

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/317

- 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 16,816.3m² (including GL of 147.1m² or 0.87%)
- 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 “Logistics Facilities” (“OU(LF)”) (41.7%);
[Restricted to maximum plot ratio of 5, maximum building height of 110mPD]
- “Other Specified Uses“ annotated “Port Back-up, Storage and Workshop Uses” (“OU(PBUSWU)”) (16.8%); and
[Restricted to maximum plot ratio of 7, maximum building height of 110mPD]
- an area shown as ‘Road’ (41.5%)
- Application** : Temporary Open Storage and Warehouse of Building Materials, Construction Equipment and Recycling Materials with Ancillary Workshop and 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 and warehouse of building materials, construction equipment and recycling materials with ancillary workshop and site offices for a period of 3 years (**Plan A-1a**). The Site straddles over the “OU(LF)” (41.7%) and “OU(PBUSWU)” (16.8%) zones and an area shown as ‘Road’ (41.5%) on the approved HSK and HT OZP. According to the Notes of the OZP, open storage¹ and warehouse (excluding dangerous goods godown) are always permitted under “OU(LF)” and “OU(PBUSWU)” zones. 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 uses without valid planning permission (**Plans A-2, A-4a to 4b**).

¹ Except open storage of cement/sand or chemical products/dangerous goods

- 1.2 The Site is involved in 3 previous applications for open storage and/or warehouse (**Plan A-1b**). The last application (No. A/HSK/103), submitted by the same applicant for the same applied uses as the current application, was approved with conditions for a period of 3 years by the Rural and New Town Planning Committee (the Committee) on 2.11.2018. The permission was subsequently revoked on 2.4.2021 due to non-compliance with a time-limited approval condition.
- 1.3 The Site is accessible from Ha Tsuen Road via a local track through various ingress/egress points at the southern boundary 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 3 sub-units. 8 temporary structures (1 to 2 storeys, 2.5 to 13m high) are proposed for storage uses, loading and unloading and site offices with or without ancillary workshop uses. 10 unloading and unloading bays for heavy goods vehicles, 2 queuing spaces for container vehicles and heavy goods vehicles and 16 private car parking spaces are proposed. According to the applicant, the operating hours are from 8:00 a.m. to 6 p.m. from Mondays to Fridays and from 8:00 a.m. to 2 p.m. on Saturdays. No operation will be held on Sundays and public holidays. The indicative landscape proposal and proposed drainage plan 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/103) (a)	Current Application (A/HSK/317) (b)	Difference (b) – (a)
Applied Use	Temporary open storage and warehouse of building materials, construction equipment and recycling materials with ancillary workshop and site offices for a period of 3 years	Temporary open storage and warehouse of building materials, construction equipment and recycling materials with ancillary workshop and site offices for a period of 3 years	same
Site Area	17,119 m ²	16,816.3m ²	-305.7 m ²
No. of Structures	8	8	Same
Total Floor Area	5,055.6 m ²	5,025.6m ²	-30m ²
Height of Structures	1 to 2 storeys (2.5m - 13m high)	1 to 2 storeys (2.5m - 13m high)	Same
No. of Parking Spaces	16 for private car 2 queuing spaces for heavy goods vehicles	16 for private car 2 queuing spaces for container vehicles and heavy goods vehicles	The queuing spaces are also for the use of container vehicles
No. of Loading/Unloading Spaces	10 for heavy goods vehicles	10 for heavy goods vehicles	same

Operation Hours	Mondays to Fridays: 8:00 a.m. to 6:00 p.m. Saturdays: 8:00 a.m. to 2:00 p.m. No operation on Sundays and public holidays	same
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1.5 In support of the application, the applicant has submitted the following documents:

- (a) Application Form received on 15.6.2021 with Supplement Information clarifying the lot number **(Appendix I)**
- (b) Planning statement **(Appendix Ia)**
- (c) Further Information on the estimated trip generation received on 15.7.2021 **(Appendix Ib)**
- (d) Further Information on the progress of fire services Installations (FSIs) proposal updating received on 29.7.2021 **(Appendix Ic)**

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 layout of the applied uses is similar to the last approved application (A/HSK/103).
- (b) The conditions in the last approval were mostly complied with. The revocation was due solely to one non-compliance condition.
- (c) There is an emerging need for storage and workshops of recycling materials to process the plastics into pellets for import into the Mainland since a restrictive solid waste import ban policy was in force since 2017.
- (d) The previous planning justifications, including its location advantage to be close to the strategic road network, compatibility with the surrounding land uses and the planning intention, are still applicable.
- (e) The applied uses are effective means to utilize the land when the NDA implementation programs is still uncertain.
- (f) As the impact mitigation measures for the previous planning approvals are still in place, no adverse traffic, landscape and drainage impacts are anticipated.

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 notice 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/841 and 906 and No. A/HSK/103) covering different extent of the Site for various open storage, warehouse and/or workshop uses. All these applications were approved with conditions by the Committee between 2014 and 2018 on the considerations that the applied uses would not jeopardise the long-term development of the site; being not incompatible with the surrounding areas and generally in line with the then Town Planning Board Guidelines No. 13. However, these approvals are all revoked for non-compliance with time-limited approval conditions. Details of these applications are summarized at **Appendix III** and their locations are shown on **Plan A-1b**.
- 6.2 The last application No. A/HSK/103 for temporary open storage and warehouse (building materials, construction equipment and recycling materials) with ancillary workshop and site offices was approved with conditions by the Committee for a period of 3 years on 2.11.2018. The permission was revoked on 2.4.2021 due to non-compliance with the time-limited approval condition regarding implementation of the FSIs proposal. The outstanding requirements in the implementation of FSIs proposals included completion of water supply application for the acceptance tests and update of the FS Notes. Compared with the last application, the current application is submitted by the same applicant for the same applied uses with a slightly smaller site area. The layout of the applied uses is largely the same with that of the last application.

7. Similar Applications

There are 8 similar applications (No. A/HSK/4, 14, 17, 57, 75, 90, 134 and 174) within the same “OU(LF)” and “OU(PBUSWU)” zones on the OZP for temporary open storage and/or warehouse uses with or without ancillary workshop and site office which were all approved with conditions by the Committee on similar considerations as mentioned in paragraph 6.1 above. However, 7 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-4c)

- 8.1 The Site is:
 - (a) currently fenced off and used for the applied uses 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 northeast is a temporary recyclable collection centre and open storage yard for metal and plastic under a valid planning permission. To its north are predominantly open storage yards and warehouses;
- (b) to its immediate west is open storage yard of recyclable materials, construction materials and containers;
- (c) to its east are an open storage yard of construction materials and a residential dwelling (about 60 m away) (**Plan A-2**); and
- (d) to its south are open storage yards for containers.

9. Planning Intentions

The planning intention of the “OU(PBUSWU)” zone is primarily to cater for the port back-up facilities and container related uses, whereas 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.

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 with 147 m² in the Site is covered by a Short Term Tenancy (STT) No. 3222 for the purpose of “Temporary Open Storage and Warehouse (Building Materials, Construction Equipment and Recycling Materials with Ancillary Workshop and Site Offices” .
- (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 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 dwelling being about 60 m away) (**Plan A-2**), and the development involves the use of 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) According to the applicant's submission, the existing drainage facilities which were implemented under approved application No. A/HSK/103 will be maintained for the subject development. She 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 her 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 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 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

10.1.8 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 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.

District Officer's Comments

10.1.9 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 22.6.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period, five public comments from individuals and a member of Yuen Long District Council were received. The commenters objected to the application for the reasons that the development will increase traffic flow, cause environmental nuisances and pose fire safety hazards and the public health hazard in relation to smoke inhalation to the villagers; and the applicant's repeated failures in fulfilling conditions in previous planning approvals which demonstrate the lack of genuine willingness in compliance with the approval conditions (**Appendices V-1 to 5**).

12. Planning Considerations and Assessment

- 12.1 The application is for temporary open storage and warehouse of building materials, construction equipment and recycling materials with ancillary workshop and site offices for a period of 3 years at a site which straddles over the "OU(LF)" (41.7%) and "OU(PBUSWU)" (16.8%) zones and an area shown as 'Road' (41.5%) 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 applied uses are not in conflict with the planning intentions of the "OU(PBUSWU)" and "OU(LF)" zones, and PM/W of CEDD has no objection to the proposed temporary uses 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 uses are not incompatible with the surrounding land uses which are predominantly occupied by warehouses and open storage yards.
- 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 uses mainly involving open storage use are generally in line with the TPB PG-No. 13F in that the Site falls within HSK/HT NDA and previous planning approvals for various open storage uses covering different extent of the Site (Applications No. A/YL-HT/841 and 906 and No. A/HSK/103) were given. For the last approved application No. A/HSK/103, 6 of the 7 time-specific approval conditions had been complied with and efforts had been made to comply with the remaining condition. Although the planning permission was subsequently revoked on 21.4.2021 due to non-compliance with a time-specific approval condition on the implementation of the FSIs proposal, the applicant has submitted FSIs proposal in the current application and pledges to endeavour to complete the water supply application as per the outstanding requirements in respect of the FSIs proposal in the last application. D of FS has no in-principle objection to the application. Should the application be approved, shorter compliance periods are recommended in order to closely monitor the progress on compliance with associated approval conditions. The applicant will be advised that should he fail to comply with any of the approval conditions again resulting in revocation of planning permission, sympathetic consideration would not be given to any further applications.
- 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 60m away) (**Plan A-2**), and the development involves the use of 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 3 previous planning approvals as mentioned in paragraph 12.4 above, there are 8 similar approvals within the same "OU(LF)" and "OU(PBUSWU)" zones on the OZP (**Plan A-1a**). Approval of the subject application is in line with the Committee's previous decisions.
- 12.7 Five objecting public comments 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 and warehouse of building materials, construction equipment and recycling materials with ancillary workshop and 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 **13.8.2024**. 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 from 2:00 p.m. to 6:00 p.m. on Saturdays, 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 vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (e) the existing trees and landscape plants on the Site shall be maintained at all times during the planning approval period;
- (f) the existing fencing on the Site shall be maintained at all times during the planning approval period;
- (g) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (h) 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 **13.11.2021**;
- (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 **24.9.2021**;
- (j) the submission of a fire service installations proposal within **3 months** from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **13.11.2021**;
- (k) in relation to (j) above, the implementation of the 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 **13.2.2022**;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) 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 (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**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applicant fails to demonstrate that the applied uses would not have adverse environmental impact on the surrounding areas.

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 15.6.2021
Appendix Ia	Planning Statement
Appendix Ib	FI received on 15.7.2021
Appendix Ic	FI received on 29.7.2021
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 Application Within the Same "OU(LF)" and "OU(PBUSWU)" Zones
Appendix V	Good Practice Guidelines for Open Storage issued by the Director of Fire Services
Appendices VI-1 to 5	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
AUGUST 2021**