

**RURAL AND NEW TOWN PLANNING COMMITTEE
OF THE TOWN PLANNING BOARD**

**RNTPC Paper No. 2/19
For Consideration by the
Rural and New Town Planning Committee
on 12.4.2019**

**INFORMATION NOTE ON PLANNING APPLICATIONS FOR
TEMPORARY BROWNFIELD USES IN HUNG SHUI KIU**

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TEMPORARY BROWNFIELD USES IN HUNG SHUI KIU**

1. Background

- 1.1 On 8.3.2019, the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) considered applications No. A/HSK/132 and 133¹ for proposed temporary open storage of recyclable materials and construction machinery at two different sites in Hung Shui Kiu (HSK) respectively. The Committee considered that more background information on the previously considered similar planning applications for brownfield operations in HSK area would be necessary to facilitate the Committee's consideration of the two applications and to formulate a consistent approach in dealing with applications for new temporary brownfield uses in HSK New Development Area (NDA). After deliberation, the Committee decided to defer a decision on the applications, pending further information to be provided by Planning Department. For Members' reference, extracts of minutes of the Committee's meeting held on 8.3.2019 is attached at **Annex A**.
- 1.2 This Paper is to provide the relevant information on the similar applications for brownfield operations in HSK area and to set out the main criteria for consideration of future applications for temporary brownfield uses in HSK.

2. Development of Brownfield Uses in Hung Shui Kiu Area

- 2.1 The HSK NDA was previously covered by the then Ha Tsuen, Lam Tei and Yick Yuen, Ping Shan and Tin Shui Wai Outline Zoning Plans (OZPs). Prior to gazetting of the Hung Shui Kiu and Ha Tsuen (HSK and HT) OZP to facilitate the development of the HSK NDA, the Ha Tsuen/ Lam Tei and Yick Yuen/Ping Shan areas are covered by some earlier zonings, such as "Comprehensive Development Area" ("CDA"), "Recreation" ("REC") and "Undetermined" ("U") without known implementation programme in which brownfield uses for a temporary period of up to three years were favourably considered, and "Industrial" ("I"), "Industrial (Group D)" and "Open Storage" ("OS") zones where some brownfield uses like open storage, workshop and warehouses uses were Column 1 uses. These areas were also mostly within Category (Cat.) 1 and 2 areas under the TPB PG-No. 13E².
- 2.2 Upon gazettal of the HSK and HT OZP on 26.5.2017, some of the above zonings had been revised to new zonings not intended for brownfield uses, while some new related zonings have been introduced for various brownfield operations. Related zonings that may be suitable for warehouse, cargo handling and forwarding facility, open storage and other port back-up uses include the "I" and various "Other Specified Uses" ("OU") zones

¹ Applications No. A/HSK/132 and 133 would be reconsidered at this meeting .

² Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses.

annotated 'Logistics Facility' ('LF'), 'Enterprise and Technology Park' ('E&TP') or 'Port Back-up, Storage and Workshop Uses' ('PBU&SWU'). Some brownfield uses (including open storage, warehouse, logistics centre, etc.) may be of Column 1 uses which are always permitted under a particular zone, whereas some brownfield uses may require planning permission from the Board to ensure compatibility between the proposed development and its surrounding areas. These zones are mostly located in the western part of the HSK NDA. The change in planning circumstances has not yet been reflected in the TPB PG-No. 13E.

3. Consideration of Applications for Temporary Brownfield Uses since Gazettal of Hung Shui Kiu and Ha Tsuen Outline Zoning Plan

3.1 Since the publication of the HSK and HT OZP on 26.5.2017, a total of 70 applications³ for temporary logistics centre, workshop and/or warehouse uses had been considered by the Committee. The locations of these applications together with the related zonings that may be suitable for brownfield uses are shown at **Plan P-1**. Among 70 applications, 66 applications were approved whilst 2 applications were rejected and 2 applications were deferred. A breakdown of these applications is as follows:

(a) 66 applications were approved with conditions:

- 53 applications were for open storage and/or port back-up uses:
 - 47 cases falling mainly within Cat. 1 and 2 areas designated under TPB PG-No. 13E that will be favourably considered by the Board (including Cat. 1, Cat. 2, Cat. 1+2, Cat. 1+3, Cat. 1+4) and with previous planning approvals; and
 - 6 applications for open storage and/or port back-up uses falling within Cat. 4 areas (normally not favourably considered), without previous approval but within related zonings (5 cases) or on individual merits (1 case) (see the following table for Cat. 4 items).
- 13 applications were for warehouse:
 - 9 cases with previous planning approvals; and
 - 4 cases without previous approval but within related zonings (2 cases) or on individual merits (2 cases).

(b) 2 applications (No. A/HSK/23 & 84) for cargo handling and forwarding facility use and open storage of new vehicles falling within Cat. 4 areas were rejected.

(c) 2 applications (No. A/HSK/132 & 133) for open storage use were deferred.

³ Number of applications for brownfield operations in HSK considered by the Committee till 22.3.2019. Applications for other uses, including public vehicle park, shop and services, fish farming and religious institution uses are not included.

3.2 A summary table of these applications for brownfield operations in HSK is compiled below for easy reference:

Cases	Common Brownfield Uses in HSK Since the Gazettal of HSK and HT OZP					
57	Open storage, logistics centre & workshop	Category under TPB PG-No. 13E		Approved (53)	Rejected (2)	Deferred (2)
		Cat. 1	35	47 cases with previous approvals	--	--
		Cat. 2	5			
		Cat. 1+2	5			
		Cat. 1+3	1			
		Cat. 1+4	1	6 cases without previous approval <ul style="list-style-type: none"> 5 within related zonings: OU(PBU&SWU) & OU(POFEFTS)⁴ (A/HSK/14, 57*, 75, 90* and 110[#]) 1 on individual merits (A/HSK/89) 	2 cases: A/HSK/23 A/HSK/84	2 cases: A/HSK/132 A/HSK/133 (reconsidered at this meeting) ⁵
Cat. 4						
13	Warehouses with/without ancillary workshop	Approved (13) - 9 cases with previous approval - 4 cases without previous approval <ul style="list-style-type: none"> 2 within related zoning of OU(PBU&SWU) (A/HSK/17 and 134) 2 on individual merits (A/HSK/18 and 128) 			(0)	(0)
Total: 70		Approved: 66			Rejected: 2	Deferred: 2
	* Related to previous approval (No. A/HSK/14) approved on 22.9.2017 with slightly different site area/layout					
	# Related to previous approval (No. A/HSK/75) approved on 6.7.2018 with slightly different site area/layout					

4. Prevailing Practice for Consideration of Brownfield Uses

In considering applications for warehouse, open storage, port back-up and related uses, the Committee had all along taken into account the following factors: (i) the planning intention and history of the sites (including previous approvals and permitted uses under the previous OZPs); (ii) compatibility with adjoining land uses; (iii) reference to TPB PG-No. 13E where applicable; and (iv) departmental comments and local objections. In approving temporary uses within the NDAs, the Committee was mindful that the approval would not jeopardize the long term planned development of the site and the applicant was advised that the site would be resumed by the government at any time during the planning approval period. No inconsistency in previous decisions by the Committee was observed. It is considered that the prevailing practice should continue to be adopted for consideration of future applications for temporary brownfield uses in HSK.

⁴ “OU (Parking and Operational Facilities for Environmentally Friendly Transport Services)” (“OU(POFEFTS)”) ”

⁵ Four other applications for warehouse, open storage and/or other port back-up uses will also be considered by the Committee at this meeting (Applications No. A/HSK/135 and 139 (both Cat.1), 140 (warehouse) and 141 (Cat.4)).

5. Decision Sought

- 5.1 The Committee is invited to note the previous decisions on applications for temporary brownfield uses since the gazettal of HSK and HT OZP in paragraph 3 above.
- 5.2 The Committee is invited to agree to continue the current practice for considering temporary brownfield uses in HSK in paragraph 4 above.

6. Attachments

- Annex A** Extract of minutes of the Committee's meeting held on 8.3.2019
- Plan P-1** Applications for Temporary Brownfield Uses in Hung Shui Kiu since the Gazettal of Hung Shui Kiu & Ha Tsuen Outline Zoning Plan

**PLANNING DEPARTMENT
APRIL 2019**

**Extract of Minutes of 622nd Meeting of the
Rural and New Town Planning Committee held on 8.3.2019**

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/132 Proposed Temporary Open Storage of Recyclable Materials (Including Metal and Plastic) for a Period of 3 Years and Filling of Pond in “Government, Institution or Community” and “Open Space” Zones and an area shown as ‘Road’, Lots 280 (Part) and 281 (Part) in D.D.125, San Wai, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/HSK/132)

Presentation and Question Sessions

94. Mr Simon P.H. Chan, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed temporary open storage of recyclable materials (including metal and plastic) for a period of three years and filling of pond;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were residential uses in the vicinity with the nearest one about 35m to its south and environmental nuisance was expected. Other concerned government departments had no

objection to or no adverse comments on the application;

- (d) during the first three weeks of the statutory publication period, one public comment objecting to the application was received from an individual. Major grounds of objection were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Whilst the proposed development was not in line with the planning intention of the “Government, Institution or Community” (“G/IC”) and “Open Space” (“O”) zones, the implementation programme for this part of Hung Shui Kiu New Development Area (HSK NDA) was still being formulated and the Project Manager (New Territories West), Civil Engineering and Development Department had no objection to the proposed temporary use for three years on the Site. In this regard, approval of the application on a temporary basis of three years would not jeopardize the long-term development of the Site. Whilst the Site fell within Category 4 areas under the Town Planning Board Guidelines No. 13E, it should be noted that the Site had been rezoned from “Green Belt” (“GB”) and “Recreation” to “G/IC” and “O” and an area shown as ‘Road’ on the current Outline Zoning Plan. Taking into account the change in planning circumstances pertaining to the case, sympathetic consideration might be given to the current application. The proposed use was not incompatible with the surrounding uses which were predominantly occupied by storage yards, warehouses, workshops, fallow agricultural land and a few residential structures. There was no adverse comment on the application from concerned government departments except DEP. To address the concerns on environmental aspect and the technical requirements of concerned government departments, relevant approval conditions were recommended in paragraph 13.2 of the Paper. Regarding the adverse public comment, comments of concerned departments and the planning assessments above were relevant.

95. In response to a Member's enquiry, Mr Simon P.H. Chan said that the pond

within the Site had not yet been filled but was grown with some plants as shown in the site photo No. 4 of Plan A-4a in the Paper.

Deliberation Session

96. Members noted that the previous application for proposed filling of pond when the Site was zoned "GB" under the previous OZP was rejected by the Committee and upon review by the Town Planning Board in 2015.

97. A Member was concerned that the approval of the proposed temporary application would increase the area of brownfield sites which would be in conflict with the general planning intention to phase out the existing brownfield sites for development of the HSK NDA. Some Members also considered that there was no major planning merit in approving the proposed temporary use. Except better utilization of the vacant land, approval of new temporary brownfield uses would induce further expansion of the existing brownfield operations in the HSK area.

98. Members also noted that there was a similar application (No. A/HSK/89) for proposed temporary open storage use and filling of pond adjacent to the Site within the same "G/IC" zone, which was approved by the Committee on 17.8.2018. Some Members said that while careful consideration should be given to new temporary brownfield uses, consistency in the Committee's decisions should be maintained.

99. In view of the above, the Chairman suggested and Members agreed to defer a decision on the current application pending submission on more background information on similar planning applications in the area for Members' reference and consideration, so as to formulate a consistent approach in dealing with applications for new temporary brownfield uses in HSK NDA.

100. After deliberation, the Committee decided to defer a decision on the application pending submission of additional information on the similar planning applications in the HSK NDA by the Planning Department.

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/133 Proposed Temporary Open Storage of Construction Machinery for a Period of 3 Years in “Government, Institution or Community” Zone, Lots 108 S.A (Part), 108 S.B ss.1 (Part), 108 S.B ss.2, 108 S.B ss.3 (Part), 110 (Part) and 112 (Part) in D.D.128, Ha Tsuen, Yuen Long (RNTPC Paper No. A/HSK/133)

Presentation and Question Sessions

101. Mr Simon P.H. Chan, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed temporary open storage of construction machinery for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, one public comment objecting to the application was received from an individual. Major grounds of objection were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the proposed temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Whilst the proposed development was not in line with the planning intention of the “Government, Institution or Community” zone, approval of the application on a temporary basis of three years would not jeopardize the long-term

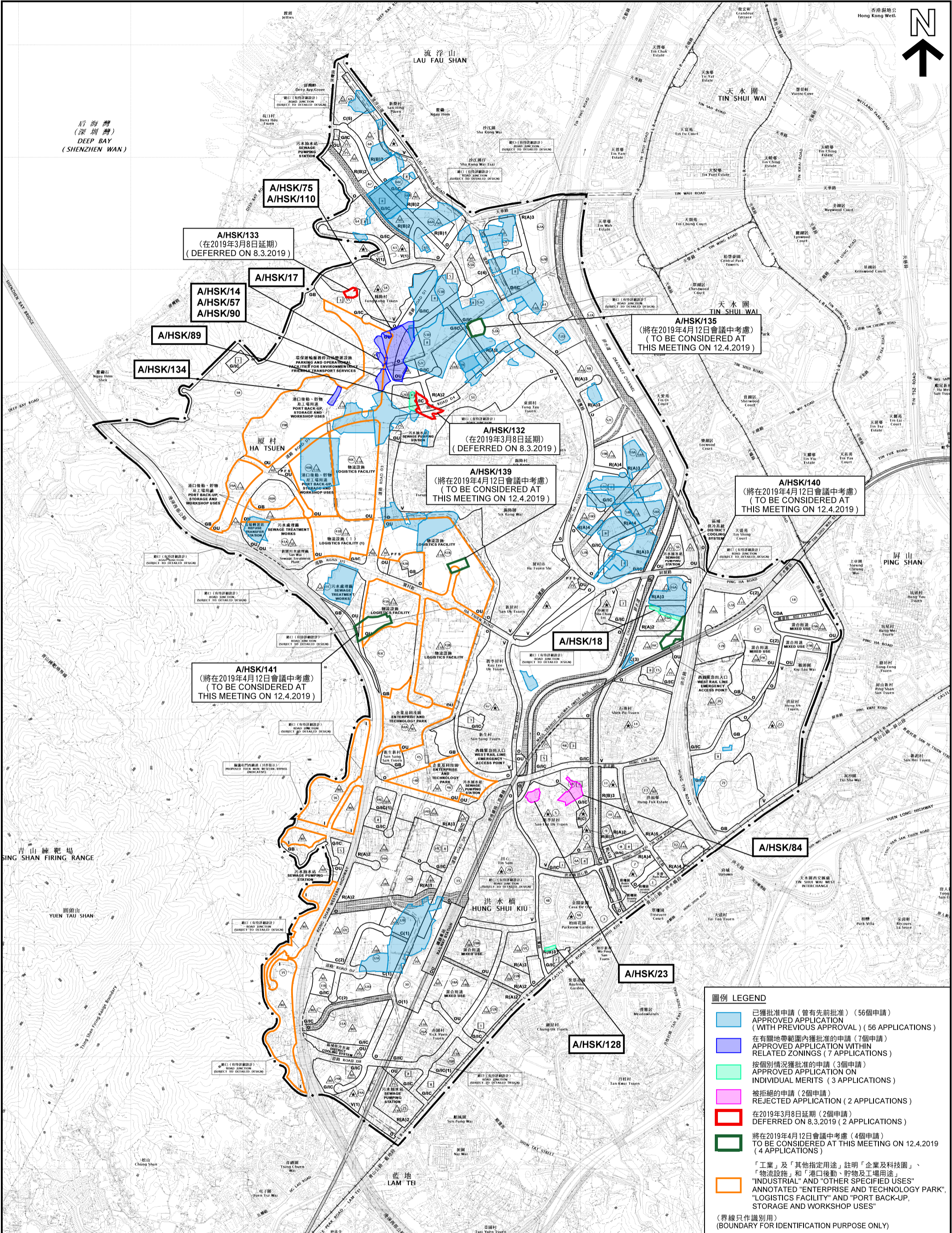
development of the Site and would not delay the implementation programme for this part of Hung Shui Kiu New Development Area (HSK NDA). The Site was situated adjacent to some village houses of Fung Kong Tsuen at its north and east, and some open storage yards/workshops at its west and south. The "Other Specified Uses" annotated 'Port Back-Up, Storage and Workshop Uses' zone, where open storage and workshop uses were always permitted, was located to the further south of the Site. The Director of Environmental Protection had no objection to the proposed temporary use at the Site. Regarding the adverse public comment, comments of concerned departments and the planning assessments above were relevant.

102. Members had no question on the application.

Deliberation Session

103. The Chairman said that this application was similar to application No. A/HSK/132 considered by the Committee at the same meeting and the two applications could be handled in the same manner.

104. After deliberation, the Committee decided to defer a decision on the application pending submission of additional information on the similar planning applications in the HSK NDA by the Planning Department.



位置圖 LOCATION PLAN

在洪水橋及厦村分區計劃大綱草圖
刊憲後在洪水橋的臨時棕地用途申請
APPLICATIONS FOR TEMPORARY BROWNFIELD USES IN
HUNG SHUI KIU SINCE GAZETAL OF
HUNG SHUI KIU AND HA TSUEN OUTLINE ZONING PLAN

本摘要圖於2019年4月8日擬備，
所根據的資料為於2018年10月16日
核准的分區計劃大綱圖編號 S/HSK/2
EXTRACT PLAN PREPARED ON 8.4.2019
BASED ON OUTLINE ZONING PLAN NO.
S/HSK/2 APPROVED ON 16.10.2018

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
M/YLW/19/67

圖
PLAN
P-1

