

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

APPLICATION NO. A/HSK/423

- Applicant** : Mr TANG Sheung Chai represented by Mr WONG Sun Wo William
- Site** : Lots 244(Part), 246(Part), 250(Part), 251(Part), 252(Part), 253(Part), 254(Part) and 255(Part) in D.D. 125, San Wai, Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 6,667.8m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Shui Kiu and Ha Tsuen Outline Zoning Plan (OZP) No. S/HSK/2
- Zoning** : (i) “Government, Institution or Community” (“G/IC”) (about 66%); and
[Restricted to maximum building height (BH) of 8 storeys]
(ii) area shown as ‘Road’ (about 34%)
- Application** : Temporary Recyclable Collection Centre and Open Storage (Metal and Plastic) with Ancillary Office and Plastic Crushing Workshop for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary recyclable collection centre and open storage (metal and plastic) with ancillary office and plastic crushing workshop for a period of three years at the application site (the Site) (**Plan A-1a**). According to the Notes of the OZP, ‘Recyclable Collection Centre’¹ is a Column 1 use under the “G/IC” zone and is always permitted, whereas ‘Open Storage’ is neither Column 1 nor 2 use under such zone. According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years within the concerned zones requires planning permission from the Town Planning Board (the Board). In any area shown as ‘Road’ on the OZP, all uses or developments require planning permission from the Board. The Site is currently used for open storage of recyclable materials and ancillary office and workshop without valid planning permission.

¹ According to Town Planning Board’s definition of terms, ‘recyclable collection centre’ means any premises where community-based recycling activities involving collection, storage, sorting, packing and baling of recyclable materials for recycling purposes are carried out.

- 1.2 The Site is accessible from Kai Pak Ling Road via a local track, and the ingress/egress point is at the northern part of the Site (**Plans A-2 and A-3**). According to the applicant, there is a single-storey structure (floor area of 1,504.8m², 6.8m high) for storage of recyclable collection centre and ancillary workshop use, and seven other temporary structures (one to two-storey with total floor area of 474.3m²) for ancillary uses/facilities including office, control room, rain shelter, storage, restroom and toilet. Two parking spaces for private cars and two loading/unloading bays for medium goods vehicles (MGVs) would be provided. An area for open storage of metal and plastics would be provided at the eastern portion of the Site (**Drawing A-1**). According to the applicant, no washing, melting or burning activities would be involved. Acoustics cover would be provided to reduce noise nuisances from the workshop. 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. Plans showing the site layout, proposed drainage facilities and proposed fire service installations FSIs) submitted by the applicant are at **Drawings A-1 to A-3** respectively.
- 1.3 The Site is involved in two previous planning applications approved with conditions by the Rural and New Town Planning Committee (the Committee) in 2019 and 2021 respectively (details at paragraph 6 below).
- 1.4 A comparison of the major development parameters of the last approved application No. A/HSK/272 and the current application is summarised as follows:

Major Development Parameters	Last Approved Application (A/HSK/272) (a)	Current Application (A/HSK/423) (b)	Difference (b) – (a)
Applied Use	Temporary recyclable collection centre and open storage (metal and plastic) with ancillary office and plastic crushing workshop		No change
Site Area	About 7,830m ²	About 6,667.8m ²	-1,162.2m²
Total Floor Area	About 2,246m ²	About 1,979.1m ²	-266.9m²
No. of Structures	4 (rain shelter, ancillary office and rest room, workshop and toilet)	8 (recyclable collection centre, workshop, office, control room, rain shelters, storage rooms, restroom and toilet)	+4
Building Height	About 3.5m to 8m (1 to 2 storeys)	About 2.1m to 6.8m high (1 to 2 storeys)	No change in no. of storey
No. of Private Car Parking Spaces	3 (2.5m x 5m)	2 (2.5m x 5m)	-1
No. of Loading/Unloading Bay	2 for MGVs (11m x 3.5m)		No change
Operation Hours	from 7:00 a.m. to 7:00 p.m. from Mondays to Saturdays, no operation on Sundays and public holidays	from 8:00 a.m. to 6:00 p.m. from Mondays to Saturdays, no operation on Sundays and public holidays	Shortening of operation hours

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

- (a) Application Form with attachments received on 15.11.2022 **(Appendix I)**
- (b) Supplementary Information (SI) received on 18.11.2022 **(Appendix Ia)**

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:

Due to the epidemic, the applicant could not apply for an extension of time to comply with the approval conditions under the last approved scheme. As such, a fresh application was submitted.

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. 31A) 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

On 27.3.2020, the Board promulgated the revised TPB PG-No. 13F. The Site falls within Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA) under the revised Guidelines. Relevant extracts of the Guidelines 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 two previous applications (No. A/HSK/166 and 272) for temporary open storage and recyclable collection centre uses approved with conditions by the Committee in 2019 and 2021 respectively on the considerations that the applied/proposed uses were not incompatible with the surrounding areas; generally in line with the then Town Planning Board Guidelines TPB PG-No. 13 and no major adverse comments from concerned government departments. Both applications were subsequently revoked due to non-compliance with time-limited approval conditions. Details of these applications are summarised at **Appendix III** and their locations are shown on **Plan A-1b**.
- 6.2 The last application No. A/HSK/272 for temporary recyclable collection centre and open storage (metal and plastic) with ancillary office and plastic crushing workshop

was approved with conditions by the Committee on 8.1.2021 for a period of three years. The time-limited approval condition on the provision of fire extinguisher(s) has been complied with. However, the other four conditions regarding the submission and implementation of the FSIs proposal and the revised drainage proposal have not yet been complied with. Compared with the last approved application, the current application is submitted by the same applicant for the same use with a different layout at a smaller site.

7. Similar Applications

There are five similar applications (No. A/HSK/89, 132, 303, 311 and 402) for temporary open storage and/or recyclable collection centre with/without workshop use within/straddling the subject “G/IC” zone in the past five years. Four of them were approved with conditions by the Committee on similar considerations as mentioned in paragraph 6.1 above. Two of them were subsequently revoked due to non-compliance with time-limited approval conditions. The remaining application No. A/HSK/303 was rejected in 2021 on reason of insufficient information to demonstrate no adverse impacts on the surrounding areas. 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-4c)

8.1 The Site is:

- (a) accessible from Kai Pak Ling Road via a local track; and
- (b) currently used for open storage of recyclable materials and ancillary office and workshop without valid planning permission.

8.2 The surrounding areas have the following characteristics:

- (a) to its north and northeast are an open storage yard which is a suspected unauthorized development (UD), a logistics centre and another open storage yard under valid planning permissions;
- (b) to its east is an open storage yard which is a suspected UD;
- (c) to its south and southeast are three open storage yards under valid planning permissions, a warehouse and two other open storage yards which are suspected UD's and some parking of vehicles; and
- (d) to its west and northwest are a warehouse and two open storage yards, which are all suspected UD's.

9. Planning Intention

The planning intention of the “G/IC” zone is intended 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.

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 Comment Received During the Statutory Publication Period

On 22.11.2022, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received (**Appendix VII**) expressing concern that the last application was revoked due to the non-compliance with the approval conditions.

12. Planning Considerations and Assessments

- 12.1 The application is for temporary recyclable collection centre and open storage (metal and plastic) with ancillary office and plastic crushing workshop for a period of three years at the Site partly zoned “G/IC” and partly shown as ‘Road’ on the OZP. The applied use which involves the storage of recyclable materials with ancillary workshop is akin to a storage use. Whilst the applied use is not in line with the planning intention of the “G/IC” zone, the Project Manager (West), Civil Engineering and Development Department has no objection to the application. In this regard, approval of the application on a temporary basis of three years would not jeopardise the long-term development of the Site. However, 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 implementation of government projects.
- 12.2 The applied use is considered not incompatible with the surrounding areas which are predominately used for open storage yards, warehouses and logistic centre with some of them covered by valid planning permissions (**Plan A-2**).
- 12.3 The applied use is generally in line with the TPB PG-No. 13F in that the Site falls within HSK/HT NDA and two previous planning approvals had been granted. While the planning permission granted under the last application No. A/HSK/272 in 2021 was revoked due to non-compliance with time-limited approval conditions regarding the submission and implementation of the FSIs and drainage proposals, relevant proposals have been included in the current submission and concerned departments have no adverse comments on the application. In this regard, sympathetic consideration may be given to the application. The applicant will be advised that should he fail to comply with any of the approval conditions resulting in revocation of planning permission, sympathetic consideration would not be given to any further application.
- 12.4 There is no adverse comment from the concerned government departments, including Director of Environmental Protection, Commissioner for Transport, Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department, on the application. The applied use would unlikely cause significant adverse environmental, traffic, fire safety and drainage impacts on the surrounding

area. To address the technical requirements of the concerned departments, relevant approval conditions have been recommended in paragraph 13.2 below.

- 12.5 There are four similar approvals for temporary open storage and/or recyclable collection centre with/without workshop use within/straddling the subject “G/IC” zone on the OZP (**Plan A-1a**). Approval of the subject application is generally in line with the Committee’s previous decisions.
- 12.6 One public comment expressing concern on the application was received 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 comment mentioned in paragraph 11, the Planning Department considers that the temporary recyclable collection centre and open storage (metal and plastic) with ancillary office and plastic crushing 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 **13.1.2026**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no workshop activities including burning, melting, washing or cleaning of recyclable materials, as proposed by the applicant, is allowed on the Site at all times during the planning approval period;
- (b) the submission 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 **13.7.2023**;
- (c) in relation to (b) above, the implementation of the revised 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 **13.10.2023**;
- (d) in relation to (c) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (e) 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 **24.2.2023**;
- (f) 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 **13.7.2023**;
- (g) in relation to (f) above, the implementation of the fire service installations proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by

13.10.2023;

- (h) if any of the above planning condition (a), or (d) 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
- (i) if any of the above planning condition (b), (c), (e), (f) or (g) 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**.

- 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 intention of the "G/IC" zone which 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. There is no strong planning justification in the submission for a departure from the planning intention, 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 with Attachments received on 15.11.2022
Appendix Ia	SI received on 18.11.2022
Appendix II	Relevant Extracts of TPB PG-No. 13F
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
Appendix VII	Public Comment
Drawing A-1	Proposed Layout Plan
Drawing A-2	Proposed Drainage Plan
Drawing A-3	Proposed FSIs Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan

Plan A-2
Plan A-3
Plans A-4a to A-4c

Site Plan
Aerial Photo
Site Photos

PLANNING DEPARTMENT
JANUARY 2023