

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

**APPLICATION NO. A/YL-LFS/442**

- Applicant** : Mr. Kong Chun Ying represented by Metro Planning & Development Company Limited
- Site** : Lots 1684 (Part), 1685 (Part) and 1686 (Part) in D.D. 129, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 1,048m<sup>2</sup>
- 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 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 construction materials for a period of three 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 three 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 used for parking of container vehicles and storage use without valid planning permission (**Plans A-2, A-4a and A-4b**).
- 1.2 According to the applicant, the proposed warehouse is for storage of construction materials such as marble and sanitary wares. As shown on the layout plan at **Drawing A-1**, four structures of one storey (about 3m to 6.5m) in height, with a total floor area of about 464m<sup>2</sup> for warehouses, site office and toilet uses are proposed. The ingress/egress point is proposed at the east of the Site. A parking space for private car 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 Part of the Site is involved in a previous application (No. A/YL-LFS/99) (details at paragraph 5 below).
- 1.5 In support of the application, the applicant has submitted the following documents:
  - (a) Application Form with attachments received on 15.8.2022 (**Appendix I**)
  - (b) Supplementary Information (SI) received on 19.8.2022 (**Appendix Ia**)
  - (c) Further Information (FI) received on 19.9.2022^ (**Appendix Ib**)
  - (d) FI received on 14.10.2022\* (**Appendix Ic**)

*\* accepted and exempted from publication requirements*

*^ accepted but not 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, including the warehouses to the north which were approved by the Board;
- (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; and
- (e) similar applications in the vicinity have been approved.

## **3. Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is the sole “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Background**

The parking of vehicles and storage uses at the Site would be subject to planning enforcement action.

## 5. **Previous Application**

- 5.1 Part of the Site formed part of a previous application (No. A/YL-LFS/99) for temporary warehouse and open storage of construction materials for a period of three years, which was rejected by the Board on review on 4.7.2003 mainly on grounds of not in line with the planning intention and the then Town Planning Board Guidelines No. 13C<sup>1</sup> in that there were adverse departmental comment on traffic aspect; and setting undesirable precedent.
- 5.2 As compared to the previous application, the current application involves a substantially smaller site (-7,952m<sup>2</sup>) to the south and only warehouse use. Details of the above previous application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

## 6. **Similar Applications**

- 6.1 Within the same “REC” zone, there were nine similar applications for temporary warehouse in the past five years. Eight of them were approved while one 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, 438 and 441 covering six sites were approved with conditions by the Committee between 2018 and 2022 mainly on considerations that temporary approval would not jeopardise the 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 cause adverse traffic impact on the surrounding area.

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

### 7.1 The Site:

- (a) is hard-paved, with structures erected at its north, southeast and west;
- (b) is used for parking of container vehicles and storage use without valid planning permission; and

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<sup>1</sup> The then Town Planning Board Guidelines (TPB PG) No. 13C was related to application for open storage and port back-up uses. The latest version is TPB PG-No. 13F promulgated in March 2020.

- (c) accessible from Deep Bay Road via a local track on Government Land and private lots.
- 7.2 The surrounding areas have the following characteristics. Some of the uses are suspected UD's subject to planning enforcement action:
- (a) to the immediate north are a warehouse covered by valid planning permission (under application No. A/YL-LFS/368), and an open storage yard for construction materials. To the further north across a local track are open storage yards (one of which with workshop use), warehouse, parking of vehicles including container vehicles, and a car drifting ground; and
  - (b) to the east and south are shrubland intermixed with graves falling within the Permitted Burial Ground No. YL/59.

## **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 Periods**

On 23.8.2022 and 27.9.2022, the application was published for public inspection. During the statutory public inspection periods, two public comments from individuals (**Appendices V-1 and V-2**) were received objecting to the application mainly on grounds that the application is not in line with the policy to phase out brownfield uses; 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 construction materials for a period of 3 years within the "REC" zone of the OZP (**Plan A-1**). 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 three years would not jeopardise the long-term planning intention of the "REC" zone.
- 11.2 The Site is located in an area predominantly occupied by warehouses and temporary structures. The proposed development is considered not incompatible with the

surrounding area.

- 11.3 Concerned government departments including Commissioner for Transport (C for T), Director of Environmental Protection, Chief Town Planner/Urban Design and Landscape of Planning Department, Chief Engineer/Mainland North of Drainage Services Department, Head of Geotechnical Engineering Office of Civil Engineering and Development Department and Director of Fire Services have no objection to or no adverse comment on the proposed development. The proposed development would unlikely cause significant adverse traffic, environmental, landscape, drainage, slope safety 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 eight similar applications covering six sites within the same “REC” zone in the past five years. Although the Committee/Board rejected a previous application (No. A/YL-LFS/99) in 2003 and a similar application (No. A/YL-LFS/332) in 2019, the circumstances of the rejected applications were different in that there were adverse departmental comments on traffic aspect. The rejected previous application also involved open storage use, which was not in line with the relevant Town Planning Board Guidelines. For the current application, the proposed development involves only warehouse use, 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 two public comments received objecting to the application on grounds as summarised 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 construction materials could be tolerated for a period of three 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 three years until **11.11.2025**. 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 **11.5.2023**;

- (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 **11.8.2023**;
- (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 **11.5.2023**;
- (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 **11.8.2023**;
- (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 with attachments received on 15.8.2022
<b>Appendix Ia</b>	Supplementary Information received on 19.8.2022
<b>Appendix Ib</b>	Further Information received on 19.9.2022
<b>Appendix Ic</b>	Further Information received on 14.10.2022
<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>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
NOVEMBER 2022**