

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

**APPLICATION NO. A/YL-LFS/455**

- Applicant** : Mr. Kong Chun Ying represented by Metro Planning & Development Company Limited
- Site** : Lots 2207 RP (Part), 2213 S.A RP, 2213 S.B and 2214 RP in D.D. 129, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 2,050m<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 Building Materials for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary warehouse for storage of building materials 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 partly covered by temporary structures and used for plant nursery (**Plans A-2, A-4a to A-4c**).
- 1.2 As shown on the vehicular access plan at **Drawing A-2**, the Site is accessible from Deep Bay Road via an access track. As shown on the layout plan at **Drawing A-1**, four structures of one storey (about 3m to 6.5m) in height and with a total floor area of about 1,160m<sup>2</sup> for warehouse, fire service water tank and pump room, site office and toilet uses are proposed. As indicated in the submission, the proposed temporary warehouse is for storage of building materials such as tiles, marble and sanitary wares. The ingress/egress point is proposed at the east of the Site. A parking space for private cars, and two loading/unloading spaces for light goods vehicles 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 is no operation on Sundays and public holidays. Drainage facilities (i.e. surface U-channels and catchpits) would be provided on site

**(Drawing A-3).** The layout plan, vehicular access plan and drainage plan are at **Drawings A-1 to A-3** respectively.

1.4 The Site is involved in a previous application (No. A/YL-LFS/146) for proposed temporary open storage of construction materials for a period of three years, which was rejected by the Rural and New Town Planning Committee (the Committee) of the Board on 4.8.2006 (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 26.1.2023 **(Appendix I)**
- (b) Supplementary Information (SI) received on 1.2.2023 **(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 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. No felling of trees will be undertaken; and
- (d) 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**

5.1 The Site is involved in a previous application (No. A/YL-LFS/146) for proposed temporary open storage of construction materials for a period of three years, which was rejected by the Committee on 4.8.2006 mainly on grounds of being not in line

with the then Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that the Site fell within Category 4 areas and the site was not covered by any previous planning permission; and failure to demonstrate no environmental, traffic, drainage and landscape impacts on the surrounding areas. Details of the above previous application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

- 5.2 As compared to the previous application, the current application is submitted by a different applicant for a different use at a smaller site (-250m<sup>2</sup> or -11%).

## **6. Similar Applications**

- 6.1 Within the same “REC” zone, there were 12 similar applications for temporary warehouse/storage use in the past five years. 11 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, 442, 445 and 449 covering nine sites were approved with conditions by the Committee between 2018 and 2023 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, 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-4c)**

- 7.1 The Site is:

- (a) partly hard-paved and erected with temporary structures, and forms part of a plant nursery; and
- (b) located at about 100m northeast of the Lau Fau Shan Roundabout, and is accessible from Deep Bay Road via an access track on Government Land.

- 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 north are open storage yards (one of which with workshop use and

covered by valid planning permission under application No. A/YL-LFS/399), a storage yard, a restaurant, a car park, offices, the remaining part of the plant nursery, vacant land and shrubland;

- (b) to the southeast across Deep Bay Road are open storage yards (one of which covered by valid planning permission under application No. A/YL-LFS/451), a logistic centre covered by valid planning permission under application No. A/YL-LFS/397, a vehicle repair workshop, residential dwellings and unused land; and
- (c) to the southwest are a storage yard, a car park, parking of vehicles and vacant land. To the further west across a local track are village office and a store, a car park, parking of lorries, residential dwellings, vacant land and shrubland.

## **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 Comment Received During Statutory Publication Period**

On 3.2.2023, 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 developments should be restricted at the Site which is close to the “Coastal Protection Area” zone, and approval of the application would legitimise the unauthorized use currently on the Site.

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

11.1 The application is for proposed temporary warehouse for storage of building materials for a period of three years within the “REC” zone of the OZP (**Plan A-1**). Although the proposed 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, vehicle parks, logistics centre and temporary structures, some of which are covered by valid planning permissions. The proposed use is considered not incompatible with the surrounding land uses.

- 11.3 Concerned government departments including Commissioner for Transport (C for T), Director of Environmental Protection, 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, environment, drainage and fire safety aspects. The proposed development would unlikely cause significant adverse traffic, environmental, drainage and fire safety impacts on 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.
- 11.4 The Committee has approved 11 similar applications covering nine 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/146) in 2006 and a similar application (No. A/YL-LFS/332) in 2019, the circumstances of the rejected applications are different in that the former for open storage use was not in line with the then Town Planning Board Guidelines for Applications for Open Storage and Port Back-up Use (i.e. the site fell within Category 4 areas, it was not covered by any previous planning permission, and there were adverse departmental comments on environmental, traffic, drainage and landscape aspects), whilst the latter would generate medium/heavy goods vehicle trips, on which C for T had adverse comment. For the current application for temporary warehouse use, the said Town Planning Board Guidelines are not applicable. Also, concerned departments have 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 comment received objecting to the application on grounds as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.4 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 comment mentioned in paragraph 10 above, the Planning Department considers that the proposed temporary warehouse for storage of building 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 **17.3.2026**. 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) 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 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 **17.9.2023**;
- (d) in relation to (c) 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 **17.12.2023**;
- (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 planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **17.9.2023**;
- (g) in relation to condition (f) 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 **17.12.2023**;
- (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 and the Commissioner for Transport or of the Town Planning Board by **17.9.2023**;
- (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 and the Commissioner for Transport or of the Town Planning Board by **17.12.2023**;
- (j) if any of the above planning conditions (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 conditions (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:

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 26.1.2023
<b>Appendix Ia</b>	SI received on 1.2.2023
<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 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 to A-4c</b>	Site Photos

**PLANNING DEPARTMENT  
MARCH 2023**