

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

**APPLICATION NO. A/YL-LFS/421**

- Applicant** : T&P Construction Company Limited represented by PlanPlus Consultancy Limited
- Site** : Lots 2393 RP (Part) and 2394 RP in D.D.129, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 1,153.5m<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
- Zoning** : “Residential (Group D)” (“R(D)”)   
 [Maximum building area of 37.2m<sup>2</sup> and maximum building height of 2 storeys (6m)]
- Application** : Temporary Warehouse for Storage of Metal Ware, Spare Parts and Wires with Ancillary Office for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary warehouse for storage of metal ware, spare parts and wires with ancillary office for a period of 3 years at the application site (the Site) (**Plan A-1**). The Site falls within an area zoned “R(D)” on the draft Lau Fau Shan and Tsim Bei Tsui OZP No. S/YL-LFS/10. According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of 3 years requires planning 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 not involved in any previous planning application. The Site is currently occupied by storage and office uses without valid planning permission (**Plans A-4a to A-4c**).
- 1.2 The Site is accessible from Deep Bay Road via a local track (**Drawing A-2** and **Plan A-2**). As shown on the layout plan at **Drawing A-1**, the proposal comprises 9 structures of 1 to 2 storey(s) (2.59m to 5.18m) high, with a total floor area of about 595.8m<sup>2</sup> (site coverage of about 36%). The structures are used for storage, ancillary office and toilet uses. 1 parking space for private car, as well as 1 loading/unloading space for light goods vehicle would be provided.
- 1.3 According to the applicant, the operation hours would be between 10 a.m. and 7 p.m. from Mondays to Fridays, and between 10 a.m. to 2 p.m. on Saturdays. There would

be no operation on Sundays and public holidays. Septic tank is provided for the toilets.

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

- |     |  |               |
|-----|--|---------------|
| (a) | Application Form received on 5.1.2022  | (Appendix I)  |
| (b) | Supporting Planning Statement  | (Appendix Ia) |
| (c) | Supplementary Information (SI) received on 20.1.2022   | (Appendix Ib) |
| (d) | Further Information (FI) received on 18.2.2022<br><i>(exempted from the publication requirement)</i> | (Appendix Ic) |

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the supporting planning statement at **Appendix Ia**. They can be summarised as follows:

- (a) Given its temporary nature, and that there is no known development programme in the subject “R(D)” zone, approval of the applied use for a period of 3 years will not frustrate the long-term planning intention of the “R(D)” zone. The applied use would also better utilise valuable land resource.
- (b) The surroundings of the Site are predominantly open storages and temporary structures. The applied use is not incompatible with the surroundings.
- (c) The Site is located in an area with similar uses and high accessibility by various means of transport. It is a suitable location for the applied use.
- (d) The applied use would not generate significant adverse traffic, environmental, drainage, sewerage, landscape and visual 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 notifying the current land owner by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Background**

The storage use at the Site would be subject to planning enforcement action.

## **5. Previous Application**

The Site is not involved in any previous planning application.

## **6. Similar Application**

There is no similar application within the same “R(D)” zone on the OZP.

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

7.1 The Site is:

- (a) fenced off, hard-paved and erected with temporary structures mainly at its western portion. It is occupied by storage and office uses without valid planning permission; and
- (b) located to the west of Deep Bay Road, and is accessible via a track on private lot branching off Deep Bay Road.

7.2 The surrounding areas have the following characteristics:

- (a) to the immediate north is an open storage yard for construction materials which is a suspected unauthorised development (UD). To the immediate northwest is a recreational use covered by valid planning application (No. A/YL-LFS/323). To the further north and northwest is a low-rise residential development named Deep Bay Grove;
- (b) to the northeast, east and southeast across Deep Bay Road are warehouses which are suspected UD, and a container storage yard covered by valid planning application (No. A/HSK/157);
- (c) to the immediate south are a convenient store covered by valid planning application (No. A/YL-LFS/340), as well as a warehouse and an open storage yard for construction materials which are suspected UD. To the further south is the Hang Hau Tsuen Channel; and
- (d) to the immediate west are vacant land and shrubland. To the further west is the village cluster of Hang Hau Tsuen.

## **8. Planning Intention**

The “R(D)” zone is intended primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

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

9.1 The following government departments have been consulted and their views on the application are summarised as follows:

### **Land Administration**

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

- (a) The Site comprises Old Schedule Agricultural Lots (OSALs), which are 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) Should planning approval be given to the subject planning application, the lot owner of the lots will need to immediately apply to his office for permitting the structures to be erected or to regularise any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Application(s) for any of the above will be considered by 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 LandsD.

### **Traffic**

9.1.2 Comments of the Commissioner for Transport (C for T):

- (a) On the basis of information provided by the applicant, the traffic of the Site would be through a local track leading to Deep Bay Road which is a one-lane two-way carriageway. The trip generation estimated by the applicant is 4 round trips per day, which only private cars and vehicles are involved. On this basis, he has no adverse comment on the application.
- (b) Sufficient manoeuvring space shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/ from public roads.

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

- (a) Adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public roads and drains.
- (b) The access road connecting the Site with Deep Bay Road is not and will not be maintained by his office. His office should not be responsible for maintaining any access connecting the Site and Deep Bay Road.
- (c) The applicant should be reminded of the detailed comments at **Appendix III**.

### **Environment**

- 9.1.4 Comments of the Director of Environmental Protection (DEP):
- (a) He has no objection to the application as the proposed development does not involve operation of heavy vehicles nor dusty operation.
  - (b) There is no substantiated environmental complaint pertaining to the Site received in the past 3 years.
  - (c) The applicant should be reminded of the detailed comments at **Appendix III**.

### **Drainage**

- 9.1.5 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):
- (a) He has no objection in principle to the application from drainage point of view.
  - (b) Should the Board consider that the application is acceptable from planning point of view, he would suggest that a condition should be stipulated requiring the applicant to submit a drainage proposal, to implement and maintain the proposed drainage facilities to the satisfaction of his department.

### **Fire Safety**

- 9.1.6 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 applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The applicant should note his detailed comments on the submission of FSIs proposal at **Appendix III**.

### **Building Matters**

- 9.1.7 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):
- (a) As there is no record of approval granted by the Building Authority for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use under application.
  - (b) The applicant should be reminded of the detailed comments at **Appendix III**.

### **District Officer's Comments**

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

His office has not received any feedback from locals.

9.2 The following government departments have no comment on the application:

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Chief Engineer/Land Works, Civil Engineering and Development Department (CE/LW, CEDD);
- (c) Head of Geotechnical Engineering Office, CEDD (H(GEO), CEDD);
- (d) Project Manager (West), CEDD (PM(W), CEDD);
- (e) Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD);
- (f) Commissioner of Police (C of P); and
- (g) Director of Agriculture, Fisheries and Conservation (DAFC).

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

On 25.1.2022, the application was published for public inspection. During the statutory public inspection period, 2 public comments from individuals (**Appendices II-1 and II-2**) were received objecting to/raising concern over the application on grounds that the applied use would generate adverse traffic, environmental and fire safety impacts to villagers, and approval of brownfield uses may delay residential development in the area.

### **11. Planning Considerations and Assessments**

- 11.1 The application is for temporary warehouse for storage of metal ware, spare parts and wires with ancillary office for a period of 3 years. The Site is zoned "R(D)" on the OZP, which is intended primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board. Whilst the applied use is not in line with the planning intention of the "R(D)" zone, there is no known programme to implement the zoned use at the Site. The applied use which is temporary in nature would unlikely frustrate the planning intention of the Site in the long run.
- 11.2 The Site is located in an area predominated by residential use intermixed with open storage yards, warehouses and recreational use. The applied use with storage and ancillary facilities within the structures, which have occupied about 36% of the Site, is considered generally not incompatible with the surrounding area.
- 11.3 Concerned government departments including C for T, DEP, CE/MN of DSD and D of FS have no objection to the application. The applied use would unlikely create significant adverse traffic, environmental, drainage and fire safety impacts to the surrounding areas. To address the concerns on the possible environmental nuisances generated by the applied use and the technical requirements of the concerned government departments, relevant approval conditions have been recommended in paragraph 12.2 below. Any non-compliance with these approval conditions would result

in revocation of the planning permission and unauthorised development on-site would be subject to enforcement action by the Planning Authority.

11.4 There is no previous application at the Site and no similar application for the same use within the same “R(D)” zone on the OZP.

11.5 There are 2 public comments received objecting to/raising concern over the application on the grounds as summarised in paragraph 10 above. The planning considerations and assessments in paragraph 11.1 to 11.4 above are relevant.

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

12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department considers that the temporary warehouse for storage of metal ware, spare parts and wires with ancillary office could be tolerated for a period of 3 years.

12.2 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 until **4.3.2025**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

### **Approval Conditions**

- (a) no operation from 7:00 p.m. to 10:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no vehicle exceeding 5.5 tonnes, including medium goods vehicle, heavy goods vehicle and container trailer/tractor, as defined in the Road Traffic Ordinance, is allowed to enter/exit or to be parked/stored on the Site at any time during the planning approval period;
- (d) no open storage or workshop activities should be carried out on the Site 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 **4.9.2022**;
- (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 **4.12.2022**;
- (g) in relation to (f) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) the submission of a fire service installations proposal within **6 months** from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **4.9.2022**;

- (i) in relation to condition (h) above, the implementation of the fire service installations proposal within **9 months** from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **4.12.2022**;
- (j) 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
- (k) if any of the above planning conditions (e), (f), (h) or (i) 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 III**.

- 12.3 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(D)" zone which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. There is no strong planning justification for a departure from such planning intention, even on a temporary basis.

### **13. Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse the planning permission.
- 13.2 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.
- 13.3 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.

### **14. Attachments**

<b>Appendix I</b>	Application Form received on 5.1.2022
<b>Appendix Ia</b>	Supporting Planning Statement
<b>Appendix Ib</b>	Supplementary Information received on 20.1.2022
<b>Appendix Ic</b>	Further Information received on 14.2.2022
<b>Appendices II-1 and II-2</b>	Public Comments Received During Statutory Publication Period
<b>Appendix III</b>	Advisory Clauses
<b>Drawing A-1</b>	Layout Plan



<b>Drawing A-2</b>	Vehicular Access Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to A-4c</b>	Site Photos

**PLANNING DEPARTMENT  
MARCH 2022**