

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/527

- Applicant** : Mr. Chan Chi Hung represented by Mr. Wong Sun Wo William
- Site** : Lots 1803, 1804, 1805 and 1806 in D.D.129 and Adjoining Government Land (GL), Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 3,174m² (including GL of 1,371m² or 43.2%)
- 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** : “Recreation” (“REC”)
- Application** : Proposed Temporary Shop and Services (Sales of Construction Materials) with Ancillary Open Storage of Construction Materials (Metal Scaffolds) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services with ancillary open storage of construction materials (metal scaffolds) 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 used for open storage and parking of vehicles without valid planning permission (**Plans A-2, A-4a to A-4b**).
- 1.2 The Site is accessible from Deep Bay Road via a local track (**Drawing A-1 and Plan A-3**), with the ingress/egress located at the northwest of the Site. As shown on the layout plan at **Drawing A-1**, three single-storey structures (about 4.5m to 8m in height) with a total floor area of about 510m² are proposed for shops for sales of construction materials and site office uses. An area of about 250m² (or 7.9%) will be used for ancillary open storage of construction materials. One loading/unloading spaces for light goods vehicle and three parking spaces for private cars are provided. Drainage facilities (i.e. surface U-channels) and landscape plantings are also provided (**Drawings A-2 and A-3**).
- 1.3 According to the applicant, the operation hours are between 8 a.m. and 6 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:

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|-----|---|---------------|
| (a) | Application Form with attachments received on 22.7.2024 | (Appendix I) |
| (b) | Supplementary Information (SI) received on 26.7.2024 | (Appendix Ia) |
| (c) | Further Information (FI) received on 30.8.2024* | (Appendix Ib) |
| (d) | FI received on 5.9.2024* | (Appendix Ic) |
| (e) | FI received on 11.9.2024* | (Appendix Id) |

** accepted and exempted from publication and
recounting 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) there is a large demand for metal scaffolds in Hong Kong as bamboo scaffolds are gradually being phased out;
- (b) no construction/workshop activities would be undertaken as the Site would only be used for selling and storing of metal scaffolds; and
- (c) 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 sending notification letter to the “current land owner(s)”. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements as set out in TPB PG-No. 31B are not applicable.

4. **Background**

Part of the Site is the subject of planning enforcement action (Case No. E/YL-LFS/625) against unauthorized development (UD) involving storage use (including deposit of containers) and parking of vehicles (**Plan A-2**). Enforcement Notice (EN) was issued to the concerned parties on 2.7.2024 requiring the discontinuance of the UD by 2.9.2024. If the EN is not complied with, prosecution action would be taken.

5. **Previous Applications**

The Site was involved in two previous applications (No. A/YL-LFS/351 and 400) for temporary open storage (for storage of dump trucks, skip trucks and/or dump boxes) with or without private vehicle park. Both applications were rejected by the Rural and New Town Planning Committee (the Committee) of the Board in 2020 and 2021 respectively.

As the current application is for proposed shop and services with ancillary open storage of construction materials taking up only 7.9% of the site area, the considerations of these previous applications are not relevant. Details of the previous applications are summarised in **Appendix II** and their boundaries are shown on **Plan A-1**.

6. Similar Applications

- 6.1 Within the “REC” zone, there were five similar applications for various shop and services uses in the past five years. All of them were approved by the Committee. Details of the similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.
- 6.2 Five applications (No. A/YL-LFS/370, 374, 406, 420 and 495) for various shop and services uses were approved with conditions by the Committee between 2019 and 2023 mainly on the considerations that they were not in conflict with or would not frustrate the long-term planning intention of the “REC” zone; they were not incompatible with the surrounding area; there were generally no adverse comments from the concerned government departments; and the technical concerns could be addressed by approval conditions.

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

- 7.1 The Site is:
 - (a) hard-paved and used for open storage and parking of vehicles without valid planning permission; and
 - (b) accessible from Deep Bay Road to its west via a local track.
- 7.2 The surrounding areas are predominated by vacant land, open storage yards and warehouses. Other uses including residential dwellings, pigsty and pet hotel are also found in the vicinity of the Sites. Some of the surrounding 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 IV and V** respectively.

10. Public Comments Received During Statutory Publication Period

On 30.7.2024, the application was published for public inspection. During the statutory public inspection period, five public comments from individuals (**Appendix V**) were received objecting to the application mainly on grounds that the application is a ‘destroy first, build later’ case; not in line with the planning intention of “REC” zone; illegal occupation of GL has taken place; not in line with the Town Planning Board Guidelines No. 13F in that there is no previous planning approval, and open storage use would cause potential adverse traffic, environmental, landscape and visual impacts.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary shop and services with ancillary open storage of construction materials for a period of three years at the Site zoned “REC” on 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 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.
- 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. Although there are some residential dwellings located to the south of the Site in the vicinity, the proposed use is considered generally not incompatible with the surrounding land uses. The Chief Town Planner/Urban Design and Landscape of Planning Department also considers that the applied use is not incompatible with the landscape character of the surrounding areas.
- 11.3 Other 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) have no objection to or adverse comment on the application. The proposed use is not expected to cause any significant adverse impact on the surrounding areas. 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 as recommended in paragraph 12.2 below.
- 11.4 The Committee has approved five similar applications for shop and services uses within the “REC” zone in the past five years. Approval of the current application is in line with the previous decisions of the Committee.
- 11.5 Regarding the public comments 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.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account

the public comments mentioned in paragraph 10 above, the Planning Department considers that the proposed use 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 **20.9.2027**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the submission of a drainage impact assessment including the 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 **20.3.2025**;
- (b) in relation to (a) above, the implementation of the drainage proposal identified in the drainage impact assessment 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 **20.6.2025**;
- (c) in relation to (b) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (d) 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 **1.11.2024**;
- (e) the submission of a proposal for water supplies for firefighting and fire service installations 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 **20.3.2025**;
- (f) in relation to (e) above, the provision of water supplies for firefighting and fire service installations 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 **20.6.2025**;
- (g) if the above planning condition (c) 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
- (h) if any of the above planning condition (a), (b), (d), (e) or (f) 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 "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.

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 22.7.2024
Appendix Ia	SI received on 24.7.2024
Appendix Ib	FI received on 30.8.2024
Appendix Ic	FI received on 5.9.2024
Appendix Id	FI received on 11.9.2024
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
Appendix VI	'Good Practice for Open Storage Sites' by the Fire Services Department
Drawing A-1	Layout Plan
Drawing A-2	Drainage Plan
Drawing A-3	Tree Preservation and 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 and A-4b	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2024**