

**FURTHER CONSIDERATION OF APPLICATION NO. A/HSK/133  
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**Proposed Temporary Open Storage of Construction Machinery  
for a Period of 3 Years at 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**

**1. Background**

- 1.1 On 16.1.2019, the applicant, Mr. Wu Siu Sing represented by Metro Planning and Development Company Limited, submitted the current application seeking permission for proposed temporary open storage of construction machinery (including electric generators and miniature excavators) for a period of 3 years at the application site (the Site) (**Plan FA-1**). The Site falls within an area zoned “Government, Institution or Community” (“G/IC”) 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/132. 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:
- |                                                                                                                          |                    |
|--------------------------------------------------------------------------------------------------------------------------|--------------------|
| (a) RNTPC Paper No. A/HSK/133                                                                                            | <b>Annex F-I</b>   |
| (b) Extract of minutes of the Committee’s meeting held on 8.3.2019                                                       | <b>Annex F-II</b>  |
| (c) Secretary of the Board’s letter dated 22.3.2019 informing the applicant of the deferment of the Committee’s decision | <b>Annex F-III</b> |

**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**). 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/133**

- 3.1 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 with respect to the main factors as below.
- 3.2 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 open storage use is not in line with the planning intention of the “G/IC” zone. There is no strong planning justification given in the submission for a departure from the planning intention of the “G/IC” zone, even on a temporary basis.
- 3.3 The Site is situated in an area predominated by woodland and a cluster of village houses and residential dwellings (the nearest domestic use is located about 9m to the northeast of the Site) (**Plan FA-2**) within the adjoining “V” zone of Fung Kong Tsuen to its immediate north and east. Although there are open storage yards and workshops in the vicinity of the Site, they are either suspected unauthorised developments subject to enforcement actions by the Planning Authority or within the “Other Specified Uses” annotated ‘Port Back-Up, Storage and Workshop Uses’ zone, where such uses are always permitted. The applied use, which is industrial in nature, is not compatible with the surrounding environment, in particular the village cluster of Fong Kong Tsuen, including Mountain Royal and woodland to the immediate north and east of the Site (**Plan FA-2**).
- 3.4 The site falls within Category 4 areas under the TPB PG-No. 13E. The following considerations in the Guidelines are relevant:

Category 4 areas: applications would normally be rejected except under exceptional circumstances. For applications on sites with previous planning approvals, and subject to no adverse departmental comments and local objections, sympathetic consideration may be given if the Applicants have demonstrated genuine efforts in compliance with approval conditions of the previous planning applications and included in the applications relevant technical assessments/proposals to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. The intention is however to encourage the phasing out of such non-conforming uses as early as possible. A maximum period of 2 years may be allowed upon renewal of planning permission for an Applicant to identify suitable sites for relocation. No further renewal of approval will be given unless under very exceptional circumstances and each application for renewal of approval will be assessed on its individual merit.

- 3.5 The application does not comply with the TPB PG-No.13E in that the Site falls within Category 4 areas where applications would normally be rejected except under exceptional circumstances. The Site is not the subject of any previous planning approval for open storage use. No strong justification is given in the submission that justifies sympathetic consideration. As such, there is no exceptional circumstance that warrants the approval of the application.
- 3.6 The proposed development is not related to any previous case and no similar case within the subject "G/IC" zone has been approved by the Committee since the promulgation of TPB PG-No. 13E on 17.10.2008.
- 3.7 There is one public comment received with concern stated in **paragraph 11 of Annex FA-I**. The planning considerations and assessment in the above paragraphs are relevant.

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

- 4.1 Based on the assessments made in paragraph 3 above and having taken into account the public comment mentioned in **paragraph 11 of Annex FA-I**, the Planning Department does not support the application for the following reasons :
  - (a) the proposed development 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. No strong planning justification has been given in the submission for a departure from such planning intention, even on a temporary basis;
  - (b) the proposed development is not compatible with the surrounding land uses which are predominantly residential in nature; and
  - (c) approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the same "G/IC" zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.
- 4.2 Alternatively, 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 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;
- (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 repairing, cleansing, dismantling or any other workshop activity, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (d) no goods vehicles exceeding 5.5 tonnes, including container tractor/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;
- (e) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (f) 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**;
- (g) in relations to (f) 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**;
- (h) in relations to (g) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (i) the submission of a tree preservation and landscape proposal 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**;
- (j) in relation to (i) above, the implementation of the tree preservation and landscape proposal within **9 months** from the date of the planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **12.1.2020**;
- (k) 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**;
- (l) 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**;
- (m) in relation to (l) 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**;
- (n) 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**;

- (o) 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
- (p) if any of the above planning conditions (f), (g), (i), (j), (k), (l), (m) or (n) 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 V** of **Annex F-I**.

**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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 5.3 Alternatively, 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.

**6. Attachments**

<b>Annex F-I</b>	RNTPC Paper No. A/HSK/133
<b>Annex F-II</b>	Extract of minutes of the Committee's meeting held on 8.3.2019
<b>Annex F-III</b>	Secretary of the Board's letters dated 22.3.2019
<b>Plan FA-1</b>	Location Plan
<b>Plan FA-2</b>	Site Plan

**PLANNING DEPARTMENT  
APRIL 2019**