

RNTPC Paper No. A/YL-LFS/482  
For Consideration by the  
Rural and New Town Planning  
Committee on 8.9.2023

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

**APPLICATION NO. A/YL-LFS/482**

- Applicant** : Miss Chan Sze Man Maggie represented by Allgain Land Administrators (Hong Kong) Limited
- Site** : Lot 1965 in D.D. 129, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 1,083m<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** : 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 erected with structures which are vacant (**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**, five structures of one to two storeys (about 3m to 9m in height) and with a total floor area of 536m<sup>2</sup> are used for warehouses, office, toilet and electricity meter room. One parking space for private car and one loading/unloading space for light goods vehicle are provided.
- 1.3 According to the applicant, the operation hours would be between 9 a.m. and 7 p.m. from Mondays to Saturdays. There would be no operation on Sundays and public holidays. Drainage facilities (surface U-channels and catchpits) and fire service installations (FSIs) would be provided. The layout plan, vehicular access plan, drainage plan and FSIs plan are at **Drawings A-1 to A-4** respectively.
- 1.4 The Site is the subject of a previous application (No. A/YL-LFS/410) for the same applied use as the current application, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on

29.10.2021 (detailed at paragraph 5 below).

- 1.5 Compared with the previous application No. A/YL-LFS/410, the current application is submitted by a different applicant for the same use at the same site with addition of one structure and associated increase in total floor area (+8m<sup>2</sup> or 1.5%). A comparison of the major development parameters between the last previous application No. A/YL-LFS/410 and the current application is as follows:

	<b>Previous Application No. A/YL-LFS/410 (a)</b>	<b>Current Application No. A/YL-LFS/482 (b)</b>	<b>Difference (b) - (a)</b>
<b>Site Area</b>	about 1,083m <sup>2</sup>		No change
<b>Applied uses</b>	Temporary Warehouse for Storage of Hardware Accessories for a Period of 3 Years		No change
<b>No. of structures</b>	4 • 2 warehouses • 1 site office • 1 toilet	5 • 2 warehouses • 1 site office • 1 toilet • 1 electricity meter room	+1 (+25%)
<b>Total Floor Area</b>	about 528m <sup>2</sup>	about 536m <sup>2</sup>	+8m <sup>2</sup> (+1.5%)
<b>Height of structures</b>	Not more than 2 storeys (about 3m to 9m)		No change
<b>No. of parking spaces</b>	1 (private car)		No change
<b>No. of loading/unloading spaces</b>	1 (light goods vehicles)		No change
<b>Operation Hours</b>	9 a.m. to 7 p.m. (no operation on Sundays and public holidays)		No change

- 1.6 In support of the application, the applicant has submitted the following documents:

- |     |  |                      |
|-----|--|----------------------|
| (a) | Application Form with attachment received on 21.7.2023 | <b>(Appendix I)</b>  |
| (b) | Supplementary Information (SI) received on 31.7.2023   | <b>(Appendix Ia)</b> |
| (c) | Further Information (FI) received on 22.8.2023*        | <b>(Appendix Ib)</b> |
| (d) | FI received on 24.8.2023*                              | <b>(Appendix Ic)</b> |

*\* 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:

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

permission. The applied use is compatible with the surroundings in terms of environment and land uses;

- (c) the applied use would not involve use of heavy vehicles. No adverse traffic impact would be caused to Deep Bay Road;
- (d) the applied use would not involve felling of trees. No adverse landscape impact would be caused to the surroundings; and
- (e) the Site is subject to a previous application No. A/YL-LFS/410 for the same applied use. However, it was subsequently revoked due to non-compliance with time-limited approval conditions. The drainage works on-site have been completed and the applicant would report completion in due course. As for FSIs works, the applicant is currently inviting quotations and would complete the works as soon as possible.

### **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**

The Site is involved in a previous application (No. A/YL-LFS/410) for proposed temporary warehouse for storage of hardware accessories for a period of three years, which was approved with conditions by the Committee on 29.10.2021 mainly on considerations that temporary approval would not frustrate the long-term planning intention; the proposed development was not incompatible with the surrounding area; concerned government departments generally had no objection to the application and the technical concerns could be addressed by approval conditions. Nevertheless, the planning permission was subsequently revoked on 29.7.2023 due to non-compliance with time-limited approval conditions regarding implementation of drainage and FSIs proposals. Details of the previous application are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

### **6. Similar Applications**

- 6.1 Within the same “REC” zone, there were 13 similar applications for temporary warehouse/storage use in the past five years. 12 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/361, 368, 392, 438, 441, 442, 445, 449, 455, 457, 469 and 478 covering eight sites were approved with conditions by the Committee between 2020 and 2023 mainly on similar considerations as stated in paragraph 5 above.

*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, fenced off, and erected with structures which are vacant;
- (b) located to the southeast of Deep Bay Road, and is accessible from Deep Bay Road via a local track; and
- (c) located within the Lau Fau Shan Site of Archaeological Interest.

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 and northeast are open storage yards, a warehouse, residential dwellings, a site with works in progress, cultivated agricultural land and unused land. To the further northeast across a local track are a pigsty, an open storage yard and shrubland;
- (b) to the southeast across a local track are warehouses, an open storage yard, a recycling workshop, a vehicle repair workshop, a residential dwelling named Hill Top Villa, a garden, an animal boarding establishment and shrubland; and
- (c) to the west and southwest are a religious institution named Che Wan Seen Yuen, a warehouse, an open storage yard, cultivated agricultural land and vacant 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 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 Comments Received During Statutory Publication Period**

On 1.8.2023, the application was published for public inspection. During the statutory public inspection period, two public comment from individuals (**Appendices V-1 and V-2**) were received objecting to the application on grounds that approval of the application would encourage similar piecemeal development; the applied use would generate adverse traffic, drainage and sewerage impacts in the area; and the approval conditions of the previous application have yet been complied with.

## **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, 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 recommended in paragraph 12.2 below.
- 11.4 The Site is involved in a previous application (No. A/YL-LFS/410) for the same applied use as the current application, which was approved with conditions by the Committee on 29.10.2021. However, the planning permission was revoked on 29.7.2023 due to non-compliance with time-limited approval conditions in relation to implementation of drainage and FSIs proposals. For the current application, the applicant has submitted drainage and FSIs proposals. CE/MN of DSD and D of FS have no objection to/no adverse comment on the current application. Also, considering that there has been no major change in planning circumstances since the approval of the previous application in 2021, sympathetic consideration may be given to the current application. Should the application be approved, the applicant will be advised that should she fail to comply with any of the approval conditions

again resulting in revocation of the planning permission, sympathetic consideration would unlikely be given to any further application.

11.5 The Committee has also approved 12 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 it would generate medium/heavy goods vehicle trips, and there was adverse departmental comment on traffic aspect. For the current application, the proposed development would not involve the use of medium/heavy goods vehicles, and C for T has no adverse comment on the application. As such, approval of the current application is in line with the previous decisions of the Committee.

11.6 Regarding the public comments objecting to the application as stated in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.5 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 comments mentioned in paragraph 10 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 **8.9.2026**. 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 implementation of the accepted 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 **8.6.2024**;
- (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 revised 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 **8.3.2024**;

- (g) in relation to condition (f) above, the implementation of the revised 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 **8.6.2024**;
- (h) if any of the above planning condition (a), (b), (c) or (e) 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
- (i) if any of the above planning condition (d), (f) or (g) 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**

<b>Appendix I</b>	Application Form with attachments received on 21.7.2023
<b>Appendix Ia</b>	SI received on 31.7.2023
<b>Appendix Ib</b>	FI received on 22.8.2023
<b>Appendix Ic</b>	FI received on 24.8.2023
<b>Appendix II</b>	Previous and Similar Applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses

<b>Appendices V-1 and V-2</b>	Public Comments 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>Drawing A-4</b>	FSIs 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  
SEPTEMBER 2023**