

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL  
FOR TEMPORARY USE  
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/NE-FTA/254**

<b><u>Applicant</u></b>	: K. Wah Asphalt Limited represented by Aikon Development Consultancy Limited
<b><u>Site</u></b>	: Lots 20 RP (Part), 21 and 23 RP (Part) in D.D. 88 and adjoining Government Land (GL), East of Man Kam To Road, Sheung Shui, New Territories
<b><u>Site Area</u></b>	: About 9,056m <sup>2</sup> (including GL of about 799m <sup>2</sup> or about 9% of the Site)
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Fu Tei Au and Sha Ling Outline Zoning Plan (OZP) No. S/NE-FTA/18
<b><u>Zoning</u></b>	: “Open Storage” (“OS”)
<b><u>Application</u></b>	: Renewal of Planning Approval for Temporary Asphalt Plant for a Period of Five Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning permission to continue using the application site (the Site) for temporary asphalt plant for a further period of five years. The Site falls within an area zoned “OS” on the approved Fu Tei Au and Sha Ling Outline Zoning Plan (OZP) No. S/NE-FTA/18 (**Plan A-1**). According to the Notes of the OZP, ‘Asphalt Plant’ is a Column 2 use within the “OS” zone requiring planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use with a valid planning permission until 12.12.2024 (**Plans A-4a** and **A-4b**).
- 1.2 The Site is accessible from Man Kam To Road to the southwest (**Plan A-1**). The applied use comprises operational blocks for asphalt plant and ancillary equipment/machinery, and administrative blocks for ancillary office and storage with a total floor area of 2,804.19m<sup>2</sup> and a maximum building height (BH) of 34.6m. A total of six private car parking spaces, one loading/unloading (L/UL) bay for goods vehicle, nine L/UL bays for asphalt trucks and bitumen trucks as well as one pick-up/drop-off lay-by for taxis and private cars are provided within the Site. According to the applicant, the existing traffic management measures (e.g. provision of sufficient circulation space, parking spaces and waiting area within the Site), landscape treatment, boundary fencing, fire service installations, emergency

vehicular access (EVA), environmental mitigation measures in terms of air, noise and water quality aspects (e.g. provision of activated carbon filter to eliminate bitumen fume emission, automatic water sprinklers and manual water hoses for dust suppression, fully covered tankers/trucks, fully enclosed exhaust fan and air compressor, additional noise barriers, etc.) as well as drainage facilities implemented at the Site shall be properly maintained. The operation hours are 24 hours a day from Mondays to Sundays. The master layout plan of the current scheme is shown in **Drawing A-1**.

- 1.3 The Site is the subject of two previously approved applications (No. A/NE-FTA/148 and 192) for the same use. Details of the previous applications are set out in paragraph 6 below. Compared with the last previous application No. A/NE-FTA/192 which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 18.10.2019, the current application remains the same in terms of site area/boundary, layout, building disposition and major development parameters, except for an increase in the total gross floor area (GFA) from 2,373.32m<sup>2</sup> to 2,804.19m<sup>2</sup> (i.e. +430.87m<sup>2</sup>). According to the applicant, the GFA of existing ancillary structures (i.e. staircases and platforms for maintenance and emergency access) were disregarded in the previously approved applications in view of their ancillary nature. In order to facilitate applications for Temporary Building Permit and Temporary Occupation Permit under the building regime, the GFA of these existing ancillary structures have been included in the current application and therefore, resulted in an increase of total GFA by 430.87m<sup>2</sup>. A comparison of the major development parameters of the current application and the previous application is summarised as follows:

Major Development Parameters	Approved Scheme under Application No. A/NE-FTA/192 (a)	Proposed Scheme under Current Application (b)	Difference (b) – (a)
Site Area	About 9,056m <sup>2</sup> (including about 799m <sup>2</sup> of GL)	About 9,056m <sup>2</sup> (including about 799m <sup>2</sup> of GL)	No change
GFA	About 2,373.32m <sup>2</sup>	About 2,804.19m <sup>2</sup>	+ 430.87m <sup>2</sup> (+ 18.15%)
Operational blocks (Asphalt plant and ancillary equipment/ machines)	2093.72m <sup>2</sup>	2093.72m <sup>2</sup>	No change
Administrative blocks (Ancillary office/storage)	279.60m <sup>2</sup>	279.60 m <sup>2</sup>	No change
Ancillary structures (Staircases and platforms for maintenance and emergency access)	-	430.87 m <sup>2</sup>	+ 430.87m <sup>2</sup>
Plot Ratio	0.26	0.31	+ 0.05 (+ 19.23%)
Site Coverage	27%	27%	No change
BH			
Asphalt plant and ancillary facilities (Excluding ancillary office)	34.6m	34.6m	No change
Ancillary administrative blocks	8.1m (1-storey)	8.1m (1-storey)	No change

Major Development Parameters	Approved Scheme under Application No. A/NE-FTA/192 (a)	Proposed Scheme under Current Application (b)	Difference (b) – (a)
<b>Car Parking and L/UL Provision</b>			
Private car parking space	6	6	No change
Lay-by for taxis & private cars	1	1	No change
L/UL bay for goods vehicles	1	1	No change
L/UL bays for asphalt trucks & bitumen trucks	9	9	No change

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

- (a) Application Form received on 10.9.2024 (Appendix I)
- (b) Planning Statement received on 10.9.2024 (Appendix Ia)
- (c) Further Information (FI) received on 2.10.2024\* (Appendix Ib)
- (d) FI received on 23.10.2024^ (Appendix Ic)
- (e) FI received on 29.10.2024\* (Appendix Id)

\* accepted and exempted from publication and recounting requirements

^ accepted but not 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 Planning Statement and FIs at **Appendices Ia to Id**, as summarised below:

- (a) being the only asphalt plant in the New Territories North, the plant is essential to meet local and territorial demand for asphalt and support Hong Kong's infrastructural developments and road works, which is also in line with the development principle of "driving development by transport infrastructure" under the Hong Kong Major Transport Infrastructure Development Blueprint promulgated in 2023. Should the operation of the temporary asphalt plant be ceased due to the failure in renewing the planning permission, a disruption could be expected on the on-going infrastructure projects supported by the applicant's supply of asphalt;
- (b) the application is in line with the Town Planning Board Guidelines No. 34D on 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development' (TPB PG-No. 34D) in that there has been no substantial change in planning circumstances since the previous approval and the applicant has complied with all planning conditions under the previous planning approval;
- (c) the application is of temporary nature and will not jeopardise the long-term planning intention of the subject "OS" zone and not be in conflict with the implementation programme of the relocation of Cheung Sha Wan Temporary Wholesale Poultry Market (CSWTWPM) to the adjoining site zoned "Other Specified Uses" annotated "Poultry Slaughtering Centre" ("OU(PSC)");

- (d) no adverse environmental impact is expected as the temporary asphalt plant will continue to be in line with all the required environmental control measures and good site practices;
- (e) no adverse traffic impact is expected as there is no significant change in planning circumstances and all key road junctions will operate with sufficient capacity;
- (f) no adverse drainage impact is expected as there is no change in the drainage system and the applicant will continue to carry out routine maintenance; and
- (g) approval of the current application will not set an undesirable precedent.

### **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 obtaining consent from all “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection. For the GL within the Site, TPB PG-No. 31B is not applicable to the application.

### **4. Town Planning Board Guidelines**

TPB PG-No. 34D is relevant to this application. The relevant assessment criteria 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/NE-FTA/123, 148 and 192) for permanent/temporary asphalt plant.
- 6.2 Application No. A/NE-FTA/123 for permanent asphalt plant was rejected by the Committee on 4.4.2014 mainly on the grounds that the proposed development was not compatible with the planned land uses in the area; and approval of the application would jeopardise the land use planning of the area and set an undesirable precedent for similar applications in the area.
- 6.3 Application No. A/NE-FTA/148 with the same site area, layout and major development parameters of the asphalt plant as the rejected application No. A/NE-FTA/123 was approved with conditions by the Committee on 12.12.2014 on a temporary basis for a period of five years mainly on the grounds that the proposed temporary development would not jeopardise the long-term planning intention of “OS” zone; it was not incompatible with the surrounding land uses; it would not affect the implementation programme of the relocation of CSWTWPM; and relevant

government departments have no objection to the application.

- 6.4 On 23.10.2015, the Committee approved amendments to the approved scheme under application No. A/NE-FTA/148-2 mainly involving extension of EVA, reduction in site area, total GFA, site coverage and building height (in terms of number of storeys). All the approval conditions have been complied with and the asphalt plant commenced operation in April 2017.
- 6.5 The renewal application under Application No. A/NE-FTA/192 for a further period of five years was approved by the Committee on 18.10.2019 mainly for the reasons that the applied use would not frustrate the long-term planning intention of the area; and the application was generally complied with the then TPB PG-No. 34C.
- 6.6 Compared with the last previous application No. A/NE-FTA/192 approved with conditions by the Committee on 18.10.2019, the current application remains the same in terms of site area/boundary, layout, building disposition and major development parameters, except for an increase in the total GFA of 430.87m<sup>2</sup> (about 18%) due to the inclusion of existing ancillary structures in the GFA calculations as required by the Building Authority (BA), as detailed in paragraph 1.3 above. All the approval conditions under the last previous application have been complied with and the planning permission is valid until 12.12.2024.
- 6.7 Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

## **7. Similar Application**

There is no similar application for asphalt plant use within the same “OS” zone on the OZP in the past five years.

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

- 8.1 The Site is:
- (a) hard-paved, fenced-off and currently occupied by the applied use with valid planning permission; and
  - (b) accessible from Man Kam To Road to the southwest via a small strip of GL.
- 8.2 The surrounding areas are intermixed with warehouses, open storages yards, vehicle repair workshops, logistics centre and Government works area. A site to the immediate south is zoned “OU(PSC)”, which is intended primarily for the development of a poultry slaughtering centre. To the immediate north is an area zoned “Green Belt” generally comprising wooded slopes.

## **9. Planning Intention**

The planning intention of the “OS” zone is primarily for the provision of land for appropriate open storage uses and to regularise the already haphazard proliferation of open

storage uses. It provides for the orderly development of land for open storage uses that cannot be accommodated in conventional godown premises.

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

10.1 Apart from the government department as set out in paragraph 10.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and Recommended Advisory Clauses are provided at **Appendices IV** and **V** respectively.

10.2 The following government department does not support the application:

### **Land Administration**

10.2.1 Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) the Site comprises Old Schedule Agricultural Lots held under the Block Government lease which contains the restriction that no structures are allowed to be erected with the prior approval of the Government. No right of access via GL is granted to the Site;
- (b) Short Term Waiver (STW) No. 883 was issued for Lots 20 RP, 21 and 23 RP in D.D. 88 for the purpose of a concrete production plant and open storage of machinery and equipment. For Unauthorized Building Works, please refer to paragraph (e) below;
- (c) the GL in the Site is covered by Short Term Tenancy (STT) No. 641 for the purpose of a concrete/asphalt batching plant; manufacturing of concrete products; and open storage of machinery and equipment;
- (d) the Site is already being used for the uses under the application. The total site coverage of the existing structures erected on site far exceeded the 1,012.34m<sup>2</sup> permitted under the STW/STT. No application is received from the lot owners and tenant for variation of STT/STW to regularise the built-over-area and height restriction after the last planning permission in November 2019. Her office reserves the rights to take enforcement action for the breach of STW/STT;
- (e) the following irregularity not covered by the subject planning application has been detected by her office:

#### **Unauthorised structures within the said private lots not covered by the planning application**

there are unauthorised structures within the said private lots not covered by the subject planning application. The lot owners should immediately rectify the lease breaches and her office reserves the rights to take necessary lease enforcement action against the breaches without further notice;

- (f) the lot owners/applicant shall either remove the unauthorised structures not covered by the subject planning application immediately or include the unauthorised structures in the subject planning application for further consideration by the relevant departments; and subject to the approval of the Board to the planning application which shall have reflected the rectification or amendment as aforesaid required, apply to her office for modification of the STW and STT to permit the structures erected/to be erected and occupation of GL. The modification of STW and STT will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW/STT, if approved, will be considered on whole lot basis and subject to such terms and conditions including the payment of back-dated waiver fee/rent from the first date the unauthorised structures were erected/occupation of GL and administrative fee as considered appropriate to be imposed by LandsD. In addition, LandsD reserves the right to take enforcement action against the lot owners for any breach of the lease conditions, including the breaches already in existence or to be detected at any point of time in future and land control action for any unlawful occupation of GL. Besides, given the applied use is temporary in nature, only erection of temporary structure(s) will be considered; and
- (g) unless and until all the unauthorised structures are duly rectified by the lot owners/applicant or entirely included in the subject planning application, and irregularities of the STW/STT are rectified, her office has objection to the application and it must be brought to the attention of the Board when the application is being considered.

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

On 17.9.2024 *and 1.11.2024*, the application was published for public inspection. During the statutory public inspection periods, *ten nine* public comments were received (**Appendix VI**). Eight comments from individuals support the application as the applied use would support the construction industry of Hong Kong; facilitate infrastructure development and create job opportunities. *The remaining two comments One comment* from a member of North District Council indicates no comment on the application.

**12. Planning Considerations and Assessments**

- 12.1 The application is for renewal of planning permission for a temporary asphalt plant for a further period of five years at the Site zoned “OS”. Whilst the applied use is not entirely in line with the planning intention of the “OS” zone which is primarily for the provision of land for appropriate open storage uses and to regularise the already haphazard proliferation of open storage use, it is a Column 2 use that may be permitted with or without conditions on application to the Board based on individual merits. Approval of the application for the applied use on a temporary basis for a further period of five years would not frustrate the long-term planning intention of the “OS” zone.

- 12.2 The Site is paved, fenced off and currently used for the applied use. The applied use is considered not incompatible with the surrounding land uses which are intermixed with warehouses, open storages yards, vehicle repair workshops, logistics centre, Government works area and wooded slope. The Chief Town Planner/Urban Design and Landscape, Planning Department advised that the Site falls within non-landscape sensitive zoning and no significant landscape impact arising from the applied use is anticipated.
- 12.3 In support of the application, the applicant has submitted an environmental assessment and committed that the existing air pollution control measures, noise mitigation measures and good site practices implemented at the Site shall be properly maintained to comply with the relevant standards under Chapter 9 of the Hong Kong Planning Standards and Guidelines. Besides, the operation of the asphalt plant and implementation of the necessary air pollution control measures are subject to the control under Specified Processes (SP) licence of the Air Pollution Control Ordinance (Cap. 311). The renewal of the SP licence for Tar and Bitument Works for the asphalt plant was granted by the Environmental Protection Department on 25.10.2024. In this regard, the Director of Environmental Protection has no objection to the application from environmental planning perspective. Should the application be approved, the applicant will be advised to observe the relevant requirements under the Noise Control Ordinance (Cap. 400) and maintain the mitigation measures implemented under the last previous application.
- 12.4 Concerned government departments consulted, including the Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services, have no objection to or no comment on the application. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 13.2 below. Regarding DLO/N, LandsD's concern on the unauthorised structures within the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 12.5 The Site is the subject of two previously approved applications (No. A/NE-FTA/148 and 192) for the same use as detailed in paragraph 6 above. Compared with the last previous application No. A/NE-FTA/192, the current application remains the same in terms of site area/boundary, layout, building disposition and major development parameters, except for an increase in total GFA, which is considered minor and technical in nature, due to the inclusion of existing ancillary structures in the GFA calculations. All the approval conditions under the last previous application have been complied with and the planning permission under the last previous application is valid until 12.12.2024. There is no major change in planning circumstances since the approval of the previous application.
- 12.6 In view of the above, the application generally complies with the TPB PG-No. 34D in that there has been no material change in planning circumstances since the approval of the last application; all the approval conditions under the last application have been complied with; and the approval period sought which is the same as the last approval granted by the Committee is not unreasonable.



### **13. Planning Department's Views**

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11 above, the Planning Department has no objection to the temporary use under application for a further period of five 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 five years and be renewed from 13.12.2024 until 12.12.2029. The following conditions of approval and advisory clauses are suggested for Members' reference:

#### Approval Conditions

- (a) the existing drainage facilities on the site shall be maintained and rectified if found inadequate/ineffective during operation at all times during the planning approval period;
- (b) the submission of a record of the existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 13.3.2025;
- (c) if the above planning condition (a) 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
- (d) if the above planning condition (b) 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 at **Appendix V**.

- 13.3 There is no strong reason to recommend rejection of the application.

### **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 received on 10.9.2024
<b>Appendix Ia</b>	Supplementary Planning Statement received on 10.9.2024
<b>Appendix Ib</b>	FI received on 2.10.2024
<b>Appendix Ic</b>	FI received on 23.10.2024
<b>Appendix Id</b>	FI received on 29.10.2024
<b>Appendix II</b>	Relevant Extract of TPB PG-No. 34D
<b>Appendix III</b>	Previous Applications
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	Public Comments
<b>Drawing A-1</b>	Master Layout 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 and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
DECEMBER 2024**