

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

**APPLICATION NO. A/HSK/417**

<b><u>Applicant</u></b>	: Ms. LIU Mei Li represented by Metro Planning and Development Company Limited
<b><u>Site</u></b>	: Lots 280(Part), 282(Part) and 285(Part) in D.D.125 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long, New Territories
<b><u>Site Area</u></b>	: About 1,460m <sup>2</sup> (including GL of about 36m <sup>2</sup> or 2.5%)
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Hung Shui Kiu and Ha Tsuen (HSK and HT) Outline Zoning Plan (OZP) No. S/HSK/2
<b><u>Zoning</u></b>	: (i) “Open Space” (“O”) (about 75%); and (ii) area shown as ‘Road’ (about 25%)
<b><u>Application</u></b>	: Temporary Open Storage of Recyclable Materials (including Metal and Plastics) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary open storage of recyclable materials (including metal and plastics) for a period of three years at the application site (the Site) (**Plan A-1**). 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 zone requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use with valid planning permission (**Plans A-2 to A-4b**).
- 1.2 The Site is accessible from Kai Pak Ling Road via a local track and the ingress/egress point is at the western part of the Site (**Plans A-2 and A-3**). According to the applicant, there are five temporary structures (1 storey, about 3m to 5.5m high) with a total floor area of not more than 324m<sup>2</sup> for open sheds for storage, pump room and water tank uses. One loading/unloading bay for light goods vehicle is provided. The remaining area are for open storage of recyclable materials and manoeuvring uses (**Drawing A-2**). No cutting, dismantling, cleansing, compacting or other workshop activities would be undertaken within the Site. The operation hours are from 9:00 a.m. to 7:00 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, site layout and proposed drainage facilities submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site is involved in three 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 as follows:

<b>Major Development Parameters</b>	<b>Last Approved Application (A/HSK/239) (a)</b>	<b>Current Application (A/HSK/417) (b)</b>	<b>Difference (b) – (a)</b>
Applied Use	Temporary Open Storage of Recyclable Materials (including Metal and Plastics) for a Period of 3 Years		<b>No change</b>
Site Area	About 1,460m <sup>2</sup>		<b>No change</b>
Total Floor Area	About 304m <sup>2</sup>	About 324m <sup>2</sup>	<b>+20m<sup>2</sup> (enlargement of an open shed)</b>
No. of Structures	5 (storage, pump room and water tank)		<b>No change</b>
Building Height	About 3m to 5.5m		<b>No change</b>
No. of Loading/Unloading Bay	1 for light goods vehicles		<b>No change</b>
Operation Hours	from 9:00 a.m. to 7:00 p.m. from Mondays to Saturdays, no operation on Sundays and public holidays		<b>No change</b>

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

- (a) Application Form with attachments received on (**Appendix I**) 7.10.2022
- (b) Supplementary Information (SI) received on 13.10.2022 (**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 at **Appendix I**. They can be summarised as follows:

- (a) Three previous applications have been approved by the Board since 2017 for the same applied use at the Site. The applied use is the same as the previous applications.
- (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 zone.

- (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 on the environment, traffic and drainage are expected to be insignificant. No goods vehicles exceeding 5.5 tonnes, including medium goods vehicles, heavy goods vehicles and container tractor/trailers, are allowed to enter or park/store 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 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. Town Planning Board Guidelines**

On 27.3.2020, the Board promulgated the revised 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 at **Appendix II**.

### **5. Background**

The Site is currently not subject to any planning enforcement action.

### **6. Previous Applications**

- 6.1 The Site is the subject of three previous applications (No. A/YL-HT/1066 and A/HSK/71 and 239) for temporary open storage of recyclable materials use. All the applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) between 2017 and 2020 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. 13 and no major adverse comments from concerned government departments. Amongst them, two planning permissions (No. A/YL-HT/1066 and A/HSK/71) were subsequently revoked due to non-compliance with time-limited approval conditions. Details of these applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.
- 6.2 The last application No. A/HSK/239 was approved with conditions by the Committee on 21.8.2020 for a period of three years with validity up to 21.8.2023. All time-limited approval conditions have been complied with. Compared with the last approved application, the current application is submitted by the same applicant for the same use at the same site with a similar layout but with a larger

floor area for ancillary structures.

## **7. Similar Applications**

There are two similar applications (No. A/HSK/132 and 311) for temporary open storage of recyclable materials and warehouse uses within/straddling the subject “O” zone in the past five years. Both applications were approved with conditions by the Committee on similar considerations as mentioned in paragraph 6.1 above. One of them was subsequently revoked due to non-compliance with time-limited approval conditions. Details of these applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) accessible from Kai Pak Ling Road via a local track; and
- (b) currently used for the applied use with valid planning permission.

8.2 The surrounding areas have the following characteristics:

- (a) to its north and northwest are five open storage yards which are suspected unauthorized developments (UDs);
- (b) to its east and northeast are three open storage yards under valid planning permissions;
- (c) to its south and southeast are three open storage yards (one under valid planning permission and two being suspected UD), two warehouses (one under valid planning permission and one being a suspected UD), three storage facilities (one under valid planning permission and two being suspected UD), a vehicle repair workshop which is a suspected UD, a residential dwelling (about 3m away) and some vacant land; and
- (d) to its west and southwest are two warehouses, a vehicle repair workshop and three storage facilities which are suspected UD, an open storage yard under valid planning permission, some residential dwellings and a vacant chicken shed.

## **9. Planning Intention**

The planning intention of the “O” zone is intended primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

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

All 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 IV and V** respectively.

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

On 18.10.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments from individuals were received (**Appendices VII-1 and VII-2**) objecting to the application on the grounds that the applied use will cause environmental nuisance, pose fire safety hazard and adversely affect the safety and living quality of local villagers. One commenter expresses concern that the approval conditions of the last application have not yet been complied with.

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

- 12.1 The application is for temporary open storage of recyclable materials (including metal and plastics) for a period of three years at the Site within an area zoned “O” (about 75%) and area shown as ‘Road’ (about 25%) on the OZP. Whilst the applied use is not in line with the planning intention of the “O” zone, the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD) and the Director of Leisure and Cultural Services (DLCS) have 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.
- 12.2 The applied use is considered not incompatible with the surrounding areas which are predominately used for open storage yards, warehouses and vehicle repair workshops 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 three previous planning approvals for temporary open storage of recyclable materials use were given. For the previous approved application No. A/HSK/239 which is still valid, all time-limited approval conditions have 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 Director of Environmental Protection, Commissioner for Transport, Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department on the application. The applied use would unlikely create significant adverse environmental, traffic, fire safety and drainage impacts on the surrounding area. To address the technical requirements of the concerned departments, relevant approval conditions have been recommended in paragraph 13.2 below.
- 12.5 There are two similar approvals for temporary open storage of recyclable materials and warehouse uses within/straddling the subject “O” zone on the OZP (**Plan A-1**). Approval of the subject application is generally in line with the Committee’s previous decisions.
- 12.6 Two public comments objecting to or expressing concerns on the application were

received during the statutory publication period as summarised in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.5 above 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 above, the Planning Department considers that the temporary open storage of recyclable materials (including metal and plastics) could be tolerated for a period of three 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 three years until **25.11.2025**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### **Approval conditions**

- (a) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (b) 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 **25.2.2023**;
- (c) 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 **6.1.2023**;
- (d) 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 **25.5.2023**;
- (e) in relation to (d) 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 **25.8.2023**;
- (f) if the above planning condition (a) 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
- (g) if any of the above planning condition (b), (c), (d) or (e) 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 “O” zone which is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public. 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 with Attachments received on 7.10.2022
<b>Appendix Ia</b>	SI received on 13.10.2022
<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 and VII-2</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-1</b>	Location Plan with Previous and Similar Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A4b</b>	Site Photos

**PLANNING DEPARTMENT  
NOVEMBER 2022**