

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

APPLICATION NO. A/YL-LFS/525

- Applicant** : Mr. WONG Hing Yau represented by Metro Planning and Development Company Limited
- Site** : Lots 2189 RP and 2378 RP (Part) in D.D. 129 and Adjoining Government Land (GL), Lau Fau Shan, Yuen Long, New Territories
- Site Area** : 697 m² (about) (including about 50 m² of GL (about 7.2%))
- 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)”) [Restricted to a maximum plot ratio of 0.4 and a maximum building height of 3 storeys (9m) including car park]
- Application** : Temporary Open Storage of Sand, Bricks and Gravel for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary open storage of sand, bricks and gravel for a period of three years at the application site (the Site) (**Plan A-1a**) 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-3 and A-4a to A-4b**).
- 1.2 The Site is accessible from Lau Fau Shan Road, with the ingress/egress located at the west of the Site (**Drawing A-1 and Plan A-2**). According to the layout plan at **Drawing A-3**, four single-storey structures with a total floor area of about 298m² and building height of about 3-4m are used for changing room, site office, toilet and an open shed for storage purpose. The remaining area at the western part of the Site (about 57%) is for open storage of sand, bricks and gravel. One loading/unloading space for light goods vehicle is also provided.
- 1.3 According to the applicant, the operation hours would be between 9 a.m. and 6 p.m.

from Mondays to Saturdays. There is no operation on Sundays and public holidays. The site plan, location plan, proposed layout plan, proposed tree preservation and landscape plan and as-built drainage plan submitted by the applicant are at **Drawings A-1 to A-5** respectively.

- 1.4 The Site is involved in six previous applications for temporary open storage of construction materials which were all approved by the Rural and New Town Planning Committee (the Committee) of the Board (details at paragraph 6 below). Compared with the last approved application No. A/YL-LFS/396, the current application is submitted by the same applicant at the same site with the same layout and development parameters.
- 1.5 In support of the application, the applicant has submitted the Application Form which was received on 17.7.2024 (**Appendix I**).
- 1.6 *In light of ‘gale/storm signal No. 8’ announced by the Government on 5.9.2024, the Committee agreed on 8.9.2024 to defer considering of the application to this meeting.*

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 Site has been the subject of six planning permissions for open storage use of construction materials;
- (b) the applied development would not jeopardise the planning intention of the “R(E)” zone because the applied development is temporary in nature;
- (c) the applied development is compatible with the surrounding environment; and
- (d) the applied development would not generate significant traffic, noise, drainage and environmental impacts.

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 site notice and sending notice 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 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. Relevant extract of the Guidelines is attached at **Appendix II**.

5. Background

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

6. Previous Applications

The Site is involved in six previous applications (No. A/YL-LFS/149, 193, 237, 277, 322 and 396) for temporary open storage of construction material. All applications were approved with conditions for a period of three years by the Committee between 2006 and 2021, mainly on the considerations that the proposals were not incompatible with the surrounding uses; the proposals would not frustrate the long-term development of the area; and the concerns of relevant government departments could be addressed by imposing approval conditions. The last planning approval was lapsed on 7.7.2024 and all the relevant planning conditions have been complied with. Details of the previous applications are summarised in **Appendix III** and their locations are shown on **Plan A-1b**.

7. Similar Applications

- 7.1 Within the same “R(E)” zone, there are three similar applications (No. A/YL-LFS/416, 451 and 508) for various open storage uses in the past five years. One of them was approved while two were rejected by the Committee. Details of the similar applications are summarised in **Appendix III** and their locations are shown on **Plan A-1a**.

Approved application

- 7.2 Application No. A/YL-LFS/451 straddling “R(E)” and “Recreation” zones was approved with conditions by the Committee on 3.2.2023 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; and in line with the then TPB PG-No. 13F in that there were generally no adverse departmental comments; and the technical requirements could be addressed by approval conditions.

Rejected applications

- 7.3 Applications No. A/YL-LFS/416 and 508 both straddling the “R(E)” and “Green Belt” (“GB”) zones were rejected by the Committee in 2022 and 2024 respectively mainly on the grounds of not in line with the planning intention(s); not in line with the then TPB PG-No. 13F, as well as TPB PG-No. 10 for application No. A/YL-LFS/416, in that the applicant failed to demonstrate the applied use would not have significant adverse traffic and geotechnical impacts on the surrounding areas.

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

8.1 The Site is:

- (a) abutting and accessible from Lau Fau Shan Road; and
- (b) hard paved, fenced off, and used for the applied use without valid planning permission.

8.2 The surrounding areas are predominated by open storage yards, warehouses and vehicle parks. To the immediate north is a residential dwelling. Other uses such as logistics centre, canteen, office and sites under works in progress are also found in the vicinity of the Site. Some of these uses are covered by valid planning permissions, whilst some are suspected unauthorized developments subject to planning enforcement action.

9. Planning Intention

The “R(E)” zone 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

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 the Statutory Publication Period

On 19.7.2024, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

12. Planning Considerations and Assessments

12.1 The application is for temporary open storage of sand, bricks and gravel for a period of three years at the Site zoned “R(E)” on the OZP (**Plan A-1a**). Although the applied use is not in line with the planning intention of the “R(E)” 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 “R(E)” zone.

12.2 The Site is located in an area predominated by open storage yards, warehouses and vehicle parks (**Plan A-2**). 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 Engineer/Mainland North of Drainage Services Department (CE/MN of DSD) and Director of Fire Services (D of FS) from environmental, traffic, drainage and fire safety perspectives 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 any possible environmental nuisance on the surrounding areas, the applicant will also be advised to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' should the application be approved by the Committee.

- 12.4 The Committee has approved six previous applications for temporary open storage use at the Site as well as one similar application for open storage uses within/straddling the same "R(E)" zone in the past five years (**Plan A-1a**). Although the Committee had rejected two similar applications (No. A/YL-LFS/416 and 508) in 2022 and 2024, the planning circumstances of these rejected applications are different in that there were adverse departmental comments for both applications, and one of them was also not in line with the planning intention of the "GB" zone. Approval of the current application is in line with previous decisions of the Committee.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 above, the Planning Department considers that the temporary open storage of sand, bricks and gravel 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 ~~6.9.2027~~ **20.9.2027**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the existing drainage facilities on-site shall be maintained at all times during the planning approval period;
- (b) the submission of a condition record of the existing drainage facilities on the Site within **3 months** from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by ~~6.12.2024~~ **20.12.2024**;
- (c) the provision of fire extinguisher(s) with a valid fire certificate (F.S. 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 ~~18.10.2024~~ **1.11.2024**;
- (d) 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 ~~6.3.2025~~ 20.3.2025;

- (e) in relation to (d) 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 ~~6.6.2025~~ 20.6.2025;
- (f) if the above planning condition (a) 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
- (g) if any of the above planning condition (b), (c), (d) or (e) 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 "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.

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 the 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 11.7.2024
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	‘Good Practice for Open Storage Sites’ by the Fire Services Department
Drawings A-1 and A-2	Location Plans of Application Site
Drawing A-3	Proposed Layout Plan
Drawing A-4	Proposed Tree Preservation and Landscape Plan
Drawing A-5	As-built Drainage Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4b	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2024**