

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

**APPLICATION NO. A/YL-LFS/441**

- Applicant** : Ming Fai Industrial (HK) Company Limited represented by Metro Planning & Development Company Limited
- Site** : Lots 2072 (Part), 2075 (Part), 2081 (Part), 2082 (Part), 2083 (Part), 2084, 2085, 2086 and 2087 (Part) in D.D. 129 and Adjoining Government Land, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 1,910m<sup>2</sup> (including GL of 4.6m<sup>2</sup> or 0.24%)
- 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 Building 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 building 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 hard-paved and largely vacant (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Deep Bay Road (viz. Lau Fau Shan Roundabout) via a local track (**Drawing A-2**). According to the applicant, the proposed warehouse is for storage of building materials such as tiles, marble and sanitary wares. As shown on the layout plan at **Drawing A-1**, the proposal comprises 5 structures of 1 storey (about 3m to 6.5m) in height, with a total floor area of about 760m<sup>2</sup> for warehouses, site office and toilet, and electricity meter room uses. Two ingress/egress points are

proposed at the south of the Site<sup>1</sup>. 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 and drainage plan are at **Drawings A-1 to A-3** respectively.
- 1.4 The Site is involved in 2 previous applications (No. A/YL-LFS/26 and 85) (details at paragraph 5 below).
- 1.5 In support of the application, the applicant has submitted the following documents:
  - (a) Application Form received on 8.8.2022 (Appendix I)
  - (b) Supplementary Information (SI) received on 15.8.2022 (Appendix Ia)
  - (c) Further Information (FI) received on 14.9.2022\* (Appendix Ib)
  - (d) FI received on 15.9.2022\* (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 at **Appendix I**. 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 mostly occupied by open storage yards and warehouses.
- (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 have been approved. Similar preferential treatment should 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.

---

<sup>1</sup> According to the applicant, the ingress/egress at the southeast is the only available access for a site at Lot 2089 in D.D.129 (**Plan A-2**). The applicant agrees the occupier of the said site to access public road via the subject application site.

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. For the GL portion, the requirements under TPB PG-No. 31A are not applicable.

#### **4. Background**

The Site is the subject of an active planning enforcement action (Case No. E/YL-LFS/545) against unauthorised development (UD) involving storage use (including deposit of containers) and workshop use (**Plan A-2**). Enforcement Notice was issued on 30.12.2021 requiring the discontinuance of the UD by 28.2.2022. Latest site inspection on 15.8.2022 revealed that the site was vacant. The site is being closely monitored under established practice.

#### **5. Previous Applications**

- 5.1 The Site is involved in 2 previous applications. Application No. A/YL-LFS/26 involving a much larger area that straddled the "REC" and the "Coastal Protection Area" ("CPA") zones for temporary open storage of construction materials for a period of 12 months was rejected by the Board on review on 24.7.1998. Application No. A/YL-LFS/85 straddling the "REC" and "CPA" zones for proposed temporary public lorry park and lorry compartment installation workshop for a period of 3 years was rejected by the Rural and New Town Planning Committee (the Committee) on 14.6.2002. The considerations for the applications were not relevant to the current application for temporary warehouse use falling entirely within the "REC" zone.
- 5.2 Details of the above previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

#### **6. Similar Applications**

- 6.1 Within the same "REC" zone, there were 8 similar applications (No. A/YL-LFS/320, 321, 332, 361, 368, 392, 410 and 438) for temporary warehouse for storage of various materials in the past 5 years. 7 of them were approved while 1 was rejected by 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, 410 and 438 covering 5 sites were approved with conditions by the Committee between 2018 and 2022 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 on the surrounding area.

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

### **7.1 The Site is:**

- (a) hard-paved, fenced off, partly erected with open-sheds at its north and south;
- (b) largely vacant;
- (c) accessible from Deep Bay Road (viz. Lau Fau Shan Roundabout) via a local track on GL and private lots; and
- (d) connected to the structure to the southeast.

### **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 a warehouse. To the further north are warehouses, a recycling yard, an open storage yard for construction materials and a container vehicle park;
- (b) to the immediate east and southeast are a vacant site and a recycling yard. To the further east is an open storage yard;
- (c) to the south are open storage yards, including an open storage yard cum workshop covered by valid planning permission (under Application No. A/YL-LFS/399); and residential dwellings, a car park and vacant land; and
- (d) to the immediate west are open storage yards and a vehicle repair workshop. To the further west across a local track is shrubland.

## **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 16.8.2022, 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. One objects to the application mainly on grounds that the proposed development would generate adverse traffic, environmental and fire safety impacts; and the other comment queries whether the proposed development was an 'Existing Use'.

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

- 11.1 The application is for proposed temporary warehouse for storage of building 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 predominantly occupied by warehouses, open storage yards and temporary structures, with one open storage covered by planning permission. 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 The Committee has approved 7 similar applications covering 5 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 There are 2 public comments received objecting to/raising concerns on the application during the statutory publication period. The planning considerations and assessments in paragraphs 11.1 to 11.4 above are relevant. Regarding the query of 'Existing Use', the proposed development requires planning permission from the Board.

## **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 building 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 **23.9.2025**. 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 **23.3.2023**;
- (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 **23.6.2023**;
- (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 **23.3.2023**;
- (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 **23.6.2023**;
- (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 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**

<b>Appendix I</b>	Application Form received on 8.8.2022
<b>Appendix Ia</b>	Supplementary Information received on 15.8.2022
<b>Appendix Ib</b>	Further Information received on 14.9.2022
<b>Appendix Ic</b>	Further Information received on 15.9.2022
<b>Appendix II</b>	Previous and Similar Applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendices V-1 and V-2</b>	Public Comments Received During Statutory Publication Period
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Vehicular Access Plan
<b>Drawing A-3</b>	Drainage 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>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
SEPTEMBER 2022**