

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

APPLICATION NO. A/HSK/420

<u>Applicant</u>	: Skywin International Development Limited represented by Metro Planning and Development Company Limited
<u>Site</u>	: Lots 1842(Part), 1844(Part), 1845(Part), 1846(Part) and 1849(Part) in D.D.125 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long, New Territories
<u>Site Area</u>	: About 2,290m ² (including GL of about 49.01m ² or 2.1%)
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Hung Shui Kiu and Ha Tsuen (HSK and HT) Outline Zoning Plan (OZP) No. S/HSK/2
<u>Zoning</u>	: “Residential (Group A) 3” (“R(A)3”) <i>[Restricted to maximum plot ratio of 5.5 and maximum building height of 140mPD]</i>
<u>Application</u>	: Temporary Recyclable Centre (Metal) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary recyclable centre (metal) for a period of three years at the application site (the Site) (**Plan A-1a**). 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 without valid planning permission (**Plans A-2 to A-4b**).
- 1.2 The Site is accessible from Ping Ha Road via a local track and the ingress/egress point is at the eastern part of the Site (**Plans A-2 and A-3**). According to the applicant, there is a two-storey temporary structure (not exceeding 6m high) for site office and toilet uses with a floor area of not more than 80m². Two parking spaces for private car and one loading/unloading bay for medium/heavy goods vehicle are provided. The remaining areas are for recycling centre (metal) and manoeuvring uses (**Drawing A-2**). No cleaning, burning, melting, crushing, shredding, breaking, washing or other workshop activities would be undertaken within the Site. The operation hours are from 8:00 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, site layout, as-built drainage facilities and proposed fire service installations submitted by the applicant are at **Drawings A-1 to A-4** respectively.

- 1.3 The Site is involved in nine 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:

Major Development Parameters	Last Approved Application (A/HSK/215) (a)	Current Application (A/HSK/420) (b)	Difference (b) – (a)
Applied Use	Temporary Recyclable Collection Centre (including Plastics, Paper and Metals) with Ancillary Factory for a Period of 3 Years	Temporary Recyclable Centre (Metal) for a Period of 3 Years	No open storage of plastics and paper and ancillary factory
Site Area	About 2,182m ²	About 2,290m ²	+108m²
Total Floor Area	About 855m ²	Not exceeding 80m ²	-775m²
No. of Structures	5 (plastics, papers and metals processing factories, ancillary office, rest room, canteen and toilet)	1 (site office and toilet)	-4
Building Height	About 3m to 6m	Not exceeding 6m (2 storeys)	No change in maximum building height
No. of Private Car Parking Spaces	2		No change
No. of Loading/Unloading Bay	1 for light goods vehicles 1 for medium goods vehicles	1 for medium/heavy goods vehicles	-1
Operation Hours	from 8:00 a.m. to 6:00 p.m. from Mondays to Saturdays, no operation on Sundays and public holidays		No change

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

- (a) Application Form with attachments received on (Appendix I) 19.10.2022
- (b) Supplementary Information (SI) received on 21.10.2022 (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) Eight previous applications have been approved by the Board since 1996 for the same or similar use at the Site.
- (b) The applied 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 “R(A)3” zone.
- (d) The adjoining areas are occupied for open storage and port back-up uses, most of which were granted with planning permissions. The applied use is not incompatible with the surrounding environment.
- (e) The impacts on 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 Ping Shan 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. Since the nature of recyclable collection centre is akin to open storage of recyclable materials (about 98% of the Site is uncovered), the TPB PG-No. 13F is relevant to the current application. 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 nine previous applications (No. A/YL-HT/7, 223, 345, 511, 608, 706, 965 and 1071 and A/HSK/215) for temporary recyclable collection centre or open storage with ancillary workshop/factory/site offices uses 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 1996 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, five planning permissions (No. A/YL-HT/7, 511, 965 and 1071 and A/HSK/215) were subsequently revoked due to non-compliance with time-limited approval conditions. The remaining application (No. A/YL-HT/223) for open storage of construction machinery and materials was rejected by the Board in 2001 on reason that there was insufficient information to demonstrate that the proposed development would not have adverse traffic, drainage and environmental impacts on the surrounding areas. Details of these applications are summarised at **Appendix III** and their locations are shown on **Plan A-1b**.

- 6.2 The last application No. A/HSK/215 was approved with conditions by the Committee on 24.4.2020 for a period of three years. Compared with the last approved application, the current application is submitted by a different applicant for a similar use with a different layout at a larger site.

7. Similar Applications

There are two similar applications (No. A/HSK/30 and 252) for temporary open storage of recyclable materials with ancillary workshop use within/straddling the subject “R(A)3” 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-1a**.

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

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 is a warehouse under valid planning permission. To its further north is an open storage yard which is a suspected unauthorized development;
- (b) to its east are some shrubland and Tin Ying Road;
- (c) to its south and southwest are an open storage yard and a warehouse, both under valid planning permissions; and
- (d) to its west is a logistics centre under valid planning permission.

9. Planning Intention

The planning intention of the “R(A)3” zone is intended primarily for high-density residential developments.

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 Comment Received During the Statutory Publication Period

On 25.10.2022, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received (**Appendix VII**) expressing concern that after the last application was revoked, the operation has not yet been terminated.

12. Planning Considerations and Assessments

- 12.1 The application is for temporary recyclable centre (metal) for a period of three years at the Site within an area zoned “R(A)3” on the OZP. According to the Notes for the “R(A)” zone, ‘recyclable collection centre’ use is permitted at the lowest two floors of a building. Nevertheless, since the majority of the Site involves open storage of recyclable materials, it is akin to an open storage use. Whilst the applied use is not in line with the planning intention of the “R(A)” zone, 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 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 logistic centre with most 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 eight previous planning approvals were given. While the planning permission granted under the last application No. A/HSK/215 in 2020 was revoked due to non-compliance with time-limited approval conditions regarding the submission of a condition record of the existing drainage facilities, the submission and implementation of the landscape proposal and fire service installations proposal, relevant proposals have been included in the current submission and concerned departments have no adverse comments on the application. 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 with ancillary workshop use within/straddling the subject “R(A)3” zone on the OZP (**Plan A-1a**). Approval of the subject application is generally in line with the Committee’s previous decisions.
- 12.6 One public comment expressing concern on the application was received 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 comment mentioned in paragraph 11 above, the Planning Department considers that the temporary recyclable centre (metal) 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 **9.12.2025**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no workshop activities including cleaning, burning, melting, crushing, shredding, breaking and washing of metal waste is allowed on the Site during the planning approval period;
- (b) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (c) 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 **9.3.2023**;
- (d) 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 **20.1.2023**;
- (e) the implementation of the accepted 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 **9.9.2023**;
- (f) if any of the above planning condition (a) or (b) 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 (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 "R(A)3" zone which is primarily for high-density residential developments. 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

Appendix I	Application Form with Attachments received on 19.10.2022
Appendix Ia	SI received on 21.10.2022
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 and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	'Good Practice for Open Storage Sites' by the Fire Services Department
Appendix VII	Public Comment
Drawing A-1	Location Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	As-built Drainage Plan
Drawing A-4	Proposed Fire Service Installations 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 and A4b	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2022**