

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/489

- Applicant** : Fine Rise Corporation Limited represented by Allgain Land Administrators (Hong Kong) Limited
- Site** : Lot 47 (Part) in D.D. 128 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 1,460m² (including about 60m² of GL (about 4.1%))
- 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** : (i) “Government, Institution or Community” (“G/IC”) (about 20.5%); and
[restricted to a maximum building height (BH) of 8 storeys]

(ii) area shown as ‘Road’ (79.5%)
- Application** : Proposed Temporary Recyclable Collection Centre (Electronic Parts) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary recyclable collection centre (electronic parts) for a period of three years at the application site (the Site) (**Plan A-1**). According to the Notes of the OZP, ‘Recyclable Collection Centre’ is a Column 1 use under the “G/IC” zone and is always permitted, while all uses or developments within areas shown as ‘Road’ require planning permission from the Town Planning Board (the Board). The Site is currently used for storage without valid planning permission.
- 1.2 The Site is accessible from Kai Pak Ling Road via a local track, and the ingress/egress point is at the northeastern part of the Site (**Plans A-2 and A-3**). According to the applicant, there will be a single-storey temporary structure (not more than 9m high) with a floor area of about 900m² for recyclable collection centre of electronic parts. One loading/unloading bay for light goods vehicles (LGVs) (7m x 3.5m) will be provided (**Drawing A-2**). 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 access leading to

the Site and site layout submitted by the applicant are at **Drawings A-1 and A-2** respectively.

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

- (a) Application Form with attachments received on 27.9.2023 (**Appendix I**)
- (b) Supplementary Information (SI) received on 4.10.2023 (**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:

- (a) The proposed use involves storage and sorting of electronic parts which are small in size. No crushing, washing, melting or burning or other workshop activities will be involved.
- (b) The proposed use is not incompatible with the surrounding environment. Similar planning applications for recyclable collection centre and warehouse uses have been approved by the Board in the adjoining areas.
- (c) The proposed use is temporary in nature and would not jeopardise the long-term planning intention of the concerned zone. The impacts in terms of environment and traffic are expected to be insignificant.

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. The “Owner’s Consent/Notification” Requirements under TPG PG-No.31B are not applicable to the GL portion.

4. Background

The Site is currently not subject to any planning enforcement action.

5. Previous Application

There is no previous application covering the Site.

6. Similar Application

There is no similar application within the same area shown as ‘Road’ on the OZP.

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

7.1 The Site is:

- (a) accessible from Kai Pak Ling Road via local track; and
- (b) currently used for storage without valid planning permission.

7.2 The surrounding areas are predominantly occupied by open storage yards, recyclable collection centre, warehouses and logistics centre, some of which are covered by valid planning permission, as well as some residential dwellings.

8. Planning Intention

The area shown as 'Road' is intended for road use.

9. 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 II and III** respectively.

10. Public Comment Received During Statutory Publication Period

On 6.10.2023, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received (**Appendix IV**) objecting to the application mainly on the grounds that the proposed use will cause health problems to nearby residents and there is no previous approval covering the Site.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary recyclable collection centre (electronic parts) for a period of three years at the Site partly zoned "G/IC" (about 20.5%), and partly shown as 'Road' (about 79.5%) on the OZP. According to the Notes for the "G/IC" zone, 'Recyclable Collection Centre' use is always permitted and hence planning permission is only required for such use within the portion shown as 'Road'. Whilst the proposed use is not in line with the planning intention of the area for road use, the Project Manager (West), Civil Engineering and Development Department has no adverse comment on the application. Approval of the application on a temporary basis of three years would not jeopardise the long-term development of the Site. Notwithstanding this, 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 the implementation of government projects.
- 11.2 The proposed use is considered not incompatible with the surrounding land uses which are predominantly open storage yards, recyclable collection centre, warehouses, logistics centre, and some residential dwellings (**Plan A-2**).
- 11.3 Concerned government departments, including the Director of Environmental Protection, Commissioner for Transport, Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department, have no adverse comment on the application. The proposed use would unlikely create significant

adverse environmental, traffic, fire safety and drainage impacts on the surrounding areas. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 12.2 below. Should the application be approved, the applicant will also be advised to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' to minimise potential environmental nuisance on the surrounding areas.

- 11.4 Regarding the public comment objecting to the application as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.3 above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comment mentioned in paragraph 10 above, the Planning Department considers that the proposed temporary recyclable collection centre (electronic parts) could be tolerated for a period of three years.
- 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 three years until **24.11.2026**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no workshop activities, including burning, melting and washing of recyclable materials, are allowed at the Site at any time during the planning approval period;
- (b) no washing or use of machinery for further processing of electronic parts, is allowed at the Site at any time during the planning approval period;
- (c) no vehicle exceeding 5.5 tonnes, including medium goods vehicle, heavy goods vehicle and container trailer/tractor, as defined in the Road Traffic Ordinance, is allowed to enter/exit or to be parked/stored at the Site at any time during the planning approval period;
- (d) 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 **24.5.2024**;
- (e) in relation to (d) 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 **24.8.2024**;
- (f) in relation to (e) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (g) 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 **24.5.2024**;

- (h) in relation to (g) 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 **24.8.2024**;
- (i) if any of the above planning condition (a), (b), (c) or (f) 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
- (j) if any of the above planning condition (d), (e), (g) or (h) 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 IV**.

- 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 area for road use. There is no strong justification in the submission for a departure from the 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

Appendix I	Application Form received on 27.9.2023
Appendix Ia	SI received on 4.10.2023
Appendix II	Government Departments' General Comments
Appendix III	Recommended Advisory Clauses
Appendix IV	Public Comment
Drawing A-1	Location Plan with Vehicular Access
Drawing A-2	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and 4b	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2023**