

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/YL-LFS/510

- Applicant** : Ming Fai Industrial (HK) Company Limited represented by Metro Planning & Development Company Limited
- Site** : Lots 2019 (Part), 2037 (Part), 2038 (Part), 2054 (Part) and 2055 (Part) in D.D. 129, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 1,430m²
- 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** : Renewal of Planning Approval for Temporary Warehouse for Storage of Plastic and Retail of Plastic Pellet for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary warehouse for storage of plastic and retail of plastic pellet for a period of three years at the application site (the Site) (**Plan A-1a**) 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 used for the applied uses with planning permission under Application No. A/YL-LFS/392 valid until 14.5.2024 (**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**). The ingress/egress is located at the east of the Site (**Drawing A-1**). As indicated in the submission, the proposed warehouse is used for storage of packed raw materials and plastic pallets, and no change to the development is proposed under the current application. As shown on the layout plan at **Drawing A-1**, one single-storey structure (about 8m in height) with a total floor area of about 800m² is used for warehouse and retail purposes. Two parking spaces for private car and one loading/unloading space for light goods vehicle are provided. According to the applicant, the operation hours of the warehouse are between 9 a.m. to 6 p.m. from Mondays to Saturdays. There is no operation on Sundays and public holidays. Drainage facilities (surface U-channels and catchpits) are provided (**Drawing A-3**).

1.3 The Site is involved in six previous applications, including two (No. A/YL-LFS/321 and 392) for the same applied use as the current application, which were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 6.7.2018 and 14.5.2021 respectively (details at paragraph 6 below). The current application is submitted by the same applicant of the previous application No. A/YL-LFS/392.

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

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|-----|--|---------------|
| (a) | Application Form received on 6.2.2024 | (Appendix I) |
| (b) | Supplementary Information (SI) received on 19.2.2024 | (Appendix Ia) |
| (c) | Further Information (FI) received on 20.3.2024 | (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 plastic recycling workshop to the immediate west of the Site has been in operation since before 1989 and was covered by Short Term Waiver. Due to the tightening up of China's import policy for scrap plastics, additional space is required for storage of raw materials and plastic pallets and retail of plastic pallets;
- (b) due to shortage of land in Ha Tsuen and Lau Fau Shan area, no alternative site is available for the applied uses;
- (c) the "REC" zone is yet to be implemented in the near future;
- (d) the applied uses are compatible with the surrounding environment;
- (e) the applied uses are entirely different from open storages and port back-up uses. No workshop activity would be undertaken. The environmental impact generated by the applied uses would be insignificant;
- (f) the traffic impact would be minimal;
- (g) drainage facilities are provided at the Site;
- (h) all the approval conditions of the last previous application (No. A/YL-LFS/392) have been complied with; and
- (i) similar applications have been approved 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 Town Planning Ordinance (TPB PG-No. 31B) by posting notice at the Site 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

The Town Planning Board Guidelines for 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development' (TPB PG-No. 34D) are relevant to the application. The relevant assessment criteria are at **Appendix II**.

5. Background

The Site is not subject to any active planning enforcement action.

6. Previous Applications

- 6.1 The Site is involved in six previous applications for temporary open storage, recycling workshop and warehouse and retail uses. Two of them were approved whilst four were rejected by the Committee. Details of these previous applications are summarised in **Appendix III** and their boundaries are shown on **Plan A-1b**.
- 6.2 Applications No. A/YL-LFS/26 and 38 for temporary open storage of construction materials, as well as applications No. A/YL-LFS/123 and 134 for temporary plastic recycling workshop with or without open storage of recycling plastic materials were rejected by the Committee from 1998 to 2005. The considerations for them were not relevant to the current application for warehouse and retail uses.
- 6.3 Applications No. A/YL-LFS/321 and 392 for the same applied use as the current application were approved with conditions by the Committee on 6.7.2018 and 14.5.2021 respectively mainly on considerations that temporary approval would not jeopardise the long-term planning intention; the applied uses were not incompatible with the surrounding land uses; there were generally no adverse comments from concerned government departments; and the technical requirements could be addressed by approval conditions. Application No. A/YL-LFS/321 was subsequently revoked on 6.12.2020 due to non-compliance of time-limited approval conditions on the implementation of drainage and fire service installations proposal. For the last previous application No. A/YL-LFS/392, all the time-limited approval conditions have been complied with and the permission is valid until 14.5.2024.

7. Similar Applications

- 7.1 Within the same "REC" zone, there are 21 similar applications for temporary warehouse and temporary shop and services in the past five years. Details of the similar applications are summarised in **Appendix III** and their locations are shown on **Plan A-1a**.
- 7.2 Applications No. A/YL-LFS/361, 368, 410, 438, 441, 442, 445, 449, 455, 457, 469, 478, 482, 490, 497 and 498 for various temporary warehouses were all approved

with conditions by the Committee between 2020 and 2023 mainly on similar considerations as mentioned in paragraph 6.3 above.

- 7.3 Applications No. A/YL-LFS/370, 374, 406, 420 and 495 for various temporary shop and services were approved by the Committee between 2020 and 2023 mainly on similar considerations as mentioned in paragraph 6.3 above.

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

8.1 The Site is:

- (a) being used for the applied uses with planning permission under application No. A/YL-LFS/392 valid until 14.5.2024; and
- (b) accessible from Deep Bay Road to its east via a local track.

- 8.2 The surrounding areas are predominated by warehouses, storage/open storage yards and parking of vehicles. Other uses such as residential dwellings, recycling workshop, chicken shed, graves and woodland are also found in the vicinity. Some of the uses are covered by valid planning permissions, whilst some are suspected unauthorized development 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 Comments Received During Statutory Publication Period

On 23.2.2024, the application was published for public inspection. During the statutory public inspection period, two public comments from a Yuen Long District Councillor and an individual (**Appendices VI-1 and VI-2**) were received objecting to the application on grounds that the storage of large amount of scrap plastics is prone to fire hazards, and that approval conditions of the previous planning permission have not been complied with.

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning approval for temporary warehouse for storage of plastic and retail of plastic pellet for a period of three years at the Site

zoned “REC” on the OZP. Although the applied use are 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.

- 12.2 The Site is located in an area predominated by warehouses, storage/open storage yards and parking of vehicles, some of which are covered by valid planning permissions. The applied uses are considered not incompatible with the surrounding land uses.
- 12.3 The application is generally in line with the TPB PG-No. 34D in that there has been no material change in planning circumstances since the granting of the previous approval under application No. A/YL-LFS/392; adverse planning implications arising from the renewal of the planning approval are not envisaged; all time-limited approval conditions under the previous application have been complied with; and the three-year approval period sought is the same as the previous approval and is considered reasonable.
- 12.4 Concerned government departments including the Director of Environmental Protection (DEP), Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department (CE/MN of DSD) and Director of Fire Services (D of FS) have no objection to/adverse comment on the application from environmental, traffic, drainage and fire safety points of view respectively. The technical requirements of CE/MN of DSD and D of FS could be addressed by imposing approval conditions recommended in paragraph 13.2 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’.
- 12.5 The Site is the subject of two previous approvals for the same applied uses. Moreover, 21 similar applications have been approved by the Committee in the past five years. Approval of the current application is in line with the previous decisions of the Committee.
- 12.6 There are two public comments received objecting to the application on grounds as summarised 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 comments mentioned in paragraph 11 above, the Planning Department considers that the temporary warehouse for storage of plastic and retail of plastic pellet 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, and be renewed **from 15.5.2024 until 14.5.2027**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no operation from 6:00 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) no workshop activity, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (e) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities on the Site within **3 months** from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **15.8.2024**;
- (g) the submission of a fire service installations proposal within **6 months** from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **15.11.2024**;
- (h) in relation to (g) above, the implementation of the fire service installations proposal within **9 months** from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **15.2.2025**;
- (i) if any of the above planning condition (a), (b), (c), (d) or (e) is not complied with during the 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 (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.

[Conditions (a), (b), (c), (d), (g) and (h) are generally the same as the previous application No. A/YL-LFS/392. Conditions (e) and (f) have been added, whilst previous conditions on no queue back to public road, maintenance of existing trees and provision of fencing have been removed as per the latest practice.]

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 “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.

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

Appendix I	Application Form received on 6.2.2024
Appendix Ia	SI received on 19.2.2024
Appendix Ib	FI received on 20.3.2024
Appendix II	Relevant extracts of Town Planning Board Guidelines for ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use of Development’ (TPB PG-No. 34D)
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments’ General Comments
Appendix V	Recommended Advisory Clauses
Appendices VI-1 and VI-2	Public Comments Received During Statutory Publication Period
Drawing A-1	Layout Plan
Drawing A-2	Vehicular Access Plan
Drawing A-3	As-built Drainage Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Site Plan with Previous Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
APRIL 2024**