

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

**APPLICATION NO. A/YL-LFS/451**

- Applicant** : Great Mount Development Ltd.
- Site** : Lots 2219 RP (Part) and 2226 (Part) in D.D.129 and Adjoining Government Land (GL), Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 3,600m<sup>2</sup> (including GL of about 218m<sup>2</sup> or 6.1%)
- 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
- Zonings** : (i) “Residential (Group E)” (“R(E)”) (about 71.1%)  
[Restricted to a maximum plot ratio (PR) of 0.4 and a maximum building height (BH) of 3 storeys (9m) including car park]  
  
(ii) “Recreation” (“REC”) (about 28.9%)
- Application** : Temporary Open Storage of Construction Materials and Engineering Machineries for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary open storage of construction materials and engineering machineries for a period of three years at the application site (the Site) (**Plan A-1**). The Site falls mainly within an area zoned “R(E)” (about 71.1%) and partly within an area zoned “REC” (about 28.9%) 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 The Site is accessible from Deep Bay Road via a local track, with the ingress/egress located at the northeast of the Site (**Drawing A-1**). As indicated in the submission, the Site is for storage of construction materials, aluminium pipes/frames, elevating platforms and small-scale machineries. As shown on the layout and vehicular access plan at **Drawing A-1**, nine structures of one to two storeys (about 2.4m to 6.5m) in height and with a total floor area of about 505m<sup>2</sup> (site coverage of about 11.5%) are used for storage, office and car parking purposes. Five parking spaces for private cars, as well as four 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 17 previous applications for various temporary open storage uses, including 15 applications approved by the Rural and New Town Planning Committee (the Committee) between 1996 and 2016 (details at paragraph 6 below).
- 1.5 A comparison of the major development parameters between the last previous application No. A/YL-LFS/283 and the current application is as follows.

	<b>Previous Application No. A/YL-LFS/283 (a)</b>	<b>Current Application No. A/YL-LFS/451 (b)</b>	<b>Difference (b) - (a)</b>
<b>Site Area</b>	about 3,600m <sup>2</sup>		No change
<b>Applied uses</b>	Temporary Open Storage (Marbles, Construction Materials, Aluminium Cans and Cylinders/Frames, Small-Scale Machinery, Parking for Car, Lorries and Motorcycles, Mini Elevating Platforms and 4 Loading/Unloading Spaces) for a Period of 3 Years	Temporary Open Storage of Construction Materials and Engineering Machineries for a Period of 3 Years	Change of types of storage items
<b>No. of structures</b>	10 • for storage, office, shade shed, lounge and toilet uses	9 • for storage, office and parking uses	-1 (-10%)
<b>Total Floor Area</b>	about 261m <sup>2</sup>	about 505m <sup>2</sup>	+244m <sup>2</sup> (+93%)
<b>Height of structures</b>	1-2 storeys (about 2.4m to 6.5m)		No change
<b>No. of parking spaces</b>	32	5	-27 (-84%)
<b>No. of loading/unloading spaces</b>	4		No change
<b>Operation Hours</b>	7:30 a.m. to 8 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 with attachments received on 16.12.2022 (**Appendix I**)
- (b) Supplementary Information (SI) received on 21.12.2022 (**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 had been subject to planning permissions for a long period of time, with all the approval conditions having been complied with by the specified time limit; and
- (b) the noise and traffic flow generated by the applied use would be minimal. There would be no adverse traffic impact arising from the applied use.

## **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. For the GL portion, the requirements as set out in TPB PG-No. 31A are not applicable.

## **4. Town Planning Board Guidelines**

The Town Planning Board Guidelines No. 13F for “Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” (TPB PG-No. 13F) promulgated by the Board on 27.3.2020 are relevant to the application. The Site falls within the Category 2 and 3 areas for the portions zoned “R(E)” and “REC” respectively under the TPB PG-No. 13F. The relevant extract of the Guidelines is attached at **Appendix II**.

## **5. Background**

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

## **6. Previous Applications**

- 6.1 The Site is involved in 17 previous applications for temporary open storage of various construction materials, machineries and vehicles. 15 of them were approved while two were rejected. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1b**.

### *Rejected applications*

- 6.2 Applications No. A/YL-LFS/79 and 229 were rejected by the Committee in 2002 and 2011 respectively mainly on grounds of lack of technical information in support of the application, and the applicants failed to demonstrate no environmental nuisance on the nearby residential dwellings, especially under the background of (repeated) non-compliance with approval conditions of their respective previous

application(s).

*Approved applications*

- 6.3 Applications No. A/YL-LFS/12, 19, 25, 43, 44, 92, 144, 168, 186, 211, 232, 250, 255, 272 and 283 were approved with conditions by the Committee/the Board on review between 1996 and 2016 mainly on considerations that temporary approval would not jeopardise the long-term planning intentions; the applied use was in line with the relevant TPB PG-No. 13; the applied use was not incompatible with the surrounding land uses; and concerned government departments generally had no objection to the application and/or the technical concerns could be addressed by approval conditions. The planning permissions under applications No. A/YL-LFS/92, 186 and 211 were subsequently revoked due to non-compliance with approval conditions. As for the last previous application No. A/YL-LFS/283, all the approval conditions had been complied with, and the planning permission lapsed on 20.2.2019.
- 6.4 Compared to the last previous application No. A/YL-LFS/283, the current application is submitted by the same applicant for the same use at the same site, with an increased floor area (+244m<sup>2</sup> or 93%), fewer structures (-1 or -10%) and fewer parking spaces (-27 or -84%).

## **7. Similar Applications**

- 7.1 Within/straddling the same “R(E)” and “REC” zones, there were 10 similar applications for open storage use for various items in the past five years. Five of them were approved while five were rejected by the Committee. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1a**.

### Applications within/straddling the “R(E)” zone

*Approved applications*

- 7.2 Applications No. A/YL-LFS/322 and 396 falling entirely within the “R(E)” zone were approved with conditions by the Committee in 2018 and 2021 respectively mainly on considerations that temporary approval would not jeopardise the long-term planning intention; the applied use was in line with the relevant TPB PG-No. 13; the applied use was not incompatible with the surrounding area; and concerned government departments generally had no objection to the application and/or the technical concerns could be addressed by approval conditions.

*Rejected application*

- 7.3 Application No. A/YL-LFS/416 straddling the “R(E)” and “Green Belt” (“GB”) zones was rejected by the Committee in 2022 mainly on grounds of not in line with the planning intentions and relevant Town Planning Board Guidelines; not compatible with the surrounding environment; and there were adverse departmental comments on environmental, traffic, landscape and geotechnical aspects.

### Applications within the “REC” zone

#### *Approved applications*

- 7.4 Applications No. A/YL-LFS/308, 336 and 399 covering two sites were approved with conditions by the Committee between 2018 and 2021 mainly on considerations that the sites were subject to previous permission since 1998 and 2000 respectively; the applied use was in line with the relevant TPB PG-No. 13; and concerned government departments generally had no objection to the application and/or the technical concerns could be addressed by approval conditions.

#### *Rejected applications*

- 7.5 Applications No. A/YL-LFS/326, 329, 351 and 400 were rejected by the Committee between 2018 and 2021 mainly on grounds that the sites were not subject to previous permissions for open storage use; there were adverse departmental comments on environmental, traffic, landscape and/or drainage aspects; and the applied use was not in line with the planning intentions and the relevant Town Planning Board Guidelines.

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

#### 8.1 The Site is:

- (a) fenced off, erected with 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.

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

- (a) to the 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, a plant nursery, a restaurant, a car park and vacant land;
- (b) to the east across a local track are open storage yards, parking of vehicles, a recycling workshop, a warehouse, a workshop and vacant land;
- (c) to the south is a logistics centre covered by valid planning permission No. A/YL-LFS/397; and
- (d) to the southwest are residential dwellings, an open storage yard, a warehouse and unused land.

## **9. Planning Intentions**

- 9.1 The “R(E)” 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.
- 9.2 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.

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

- 10.1 Apart from the government department as set out in paragraph 10.2 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 IV and V** respectively.
- 10.2 The following government department does not support the application:

### **Environment**

#### **10.2.1 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 of which is located at about 1m to the southwest 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;
- (c) the applicant should be reminded of the advisory comments at **Appendix V**.

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

On 23.12.2022, the application was published for public inspection. During the statutory public inspection period, a public comment from an individual (**Appendix VI**) was received objecting to the application on grounds that setting up warehouses and workshops in rural areas would generate adverse traffic, environmental and fire safety impacts.

## **12. Planning Considerations and Assessments**

- 12.1 The application is for temporary open storage of construction materials and engineering machineries for a period of three years. The Site falls mainly within the

“R(E)” zone (about 71.1%) and partly within the “REC” zone (about 28.9%) of the OZP (**Plan A-1**). Although the applied use is not in line with the planning intentions of the “R(E)” and “REC” zones, 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 intentions of the “R(E)” and “REC” zones.

- 12.2 The Site is located in an area predominated by 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.
- 12.3 According to TPB PG-No. 13F, the Site falls within Category 2 and 3 areas. The application is generally in line with TPB PG-No. 13F in that majority of the Site falls within Category 2 areas (about 71.1%). Except DEP, no adverse comments from 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). The technical requirements of CE/MN of DSD and D of FS could also be addressed by imposing approval conditions in paragraph 13.2 below. Although part of the Site falls within Category 3 areas (about 28.9%), 15 previous planning permissions for various temporary open storage uses have been granted for the Site since 1996. Moreover, all approval conditions of the last previous application (No. A/YL-LFS/283) had been complied with. There has also been no major change in planning circumstances since the previous planning permission. In this regard, sympathetic consideration may be given to the current application.
- 12.4 While DEP does not support the application as there are sensitive receivers in the vicinity of the Site (the nearest residential dwelling being at about 1m to the southwest of the Site) and the applied use involves use of heavy vehicles, the Site has been used for the applied use and there was no substantiated 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 13.2 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’.
- 12.5 The Committee has approved 15 previous applications for temporary open storage uses at the Site. The Committee has also approved five similar applications covering three sites within the same “R(E)” and “REC” zones in the past five years. Although the Committee rejected two previous applications (No. A/YL-LFS/79 and 229) in 2002 and 2011 respectively for temporary open storage use, they were rejected mainly on ground of non-compliance with approval conditions of their respective previous application(s). The circumstances of the four rejected similar applications (No. A/YL-LFS/326, 329, 351 and 400) falling within the “REC” zone and Category 3 areas, as well as the one (No. A/YL-LFS/416) straddling the “R(E)” and “GB” zones, are also different from the current application in that they were not subject to previous permissions for temporary open storage use and there were adverse departmental comments. Approval of the current application is considered generally in line with the previous decisions of the Committee.
- 12.6 Regarding the public comment received objecting to the application on grounds as summarised in paragraph 11 above, the planning considerations and assessments in

paragraphs 12.1 to 12.6 above are relevant.

### **13. Planning Department's Views**

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comment mentioned in paragraph 11 above, the Planning Department considers that the temporary open storage of construction materials and engineering machineries could be tolerated for a period of three years.
- 13.2 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 provision of fire extinguisher(s) with a valid fire certificate (FS 251) within **6 weeks** from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **17.3.2023**;
- (i) 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**;
- (j) in relation to (i) 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**;

- (k) 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
- (l) if any of the above planning conditions (d), (e), (f), (h), (i) or (j) 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 V**.

13.3 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 intentions of the "R(E)" and "REC" zones, which are primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the Board; and 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 intentions, 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.

### **14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant planning permission.
- 14.2 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.
- 14.3 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.

### **15. Attachments**

<b>Appendix I</b>	Application Form received on 16.12.2022
<b>Appendix Ia</b>	SI received on 21.12.2022
<b>Appendix II</b>	Extract of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F)
<b>Appendix III</b>	Previous and Similar Applications
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses

<b>Appendix VI</b>	Public Comment Received During Statutory Publication Period
<b>Appendix VII</b>	‘Good Practice for Open Storage Sites’ by the Fire Services Department
<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**