

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

APPLICATION NO. A/HSK/230

- Applicant** : Power Steel Metal Company Limited represented by Allgain Land Administrators (Hong Kong) Ltd.
- Site** : Lot 1262 (Part) in D.D. 124, Ha Tsuen, Yuen Long
- Site Area** : About 1,671m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Shui Kiu and Ha Tsuen Outline Zoning Plan (OZP) No. S/HSK/2
- Zoning** : “Other Specified Uses” annotated ‘Logistic Facility’ (“OU(LF)”)
[Restricted to maximum plot ratio (PR) of 5 and maximum building height (BH) of 110m]
- Application** : Proposed Temporary Reinforcing Steel Processing Workshop with Ancillary Office for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary reinforcing steel processing workshop with ancillary office for a period of 3 years. The Site falls within “OU(LF)” zone on the approved HSK&HT OZP No. S/HSK/2 (**Plan A-1**). According to the Notes for the “OU(LF)” zone, ‘Rural Workshop’ is a Column 2 use requiring planning permission from the Town Planning Board (the Board). The applicant currently seeks temporary planning permission for 3 years. The Site is currently hard-paved and vacant (**Plan A-2** and **A-4**).
- 1.2 The Site is accessible from Ha Tsuen Road via a local track and the ingress/egress is located at the northern part of the Site (**Plan A-2** and **Drawing A-1**). As shown on the proposed layout plan at **Drawing A-2**, three temporary single-storey structures with a total floor area of not exceeding 440m² are proposed for site office (3m high with total area of 20m²), rebar processing (7.62m high with total area of 220m²) and storage and rebar processing (7.62m high with total area of 200m²) respectively. The open area will be reserved for manoeuvring purpose. According to the applicant, the proposed operation hours are from 8:00 a.m. to 6:00 p.m. from Mondays to Saturdays and no operation will be held on Sundays and public holidays. The proposed location with vehicular access plan, layout plan,

proposed landscape and tree preservation plan and drainage plan are shown at **Drawings A-1 to A-4** respectively.

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

- (a) Application Form with plans received on 26.5.2020 (Appendix I)
- (b) Supplementary Information (SI) received on 26.5.2020 (Appendix Ia) clarifying the background information and traffic arrangement

1.4 In light of the special work arrangement for government departments due to the novel coronavirus infection, the meeting originally scheduled for 24.7.2020 for consideration of the application has been rescheduled, and the Board has agreed to defer consideration of the application. The application is now scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the attachment of Application Form and SI in **Appendices I and Ia**. They can be summarized as follows:

- (a) ‘Rural workshop’ is a Column 2 use within the “OU(LF)” zone, the proposed development is close to existing logistic facilities in the vicinity and is compatible with surrounding environment.
- (b) The reinforced steels are mainly for the local construction industry in Hong Kong, which may also help the future development of Hung Shui Kiu.
- (c) The reinforcing steel processing involves cutting the steels into shorter sizes, bending into different shapes and tying the steels together. All the reinforcing steel processing will only be performed within the temporary structures, which will not cause air and drainage pollution and the potential noise generated will be minimal.
- (d) The proposed development will generate two trips per week for delivering the steel to the Site, and another two to three trips per week for delivering out the processed steel.

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. 31A) by posting site notice and sending notice to Ha Tsuen Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is not subject to planning enforcement action.

5. Previous and Similar Application

The Site is not subject to any previous application. There is also no similar application within the subject “OU(LF)” zone on the OZP. The Site and Its Surrounding Areas **(Plan A-1 to Plan A-4)**

5.1 The Site is:

- (a) fenced, hard-paved and vacant, with an entrance gate at its northern boundary; and
- (b) accessible from Ha Tsuen Road via a local track **(Plans A-2 and A-3)**.

5.2 The surrounding areas have the following characteristics:

- (a) to its north are some open storage yards for construction materials and some residential dwellings;
- (b) to its east are a piece of vacant land and some logistic centres/warehouses;
- (c) to its south are warehouse, an orchard and grassland; and
- (d) to its west are a storage of recycling materials and workshop, some residential dwellings and orchards. To its further west and northwest are graves and grassland within an area zoned “Green Belt” **(Plan A-2)**.

6. Planning Intention

The planning intention of the “OU(LF)” zone is primarily for development of modern logistics facilities to complement the development of Hong Kong as a Regional Distribution Centre and Logistics Hub.

7. Comments from Relevant Government Departments

7.1 The following Government departments have been consulted and their views on the application are summarised as follows:

Land Administration

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

- (a) The Site comprises an Old Schedule Agricultural Lot 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.
- (b) According to his record, there is no lease modification / land exchange application or building plan submission in relation to development at the Site approved / under processing.
- (c) Should the application be approved, the lot owner(s) of the lot(s) without Short Term Waiver (STW) will need to apply to his office for permitting the structures to be erected or regularize any irregularities

on the Site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Application(s) for any of the above will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD.

Traffic

7.1.2 Comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD):

- (a) He has no adverse comment to the application from traffic engineering point of view.
- (b) Sufficient manoeuvring space should be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads.
- (c) The local track leading to the Site is not under TD's purview. The applicant should obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site.

7.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) The access arrangement should be commented by TD.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (c) Currently only the section of Ha Tsuen Road of about 120m near Kong Sham Western Highway is maintained by HyD. HyD shall not be responsible for the maintenance of any access connecting the Site and the section of Ha Tsuen Road being maintained by HyD.

Environment

7.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) DEP does not support the application because there are sensitive users in vicinity of the Site (the closest residential dwelling to the north is about 32m away) (**Plan A-2**) and environmental nuisance is expected.
- (b) Should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" (COP).

Drainage

7.1.5 Comments of the Chief Engineer/Mainland North, Drainage Services

Department (CE/MN, DSD):

- (a) He has no objection in principle to the proposed application from a drainage point of view. Should the Board consider that the application is acceptable from the planning point of view, he would suggest that a condition should be stipulated in the approval letter requiring the applicant to submit a revised drainage proposal, to implement and maintain the proposed drainage facilities to the satisfaction of his Division.
- (b) Detailed comments on the submitted drainage proposal are at **Appendix III**.

Fire Safety

7.1.6 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to him for approval.
- (c) The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans.
- (d) The applicant is reminded that if the proposed structure(s) is required to comply with the Building Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Building Matters

7.1.7 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) There is no record of approval granted by the Building Authority (BA) for the existing structures at the Site.
- (b) If the existing structures (not being New Territories Exempted Houses) are erected on leased land without the approval of the BA, they are Unauthorized Building Works (UBW) under the Buildings Ordinance (BO) and should not be designated for any approved use under the application.
- (c) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site

under the BO.

- (d) Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorised Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO.
- (e) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively.
- (f) The Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

Long Term Development

7.1.8 Comments of Project Manager (West), Civil Engineering and Development Department (PM/W, CEDD):

- (a) He has no objection to the application for temporary use for 3 years, which should be considered in accordance with the provisions of the existing OZP and infrastructure capacities.
- (b) However, the Site falls within the boundary of the Hung Shui Kiu/ Ha Tsuen New Development Area (HSK/HT NDA). According to the Planning and Engineering Study (P&E Study) for the HSK/HT NDA, to ensure timely and orderly implementation, the development of HSK/HT NDA and relevant site formation and infrastructure works would be implemented in five stages, viz. Advance Works and Stage 1 to Stage 4. The lot concerned falls within a site under Stage 2 Works in the latest programme of HSK/HT NDA. While the detailed implementation programme for the project is still being formulated, based on the P&E Study, it is envisaged that clearance of the Site in question will not be arranged before 2024.

District Officer's Comments

7.1.9 Comments of District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD):

- (a) He has no comment on the application from departmental point of view.
- (b) His office has not received any comment from the locals on the application.

7.2 The following Government departments have no comment on the application:

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (b) Director of Electrical and Mechanical Services Department (DEMS).

8. Public Comment Received During Statutory Publication Period

On 2.6.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, a public comment was received from an individual. She raised concerns to the application as there are complaints from the logistic sector on insufficient sites for warehouses use as well as the progress for establishing industrial parks (**Appendix II**).

9. Planning Considerations and Assessments

- 9.1 The application is for proposed temporary reinforcing steel processing workshop with ancillary office for a period of 3 years at a site zoned “OU(LF)” on the OZP. The planning intention of the “OU(LF)” zone is primarily for development of modern logistics facilities to complement the development of Hong Kong as a Regional Distribution Centre and Logistics Hub. Whilst the proposed development is not in line with the planning intention of “OU(LF)” zone, PM/NTW, CEDD has no objection to the proposed development for temporary use. Approval of the application on a temporary basis of 3 years would not jeopardize the long-term development of the Site. However, 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.
- 9.2 The Site is mainly surrounded by open storage yards, rural workshop, warehouses, logistics centres intermixed with some residential dwellings (**Plan A-2**). The applied use is not incompatible with the surrounding land uses.
- 9.3 The proposed development may help meeting some of the demand for reinforced steels by the construction industry, especially during the implementation of the HSK/HT NDA project. Also, given that the proposed development is small in scale and not incompatible with the surrounding land uses, sympathetic consideration may be given to the application.
- 9.4 There is no adverse comment from the concerned Government departments, except DEP. DEP does not support the application because there are sensitive uses in the vicinity of the Site (the nearest dwelling is about 32m away) and environmental nuisance is expected (**Plan A-2**). In this regard, relevant approved conditions have been recommended in paragraph 11.2 to address the concerns on the possible environmental nuisances or the technical requirements of the other concerned Government departments. Any non-compliance with these approval conditions would result in revocation of the planning permission and any unauthorized development on the Site would thus be subject to enforcement action by the Planning Authority. Should the application be approved, the applicant will also be advised to follow the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ in order to minimize the possible environmental impacts on the nearby sensitive receivers.
- 9.5 There is one public comment received on the application during the statutory publication period as summarised in paragraph 9 above. The planning considerations and assessments in the above paragraphs are relevant.

10. Planning Department's Views

- 10.1 Based on the assessments made in paragraph 10 above and having taken into account the public comment mentioned in paragraph 9, the Planning Department has no objection to the proposed temporary reinforcing steel processing workshop with ancillary office for a period of 3 years.
- 10.2 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 **1.9.2023**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation between 6:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from public roads at any time during the planning approval period;
- (d) the submission of a 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 **1.3.2021**;
- (e) in relation to (d) above, the implementation of the revised 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 **1.6.2021**;
- (f) the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (g) 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 **1.3.2021**;
- (h) in relation to (g) 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 **1.6.2021**;
- (i) if any of the above planning conditions (a), (b), (c) 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
- (j) if any of the above planning conditions (d), (e), (g) or (h) 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 III**.

10.3 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 intentions of the "OU(LF)" zone, which is primarily for development of modern logistics facilities to complement the development of Hong Kong as a Regional Distribution Centre and Logistics Hub. There is no strong planning justification to depart from the planning intention, even on a temporary basis.

11. Decision Sought

11.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.

11.2 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.

11.3 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.

12. Attachments

Appendix I	Application form with plans received on 26.5.2020
Appendix Ia	SI received on 26.5.2020 clarifying the background information and traffic arrangement
Appendix II	Public Comment received during statutory publication period
Appendix III	Advisory Clauses
Drawing A-1	Proposed Location Plan with Vehicular Access
Drawing A-2	Proposed Layout Plan
Drawing A-3	Proposed Landscape and Tree Preservation Plan
Drawing A-4	Proposed Drainage Plan
Plan A-1	Location Plan with Previous Application
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2020**