

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

**APPLICATION NO. A/YL-LFS/504**

- Applicant** : Ming Fai Industrial (HK) Company Limited represented by Metro Planning & Development Company Limited
- Site** : Lots 2090 (Part), 2091 (Part) and 2092 (Part) in D.D. 129, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 678m<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** : Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary open 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 and largely vacant (**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 the Lau Fau Shan Roundabout via a local track, with the ingress/egress located at the west of the Site (**Drawing A-1**). As indicated in the submission, the proposed open storage yard would be used for storage of construction materials such as tiles and sanitary wares. As shown on the layout plan at **Drawing A-1**, an area of about 405m<sup>2</sup> (or 59.7%) is designated for open storage of construction materials. No structure is proposed at the Site. A loading/unloading space for light goods vehicle will be provided. Drainage facilities (i.e. surface U-channel and catchpits) will also be provided (**Drawing A-3**).
- 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.

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

- (a) Application Form with attachments received on 28.12.2023 (**Appendix I**)
- (b) Supplementary Information (SI) received on 2.1.2024 (**Appendix Ia**)
- (c) Further Information (FI) received on 6.2.2024 (**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 at **Appendix I**. They can be summarised as follows:

- (a) the applied use is temporary in nature. 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”;
- (c) the applied use is of insignificant scale and is similar to the similar applications approved. It is not incompatible with the surrounding areas predominated by open storage yards and warehouses;
- (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) the applied use does not involve felling of trees; and
- (f) the traffic and drainage impacts 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. 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. 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**

Parts of the Site are subject to planning enforcement action (Cases No. E/YL-LFS/548 and 549) against unauthorized development (UD) involving storage use (**Plan A-2**). Enforcement Notices (EN) were issued to the concerned parties on 10.10.2023 requiring the discontinuance of the UD by 10.1.2024. Recent site inspection revealed that the Site of E/YL-LFS/548 was vacant, whilst the UD at the Site of E/YL-LFS/549 has not been discontinued. If the EN is not complied with, prosecution action would be taken.

## 6. **Previous Application**

The Site is not involved in any previous application.

## 7. **Similar Applications**

- 7.1 Within the same “REC” zones, there were nine similar applications for open storage use for various items in the past five years. Five of them were approved while four were rejected by the Rural and New Town Planning Committee (the Committee) of the Board. 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, 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.
- 7.3 Applications No. A/YL-LFS/479 and 493 were approved with conditions by the Committee on 11.8.2023 and 24.11.2023 respectively, i.e. after the sites and their adjoining areas were reclassified from Category 3 to Category 2 areas under TPB PG-No. 13G, mainly on considerations that the applied use was in line with TPB PG-No. 13G in that concerned government departments generally had no objection to the application and the technical concerns could be addressed by approval conditions.

### *Rejected applications*

- 7.4 Applications No. A/YL-LFS/326, 329, 351 and 400 were rejected by the Committee between 2018 and 2021, i.e. when the sites and its adjoining areas were still classified as Category 3 areas under TPB PG-No. 13E/F, mainly on grounds that the applied use was not in line with the planning intention; the sites 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) hard-paved, largely fenced off, and largely vacant; and
- (b) accessible from the Lau Fau Shan Roundabout to its south via a local track.

8.2 The surrounding areas are predominated by open storage yards, warehouses/storage yards and parking of vehicles. Other uses such as residential dwellings, vehicle assembly workshop, eating place, sitting-out area and shrubland/woodland are also found in the vicinity of the Site. Some of the surrounding uses are covered by valid planning permissions, whilst some are suspected UD's subject to planning enforcement action.

## **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 5.1.2024, 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 on grounds that there is no approved similar application in the vicinity, and approval of the application would further deteriorate the environment of the area.

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

12.1 The application is for proposed temporary open storage of construction materials 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 and parking of vehicles, some of which are covered by valid planning permissions. The applied use is considered generally 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, Chief Town Planner/Urban Design and Landscape of Planning Department, 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 on the surrounding areas, 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 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 had rejected four similar applications (No. A/YL-LFS/326, 329, 351 and 400) between 2018 and 2021, these applications were rejected when the sites fell within Category 3 areas under TPB PG-No. 13E/F, and there were adverse departmental comments. 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. In fact, two similar applications (No. A/YL-LFS/479 and 493) were approved by the Committee on 11.8.2023 and 24.11.2023 respectively after the reclassification. In view of the above, approval of the current application is not in conflict with the previous decisions of the Committee.
- 12.5 Regarding the public comment objecting to the application as stated in paragraph 11 above, the planning considerations and assessments in paragraphs 12.1 to 12.4 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 proposed temporary open storage of construction materials 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 **16.2.2027**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### **Approval Conditions**

- (a) no workshop activity, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (b) 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;

- (c) 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 **16.8.2024**;
- (d) in relation to (c) 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 **16.11.2024**;
- (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 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 **29.3.2024**;
- (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 **16.8.2024**;
- (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 **16.11.2024**;
- (i) if any of the above planning condition (a), (b) 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
- (j) if any of the above planning condition (c), (d), (f), (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 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 28.12.2023
<b>Appendix Ia</b>	SI received on 2.1.2024
<b>Appendix Ib</b>	FI received on 6.2.2024
<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>	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 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**

**FEBRUARY 2024**