

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/HSK/346**

- Applicant** : Fortuneland Development Holding Limited represented by KTA Planning Limited
- Site** : Lots 447 RP (Part), 450 (Part), 451 (Part), 452 RP (Part), 453 (Part), 454RP, 455 RP and 458 S.A RP (Part) in D.D. 125 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long
- Site Area** : 4,346.46m<sup>2</sup> (about) (including GL of about 18.84m<sup>2</sup> or 0.4%)
- 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
- Zonings** : “Other Specified Uses” annotated ‘Port Back-up, Storage and Workshop Uses’ (“OU(PBUSWU)”) (about 76%); and  
*[Restricted to maximum plot ratio (PR) of 7 and maximum building height (BH) of 110m]*  
  
“Other Specified Uses” annotated “Petrol Filling Station” (“OU(PFS)”) (about 24%)  
*[Restricted to maximum BH of 40m]*
- Application** : Temporary Open Storage of Recycling Materials with Ancillary Workshop and Site Office 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 recycling materials with ancillary workshop and site office for a period of 3 years (**Plan A-1a**). The Site falls within an area mainly zoned “OU(PBUSWU)” (76%) and partly zoned “OU(PFS)” (24%) on the approved HSK and HT OZP. According to the Notes of the “OU(PBUSWU)” zone, ‘Open Storage (not elsewhere specified)’ and ‘Rural Workshop’ are always permitted and no planning permission is required. However, open storage and workshop are neither Column 1 nor Column 2 uses under the “OU(PFS)” zone. 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. The Site is currently being used for the applied use without a valid planning permission

**(Plans A-4a and A-4b).**

- 1.2 The Site is involved in 8 previous applications for various open storage uses (**Plan A-1b**). The last application No. A/HSK/174 for temporary open storage of recycling materials with ancillary workshops and site offices was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 13.12.2019 for a period of 3 years. However, the planning permission was revoked on 13.3.2021 due to non-compliance with the time-limited approval condition on the implementation of fire services installations (FSIs) proposal. The current application is submitted by the same applicant for the same use at a much smaller site (**Plan A-1b**).
- 1.3 The Site is accessible from Ha Tsuen Road via a local track and the ingress/egress point is at the south-eastern boundary of the Site (**Plans A-2 and A-3**). As shown on the layout plan at **Drawing A-1**, 2 temporary structures (1 and 2 storeys; 6.1m and 7.7m high respectively) for ancillary workshop and site office are proposed at the middle and southern portions of the Site whereas the open areas are for open storage purpose. According to the applicant, the proposed workshop activity involves crushing of plastic waste only and there will be no washing, melting and burning involved. Medium goods vehicles will be used for transportation of goods to and from the Site. No parking space nor loading/unloading bay is provided on the Site. According to the applicant, the operation hours are from 9:00 a.m. to 6:00 p.m. on Mondays to Fridays and from 9:00 a.m. to 2:00 p.m. on Saturdays. There will be no operation on Sundays and public holidays. The plan showing the site layout and tree preservation and landscape proposal is at **Drawing A-1**.
- 1.4 Comparison of the major development parameters of the current application and the last approved application is given in the following table:

<b>Major Development Parameters</b>	<b>Previously Approved Application No. A/HSK/174 (a)</b>	<b>Current Application No. A/HSK/346 (b)</b>	<b>Difference (b) - (a)</b>
<b>Applied Use</b>	Temporary open storage of recycling materials with ancillary workshops and site offices (3 Years)	Temporary open storage of recycling materials with ancillary workshops and site offices (3 Years)	same
<b>Site Area</b>	34,933m <sup>2</sup>	4346.46m <sup>2</sup>	-30,586.54m <sup>2</sup> (-87.6%)
<b>No. of Structures</b>	19	2	-17
<b>Total floor area</b>	9,693m <sup>2</sup>	575.8m <sup>2</sup>	-9,117.2m <sup>2</sup> (-94.1%)
<b>Height of Structures</b>	1-2 Storey (2.9m to 8.5m)	1-2 Storey (6.1m to 7.7m)	Same (storey) (-0.8m in maximum height)
<b>Operation Hours</b>	9 a.m. to 6 p.m. on Mondays to Fridays, 9 a.m. to 2 p.m. on 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 18.11.2021 with planning justifications and drawings **(Appendix I)**
- (b) Further Information (FI) received on 9.12.2021 providing responses to the comments from the Commissioner for Transport (C for T) **(Appendix Ia)**
- (c) FI received on 29.12.2021 providing responses to the comments from the Director of Environmental Protection (DEP) **(Appendix Ib)**
- (d) FI received on 31.12.2021 providing responses to the comments from the DEP **(Appendix Ic)**  
*[(b), (c) and (d) exempted from publication and recounting requirements]*

## **2. Justifications from the Applicant**

The justifications put forth by the Applicant in support of the application are detailed in the planning justifications and FI at **Appendices I and Ib**. They can be summarized as follows:

- (a) The Site was formed in 1996 and has been used for open storage since 2001. It was the subject of 4 previous planning approvals (No. A/YL-HT/658, 855 and 1042 and No. A/HSK/174). Scale of the proposed use in the current application has been reduced as large portion of the private lots in the previous planning applications has been resumed and reverted to the Government for the implementation of Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA).
- (b) There is emerging need for storage and handling of recycling materials with the imposition of restrictive solid waste import ban policy to Mainland China. The proposed use will help the recycling industry and reduce the amount of solid waste disposal at the public landfills.
- (c) Ha Tsuen area has been dominated by open storage use and port back-up uses. In addition, most part of the Site is located within the “OU(PBUSWU)” zone in which the proposed use is always permitted.
- (d) The TIAs for various previous planning applications for open storage of containers were accepted. There is no drastic change to the planning circumstance and the proposed use will generate less traffic with reduced scale in comparison with the previous development. The existing drainage facilities along the periphery of the Site will be maintained by the Applicant. No adverse traffic and drainage impacts are anticipated. FSIs will be provided for compliance with approval conditions. With the screening planting along the periphery of the Site, the proposed use will not result in degradation of the natural environment.
- (e) There will be no odour emitted from the workshop activities in the Site.

## **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 sending notice to the Ha Tsuen Rural Committee and

publishing on local newspapers. Detailed information would be deposited at the meeting for Members' inspection. The "Owner's Consent/Notification" Requirements 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 HSK/HT NDA under the revised Guidelines. Relevant extracts of the Guidelines are attached at **Appendix II**.

#### **5. Background**

The western portion of the Site is currently subject to enforcement case (No. E/YL-HSK/79) against unauthorized developments (UD) involving workshop use and storage use (**Plan A-2**). Enforcement Notice was issued on 23.9.2021 to the concerned parties requiring discontinuation of the UD.

#### **6. Previous Applications**

6.1 The Site is involved in 8 previous applications (No. A/YL-HT/224, 269, 408, 487, 658, 855 and 1042 and No. A/HSK/174) for various open storage uses. Four earlier applications No. A/YL-HT/224, 269, 408 and 487 were rejected by the Committee/Board on review between 2001 to 2008 mainly on grounds of not in line with either the then TPB PG-No.13, or the planning intention of the then "Recreation" zoning of the Site, incompatibility with the rural character of the adjacent "Green Belt" zone, insufficient information to demonstrate no adverse impacts, and resulting in degradation of the natural environment. Four later applications No. A/YL-HT/658, 855 and 1042 and No. A/HSK/174 for temporary open storage of containers and container repairing area or recycling materials were approved with conditions by the Committee from 2010 to 2019 on the considerations that approval of the application would not jeopardize the long-term development of the site; the applied uses were not incompatible with the surrounding areas; being generally in line with the then TPB PG-No.13; and no major adverse comments from concerned government departments. Details of these applications are summarized at **Appendix III** and their locations are shown on **Plan A-1b**.

6.2 The last approved application No. A/HSK/174 for temporary open storage of recycling materials (plastic) with ancillary workshops and site offices was approved with conditions by the Committee on 13.12.2019 for a period of 3 years. The planning permission was revoked on 13.3.2021 due to non-compliance with the time-limited approval conditions on the implementation of FSIs proposal. Compared with this last approved application, the current application is submitted by the same applicant for the same use at a much smaller site with different layout.

#### **7. Similar Application**

There is no similar application within the same "OU(PFS)" zone on the OZP. However, there is a similar application involving the same "OU(PBUSWU)" zone for temporary open storage of recycling materials and containers with ancillary workshop and office use

(No. A/HSK/348) (**Plan A-1a**) scheduled for the consideration of the Committee at this meeting.

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

8.1 The Site is:

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

8.2 The surrounding areas have the following characteristics:

- (a) to its immediate north-west is a piece of vacant land. Further north-west is a warehouse;
- (b) to its immediate east is an open storage yard of construction materials (sand and rock);
- (c) to its immediate south is a piece of woodland. Further south-east are some parking of container trailers; and
- (d) to its immediate west is a logistics centre under valid planning permission. Further west are some parking of container trailers.

## **9. Planning Intention**

The planning intention of the “OU(PFS)” zone is primarily to provide/reserve land for petrol filling station.

## **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 Scheduled 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 prior approval of the Government. The GL is covered by Short Term Tenancy No. 2551 (STT2551) for the purposes of “Temporary Open Storage of Containers and Container Repairing Area”.
- (b) The applicant should be reminded of the detailed comments in **Appendix VI**.

## **Traffic**

### 10.1.2 Comments of the 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 vehicle is allowed to queue back to or reverse onto/from the public road.
- (c) The applicant should be reminded of the detailed comments in **Appendix VI**.

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

- (a) Adequate drainage measures should be provided to prevent surface water running from the Site to nearby public roads and drains.
- (b) The accesses connecting the Site and Ha Tsuen Road are not and will not be maintained by his Office. His Office should not be responsible for maintaining any access connecting the Site with Ha Tsuen Road.

## **Environment**

### 10.1.4 Comment of the DEP:

- (a) He has no objection to the application as the nearest residential dwelling is over 400m away from the Site and not within 50m from the access road from Ha Tsuen Road, although the applied use involves use of heavy vehicles.
- (b) There was no substantiated 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) She has no objection in principle to the development 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 her Division.

### **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 VI**.

### **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 service installations (FSIs) being provided to his satisfaction.
- (b) Having considered the nature of the open storage, the following additional approval condition shall be added:

The provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval.

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

### **Long-Term Development**

10.1.8 Comments of the Project Manager (New Territories West), Civil Engineering and Development Department (PM/NTW, CEDD):

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 lots concerned fall within the sites under the Second 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. The Applicant is required to pay attention to the said development programme and ensure the proposed development would not affect the proposed works under 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 on the application from departmental point of view.

- (b) His office has not received any comment from the locals on the application.

10.2 Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) has no objection to the application.

## **11. Public Comments Received During Statutory Publication Period**

On 26.11.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments from two individuals were received (**Appendices V-1 and 2**) objecting to the application on the grounds that the proposed development will increase traffic flow and cause traffic congestion, environmental nuisances and pose fire safety hazards to the villagers; and negative track record of failure in fulfilling the FSIs-related approval condition in the previous planning permission.

## **12. Planning Considerations and Assessments**

- 12.1 The application is for temporary open storage of recycling materials with ancillary workshop and site office for a period of 3 years at a site mainly zoned “OU(PBUSWU)” (76%) and partly zoned “OU(PFS)” (24%) the approved HSK and HT OZP. The applied use is always permitted under the “OU(PBUSWU)” zone. Whilst the applied use is not in line with the planning intention of the “OU(PFS)” zone, which is primarily to provide/reserve land for petrol filling station, the implementation programme for this part of the NDA is still being formulated, and PM/W of CEDD does not object to the temporary use for a period of 3 years 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. 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 used for open storage yards, parking of vehicles, warehouses and logistics centres (**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 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 4 previous planning approvals for similar/same open storage uses were given. The current application is submitted by the same applicant for the same use at a much smaller site as compared with the last approved previous application (No. A/HSK/174) in 2019. Although the planning permission of the last previous application was revoked on 13.3.2021 due to non-compliance with the time-limited approval condition on the implementation of FSIs proposal, D of FS has no objection to the current application. In this regard, sympathetic consideration may be given 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, including C for T, CE/MN, DSD, D of FS and DEP have no objection to or no adverse comment on the application. 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 There are 8 previous applications involving the Site and 4 of them were approved for various open storage uses (**Plan A-1b**). Four earlier applications were rejected by the Committee/Board on review between 2001 and 2008 under different planning circumstances including different zoning of the Site. Approval of the subject application is generally in line with the Committee's previous decisions.
- 12.7 Two public comments objecting to the application were received during the 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 on paragraph 11, the Planning Department considers that the temporary open storage of recycling materials with ancillary workshop and site office 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 **14.1.2025**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### **Approval conditions**

- (a) no washing, melting and burning of plastic wastes, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) the submission of a drainage proposal within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or

of the Town Planning Board by **14.4.2022**;

- (c) in relation to (b) above, the implementation of the 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 **14.7.2022**;
- (d) in relation to (c) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (e) the provision of fire extinguisher(s) 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 **25.2.2022**;
- (f) 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 **14.4.2022**;
- (g) in relation to (f) 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 **14.7.2022**;
- (h) if any of the above planning condition (a) or (d) 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
- (i) if any of the above planning condition (b), (c), (e), (f) or (g) 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 VI**.

- 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 intention of the "OU(PFS)" zone, which is primarily to provide/reserve land for petrol filling station. There is no strong justification given in the submission to deviate from the planning intention, 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**

<b>Appendix I</b>	Application Form received on 18.11.2021
<b>Appendix Ia</b>	FI received on 9.12.2021
<b>Appendix Ib</b>	FI received on 29.12.2021
<b>Appendix Ic</b>	FI received on 31.12.2021
<b>Appendix II</b>	Relevant Extracts of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F)
<b>Appendix III</b>	Previous Applications Covering the Application Site
<b>Appendix IV</b>	‘Good Practice for Open Storage Sites’ by the Fire Services Department
<b>Appendices V-1 &amp; 2</b>	Public Comments
<b>Appendix VI</b>	Advisory Clauses
<b>Drawing A-1</b>	Proposed Layout and Tree Preservation and Landscape Plan
<b>Plan A-1a</b>	Location Plan
<b>Plan A-1b</b>	Previous Applications Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to 4b</b>	Site Photos

**PLANNING DEPARTMENT  
JANUARY 2022**