

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/315

- Applicant** : Best Field Hong Kong Development Limited represented by KTA Planning Limited
- Site** : Various Lots in D.D. 125 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long, N.T.
- Site Area** : about 18,974.8m² (including GL of 715m² or 3.8%)
- 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** : “Other Specified Uses” annotated “Port Back-up, Storage and Workshop Uses” (“OU(PBUSWU)”) (11.08%);
[Restricted to maximum plot ratio of 7, maximum building height of 110mPD]
- “Other Specified Uses” annotated “Logistics Facilities” (“OU(LF)”) (11.05%);
[Restricted to maximum plot ratio of 5, maximum building height of 110mPD]
- “Other Specified Uses” annotated “Sewage Pumping Station” (“OU(UPS)”) (0.41%);
[Restricted to maximum building height of 25mPD]
- “Government, Institution or Community” (“G/IC”) (0.75%);
[Restricted to maximum building height of 8 storeys]
- “Open Space” (“O”) (9.54%); and
- an area shown as ‘Road’ (67.17%)
- Application** : Temporary Open Storage of Construction Materials with Site Offices 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 materials with site offices for a period of 3 years (**Plan A-1a**). The Site straddles over the “OU(PBUSWU)” (11.05%), “OU(LF)” (11.05%) and “O” (9.54%) zones and an area shown as ‘Road’ (67.17%) with minor encroachment onto the “OU(UPS)” and “G/IC” zones 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. In any area shown as 'Road' on the OZP, all uses or developments require planning permission from the Board. The Site is currently used for the applied use without valid planning permission (**Plans A-3, A-4a to 4b**).

- 1.2 The Site was involved in 3 previous applications (No. A/YL-HT/647 and 981 and A/HSK/4) for temporary open storage of containers, construction materials and new vehicles and logistics centre (**Plan A-1b**). The last application No. A/HSK/4 for temporary open storage of containers and construction materials with site offices was approved with conditions by the Committee on 13.10.2017 for a period of 3 years. The planning permission expired on 13.10.2010.
- 1.3 The Site is accessible from Ha Tsuen Road via local track with two main ingress/egress points at the western part of the Site (**Drawing A-2 and Plan A-2**). As shown on the layout plan at **Drawing A-2**, the Site is divided into northern and southern storage units. Both portions will be used mainly for open storage of construction materials and each with 4 unloading and unloading bays for heavy goods/container vehicles. Two temporary structures with a total floor area of 770m² are proposed only in the southern portion respectively for storage (1 storey, about 6m high) and site office (2 storeys, about 5m high) uses, while 6 private car parking spaces for site operators and visitors are proposed only in the northern portion. Fence wall of 1.8m high has been erected along the periphery of the Site. According to the applicant, the planting strip of 3-4m in width along the periphery and the double rows of trees at the eastern boundary will be preserved. The indicative landscape proposal and drainage plan for the proposed development are shown at **Drawings A-3 and A-4** respectively.
- 1.4 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/4) (a)	Current Application (A/HSK/312) (b)	Difference (b) – (a)
Applied Use	Temporary open storage of containers and construction materials with site offices for a period of 3 years	Temporary open storage of construction materials with site offices for a period of 3 years	No open storage of containers
Site Area	20,814m ²	18,974.8m ²	-1,839.8m ²
No. of Structures	4	2	-2
Total Floor Area	723 m ²	770m ²	+47m ²
Height of Structures	1 to 2 storeys (not exceeding 6m high)	1 to 2 storeys (not exceeding 6m high)	same
No. of Private Car Parking Spaces	6	6	same
No. of Loading/Unloading Spaces	Container vehicle queuing space: 8 Heavy goods vehicle queuing space: 5	Loading/unloading bays for heavy goods/container vehicles: 8	Different type of provision

Operation Hours	Mondays to Fridays: 8:00 a.m. to 6:00 p.m.	same
	Saturdays: 8:00 a.m. to 2:00 p.m.	
	No operation on Sundays and public holidays	

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

- (a) Application Form received on 1.6.2021 with supplement information clarifying details of the planning statement and drainage plan **(Appendix I)**
- (b) Planning statement **(Appendix Ia)**

2. Justifications from the Applicant

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

- (a) The implementation programme of Hung Shui Kiu New Development Area is not confirmed yet. The applied use would be an effective means to use the Site before commencement of the implementation.
- (b) Two previous approvals for similar uses were granted and the then planning circumstances, including compatibility with the surrounding areas predominantly used for open storage yards, are still applicable at present. Without the previous use of open storage of containers, the current application is even more acceptable to the surrounding area, because of the reduced traffic generation.
- (c) All approval conditions for the previous application No. A/HSK/4 were complied with. The accepted drainage proposals, tree preservation and landscape proposal, provision of fire extinguishers and provision of fence have been implemented and maintained to mitigate possible adverse impacts.
- (d) No adverse traffic impact is anticipated as the applicant will follow the approval conditions of the previous application to mitigate the traffic impacts, including ensuring no vehicle queuing back to public road.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is not a “current land owner” of the private land portion of the Site 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 publishing in local newspapers and sending relevant registered post to Ha Tsuen Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. The “Owner’s Consent/Notification” Requirements under TPG PG-No.31A are not applicable to the GL portion.

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 3 previous applications (No. A/YL-HT/647 and 981 and No. A/HSK/4) for temporary open storage of containers, construction materials and new vehicles and/or logistics centre. 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/647 for temporary open storage of containers and logistics centre for a period of 3 years was rejected by the Committee on 23.10.2009 on the grounds that the development was not in line with the then Town Planning Board Guidelines No. 13 for Application for Open Storage and Port Back-up Uses; adverse departmental comments regarding adverse environmental and landscape impacts on the surrounding areas; and the approval of the application would encourage the proliferation of similar developments within the then "Recreation" zone resulting in a general degradation of the environment of the area.
- 6.3 Application No. A/YL-HT/981 for temporary open storage of containers, construction materials and new vehicles with site offices was approved with conditions by the Committee on 21.1.2016 for a period of 3 years on the consideration that the approval would not jeopardise the long-term development of the site; the applied use being not incompatible with the surrounding uses; and no adverse departmental comments. The permission was revoked on 22.4.2017 due to non-compliance with a time-limited approval condition regarding the implementation of tree preservation and landscape proposal.
- 6.4 Application No. A/HSK/4 for temporary open storage of containers and construction materials with site offices was approved with conditions by the Committee for a period of 3 years on 13.10.2017 on similar consideration as mentioned in paragraph 6.3 above. All the approval conditions were complied with. The planning permission expired on 13.10.2020. Compared with this last application, the current application is submitted by the same applicant for the same use with similar layout at a smaller site due to adjustment of site boundary.

7. Similar Applications

There are 7 similar applications (No. A/HSK/14, 57, 75, 89, 90, 103 and 121) within the same "OU(PBUSWU)", "OU(LF)", "O" and "G/IC" zones and area shown as 'Road' on the OZP for temporary open storage uses and/or recycled materials collection centre which were all approved with conditions by the Committee on similar considerations as mentioned in paragraph 6.3 above. However, 6 planning permissions were subsequently revoked due to non-compliance with approval conditions. Details of these 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-4e)

- 8.1 The Site is:

- (a) currently fenced off and used for the applied use without a valid planning permission; and
- (b) accessible from Ha Tsuen Road via local track.

8.2 The surrounding areas have the following characteristics:

- (a) to its north are open storage yards of construction materials, recycling materials and logistics centre, including an open storage yard of recycling materials under a valid planning permission;
- (b) to its west are open storage yards of construction materials and containers;
- (c) to its east are open storage yards of recycling materials and vehicles, storage, warehouse and vehicle repair workshop, including an open storage yard of recycling materials under a valid planning permission; and
- (d) to its south are mainly storages, warehouses and some residential dwellings.

9. Planning Intentions

- 9.1 The planning intention of the “OU(PBUSWU)” zone is primarily to cater for the port back-up facilities and container related uses, while the planning intention of the “OU(LF)” zone is primarily for development of modern logistics facilities to complement the development of Hong Kong as a regional distribution centre and logistics hub.
- 9.2 The planning intention of the “O” zone is 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 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 Old Schedule Agricultural Lots (OSALs) and GL. The OSALs are 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. The GL in the application site is covered by a Short Term Tenancy (STT) No. 3023 for the purposes of “Temporary Open Storage of Containers, Construction Materials and New Vehicles with Site Office”.
- (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 public roads or reverse onto/from public roads.

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

Environment

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

- (a) He does not support the application as there are sensitive uses in the vicinity of the Site (the nearest residential dwellings being about 3 m away) (**Plan A-2**), and the development involves the use of heavy goods vehicles or container vehicles. Environmental nuisance is expected.
- (b) There was no environmental complaint pertaining to the Site received in the past 3 years.
- (c) Should the application be approved, the applicant is advised to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' ('COP').

Drainage

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

- (a) The drainage proposal was generally identical to the one submitted under the previous approved application No. A/HSK/4 and it was implemented to the satisfaction of his Division. He has no objection in principle to the application from a drainage point of view. Should the application be approved, a condition should be stipulated requiring the applicant to maintain the existing drainage facilities and submit condition record of the existing drainage facilities to the satisfaction of his Division.
- (b) The applicant should be reminded of the detailed comments in **Appendix VII**.

Building Matters

10.1.6 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 existing structures at the Site.
- (b) The applicant should be reminded of the detailed comments in **Appendix VII**.

Fire Safety

10.1.7 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the application subject to fire services installations (FSIs) 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 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 should be reminded of the detailed comments in **Appendix VII**.

Long-Term Development

10.1.8 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, 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/NT 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 Second Phase and 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 Second Phase development will commence in 2024. In this regard and subject to the necessary approvals as required, the Government plans to acquire these relevant sites by end 2023 progressively for the development of HSK/HT NDA.

Others

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

The Site is not on the priority list for development agreed by the Yuen Long District Council. He has no plan to develop the portion of the Site zoned “O” into public open space at present.

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 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) Director of Agriculture, Fisheries and Conservation (DAFC); and

(b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

11. Public Comments Received During Statutory Publication Period

On 11.6.2021, 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 respectively concerned about the commencement schedule of the implementation works of the sewage pumping station that may be affected by the application and objected to the application on the reasons that the development will increase traffic flow and environmental nuisances and pose fire safety hazards to the villagers (**Appendices VI-1 and 2**).

12. Planning Considerations and Assessment

12.1 The application is for temporary open storage of construction materials with site offices for a period of 3 years at a site which straddles mainly over the “OU(PBUSWU)” (11.08%), “OU(LF)” (11.05%) and “O” (9.54%) zones and an area shown as ‘Road’ (67.17%) on the OZP. The planning intentions of the respective “OU(PBUSWU)” and “OU(LF)” zones are primarily to cater for the port back-up facilities and container related uses and for development of modern logistics facilities. The planning intention of the “O” zone is 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. Whilst the applied use is not in line with the planning intentions of the “OU(PBUSWU)”, “OU(LF)” and “O” zones, PM/W of CEDD and DLCS have no objection to the proposed temporary use at 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 applied use is not incompatible with the surrounding land uses which are predominantly occupied by warehouses and logistics uses, open storage yards of

containers and recycling materials.

- 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 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 is generally in line with the TPB PG-No. 13F in that the Site falls within HSK/HT NDA and previous planning approvals (Applications No. A/YL-HT/981 and A/HSK/4) for similar/same open storage use were given. The current application is submitted by the same applicant for the same use as the last approved application No. A/HSK/4. All the approval conditions of the last application were complied with. In addition, the applicant in the current application has submitted various proposals to minimize the possible impacts on the surrounding areas. Sympathetic consideration may be given to the application.
- 12.5 Concerned government departments have no objection to or no adverse comment on the application, except DEP. DEP does not support the application because there are sensitive uses in the vicinity (the nearest residential dwelling being 3m away) (**Plan A-2**), and the development involves the use of heavy goods vehicles and container vehicles and thus environmental nuisance is expected. However, there is no 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 concerned Government departments, relevant approval conditions have been recommended in paragraph 13.2 below. Any non-compliance with these approval conditions would result in revocation of the planning permission and any unauthorized development on the Site would be subject to enforcement action by the Planning Authority. Should the application be approved, the applicant will also be advised to follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' to minimize the possible environmental impacts on the surrounding areas.
- 12.6 In addition to the two previous planning approvals for various temporary open storage (**Plan A-1b**), there are 7 similar approvals within the same "OU(PBUSWU)", "OU(LF)", "O" and G/IC" zones and area shown as 'Road' on the OZP (**Plan A-1a**). Approval of the subject application is in line with the Committee's previous decisions.
- 12.7 Two public comments raising objection/concern on the application were received during statutory publication period as summarised 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 considers that the temporary open storage of construction materials with site offices 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 **23.7.2024**. 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. on Mondays to Fridays and from 2:00 p.m. to 8:00 a.m. on Saturdays, 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 any time during the planning approval period;
- (d) the existing trees and landscape plants on the Site shall be maintained at all times during the planning approval period;
- (e) the existing fencing on the Site shall be maintained at all times during the planning approval period;
- (f) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (g) the submission of a condition record of the existing drainage facilities on the Site within **3 months** from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **23.10.2021**;
- (h) 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 **3.9.2021**;
- (i) 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 **23.1.2022**;
- (j) in relation to (i) 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 **23.4.2022**;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e) 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

- (l) if any of the above planning conditions (g), (h), (i) or (j) 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 applied use is not in line with the planning intentions of the "OU(PBUSWU)", "OU(LF)" and "O" zones, which are primarily to cater for the port back-up facilities and container related uses, for development of modern logistics facilities; and 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 respectively. There is no strong planning justification in the submission for a departure 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.
- 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 reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix I	Application Form received on 1.6.2021 with supplement information
Appendix Ia	Planning Statement
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
Appendix IV	Similar Application Within the Same OU(PBUSWU)", "OU(LF)", "O" and "G/IC" Zones and Area Shown as 'Road'
Appendix V	Good Practice Guidelines for Open Storage issued by the Director of Fire Services
Appendices VI-1 to 2	Public Comments
Appendix VII	Advisory Clauses
Drawing A-1	Proposed Vehicular Access Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	Indicative Landscape Proposal
Drawing A-4	Proposed Drainage 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
Plans A-4a to 4b	Site Photos

**PLANNING DEPARTMENT
JULY 2021**