

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/272

- Applicant** : Mr. TANG Sheung Chai represented by Mr. Wong Sun Wo William
- Site** : Lots 244 (Part), 246 (Part), 250 (Part), 251, 252 (Part), 253, 254 and 255 in D.D. 125, San Wai, Ha Tsuen, Yuen Long
- Site Area** : about 7,830m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Shui Kiu and Ha Tsuen (HSK and HT) Outline Zoning Plan (OZP) No. S/HSK/2
- Zoning** : “Government, Institution or Community” (“G/IC”) (66%); and
[Restricted to a maximum building height (BH) of 8 storeys]
an area shown as ‘Road’ (34%)
- Application** : Temporary Recyclable Collection Centre and Open Storage (Metal and Plastic) with Ancillary Office and Plastic Crushing Workshop for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary recyclable collection centre and open storage (metal and plastic) with ancillary office and plastic crushing workshop for a period of 3 years (**Plan A-1**). The Site straddles an area zoned “G/IC” (66%) and shown as ‘Road’ (34%) on the approved HSK and HT OZP. According to the Notes of the OZP, ‘Recyclable Collection Centre¹’ is a Column 1 use under the “G/IC” zone and is always permitted, whereas ‘Open Storage’ is neither Column 1 nor 2 use under the such zone. According to the covering Notes of the OZP, temporary use not exceeding a period of three years within the zone requires planning permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for under the Notes of the OZP. In any area shown as ‘Road’ on the OZP, all uses or developments require planning permission from the Board. The Site is currently used for open storage of recyclable materials with valid planning permission (**Plans A-4a and 4b**).

¹ Recyclable Collection Centre means any premises where community-based recycling activities involving collection, storage, sorting, packing and baling of recyclable materials for recycling purposes are carried out.

- 1.2 The Site was involved in one previous application No. A/HSK/166 for temporary open storage of recyclable materials (metal and plastic) approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 2.8.2019 for a period of 3 years with validity till 2.8.2022 (**Plan A-1**). The current application is submitted by the same applicant at a smaller site with additional uses, different layout and development parameters.
- 1.3 The Site is accessible from Kai Pak Ling Road via local track with the ingress/egress located at the south-western boundary of the Site (**Drawing A-1, Plans A-2 and A-3**). As shown on the layout plan at **Drawing A-1**, 4 one to two-storey temporary structures with a total floor area of about 2,246m² (between 3.5m to 8m high, for different purposes including rain shelter, ancillary office and restroom, workshop and toilet) are proposed. According to the applicant, no burning, melting, washing or cleaning of recycling materials will be carried out at the Site. The operation hours of the Site are from 7:00 a.m. to 7:00 p.m. from Mondays to Saturdays and there will be no operation on Sundays and public holidays. The proposed drainage plan is shown at **Drawing A-2**.
- 1.4 A comparison of the major development parameters of the current application and the last approved application is given in the following table:

Major Development Parameters	Last Approved Application (A/HSK/166) (a)	Current Application (A/HSK/272) (b)	Difference (b) - (a)
Applied Use	Proposed temporary open storage of recyclable materials (metal and plastic) for a period of 3 years and filling of pond	Temporary recyclable collection centre and open storage (metal and plastic) with ancillary office and plastic crushing workshop for a period of 3 years	Addition of recyclable collection centre and ancillary workshop
Site Area	9,450m ²	7,830m ²	-1,620m ² (-17%)
No. of Structures	3	4	+1 (for ancillary workshop)
Total Floor Area	60m ²	2,246m ²	+2,186m ²
No. of Parking Spaces	Nil	3 for private cars	+3
No. of Loading/ Unloading Bay	1 for medium goods vehicle	2 for medium goods vehicles	+1
Operation Hours	9:00 a.m. to 7:00 p.m., Mondays to Saturdays, with no operation on Sundays and public holidays	7:00 a.m. to 7:00 p.m., Mondays to Saturdays, with no operation on Sundays and public holidays	Longer time

- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form and plans received on 10.11.2020 (**Appendix I**)
 - (b) Supplementary Information (SI) received on 11.11.2020 clarifying the nature of operation of workshop (**Appendix Ia**)
 - (c) SI received on 13.11.2020 clarifying the total number of structures with replacement page (**Appendix Ib**)

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 summarized as follows:

- (a) The approved scheme in the previous application No. A/HSK/166 did not allow sufficient large structures to protect the stored items and workers from weather.
- (b) Despite increase in floor area in the layout for the present application, the site coverage is only about 30%.
- (c) The proposed workshop will only have plastic crushing operation but will not involve melting, washing or cleaning process.

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 the Ha Tsuen Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

On 27.3.2020, the Board promulgated the revised Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F). The Site falls within Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA) under the revised Guidelines. Relevant extracts of the Guidelines are attached at **Appendix II**.

5. Background

The Site is not subject to planning enforcement action.

6. Previous Application

- 6.1 The Site was involved in one previous application No. A/HSK/166 for temporary open storage of recyclable materials (metal and plastic) which was approved with conditions by the Committee on 2.8.2019 for a period of 3 years till 2.8.2022 on the considerations that the applied uses were not incompatible with the surrounding areas, generally in line with the then Town Planning Board Guidelines No. 13 and no major adverse comment from concerned Government departments. Details of this application are summarized at **Appendix III** and its location is shown on **Plan A-1**.
- 6.2 Compared with the last application, the current application is submitted by the same applicant at a smaller site with the additional uses, different layout and development parameters.

7. Similar Applications

There are two similar applications (No. A/HSK/89 and 132) within the same “G/IC” zone on the OZP for temporary open storage of construction materials and/or recyclable materials use approved with conditions by the Committee on similar considerations as mentioned in paragraph 6.1 above. Details of the applications are summarized at **Appendix IV** and their locations are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) currently used for open storage of recyclable materials under valid planning permission; and
- (b) accessible from Kai Pak Ling Road via a local track.

8.2 The surrounding areas have the following characteristics:

- (a) to the north are open storage yard of recyclable materials, logistics centre and warehouse operated under valid planning permissions;
- (b) to the east and southeast are open storage yards of containers and recycled materials, workshops and parking of tractors under valid planning permissions; and
- (c) to the south are open storage yards of recyclable and construction materials; and
- (d) to the northwest is a local track leading from Kai Pak Ling Road while to its further west and southwest are several open storage yards of recyclable and construction materials either within “Other Specified Uses” annotated “Port Back-up, Storage and Workshop Uses” or under valid planning permission.

9. Planning Intention

The planning intention of the “G/IC” zone is primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organisations providing social services to meet community needs, and other institutional establishments.

10. Comments from Relevant Government Departments

10.1 The following Government departments have been consulted and their views on the application received are summarized as follows:

Land Administration

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

- (a) The Site comprises Old Schedule Agricultural Lots 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) 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 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(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by LandsD.

Traffic

10.1.2 Comments of the Commissioner for Transport (C for T):

- (a) He has no adverse comments on the application from traffic engineering view point.
- (b) Sufficient manoeuvring spaces shall 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 shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site.

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

- (a) The access arrangement should be commented by Transport Department (TD).
- (b) HyD shall not be responsible for the maintenance of any access connecting the Site and Kai Pak Ling Road.

Environment

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

- (a) There was no environmental complaint pertaining to the Site received in the past 3 years.
- (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'.

Drainage

10.1.5 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection in principle to the proposed development from a drainage point of view. The applicant should be reminded of his detailed comments in **Appendix VII**.
- (b) Should the application be approved, he would suggest that conditions be stipulated requiring the applicant to submit a revised drainage proposal, to implement and maintain the proposed drainage facilities to the satisfaction of his Division.

Building Matters

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

- (a) There is no record of approval by the Building Authority (BA) for the existing structures at the Site.
- (b) The applicant should be reminded of his detailed comments in **Appendix VII**.

Fire Safety

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

- (a) He has no objection in principle to the application subject to FSIs being provided to his satisfaction.
- (b) In consideration of the design/nature of the structures, fire service installations (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 applicant should adhere to the 'Good Practice for Open Storage for Open Storage Sites' at **Appendix V**.
- (d) Having considered the nature of the open storage, an additional approval condition requiring "the provision of fire extinguisher(s) within 6 weeks from the date of planning approval" should be stipulated. To address this approval condition, the applicant is advised to submit a valid fire certificate (FS 251) to his department for approval.
- (e) The applicant should be reminded of his detailed comments in **Appendix VII**.

Long-Term Development

10.1.8 Comments of the 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) The Site falls within the boundary of 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 three phases, viz. First Phase development, Second Phase development and Remaining Phase development. The lot(s) concerned falls within the sites under Second Phase and Remaining Phase development of HSK/HT NDA. While the detailed implementation programme for the project is still being formulated, it is envisaged that the site formation and engineering infrastructure works for the Second Phase development will commence in 2024. In this regard and subject to the necessary approval as required, the Government plans to acquire these relevant sites by end 2023 for the development of HSK/HT NDA.

Others

10.1.9 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) He has no objection to the application.
- (b) The applicant should take note of any interfacing issue with the proposed fresh and flushing water mains designed and implemented under the HSK/HT NDA project that will intersect the Site (**Plan A-2**).

District Officer's Comments

10.1.10 Comments of the 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.

10.2 Director of Agriculture, Fisheries and Conservation (DAFC) has no comment on the application.

11. Public Comments Received During Statutory Publication Period

On 17.11.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments from individuals were received. The commenters raised concerns/objected to the application on reasons that the development will increase traffic flow and pose safety hazards to the villagers, and that approving the brownfield uses would cause environmental degradation and affect the implementation of the planned development (**Appendices VI-1 and 2**).

12. Planning Considerations and Assessment

- 12.1 The application is for temporary recyclable collection centre and open storage (metal and plastic) with ancillary office and plastic crushing workshop for a period of 3 years at the Site within an area zoned “G/IC” (66%) and shown as ‘Road’ (34%) on the OZP. The planning intention of the “G/IC” zone is primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. The proposed recyclable collection centre is a use always permitted within “G/IC” zone. Whilst the applied open storage use is not in line with the planning intention of the “G/IC” zone, the implementation programme for this part of NDA is still being formulated, and PM/W of CEDD has no objection to the temporary use at 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. 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.
- 12.2 The applied use is not incompatible with the surrounding land uses which are predominantly used for open storage yards, warehouses, logistics centre, workshops and vehicle park. In addition, there are no residential dwellings in the surrounding areas (**Plan A-2**).
- 12.3 The Site falls within the HSK/HT NDA. For applications in NDAs, the following considerations under the TPB PG-No. 13F are relevant:

For existing open storage and port back-up uses with previous planning approval(s) and/or permitted under the previous OZPs, sympathetic consideration may be given to the application (irrespective of whether the application is submitted by the applicant of previous approval or a different applicant) until the concerned site is required for implementation of NDA development, provided that the relevant approval conditions, if any, have been complied with. Technical assessments, where appropriate, should be submitted to demonstrate that the continued operation of the current uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas and the concerns of the departments and local residents, if any, can be addressed through the implementation of the approval conditions. In view of the impending implementation of NDAs, new open storage and port back-up uses are generally not encouraged to infiltrate into the NDAs. There is a general presumption against such uses at greenfield areas and/or at sites with land use compatibility issue, e.g. in close proximity to existing residential dwellings which may be subject to environmental nuisances caused by the open storage and port back-up uses.

- 12.4 The applied use is generally in line with the TPB PG-No. 13F in that the Site falls within HSK/HT NDA and previous planning approval has been given. The current application is for similar use of the last approved application No. A/HSK/166, the planning permission of which is still valid. Compared with the last planning permission, the current application is for similar open storage use at a smaller site with the addition of recyclable collection centre with ancillary office and workshop submitted by the same applicant, and concerned Government departments have no adverse comment on the application. As such, sympathetic consideration may be given to the application.

- 12.5 Relevant Government departments, including C for T, DEP, CE/MN, DSD and D of FS, have no objection to or adverse comment on the application. To address the concerns on the possible environmental nuisances or the technical requirements of the concerned Government departments, relevant approval conditions are recommended in paragraph 13.2 below. Any non-compliance with these approval conditions would result in revocation of the planning permission and any unauthorized development on the Site would 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' to minimize the possible environmental impacts on the surrounding areas.
- 12.6 There is one previously approved planning application for the open storage of recyclable materials at the Site (**Plan A-1b and Appendix III**) and two similar applications for open storage uses approved within the same "G/IC" zone on the OZP (**Plan A-1a**). Approval of the current application is in line with the Committee's previous decisions.
- 12.7 Two public comments were received during statutory publication period as mentioned in paragraph 11. The planning considerations and assessments in the above paragraphs are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comments mentioned in paragraph 11, the Planning Department considers that the temporary recyclable collection centre and open storage (metal and plastic) with ancillary office and plastic crushing workshop could be tolerated for a period of 3 years.
- 13.2 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 **8.1.2024**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation from 7:00 p.m. to 7:00 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 burning, melting, washing or cleaning of recycling materials, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (e) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;

- (f) the submission of 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 **8.7.2021**;
- (g) in relation to (f) above, the implementation of 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 **8.10.2021**;
- (h) in relation to (g) above, the implemented drainage facilities on Site shall be maintained at all times during the planning approval period;
- (i) the provision of fire extinguisher(s) 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 **19.2.2021**;
- (j) 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 **8.7.2021**;
- (k) in relation to (j) 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 **8.10.2021**;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e) or (h) 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
- (m) if any of the above planning conditions (f), (g), (i), (j) or (k) 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**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applied open storage use is not in line with the planning intention of the "G/IC" zone which is intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

14. Decision Sought

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

- 14.2 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.
- 14.3 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.

15. Attachments

Appendix I	Application Form and plans received on 10.11.2020
Appendix Ia	SI received on 11.11.2020 clarifying the nature of operation of workshop
Appendix Ib	SI received on 13.11.2020 clarifying the total number of structures and replacement page
Appendix II	Relevant Extracts of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F)
Appendix III	Previous Application Covering the Site
Appendix IV	Similar Applications Within the Same “G/IC” Zone on the approved Hung Shui Kiu and Ha Tsuen OZP
Appendix V	Good Practice Guidelines for Open Storage issued by the Director of Fire Services
Appendices VI-1 and 2	Public Comments
Appendix VII	Advisory Clauses
Drawing A-1	Proposed Layout and Vehicular Access Plan
Drawing A-2	Proposed Drainage Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and 4b	Site Photos

**PLANNING DEPARTMENT
JANUARY 2021**