

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/303

- Applicant** : FSD Emental Industrial Limited (鋒生行環保工業有限公司)
- Site** : Lot 256 (Part) in D.D. 125, San Wai, Ha Tsuen, Yuen Long, New Territories
- Site Area** : about 2,700m²
- 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”) (72.3%); and
[Restricted to a maximum building height of 8 storeys]
areas shown as ‘Road’ (27.7%)
- Application** : Temporary Open Storage of Metals and Plastics with Ancillary Office and Plastic Processing 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 proposed temporary open storage of metals and plastics with ancillary office and plastic processing workshop for a period of 3 years (**Plan A-1a**). The Site falls within an area zoned “G/IC” (72.3%) and shown as ‘Road’ (27.7%) on the approved HSK and HT OZP. 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. The Site is currently used for the applied use without valid planning permission (**Plan A-4**).
- 1.2 The Site was involved in two previous applications (No. A/YL-HT/949 and A/HSK/89) respectively for proposed pond filling for permitted agricultural use and proposed temporary open storage and recycled materials collection centre with pond filling (**Plan A-1b**). The last application No. A/HSK/89 was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 17.8.2018 for a period of 3 years. The planning approval was subsequently revoked on 17.11.2020 due to non-compliance with time-limited approval conditions.

1.3 The Site is accessible from Kai Pak Ling Road via a local track with the ingress/egress point located at the north-western corner of the Site (**Drawing A-1, Plans A-2 and A-3**). As shown on the proposed layout plan at **Drawing A-3**, 5 single-storey (not more than 6m high) temporary structures with a total floor area of 874.32m² (including two structures each with floor area of 14.16m² for ancillary offices/staff common rooms and three open-sided structures with total floor area of 846m² for plastic processing workshop) are proposed. The plastic processing workshop would involve sorting, crushing, washing, melting, cooling and cutting of plastic materials into plastic particles, and drying and packing for transportation out. The raw materials/products will be transported by light goods vehicles not exceeding 5.5 tonnes. No burning activities would be involved. Designated storage area and loading/unloading area are also provided at the northeastern and northwestern parts of the Site respectively. The operation hours of the Site are from 8:00 a.m. to 6:00 p.m. from Mondays to Saturdays and there will be no operation on Sundays and public holidays. The proposed landscape plan, drainage plan and fire service installations (FSIs) proposal are shown at **Drawings A-4 to A-6** respectively.

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/89) (a)	Current Application (A/HSK/303) (b)	Difference (b) - (a)
Applied Use	Proposed temporary open storage of construction materials and recycled materials collection centre with pond filling (3 years)	Proposed temporary open storage of metals and plastics with ancillary office and plastic processing workshop (3 years)	Different use
Site Area	2,450m ²	2,700m ²	+250m ² (+10.2%)
No. of Structures	Nil	5	+5 (for offices and workshops)
Total Floor Area	Nil	874.32m ²	+874.32m ²
Operation Hours	8:00 a.m. to 6:00 p.m., Mondays to Saturdays, with no operation on Sundays and public holidays		Same

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

- (a) Application Form received on 24.3.2021 with plans **(Appendix I)**
- (b) Supplementary Information (SI) received on 7.4.2021 clarifying the development parameters and justifications of proposed uses, and providing revised layout plan, new landscape plan and vehicular access plan **(Appendix Ia)**
- (c) Further Information (FI) received on 13.7.2021 providing information on the operation of plastic workshop and its environmental impacts **(Appendix Ib)**
- (d) FI received on 25.8.2021 providing information on the proposed mitigation measures for the environmental impacts **(Appendix Ic)**

- 1.6 At the request of the applicant, the Committee on 14.5.2021 agreed to defer a decision for two months so as to allow time for the applicant to submit FI to address departmental comments. After the deferment, FI submissions were received by the Board on 13.7.2021 and 25.8.2021. The application is therefore scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the SI and FIs at **Appendices Ia to Ic**. They can be summarized as follows:

- (a) The applicant intends for recycling plastics into particles to reduce extensive waste and support the recycling operation in Hong Kong.
- (b) No heavy vehicles and container trailer/tractor will be required for the operation.
- (c) Air purifier will be installed to reduce air pollution. Sound insulating measures including soundproof cloth and hoardings will be provided to block and reduce noise nuisance from the machines. No land contamination will arise as the raw materials (used plastic bags) are not water soluble and the Site will be hard paved with concrete.

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 notices and sending notices to 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 currently not subject to planning enforcement action.

6. Previous Applications

- 6.1 The Site was involved in two previous applications (No. A/YL-HT/949 and A/HSK/89) for proposed pond filling for permitted agricultural use and temporary open storage and recycled materials collection centre with pond filling (**Plan A-1b**). Details of these applications are summarized at **Appendix III** and their locations are shown on **Plan A-1b**.

- 6.2 Application No. A/YL-HT/949, under which the Site was zoned “Green Belt” (“GB”) and “Recreation” on the then OZP, was rejected by the Board upon review on 30.10.2015 on the grounds that the applicant failed to demonstrate that the proposed development would not have adverse ecological and landscape impacts on the surrounding areas and approval of the application would set an undesirable precedent for similar applications within the “GB” zone and the cumulative effect of approving such similar applications would result in general degradation of the environment.
- 6.3 The last application No. A/HSK/89 was approved with conditions by the Committee on 17.8.2018 for a period of 3 years on the considerations that the applied uses were not incompatible with the surrounding areas, change in planning circumstances of the concerned area in that similar application was approved adjacent to the Site within the same “G/IC” zone and no major adverse comment from concerned Government departments. The planning approval was subsequently revoked on 17.11.2020 due to non-compliance with time-limited approval conditions on the submission and implementation of revised drainage proposal, as well as implementation of both landscape and FSIs proposals. Compared with the last application, the current application is submitted by a different applicant at a slightly larger site with different use, layout and development parameters.

7. Similar Applications

There are three similar applications (No. A/HSK/132, 166 and 272) within the same “G/IC” zone on the OZP for temporary open storage of recyclable materials and/or plastic crushing workshop uses which were all approved with conditions by the Committee on similar considerations as mentioned in paragraph 6.3 above. Details of the applications are summarized at **Appendix IV** and their locations are shown on **Plan A-1a**.

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

8.1 The Site is:

- (a) currently fenced off and used for the applied use without 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 its north is an open storage yard of containers, while to its further north are a logistics centre and a warehouse and logistics yard, both under valid planning permissions;
- (b) to its east is an open storage yard of recycling materials under valid planning permission while to its further south-east is a piece of vacant land;
- (c) to its south is an open storage yard of recycling materials under valid planning permission while to its further south are several open storage yards of recycling and construction materials, two warehouses and a residential dwelling (about 38m away) (**Plan A-2**); and
- (d) to its west are two open storage yards of recycling materials, one of which is

under valid planning permission, while to its further southwest are an open storage yard of construction materials and a storage area.

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 an Old Schedule Agricultural Lot 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 applicant should be reminded of the detailed comments in **Appendix VII**.

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 or reverse onto/from public roads.
- (c) The applicant should be reminded of the detailed comments in **Appendix VII**.

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

- (a) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (b) HyD shall not be responsible for the maintenance of any access connecting the Site and Fung Kong Tsuen Road.

Environment

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

- (a) The proposed development will involve plastic melting and crushing processes, which will very likely cause potential noise and air quality concern, e.g. emissions of volatile organic compounds (VOC) and hazardous compounds from polymer degradation. There is no sufficient information in the current application to demonstrate that the proposed development will not cause adverse environmental impact. As such, he does not support the subject application.
- (b) There was no environmental complaint pertaining to the Site received in the past 3 years.

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 application from a drainage point of view.
- (b) Should the application be approved, a condition should be stipulated requiring the applicant to submit a drainage proposal, to implement and maintain the proposed drainage facilities to the satisfaction of his Division.
- (c) The applicant should be reminded of the detailed comments in **Appendix VII**.

Landscape

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

- (a) The Site is situated in an area of rural landscape character predominated by open storage yards, temporary structures. Significant change to the landscape character arising from the application is not envisaged. He has no objection to the application from landscape planning perspective.
- (b) In consideration that the permission under previous application No. A/HSK/89 was revoked due to non-compliance with approval conditions including the landscape condition, should the application be approved, it is recommended to impose an approval condition to submit and implement a landscape proposal to the satisfaction of the Director of Planning or of the Board.
- (c) The proposed office, temporary structures A and B, as well as the open storage area would be in conflict with the existing trees and proposed planting area. The applicant should provide 1m wide planting area as shown in the submitted landscape plan for healthy and sustainable tree growth.

- (d) The applicant should be reminded of the detailed comments in **Appendix VII.**

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 granted by the Building Authority (BA) for the existing structures at the Site.
- (b) The applicant should be reminded of the detailed comments in **Appendix VII.**

Fire Safety

10.1.8 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 proposal, 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) Having considered the nature of the 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 D of FS”
- (d) The applicant is advised to submit a valid fire certificate (FS 251) to his department for approval.
- (e) The applicant should be reminded of the detailed comments in **Appendix VII.**

Long-Term Development

10.1.9 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 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 Remaining Phase development will commence in 2030.

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 The following Government departments have no objection to/no comment on the application:

- (a) Chief Engineer/Construction, Water Supplies Department (CE/Construction, WSD); and
- (b) Director of Agriculture, Fisheries and Conservation (DAFC).

11. Public Comments Received During Statutory Publication Period

On 9.4.2021, 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 for the reasons that the development would increase the traffic flow, cause traffic congestion, environmental pollution and fire safety hazards to the villagers; the previous approval had been revoked by the Board; and approving the brownfield uses would cause environmental degradation and would affect the implementation of the planned development (**Appendices VI-1 and 2**).

12. Planning Considerations and Assessment

- 12.1 The application is for temporary open storage of metals and plastics with ancillary office and plastic processing workshop for a period of 3 years at the Site within an area zoned "G/IC" (72.3%) and shown as 'Road' (27.7%) 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 applied use is not in line with the planning intention of the "G/IC" zone. The applicant has not provided strong justifications in the submission for a departure from the planning intention, even on a temporary basis.
- 12.2 The proposed plastic processing workshop under the applied use would involve sorting and crushing, washing, melting, cooling and cutting of plastic materials into plastic particles, and drying and packing of the products. The processes involved may cause significant environmental nuisance to the surrounding areas. In this regard, DEP does not support the application as the proposed development would likely cause potential noise and air quality concerns. However, the applicant has failed to provide sufficient information to demonstrate that the applied use would not cause adverse environmental impacts to the nearby residents (the nearest residential dwelling being only 38m away) (**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 including open storage of metals and plastics is generally in line with the TPB PG-No. 13F in that the Site falls within HSK/HT NDA and the Site is involved in a previous approved application (No. A/HSK/89) for temporary open storage of construction materials and recycled materials collection centre, and there are three similar approved applications within the same “G/IC” zone for temporary open storage of recyclable materials and/or plastic crushing workshop uses. However, all these applications did not involve the workshop processes similar to that of the current application that would cause significant environmental nuisance to the surrounding areas as mentioned in paragraph 12.2 above. Approval of the current application may result in environmental nuisances to the existing residential dwellings caused by the applied use. Also, the previous approval was revoked due to non-compliance with time-limited approval conditions on the submission and implementation of revised drainage proposal, and the implementation of both landscape and FSIs proposals.
- 12.5 Other concerned government departments, including C for T and CE/MN, DSD, have no objection to or adverse comment on the application.
- 12.6 Two objecting 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 does not support the application for the following reason:

the applicant fails to demonstrate that the applied use would not generate adverse environmental impact to the surrounding area.

- 13.2 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 **10.9.2024**. The following conditions of approval and advisory clauses

are also suggested for Members' reference:

Approval conditions

- (a) no operation from 6:00 p.m. to 8:00 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 activities, as proposed by the applicant, is allowed on the site during the planning approval period;
- (d) the submission of a 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 **10.3.2022**;
- (e) in relation to (d) above, the implementation of the 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 **10.6.2022**;
- (f) in relation to (e) above, the implemented drainage facilities on Site shall be maintained at all times during the planning approval period;
- (g) the submission of a landscape proposal within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **10.3.2022**;
- (h) in relation to (g) above, the implementation of the landscape proposal within **9** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **10.6.2022**;
- (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 **22.10.2021**;
- (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 **10.3.2022**;
- (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 **10.6.2022**;
- (l) if any of the above planning conditions (a), (b), (c), or (f) 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 (d), (e), (g), (h), (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**.

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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 14.3 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.

15. Attachments

Appendix I	Application Form and plans received on 24.3.2021
Appendix Ia	SI received on 7.4.2021
Appendix Ib	FI received on 13.7.2021
Appendix Ic	FI received on 25.8.2021
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 Applications Covering the Site
Appendix IV	Similar Applications Within the Same “G/IC” zone
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 Vehicular Access Plan (from Ping Ha Road)
Drawing A-2	Proposed Vehicular Access Plan (local)
Drawing A-3	Proposed Layout Plan
Drawing A-4	Proposed Landscape Plan
Drawing A-5	Proposed Drainage Plan
Drawing A-6	Proposed FSIs Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2021**