

**FURTHER CONSIDERATION OF APPLICATION NO. A/HSK/174  
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**Temporary Open Storage of Recycling Materials (Plastic)  
with Ancillary Workshops and Site Offices for a Period of 3 Years  
Various Lots in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long**

**1. Background**

- 1.1 On 25.6.2019, the applicant, Fortuneland Development Holding Limited represented by Kenneth To & Associates Limited, submitted the current application seeking permission for temporary open storage of recycling materials (plastic) with ancillary workshops and site offices for a period of 3 years at the application site (the Site) (**Plan FA-1a**). The Site falls within an area zoned “Other Specified Uses” annotated ‘Port Back-up, Storage and Workshop Uses’ (“OU(PBU&SWU)”), “Other Specified Uses” annotated “Logistics Facility” (“OU(LF)”) and “Other Specified Uses” annotated “Petrol Filling Station” (“OU(PFS)”) and areas shown as ‘Road’ on the approved Hung Shui Kiu and Ha Tsuen (HSK and HT) Outline Zoning Plan (OZP) No. S/HSK/2.
- 1.2 According to the layout plan as shown in **Drawing FA-1**, the Site is sub-divided into 10 open air storage areas with a total of 19 temporary structures for 8 workshops and 11 office uses. Details of the proposed structures and their development parameters are shown in paragraph 1.3 in **Annex F-I**.
- 1.3 On 16.8.2019, the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) considered the application. During the consideration, Members raised queries on whether the Site will be sublet to different operators, the type of activities to be carried out at the ancillary workshops and their possible environmental impacts. As the operation of the ancillary workshops and their potential adverse environmental impact were uncertain due to lack of information, the Committee decided to defer a decision on the application, pending further information to be provided by the applicant on these aspects.
- 1.4 For Members’ reference, the following documents are attached:
  - (a) RNTPC Paper No. A/HSK/174 **Annex F-I**
  - (b) Extract of minutes of the Committee’s meeting held on 16.8.2019 **Annex F-II**
  - (c) Secretary of the Board’s letter dated 6.9.2019 informing the applicant of the deferment of the Committee’s decision **Annex F-III**

**2. Further Information submitted by the Applicant**

In response to the Members’ request, the applicant submitted Further Information (FI) on 25.10.2019 (**Annex F-IV**) clarifying the following issues.

(a) Subletting of the Site to Different Operators

The Site has been sub-divided into 10 nos. of smaller sites for subletting to different operators. These small sites are all used for temporary open storage of recycling materials (plastics). Some of them are with ancillary workshops.

(b) Types of Activities Carrying Out at the Ancillary Workshops

In the subdivided sites with ancillary workshops, plastic waste from industrial source will be recycled by reducing the size (i.e. shredding or pulverizing). The shredders will tear up the plastic waste into small pellets. These pellets will then be shipped to Mainland China for recycling into other products.

(c) Concerns on Noise and Waste Water Pollution

The shredding of plastic may generate noise nuisance. Noise mitigation measures have been proposed as far as practical, i.e. maintaining the ancillary workshops as semi-enclosed with the door opening facing towards the site so that potential noise nuisance due to the operation can be minimized. No waste water will be generated during the process.

**3. Comments from Relevant Government Department**

3.1 Comments on the s.16 application made by relevant Government departments are stated in paragraphs 10.1 and 10.2 of **Annex F-I**.

3.2 Relevant Government department has been consulted on the FI received from the applicant and the comments are as follows:

Comments of the Director of Environmental Protection (DEP):

(a) In accordance with the latest “Code of Practice (COP) on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” , DEP does not support the application given it involved heavy vehicles and the nearest sensitive receiver is located about 68m to the north of the Site (**Plan FA-2**). Environmental nuisance is expected.

(b) As the measures proposed in the FI could only address the environmental issues due to the workshop activities and did not address the issue of heavy vehicles, his previous stance of not supporting the application as stated in paragraph (a) above should be maintained.

**4. Planning Considerations and Assessment**

4.1 The applicant has submitted FI to address the Committee’s concerns as set out in paragraphs 2(a), (b) and (c) above. While the Site has been sub-divided into 10 nos. of smaller sites for subletting to different operators, they are all used for the applied open storage of recycling materials (plastics) with some ancillary workshops. The applicant clarified that the workshop activities will involve recycling process by reducing the size (i.e. shredding or pulverizing) of the plastic waste into small pellets for shipping to Mainland China. While the shredding process may generate noise nuisance, the applicant has proposed noise mitigation measures by maintaining the ancillary workshops as semi-enclosed with the door opening facing towards the site to minimize the potential noise nuisance generated. The applicant further pointed out that no waste water will be generated during the process.

4.2 The FI provides some additional information on the sub-division of the Sites, recycling process of the workshops and some noise mitigation measures. While DEP maintains his previous stance of not supporting the application, the general planning considerations and assessment on the application as set out in paragraph 12 of **Annex F-I** are still valid, and are recapitulated as follows:

- (a) The application is for the development of a temporary open storage of recycling materials (plastic) with ancillary workshop and site office for a period of 3 years at a Site straddling over “OU(PBU&SWU)” (59%), “OU(LF)” (4%) and “OU(PFS)” (4%) zones and an area shown as ‘Road’ on the approved HSK and HT OZP (**Plan FA-1a**). The planning intentions of the “OU(PBU&SWU)” and “OU(LF)” zones are intended primarily to cater for the port back-up facilities and container related uses, and for development of modern logistics facilities to complement the development of Hong Kong as a Regional Distribution Centre and Logistics Hub respectively. It is noted that 63% of the Site falls within the related zonings of “OU(PBU&SWU)” and “OU(LF)” and the proposed development is in line with the planning intention of the “OU(PBU&SWU)” zone since ‘Open Storage’ and ‘Rural Workshop’ are Column 1 uses of such zone and ‘Open Storage’ use is also permitted within the “OU(LF)” zone. Whilst part of the proposed development falls within the “OU(PFS)” zone and ‘Road’ area, the implementation programme for this part of NDA is still being formulated, and PM/W of CEDD has no objection to the proposed temporary use for a period of 3 years on the Site. In this regard, approval of the application on a temporary basis of 3 years would not jeopardize the long-term development of the Site. Should the application be approved, it is suggested to include an advisory clause stating that the Site may be resumed by the Government at any time during the planning approval period for the implementation of government projects.
- (b) The proposed open storage of recycling materials (plastic) with ancillary workshops is not incompatible with the surrounding land uses which are predominantly used for open storage yards, container vehicle parks, warehouses and logistics centres (**Plan FA-2**).
- (c) According to the TPB PG-No. 13E, the Site falls within Category 2 areas under the TPB PG-No. 13E. The following considerations in the Guidelines are relevant:

Category 2 areas: planning permission could be granted on a temporary basis up to a maximum period of 3 years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments, where appropriate, should be submitted to demonstrate that the proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas.

- (d) The proposed development is generally in line with the TPB PG-No. 13E in that there is no adverse comment from concerned government departments, except DEP. DEP does not support the application since the development would involve the use of heavy vehicles and there are sensitive uses in the vicinity (the nearest residential dwelling being about 68m away), and

environmental nuisance is expected. However, it is noted that the said nearest residential dwelling in fact falls within the “OU(PBU&SWU)” zone which are primarily to cater for the port back-up facilities (**Plan FA-2**). Moreover, there is no substantiated environmental complaint pertaining to the Site received in the past three years. To address the concerns on the possible environmental nuisances or the technical requirements of the other concerned Government departments, relevant approval conditions have been recommended in paragraph 5.2 below. Any non-compliance with these approval conditions would result in revocation of the planning permission and any unauthorized development on site would be subject to enforcement action by the Planning Authority. Besides, the applicant will also be advised to follow the latest “Code of Practice on Handling Environmental Aspect of Temporary Uses and Open Storage Sites” in order to minimize the possible environmental impacts on the nearby sensitive receivers.

- (e) The Committee had approved 3 previous planning applications for open storage use at the Site and 12 similar applications for various open storage uses in the same “OU(PBU&SWU)”, “OU(LF)” and “OU(PFS)” zones on the HSK and HT OZP since the promulgation of TPB PG-No. 13E on 17.10.2008 (**Plans FA-1a and 1b**). Approval of the subject application is in line with the Committee’s previous decisions. Furthermore, all approval conditions under the last planning application No. A/YL-HT/1042 at the Site submitted by the same applicant had been complied with (paragraph 6 and Appendix III of **Annex F-1**). Sympathetic consideration may be given to the current application.
- (f) There are two public comments received during the statutory period published on 2.7.2019 for three weeks with concerns stated in paragraph 11 of **Annex F-I**. The planning considerations and assessment in the above paragraphs are relevant.

## **5. Planning Department’s Views**

- 5.1 Based on the assessments made in paragraph 4 above, the Planning Department maintains its previous view that the temporary open storage of recycling materials (plastic) with ancillary workshops and site offices could be tolerated for a period of 3 years.
- 5.2 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 3 years until **13.12.2022**. 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) in relation to (a) above, no operation on Saturdays between 2:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;

- (c) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (d) the existing fencing on the Site shall be maintained at all times during the planning approval period;
- (e) all existing trees and landscape plants on the Site shall be maintained at all times during the planning approval period;
- (f) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (g) the submission of a condition record of the existing drainage facilities 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 **13.3.2020**;
- (h) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) 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 **24.1.2020**;
- (i) 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 **13.6.2020**;
- (j) in relation to (i) 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 **13.9.2020**;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) 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;
- (l) if any of the above planning conditions (g), (h), (i) or (j) is not complied with by the above 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 VII of Annex F-I**.

5.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:

- (a) the development is not in line with the planning intentions of the "OU(PFS)" zone and 'Road' area, which are intended primarily to provide/reserve land for petrol filling station and for road development. There is no strong justification given in the submission to deviate from the planning intentions, even on a temporary basis; and
- (b) the applicant fails to demonstrate that the applied development would not have adverse environmental impact on the surrounding areas.

**6. Decision Sought**

- 6.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 6.2 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.
- 6.3 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.

**7. Attachments**

<b>Annex F-I</b>	RNTPC Paper No. A/HSK/174
<b>Annex F-II</b>	Extract of minutes of the Committee's meeting held on 16.8.2019
<b>Annex F-III</b>	Secretary of the Board's letters dated 6.9.2019
<b>Annex F-IV</b>	Further Information submitted by the applicant dated 25.10.2019
<b>Drawing FA-1</b>	Proposed Layout Plan
<b>Plan FA-1a</b>	Location Plan with Similar Applications
<b>Plan FA-1b</b>	Previous Applications Plan
<b>Plan FA-2</b>	Site Plan
<b>Plan FA-3</b>	Aerial Photo
<b>Plans FA-4a to 4d</b>	Site Photos

**PLANNING DEPARTMENT  
DECEMBER 2019**