 2008 and 2016 on the considerations that the approval of the application on a temporary basis would not jeopardize the long-term development of the concerned site, the applied use was not incompatible with the surrounding uses, the proposed temporary open storage use was in line with the then TPB PG-No. 13E in that the concerned site was involved in previous planning approvals and there was no adverse departmental comments. Amongst these approved applications, 2 of which (Applications No. A/YL-LFS/186 and 211) were subsequently revoked due to non-compliance with the approval conditions on the provision of fencing and not

allowing heavy goods vehicles to be stored/parked at or enter/exit the concerned site respectively.

- 7.3 Applications No. A/YL-LFS/225, 260, 293 and 336 (covering the same site) for temporary open storage of marble, construction materials, aluminum cans/pipes/frames, elevating platforms and small-scale machinery with/without ancillary workshop were approved with conditions by the Committee for a period of 3 years between 2011 and 2019. They were approved on the considerations that there was no immediate development proposal for the “REC” zone, approval of the application on temporary basis would not frustrate the long-term planning intention of the “REC” zone, the applied use was not incompatible with the surrounding uses, the development was in line with the then TPB PG-No. 13E in that there were previous planning approvals, there were no adverse departmental comments or departmental concern could be addressed by the imposition of approval conditions, and approval of the applications were in line with the Committee’s previous decisions.

#### Rejected Applications

- 7.4 Applications No. A/YL-LFS/187, 230 and 236 (covering two different sites) for temporary open storage of marble with ancillary workshop; scrap metal, scrap plastic and used motorcycles; and second-hand motorcycle respectively were rejected by the Committee between 2009 and 2012 mainly on the grounds that the developments were not in line with the planning intention of the “REC” zone and the then TPB PG-No.13E in that no previous approval had been granted for the sites, there were adverse departmental comments and the proposed development would have adverse environmental/landscape/traffic impacts on the surrounding areas and/or the proposed development was incompatible with the residential dwellings in the vicinity.
- 7.5 Application No. A/YL-LFS/229 for temporary open storage of marble and construction materials with ancillary minor workshop for a period of 3 years were rejected by the Committee on 2.12.2011 mainly on the grounds that the applicant 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 approval conditions imposed by the Board could be complied with.
- 7.6 Applications No. A/YL-LFS/326 and 329 (covering two different sites) for temporary open storage of construction machinery or materials for a period of 3 years were rejected by the Committee on 21.9.2018 and 2.11.2018 respectively mainly on the grounds that the developments were not in line with the planning intention of the “REC” zone and the then TPB PG-No.13E in that the applicants failed to demonstrate that the developments would not generate adverse environmental, landscape and traffic impacts and there was no exceptional circumstance to justify the development in the Category 3 areas, and setting an undesirable precedent.

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

#### **8.1 The Site is:**

- (a) composed of three separate portions, i.e. the western portion, middle portion and eastern portion;

- (b) currently partly hard-paved and partly covered with soil/gravel. Large part of the Site is currently vacant with small part being occupied by the applied use without valid planning permission; and
- (c) accessible via a local track leading from Deep Bay Road (**Plans A-2 and A-3**).

8.2 The surrounding areas have the following characteristics:

- (a) to the south of the western portion of the Site are residential dwellings (the closest residential dwelling is being about 18 m away). To the south of the middle and eastern portions of the Site is unused land. To the further south of the Site are parking of vehicles, open storage of construction materials which are suspected unauthorized developments (UDs);
- (b) to its east are unused land and graves;
- (c) to its north are fallow agricultural land, vacant land and a pigsty which is an existing use; and
- (d) to its west are pet hotel and workshop which are suspected UD.

## **9. Planning Intention**

The planning intention of the “REC” zone is 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**

10.1 The following Government departments have been consulted and their views on the application are summarized 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 Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) It is noted that no structure was proposed in the application.
- (c) Slopes No. 2SW-C/F14 and 2SW-C/C84 should not be affected.

## **Traffic**

### 10.1.2 Comments of the Commissioner for Transport (C for T):

- (a) On the basis of the submitted documents (**Appendix Ia**), the proposed use involves use of medium goods vehicle exceeding 5.5 tonnes travelling to/from the Deep Bay Road which is a single lane road. The applicants fail to demonstrate that the nearby public road network has adequate capacity to accommodate the traffic induced by the proposed use. In the light of the above, he does not support the application.
- (b) The local track leading to the Site is not under Transport Department (TD)'s purview.

### 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 Deep Bay Road.

## **Environment**

### 10.1.4 Comment of the Director of Environmental Protection (DEP):

- (a) According to the FI provided by the applicant (**Appendix Ia**), the proposed development will involve the use of heavy vehicles (i.e. medium goods vehicles). There are also sensitive receivers in the vicinity and environmental nuisance is expected. He does not support the application.
- (b) No substantiated environmental complaint pertaining to the Site has been received in the past three years.
- (c) Should the application be approved, the applicants are 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 Sites" ("COP").

## **Drainage**

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

The Site partly falls within a pond and a watercourse likely appears to route through the Site (**Plan A-2**). The applicants are required to show how this

drainage path would not be affected by the development. Since the submission did not include a drainage proposal, he has reservation on the application from drainage point of view.

### **Landscape**

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

- (a) According to the site photos, the Site is partly bare soil and partly filled with gravels without any significant vegetation. According to the aerial photo of 2020, the Site is located in an area of rural coastal plains landscape character predominated by trees and vegetation clusters, open storage yards, temporary structures with a few residential houses in the vicinity. While the proposed use is considered not incompatible with the landscape character of the surrounding area, many of the open storage yard and warehouse uses are suspected UD's subject to enforcement action.
- (b) Given that there is no similar application previously approved adjacent to the Site within the same "REC" zone, there is concern that approval of the planning application may encourage other similar applications to the "REC" zone. The cumulative impact of which would result in further degradation of the landscape quality of the surrounding environment in the "REC" zone. Hence, she has reservation on the application from landscape planning perspective.

### **Cultural Heritage**

#### **10.1.7 Comments of the Antiquities and Monuments Office (AMO):**

AMO has no objection in principle to the application from the built heritage and archaeological conservation perspective. Notwithstanding the above, the applicants are required to inform AMO immediately if antiquities or supposed antiquities under the Antiquities and Monuments Ordinance (Cap. 53) are discovered during the course of works.

### **Fire Safety**

#### **10.1.8 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) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicants are advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval.
- (c) The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout

plans.

- (d) Having considered the nature of the open storage use, ‘the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of the D of FS’ shall be added and the applicant shall submit a valid fire certificate (FS 251) to his department for approval.
- (e) The applicants should be reminded of the detailed comments in **Appendix VI**.

### **Geotechnical**

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

- (a) He has no adverse comment on the application.
- (b) The Site may encroach on man-made Features No. 2SW-C/F14 and 2SW-C/C84. The maintenance department/responsible parties of these slopes should be consulted.

### **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 the locals on the application.

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

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (c) Project Manager (West), CEDD (PM(W), CEDD);
- (d) Chief Engineer/Lands Works, CEDD (CE/LW, CEDD); and
- (e) Commissioner of Police (C of P).

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

On 11.5.2021, the application was published for public inspection. During the statutory public inspection period, 4 public comments were received from individuals (**Appendices V-1 to V-4**) objecting to the application. Major reasons of objection to the application are:

- (a) the proposed use will generate adverse traffic and environmental impacts, fire and personal safety problems to the nearby residents;
- (b) the proposed use is not in line with the planning intention of the “REC” zone and the TPB PG-No.13F;
- (c) the proposed use is incompatible with the surrounding environment;



- (d) the proposed use was rejected by the Committee in 2020 and rejection of the current application is in line with the Committee's previous decision; and
- (e) there is no strong planning justification for the current application and approval of the application would set an undesirable precedent for similar applications within the same "REC" zone.

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

- 12.1 The application is for proposed temporary open storage (dump box) for a period of 3 years in the "REC" zone. The planning intention of the "REC" zone is primarily for recreational developments for the use of the general public and encourages the development of active and/or passive recreation and tourism/eco-tourism. The proposed use is not in line with the planning intention of the "REC" zone and there is no strong planning justification given in the submission for a departure of such planning intention, even on a temporary basis.
- 12.2 The Site is situated in an area of rural coastal plains landscape character predominated by trees and vegetation clusters, open storage yards, temporary structures with a few residential houses in the vicinity. The proposed use is considered not incompatible with the surrounding land uses.
- 12.3 The Site falls within Category 3 areas under the TPB PG-No. 13F. The following considerations in the Guidelines are relevant:

Category 3 areas: applications would normally not be favourably considered unless the applications are on sites with previous planning approvals. Sympathetic consideration may be given if the applicants have demonstrated genuine efforts in compliance with approval conditions of the previous planning applications and included in the fresh applications relevant technical assessments/proposals, if required, to demonstrate that the applied uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. 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, planning permission could be granted on a temporary basis up to a maximum period of 3 years.

- 12.4 The proposed use is not in line with the TPB PG-No. 13F in that there is no previous planning approval at the Site and there are adverse comments from concerned Government departments including C for T, DEP, CE/MN of DSD and CTP/UD&L of PlanD. Although the applicants claim that no medium/heavy goods vehicles will be used to transport dump boxes to the Site, C for T does not support the application on the basis of the submitted documents (**Appendix Ia**) that the proposed use would involve medium goods vehicles travelling to/from the Deep Bay Road which is a single lane road and the applicants fail to demonstrate that the nearby public road network has adequate capacity to accommodate the traffic induced by the proposed use. DEP does not support the application as the proposed use would involve the use of heavy vehicles and there are sensitive receivers in the vicinity of the Site (the closest one being about 18 m away to its south-west) and environmental nuisance is expected. CE/MN of DSD has reservation on the application from drainage point of view as the proposed use may affect the pond

and watercourse and no drainage proposal was submitted. CTP/UD&L, PlanD also has reservation on the application from landscape point of view as the proposed use would result in general degradation of the rural landscape character. As such, the applicants fail to demonstrate that the proposed use would not have adverse traffic, environmental, drainage and landscape impacts on the surrounding areas.

- 12.5 The Site involves a previous planning application (No. A/YL-LFS/351) for proposed temporary vehicle park and open storage of dump truck and skip truck for a period of 3 years which was rejected by the Committee on 18.9.2020 on the grounds of not in line with the planning intention of the “REC” zone and the TPB PG-No. 13F in that no previous approval had been granted and there were adverse departmental comments and local objections. The Committee has also rejected 6 similar applications within the same “REC” zone on similar grounds as mentioned above. Although the Committee has approved 11 similar applications for open storage use for two sites, sympathetic considerations were given in view of their previous approval history and no adverse departmental comments. For the current application, as no previous approval has been granted for the Site, there are adverse departmental comments and adverse impacts on the surrounding areas are anticipated, rejecting the current application is in line with the Committee’s previous decisions.
- 12.6 A total of 4 public comments objecting to the application were received mainly on the grounds as summarized in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.5 are relevant.

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

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments in paragraph 11 above, 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 “REC” zone which is primarily for recreational developments for the use of the general public and encourages the development of active and/or passive recreation and tourism/eco-tourism. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis; and
  - (b) the proposed use is not in line with the Town Planning Board Guidelines No. 13F for Application for Open Storage and Port Back-up Uses in that no previous approval had been granted for the Site and the applicants fail to demonstrate that the proposed use would not generate adverse traffic and environmental impacts on the surrounding areas.
- 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 3 years until **25.6.2024**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

#### **Approval Conditions**

- (a) no operation from 6:00 p.m. to 8:00 a.m. and 9:00 a.m. to 5:00 p.m., as proposed by the applicants, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicants, is allowed on the Site during the planning approval period;
- (c) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site, as proposed by the applicants, at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (e) 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 **25.12.2021**;
- (f) in relation to (e) 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 **25.3.2022**;
- (g) in relation to (f) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (h) the provision of fire extinguisher(s) 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 **6.8.2021**;
- (i) 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 **25.12.2021**;
- (j) in relation to (i) 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 **25.3.2022**;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (g) 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
- (l) if any of the above planning conditions (e), (f), (h), (i) or (j) 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.

#### 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 the 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 applicants.
- 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 the permission should be valid on a temporary basis.

**15. Attachments**

<b>Appendix I</b>	Application Form received on 3.5.2021
<b>Appendix Ia</b>	Further Information received on 18.6.2021
<b>Appendix II</b>	Relevant extracts of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F)
<b>Appendix III</b>	Previous Applications covering the Site
<b>Appendix IV</b>	Similar Applications within the same “REC” Zone
<b>Appendices V-1 to V-4</b>	Public Comments
<b>Appendix VI</b>	Advisory Clauses
<b>Appendix VII</b>	‘Good Practice for Open Storage’ issued by D of FS
<b>Drawing A-1</b>	Location Plan
<b>Drawing A-2</b>	Proposed Vehicular Access Plan
<b>Drawing A-3</b>	Proposed Maneuvring Space Plan
<b>Plan A-1</b>	Location Plan with Previous and Similar Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
JUNE 2021**