

RNTPC Paper No. A/HSK/477  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 8.9.2023

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

**APPLICATION NO. A/HSK/477**

- Applicant** : Power Steel Metal Company Limited represented by Allgain Land Administrators (Hong Kong) Limited
- Site** : Lot 1262 (Part) in D.D. 124, Ha Tsuen, Yuen Long
- Site Area** : About 1,617m<sup>2</sup>
- Land Status** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Shui Kiu and Ha Tsuen Outline Zoning Plan (OZP) No. S/HSK/2
- Zonings** : “Other Specified Uses” annotated ‘Logistics Facility’ (“OU(LF)”)  
[Restricted to a maximum plot ratio (PR) of 5 and a maximum building height (BH) of 110mPD]
- Application** : Temporary Reinforcing Steel Processing Workshop with Ancillary 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 reinforcing steel processing workshop with ancillary office for a period of three years (**Plan A-1**). According to the Notes of the OZP, ‘Rural Workshop’ in “OU(LF)” zone is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by open storage use and the applied use without valid planning permission (**Plan A-4**).
- 1.2 The Site is accessible from a local track leading from Ha Tsuen Road and the ingress/egress point is at the north of the Site (**Drawing A-2 and Plan A-2**). As shown on the layout plan at **Drawing A-2**, there will be two single-storey structures (7.62m high) with a total floor area of not exceeding 420m<sup>2</sup> for rebar processing, office and storage use. One loading/unloading bay for light goods vehicle (LGV) will be provided. According to the applicant, the operation hours are from 8:00 a.m. to 6:00 p.m. from Mondays to Saturdays and no operation will be held on Sundays and public holidays. The vehicular access plan, layout plan, proposed drainage plan and fire service installations plan submitted by the applicant are shown on **Drawings A-1 to A-4** respectively.
- 1.3 The Site is the subject of a previous application (No. A/HSK/230) for proposed temporary workshop use approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2020 (details at paragraph 5

below). Compared with the last approved application, the current application is submitted by the same applicant at the same site with similar layout for the same applied use.

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

- (a) Application Form with attachments received on 13.7.2023 (Appendix I)
- (b) Supplementary Information (SI) received on 18.7.2023 (Appendix Ia)
- (c) SI received on 19.7.2023 (Appendix Ib)
- (d) Further Information (FI) received on 8.8.2023 (Appendix Ic)  
*[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, SI and FI at **Appendices I, Ia and Ic**. They can be summarised as follows:

- (a) ‘Rural workshop’ is a Column 2 use within the “OU(LF)” zone. The applied development is close to existing logistic facilities in the vicinity and is compatible with surrounding environment.
- (b) The reinforced steels are mainly for the local construction industry in Hong Kong which may also help the future development of Hung Shui Kiu.
- (c) The reinforcing steel processing involves cutting the steels (not longer than 6m) into shorter sizes, bending them into different shapes and tying the steels together. All the reinforcing steel processing activities will be performed within the temporary structures, and only LGV will be used for delivering the products. Air and drainage pollution is not anticipated and the potential noise generated will be minimal.
- (d) The applicant has failed to comply with the approval condition regarding implementation of drainage proposal of the previously approved application. He is committed to comply with the approval condition regarding the drainage works should the application be approved.

## 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.

## 4. **Background**

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

## **5. Previous Application**

The Site is the subject of one previous application (No. A/HSK/230) for proposed temporary reinforcing steel processing workshop with ancillary office for a period of three years approved with conditions by the Committee on 1.9.2020 on the considerations that approval of the application on a temporary basis would not jeopardise the long-term development of the site; the applied use was small in scale and not incompatible with the surrounding land uses; and relevant Government departments, except DEP, had no adverse comment on the application. However, the planning permission was subsequently revoked on 1.2.2023 due to non-compliance with time-limited approval condition regarding the implementation of drainage proposal.

## **6. Similar Application**

There is no similar application within the same “OU(LF)” zone on the OZP.

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

7.1 The Site is:

- (a) accessible from Ha Tsuen Road via a local track; and
- (b) hard-paved, fenced off and currently used for open storage use and the applied use without valid planning permission.

7.2 The surrounding areas have the following characteristics:

- (a) mainly occupied by warehouses, logistics centres, open storage yards and some residential dwellings with orchard; and
- (b) to its west are a site for storage and workshop which is a suspected unauthorized development (UD) subject to planning enforcement action, some residential dwellings (the nearest one being about 14m away), graves and vacant land.

## **8. Planning Intention**

The planning intention of the “OU(LF)” zone is primarily for the development of modern logistics facilities to complement the development of Hong Kong as a Regional Distribution Centre and Logistics Hub.

## **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 as there are sensitive receivers of residential use in the vicinity of the Site (the closest residential dwelling being about 14m away) (**Plan A-2**) and the applied use involves steel reinforcement process which may cause significant dust nuisance; and
- (b) no environmental complaint pertaining to the Site was received in the past three years.

## **10. Public Comment Received During Statutory Publication Period**

On 21.7.2023, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one public comment from an individual was received objecting to the application on the reasons that the development could potentially contaminate the soil and cause public health and financial problems, and that the previous approval condition on the implementation of drainage proposal has not been fulfilled (**Appendix V**).

## **11. Planning Considerations and Assessment**

- 11.1 The application is for temporary reinforcing steel processing workshop with ancillary office for a period of three years at the Site zoned “OU(LF)” on the OZP (**Plan A-1**). Whilst the applied use is not in line with the planning intention of the “OU(LF)” zone, the Project Manager (West), Civil Engineering and Development Department has no adverse comment on 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. Notwithstanding this, 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.
- 11.2 The applied use is generally not incompatible with the surrounding land uses which are predominantly occupied by logistics facilities, warehouses, workshops and open storage yards, intermixed with some residential dwellings (**Plan A-2**).
- 11.3 There is no adverse comment from the concerned government departments, except DEP. DEP does not support the application because there are sensitive uses in the vicinity (the closest dwelling is about 14m away) (**Plan A-2**), and the applied use involves the steel reinforcement process which may cause significant dust nuisance. In this regard, it is noted that no environmental complaint pertaining to the Site has been received in the past three years. However, according to the applicant, all the reinforcing steel processing activities would be performed within the temporary structures. Should the application be approved, the applicant will 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. To address the technical requirements of other concerned departments, relevant approval conditions are recommended in paragraph 12.2 below.

- 11.4 The Site is involved in a previous approved application (No. A/HSK/230) for the same applied use. Although the planning permission was revoked on 1.2.2023 due to non-compliance with time-limited approval condition regarding the implementation of drainage proposal, the applicant has submitted a drainage proposal in the current application and the Chief Engineer/Mainland North, Drainage Services Department has no in-principle objection to the application. In this regard, sympathetic consideration may be given to the application. 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.
- 11.5 There is one public comment raising objection to the application received during the statutory publication period 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 comment mentioned in paragraph 10, the Planning Department has no objection to the temporary reinforcing steel processing workshop with ancillary office.
- 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 **8.9.2026**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### **Approval conditions**

- (a) no operation between 6:00 p.m. to 8:00 a.m., 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) the implementation of the accepted 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 **8.6.2024**;
- (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 submission of a revised 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 **8.3.2024**;
- (f) in relation to (e) above, the implementation of the revised fire service installations proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **8.6.2024**;
- (g) if any of the above planning condition (a), (b) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and

- (h) if any of the above planning condition (c), (e) or (f) 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 reason for rejection is suggested for Members' reference:

the applied use is not in line with the planning intention of the "OU(LF)" zone, which is primarily for the 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.

**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**

<b>Appendix I</b>	Application Form with attachments received on 13.7.2023
<b>Appendix Ia</b>	SI received on 18.7.2023
<b>Appendix Ib</b>	SI received on 19.7.2023
<b>Appendix Ic</b>	FI received on 8.8.2023
<b>Appendix II</b>	Previous Application
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendix V</b>	Public Comment
<b>Drawing A-1</b>	Vehicular Access Plan
<b>Drawing A-2</b>	Layout Plan
<b>Drawing A-3</b>	Proposed Drainage Plan
<b>Drawing A-4</b>	Fire Service Installations Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to 4b</b>	Site Photos