

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

**APPLICATION NO. A/HSK/398**

- Applicant** : Skywin International Development Limited represented by Metro Planning & Development Company Limited
- Site** : Lots 48 S.A (Part), 48 S.B (Part) and 49 (Part) in D.D. 128 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 1,597.6m<sup>2</sup> (including GL of about 245.2m<sup>2</sup> or 15.3%)
- Land Status** : Block Government Lease (demised for agricultural use)
- Plans and Zonings** : (i) “Government, Institution or Community” (“G/IC”) (about 7 %); and  
[Restricted to maximum building height (BH) of 8 storeys]  
(ii) Area Shown as 'Road' (about 45%)  
on approved Hung Shui Kiu and Ha Tsuen (HSK and HT) Outline Zoning Plan (OZP) No. S/HSK/2; and  
(iii) “Residential (Group D)” (“R(D)”) (about 48%);  
[Restricted to maximum plot ratio (PR) of 0.2 and maximum BH of 2 storeys (6m)]  
on approved Ha Tsuen Fringe (HTF) OZP No. S/YL-HTF/12
- Application** : Temporary Open Storage of Construction Material and Metal Ware with Ancillary Workshop for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary open storage of construction material and metal ware with ancillary workshop for a period of 3 years at the application site (the Site) (**Plan A-1a**). The Site falls within an area partly zoned “G/IC” (7%) and shown as ‘Road’ (45%) on the approved HSK and HT OZP, and partly zoned “R(D)” (48%) on the approved HTF OZP. According to the covering Notes of the OZPs, 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 OZPs. In any area shown as ‘Road’, 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-4a to A-4c**).

- 1.2 The Site is accessible from Kai Pak Ling Road and Ping Ha Road via a local track (**Drawing A-1 and Plans A-2 and A-3**) and the ingress/egress point is at the southern part of the Site. As shown on the layout plan at **Drawing A-2**, there are two single-storey temporary structures (not exceeding 8.5m high) each with a floor area of not exceeding 230m<sup>2</sup> for storage and ancillary workshop purpose at the northern part of the Site. There are also 5 temporary structures at other parts of the Site for ancillary uses with a total floor area of not exceeding 438m<sup>2</sup>, including site offices, toilet, electricity meter room and open shed (3m to 8.5m high). Two parking spaces for private car and 1 loading/unloading space for light goods vehicle (LGV) are provided. According to the applicant, the ancillary workshop is intended for polishing scrap of aluminium and all workshop activities will be carried out within enclosed structures. The operation hours are from 8:00 a.m. to 8:00 p.m. from Mondays to Saturdays and there will be no operation on Sundays and public holidays. The proposed layout plan and the proposed drainage plan submitted by the applicant are shown on **Drawings A-2 and A-3**.
- 1.3 The Site is involved in 9 previous planning applications (details at paragraph 6 below).
- 1.4 A comparison of the major development parameters of the last approved application and the current application is summarised in the following table:

<b>Major Development Parameters</b>	<b>Last Approved Application (A/HSK/176) (a)</b>	<b>Current Application (A/HSK/398) (b)</b>	<b>Difference (b) – (a)</b>
Site Area	About 1,686m <sup>2</sup>	About 1,597.6m <sup>2</sup>	<b>-88.4m<sup>2</sup></b>
Applied Use	Temporary Open Storage of Construction Material and Metal Ware for a Period of 3 Years	Temporary Open Storage of Construction Material and Metal Ware with Ancillary Workshop for a Period of 3 Years	<b>With ancillary workshop in the current application</b>
No. of Structures	4 (site office, storage use, toilet and electricity meter room)	7 (storage use and ancillary workshops, site offices, toilet, electricity meter room and open shed)	<b>+3</b>
Total Floor Area	About 466m <sup>2</sup>	About 898m <sup>2</sup>	<b>+432m<sup>2</sup></b>
No. of Parking Spaces	2 for private car		<b>No change</b>
No. of Loading / Unloading Bay	1 for medium goods vehicle	1 for LGV	<b>Change in type of vehicle loading/unloading bay</b>

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

- (a) Application Form with annex and plans received on 3.8.2022 **(Appendix I)**
- (b) Supplementary information (SI) received on 9.8.2022 **(Appendix Ia)**

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

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

- (a) Eight previous applications have been approved by the Board since 1998 for the same or similar use at the Site. Compared with the last approved planning application No. A/HSK/176, the current application is to include additional temporary structures and ancillary workshops for polishing of aluminum. All the approval conditions have been complied with. Sympathetic consideration should be given to the current application.
- (b) The development conforms with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F).
- (c) The applied use is temporary in nature and would not jeopardise the long-term planning intention of the zones.
- (d) The adjoining areas are occupied for open storage and port back-up uses which make the applied use not incompatible with the surrounding environment. Most of them were granted with planning permissions. The planning circumstances of the current application are similar to that of the adjacent planning permissions for open storage and port back-up uses.
- (e) The impacts to the environment, traffic and drainage are expected to be insignificant.

## **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 notice 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 TPB 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 subject to an on-going planning enforcement action (No. E/YL-HSK/95) against an unauthorized development (UD) involving workshop use. Enforcement Notice (EN) was issued on 30.8.2022 to the concerned parties requiring discontinuation of the UD.

## 6. **Previous Applications**

- 6.1 The Site is the subject of 9 previous applications (No. A/YL-HT/48, 206, 372, 529, 642, 807, 986 and 1070 and A/HSK/176) for various temporary open storage uses with/without ancillary workshop covering different extents of the Site. Eight of these applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) between 1998 and 2019 on the considerations that the applied uses were not incompatible with the surrounding areas, generally in line with the then Town Planning Board Guidelines TPB PG-No. 13E and no major adverse comments from concerned government departments. Amongst these, 3 planning permissions (No. A/YL-HT/529, 986 and 1070) were subsequently revoked due to non-compliance with time-specific approval conditions. The remaining application (No. A/YL-HT/206) was rejected by the Committee in 2001 on the ground of insufficient information to demonstrate that the development would not have adverse environmental and drainage impacts on the surrounding areas. 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/176 was approved with conditions by the Committee on 16.8.2019 for a period of 3 years. All time-limited approval conditions have been complied with. However, the planning permission lapsed on 16.8.2022. Compared with the last approved application, the current application is submitted by the same applicant for similar use with ancillary workshop at the same site with a smaller site area and different development parameters.

## 7. **Similar Applications**

There are 9 similar applications (No. A/HSK/52, 77, 150, 151, 159, 280, 304, 365 and 366) for various temporary open storage uses within the same “G/IC” zone on the HSK and HT OZP and “R(D)” zone on the HTF OZP in the past 5 years. All applications were approved with conditions by the Committee on similar considerations as mentioned in paragraph 6.1 above. Details of these applications are summarized at **Appendix III** 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) accessible from Ping Ha Road via a local track; and
  - (b) currently used for the applied use without valid planning permission.
- 8.2 The surrounding areas have the following characteristics:

- (a) to its north are 2 open storage yards of metal ware (one under valid planning permission and one being a suspected UD), a site for parking of container vehicles and some graves. Further north and northwest are an open storage yard of converted container which is a suspected UD, some vacant temporary structures and residential dwellings;
- (b) to its east is an open storage yard of scrap metal and plastic under valid planning permission. Further northeast across the local track are 2 open storage yards of construction materials (one under valid planning permission and one being a suspected UD) and a logistics centre which is a suspected UD;
- (c) to its south and southeast are an open storage yard of recycling materials which is a suspected UD, some graves and a pump house; and
- (d) to its west and southwest are 2 open storage yards of construction material, a temporary structure for storage of plastic bottle, a warehouse, a temporary structure for storage use which is suspected UD and some vacant temporary structures.

## **9. Planning Intentions**

The planning intention of the “G/IC” zone on the approved HSK and HT OZP is primarily for provision of Government, institution or community (GIC) facilities serving the needs of the local residents and/or wider district, region or territory, whereas that of the “R(D)” zone on the approved HTF OZP is primarily for improvement and upgrading of existing temporary structures with the rural areas through redevelopment of existing temporary structures into permanent buildings.

## **10. Comments from Relevant Government Departments**

All departments consulted have no objection to or no adverse comments on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices IV** and **V** respectively.

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

On 12.8.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, 9 public comments from individuals were received (**Appendices VII-1 to VII-9**) objecting to the application on the grounds that the applied use will increase traffic flow, cause traffic congestion and environmental nuisance, affect the quality of air/water/soil, pose fire safety hazard and heavy metal contamination to the villagers, adversely affect their living quality and affect the fung shui and the burial ground of the village.

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

- 12.1 The application is for temporary open storage of construction material and metal ware with ancillary workshop for a period of 3 years at a Site partly zoned “G/IC” (7%) and partly shown as ‘Road’ (45%) on the approved HSK and HT OZP, and

partly zoned “R(D)” (48%) on the approved HTF OZP. The planning intention of the “G/IC” zone on the approved HSK and HT OZP is primarily for provision of GIC facilities serving the needs of the local residents and/or wider district, region or territory, whereas that of the “R(D)” zone on the approved HTF OZP is primarily for improvement and upgrading of existing temporary structures with the rural areas through redevelopment of existing temporary structures into permanent buildings. Whilst the applied use is not in line with the above planning intentions, the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD) has no objection to the application. 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 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, warehouse and logistics centre with some of them covered by valid planning permissions (**Plan A-2**).
- 12.3 The applied use is generally in line with the TPB PG-No. 13F in that the Site falls within HSK/HT NDA and 8 previous planning approvals for various temporary open storage uses were given. The current application is submitted by the same applicant for similar use with ancillary workshop at the same site with a smaller site area and different development parameters, as compared with the last approved application (No. A/HSK/176). All time-limited conditions attached to the last approved application had been complied with. In this regard, sympathetic consideration may be given to the application.
- 12.4 There is no adverse comment from the concerned government departments including Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services on the application. It is anticipated that no significant impacts on traffic, environmental, drainage and fire safety aspects would be generated to the surrounding area. To address the technical requirements of the concerned government departments, relevant approval conditions are recommended in paragraph 13.2 below.
- 12.5 There are also 9 approvals for similar applications within the same “G/IC” zone on the HSK and HT OZP and “R(D)” zone on the HTF OZP (**Plan A-1a**). Approval of the current application is in line with the Committee’s previous decisions.
- 12.6 Nine public comments objecting 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 in paragraph 11, the Planning Department considers that the temporary open storage of construction material and metal ware with ancillary workshop 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 **23.9.2025**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) all workshop activities shall be carried out inside the enclosed structures at all times on the Site, as proposed by the applicant, during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance is allowed to park/store on or enter/exit the Site at all times during the planning approval period;
- (c) the submission of the revised 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 **23.3.2023**;
- (d) in relation to (c) above, the implementation of the revised 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 **23.6.2023**;
- (e) in relation to (d) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) 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 **4.11.2022**;
- (g) 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 **23.3.2023**;
- (h) in relation to (g) above, the implementation of the fire service installations proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **23.6.2023**;
- (i) if any of the above planning condition (a), (b) or (e) 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
- (j) if any of the above planning condition (c), (d), (f), (g) or (h) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

Advisory clauses

The recommended advisory clauses are attached at **Appendix V**.

- 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 “R(D)” zone, which is primarily for improvement and upgrading of existing temporary structures with the rural areas through redevelopment of existing temporary structures into permanent buildings. There is no strong planning justification in the submission for a departure 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 3.8.2022
<b>Appendix Ia</b>	SI received on 9.8.2022
<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 and Similar Applications
<b>Appendix IV</b>	Government Departments’ General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	‘Good Practice for Open Storage Sites’ by the Fire Services Department
<b>Appendices VII-1 to VII-9</b>	Public Comments
<b>Drawing A-1</b>	Location Plan
<b>Drawing A-2</b>	Proposed Layout Plan
<b>Drawing A-3</b>	Proposed Drainage Plan
<b>Plan A-1a</b>	Location Plan with Similar Applications
<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 A-4c</b>	Site Photos

**PLANNING DEPARTMENT  
SEPTEMBER 2022**