

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

**APPLICATION NO. A/HSK/122**

- Applicant** : Sense Limited represented by PlanArch Consultants Ltd.
- Site** : Lots 1668 S.B RP (Part), 1835 (Part), 1839, 1840 (Part), 1841 S.A, 1841 S.B (Part), 1842 (Part), 1852 RP (Part), 1853, 1854, 1855, 1856, 1857 RP (Part), 1864 RP, 1881, 1882 RP, 1883, 1884 RP, 1885, 1886, 1887, 1888, 1889 (Part), 1890 (Part), 1891 RP (Part), 1894 (Part), 1895 RP (Part), 1959 S.A RP (Part), 1967 S.B RP (Part), 1968 (Part) , 1969 (Part), 1971 RP (Part), 1972, 1973 (Part), 1974, 1975 RP (Part), 1976 RP, 1977, 1978 (Part), 1979 (Part), 1980 RP, 1986 RP (Part), 1988 RP, 1989 RP (Part), 1990, 1991 RP and 1992 RP in D.D. 125 and adjoining Government Land, Ha Tsuen, Yuen Long
- Site Area** : 38,078 m<sup>2</sup> (about) (including about 3,060 m<sup>2</sup> of Government Land (GL))
- 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** : “Residential (Group A) 3” (“R(A)3”) (about 38.4%);  
[Restricted to maximum plot ratio of 5.5 and maximum building height of 140mPD]  
“Residential (Group A) 4” (“R(A)4”) (about 16.1%); and  
[Restricted to maximum plot ratio of 5 and maximum building height of 120mPD]  
“Government, Institution or Community” (“G/IC”) (about 31.1%);  
[Restricted to maximum building height of 8 storeys]  
“Open Space” (“O”) (about 2.3%); and  
Area shown as ‘Road’ (about 12.1%)
- Application** : Temporary Open Storage of Construction Machinery and Materials, Scrap Metal and Used Electrical/Electronic Appliances and Parts with Ancillary Packaging Activities 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 open storage of construction machinery and materials, scrap metal and used electrical/electronic appliances and parts with ancillary packaging activities for a period of 3 years (**Plan A-1a**). The Site straddles over “R(A)3” (38.4%), “R(A)4” (16.1%), “G/IC” (31.1%) and “O” zones (2.3%) and an area shown as ‘Road’ on the approved HSK and HT OZP. According to the covering Notes of the OZP,

temporary use or development of any land or buildings not exceeding a period of three years within the zones 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. The Site is currently being used for the applied use without valid planning permission.

1.2 The Site is related to 10 previous planning applications No. A/YL-HT/7, 128, 216, 261, 380, 534, 568, 716, 827 and 993 for various temporary open storage uses. The last application No. A/YL-HT/993 submitted by the same applicant for similar temporary open storage use at a larger site was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 8.1.2016. The applicant has complied with all the approval conditions. However, the planning permission has lapsed on 8.1.2019.

1.3 The Site comprises of two portions, with the minor portion at the south-western side serving as access road leading from Ping Ha Road. Access to the main storage area will be from this access road via a local track to the ingress/egress at the southern side of the Site (**Plan A-2**). As shown on the layout plan at **Drawing A-1**, a total of 22 structures with a total floor area of 2,733.75m<sup>2</sup> are proposed. They include 8 single-storey shelters (36m<sup>2</sup> to 200 m<sup>2</sup>), a two-storey shelter (72m<sup>2</sup>), 4 single-storey shelters and offices (120m<sup>2</sup> to 225m<sup>2</sup>), 4 two-storey shelters and offices (61m<sup>2</sup> to 224m<sup>2</sup>), 4 two-storey offices (36m<sup>2</sup> to 440m<sup>2</sup>) and a one-storey toilet (9m<sup>2</sup>). 20 container vehicles parking spaces are also proposed within the Site. A plant nursery for maintenance of landscaping on-site is located at the eastern edge of the Site. The remaining area of the site is for open storage and internal circulation purposes. According to the applicant, the operation hours are from 7:00 a.m. to 11:00 p.m. from Mondays to Saturdays and no operation on Sundays and public holidays.

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

- (a) Application Form received on 4.12.2018 **(Appendix I)**
- (b) Planning statement with location plan, site plan and layout plan **(Appendix Ia)**
- (c) Further Information (FI) received on 8.1.2019 **(Appendix Ib)**  
*[accepted and exempted from publication and recounting requirements]*

1.5 A comparison of the major development parameters of the current application and the last approved application is given in the following table:

| <b>Major Development Parameters</b> | <b>Last Approved Application<br/>(A/YL-HT/993)<br/>(a)</b>  | <b>Current Application<br/>(A/HSK/122)<br/>(b)</b>  | <b>Difference<br/>(b) – (a)</b>  |
|-------------------------------------|---|---|--|
| <b>Site Area</b>                    | about 48,360 m <sup>2</sup>   | about 38,078m <sup>2</sup>  | -10,282m <sup>2</sup> (-21%)   |
| <b>Applied Use</b>                  | Temporary Open Storage of Construction Machinery and Materials, and Scrap Metal with Ancillary Packaging Activities for a Period of 3 Years | Temporary Open Storage of Construction Machinery and Materials, Scrap Metal and Used Electrical/Electronic Appliances and Parts with Ancillary Packing Activities for a Period of 3 Years | Addition of open storage of used electrical/ electronic appliances and parts |
| <b>No. of Structures</b>            | 20<br>(office and shelter)  | 22<br>(office, shelter and toilet)  | +2   |

|                              |                       |                         |                            |
|------------------------------|-----------------------|-------------------------|----------------------------|
| <b>Total Floor Area</b>      | 2,815 m <sup>2</sup>  | 2,733.75 m <sup>2</sup> | -81.25m <sup>2</sup> (-3%) |
| <b>No. of Parking Spaces</b> | 20 for goods vehicles | 20 for goods vehicles   | No change                  |

## 2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the supplementary Planning Statement at **Appendix Ia**. They can be summarized as follows:

- (a) The Site is located in a Category 1 area under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) which is considered suitable for open storage and port back-up uses. It is the subject of 9 previously approved applications since 2000. The applicant has demonstrated good practices in clean operation with full compliance with all approval conditions attached to the previous applications. There is no change in planning circumstances since the last approval.
- (b) The development, on a temporary basis, does not contravene and will not jeopardize the long-term planning of the area. The development is compatible with its adjoining uses which are of similar nature. The Board has also approved numerous similar applications in the vicinity and approval of the application will not set an undesirable precedent for similar applications.
- (c) The proposed open storage has fully adopted the environmental measures recommended in the relevant Code of Practice (August 2005) issued by the Environmental Protection Department, the proposed open storage will not cause any adverse environmental impact.
- (d) Adequate drainage facilities have been provided under the previous approvals to ensure no adverse drainage impact on the surrounding areas. The drainage facilities are well maintained by the operator and there are no flooding records in the vicinity.
- (e) Landscaping has been provided under the previous approvals to enhance visual quality. Regular maintenance is undertaken by the operator to facilitate good maintenance of the plants.
- (f) The proposed open storage will not cause adverse traffic impact to the local road network. Since the Site is for storage of construction machinery and materials, and scrap metal with ancillary packaging activities, traffic flow generated is minimal. The proposed open storage has clearly defined egress/ingress. With adequate manoeuvring space and loading/unloading space within the Site, no queuing or waiting on public road is envisaged.

## 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. 31) by posting site notices and publishing notice on local newspapers. Detailed information would be deposited at the meeting for Members’ inspection.

#### 4. **Background**

The Site is not subject to any planning enforcement action. However, as the previous planning permission (No. A/YL-HT/993) on the Site has lapsed on 8.1.2019, enforcement action would be instigated subject to sufficient evidence collected.

#### 5. **Town Planning Board Guidelines**

On 17.10.2008, the Board promulgated the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The site falls within Category 1 areas under the Guidelines. Relevant extracts of the Guidelines are attached at **Appendix II**.

#### 6. **Previous Application**

- 6.1 The site was the subject of 10 previous planning applications No. A/YL-HT/7, 128, 216, 261, 380, 534, 568, 716, 827 and 993 for various temporary open storage uses. All applications were approved by the Committee/Board between 1996 and 2016. However, planning permissions No. A/YL-HT/7, 128, 716 were subsequently revoked due to non-compliance with approval conditions.
- 6.2 The last application No. A/YL-HT/993 for temporary open storage of construction machinery and materials, and scrap metal with ancillary packing activities was approved by the Committee on 8.1.2016 for a period of 3 years. All the approval conditions had been complied with. However, the planning permission was lapsed on 8.1.2019. Details of these applications are summarized at **Appendix III** and their locations are shown on **Plan A-1b**.
- 6.3 As compared to the last application No. A/YL-HT/993, the current application is submitted by the same applicant on the smaller site (-10,282m<sup>2</sup>) for similar use (with additional open storage of used electrical/electronic appliances and parts). The total floor area has decreased by 81.25m<sup>2</sup> but the number of structures has increased by 2. The number of parking spaces for goods vehicles remain unchanged.

#### 7. **Similar Applications**

There are 19 similar applications No. A/YL-HT/589, 662, 666, 679, 733, 800, 801, 811, 845, 862, 918, 937, 961, 1002, 1026, 1047, 1050 and 1053 and A/HSK/105 for various temporary open storage/port back-up uses within the same “R(A)3”, “R(A)4”, “G/IC” and “O” zones on the approved HSK and HT OZP No. S/HSK/2 since the promulgation of TPB PG-No. 13E on 17.10.2008. All of these applications were approved by the Committee taking into consideration that the applied uses were not incompatible with the surrounding uses. Amongst these approved applications, 5 were subsequently revoked due to non-compliance with approval conditions. Particulars of these applications are summarized at **Appendix IV** and their locations are shown on **Plan A-1a**.

#### 8. **The Site and Its Surrounding Areas (Plan A-1a to Plan A-4a to 4g)**

8.1 The site is:

- (a) currently being used for the applied use without valid planning permission; and

- (b) accessible from Ping Ha Road via a local track.
- 8.2 The surrounding areas have the following characteristics:
- (a) to its immediate north and northwest are an open storage of recycling materials under a valid planning permission No. A/YL-HT/1071 and a warehouse and logistics centres under valid planning permissions No. A/HSK/105 and A/HSK/11; while to its further north is a warehouse under a valid planning permission No. A/HSK/31;
  - (b) to its east is an open storage for construction machinery and converted container and a nullah, and across the nullah are Drainage Services Department Ha Tsuen Sewage Pumping Station and some unused land;
  - (c) to its south across Ping Ha Road are vacant land, vehicle park, residential dwellings within the “Village Type Development” zone of Sha Chau Lei, a care and attention home, while to its southeast is an open storage of construction materials and workshop and to its southwest are an open storage of containers and a petrol filling station; and
  - (d) to its west are an open storage of recycling materials, a warehouse and a logistics centre under valid planning permissions No. A/HSK/30, 70 and 73 while to its further west are some open storage uses under valid planning permissions No. A/YL-HT/1002 and 1050 as well as a number of open storage for various items, including construction machinery, recycling materials, construction material, tyre, marble and trailer, logistic centres, vehicle park, a container vehicles park and workshops.

## **9. Planning Intention**

- 9.1 The planning intention of the “R(A)3” and “R(A)4” zones is primarily for high-density residential developments. Commercial uses are always permitted on the lowest two floors of a building excluding basements, or in a free-standing purpose-designed non-domestic building up to five storeys.
- 9.2 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.
- 9.3 The planning intention of the “O” zone is intended primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

## **10. Comments from Relevant Government Departments**

- 10.1 The following Government departments have been consulted and their views on the application 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) The GL (about 3,060m<sup>2</sup> subject to verification) is covered by Short Term Tenancy (STT) No. 3036 for the purposes of temporary open storage of construction machinery and materials and scrap metal with ancillary packaging activities.
- (c) The private lots which are covered by Short Term Waivers (STWs) are listed below:

| <b>Lot No(s). in D.D. 125</b> | <b>STW No.</b> | <b>Purposes</b>  |
|-------------------------------|----------------|--|
| 1852 RP                       | 3155           | Storage and Ancillary Use  |
| 1857 RP                       | 3156           |  |
| 1668 S.B RP                   | 3329           | Ancillary use to open storage of scrap metal                                   |
| 1967 S.B RP                   | 3330           |  |
| 1978                          | 3335           | Ancillary use to open storage of construction materials and machineries        |
| 1979                          | 3336           |  |
| 1887                          | 3337           |  |
| 1889, 1890 & 1893 RP          | 3338           | Ancillary use to open storage of construction materials and machineries        |
| 1883                          | 3339           |  |
| 1976 RP                       | 3346           |  |
| 1842                          | 4164           | Temporary open storage of construction machinery and materials and scrap metal |
| 1881, 1884 RP & 1992 RP       | 4165           |  |
| 1891 RP & 1970                | 4167           |  |
| 1975 RP                       | 4169           |  |
| 1990                          | 4170           |  |
| 1885                          | 4661           |  |

- (d) The Site is accessible from Ping Ha Road through GL. His office provides no maintenance works to the GL involved and does not guarantee any right-of-way over the GL to the Site.
- (e) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (f) Should the application be approved, the STW/STT holders will need to apply to his office for modification of the STW conditions where appropriate and the lot owner(s) of the lot(s) without STW will need to apply to his office for permitting the structures to be erected or to regularise any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Buildings(s) will be considered or allowed. 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 premium or fee, as may be imposed by LandsD.

### **Traffic**

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

- (a) He has no adverse comment on the application from traffic engineering viewpoint.
- (b) Sufficient manoeuvring spaces shall be provided within the site. No vehicle is allowed to queue back to public road or reverse onto/from the public road.
- (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 the TD.
- (b) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.
- (c) HyD shall not be responsible for the maintenance of any access connecting the Site and Ping Ha Road.

### **Environment**

10.1.4 Comment 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 at Sha Chau Lei to the south across Ping Ha Road is about 50m away) and along the Ping Ha Road (**Plan A-1**) and environmental nuisance is expected.
- (b) No substantial environmental complaint pertaining to the Site has been received in the past three years.
- (c) The applicant is advised to follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' (COP).

### **Landscaping**

10.1.5 Comments of the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) With reference to the aerial photo of 2018, it is observed that the Site is hard paved and the applied use is already in operation. Existing trees are observed generally along the site boundary. The Site is situated in an

area of rural landscape character disturbed by open storage yards and temporary structures. In consideration of last planning application No. A/YL-HT/993, significant change to the landscape character arising from the continued use on a smaller site is not envisaged.

- (b) The applicant is advised that approval of the application by the Board does not imply approval of the tree works such as pruning, transplanting and/or felling. The applicant is reminded to approach relevant authority/government department(s) direct to obtain the necessary approval on tree works.
- (c) There should be no storage or stacking of materials within 1m of any tree.
- (d) The applicant is reminded of the importance of undertaking proper tree care for existing trees within the Site. Useful information published by the GLTM Section, DEVB on general tree maintenance and tree risk management is available for reference in the following links:
  - 護養樹木的簡易圖解:  
[http://www.greening.gov.hk/filemanager/content/pdf/tree\\_care/Pictorial\\_Guide\\_for\\_Tree\\_Maintenance.pdf](http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf)
  - 樹木管理手冊:  
[https://www.greening.gov.hk/tc/tree\\_care/Handbook\\_on\\_Tree\\_Management.html](https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html)
  - 樹木風險評估及管理安排:  
[https://www.greening.gov.hk/tc/tree\\_care/tra\\_arrangements.html](https://www.greening.gov.hk/tc/tree_care/tra_arrangements.html)
  - 護養樹木 保障安全:  
[http://www.greening.gov.hk/filemanager/content/pdf/tree\\_care/Chinese\\_Leaflet\\_Big\\_font\\_size\\_v1\\_2012\\_03\\_29.pdf](http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Chinese_Leaflet_Big_font_size_v1_2012_03_29.pdf)
  - 減低樹木風險的樹木護養簡易圖解 :  
[http://www.greening.gov.hk/filemanager/content/pdf/tree\\_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk\(eng\).pdf](http://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk(eng).pdf)

## **Drainage**

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

- (a) He has no objection in principle to the application from a drainage point of view.
- (b) According to the information submitted by the applicant, the existing drainage facilities which was implemented under an approved application No. A/YL-HT/993 will be maintained for the subject development. Should the application be approved, he would suggest imposing planning conditions requiring the applicant to maintain the existing drainage facilities and submit condition record of the existing drainage facilities to the satisfaction of his Division.



### **Building Matters**

10.1.7 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 structures existing at the Site and Buildings Department (BD) is not in a position to offer comments on their suitability for the use related to the application.
- (b) If the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of the BD, they are unauthorized building works (UBW) under the 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 BA 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 application site under the BO.
- (d) Before any new building works (including containers/open shed as temporary buildings and land filling) are to be carried out on the application site, the prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorized 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 Regulation 5 and 41D of the Building (Planning) Regulations respectively.
- (f) If the Site does not abut on a specified street of not less than 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulation at the building plan submission stage.

### **Nature Conservation**

10.1.8 Comments of Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) As the Site is paved and disturbed, he has no comment on the application from nature conservation point of view.
- (b) Should the application be approved, the applicant is advised to adopt good site practices and implement necessary water pollution control measures to avoid affecting the nearby watercourses.

### **Fire Safety**

10.1.9 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 (FSI) being provided to his satisfaction.

- (b) In consideration of the design/nature of the structures, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department 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 to be installed should be clearly marked on the layout plans; and the applicant should adhere to the 'Good Practice for Open Storage for Open Storage Sites' at **Appendix V**.
- (d) Having considered the nature of open storage, the following approval condition shall be added:

“The provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of Director of Fire Services”
- (e) The applicant is advised to submit a valid fire certificate (FS251) to his Department for approval.
- (f) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

### **Long Term Development**

#### 10.1.10 Comments of the Project Manager (New Territories West), Civil Engineering and Development Department (PM/NTW, CEDD):

- (a) He has no objection to the proposed 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 Hung Shui Kiu New Development Area (HSK NDA). According to the Planning and Engineering Study (P & E Study) for the HSK NDA, to ensure timely and orderly implementation, the development of HSK NDA and relevant site formation and infrastructure works would be implemented in five stages, via. Advance Works and Stage 1 to Stage 4. The lots concerned fall within a site under Stages 3 and 4 Works Stage. 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 will not be arranged before the first population intake of the HSK NDA expected in 2024.

#### 10.1.11 Comments of the Director of Leisure and Cultural Services (DLCS):

- (a) He notes the application period is only for three years and has no in-principle objection to the application.
- (b) The Site is zoned “R(A)3, “R(A)4”, “G/IC” and “O” and an area shown as ‘Road’ on the HSK & HT OZP. The portion zoned “O” is not on the priority list for development agreed by the Yuen Long District Council. He has no plan to develop the Site into public open space at present.

### **District Officer's Comment**

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

His office has not received any comment from locals on the application.

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

- (a) Commissioner of Police (C of P);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Director of Electrical and Mechanical Services (DEMS); and
- (d) Chief Engineer/Sewerage Projects, DSD (CE/SP, DSD).

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

On 11.12.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 2.1.2019, two public comments were received from private individuals (**Appendices VIa & VIb**). One commenter objects to the application mainly on grounds that the existing operations on the Site cause noise pollution to the nearby residents and there are operations at the Site during Sundays, public holidays and in the evening. The other commenter suggests the application be rejected so that the development of Hung Shui Kiu New Development Area project would be expedited.

## **12. Planning Considerations and Assessment**

12.1 The Site straddles over “R(A)3”, “R(A)4”, “G/IC” and “O” zones and an area shown as ‘Road’ on the approved HSK and HT OZP, with their planning intentions for high-density residential developments, provision of Government, institutions and community facilities serving the needs of the local residents and/or a wider district, region or the territory and provision of outdoor open-air public space for active and/or passive recreation uses respectively. Whilst the development is not in line with the planning intentions, the implementation programme for this part of NDA is still being formulated, and PM/NTW of CEDD and DLCS have 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. 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 proposed open storage of construction machinery and materials, scrap metal and used electrical/electronic appliances and parts with ancillary packaging activities is not incompatible with the surrounding land uses which are predominantly used for open storage yards and workshops (**Plan A-2**).

12.3 The site falls within Category 1 areas under the TPB PG-No. 13E. The following considerations in the Guidelines are relevant:

Category 1 areas: favourable consideration will normally be given to applications within these areas, subject to no major 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 should be submitted if the proposed uses may cause significant environmental and traffic concerns.

- 12.4 The proposed development is generally in line with the TPB PG-No. 13E in that the Site falls within Category 1 areas which are considered suitable for open storage and port back-up uses; relevant proposals have been submitted to demonstrate that the proposed use would not generate adverse impacts; and technical concerns of relevant Government departments could be addressed through the implementation of approval conditions.
- 12.5 There is no major adverse comment from the concerned Government departments, except DEP. DEP does not support the application because there are sensitive uses in the vicinity (the nearest residential dwelling being about 50m away), and environmental nuisance is expected (**Plan A-2**). However, there was no substantive environmental complaint pertaining to the Site 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 are recommended in paragraph 13.2 below. Any non-compliance with these approval conditions, including operations on restricted hours/days, would result in revocation of the planning permission and any unauthorized development on Site would be subject to enforcement action by the Planning Authority. Should the application be approved, the applicant will 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.
- 12.6 The Committee has approved with conditions 10 previous applications for temporary open storage uses at the Site (**Plan A-1b**) and 19 similar applications within the same "R(A)3", "R(A)4", "G/IC" and "O" zones since the promulgation of TPB PG-No. 13E on 17.10.2008 (**Plan A-1a**). Approval of the current application is in line with the Committee's previous decisions.
- 12.7 There are two public comments received with concern stated in paragraph 11 above. The planning considerations and assessment in the above paragraphs are relevant.

### **13. Planning Department's Views**

- 13.1 Based on the assessment made in paragraph 12 above and having taken into account the public comments mentioned in paragraph 11, the Planning Department considers that the temporary open storage of construction machinery and materials, scrap metal and used electrical/electronic appliances and parts with ancillary packaging activities 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 **1.2.2022**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 11:00 p.m. and 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 vehicle is allowed to queue back to or reverse onto/from the public road at all times during the planning approval period;
- (d) the existing fencing on the site should 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) no storage or stacking of materials within 1m of any tree 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 **1.5.2019**;
- (h) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (i) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **15.3.2019**;
- (j) the submission of 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 **1.8.2019**;
- (k) in relation to (j) above, the implementation of 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 **1.11.2019**;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f) 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 (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 development is not in line with the planning intentions of the "R(A)3", "R(A)4", "O" and "G/IC" zones, which are intended primarily for high-density residential developments, provision of outdoor public space for recreation uses and provision of Government, institutions and community facilities. There is no strong justification to deviate from the planning intentions 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 for renewal of the planning 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 reasons for rejection should be given to the applicant.

#### **15. Attachments**

|                               |   |
|-------------------------------|---|
| <b>Appendix I</b>             | Application Form received on 4.12.2018  |
| <b>Appendix Ia</b>            | Planning Statement with location plan, site plan and layout plan  |
| <b>Appendix Ib</b>            | Further Information received on 8.1.2019  |
| <b>Appendix II</b>            | Relevant extracts of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E)   |
| <b>Appendix III</b>           | Previous applications covering the site   |
| <b>Appendix IV</b>            | Similar applications within the same "R(A)3", "R(A)4", "G/IC" and "O" zones on the approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2 since the Promulgation of TPB PG-No. 13E on 17.10.2008 |
| <b>Appendix V</b>             | 'Good Practice for Open Storage Sites' by the Fire Services Department  |
| <b>Appendices VIa &amp; b</b> | Public comments   |
| <b>Appendix VII</b>           | Advisory Clauses  |
| <b>Drawing A-1</b>            | Layout Plan   |
| <b>Plan A-1a</b>              | Location Plan with Similar Applications   |
| <b>Plan A-1b</b>              | Previous Applications Plan  |
| <b>Plan A-2</b>               | Site Plan   |
| <b>Plan A-3</b>               | Aerial Photo  |
| <b>Plan A-4a to 4h</b>        | Site Photos   |