

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/508

- Applicant** : 嚴志賢 (Mr.)
- Site** : Lots 1700 (Part) and 1701 (Part) in D.D. 129, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 1,560m²
- 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** : “Residential (Group E)” (“R(E)”) (about 99.7%)
[Restricted to a maximum plot ratio of 0.4 and a maximum building height of 3 storeys (9m) including car park]

“Green Belt” (“GB”) (about 0.3%)¹
- Application** : Temporary Open Storage of Construction Materials for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary open storage of construction materials for a period of three years at the application site (the Site) (**Plan A-1**) zoned “R(E)” 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 used for the applied use without valid planning permission (**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 Deep Bay Road via a local track, with the ingresses/egresses located at the northeast and southwest of the Site (**Drawing A-1**). As indicated in the submission, construction materials, glass curtain wall, aluminium products and tools will be stored at the Site. As shown on the layout plan at **Drawing A-1**, an area of about 465m² (or 30%) is designated for open storage. Three single-storey structures (about 2.6m in height) with a total floor area of about 48m² are proposed for site office and storage uses. Four parking space for heavy goods vehicles would be provided.

¹ Considered as minor boundary adjustment in zoning boundaries which is permitted under the covering Notes of the OZP.

- 1.3 According to the applicant, the operation hours are between 9 a.m. and 5 p.m. from Mondays to Saturdays. There is no operation on Sundays and public holidays.
- 1.4 The Site is involved in three previous applications (No. A/YL-LFS/33, 87 and 228) for various temporary open storage uses, which were all rejected by the Rural and New Town Planning Committee (the Committee) between 1998 and 2011 (details at paragraph 6 below). Compared with the last previous application No. A/YL-LFS/228, the current application is submitted by a different applicant for similar use at a smaller site (-2,244m² or -59.0%).
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments received on 29.1.2024 (**Appendix I**)
 - (b) Supplementary Information (SI) received on 31.1.2024 (**Appendix Ia**)

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**. The applicant claims that the applied use is to meet operational need.

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 obtaining consent of the “current land owners” on 8.1.2024. 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

The storage use on-site would be subject to planning enforcement action.

6. Previous Applications

- 6.1 The Site is involved in three previous applications for open storage of various items. All of them were rejected by the Committee. Details of these previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

- 6.2 Application No. A/YL-LFS/33 for open storage of I-Beam when the Site fell within the “Comprehensive Development Area” (“CDA”) zone² was rejected by the Committee in 1998 mainly on grounds of insufficient information to demonstrate no adverse traffic and drainage impacts, and setting an undesirable precedent.
- 6.3 Application No. A/YL-LFS/87 for open storage of construction machinery was rejected by the Committee in 2002 mainly on grounds of being not in keeping with the planning intention of the “R(E)” zone which was to encourage phasing out of sporadic rural industries, and no information to demonstrate no adverse environmental, visual and drainage impacts.
- 6.4 Application No. A/YL-LFS/228 for open storage of construction materials within the “R(E)” and “GB” zones was rejected in 2011 mainly on grounds of being not in line with the planning intentions; being not compatible with the existing rural neighbourhood and landscape character; and being not in line with the then TPB PG-No. 13E as there were adverse departmental comments on environmental, traffic and landscape aspects.

7. Similar Applications

- 7.1 Within/straddling the same “R(E)” zones, there are three similar applications for open storage of various items in the past five years. Two of them were approved while one was rejected by the Committee. 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/396 and 451 (straddling the “REC” zone) were approved with conditions by the Committee in 2021 and 2023 respectively mainly on considerations that temporary approval would not jeopardise the long-term planning intention; the applied use was not incompatible with the surrounding land uses; it was generally in line with TPB PG-No. 13F in that there were generally no adverse departmental comments; and the technical requirements could be addressed by approval conditions.

Rejected application

- 7.3 Application No. A/YL-LFS/416 straddling the “R(E)” and “GB” zones was rejected by the Committee in 2022 mainly on grounds of being not in line with the planning intentions; being not in line with TPB PG-No. 10 for “Application for Development within the Green Belt Zone” and 13F in that the applicant failed to demonstrate the applied use would not have significant adverse traffic, environmental, landscape and geotechnical impacts on the surrounding areas; and not compatible with the surrounding environment.

² The “CDA” zone was rezoned to “R(E)” on the draft Lau Fau Shan and Tsim Bei Tsui OZP No. S/YL-LFS/4 gazetted on 27.10.2000.

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

8.1 The Site is:

- (a) hard-paved, partly fenced off, and used for the applied use without valid planning permission; and
- (b) accessible from the Deep Bay Road to its west via a local track.

8.2 The areas to the east, south and southwest are predominated by grassland/shrubland intermixed with graves falling within the Permitted Burial Ground No. YL/59. The area to the southwest are predominated by shrubland. There are warehouses and a logistic centre to the north of the Site, some of which are covered by valid planning permission.

9. Planning Intention

The “R(E)” is intended primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the Board. Whilst existing industrial uses will be tolerated, new industrial developments are not permitted in order to avoid perpetuation of industrial/residential interface problem.

10. Comments from Relevant Government Departments

10.1 Apart from the government departments as set out in paragraphs 10.2 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 IV and V** respectively.

10.2 The following government departments raised concerns on the application:

Traffic

10.2.1 Comments of the Commissioner for Transport (C for T):

- (a) She notes that the applied use would involve access of heavy goods vehicles. The traffic of the Site would be through a local track leading to Deep Bay Road which is a single-track road.
- (b) The applicant is requested to justify that the nearby public road network has adequate capacity to accommodate the traffic induced by the applied use. In particular, the traffic impact on Deep Bay Road should be well assessed as a result of the applied use, since it is highly likely that vehicles in opposite directions need to negotiate with each other where passing bay is not available.

Geotechnical

10.2.2 Comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD):

- (a) Three registered man-made slopes (Feature No. 2SW-C/C115, 2SW-C/C120 and 2SW-C/C124) (**Plan A-2**), which may affect or be affected by the applied use, are located within and/or in the vicinity of the Site. The applicant is required to submit a Geotechnical Planning Review Report (GPRR) in support of the planning application.
- (b) The applicant should note his advisory comments at **Appendix V**.

11. Public Comment Received During Statutory Publication Period

On 6.2.2024, 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 open storage within the “R(E)” zone was unacceptable; and no approval had been granted for open storage at the Site.

12. Planning Considerations and Assessments

- 12.1 The application is for temporary open storage of construction materials for a period of three years at the Site zoned “R(E)” on the OZP (**Plan A-1**). The applied use is not in line with the planning intention of the “R(E)” zone, which is intended primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the Board. Moreover, there are adverse comments from concerned government departments on traffic and geotechnical aspects (to be discussed in paragraph 12.3 below). Hence, there is no strong justification given in the submission to warrant a departure from the planning intention, even on a temporary basis.
- 12.2 The Site is situated in an area predominated by warehouses and logistics centres, some of which are covered with valid planning permissions. The applied use is generally considered 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 not in line with TPB PG-No. 13G in that there are adverse departmental comments on traffic and geotechnical aspects. In particular, C for T raises concerns that the applied use would generate traffic of heavy goods vehicles to/from Deep Bay Road which is a single track road. However, the applicant has not provided assessment on whether the nearby public road network, particularly Deep Bay Road, has adequate capacity to accommodate the traffic induced by the applied use. Moreover, H(GEO) of CEDD advises that three registered man-made slopes are located within and/or in the vicinity of the Site, but the applicant has not submitted a GPRR in support of the application to demonstrate that the applied use would not affect/be affected by the slopes. Hence, there is insufficient information to assess whether the applied use would not have adverse traffic and slope safety impacts on the surrounding area.

- 12.4 Other concerned departments including the Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to or no comment on the applied use from environment, drainage and fire safety perspectives.
- 12.5 The Site is involved in three previous applications for open storage use which were rejected by the Committee between 1998 and 2011 mainly on grounds of being not in line with the planning intentions and/or adverse departmental comments. The Committee has also rejected a similar application in 2022 on similar grounds. Although the Committee has approved two similar applications located at the western portion of the subject “R(E)” zone in 2021 and 2023, these two approved applications are generally not subject to adverse departmental comments. For the current application, there are adverse departmental comments on traffic and geotechnical aspects. As such, rejecting the current application is not in conflict with the previous decisions of the Committee.
- 12.6 Regarding the public comment objecting to the application as stated in paragraph 11 above, the planning considerations and assessments in paragraphs 12.1 to 12.5 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 does not support the application for the following reasons:
- (a) the applied use is not in line with the planning intention of the “R(E)” zone, which is primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the Board. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
 - (b) the applied use is not in line with the Town Planning Board Guidelines on ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13G) in that the applicant fails to demonstrate that the applied use would not have adverse traffic impact on the surrounding areas; and
 - (c) the applicant fails to demonstrate that the applied use would not be susceptible to adverse slope safety impact and would not have adverse slope safety impact on the surrounding areas.
- 13.2 Alternatively, 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 **15.3.2027**. 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) 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 **15.9.2024**;
- (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 **15.12.2024**;
- (d) in relation to (c) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (e) 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 **26.4.2024**;
- (f) 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 **15.9.2024**;
- (g) 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 **15.12.2024**;
- (h) the submission of a Geotechnical Planning Review Report within **6 months** from the date of planning approval to the satisfaction of the Head of the Geotechnical Engineering Office of Civil Engineering and Development Department or of the Town Planning Board by **15.9.2024**;
- (i) in relation to (h) above, the implementation of the necessary geotechnical remedial works identified therein within **9 months** from the date of planning approval to the satisfaction of the Head of the Geotechnical Engineering Office of Civil Engineering and Development Department or of the Town Planning Board by **15.12.2024**;
- (j) 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
- (k) if any of the above planning condition (b), (c), (e), (f), (g), (h) or (i) 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**.

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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 14.3 Alternatively, 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.

15. Attachments

Appendix I	Application Form with attachments received on 29.1.2024
Appendix Ia	SI received on 31.1.2024
Appendix II	Extract of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13G)
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment Received During Statutory Publication Period
Appendix VII	'Good Practice for Open Storage Sites' by the Fire Services Department
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
MARCH 2024**