

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/445

- Applicant** : Mr. Wong Kwok Wing represented by Metro Planning & Development Company Limited
- Site** : Lots 1979 S.A, 1979 RP, 1980 (Part), 1981 (Part) and 1982 (Part) in D.D. 129, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 2,170m²
- 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 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 largely cleared of vegetation, filled and vacant (**Plans A-2 and A-4**).
- 1.2 According to the applicant, the proposed temporary warehouse is for storage of vehicle parts such as new body parts and engines, as well as construction materials such as tiles, marble and sanitary wares. As shown on the layout plan at **Drawing A-1**, four structures of one storey (about 3m to 9m) in height, with a total floor area of about 540m² for warehouses, site office and toilet uses are proposed. Two ingress/egress points are proposed at the west and east of the Site respectively¹. Two parking spaces for private car as well as one loading/unloading space for light goods

¹ According to the applicant, the ingress/egress point at the west of the Site is for accessing public road via a warehouse to the west of the Site, whilst the one at the east is for accessing another proposed warehouse covered by valid planning permission under application No. A/YL-LFS/438.

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. A total of 11 trees are felled/proposed to be felled. Landscape plantings comprising 25 trees along the northwestern and southwestern peripheries, as well as drainage facilities (i.e. surface U-channels and catchpits) would be provided. The proposed layout plan, vehicular access plan, tree survey plan, landscape plan and drainage plan are at **Drawings A-1 to A-5** respectively.

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

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|-----|---|----------------------|
| (a) | Application Form with attachments received on 7.10.2022 | (Appendix I) |
| (b) | Supplementary Information (SI) received on 20.10.2022 | (Appendix Ia) |
| (c) | Further Information (FI) received on 28.10.2022* | (Appendix Ib) |
| (d) | FI received on 8.11.2022* | (Appendix Ic) |
| (e) | FI received on 8.11.2022* | (Appendix Id) |

** 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 comprising 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) although felling of 11 trees is involved, the concerned trees are common species. 25 new trees are proposed to be planted along the northwestern and southwestern peripheries of the Site; and
- (e) similar applications in the vicinity have been approved.

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 ten similar applications for temporary warehouse in the past five years. Nine 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, 441 and 442 covering seven 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-4)

- 7.1 The Site:

- (a) falls within the Lau Fau Shan Site of Archaeological Interest;
- (b) is largely vacant; and
- (c) is 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 unauthorised developments subject to planning enforcement action:

- (a) to its immediate north and northeast are open storage yards. To its further north across a local track are open storage yards, a vehicle repair workshop, parking of container vehicles, a pigsty, shrubland and a pond;
- (b) to its east and south are vacant land, an open storage yard of construction materials and machineries, and a warehouse covered by valid planning permission (No. A/YL-LFS/410). To its 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, Hill Top Villa and Pine Lodge; and
- (c) to its west and southwest are a warehouse, Che Wan Seen Yuen (紫雲仙苑) which is currently vacant, residential dwellings, cultivated agricultural land, vacant 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 Periods

On 21.10.2022, 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 approval of the application is in breach of Government’s pledge to phase out brownfield uses; the streamlining arrangement of the Board’s consideration of similar applications would allow unlimited spread of 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 vehicle parts and construction materials for a period of three 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, which is primarily intended for recreational developments for the use of the general public, 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 predominated by warehouses and temporary structures. The proposed development is considered not incompatible with the surrounding land uses. It is noted that while 11 trees within the Site are proposed to be/have been felled, 25 new trees would be provided along the northwestern and southwestern peripheries of the Site. Chief Town Planner/Urban Design and Landscape of Planning Department has no comment on the application from landscape planning perspective.
- 11.3 Concerned government departments including Commissioner for Transport (C for T), Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department, Head of Geotechnical Engineering Office of Civil Engineering and Development Department, Director of Fire Services and Antiquities and Monuments Office of Development Bureau have no objection to or no adverse comment on the proposed development. The proposed development would unlikely cause significant adverse traffic, environmental, drainage, slope safety, fire safety and archaeological 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 There is no previous planning application covering the Site. However, the Committee has approved nine similar applications covering seven sites within the same “REC” zone in the past five 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 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 vehicle parts and 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 **25.11.2025**. 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 **25.5.2023**;
- (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 **25.8.2023**;
- (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 proposal for water supplies for firefighting and fire service installations 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 **25.5.2023**;
- (f) in relation to condition (e) above, the provision of water supplies for firefighting and fire service installations 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 **25.8.2023**;
- (g) the implementation of the accepted landscape proposal within **9 months** from the date of the planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **25.8.2023**;
- (h) 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
- (i) if any of the above planning conditions (b), (c), (e), (f) or (g) 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

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| Appendix I | Application Form with attachments received on 7.10.2022 |
| Appendix Ia | SI received on 20.10.2022 |
| Appendix Ib | FI received on 28.10.2022 |
| Appendix Ic | FI received on 8.11.2022 |
| Appendix Id | FI received on 8.11.2022 |
| 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 | Tree Survey Plan |
| Drawing A-4 | Landscape Plan |
| Drawing A-5 | Drainage 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
NOVEMBER 2022**