

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/469

- Applicant** : Three Fai Investment Limited represented by Allgain Land Administrators (Hong Kong) Limited
- Site** : Lots 2072 (Part), 2074 (Part), 2075 (Part), 2076 (Part), 2080 (Part), 2082(Part) and 2083 (Part) in D.D. 129, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 1,850m²
- 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 Warehouse for Storage of Hardware Accessories for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary warehouse for storage of hardware accessories for a period of three years at the application site (the Site) (**Plan A-1**) zoned “REC” on the OZP. 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 to A-4c**).
- 1.2 The Site is accessible from Deep Bay Road via a local track, with the ingress/egress located at the east of the Site (**Drawing A-2**). As shown on the layout plan at **Drawing A-1**, two structures of two storeys (about 6m to 11m) in height and with a total floor area of 2,070m² for warehouse and site office uses are proposed. Two loading/unloading spaces for light goods vehicles would be provided.
- 1.3 According to the applicant, the operation hours would be between 9 a.m. and 6 p.m. from Mondays to Saturdays. There would be no operation on Sundays and public holidays. The layout plan and vehicular access plan are at **Drawings A-1 and A-2** respectively.
- 1.4 The Site is involved in five previous applications, including four applications for temporary warehouse for storage of animal feed which were approved with

conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 2011 and 2020 (details at paragraph 5 below).

- 1.5 Compared with the last previous application No. A/YL-LFS/361, the current application is submitted by a different applicant for the same use (albeit with different types of storage items) at a larger site with different development parameters and layout. A comparison of the major development parameters between the last previous application No. A/YL-LFS/361 and the current application is as follows:

| | Previous Application No. A/YL-LFS/361 (a) | Current Application No. A/YL-LFS/469 (b) | Difference (b) - (a) |
|--|--|---|----------------------------------|
| Site Area | about 782m ² | about 1,850m ² | +1,068m ² (+137%) |
| Applied uses | Temporary Warehouse for Storage of Animal Feed for a Period of 3 Years | Temporary Warehouse for Storage of Hardware Accessories for a Period of 3 Years | Change of types of storage items |
| No. of structures | 1 • for warehouse use | 2 • for warehouse and site office uses | +1 (+100%) |
| Total Floor Area | about 782m ² | about 2,070m ² | +1,288m ² (+165%) |
| Height of structures | 1 storey (about 7m) | 2 storeys (about 6m to 11m) | +1 storey (+100%) +4m (+57%) |
| No. of parking spaces | Nil | Nil | No change |
| No. of loading/unloading spaces | Nil | 2 (light goods vehicles) | +2 |
| Operation Hours | 8 a.m. to 8 p.m. (no operation on Sundays and public holidays) | 9 a.m. to 6 p.m. (no operation on Sundays and public holidays) | Shortened operating hours |

- 1.6 In support of the application, the applicant has submitted the Application Form with attachments which was received on 24.4.2023 (**Appendix I**).

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:

- the proposed use is temporary in nature, and the planning intention of the “REC” is unlikely to be realised in the near future. Hence, the proposed use would not jeopardise the long-term planning intention;
- the surroundings of the Site is predominated by temporary warehouses and port back-up uses, majority of which are either ‘existing use’ or covered with planning permission. The proposed use is compatible with the surroundings in terms of environment and land uses;

- (c) part of the Site is involved in a previous planning permission under application No. A/YL-LFS/361. The approval conditions in respect of drainage and fire services had been complied with;
- (d) similar applications in the vicinity have been approved;
- (e) the proposed use would not involve storage of scrap metals and machining. Hence, no adverse noise impact would be envisaged;
- (f) the proposed use would not involve felling of trees. No adverse landscape impact would be caused to the surroundings; and
- (g) the proposed use would not cause adverse air quality, drainage and sewerage impacts.

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 five previous applications for temporary open storage or warehouse uses. Four of them were approved with conditions while one was rejected by the Committee/the Board on review. Details of these previous applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

Approved applications

- 5.2 Applications No. A/YL-LFS/223, 261, 295 and 361 covering the part of the Site for temporary warehouse for storage of animal feed for a period of three years were approved with conditions by the Committee between 2011 and 2020 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 applications and the technical concerns could be addressed by approval conditions. The planning permission under application No. A/YL-LFS/223 was subsequently revoked on 23.8.2013 due to non-compliance with a time-limited approval condition regarding the implementation of fire service installations proposal. As for the last previous application No. A/YL-LFS/361, all the approval conditions had been complied with, and the planning permission lapsed on 13.6.2023.

Rejected application

- 5.3 Application No. A/YL-LFS/26 covering a substantially larger site for temporary open storage of construction materials for 12 months within the “REC” and “Coastal Protection Area” (“CPA”) zones was rejected by the Board on review in 1998 mainly on grounds of being not in line with the planning intentions of the “REC” and “CPA” zones; not compatible with the surrounding land uses; insufficient information to demonstrate no adverse visual, environment, traffic and drainage impacts; and setting of undesirable precedent.

6. Similar Applications

- 6.1 Within the same “REC” zone, there were 11 similar applications for temporary warehouse/storage use in the past five years. Ten 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 Ten applications (No. A/YL-LFS/321, 392, 410, 438, 441, 442, 445, 449, 455 and 457) 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) hard paved, erected with structures and being used for the applied use without valid planning permission; and
- (b) located to the northwest of Deep Bay Road, and is accessible from Deep Bay Road via a local track.

- 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 warehouses (one of which covered by a valid planning

permission under application No. A/YL-LFS/392), storage and open storage yards, recycling workshops, a logistics centre and vacant land;

- (b) to the east is a recycling workshop;
- (c) to the south and southwest are warehouses, storage and open storage yards, a vehicle assembly workshop covered by a valid planning permission under application No. A/YL-LFS/399, residential dwellings and unused land. To the further southeast across Deep Bay Road are cultivated agricultural land and residential dwellings; and
- (d) to the west are an open storage yard, a warehouse and parking of vehicles/container vehicles.

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 5.5.2023, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary warehouse for storage of hardware accessories 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 warehouses/storage yards, open storage yards and workshops. The applied use is considered not incompatible with the surrounding land uses.
- 11.3 Concerned government departments including the 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. The applied use 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 four previous applications for temporary warehouse use at part of the Site. The Committee has also approved 10 similar applications covering nine sites within the same "REC" zone in the past five years. Although the Committee/the Board rejected a previous application for temporary open storage of construction materials (No. A/YL-LFS/26) in 1998 on review and a similar application (No. A/YL-LFS/332) in 2019, the circumstances of the rejected applications are different in that the application involved "CPA" zone and/or the applied uses would generate heavy vehicle trips and there were adverse departmental comments on traffic aspect. For the current application, the Site is located within "REC" zone and the applied use would only generate trips of light goods vehicles, and concerned government departments including C for T have no objection to/adverse comment on the application. As such, approval of the current application is in line with the previous decisions of the Committee.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 above, the Planning Department considers that the temporary warehouse for storage of hardware accessories 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 **23.6.2026**. 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) 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 **23.12.2023**;
- (c) in relation to (b) 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 **23.3.2024**;
- (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 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 **23.12.2023**;
- (f) in relation to condition (e) 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 **23.3.2024**;
- (g) if any of the above planning conditions (a) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (h) if any of the above planning conditions (b), (c), (e) or (f) is not complied with by the 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 applied use is not in line with the planning intention of the "Recreation" 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 24.4.2023 |
| Appendix II | Previous and Similar Applications |
| Appendix III | Government Departments' General Comments |
| Appendix IV | Recommended Advisory Clauses |
| Drawing A-1 | Layout Plan |
| Drawing A-2 | Vehicular Access Plan |

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| Plan A-1 | Location Plan with Previous and Similar Applications |
| Plan A-2 | Site Plan |
| Plan A-3 | Aerial Photo |
| Plans A-4a to A-4c | Site Photos |

PLANNING DEPARTMENT
JUNE 2023