

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/478

- Applicant** : 禾泓信邦（香港）有限公司 represented by 得寶實業公司
- Site** : Lots 1979 S.A, 1979 RP, 1980, 1981 and 1982 in D.D. 129, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 3,145 m²
- 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 Vehicle Parts and Construction Materials for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse for storage of vehicle parts and construction materials 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 hard-paved and used for open storage without valid planning permission (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site is accessible from Deep Bay Road via a warehouse to the west of the Site (**Drawing A-1**). According to the applicant, the proposed temporary warehouse is for storage of vehicle parts such as new body parts, switches and dashboards, as well as construction materials such as tiles, gravels, glasses and cement. As shown on the layout plan at **Drawing A-1**, two temporary structures of one storey (about 3m to 9m in height), with a total floor area of about 2,095m² for warehouses (with ancillary office and toilet) and pump room uses are proposed. One parking space for private car as well as three loading/unloading spaces for light goods vehicles will be provided.

- 1.3 According to the applicant, the operation hours would be between 9 a.m. to 7 p.m. from Mondays to Saturdays. There would be no operation on Sundays and public holidays. Landscape planting comprising 25 trees along the northwestern and southwestern peripheries would be provided. The proposed layout plan and landscape plan are at **Drawings A-1 and A-2** respectively.
- 1.4 The Site is involved in two previous applications (No. A/YL-LFS/438 and 445) for the same applied use as the current application¹, which were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 9.9.2022 and 25.11.2022 respectively (details at paragraph 5 below). Compared with the previous applications, the current application is submitted by a different applicant for the same applied use, with a smaller site area but larger total floor area than the sum of the two previous applications.
- 1.5 In support of the application, the applicant has submitted the following document:
- (a) Application Form with attachment received on 12.6.2023 (**Appendix I**)
 - (b) Supplementary Information (SI) received on 19.6.2023 (**Appendix Ia**)
 - (c) Further Information (FI) received on 27.7.2023 (**Appendix Ib**)
[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 attachment to the Application Form (**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 “REC” zone;
- (b) traffic generated by the proposed use would not be significant. Ingress/egress with sufficient width would be provided to facilitate turning and u-turn movement of vehicles. No vehicles would queue back to or reverse onto/from public roads. Hence, the proposed use would not cause adverse traffic impact to local road network;
- (c) no dismantling, cleansing, repairing, painting spraying and vehicle activities would be undertaken. There would be no night-time operation. Hence, no adverse environmental impact would be generated;
- (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 were approved with conditions by the Board within the same “REC” zone.

¹ The Site is the amalgamation of the sites of the two previous applications (No. A/YL-LFS/438 and 445).

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 Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting site notice and sending the notice to Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

The Site is currently not subject to planning enforcement action.

5. **Previous Application**

The Site is involved in two previous applications (A/YL-LFS/438 and 445), both for temporary warehouse for storage of vehicle parts and construction materials for a period of three years, which were approved with conditions by the Committee on 9.9.2022 and 25.11.2022 respectively mainly on the considerations that temporary approvals would not jeopardise the long-term planning intention; the applied use was not incompatible with the surrounding land uses; concerned government departments had no objection to the application and the technical concerns could be addressed by approval conditions. Details of the application are summarised in **Appendix II** and the locations of the sites are shown on **Plan A-1**.

6. **Similar Applications**

- 6.1 There are 11 similar applications for temporary warehouse/storage use for storage of various types of items in the past five years within the subject “REC” zone. Ten of them were approved with conditions while one was rejected by the Committee. Details of the applications are summarised in **Appendix II** and the locations of the sites are shown on **Plan A-1**.

Approved applications

- 6.2 Applications No. A/YL-LFS/361, 368, 392, 410, 441, 442, 449, 455, 457 and 469 were approved by the Committee between 2020 and 2023 mainly on similar considerations as summarised in paragraph 5 above. However, the planning permissions under applications No. A/YL-LFS/368 and A/YL-LFS/410 were revoked in 2023 due to non-compliance with time-limited approval conditions.

Rejected application

- 6.3 Application No. A/YL-LFS/332 for proposed warehouse for storage of scrap metal and involving generation of medium/heavy goods vehicle trips along the sub-standard Deep Bay Road was rejected by the Committee in 2019 mainly on grounds of being not in line with the planning intention; failure to demonstrate no adverse traffic impact; and setting of undesirable precedent.

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

7.1 The Site:

- (a) falls within the Lau Fau Shan Site of Archaeological Interest;
- (b) is hard-paved, erected with temporary structures, and used for open storage without valid planning permission. (**Plans A-4a and A-4b**); and
- (c) is accessible from Deep Bay Road via a warehouse to the west of the Site.

7.2 The surrounding areas have the following characteristics (Plans A-2 and A-3**):**

- (a) to its immediate north and northeast are open storage yards. To its further north across a local track are open storage yards, a pigsty, shrubland and a pond;
- (b) to its east and south are vacant land and a warehouse. To the further east and southeast across a local track are an animal boarding establishment, a warehouse, a garden and residential developments named Hill Top Villa; and
- (c) to the west and southwest are a temple named Che Wan Seen Yuen (紫雲仙苑), an open storage, a warehouse, residential dwellings, cultivated agricultural land 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

All government 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 the Statutory Publication Period

On 20.6.2023, 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 vehicle parts and construction materials for a period of three years at the Site zoned “REC” on 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 and warehouses. The proposed 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, Drainage Services Department (CE/MN of DSD), Antiquities and Monuments Office of Development Bureau and Director of Fire Services have no objection to or no adverse comment on the proposed development. The proposed development would unlikely cause significant adverse traffic, environmental, drainage, archaeological and fire safety impacts on the surroundings. 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 ‘Code of Practice on Handling the Environmental Aspects of Temporary Use and Open Storage Sites’. The technical requirements of CE/MN of DSD and D of FS could also be addressed by imposing approval conditions recommended in paragraph 12.2 below.
- 11.4 The Committee has approved two previous applications (No. A/YL-LFS/438 and 445) for temporary warehouse use at the Site, as well as ten similar applications covering eight sites within the same “REC” zone in the past five years. Although the Committee rejected a similar application (No. A/YL-LFS/332) in 2019, the circumstances of the rejected application are different in that the proposed use would generate medium/heavy goods vehicles trips, on which C for T had adverse comment. For the current application, only light goods vehicles trips would be generated, and concerned developments including C for T have no objection to or no 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 proposed temporary warehouse for storage of vehicle parts and construction 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 **11.8.2026**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation from 7:00 p.m. to 9:00 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 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;
- (d) 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 **11.2.2024**;
- (e) in relation to (d) 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 **11.5.2024**;
- (f) in relation to (e) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (g) 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 **11.2.2024**;
- (h) in relation to (g) 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 **11.5.2024**;
- (i) if the above planning condition (a), (b), (c) or (f) 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
- (j) if any of the above planning condition (d), (e), (g) or (h) 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 at **Appendix IV**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Member's 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 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 the 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

Appendix I	Application Form with attachment received on 12.6.2023
Appendix Ia	SI received on 19.6.2023
Appendix Ib	FI received on 27.7.2023
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Layout and Vehicular Access Plan
Drawing A-2	Landscape Plan
Plan A-1	Location Plan with Previous and Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
AUGUST 2023**