

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

APPLICATION NO. A/HSK/407

- Applicant** : Champion Union Holdings Limited represented by R-riches Property Consultants Limited
- Site** : Various Lots in D.D. 125 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 19,340m² (including GL of about 278m² or 1.4%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Shui Kiu and Ha Tsuen Outline Zoning Plan (OZP) No. S/HSK/2
- Zonings** : (i) “Other Specified Uses” annotated “Port Back-up, Storage and Workshop Uses” (“OU(PBUSWU)”) (about 75.25%);
[Restricted to a maximum plot ratio (PR) of 7 and a maximum building height (BH) of 110mPD]
- (ii) “Other Specified Uses” annotated “Logistics Facility” (“OU(LF)”) (about 19.35%); and
[Restricted to a maximum PR of 5 and a maximum BH of 110mPD]
- (iii) area shown as ‘Road’ (about 5.4%)
- Application** : Proposed Temporary Rural Workshop with Ancillary Facilities for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary rural workshop with ancillary facilities for a period of three years at the application site (the Site) (**Plan A-1a**). According to the Notes of the OZP, ‘Rural Workshop’ is always permitted within the “OU(PBUSWU)” zone, whereas planning permission from the Town Planning Board (the Board) is required for such use in areas zoned as “OU(LF)” and shown as ‘Road’ on the OZP. The Site is currently used for open storage and workshop uses without valid planning permission.
- 1.2 The Site is accessible from Ha Tsuen Road via a local track, and two ingress/egress points are provided at the northeastern and southwestern parts of the Site (**Plans A-2 and A-3**). According to the applicant, there would be six temporary

structures (1 to 2-storey, about 3m to 9m high) with a total floor area of about 4,253m² for rural workshops and storage of recyclable materials with ancillary facilities, including caretaker's office and site office. There would be four open areas for storage of recyclable materials and containers at the eastern and southern portions of the Site. Six parking spaces for private cars and two loading/unloading spaces for container vehicles would be provided (**Drawing A-2**). The workshop activities involve sorting, crushing, shredding and packing of recycling materials which will be carried out within enclosed structures. The operation hours are from 9:00 a.m. to 6:00 p.m. from Mondays to Saturdays and there would be no operation on Sundays and public holidays. Plans showing the vehicular access leading to the Site and site layout submitted by the applicant are at **Drawings A-1 and A-2** respectively.

1.3 The Site is involved in 17 previous planning applications (details at paragraph 5 below).

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

(a) Application Form with attachments received on 23.8.2022 (**Appendix I**)

(b) Further information (FI) received on 25.10.2022 (**Appendix Ia**)
[Not 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 Application Form at **Appendix I**. They can be summarised as follows:

- (a) The proposed use is a Column 1 use in "OU(PBUSWU)" zone but a Column 2 use in "OU(LF)" zone and the workshop is for metal recycling which will serve nearby construction contractors and meet the demand for metals.
- (b) Minimal traffic impact is anticipated as sufficient manoeuvring space is provided within the Site to ensure no queuing or turning back outside the Site onto the public road.
- (c) The proposed use will not generate significant environmental and drainage impacts on the surrounding areas as adequate mitigation measures will be provided. The applicant pledges to follow the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' to minimise the possible environmental impacts. There will be no operation on Sundays and public holidays. The applicant also pledges to follow the Professional Persons Environmental Consultative Committee Practice Notes for sewage treatment at 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 posting site notice and sending notice to the Ha Tsuen Rural Committee by registered post. 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. Background

Part of the Site falling within the "OU(LF)" zone is currently subject to an on-going planning enforcement case (No. E/YL-HSK/92) against an unauthorized development (UD) involving workshop use (**Plan A-2**). Enforcement Notice (EN) was issued on 14.9.2022 to the concerned parties requiring discontinuation of the UD.

5. Previous Applications

- 5.1 The Site is the subject of 17 previous application (No. A/YL-HT/224, 250, 269, 276, 279, 296, 325, 330, 358, 364, 408, 487, 599, 771, 947 and A/HSK/65 and 348) covering different extents of the Site for temporary open storage uses with/without ancillary workshop/office or container repairing area. Twelve earlier previous applications (No. A/YL-HT/224, 250, 269, 276, 279, 296, 325, 330, 358, 364, 408, 487) were rejected between 2002 and 2008 on reasons of not in line with the then TPB PG-No.13, insufficient information to demonstrate that the proposed development would not have adverse impact on the surrounding areas, and setting of undesirable precedent. The latter five applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) between 2009 and 2022 on the considerations that the applied uses were not incompatible with the surrounding areas, generally in line with TPB PG-No. 13 and no major adverse comments from concerned departments. Details of these applications are summarised at **Appendix II** and their locations are shown on **Plan A-1b**.
- 5.2 The last application No. A/HSK/348 for temporary open storage of recycling materials and containers with ancillary workshop and site office covering a small portion of the Site in its northwest was approved with conditions by the Committee on 14.1.2022 for a period of three years. Compared with the last approved application, the current application is submitted by a different applicant for a different use.

6. Similar Applications

There are four similar applications (No. A/HSK/103, 174, 317 and 346) for temporary open storage, warehouses and ancillary workshop uses within/straddling the subject "OU(PBUSWU)" and "OU(LF)" zones on the OZP in the past five years. All applications were approved with conditions by the Committee on similar considerations for the approved applications as mentioned in paragraph 5.1 above. Details of these applications are summarised at **Appendix II** and their locations are shown on **Plan A-1a**.

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

7.1 The Site is:

- (a) accessible from Ha Tsuen Road via a local track; and

- (b) comprised of two portions currently used for open storage and workshop uses without valid planning permission.

7.2 The surrounding areas have the following characteristics:

- (a) to its north are three open storage yards under valid planning permissions;
- (b) to its east are a metal recovery workshop which is a suspected UD and an open storage yard;
- (c) to its south is an open storage yard. To the further southwest are some woodland and graves; and
- (d) to its west and northwest are an open storage yard and workshop under valid planning permission and the mobile cabin hospital.

8. Planning Intentions

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

8.2 The area shown as ‘Road’ is intended for road use.

9. Comments from Relevant Government Departments

9.1 Apart from the government department as set out in paragraph 9.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices III and IV** respectively.

9.2 The following government department does not support the application:

Environment

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

- (a) he does not support the application because of the poor operation history of the site operator;
- (b) there were a number of environmental complaints pertaining to the Site in the past three years, which were against the metal recycling facility operating at the Site. Air Pollution Abatement Notice under the Air Pollution Control Ordinance was issued to the recycling operator in end 2021 and prosecution actions against the operator are ongoing; and
- (c) should the application be approved, the following approval conditions should be imposed to minimise environmental nuisance arising from

the proposed use:

- (i) no cleaning, washing, polishing, melting and burning activity is allowed on the Site during the planning approval period; and
- (ii) all open storage or stockpiling of metal stock shall be fully and properly covered at any times on the Site.

10. Public Comments Received During the Statutory Publication Periods

On 30.8.2022 and 1.11.2022, the application was published for public inspection. During the statutory public inspection periods, two public comments from the same individual were received (**Appendices V-1 and V-2**) objecting to the application on the grounds that the proposed use will increase traffic flow, cause traffic congestion and environmental nuisance, pose fire safety hazard and adversely affect the safety and living quality of the local villagers.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary rural workshop with ancillary facilities for a period of three years at the Site, and planning permission from the Board is only required for the part of the Site falling within the “OU(LF)” zone and an area shown as ‘Road’ on the OZP. Whilst the proposed use is not entirely in line with the planning intention of the “OU(LF)” zone, the Project Manager (West), Civil Engineering and Development Department has no objection to the application. In this regard, approval of the application on a temporary basis of three years would not jeopardise 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.
- 11.2 The proposed use is not incompatible with the surrounding areas which are predominantly used for open storage yards and workshops (**Plan A-2**).
- 11.3 There are no adverse comments from concerned government departments, except DEP. DEP does not support the application because of the poor operation history of the site operator. In this regard, the applicant pledges that all workshop activities will be carried out within enclosed structures to minimise the possible adverse impact on the surrounding areas. To address the concerns on the possible environmental nuisances or the technical requirements of other concerned government departments, relevant approval conditions are recommended in paragraph 12.2 below. Any non-compliance with the approved conditions will result in revocation of the planning permission and UD on the Site will be subject to planning enforcement action. Besides, the proposed use would also need to comply with the Air Pollution Control Ordinance (Cap 311) and any other relevant regulations to prevent any possible environmental nuisance to the surrounding areas. Should the application be approved, the applicant will also be advised to follow the latest ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ in order to minimise the possible environmental impacts on the surrounding areas.

- 11.4 In addition to five previous planning approvals for open storage and/or workshop uses involving the Site (**Plan A-1b**), there are four similar applications within/straddling the subject “OU(PBUSWU)” and “OU(LF)” zones approved in the past five years (**Plan A-1a**). Approval of the current application is generally in line with the Committee’s previous decisions.
- 11.5 Two public comments objecting to the application were received as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.4 above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10, the Planning Department has no objection to the application.
- 12.2 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 three years until **23.12.2025**. 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 9:00 a.m. from Mondays to 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 washing, polishing, pulverizing, melting and burning activity is allowed on the Site during the planning approval period;
- (d) all open storage or stockpiling of metal stock shall be fully and properly covered at all times on the Site during the planning approval period;
- (e) the submission of a drainage proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **23.6.2023**;
- (f) in relation to (e) above, the implementation of the drainage proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **23.9.2023**;
- (g) in relation to (f) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) 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 **23.6.2023**;
- (i) in relation to (h) 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 **23.9.2023**;

- (j) if any of the above planning condition (a), (b), (c), (d) 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
- (k) if any of the above planning condition (e), (f), (h) or (i) 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 IV**.

12.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:

- (a) the proposed use is not in line with the planning intention of the "OU(LF)" zone, which is primarily for development of modern logistics facilities to complement the development of Hong Kong as a Regional Distribution Centre and Logistics Hub. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis; and
- (b) the applicant fails to demonstrate that the proposed use would not generate adverse environmental impact on the surrounding areas.

13. Decision Sought

13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.

13.2 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.

13.3 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.

14. Attachments

Appendix I	Application Form with Attachments received on 23.8.2022
Appendix Ia	FI received on 25.10.2022
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendices V-1 and V-2	Public Comments
Drawing A-1	Location Plan
Drawing A-2	Layout Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan

Plan A-3
Plans A-4a and A-4b

Aerial Photo
Site Photos

PLANNING DEPARTMENT
DECEMBER 2022