

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/498

- Applicant** : 禾泓信邦有限公司 represented by 海願規劃發展公司
- Site** : Lots 1962, 1963 (Part), 1979 S.A, 1979 RP, 1980, 1981 and 1982 in D.D. 129, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 4,116m²
- 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 partly hard-paved, erected with structures, partitioned into three compartments used for open storage of construction materials and vehicles as well as warehouse without valid planning permission (**Plans A-2, A-4a to A-4c**).
- 1.2 The Site is accessible from Deep Bay Road via the adjacent warehouse site to the west. The ingress/egress is located at the west 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 well as vehicle parts such as engine mounts, brake discs, nuts and bolts. As shown on the layout plan at **Drawing A-1**, two single-storey structures (about 3m and 13m in height) with a total floor area of 3,128m² are proposed for warehouse (with office and toilet) and fire service pump room uses. One parking space for private car and three loading/unloading spaces for light goods vehicle would be provided. 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. 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.

- 1.3 The Site is involved in three previous applications for the same applied use as the current application, which were all approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2022 and 2023 (details at paragraph 5 below).
- 1.4 Compared with the last previous application No. A/YL-LFS/478, the current application is submitted by the same applicant for the same applied use, with a larger site area and total floor area. A comparison of the major development parameters between the last previous application and the current application is as follows:

	Previous Application No. A/YL-LFS/478 (a)	Current Application No. A/YL-LFS/498 (b)	Difference (b) - (a)
Site Area	about 3,145m ²	about 4,116m ²	+971m ² (+30.9%)
Applied uses	Proposed Temporary Warehouse for Storage of Vehicle Parts and Construction Materials for a Period of 3 Years		No change
No. of structures	2 • 1 warehouse • 1 fire service pump room		No change
Total Floor Area	about 2,095m ²	about 3,128m ²	+1,033m ² (+49.3%)
Height of structures	1 storey (3m and 9m)	1 storey (3m and 13m)	Maximum height +4m (+44.4%)
No. of parking spaces	1 (private car)		No change
No. of loading/unloading spaces	3 (light goods vehicles)		No change
Operation Hours	9 a.m. to 7 p.m. (no operation on Sundays and public holidays)		No change

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

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|-----|--|----------------------|
| (a) | Application Form with attachments received on 27.10.2023 | (Appendix I) |
| (b) | Supplementary Information (SI) received on 31.10.2023 | (Appendix Ia) |
| (c) | Further Information (FI) received on 11.12.2023* | (Appendix Ib) |
| (d) | FI received on 15.12.2023* | (Appendix Ic) |

** 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 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.

4. Background

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

5. Previous Applications

The Site is involved in three previous applications (A/YL-LFS/438, 445 and 478), all 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, 25.11.2022 and 11.8.2023 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. However, the planning permissions for applications No. A/YL-LFS/438 and 445 were revoked on 9.9.2023 and 25.11.2023 respectively due to non-compliance with time-limited approval conditions on drainage and/or water supplies for firefighting and fire service installations proposals. Details of the applications are summarised in **Appendix II** and the locations of the sites 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, 410, 441, 442, 449, 455, 457, 469, 482 and 490 covering nine sites were approved with conditions by the Committee between 2020 and 2023 mainly on similar considerations as mentioned 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.

Application to be considered

- 6.4 Apart from the above similar applications, application No. A/YL-LFS/497 for proposed temporary warehouse for storage of 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-4c)

7.1 The Site:

- (a) falls within the Lau Fau Shan Site of Archaeological Interest;
- (b) is partly hard-paved, erected with structures, partitioned into three compartments which are respectively used for open storage of construction materials and vehicles as well as warehouse, all without valid planning permission; and
- (c) is accessible from Deep Bay Road to its west via the adjacent warehouse site to the west of the Site.

- 7.2 The surrounding areas are predominated by open storage yards and warehouses. Other uses such as vehicle repair workshop, pig farm, animal boarding establishment, residential dwellings, garden, temple, cultivated agricultural land 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

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 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 grounds that approval conditions of the previous applications have not been complied with; the Site covers land that is not subject to any previous permission; the extensive land filling works would cause adverse drainage impact amidst climate change; and there is no information provided on the provision of toilet to cater for the need of workers.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary warehouse for storage of vehicle parts and 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 and warehouses, 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), Director of Fire Services (D of FS) and Chief Heritage Executive (Antiquities and Monuments) of Antiquities and Monuments Office have no objection to or no adverse comment on the application from traffic, environmental, drainage, fire safety and archaeological 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 three previous applications for temporary warehouse use at the Site in 2022 and 2023, as well as 12 similar applications covering nine 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 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. Also, 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 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 **22.12.2026**. 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 **22.6.2024**;
- (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 **22.9.2024**;
- (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 **22.6.2024**;

- (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 **22.9.2024**;
- (i) if any of 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 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 27.10.2023
Appendix Ia	SI received on 31.10.2023
Appendix Ib	FI received on 11.12.2023
Appendix Ic	FI received on 15.12.2023
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 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 to A-4c	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2023**