

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/490

- Applicant** : Mr. Tang Chung Wai represented by R-riches Property Consultants Limited
- Site** : Lot 2093 in D.D. 129, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 1,839m²
- 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 Miscellaneous Goods for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse for storage of miscellaneous goods 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 partly 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 local track, with the ingress/egress located at the southeast of the Site (**Drawing A-2**). As indicated in the submission, the proposed warehouse would be used for storage of miscellaneous goods including packaged food, apparel, footwear, electronic goods and furniture. As shown on the layout plan at **Drawing A-1**, three structures of one to two storeys (about 3.5m to 13m in height) with a total floor area of 2,154m² are proposed for warehouse and site office uses. One parking space for private car and two loading/unloading spaces for light goods vehicle are provided. 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.
- 1.3 In support of the application, the applicant has submitted the Application Form with attachments which were received on 30.8.2023 (**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:

- (a) the Site is strategically located close to the supply chain networks;
- (b) there is no planned recreational development in the area. Also, the Site is subject to approved previous applications for temporary shop and services use in 2019 and 2020. Approval of the current application will not jeopardise the long term planning intention;
- (c) the Site is situated in an area predominated by open storage yards, warehouse and public vehicle parks. The proposed development is not incompatible with the surrounding area;
- (d) there is an approved similar application (No. A/YL-LFS/455) in close proximity to the Site. Approval of the current application will not set an undesirable precedent;
- (e) no dangerous goods and workshop activities will be stored/undertaken at the Site at any time during the approval period;
- (f) sufficient manoeuvring space would be provided at the Site to ensure no vehicle will reverse onto local access. Also, traffic generated/attracted by the proposed development is minimal. Adverse traffic impact is therefore not anticipated; and
- (g) the applicant will strictly comply with all pollution control ordinances and relevant guidelines.

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 involved in two on-going planning enforcement actions (No. E/YL-LFS/549 and 584) against unauthorized developments (UD), both involving storage use (**Plan A-2**). Enforcement Notices (EN) were issued on 10.10.2023 requiring the discontinuance of the UD by 10.1.2024. If the ENs are not complied with, prosecution action may be taken.

5. Previous Applications

- 5.1 The Site is involved in six previous applications for temporary open storage or shop and services uses. All of them were approved with conditions by the Rural and New

Town Planning Committee (the Committee) of the Board or the Board on review. Details of the previous application are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

- 5.2 Applications No. A/YL-LFS/28, 45 and 68 for temporary open storage of marble involving a larger site were approved with conditions by the Committee/the Board on review between 1998 and 2001 mainly on considerations that recreation and tourism development depended on private initiatives and was not likely to be realised in the near future; uses that would not frustrate the permanent use and bring about significant impacts could be favourably considered in the interim; the applied use was considered not incompatible with the adjacent land uses; and concerned government departments generally had no objection to the application. Application No. A/YL-LFS/68 was subsequently revoked on 26.4.2002 due to non-compliance with time-limited approval conditions on the submission and implementation of landscape and drainage proposals.
- 5.3 Applications No. A/YL-LFS/307, 330 and 374 for temporary shop and services (retail of family goods) for a period of three years were approved with conditions by the Committee between 2018 and 2020. The considerations of these previous applications are not relevant to the current application for temporary warehouse.

6. Similar Applications

- 6.1 Within the same “REC” zone, there were 15 similar applications for temporary warehouse/storage use in the past five years. 14 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, 410, 438, 441, 442, 445, 449, 455, 457, 469, 478 and 482 covering nine sites were approved with conditions by the Committee between 2020 and 2023 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.

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-4b)

7.1 The Site is:

- (a) partly hard-paved and used for open storage 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 UDs subject to planning enforcement action:

- (a) to the north are open storage yards, warehouses, parking of container vehicles and vacant land;
- (b) to the east are open storage/storage yards, a vehicle assembly workshop covered by a valid planning permission No. A/YL-LFS/399, and residential dwellings;
- (c) to the south are open storage yards, a warehouse, a plant nursery, an eating place and a car park. To the further southeast across Deep Bay Road are open storage yards (one of which covered by valid planning permission No. A/YL-LFS/451); and
- (d) to the west are a car park, an office and shrubland; to the further northwest is a woodland.

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 8.9.2023, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual (**Appendix V**) was received objecting to the application mainly on the grounds that the application would bring brownfield uses closer to the “Coastal Protection Area” zone, and the Site is involved in a previous application which is subject to non-compliance with approval conditions.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary warehouse for storage of miscellaneous goods 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, warehouses, parking of vehicles and workshops, 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 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 proposed use would unlikely cause significant adverse traffic, environmental, drainage and fire safety impacts on the surroundings. 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. To minimise any possible environmental nuisance, the applicant will be advised to follow the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’.
- 11.4 The Committee has approved three previous applications (No. A/YL-LFS/28, 45 and 68) for temporary open storage use at the Site, as well as 14 similar applications for temporary warehouse use covering nine 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 private cars and 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.
- 11.5 Regarding the public comment objecting to the application as stated 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 miscellaneous goods 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 **27.10.2026**. 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 **27.4.2024**;
- (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 **27.7.2024**;
- (d) in relation to (c) above, the implemented drainage facilities 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 **27.4.2024**;
- (f) in relation to (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 **27.7.2024**;
- (g) if any of the above planning condition (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 condition (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 proposed 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

Appendix I	Application Form with attachments received on 30.8.2023
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment Received During Statutory Publication Period
Drawing A-1	Layout Plan
Drawing A-2	Vehicular Access 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
OCTOBER 2023**