

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/538

- Applicant** : Lok Fung Industrial Limited represented by Top Planning Property Consultants Limited
- Site** : Lots 1749 RP (Part), 2044 RP (Part), 2045 (Part), 2046 (Part), 2047 (Part), 2058 (Part), 2059 (Part), 2076 (Part), 2077 (Part) and 2078 in D.D. 129 and Adjoining Government Land (GL), Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 3,321m² (Including GL of about 166m² or 5%)
- 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 Warehouse for Storage of Hardware Accessories for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse for storage of hardware accessories 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, vacant and erected with structures (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site is accessible from Deep Bay Road via a local track with the ingress/egress located at the northeast of the Site (**Drawing A-1**). As shown on the layout plan at **Drawing A-1**, five structures of one to two storeys (about 3m to 13m in height) with a total floor area of 3,309m² are proposed for warehouse, office, toilet and fire services pump room. According to the applicant, the proposed development is only for warehouse purposes and does not involve open storage, car washing, maintenance, disassembly, paint spraying and other workshop activities. Two loading/unloading spaces for light goods vehicle will be provided. The operation hours would be between 9:00 a.m. and 6:00 p.m. from Mondays to Saturdays. There would be no operation on Sundays and public holidays.

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

- (a) Application Form with attachments received on 30.10.2024 (**Appendix I**)
- (b) Further Information (FI) received on 12.12.2024* (**Appendix Ia**)
** 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) the proposed use is temporary in nature and will not affect the long-term planning of the Site;
- (b) the proposed development will not cause adverse traffic, environmental and drainage impacts on nearby areas;
- (c) this proposed development supports the local warehousing industry to cope with the increasing demand for warehouses in the New Territories;
- (d) there are a number of temporary warehouses in the vicinity. The proposed use are compatible with the surrounding land uses; and
- (e) a number of similar planning applications have been approved in the “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 posting site notice and sending notification letter to the Ping Shan Rural Committee. 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

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

5. Previous Applications

5.1 The Site was involved in two previous applications covering larger sites for temporary open storage of construction materials, both of which were rejected. Details of these previous applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

- 5.2 Applications No. A/YL-LFS/26 and 38 for temporary open storage of construction materials for a period of 12 months were rejected by the Town Planning Board (the Board) on review on 24.7.1998 and by the Rural and New Town Planning Committee (the Committee) on 5.2.1999 respectively. The considerations for these two applications were not relevant to the current application for warehouse use.

6. Similar Applications

- 6.1 Within the same “REC” zone, there were seven similar applications for temporary warehouse/storage use in the past five years, all of which were approved by the Committee. Details of these similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.
- 6.2 The seven applications (No. A/YL-LFS/361, 392, 441, 455, 469, 490 and 510) covering six sites were approved with conditions by the Committee between 2020 and 2024 mainly on considerations that temporary approval would not frustrate the long-term planning intention; the proposed use was not incompatible with the surrounding area; concerned government departments generally had no objection to the application 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, vacant and erected with structures; and
 - (b) accessible from Deep Bay Road via a local track.
- 7.2 The surrounding areas are predominated by warehouses, open storage yards, workshop and car parking uses intermixed with residential dwellings, farmland, pond, grave and vacant land. Some of the uses are covered by valid planning permissions, whilst some are suspected unauthorized development 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

- 9.1 Apart from the government department as set out in paragraph 9.2 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 III and IV** respectively.

9.2 The following government department has reservation on the application:

Land Administration

9.2.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site comprises Old Schedule Agricultural Lots (OSALs) and GL. The OSALs are held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. No permission is given for the occupation of the GL (about 166m² subject to verification) included in the Site. The act of occupation of GL without Government's prior approval is not allowed. Lot 2076 in D.D.129 is covered by a Short Term Waiver (STW) No. 3694 for the purpose of temporary warehouse for storage of animal feed.
- (b) LandsD has reservation on the planning application since there are unauthorized structures and/or uses on the Lots 1749 RP, 2046, 2047, 2059, 2077 & 2078 all in D.D.129 which are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify and/or apply for regularization the lease breaches as demanded by LandsD.
- (c) The applicant should note his advisory comments at **Appendix IV**.

10. Public Comment Received During Statutory Publication Period

On 8.11.2024, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual (**Appendix V**) was received objecting to the application mainly on the grounds that the application will encourage further expansion of brownfield uses and degradation of countryside.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary warehouse for storage of hardware accessories for a period of three years within the "REC" zone of 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 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 warehouses, open storage yards, workshop and car parking uses. Some of these uses are covered by valid planning permissions. The proposed use is considered not incompatible with the surrounding land uses.
- 11.3 Concerned government departments including the Commissioner for Transport, Director of Environmental Protection, 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 no adverse comment on the application from traffic, environmental, 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 12.2 below. To minimise any potential 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' should the application be approved.

- 11.4 Regarding DLO/LandsD's concern on the unauthorised structures erected within the Site and the illegal occupation of GL, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.5 The Committee has approved seven similar applications for temporary warehouse use covering six sites within the same "REC" zone in the past five years mainly on the considerations stated in paragraph 6.2 above. Approval of the current application is in line with the previous decisions of the Committee.
- 11.6 Regarding the public comment objecting to the application as stated in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.5 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 comment mentioned in paragraph 10 above, the Planning Department considers that the proposed temporary warehouse for storage of hardware accessories 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 **20.12.2027**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) 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 **20.6.2025**;
- (b) in relation to (a) 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 **20.9.2025**;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (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 **20.6.2025**;
- (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 **20.9.2025**;

- (f) 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
- (g) if any of the above planning condition (a), (b), (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 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 "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.

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 30.10.2024
Appendix Ia	FI received on 12.12.2024
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
Drawing A-1	Layout 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
DECEMBER 2024**