

***RNTPC agreed deferral of the application, as requested by PlanD,
to the meeting on 20.9.2024***

RNTPC Paper No. A/HSK/523A
For Consideration by
the Rural and New Town
Planning Committee
on 6.9.2024

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

APPLICATION NO. A/HSK/523

- Applicant** : 香港回收城有限公司
- Site** : Government Land (GL), Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 15,800m²
- Lease** : Short Term Tenancy (STT) No. 1869 (Part)
- Plan** : Approved Hung Shui Kiu and Ha Tsuen (HSK and HT) Outline Zoning Plan (OZP) No. S/HSK/2
- Zonings** : (i) “Government, Institution or Community” (“G/IC”) (about 54%);
[restricted to a maximum building height (BH) of 8 storeys]
- (ii) “Residential (Group A) 4” (“R(A)4”) (about 13%);
[restricted to a maximum plot ratio (PR) of 5 and a maximum BH of 120mPD]
- (iii) “Residential (Group A) 3” (“R(A)3”) (about 9%); and
[restricted to a maximum PR of 5.5 and a maximum BH of 140mPD]
- (iv) area shown as ‘Road’ (about 24%)
- Application** : Temporary Open Storage of Recyclable Materials (Plastic, Paper and Metal) with Ancillary Workshop for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary open storage of recyclable materials (plastic, paper and metal) with ancillary workshop 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 requires planning permission from the Town Planning Board (the Board), while all uses or developments within any area shown as ‘Road’ also require planning permission from the Board. The Site is currently used for the applied use without valid planning permission.

- 1.2 The Site is accessible from Ping Ha Road via a local track, and the ingress/egress point is at the southern part of the Site (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, 19 temporary structures (one to two storeys, 3m to 9m high) with a total floor area of about 6,227m² are used for open sheds, site offices, storage, pump room and ancillary workshop. The uncovered areas are mainly used for open storage of recyclable materials, circulation and manoeuvring space. Four loading/unloading (L/UL) spaces for heavy goods vehicles (HGVs) (each of 11m x 3.5m) are provided within the Site (**Drawing A-1**). Workshop activities will take place within structures No. 3, 4, 6, 10 and 11 for dismantling, compression and packing of recyclable materials. According to the applicant, no burning, melting, washing or cleaning of recycling materials will be carried out at the Site. The operation hours are from 8:00 a.m. to 8:00 p.m. from Mondays to Saturdays and there would be no operation on Sundays and public holidays. Plans showing the site layout, fire service installations (FSIs) and drainage facilities submitted by the applicant are at **Drawings A-1 to A-3** respectively.
- 1.3 The Site is involved in ten previous planning applications for various temporary open storage with/without ancillary workshop use approved by the Rural and New Town Planning Committee (the Committee) of the Board/the Board between 1996 and 2020 (details at paragraph 6 below).
- 1.4 Compared with the last application No. A/HSK/252 approved by the Committee on 6.11.2020, the current application is submitted by a different applicant for the same use at the same site. A comparison of the major development parameters of last application and the current application is summarised as follows:

Major Development Parameters	Last Approved Application (A/HSK/252) (a)	Current Application (A/HSK/523) (b)	Difference (b) – (a)
Applied Use	Temporary Open Storage of Recyclable Materials (Plastic, Paper and Metal) with Ancillary Workshop for a Period of 3 Years		No change
Site Area	About 15,800m ²		No change
Total Floor Area	About 7,280m ²	About 6,227m ²	-1,053m² (-14%)
No. of Structures	17 (open sheds, site offices, storage and ancillary workshop)	19 (open sheds, site offices, storage, pump room and ancillary workshop)	+2 (+12%)
Building Height	Not more than 3m to 9m high (1 to 2 storeys)		No change
No. of Car Parking Space or L/UL Space	Nil	4 L/UL spaces for HGVs (each of 11m x 3.5m)	+4 L/UL spaces for HGVs
Operation Hours	from 8:00 a.m. to 8:00 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 16.5.2024 (Appendix I)
- (b) Supplementary Information (SI) received on 22.5.2024 (Appendix Ia)
- (c) Further Information (FI) received on 10.7.2024* (Appendix Ib)
- (d) FI received on 5.8.2024* (Appendix Ic)

**accepted and exempted from publication and recounting requirements*

1.6 On 5.7.2024, the Committee of the Board agreed to defer making a decision on the application for two months as requested by the applicant.

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) A number of previous applications for temporary open storage uses at the Site have been approved by the Board since 1996. The last approved application No. A/HSK/252 was revoked due to non-compliance with the time-limited approval condition regarding implementation of the FSIs proposal. The applicant has submitted a FSIs proposal in support of the current application.
- (b) The applied use is temporary in nature and would not jeopardise the long-term planning intention of the concerned zones. The current application is to continue the applied use during the interim period before the Site is required for the Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA) development.
- (c) The applied use is not incompatible with the surrounding areas which are occupied by open storage and port back-up uses.
- (d) The development will have insignificant traffic impact. Sufficient maneuvering spaces will be provided within the Site.
- (e) The applied use will not generate significant environmental impact to 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. No dangerous goods or hazardous waste will be stored at the Site.

3. Compliance with the “Owner’s Consent/Notification” Requirements

As the Site involves GL only, the “Owner’s Consent/Notification” Requirements under 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) are not applicable to the application.

4. Town Planning Board Guidelines

On 14.4.2023, the Board promulgated the revised Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13G). The Site falls within the HSK/HT NDA under the revised Guidelines. Relevant extracts of the Guidelines are attached at **Appendix II**.

5. Background

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

6. Previous Applications

- 6.1 The Site is involved in ten previous applications (No. A/YL-HT/7, 259, 449, 626, 683, 703, 844 and 921 and A/HSK/30 and 252) for various temporary open storage with/without ancillary workshop use at the Site. All the applications were approved by the Committee/the Board between 1996 and 2020 mainly on the considerations that the applied/proposed uses were not incompatible with the surrounding areas; generally in line with the relevant TPB PG-No.13 and no major adverse comments from concerned government departments. However, six of the planning permissions were subsequently revoked due to non-compliance with time-limited approval conditions. Details of these applications are summarised at **Appendix III** and their boundaries are shown on **Plan A-1b**.
- 6.2 The last application No. A/HSK/252 was approved by the Committee on 6.11.2020 for a period of three years but the permission was subsequently revoked on 6.4.2023 due to non-compliance with the time-limited approval condition regarding the implementation of FSIs proposal.

7. Similar Applications

There are four similar applications (No. A/HSK/218, 340, 355 and 399) involving various open storage with/without ancillary workshop use within/straddling the subject “G/IC”, “R(A)3” and/or “R(A)4” zones and area shown as ‘Road’ in the past five years. All of them were approved with conditions by the Committee between 2020 and 2022 on the considerations similar to those mentioned in paragraph 6.1 above. 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 local track; and
 - (b) currently used for the applied use without valid planning permission.
- 8.2 The surrounding areas are predominantly occupied by open storage yards, logistics centres and warehouses. Some of these uses are covered by valid planning permissions, whilst some are suspected unauthorized developments subject to planning enforcement action.

9. Planning Intentions

- 9.1 The planning intention of the “G/IC” zone is primarily for the provision of

Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory.

9.2 The planning intention of the “R(A)3” and “R(A)4” zones are primarily for high-density residential developments.

9.3 The concerned area shown as ‘Road’ is reserved for the provision of access road.

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 Statutory Publication Period

On 24.5.2024, the application was published for public inspection. During the statutory public inspection period, two public comments from a Yuen Long District Councillor and an individual were received (**Appendices VII-1 and VII-2**) objecting to the application on the grounds that the applied use is in close proximity to the residential development in Tin Shui Wai and noise complaints have been received; complaints have been filed to relevant departments regarding the workshop use; approving the application would set an undesirable precedent; the applied use will pose fire safety hazards and cause health problems to nearby residents and the approval conditions under the previous application have not yet been complied with.

12. Planning Considerations and Assessments

12.1 The application is for temporary open storage of recyclable materials (plastic, paper and metal) with ancillary workshop for a period of three years at the Site zoned “G/IC” (about 54%), “R(A)4” (about 13%) and “R(A)3” (about 9%), and partly within an area shown as ‘Road’ (about 24%) on the OZP. Whilst the applied use is not in line with the planning intentions of the “G/IC”, “R(A)4” and “R(A)3” zones and the area shown as ‘Road’, the Project Manager (West), Civil Engineering and Development Department has no adverse comment on the application. 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.

12.2 The applied use is considered not incompatible with the surrounding land uses which are predominantly open storage yards, logistics centres and warehouses, with some of these uses covered by valid planning permissions (**Plan A-2**).

12.3 The applied use is generally in line with the TPB PG-No. 13G in that the Site falls within the HSK/HT NDA and ten previous planning approvals for various temporary open storage with/without ancillary workshop use had been granted at the Site from 1996 to 2020. While the planning permission granted under the last application No. A/HSK/252 was revoked due to non-compliance with the time-limited approval condition regarding implementation of FSIs proposal,

relevant proposal has been submitted in the current application. The Director of Fire Services has no objection to the application and considers the submitted FSIs proposal acceptable. In this regard, sympathetic consideration may be given to the application. Should the application be approved, the applicant will be advised that should it fail to comply with any of the approval conditions resulting in revocation of planning permission, sympathetic consideration may not be given to any further application.

- 12.4 There is no adverse comment from other concerned government departments including the Director of Environmental Protection (DEP), Commissioner for Transport and Chief Engineer/Mainland North of Drainage Services Department on the application from environmental, traffic and drainage aspects respectively. Regarding the public comments on the nuisance from the applied use, it is noted that DEP has not received any substantiated environmental complaint pertaining to the Site in the past three years. 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 nuisance on the surrounding areas. To address the technical requirements of the concerned departments, relevant approval conditions have been recommended in paragraph 13.2 below.
- 12.5 Ten previous approvals for various temporary open storage with/without ancillary workshop use were granted for the Site from 1996 to 2020 and four similar applications had been approved by the Committee in the past five years. Approval of the current application is in line with the previous decisions of the Committee.
- 12.6 Regarding the two public comments objecting to the application 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, the Planning Department considers that temporary open storage of recyclable materials (plastic, paper and metal) with ancillary workshop 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 **6.9.2027**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no melting, burning, cleaning or shredding activities is allowed on the site at any time 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 **6.12.2024**;
- (c) in relation to (b) above, the implemented drainage facilities shall be

maintained at all times during the planning approval period;

- (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 **18.10.2024**;
- (e) the implementation of the accepted 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 **6.6.2025**;
- (f) if any of the above planning condition (a) or (c) 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
- (g) if any of the above planning condition (b), (d) or (e) is not complied with by the 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 intentions of the "G/IC" and "R(A)" zones which are primarily the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory; and for high-density residential developments, respectively. There is no strong justification in the submission for a departure from the planning intentions, 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 received on 16.5.2024
Appendix Ia	SI received on 22.5.2024
Appendix Ib	FI received on 10.7.2024
Appendix Ic	FI received on 5.8.2024
Appendix II	Relevant Extracts of TPB PG-No. 13G

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
Appendices VII-1 and VII-2	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	FSIs Plan
Drawing A-3	Drainage 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 4b	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2024**