

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

**APPLICATION NO. A/YL-LFS/446**

- Applicant** : 黃國榮 (Mr.) represented by 得寶實業公司
- Site** : Lots 2179, 2180, 2181 RP, 2191 and 2192 in D.D. 129, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 3,376m<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** : “Residential (Group E)” (“R(E)”)
- Application** : Proposed Temporary Warehouse for Storage of Foods 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 foods for a period of three years (**Plan A-1**). The Site falls within an area zoned “R(E)” 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). The Site is currently used for parking of vehicles (including container vehicles) and fuel-filling station without valid planning permission (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site directly abuts and is accessible from Lau Fau Shan Road at its southwest (**Drawing A-1**). According to the applicant, the proposed temporary warehouse would be for back-of-house storage of retail shops selling festive foods, and for storage of frozen meats for food processing plants nearby. As shown on the layout plan at **Drawing A-1**, four structures of one to two storeys (about 3m to 9m) in height and with a total floor area of about 2,467m<sup>2</sup> are proposed for storage of foods (including cold store), site office and toilet, rain shelter and fire service pump room uses. The ingress/egress is located at the southwest of the Site. Two parking spaces for light goods vehicles, and two loading/unloading spaces for heavy goods vehicles and container vehicles would be provided.
- 1.3 According to the applicant, the operation hours would be between 8 a.m. and 8 p.m. from Mondays to Saturdays. There would be no operation on Sundays and public holidays. No processing, washing and cooking of food would be undertaken at the

Site. Portable toilets would be provided at the structure for site office and toilet uses, and desludging would be undertaken regularly.

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

- |     |  |                      |
|-----|--|----------------------|
| (a) | Application Form with attachments received on 20.10.2022 | <b>(Appendix I)</b>  |
| (b) | Supplementary Information (SI) received on 3.11.2022     | <b>(Appendix Ia)</b> |
| (c) | Further Information (FI) received on 17.11.2022*         | <b>(Appendix Ib)</b> |
| (d) | Further Information (FI) received on 29.11.2022*         | <b>(Appendix Ic)</b> |

*\* 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 use is temporary in nature, and would not jeopardise the long-term planning intention of the area. By approving the application, the proposed use could be brought under regulatory control;
- (b) traffic generated by the proposed use would not be significant. Ingress/egress with sufficient width and internal manoeuvring space would be provided to facilitate turning and U-turn movements of vehicles. No vehicle would queue back to or reverse onto/from public road. Hence, the proposed use would not cause adverse traffic impact to the local road network;
- (c) the Site has been formed with utility facilities available. No pond filling or land excavation works would be required. No illuminated signboard would be erected. The proposed use would not cause adverse ecological and environmental impacts;
- (d) the proposed use could facilitate the proper management of the Site. By preventing dumping or fly-tipping at the Site, the local environment would be improved; and
- (e) similar applications within the same “R(E)” zone have been approved by the Board.

## **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 Applications**

- 5.1 The Site is involved in two previous applications (No. A/YL-LFS/153 and 196) for proposed temporary open storage of construction materials/machineries and/or recycling materials for a period of three years. Both of them were approved with conditions by the Rural and New Town Planning Committee (the Committee) in 2007 and 2009 respectively on considerations that there was no immediate development proposal and temporary use could be tolerated in the interim; the proposed development was in line with the then Town Planning Board Guidelines No. 13D/E for “Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance”; the proposed development was not incompatible with the general character of the area; there were generally no adverse comments from the concerned government departments or the technical concerns could be addressed through implementation of approval conditions; and similar applications were approved in the vicinity of the Site. Nevertheless, the permission under application No. A/YL-LFS/196 was subsequently revoked in 2011 due to non-compliance with an approval condition prohibiting workshop activities. 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/196, the current application is submitted by the same applicant for a different use at a substantially smaller site (-32,004m<sup>2</sup> or -90.5% in area).

## **6. Similar Application**

There is no similar application for warehouse use within the subject “R(E)” zone.

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

- 7.1 The Site is:
- (a) largely uncovered and partitioned into two compartments, one of which is for parking of vehicles (including container vehicles) and fuel-filling station, whilst the other is largely vacant; and
  - (b) directly abutting and accessible from Lau Fau Shan Road at its southwest.
- 7.2 The surrounding areas have the following characteristics. Some of the uses are suspected unauthorized developments (UDs) subject to planning enforcement action:
- (a) to its immediate north is a vehicle park. To the further north along Deep Bay Road and Shan Tung Street are eating places, stores, vehicle parks, a vehicle repair workshop, an open storage yard of construction materials, residential dwellings and shrubland;
  - (b) to its east is a logistic centre covered by valid planning permission (No. A/YL-LFS/397);
  - (c) to its south are a warehouse and an open storage yard of construction materials

which is covered by valid planning permission (No. A/YL-LFS/396). To the further southeast is the recognised village of San Hing Tsuen; and

- (d) to its west and southwest across Lau Fau Shan Road are a warehouse covered by valid planning permission (No. A/HSK/236), open storage yards, parking of vehicles, a telephone exchange and a recycling workshop.

## **8. Planning Intention**

The “R(E)” zone is intended primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the Board. Whilst existing industrial uses will be tolerated, new industrial developments are not permitted in order to avoid perpetuation of industrial/residential interface problem.

## **9. Comments from Relevant Government Departments**

9.1 Apart from the government department as set out in paragraph 9.2 below, other 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.

9.2 The following government department does not support the application:

### **Environment**

9.2.1 Comments of the Director of Environmental Protection (DEP):

- (a) She does not support the application, as the applied use involves heavy vehicles and there is sensitive receiver, i.e. residential dwelling located to the north (at about 60m) of the Site (**Plan A-2**). Environmental nuisance is expected.
- (b) Should the application be approved, the following approval condition is recommended:  
  
only temporary storage of food is allowed on the Site. No food processing, washing, or cooking is allowed to be carried out at the Site.
- (c) There is no substantiated environmental complaint pertaining to the Site received in the past three years.
- (d) The applicant should be reminded of the advisory comments at **Appendix IV**.

## **10. Public Comments Received During Statutory Publication Period**

On 4.11.2022, the application was published for public inspection. During the statutory public inspection period, two objecting public comments from individuals (**Appendices**

**V-1 and V-2)** were received mainly raising concerns on the current operations and hygienic condition of the Site; and that the proposed use 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 foods for a period of three years at the Site within the “R(E)” zone (**Plan A-1**). Although the proposed use is not in line with the planning intention of the “R(E)” zone, there is no known development proposal to implement the zoned use 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 “R(E)” zone.
- 11.2 The Site is located in an area predominated by logistics centres, warehouses, open storage yards and vehicle parks. The proposed development is considered not incompatible with the surrounding land uses.
- 11.3 Concerned government departments including the Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department (CE/MN of DSD), Director of Fire Services (D of FS) and Director of Food and Environmental Hygiene have no objection to/no comment on the application from traffic, drainage, fire safety, and food and environmental hygiene aspects.
- 11.4 DEP does not support the application as there are sensitive receivers in the vicinity of the Site (the nearest residential dwellings being about 60m to the north of the Site) and the proposed use involves the use of heavy vehicles. However, it should be noted that the Site is directly abutting and accessible from Lau Fau Shan Road, which is a public road and traffic of heavy vehicle is permitted. Moreover, the Site has been used for open-air parking of container vehicles, and there has been no environmental complaint pertaining to the Site received in the past three years. Considering the proposed warehouse for foods will be enclosed and no processing, washing and cooking of food would be involved, its operation is not anticipated to cause additional environmental nuisances to the surroundings. To minimise any possible environmental nuisance, the applicant will be advised to adopt the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’. The technical requirements of CE/MN of DSD and D of FS could be addressed by imposing approval conditions in paragraph 12.2 below.
- 11.5 The Committee has approved two previous applications for temporary open storage uses at the Site (**Plan A-1**). Approval of the current application is in line with the Committee’s previous decisions.
- 11.6 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 foods 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 3 years until **9.12.2025**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### **Approval Conditions**

- (a) no food processing, washing or cooking, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no vehicle is allowed to queue back to public road or reverse onto/from the public road at any time during the planning approval period;
- (c) the submission of a 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 **9.6.2023**;
- (d) in relation to (c) above, the implementation of the 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 **9.9.2023**;
- (e) in relation to (d) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) 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 **9.6.2023**;
- (g) in relation to condition (f) 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 **9.9.2023**;
- (h) the submission of a run-in/out proposal within **6 months** from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by **9.6.2023**;
- (i) in relation to (h) above, the implementation of the run-in/out proposal within **9 months** from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by **9.9.2023**;
- (j) if any of the above planning condition (a), (b) or (e) 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

- (k) if any of the above planning condition (c), (d), (f), (g), (h) or (i) 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:

- (a) the proposed use is not in line with the planning intention of the "R(E)" zone, which is primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the Board. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis; and
- (b) the applicant fails to demonstrate that the proposed use would not generate adverse environmental impact on the surrounding areas.

### **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 20.10.2022
<b>Appendix Ia</b>	SI received on 3.11.2022
<b>Appendix Ib</b>	FI received on 17.11.2022
<b>Appendix Ic</b>	FI received on 29.11.2022
<b>Appendix II</b>	Previous 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>Plan A-1</b>	Location Plan with Previous 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  
DECEMBER 2022**