

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

**APPLICATION NO. A/YL-LFS/479**

- Applicant** : Mr. Pang Fu Keung represented by Metro Planning & Development Company Limited
- Site** : Lots 1973 (Part), 2028 RP (Part), 2029, 2030 (Part), 2031 (Part), 2032 RP (Part) and 2033 RP (Part) in D.D. 129 and adjoining Government Land (GL), Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 2,440m<sup>2</sup> (including GL of about 132m<sup>2</sup> or 5.4%)
- 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 Open Storage of Scrap Metal for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary open storage of scrap metal 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 valid planning permission (**Plans A-2, A-4a to A-4b**).
- 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, with the ingress/egress located at the southwest of the Site (**Drawing A-1**). As shown on the layout plan at **Drawing A-1**, there is one structure of two storeys (about 6m in height), with a total floor area of about 230m<sup>2</sup> for site office, toilet and shelter uses. An area of about 1,420m<sup>2</sup> (or 58.2%) is designated for open storage of scrap metal. A parking space for private car and a loading/unloading space for light goods vehicle are 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-channel and catchpits) would be provided within the Site (**Drawing A-3**).

- 1.4 The Site is the subject of two previous applications (No. A/YL-LFS/332 and 406) for temporary warehouse for storage of scrap metal and temporary shop and services (shop for selling hardware accessories) respectively, both for a period of three years. The former was rejected by the Rural and New Town Planning Committee (the Committee) of the Board on 1.2.2019, whilst the latter was approved with conditions by the Committee on 24.9.2021 (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 12.6.2023 (Appendix I)
  - (b) Supplementary Information (SI) dated 19.6.2023 (Appendix Ia)
  - (c) Further Information (FI) dated 30.7.2023 (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 Application Form and SI at **Appendices I and Ia**. They can be summarised as follows:

- (a) the applied use is temporary for a period of three years. It would not jeopardise the long-term planning intention of the “REC” zone;
- (b) the Site falls within the Category 2 areas under the Town Planning Board Guidelines No. 13G for “Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” where open storage use would be favourably considered;
- (c) the applied use is of insignificant scale, and is not incompatible with the surrounding areas predominated by open storage yards, warehouses and parking of vehicles;
- (d) no operation would be undertaken during sensitive hours (viz. 7 p.m. to 9 a.m.). No workshop activities would be carried out at the Site. Hence, the noise and environmental impacts would be insignificant;
- (e) light goods vehicles of 5.5 tonnes would be sufficient to carry the scrap metal stored on the Site. No medium goods vehicles, heavy goods vehicles and container trailer/tractor would access or park at the Site. Hence, the traffic impact would be minimal;
- (f) the applied use does not involve felling of trees; and
- (g) the drainage impact of the applied use would be insignificant.

## **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 under TPB PG-No. 31A are not

applicable.

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

Town Planning Board Guidelines No. 13G for “Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” (TPB PG-No. 13G) promulgated by the Board on 14.4.2023 are relevant to the application. The Site falls within the Category 2 areas under the TPB PG-No. 13G. The relevant extract of the Guidelines are attached at **Appendix II**.

#### **5. Background**

The storage use on-site would be subject to planning enforcement action.

#### **6. Previous Applications**

- 6.1 The Site is involved in two previous applications for temporary warehouse or shop and services uses. One of them was approved with conditions while one was rejected by the Committee. Details of these previous applications are summarised in **Appendix III** and their locations are shown on **Plan A-1**.

##### *Approved application*

- 6.2 Application No. A/YL-LFS/406 for proposed temporary shop and services (shop for selling hardware accessories) for a period of three years was approved with conditions by the Committee 24.9.2021. The considerations for the previous application are not relevant to the current application for temporary open storage of scrap metal.

##### *Rejected application*

- 6.3 Application No. A/YL-LFS/332 for proposed temporary warehouse for storage of scrap metal for a period of three years was rejected by the Committee on 1.2.2019 on grounds that the proposed warehouse was not in line with the planning intention, and not compatible with the surrounding environment; there was adverse comment from the Commissioner for Transport (C for T) in that the transporting of scrap metal would generate medium/heavy goods vehicle traffic through Deep Bay Road; and approval of the application would set an undesirable precedent.
- 6.4 Compared with the previous applications, the current application is submitted by a different applicant for a different use.

#### **7. Similar Applications**

- 7.1 Within the same “REC” zones, there were seven similar applications for open storage use for various items in the past five years. Three of them were approved while four were rejected by the Committee. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

*Approved applications*

- 7.2 Applications No. A/YL-LFS/336, 399 and 451 were approved with conditions by the Committee between 2019 and 2023 mainly on considerations that the applied use was in line with the relevant TPB PG-No. 13 in that the sites were subject to previous permissions since 1996 to 2000 although they fell within previous Category 3 or 4 areas, and there had been no major change in planning circumstances since the granting of the previous permissions; and concerned government departments generally had no objection to the application and/or the technical concerns could be addressed by approval conditions.

*Rejected applications*

- 7.3 Applications No. A/YL-LFS/326, 329, 351 and 400 were rejected by the Committee between 2018 and 2021 mainly on grounds that the applied use was not in line with the planning intention and the relevant TPB PG-No. 13 in that the sites fell within previous Category 3 areas and were not subject to previous permissions for open storage use; and there were adverse departmental comments on environmental, traffic, landscape and/or drainage aspects.

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

8.1 The Site is:

- (a) formed, erected with structures, and 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 an access track.

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

- (a) to the north and west across Deep Bay Road are an open storage yard, warehouses/storage yards (one of which was covered by valid planning permission under application No. A/YL-LFS/392), parking of container vehicles (one of which with vehicle repair workshop), a chicken shed and residential dwellings;
- (b) to the northeast and east are a temple named Che Wan Seen Yuen (紫雲仙苑), a warehouse, an open storage yard for construction materials, residential dwellings and cultivated agricultural land; and
- (c) to the southeast and south are open storage yards, storage yards, a recycling workshop, a garden, graveyard and a site with works in progress. To the further southwest across a local track are an open storage yard for construction machinery and parking of vehicles.

## **9. 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.

## **10. 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 IV and V** respectively.

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

On 20.6.2023, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual (**Appendix VI**) was received objecting to the application mainly on grounds that the Site was subject to a rejected previous application for temporary warehouse of scrap metal.

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

- 12.1 The application is for temporary open storage of scrap metal for a period of three years at the Site zoned “REC” on 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 to implement the zoned use 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.
- 12.2 The Site is located in an area predominated by open storage yards, warehouses/storage yards, workshops and parking of vehicles, 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. 13G, the Site falls within Category 2 areas. The application is in line with TPB PG-No. 13G in that there are no adverse comments from concerned government departments including the Director of Environmental Protection, Commissioner for Transport (C for T), Chief Engineer/Mainland North of Drainage Services Department (CE/MN of DSD) and Director of Fire Services (D of FS). 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’. The technical requirements of CE/MN of DSD and D of FS could also be addressed by imposing approval conditions recommended in paragraph 13.2 below.
- 12.4 The Committee has approved three similar applications for temporary open storage uses between 2019 and 2023 which were subject to previous permissions since 1996

to 2000. Although the Committee rejected four similar applications (No. A/YL-LFS/326, 329, 351 and 400) between 2018 and 2021, these applications were rejected mainly on the grounds that the applications did not comply with the then TPB PG-No. 13E/13F. For the current application, the Site and its adjoining area have been reclassified from Category 3 to Category 2 areas under the TPB PG-No.13G promulgated on 14.4.2023.

- 12.5 Moreover, although the Committee rejected a previous application (No. A/YL-LFS/332) for proposed temporary warehouse for storage of scrap metal in 2019, the circumstances of the rejected application are different in that C for T considered that the proposed use under the previous application would generate medium/heavy goods vehicles traffic. For the current application for temporary open storage of scrap metal, upon consideration of the SI on the types of scrap metal stored on the Site, C for T has no comment on the submission stating that only light goods vehicle traffic would be generated. In view of the above, approval of the current application is not in conflict with the previous decisions of the Committee.
- 12.6 Regarding the public comment objecting to the application as stated in paragraph 11 above, the planning considerations and assessments in paragraphs 12.1 to 12.5 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 scrap metal 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 **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 workshop activity, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (d) 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;
- (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 **11.2.2024**;

- (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 **11.5.2024**;
- (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 **22.9.2023**;
- (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 **11.2.2024**;
- (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 **11.5.2024**;
- (k) if any of the above planning condition (a), (b), (c), (d) or (g) 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
- (l) if any of the above planning condition (e), (f), (h), (i) or (j) 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 V**.

- 13.3 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 "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.

## **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 with attachments received on 12.6.2023
<b>Appendix Ia</b>	SI dated 19.6.2023
<b>Appendix Ib</b>	FI dated 30.7.2023
<b>Appendix II</b>	Extract of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13G)
<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 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 and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
AUGUST 2023**