

**Similar s.16 Applications for Recycling Workshop or Centre
within the same “R(D)” Zone on the Ha Tsuen Fringe OZP**

Approved Application

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Zoning</u>	<u>Date of Consideration</u>	<u>Approval Conditions</u>
1	A/YL-HTF/1085	Temporary Recyclable Collection Centre for Garment, Cloth and Waste Paper for a Period of 3 Years	“R(D)”	4.5.2018 (Revoked on 4.8.2019)	1-8,10,11
2	A/YL-HTF/1099	Temporary Recyclable Collection Centre for Garment, Cloth and Waste Paper for a Period of 3 Years	“R(D)”	13.12.2019 (Revoked on 13.3.2020)	1,3-6,8-10
3	A/YL-HTF/1101	Proposed Temporary Recyclable Collection Centre for Metal and Garment for a Period of 3 Years	“R(D)”	1.2.2019 (Revoked on 17.7.2020)	1,3-6,8-10
4	A/YL-HTF/1107	Temporary Recyclable Collection Centre for Garment, Cloth and Waste Paper for a Period of 3 Years	“R(D)”	4.9.2020	1,3-6,8-10

- 1 No night time operation/operation on Sundays and Public Holidays.
- 2 No open storage.
- 3 No medium or heavy goods vehicle exceeding 5.5 tonnes is allowed to enter / exit or to be parked / stored on the Site.
- 4 No vehicle is allowed to queue back to or reverse onto/from the public road.
- 5 Submission and implementation of drainage proposal.
- 6 Submission and implementation of fire service installations proposal.
- 7 Submission and implementation of landscape proposal.
- 8 Maintenance of drainage facilities.
- 9 Maintenance of existing trees.
- 10 Revocation clauses.
- 11 Reinstatement clause.

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejected Reasons</u>
1	A/YL-HTF/1093	Proposed Temporary Plastic Bottle Recycling Centre with Workshop and Ancillary Office for a Period of 3 Years	“AGR” and “R(D)” on OZP No. S/YL-HTF/12	1.2.2019	1,3,4

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejected Reasons</u>
2	A/YL-HTF/1096	Temporary Plastic Bottle Recycling Centre with Workshop and Ancillary Office for a Period of 3 Years	“AGR” and “R(D)” on OZP No. S/YL-HTF/12	20.9.2019	2-4

- 1 The applicant fails to demonstrate that the proposed development would not generate adverse environmental and traffic impacts on the surrounding areas.
- 2 The applicant fails to demonstrate that the proposed development would not generate adverse environmental impact on the surrounding areas.
- 3 The approval of the application would set an undesirable precedent for other similar applications. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.
- 4 The development is not in line with the planning intentions of the “AGR” and “Residential (Group D)” (“R(D)”) zones. The planning intention of the “AGR” zone is to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and also to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. The planning intention of the “R(D)” zone is intended primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. There is no strong planning justification in the submission for a departure from such planning intentions, even on a temporary basis.

Advisory clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that 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 without the prior approval of the Government. The lot owner(s) of the lot(s) will need to apply to his office for permitting the structures to be erected or regularize any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Application(s) for any of the above will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
- (d) to note the comments of the Commissioner for Transport (C for T) that sufficient manoeuvring space shall be provided within the Site. The local track leading to the Site is not under Transport Department's (TD) purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to the nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Fung Kong Tsuen Road;
- (f) to note the comments of the Director of Environmental Protection that the applicant is advised to follow the relevant mitigation measures and requirements in the latest "Code of Practice (COP) on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites";
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of Building Authority (BA), they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the captioned application. For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO. Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO. The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations

(B(P)R) respectively. If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

- (h) to note the comments of the Director of Fire Services (D of FS) that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.