

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

**APPLICATION NO. A/YL-HTF/1109**

- Applicant** : Mr. TANG Chiu Wah represented by Metro Planning and Development Company Limited
- Site** : Lots 182 S.A ss.2 (Part) and 182 S.B (Part) in D.D.128, Ha Tsuen, Yuen Long, New Territories
- Site Area** : 3,350 m<sup>2</sup> (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ha Tsuen Fringe Outline Zoning Plan (OZP) No. S/YL-HTF/12
- Zoning** : “Residential (Group D)” (“R(D)”) [Restricted to a maximum plot ratio of 0.2 and a maximum building height of 2 storeys (6m).]
- Application** : Proposed Temporary Recyclable Collection Centre for Metal for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary recyclable collection centre for metal for a period of 3 years. The Site falls within an area zoned “R(D)” on the OZP (**Plan A-1**). According to the Notes of the OZP for “R(D)” zone, ‘Recyclable Collection Centre’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently vacant and mainly covered with soil/gravel and weed. Some trees and other miscellaneous items such as containers, construction waste, etc. are found. (**Plans A-2 and A-4a to 4b**).
- 1.2 The Site is the subject of a previous application No. A/YL-HTF/1101 for proposed temporary recyclable collection centre for metal and garment which was approved by the Rural and New Town Planning Committee (the Committee) on 17.1.2020 for a period of 3 years. The planning permission was revoked on 17.7.2020 due to non-compliance with approval conditions on the drainage and fire safety aspects. Compared with the last application, the current application was submitted by the same applicant for almost the same use with the same development parameters and layout.

- 1.3 The Site is accessible via a local track to Fung Kong Tsuen Road (**Plans A-2 and A-3**). According to the applicant, the proposed development is a community-based recycling centre involving collection, storage, sorting, packing and baling of recyclable materials for recycling purposes. In connection to the above recycling activities, four temporary structures with a total floor area of about 670 m<sup>2</sup> are proposed at the Site. No workshop activity will be carried out at the Site. The site access plan, proposed layout plan, landscape plan and drainage plan are shown at **Drawings A-1 to A-4** respectively.
- 1.4 The development parameters of the last approved application and the current application are the same and are summarized as follows:

<b>Major Development Parameters</b>	<b>Previously Approved Application No. A/YL-HTF/1101 (a)</b>	<b>Current Application No. A/YL-HTF/1109 (b)</b>	<b>Difference (b) – (a)</b>
Applied Use	Proposed Temporary Recyclable Collection Centre for Metal and Garment for a Period of 3 Years	Proposed Temporary Recyclable Collection Centre for Metal for a Period of 3 Years	Minor Change in Use
Site Area	about 3,350 m <sup>2</sup>		No change
Total Floor Area (Non-domestic)	about 670 m <sup>2</sup>		No change
No. of Structures	4 (1 for storage, 1 for sorting, 1 for packing and baling of recyclable materials and 1 for office and toilet)		No change
Height of Structures	5m, 1 storey		No change
Loading/Unloading Space	2 for Light Goods Vehicle		No change
Operation Hours	9:00 a.m. to 7:00 p.m. from Mondays to Saturdays and 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 3.11.2020 (**Appendix I**)
- (b) Supplementary Planning Statement (**Appendix Ia**)
- (c) Further Information (FI) received on 3.12.2020 providing a fire services installations (FSIs) proposal (**Appendix Ib**)

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the supplementary planning statement (**Appendix Ia**). They can be summarized as follows:

- (a) The proposed development is compatible with the surrounding environment.

- (b) The proposed development will not jeopardize the long term planning intention of the “R(D)” zone.
- (c) There are similar applications for temporary recyclable collection centre approved by the Committee in the vicinity (Application No. A/YL-HTF/1085).
- (d) The proposed development will not generate adverse traffic, environmental and drainage impacts to the surroundings.

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

The applicant is not the “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 notice at the Site and sending registered post to the Ha Tsuen Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Background**

The Site is not subject to any enforcement action.

### **5. Previous Application**

- 5.1 The Site involves one previous application (No. A/YL-HTF/1101) for proposed temporary recyclable collection centre for metal and garment use which was approved by the Committee on 17.1.2020 for a period of 3 years. However, the planning permission was revoked on 17.7.2020 due to non-compliance with time-limited approval conditions on the submission of drainage proposal and FSIs proposal. Details of the applications are summarized at **Appendix II** and the location is shown on **Plan A-1**.
- 5.2 Compared with the last application (No. A/YL-HTF/1101), the current application was submitted by the same applicant for almost the same use on the same site with same development parameters and layout.

### **6. Similar Applications**

- 6.1 There are six similar applications (No. A/YL-HTF/1085, 1093, 1096, 1099, 1107 and 1108) involving three sites for various recycling centre uses within the same “R(D)” zone on the OZP. Three of them were approved with conditions by the Committee while the remaining three were rejected. Details of these applications are summarized at **Appendix III** and the locations of these application sites are shown on **Plan A-1**.

#### **Approved Applications**

- 6.2 Applications No. A/YL-HTF/1085, 1099 and 1107 covering largely the same site for temporary recyclable collection centre for garment, cloth and waste paper use for a period of 3 years each were approved by the Committee between 2018 and 2020 mainly on the considerations that the development was not incompatible with

the surrounding areas and there were no adverse traffic, environmental, drainage and landscape impacts on the surroundings. However, the planning permissions of applications No. A/YL-HTF/1085 and 1099 were subsequently revoked on 4.8.2019 and 13.3.2020 respectively due to non-compliance with approval conditions on drainage and fire safety aspects.

### **Rejected Applications**

- 6.3 Applications No. A/YL-HTF/1093 and 1096 fell mainly within the adjoining “Agriculture” (“AGR”) zone with a minor portion in the same “R(D)” zone on the same site. Both applications for proposed temporary plastic bottle recycling centre with workshop and ancillary office (involving the use of medium goods vehicles and workshop activities) for a period of 3 years each were rejected by the Committee on 1.2.2019 and 20.9.2019 respectively. The rejection reasons included the proposed development was not in line with the planning intentions of the “AGR” and “R(D)” zones; the applicants failed to demonstrate no adverse traffic and / or environmental impacts; and approval of application would set an undesirable precedent for similar applications.
- 6.4 Application No. A/YL-HTF/1108 for temporary plastic recycling centre with workshop and ancillary office use for a period of 3 years was rejected by the Committee on 4.12.2020. the rejection reasons included the proposed development was not in line with the planning intention of the “R(D)” zone; and the applicant failed to demonstrate no adverse environmental impact on the surrounding areas.

## **7. The Site and Its Surrounding Areas (Plan A-2 to Plans A-4a and 4b)**

7.1 The Site is:

- (a) currently vacant; and
- (b) accessible via a local track from Fung Kong Tsuen Road (**Plans A-2 and A-3**).

7.2 The surrounding areas have the following characteristics:

- (a) to its north are an open storage yard of construction machinery which is a suspected unauthorized development (UD) and some fallow agricultural land. To the further northwest are graves;
- (b) to its east and west are orchards, cultivated and fallow agricultural land; and
- (c) to its south, southwest and southeast are warehouses and open storage yards which are suspected UD.

## **8. Planning Intention**

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. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

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

9.1 The following Government departments have been consulted and their views on the application are summarized as follows:

### **Land Administration**

9.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, 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 without the prior approval of the Government.
- (b) Should planning approval be given to the planning application, the lot owner(s) of the lot(s) without Short Term Waiver 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.

### **Traffic**

9.1.2 Comments of the Commissioner for Transport (C for T):

- (a) He has no adverse comment on the application from traffic engineering point of view.
- (b) Sufficient manoeuvring space shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads.
- (c) The local track leading to the Site is not under Transport Department's 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.

9.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) The access arrangement should be commented by TD.
- (b) HyD shall not be responsible for the maintenance of any access connecting the Site and Fung Kong Tsuen Road.

### **Environment**

9.1.4 Comment of the Director of Environmental Protection (DEP):

- (a) DEP has no adverse comment on the application.
- (b) The applicant is advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the DEP to minimize potential environmental nuisance to the surrounding area.
- (c) There is no substantiated complaint pertaining to the Site received in the past 3 years.

### **Landscape**

#### 9.1.5 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a)
- (b) With reference to site visit conducted on 20.11.2020, the Site is vacant and partly covered with self-seeded grass. Construction waste and individual fruit trees are observed within the Site. With reference of the aerial photo of 2019, vegetated areas and tree groups are found to the north and further north-west of the Site. The Site is situated in an area of rural landscape character predominated by open storage yards and temporary structures. The proposed use is not incompatible with the surrounding landscape character. Hence, he has no objection to the application from landscape planning perspective.
- (c) In consideration that the Site is not situated in a landscape sensitive zoning and not facing any prominent public frontage, it is considered the approval condition to maintain all existing trees within the Site in good condition for the duration of the planning approval period is adequate should the application be approved by the Board.

### **Drainage**

#### 9.1.6 Comments of the Chief Engineer/Mainland North, DSD (CE/MN, DSD):

- (a) He has no objection in principle to the proposed application from a drainage point of view.
- (b) Should the Board consider that the application is acceptable from planning point of view, he would suggest a condition should be stipulated in the approval letter requiring the applicant to submit a revised drainage proposal, to implement and to maintain the proposed drainage facilities to the satisfaction of the Director of Drainage Services or of the Board.

### **Building Matters**

#### 9.1.7 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) As there is no structure at the Site, he is not in a position to offer comments on the proposed use in the application.

- (b) The applicant should be reminded of the detailed comments at **Appendix V**.

### **Fire Safety**

#### 9.1.8 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The applicant should note his detailed comments on the submission of FSIs proposal at **Appendix V**.

### **Water Supply**

#### 9.1.9 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) He has no objection to the application.
- (b) The applicant should note his detailed comments at **Appendix V**.

### **District Officer's Comments**

#### 9.1.10 Comments of the District Officer (Yuen Long), Home Affairs Department (DO/YL, HAD):

His office has not received any comment from the locals on the application.

### **Others**

#### 9.1.11 Comments of the Antiquities and Monuments Office, Development Bureau (AMO, DEVB):

In view of the location and scope of the proposed temporary recyclable collection centre for metal, the AMO has no objection to the application from cultural heritage viewpoint. Nevertheless, the applicant is required to inform AMO immediately if antiquities or supposed antiquities are discovered in the course of excavation works.

#### 9.2 The following Government departments have no comment on the application:

- (a) Director of Agriculture, Fisheries and Conservation;
- (b) Project Manager (West), Civil Engineering and Development Department ;
- (c) Chief Engineer/Land Works, CEDD;
- (d) Head (Geotechnical Engineering Office), CEDD;
- (e) Director of Electrical and Mechanical Services;
- (f) Director of Leisure, Cultural and Services; and
- (g) Commissioner of Police.

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

On 13.11.2020, the application was published for public inspection. During the statutory public inspection period, one public comment (**Appendix IV**) was received objecting to the application on the grounds that the proposed use would cause adverse traffic impact to the surrounding areas.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for proposed temporary recyclable collection centre for metal for a period of 3 years at the Site zoned “R(D)” on the OZP. 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. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board. Whilst the development is not entirely in line with the planning intention of the “R(D)” zone, there is no known development for the Site in the subject “R(D)” zone. In this regard, approval of the application on a temporary basis of 3 years would not jeopardize the long-term development of the Site.
- 11.2 The Site is located in an area predominantly occupied by warehouses and different types of open storage uses. The proposed use is considered not incompatible with the surrounding areas.
- 11.3 Relevant Government departments including C for T, DEP, CE/MN of DSD and CTP/UD&L, PlanD have no adverse comment on/objection to the application. The proposed use would not cause significant adverse traffic, environmental, drainage and landscape impacts on the surrounding areas. To address the technical concerns of concerned Government departments and to minimize any potential nuisance, appropriate approval conditions are recommended in paragraph 12.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorized development on the Site will be subject to enforcement action by the Planning Authority.
- 11.4 One previous application (No. A/YL-HTF/1101) for almost the same use was approved by the Committee on 17.1.2020 but the permission was revoked due to non-compliance with approval conditions on drainage and fire safety aspects. For the current application, it was submitted by the same applicant with same development parameters and layout. The applicant has also submitted drainage and FSIs proposals (**Drawings A-2 and Appendix Ib**). Both CE/MN of DSD and D of FS have no objection to the application. Sympathetic consideration may be given to the current application. Nevertheless, shorter compliance periods are recommended in order to closely monitor the progress of compliance with approval conditions. Should the application be approved, the applicant should be advised that should he fail to comply with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration would not be given to any further application.
- 11.5 The Committee approved three similar applications (No. A/YL-HTF/1085, 1099 and 1107) for temporary recyclable collection centre for garment, cloth and waste paper in the same “R(D)” zone. Although the Committee rejected three similar applications (No. A/YL-HTF/1093, 1096 and 1108) for temporary plastic recycling



centre with workshop and ancillary office use in the same “R(D)” zone and adjoining “AGR” zone, the current application is different in nature which does not involve the recycling of plastic and workshop uses and relevant departments including C for T, DEP, CE/MN of DSD and D of FS have no objection to / no adverse comment on the current application. Approving this application is in line with the Committee’s previous decisions on similar approved applications.

- 11.6 One public comment was received objecting to the application mainly on grounds stated in paragraph 10. The planning considerations and assessments in paragraphs 11.1 to 11.5 are relevant.

## **12. Planning Department’s Views**

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10, the Planning Department has no objection to the application.
- 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 3 years until **18.12.2023**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

### **Approval Conditions**

- (a) no operation from 7 p.m. to 9 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) no medium or heavy goods vehicle exceeding 5.5 tonnes is allowed to enter / exit or to be parked / stored on the Site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (e) the submission of a revised drainage proposal within **3 months** from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **18.3.2021**;
- (f) in relation to (e) above, the implementation of the revised 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 **18.6.2021**;
- (g) in relation to (f) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (h) the existing trees within the Site shall be maintained in good condition at all times during the planning approval period;

- (i) the submission of a revised fire service installations proposal within **3 months** from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by **18.3.2021**;
- (j) in relation to (i) above, the implementation of the revised fire service installations proposal within **6 months** from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by **18.6.2021**;
- (k) if any of the above planning conditions (a), (b), (c), (d), (g) or (h) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (l) if any of the above planning conditions (e), (f), (i) or (j) 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 V**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed use is not in line with the planning intention of the "R(D)" zone, which is 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 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 3.11.2020
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix Ib</b>	FI received on 3.12.2020
<b>Appendix II</b>	Previous Application
<b>Appendix III</b>	Similar Applications within the same "R(D)" zone
<b>Appendix IV</b>	Public Comment
<b>Appendix V</b>	Advisory Clauses

<b>Drawing A-1</b>	Site Access Plan
<b>Drawing A-2</b>	Proposed Layout Plan
<b>Drawing A-3</b>	Proposed Landscape Plan
<b>Drawing A-4</b>	Proposed Drainage 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 4b</b>	Site Photos

**PLANNING DEPARTMENT  
DECEMBER 2020**