

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/497

- Applicant** : 黃水全 (Mr.) represented by 許幸如 (Miss)
- Site** : Lots 1672 (Part), 1673 (Part), 1675 (Part), 1676 (Part), 1677 (Part) and 1678 (Part) in D.D. 129 and Adjoining Government Land (GL), Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 2,260m² (including GL of 11m² or 0.5%)
- 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 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 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, partitioned into three compartments, which are respectively vacant, used for open storage of construction materials and parking of vehicles, and the latter two are 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 (**Drawing A-2**), with the ingress/egress located at the southeast of the Site (**Drawing A-1**). As indicated in the submission, the proposed warehouse would be used for storage of construction materials including bricks, metals and cement products. As shown on the layout plan at **Drawing A-1**, two structures of one to two storeys (about 6m and 9m in height) with a total floor area of 1,730m² are proposed for warehouse (with office and toilet), fire service pump room and guardhouse uses. One parking space for private car and two loading/unloading spaces for light goods vehicle would be 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. The proposed layout plan and vehicular access plan are at **Drawings A-1 and A-2** respectively.

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

- (a) Application Form with attachments received on 26.10.2023 (**Appendix I**)
- (b) Supplementary Information (SI) received on 31.10.2023 (**Appendix Ia**)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the attachments to the Application Form at **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 concentrate in off-peak hours and would not be significant. Sufficient manoeuvring space 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 the local road network;
- (c) no dismantling, cleansing, repairing and painting spraying 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.

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. 31B) 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. 31B are not applicable.

4. Background

The open storage and parking of vehicles uses at the Site would be subject to planning enforcement action.

5. Previous Application

The Site is involved in a previous application (No. A/YL-LFS/420) for proposed temporary shop and services (shop for selling hardware accessories) for a period of three

years, which was approved with condition by the Rural and New Town Planning Committee (the Committee) on 6.5.2022. The considerations of the previous application are not relevant to the current application for temporary warehouse. The permission was subsequently revoked on 6.11.2023 due to non-compliance with time-limited approval conditions on the submission and implementation of proposal for water supplies for firefighting and fire service installations. 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 16 similar applications for temporary warehouse/storage use in the past five years. 15 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, 482 and 490 covering 10 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.

Application to be considered

- 6.4 Apart from the above similar applications, application No. A/YL-LFS/498 for proposed temporary warehouse for storage of vehicle parts and construction materials for a period of three years within the same “REC” zone will be considered at the same meeting.

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

- 7.1 The Site is:

- (a) hard-paved, partitioned into three compartments which are respectively vacant, used for open storage of construction materials and parking of vehicles, and the latter two are without valid planning permission; and
- (b) accessible from Deep Bay Road to its west via a local track.

- 7.2 The surrounding areas are predominated by storage/open storage yards, warehouses, workshops and parking of vehicles/container vehicles. Other uses such as car drifting ground, residential dwellings and shrubland are also found in the vicinity. Some of the uses are covered by valid planning permissions, whilst some are suspected unauthorized developments subject to planning enforcement action.

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

- 9.1 Apart from the government department as set out in paragraph 9.2 below, other 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.
- 9.2 The following government department has adverse comments on the application:

Land Administration

9.2.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) He has grave concerns given that there are unauthorized building works and/or uses on Lots 1673 and 1678 in D.D.129 which are already subject to lease enforcement actions. The lot owner(s) should remedy the lease breaches as demanded by LandsD.
- (b) The applicant should note his detailed comments at **Appendix IV**.

10. Public Comment Received During Statutory Publication Period

On 3.11.2023, 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 ground that approval conditions of the previous application have not been complied with.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary warehouse for storage of construction materials 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, workshops and parking of vehicles, 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 from traffic, environmental, drainage and fire safety aspects. 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 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 15 similar applications for temporary warehouse use covering 10 sites within the same “REC” zone in the past five years. Although the Committee rejected a similar application 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 departments 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, non-compliance with approval conditions would result in revocation of the planning permission and sympathetic consideration may not be given to any further applications.

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 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 **22.12.2026**. 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 **22.6.2024**;
- (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 **22.9.2024**;
- (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 **22.6.2024**;
- (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 **22.9.2024**;
- (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 26.10.2023
Appendix Ia	SI received on 31.10.2023
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
DECEMBER 2023**