

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/430

- Applicant** : Mr. Lau Kam Wing represented by Metro Planning & Development Company Limited
- Site** : Lots 20 RP (Part) in D.D.128, Lots 2393 RP (Part) and 2394 RP (Part) in D.D.129 and Adjoining Government Land (GL), Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 574.9m² (including GL of about 10m² or 1.7%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/11
- Zoning** : “Residential (Group D)” (“R(D)”)
[restricted to a maximum plot ratio (PR) of 0.2 and a maximum building height (BH) of 2 storeys (6m)]
- Application** : Proposed Temporary Shop and Services (Convenience Store) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services (convenience store) 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 approved Lau Fau Shan and Tsim Bei Tsui OZP No. S/YL-LFS/11. According to the Notes of the OZP for “R(D)” zone, ‘Shop and Services’ is a Column 2 use that requires planning permission from the Town Planning Board (the Board). The Site is currently erected with structures, and used for miscellaneous storage without valid planning permission (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site is accessible from Deep Bay Road via a storage yard to the immediate south of the Site (**Drawing A-2**). As shown on the layout plan at **Drawing A-1**, the proposed development comprises 6 structures (1 storey and not exceeding 4m in height), with a total floor area of about 163m² for convenience store, store room, rain shelter, toilet, fire service pump room and fire service water tank. 2 parking spaces for private cars and 1 loading/unloading space for light goods vehicle will be provided. The operation hours are from 8:00 a.m. to 10:00 p.m. daily (including public holidays). Drainage facilities including surface U-channels and catchpits are

provided (**Drawing A-3**). Periphery landscape planting will also be provided (**Drawing A-4**). The proposed layout plan, vehicular access plan, as-built drainage plan and proposed landscape plan are at **Drawings A-1 to A-4** respectively.

1.3 The Site is the subject of 3 previous applications (No. A/YL-LFS/249, 287 and 340) (details at paragraph 5 below).

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

- (a) Application Form received on 24.6.2022 (Appendix I)
- (b) Supplementary Information (SI) received on 4.7.2022 (Appendix Ia)

2. Justifications from the Applicant

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

- (a) 'Shop and Services' is a Column 2 use in the "R(D)" zone of the OZP. It will benefit the residents nearby.
- (b) The proposed use is not incompatible with the surrounding environment. It is a complementary use to the adjacent residential dwellings.
- (c) The proposed use would not generate adverse traffic, environmental and drainage impacts.
- (d) The Site is the subject of 3 previously approved applications for the same use as the current application. The applicant has complied with all the approval conditions of the last planning permission.
- (e) The previous convenience store was closed down and the Site is now vacant. The applicant is looking for a new operator to take up the Site for operating a convenience store. Due to lengthy negotiation with the previous operator, the applicant could not meet the deadline for submitting a renewal application. Hence, a fresh planning permission is submitted.
- (f) Similar applications for shop and services have been approved in the "R(D)" zone of other OZPs.

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 notice at the Site and sending notification letter to the Ha Tsuen Rural Committee. Detailed information would be deposited at the meeting for Members' inspection. For the GL portion, the requirements under TPB PG-No. 31A are not applicable.

4. Background

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

5. Previous Applications

5.1 The Site is the subject of 3 previous applications (No. A/YL-LFS/249, 287 and 340) for the same applied use as the current application. All the applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) between 2013 and 2019 mainly on considerations that temporary use would not jeopardise the long-term planning intention of the “R(D)” zone; the applied use was not incompatible with the surrounding land uses; and there were no adverse comments from concerned government departments and technical concerns could be addressed by approval conditions. All the time-limited approval conditions under all the above applications have been complied with. The planning permission of the last previous application No. A/YL-LFS/340 lapsed on 31.5.2022. Details of the previous applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

5.2 Compared with the last previous application No. A/YL-LFS/340, the current application is submitted by a different applicant for the same use at the same site, with more or less the same site layout and development parameters.

6. Similar Application

There is no similar application for temporary shop and services use within the subject “R(D)” zone.

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

7.1 The Site is:

- (a) erected with structures, and being used for miscellaneous storage without valid planning permission; and
- (b) located to the west of Deep Bay Road, and is accessible from Deep Bay Road via a storage yard to the immediate south of the Site.

7.2 The surrounding areas have the following characteristics. Some of the uses are suspected unauthorised developments (UDs) subject to enforcement action by the Planning Authority::

- (a) to the immediate north is a warehouse cum office covered by valid planning permission (No. A/YL-LFS/421). To the further north is an open storage yard for construction materials, and a low-rise residential development named Deep Bay Grove;
- (b) to the east across Deep Bay Road is an open storage yard for containers covered by valid planning permission (No. A/HSK/368). To the southeast

across Deep Bay Road are the Lau Fau Shan Sewage Pumping Station, vacant land and an open storage yard for converted containers;

- (c) to the south is the Hang Hau Tsuen Channel. To the further south across the Hang Hau Tsuen Channel are a church named Wing Jan Lutheran Church and vacant land; and
- (d) to the immediate west is a workshop. To the further west is vacant land.

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

All departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices III and IV** respectively.

10. Public Comment Received During Statutory Publication Period

On 5.7.2022, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary shop and services (convenience store) for a period of 3 years within the “R(D)” zone of the OZP (**Plan A-1**). 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. Although the proposed use is not entirely in line with the planning intention of the “R(D)” zone, there is no known development proposal at the Site. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “R(D)” zone.

11.2 The proposed use is considered not incompatible with the surrounding land uses, which are mainly brownfield operations such as open storage yards and warehouse intermixed with vacant land.

11.3 Concerned government departments including Director of Environmental Protection, Commissioner for Transport, Chief Engineer/Mainland North of the Drainage Services Department and Director of Fire Services have no objection to/adverse comment on the application. The proposed use will unlikely generate

significant adverse environmental, traffic, drainage and fire safety impacts on the surroundings. To address the technical requirements of the concerned government departments, relevant approval conditions have been recommended in paragraph 12.2 below.

11.4 The Committee has approved 3 previous applications (No. A/YL-LFS/249, 287 and 340) for the same applied use at the Site (**Plan A-1**). Approval of the current application is in line with the previous decisions of the Committee.

11.5 There is no public comment received on the application.

12. Planning Department's Views

12.1 Based on the assessments made in paragraph 11, the Planning Department has no objection to the application.

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 **12.8.2025**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (b) the submission of a condition record of the existing drainage facilities on the Site within **3 months** from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **12.11.2022**;
- (c) 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 **12.2.2023**;
- (d) in relation to condition (c) 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 **12.5.2023**;
- (e) if the above planning condition (a) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (f) if any of the above planning condition (b), (c) or (d) 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 IV**.

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

the proposed 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 to grant 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 the 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

Appendix I	Application Form received on 24.6.2022
Appendix Ia	Supplementary Information received on 4.7.2022
Appendix II	Previous Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Vehicular Access Plan
Drawing A-3	As-built Drainage Plan
Drawing A-4	Proposed Landscape Plan
Plan A-1	Location Plan with Previous Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
AUGUST 2022**