

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/530

- Applicant** : Chung Kin Engineering (International) Limited represented by Prudential Surveyors International Limited
- Site** : Lots 207 (Part) and 208 (Part) in D.D. 125, Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 3,219m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Shui Kiu and Ha Tsuen (HSK and HT) Outline Zoning Plan (OZP) No. S/HSK/2
- Zoning** : “Green Belt” (“GB”)
- Application** : Proposed Temporary Open Storage of Construction Materials with Ancillary Site Office for a Period of 3 Years and Associated Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary open storage of construction materials with ancillary site office for a period of three years and associated filling of land at the application site (the Site) zoned “GB” on the OZP (**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, and filling of land require planning permission from the Town Planning Board (the Board). The Site is currently vacant, hard-paved and fenced-off.
- 1.2 The Site is accessible from Kai Pak Ling Road via a local track and the ingress/egress point is at the southwestern part of the Site (**Drawing A-1 and Plan A-2**). According to the applicant, two one-storey (not more than 3m high) temporary structures with a total floor area of not exceeding 38m² are proposed for site office and washroom purposes. The open area of about 3016.5m² will be used for open storage of construction materials. Two parking spaces for private cars (each of 5m x 3.5m), one parking space for heavy goods vehicles (HGVs) (11m x 3.5m) and one loading/unloading space for HGVs (11m x 3.5m) will be provided (**Drawing A-1**). 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. No workshop activity would be allowed on the Site. The applicant

also proposed to regularise the filling of land for the entire Site. Plan showing the site layout submitted by the applicant is at **Drawing A-1**.

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

- (a) Application Form with attachments received on 20.6.2024 (Appendix I)
- (b) Supplementary Planning Statement (Appendix Ia)
- (c) Supplementary Information (SI) received on 28.6.2024 (Appendix Ib)
- (d) Further Information (FI) received on 8.8.2024 (Appendix Ic)
[accepted and 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 Supplementary Planning Statement and FI at **Appendices Ia and Ic**. They can be summarised as follows:

- (a) The current application is to facilitate the relocation of the existing operation which will be displaced by the implementation of the Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA) project.
- (b) The proposed use is intended for storage of construction materials (metal scaffoldings) which helps to support the local construction projects and promote the use of innovative technologies in construction industry. The proposed use is in line with the planned land use concept in the HSK/HT NDA as a modern logistics hub.
- (c) A thorough site-selection process has been carried out before identifying the Site as the most suitable relocation site. The size of the Site (i.e. about 3,219m²) is comparable to its current operation (i.e. about 3,808m²).
- (d) The application conforms with the relevant Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses. The proposed use is not incompatible with the surrounding environment.
- (e) The proposed use is temporary in nature and would not jeopardise the long-term planning intention of the concerned zone.
- (f) The impacts in terms of environment, traffic and drainage are expected to be insignificant.
- (g) Regularisation of the land filling is proposed. No further filling of land will be required.

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. 31B) 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.

4. Town Planning Board Guidelines

- 4.1 The Town Planning Board Guidelines for “Application for Development within the Green Belt Zone under Section 16 of the Town Planning Ordinance” (TPB PG-No. 10) are relevant to the application. The relevant assessment criteria are at **Appendix II**.
- 4.2 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 extract of the Guidelines is attached at **Appendix III**.

5. Background

- 5.1 The Site was involved in a previous suspected unauthorized development (UD) involving storage use. Warning letter was issued on 31.5.2016. The UD had subsequently been rectified and therefore Enforcement Notice was not issued.
- 5.2 The Site is currently not subject to any active planning enforcement action. Latest site inspection in July 2024 revealed that the site was vacant and hard paved with asphalt and gravels. Should there be sufficient evidence, enforcement action may be followed regarding suspected unauthorized land filling on site.

6. Previous Application

There is no previous application covering the Site.

7. Similar Application

There is no similar application within the same “GB” zone on the OZP.

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

- 8.1 The Site is:
 - (a) accessible from Kai Pak Ling Road via a local track; and
 - (b) currently vacant, hard-paved and fenced-off.
- 8.2 The surrounding areas are predominantly occupied by graves and woodland to the immediate northwest of the Site and warehouses and open storage yards within the adjoining “Other Specified Uses” annotated “Port Back-up, Storage and Workshop Uses” zone to the east and south of the Site where these uses are permitted (**Plan A-1**).

9. Planning Intention

- 9.1 The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban

sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

- 9.2 According to the Explanatory Statement of the OZP, as filling of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities in the “GB” zone.

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 28.6.2024, the application was published for public inspection. During the statutory public inspection period, two public comments were received from Kadoorie Farm and Botanic Garden Corporation and an individual (**Appendices VII-1 and VII-2**), objecting to the application mainly on the grounds of not in line with the planning intention of the “GB” zone and expansion of brownfield uses into an area with mainly slopes and graves.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary open storage of construction materials with ancillary site office for a period of three years and associated filling of land at the Site zoned “GB” on the OZP. The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. The proposed use is not in line with the planning intention of the “GB” zone. According to the applicant, the application is to facilitate the relocation of an existing business operation affected by the Second Phase development of the HSK/HT NDA. However, the application is considered not in line with TPB PG-No. 10 and 13G as elaborated in paragraphs 12.4 and 12.5 below. In this regard, there is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.
- 12.2 Filling of land within the “GB” zone requires planning permission from the Board as it may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment. Regularisation of the land filling is proposed by the applicant. While the Chief Engineer/Mainland North of Drainage Services Department and Director of Agriculture, Fisheries and Conservation have no adverse comment on the application, the proposed use and associated filling of land which involved vegetation clearance and concrete paving, are not in line with the planning intention of the “GB” zone.
- 12.3 The Site is located at the southern fringe of the subject “GB” zone which is surrounded by woodland intermixed with graves and temporary structures. Whilst there are storage and open storage yards in the area, they are mainly within the adjoining “Other Specified Uses” annotated “Port Back-up, Storage and

Workshop Uses” zone where such uses are permitted. It is considered that the proposed use which involved vegetation clearance and concrete paving is not compatible with the surrounding areas.

- 12.4 According to the TPB PG-No. 10, an application for new development within “GB” zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds. The design and layout of any proposed development within “GB” zone should be compatible with the surrounding area. The development should not involve extensive clearance of existing natural vegetation and affect the existing natural landscape. The issue on compatibility has been discussed in paragraph 12.3 above. With regard to the impact on existing natural vegetation and landscape, with reference to aerial photos between 2014 and 2023 (**Plans A-3a to A3g**), it is noted that vegetation clearance had been undertaken at the Site. The Site has been degraded from woodland to hard-paved land. In this regard, the proposed use is considered not in line with the TPB PG-No. 10.
- 12.5 The proposal is not in line with the TPB PG-No. 13G in that the Site falls within the HSK/HT NDA where new open storage and port back-up uses are generally not encouraged. The Site is not the subject of previous planning approval for similar open storage and port back-up uses. Although the application is to facilitate the relocation of an existing business operation affected by the Second Phase development of the HSK/HT NDA, the Site is zoned “GB” (i.e. not designated for development purpose in the NDA) and the proposed use is considered not compatible with the surrounding land uses. There is a general presumption against such uses at sites with land use compatibility issue which may be subject to environmental nuisances caused by the open storage and port back-up uses.
- 12.6 Other relevant government departments, including the Commissioner for Transport, Director of Environmental Protection and Director of Fire Services have no objection to or no adverse comment on the application.
- 12.7 The Site is not the subject of previous application and no approval for similar open storage use has ever been granted by the Committee within the same “GB” zone. Approval of the application would set an undesirable precedent and encourage proliferation of open storage use within the same “GB” zone thereby frustrating its planning intention. The cumulative effect of approving such similar applications would further deteriorate the landscape quality and result in a general degradation of the environment of the area.
- 12.8 Regarding the public comments objecting to the application as summarised in paragraph 11 above, the planning considerations and assessments in paragraphs 12.1 to 12.7 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 does not support the application for the following reasons:
 - (a) the proposed use with associated filling of land is not in line with the planning intention of the “Green Belt” zone which is primarily for the limits of urban and sub-urban development areas by natural features and to contain urban

sprawl, as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

- (b) the proposed use with associated filling of land is not in line with the Town Planning Board Guidelines for Application for Developments within the “Green Belt” Zone (TPB PG-No. 10) in that the proposed development is considered incompatible with the surrounding areas; and
- (c) the proposed use with associated filling of land is not in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13G) in that new open storage and port back-up uses are generally not encouraged to infiltrate into the New Development Areas.

13.2 Alternatively, 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 **16.8.2027**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of a drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **16.2.2025**;
- (b) in relation to (a) above, the implementation of the 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 **16.5.2025**;
- (c) in relation to (b) above, the implemented drainage facilities on the site 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 **27.9.2024**;
- (e) 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 **16.2.2025**;
- (f) in relation to (e) above, the implementation of the 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 **16.5.2025**;
- (g) if the above planning condition (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;
- (h) if any of the above planning condition (a), (b), (d), (e) or (f) 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; and

- (i) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory clauses

The Recommended Advisory Clauses are attached at **Appendix V**.

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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 14.3 Alternatively, 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.

15. Attachments

Appendix I	Application Form received on 20.6.2024
Appendix Ia	Supplementary Planning Statement
Appendix Ib	SI received on 28.6.2024
Appendix Ic	FI received on 8.8.2024
Appendix II	Relevant Extract of TPB PG-No. 10
Appendix III	Relevant Extract of TPB PG-No. 13G
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	Proposed Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3a to A-3g	Aerial Photos taken between 2014 and 2023
Plan A-4	Site Photos

**PLANNING DEPARTMENT
AUGUST 2024**