

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

**APPLICATION NO. A/YL-LFS/541**

- Applicant** : Art Gain Limited represented by FiBi International Project Consultancy Co. Limited
- Site** : Lot 2282 (Part) in D.D. 129, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 1,077m<sup>2</sup>
- 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** : Proposed Temporary Shop and Services (Automated Home Showroom with Ancillary Facilities and Retail Shop of Accessories) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary shop and services (automated home showroom with ancillary facilities and retail shop of accessories) for a period of three years at the application site (the Site) (**Plan A-1**) zoned “R(E)” on the OZP. According to the Notes of the OZP, ‘Shop and Services’ in open-air development or building other than industrial building is a Column 2 use that requires planning permission from the Town Planning Board (the Board). The Site is currently hard-paved and vacant (**Plans A-2, A-4a to A-4b**).
- 1.2 The Site is accessible from Deep Bay Road via a local track (**Drawing A-2 and Plan A-3**), with the ingress/egress located at the eastern part of the Site. As shown on the layout plan at **Drawing A-1**, two two-storey structures (not more than 7.5m in height) with a total floor area of about 400m<sup>2</sup> are proposed for showroom, retail shop and staff resting area. Two parking spaces for private cars are proposed. Drainage facilities (i.e. surface U-channels) would also be provided (**Drawing A-3**).
- 1.3 According to the applicant, the operation hours are between 7 a.m. to 9 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 Application Form with attachments which were received on 19.11.2024 (**Appendix I**).

**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 for a period of three years and will not affect the long-term planning of the Site;
- (b) the impact on the environment and noise is negligible and no operations will be carried out during sensitive hours; and
- (c) the Site is small in size and far away from residential dwellings. It will not create any adverse impact on traffic, environment, drainage, landscaping and visual aspects.

**3. Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is the sole current land owner of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

**4. Background**

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

**5. Previous Application**

The Site is involved in a previous application (No. A/YL-LFS/524) which the current applicant as one of the applicants for proposed temporary open storage of construction materials for a period of 3 years which was rejected by the Rural and New Town Planning Committee (the Committee) of the Board on 19.7.2024. The considerations of the previous application are not relevant to the current application for ‘Shop and Services’ use. Details of the previous application is summarised in **Appendix II** and its boundary is shown on **Plan A-1**.

**6. Similar Applications**

During the past five years, there was no similar application within the same “R(E)” zone.

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

7.1 The Site is:

- (a) hard-paved and vacant; and
- (b) accessible from Deep Bay Road to its west via a local track.

- 7.2 The surrounding areas are predominated by warehouses, open storage yards, and a logistics centre covered by valid planning permission application No. A/YL-LFS/426. Some of the warehouse and open storage uses are suspected unauthorised development subject to planning enforcement action. The Permitted Burial Ground No. YL/59 is located to the south of the Site (**Plan A-2**).

## **8. 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.

## **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 III and IV** respectively.

## **10. Public Comments Received During Statutory Publication Period**

On 29.11.2024, the application was published for public inspection. During the statutory public inspection period, four public comments from individuals / group of villagers (**Appendices V-1 to V-4**) were received objecting to the application mainly on the grounds that the Site involved storage of containers; the proposed development would have adverse fire safety, slope safety, drainage, environmental, landscape and traffic impacts, and obstruction of access.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for proposed temporary shop and services (automated home showroom with ancillary facilities and retail shop of accessories) for a period of three years at the Site zoned “R(E)” on the OZP (**Plan A-1**). Although the proposed 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, the proposed use can serve the residents with such needs in the area. Furthermore, there is no known programme for permanent development 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.
- 11.2 The Site is located in an area predominated by a logistics centre covered by valid planning permission and other scattered brownfield uses. The proposed use, which is small in scale, is considered generally not incompatible with the surrounding land uses.
- 11.3 Concerned government departments consulted including the Director of Environmental Protection, Commissioner for Transport, Chief Engineer/Mainland

North of Drainage Services Department (CE/MN of DSD), Chief Town Planner/Urban Design and Landscape, Planning Department, Head of Geotechnical Engineering Office, Civil Engineering and Development Department and Director of Fire Services (D of FS) have no objection to or adverse comment on the application from environmental, traffic, drainage, landscape, slope safety and fire safety perspectives respectively. 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. 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' should the application be approved.

- 11.4 Regarding the public comments objecting to the application as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.3 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 respectively, the Planning Department has no objection to the application.
- 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 **10.1.2028**. 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 **10.7.2025**;
- (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 **10.10.2025**;
- (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 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 **10.7.2025**;
- (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 **10.10.2025**;
- (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 "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.

### **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**

<b>Appendix I</b>	Application Form with attachments received on 19.11.2024
<b>Appendix II</b>	Previous Application
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendices V-1 to V-4</b>	Public Comments Received During Statutory Publication Period
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Vehicular Access Plan
<b>Drawing A-3</b>	Proposed Drainage Plan
<b>Plan A-1</b>	Location Plan with Previous Application
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos