

**FURTHER CONSIDERATION OF APPLICATION NO. A/HSK/132
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**Proposed Temporary Open Storage of Recyclable Materials
(including Metal and Plastic) for a Period of 3 Years and Filling of Pond
Lots 280 (Part) and 281 (Part) in D.D. 125, San Wai, Ha Tsuen, Yuen Long**

1. Background

- 1.1 On 16.1.2019, the applicant, Mr. TANG Sheung Chai represented by Metro Planning and Development Company Limited, submitted the current application seeking permission for proposed temporary open storage of recyclable materials (including metal and plastic) for a period of 3 years and filling of pond¹ at the application site (the Site) (**Plan FA-1**). The Site falls within an area zoned “Government, Institution or Community” (“G/IC”), “Open Space” (“O”) and an area shown as ‘Road’ on the approved Hung Shui Kiu and Ha Tsuen (HSK and HT) Outline Zoning Plan (OZP) No. S/HSK/2.
- 1.2 On 8.3.2019, the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) considered the subject application and application No. A/HSK/133. 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.
- 1.3 For Members’ reference, the following documents are attached:
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| (a) RNTPC Paper No. A/HSK/132 | Annex F-I |
| (b) Extract of minutes of the Committee’s meeting held on 8.3.2019 | Annex F-II |
| (c) Secretary of the Board’s letter dated 22.3.2019 informing the applicant of the deferment of the Committee’s decision | Annex F-III |

2. Information Note on Planning Applications for Temporary Brownfield Uses in Hung Shui Kiu

An Information Note on Planning Applications for Temporary Brownfield Uses in Hung Shui Kiu has been prepared for consideration at this meeting (**RNTPC Paper No. 2/19**).

¹ There is no separate clause on filling of pond on the OZP and no planning permission for such works is required under both the “G/IC” and “O” zones.

A summary table on the previous decisions on temporary brownfield uses in HSK since the gazettal of the OZP has been compiled. The Information Note recommends that the prevailing practice for future consideration of applications for temporary brownfield uses in HSK should be followed. In considering applications for warehouses, open storage, port back-up and related uses, the Committee should continue making reference to the following factors when assessing these applications: (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.

3. Further Consideration of Application No. A/HSK/132

Based on the recommended approach for consideration of future temporary brownfield uses as deliberated in the Information Note, further assessments have been made for the subject application. Despite the application site (the Site) falls within Cat. 4 area under the TPB-PG No. 13E and without any previous approval, the planning circumstance for the subject application is however similar to the previously approved application No. A/HSK/89 in that the Site was rezoned from “Green Belt” and “Recreation” on the previous Ha Tsuen OZP to “G/IC” and “O” zones and areas shown as ‘Road’ on the current OZP. The Site just adjoins that of the approved application No. A/HSK/89 (for proposed pond filling for temporary open storage of construction materials and recycled materials collection centre) and is closed to the related zonings, including “Other Specified Uses” annotated ‘Port Back-up, Storage and Workshop Uses’ (“OU(PBU&SWU)”) and annotated ‘Logistics Facility’ (“OU(LF)”) to its further west (149m and 172m respectively away from the Site) (**Plan FA-1**) where some brownfield uses (i.e. open storage) are Column 1 use. In view of the fact that the implementation programme for that part of HSK NDA is still being formulated; a number of similar applications adjacent to the site within the same “G/IC” and “O” zones were approved (**Plan FA-1 and Appendix IV of Annex F-I**); the applied use is considered not incompatible with the surrounding uses which are predominantly occupied by warehouse and open storage uses; and generally no adverse departmental comments. As such, sympathetic consideration may be given to the application.

4. Planning Department’s Views

- 4.1 Based on the assessments made in paragraph 3 above, the Planning Department maintains its previous view that the proposed temporary open storage of recyclable materials and filling of pond could be tolerated for a period of 3 years.
- 4.2 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 **12.4.2022**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no part of the pond shall be filled to a depth exceeding 1.2m, as proposed by the applicant;
- (b) no operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;

- (c) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (d) no workshop activity, as proposed by the applicant, will be allowed on the Site during the planning approval period;
- (e) no heavy goods vehicle exceeding 24 tonnes, including container trailer/tractor, 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) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (g) the submission of a revised drainage proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **12.10.2019**;
- (h) in relations to (g) above, the implementation of the revised drainage proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **12.1.2020**;
- (i) in relations to (h) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (j) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS 251) 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 **24.5.2019**;
- (k) the submission of a fire service installations proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **12.10.2019**;
- (l) in relation to (k) above, the implementation of the fire service installations proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **12.1.2020**;
- (m) the provision of fencing within **6** months from the date of the planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **12.10.2019**;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (i) 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
- (o) if any of the above planning conditions (g), (h), (j), (k), (l) or (m) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

Advisory clauses

The recommended advisory clauses are attached at **Appendix VII of Annex F-I**.

- 4.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:
- (a) the applied use is not in line with the planning intentions of the "G/IC" and "O" zones, 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, and 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. There is no strong planning justification given in the submission for a departure from the planning intentions, even on a temporary basis; and
 - (b) the applicant fails to demonstrate that the applied development would not have adverse environmental impact on the surrounding areas.

5. Decision Sought

- 5.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 5.2 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.
- 5.3 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.

6. Attachments

Annex F-I	RNTPC Paper No. A/HSK/132
Annex F-II	Extract of minutes of the Committee's meeting held on 8.3.2019
Annex F-III	Secretary of the Board's letters dated 22.3.2019
Plan FA-1	Location Plan with Previous and Similar Applications

**PLANNING DEPARTMENT
APRIL 2019**