

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

**APPLICATION NO. A/YL-LFS/449**

- Applicant** : Great Mount Development Ltd.
- Site** : Lot 2227 (Part) in D.D. 129, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 432m<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** : Temporary Storage of Construction Materials and Engineering Machineries with Ancillary Workshop for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary storage of construction materials and engineering machineries with ancillary workshop for a period of three years at the application site (the Site) (**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). The Site is currently used for the applied use without any valid planning permission (**Plans A-2, A-4a and A-4b**).
- 1.2 As shown on the layout and vehicular access plan at **Drawing A-1**, the Site is accessible from Deep Bay Road via a local track. Two structures of one storey (about 2.4m to 5m) in height and with a total floor area of about 365m<sup>2</sup> (site coverage of about 84.5%) are used for storage and ancillary workshop purposes. As indicated in the submission, the Site is for storage of construction materials, aluminium pipes/frames, elevating platforms and small-scale machineries, whilst the ancillary workshop is for routine checking and maintenance of the elevating platforms. The ingress/egress is located at the north of the Site. Two loading/unloading spaces for medium goods vehicles are provided.
- 1.3 According to the applicant, the operation hours are between 8 a.m. and 8 p.m. from Mondays to Saturdays. There is no operation on Sundays and public holidays. Drainage facilities (i.e. surface U-channels and catchpits) are provided on-site. The layout and vehicular access plan and drainage plan are at **Drawings A-1 and A-2** respectively.

1.4 The Site is involved in nine previous applications for various temporary open storage uses, including eight applications approved by the Rural and New Town Planning Committee (the Committee) between 2000 and 2019 (details at paragraph 5 below).

1.5 A comparison of the major development parameters between the last previous application No. A/YL-LFS/336 and the current application is as follows.

	<b>Previous Application No. A/YL-LFS/336 (a)</b>	<b>Current Application No. A/YL-LFS/449 (b)</b>	<b>Difference (b) - (a)</b>
<b>Site Area</b>	about 432m <sup>2</sup>		No change
<b>Applied uses</b>	Temporary Open Storage of Construction Materials, Aluminium Pipes/Frames, Elevating Platforms, Small-scale Machinery with Ancillary Workshop and 2 Loading and Unloading Spaces for Goods Vehicles for a Period of 3 Years	Temporary Storage of Construction Materials and Engineering Machineries with Ancillary Workshop for a Period of 3 Years	Changed form of storage of similar types of items
<b>No. of structures</b>	2 • 1 storage with ancillary workshop • 1 storage		No change
<b>Total Floor Area</b>	about 365m <sup>2</sup>		No change
<b>Height of structures</b>	1 storey (about 2.4m to 5m)		No change
<b>No. of parking spaces</b>	2 (for medium goods vehicle)		No change
<b>Operation Hours</b>	8:00 a.m. to 8:30 p.m. (no operation on Sundays and public holidays)	8 a.m. to 8 p.m. (no operation on Sundays and public holidays)	Slightly shortened operating hours

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

- (a) Application Form received on 5.12.2022 **(Appendix I)**
- (b) Supplementary Information (SI) received on 9.12.2022 **(Appendix Ia)**

## 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 Site is the subject of a previous application (No. A/YL-LFS/336). During its validity period, all the approval conditions had been complied with by the specified time limit so as to enhance the environmental quality, and no complaint was received. There is no change in the site area and uses when comparing to the previous application;
- (b) as the traffic flow generated by the applied use would be minimal, there would be no adverse traffic impact; and

- (c) should the application be approved, the applicant would comply with the approval condition(s) imposed.

### **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 storage use on the Site would be subject to planning enforcement action.

### **5. Previous Applications**

- 5.1 The Site is involved in nine previous applications for temporary open storage of various construction materials and machineries with ancillary workshop. 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-1b**.

#### *Rejected application*

- 5.2 Application No. A/YL-LFS/187 for temporary open storage of marble with ancillary workshop covering an additional area to the north of the Site was rejected by the Committee on 9.1.2009 mainly on grounds of being not in line with the then Town Planning Board Guidelines for Applications for Open Storage and Port Back-up Use in that the Site fell within Category 3 areas and the northern extension area was not covered by any previous planning permission; and there were adverse departmental comment on environment aspect and environmental complaint on waste aspect pertaining to the northern extension area.

#### *Approved applications*

- 5.3 Application No. A/YL-LFS/57, 78, 125, 183, 225, 260, 293 and 336 were approved with conditions by the Committee between 2000 and 2019 mainly on considerations that temporary approval would not jeopardise the long-term planning intention; the applied use was in line with the relevant Town Planning Board Guidelines for Applications for Open Storage and Port Back-up Uses; the applied use was not incompatible with the surrounding land uses; and/or concerned government departments generally had no objection to the application and the technical concerns could be addressed by approval conditions. Nevertheless, the permission under application No. A/YL-LFS/57 was subsequently revoked in 2001 due to non-compliance with a time-limited approval condition on submission of drainage proposal. As for the last previous application No. A/YL-LFS/336, all the approval

conditions had been complied with, and the planning permission lapsed on 13.4.2022.

- 5.4 Compared to the last previous application No. A/YL-LFS/336, the current application is submitted by the same applicant for a different use (viz. storage with ancillary workshop) at the same site.

## **6. Similar Applications**

- 6.1 Within the same “REC” zone, there were 11 similar applications for temporary warehouse in the past five years. 10 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-1a**.

### *Approved applications*

- 6.2 Applications No. A/YL-LFS/320, 321, 361, 368, 392, 410, 438, 441, 442 and 445 covering eight 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 without previous planning permission would generate additional 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-1a to A-4b)**

- 7.1 The Site is:

- (a) largely covered by structures, and being used for the applied use without valid planning permission; and
- (b) located to the southeast of Deep Bay Road, and is accessible from Deep Bay Road via a local track and a vacant land to the north of the Site.

- 7.2 The surrounding areas have the following characteristics. Some of the uses are suspected unauthorized developments subject to planning enforcement action:

- (a) to the immediate north is a vacant land. To the further north across Deep Bay Road are open storage yards (one of which covered by valid planning permission No. A/YL-LFS/399), storage yards, a vehicle assembly workshop

covered by valid planning permission (No. A/YL-LFS/399), residential dwellings and a plant nursery;

- (b) to the east are open storage yards, parking of vehicles, a recycling workshop, a site under construction and vacant land;
- (c) to the immediate south are a workshop and parking of container vehicles. To the further south is a logistics centre covered by valid planning permission No. A/YL-LFS/397; and
- (d) to the immediate west across a local track is an open storage yard. To the further southwest are residential dwellings 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**

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 are sensitive receivers, i.e. residential dwellings (the nearest is at about 43m to the north of the Site) (**Plan A-2**). Environmental nuisance is expected;
- (b) there is no substantiated environmental complaint pertaining to the Site in the past three years; and
- (c) the applicant should be reminded of the advisory comments at **Appendix IV**.

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

On 13.12.2022, the application was published for public inspection. During the statutory public inspection period, a public comment from an individual (**Appendix V**) was received

objecting to the application mainly on grounds that the applied use would generate adverse traffic, environmental and fire safety impacts.

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

- 11.1 The application is for temporary storage of construction materials and engineering machineries with ancillary workshop for a period of three years within the “REC” zone of the OZP (**Plan A-1**). Although the applied use 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 predominated by open storage yards, workshops, logistics centre and temporary structures, some of which are covered by valid planning permissions. The applied use is considered not incompatible with the surrounding land uses.
- 11.3 Concerned government departments including Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department (CE/MN of DSD) and Director of Fire Services (D of FS) have no objection to or no adverse comment on the application from traffic, drainage and fire safety aspects. The technical requirements of CE/MN of DSD and D of FS could be addressed by imposing approval conditions in paragraph 12.2 below.
- 11.4 DEP does not support the application as there are sensitive receivers in the vicinity of the Site (the nearest residential dwellings being about 43m to the north of the Site) and the applied use involves use of heavy vehicles. However, the Site has been used for the applied use and there has been no environmental complaint pertaining to the Site in the past three years. To minimise any possible environmental nuisance, relevant approval conditions restricting operational hours and days have been recommended in paragraph 12.2 below. The applicant will also be advised to adopt the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’.
- 11.5 The Committee has approved eight previous applications for temporary open storage uses at the Site. The Committee has also approved 10 similar applications covering eight sites within the same “REC” zone in the past five years. Although the Committee rejected a previous application for temporary open storage use (No. A/YL-LFS/187) in 2009 and a similar application (No. A/YL-LFS/332) in 2019, the circumstances of the rejected applications are different in that the former was not in line with the then Town Planning Board Guidelines for Applications for Open Storage and Port Back-up Use in that the northern extension area was not covered by any previous planning permission, whilst the latter was not subject to previous application and would generate additional medium/heavy goods vehicle trips. For the current application for temporary storage with site coverage of about 84.5%, the said Town Planning Board Guidelines is not applicable; it has been subject to previous approved applications involving the use of medium goods vehicle since 2014 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.

- 11.6 Regarding the public comment received objecting to the application on grounds as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.5 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 comment mentioned in paragraph 10 above, the Planning Department considers that the temporary storage of construction materials and engineering machineries with ancillary workshop 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 **3.2.2026**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### **Approval Conditions**

- (a) no operation from 8:00 p.m. to 8:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no vehicle exceeding 24 tonnes, including 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;
- (d) the submission of a condition record of the existing drainage facilities on the Site within **3 months** from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **3.5.2023**;
- (e) 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 **3.8.2023**;
- (f) in relation to (e) 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 **3.11.2023**;
- (g) in relation to (f) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) the submission of a fire service installations proposal within **6 months** from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **3.8.2023**;

- (i) in relation to (h) above, the implementation of the fire service installations proposal within **9 months** from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **3.11.2023**;
- (j) if any of the above planning conditions (a), (b), (c) or (g) 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 conditions (d), (e), (f), (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 applied use 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; and
- (b) the applicant fails to demonstrate that the applied 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 5.12.2022
<b>Appendix Ia</b>	SI received on 9.12.2022
<b>Appendix II</b>	Previous and Similar Applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendix V</b>	Public Comment Received During Statutory Publication Period
<b>Drawing A-1</b>	Layout and Vehicular Access Plan
<b>Drawing A-2</b>	Drainage Plan



<b>Plan A-1a</b>	Location Plan with Similar Applications
<b>Plan A-1b</b>	Site 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  
FEBRUARY 2023**