

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/438

- Applicant** : Mr. Wong Kwok Wing represented by Metro Planning & Development Company Limited
- Site** : Lots 1980 (Part), 1981 (Part) and 1982 (Part) in D.D. 129, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 1,034m²
- 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** : “Recreation” (“REC”)
- Application** : Proposed Temporary Warehouse for Storage of Vehicle Parts and Construction Materials 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 warehouse for storage of vehicle parts and construction materials for a period of 3 years (**Plan A-1**). The Site falls within an area zoned “REC” 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 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 currently vacant and covered with vegetation (**Plans A-2 and A-4a and A-4**). The Site is not involved in any previous application.
- 1.2 The Site is accessible from Deep Bay Road via a warehouse to the west of the Site (**Drawing A-2**). According to the applicant, the proposed warehouse is for storage of vehicle parts such as new body parts and engines, as well as construction materials including tiles and sanitary wares. As shown on the layout plan at **Drawing A-1**, the proposal comprises 3 structures of 1 storey (about 3m to 9m) in height, with a total floor area of about 480m². The structures are for warehouses and toilet uses. The ingress/egress is located at the west of the Site. 2 parking spaces for private cars, as well as a loading/unloading space for light goods vehicle will be provided.

- 1.3 According to the applicant, the operation hours are between 9 a.m. and 7 p.m. from Mondays to Saturdays. There would be no operation on Sundays and public holidays. Drainage facilities (i.e. surface U-channels and catchpits) would be provided. The proposed layout plan, vehicular access plan, drainage plan and tree survey plan are at **Drawings A-1 to A-4** respectively.
- 1.4 In support of the application, the applicant has submitted the following documents:
- | | | |
|-----|--|---------------|
| (a) | Application Form received on 21.7.2022 | (Appendix I) |
| (b) | Supplementary Information (SI) received on 28.7.2022 | (Appendix Ia) |
| (c) | Further Information (FI) received on 24.8.2022* | (Appendix Ib) |
| (d) | Further Information (FI) received on 26.8.2022* | (Appendix Ic) |

** accepted and exempted from publication 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 the FI at **Appendices I and Ib**. They can be summarised as follows:

- (a) The proposed development is temporary in nature, and would not jeopardise the long-term planning intention of the “REC” zone.
- (b) The proposed development is not incompatible with the surrounding area, which is predominated by open storage yards and warehouse.
- (c) The proposed development is small in scale. No open storage and workshop activity will be carried out. There would be no night-time operation. The proposed development would not generate significant adverse traffic, environmental, noise and drainage impacts.
- (d) The proposed development will not involve tree felling.
- (e) Similar applications in the vicinity were granted with planning permission. Similar preferential treatment should also be given to the current application.

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. 31A) 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. Background

The Site is currently not subject to any active planning enforcement action.

5. **Previous Application**

The Site is not involved in any previous planning application.

6. **Similar Applications**

- 6.1 Within the same “REC” zone, there were 7 similar applications (No. A/YL-LFS/320, 321, 332, 361, 368, 392 and 410) for temporary warehouse for storage of various materials in the past 5 years. 6 of them were approved while 1 was rejected by the Rural and New Town Planning Committee (the Committee). Details of the similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

Approved applications

- 6.2 Applications No. A/YL-LFS/320, 321, 361, 368, 392 and 410 covering 4 sites were approved with conditions by the Committee between 2018 and 2021 mainly on considerations that temporary approval would not jeopardise long-term planning intention; the applied use was not incompatible with the surrounding land uses; concerned Government departments generally had no objection to the application and the technical concerns could be addressed by approval conditions.

Rejected application

- 6.3 Application No. A/YL-LFS/332 was rejected by the Committee in 2019 mainly on grounds that there were adverse comments from government department on traffic aspect. In particular, the proposed warehouse for storage of scrap metal would generate medium/heavy goods vehicle trips along the sub-standard Deep Bay Road, and the applicant failed to demonstrate that the proposed development would not generate adverse traffic impact to the surrounding area.

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

- 7.1 The Site is:

- (a) currently vacant and covered with vegetation; and
- (b) located to the east of Deep Bay Road, and is accessible from Deep Bay Road via a warehouse to the west of the Site;

- 7.2 The surrounding areas have the following characteristics. Some of the uses are suspected UD's subject to enforcement action by the Planning Authority:

- (a) to the immediate north is an open storage yard of construction materials. To the further north across a local track are a pigsty, open storage yards, a vehicle repair workshop, parking of container vehicles and shrubland.
- (b) to the immediate east and south are an open storage yard of construction materials and machineries, and a warehouse covered by valid planning permission (No. A/YL-LFS/410). To the further east and southeast across a

local track are an animal boarding establishment, a warehouse cum workshop, a garden and residential developments named Deep Bay Villa and Hill Top Villa; and

- (c) to the immediate west is a parcel of grassland. To the further west and southwest are Che Wan Seen Yuen (紫雲仙苑) which is currently vacant, open storage yards, a warehouse, parking of container vehicles cum fuel filling station, residential dwellings, cultivated agricultural land and unused land.

8. Planning Intention

The “REC” zone is intended 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.

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 Comments Received During Statutory Publication Period

On 29.7.2022, the application was published for public inspection. During the statutory public inspection period, 2 public comments from individuals (**Appendices V-1 and V-2**) were received objecting to the application on grounds that the area had become essentially a cluster of brownfield operations; and the proposed development would generate adverse traffic, environmental and fire safety impacts.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary warehouse for storage of vehicle parts and construction materials for a period of 3 years within the “REC” zone of the OZP (**Plan A-1**). The “REC” zone is intended 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. Although the proposed development is not in line with the planning intention of the “REC” zone, there is no known development proposal at the Site. Approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “REC” zone.
- 11.2 The Site is located in an area predominated by warehouses and temporary structures. The proposed development is considered not incompatible with the surrounding land uses.
- 11.3 Concerned government departments including Commissioner for Transport, Director of Environmental Protection, Chief Town Planner/Urban Design and

Landscape of Planning Department, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to or no adverse comment on the proposed development. The proposed development would unlikely generate significant adverse traffic, environmental, landscape, drainage and fire safety impacts to 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 There is no previous planning application covering the Site. However, the Committee has approved 6 similar applications covering 4 sites within the same “REC” zone in the past 5 years. Although the Committee rejected a similar application (No. A/YL-LFS/332) in 2019, the circumstance of the rejected application is different in that it would generate medium/heavy goods vehicle trips, and there was adverse departmental comment on traffic aspect. For the current application, the proposed development would only generate trips of private cars and light goods vehicles, and C for T has no adverse comment on the application. As such, approval of the current application is in line with the previous decisions of the Committee.
- 11.5 Regarding the 2 public comments received objecting to the application as stated in paragraph 10 above, the planning considerations and assessments in paragraphs 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 proposed temporary warehouse for storage of vehicle parts and construction materials 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 **9.9.2025**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) 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;
- (b) the submission of a revised 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 **9.3.2023**;
- (c) in relation to (b) above, the implementation of the revised 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 **9.6.2023**;
- (d) in relation to (c) above, the implemented drainage facilities on the Site shall

be maintained at all times during the planning approval period;

- (e) 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 **9.3.2023**;
- (f) in relation to condition (e) 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 **9.6.2023**;
- (g) if any of the above planning conditions (a) or (d) 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
- (h) if any of the above planning conditions (b), (c), (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.

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 development is not in line with the planning intention of the "REC" zone, which is intended primarily for recreational developments for the use of the general public. There is no strong planning justification in the submission for a departure from the 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 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

Appendix I	Application Form received on 21.7.2022
Appendix Ia	Supplementary Information received on 28.7.2022
Appendix Ib	Further Information received on 24.8.2022
Appendix Ic	Further Information received on 26.8.2022
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendices V-1 and V-2	Public Comments Received During Statutory Publication Period
Drawing A-1	Layout Plan
Drawing A-2	Vehicular Access Plan
Drawing A-3	Drainage Plan
Drawing A-4	Tree Survey Plan
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2022**