

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

**APPLICATION NO. A/YL-HTF/1120**

- Applicant** : Chung's Recycle International Limited represented by Mr. WONG Sun-wo William
- Site** : Lot 159 S.A (Part) in D.D.128 and adjoining Government Land (GL), Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 2,860 m<sup>2</sup> (including GL of about 111m<sup>2</sup> or 3.8%)
- 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** : Temporary Recycling Centre (Metal Waste, Plastic and Plastic Bottle) with Ancillary Office and Plastic Breakdown Workshop for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary recycling centre (metal waste, plastic and plastic bottle) with ancillary office and plastic breakdown workshop for a period of 3 years. The Site falls within an area zoned "R(D)" on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of 3 years requires planning permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for under the Notes of the OZP. The Site is currently used for the applied use without valid planning permission (**Plans A-2 and A-4a to 4b**). There is no previous application at the Site.
- 1.2 The Site is accessible via a local track to Kai Pak Ling Road and Fung Kong Tsuen Road (**Plans A-2 and A-3**). As shown on the layout plan at **Drawing A-2**, there are two temporary structures with a total floor area of about 2,290 m<sup>2</sup> and building height of 6m to 8m for recycling centre with ancillary office and plastic breakdown workshop, and rain shelter uses. There are two light goods vehicle parking spaces. According to the applicant, the operation hours are from 7 am to 7 pm from Mondays to Saturdays and there is no operation on Sundays and public holidays.

The vehicular access plan and layout plan 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 31.5.2021 (**Appendix I**)
- (b) Further Information (FI) received on 2.7.2021 responding to Transport Department's (TD) comment [*exempted from publication requirements*] (**Appendix Ia**)
- (c) FI received on 12.7.2021 responding to Environmental Protection Department's (EPD) comment [*exempted from publication requirements*] (**Appendix Ib**)
- (d) FI received on 15.7.2021 responding to EPD's comment [*exempted from publication requirements*] (**Appendix Ic**)

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

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FI (**Appendices I and Ic**). They can be summarized as follows:

- (a) The previous factory at the Site was shut down. The applicant would like to rent the Site for recycling centre.
- (b) The applicant would like to obtain planning permission for the recycling centre.
- (c) No burning, melting, washing or cleaning of recycling materials activities would be carried out on the Site at all time during the planning approval period.
- (d) All workshop activities will be conducted within enclosed structure with provision of mechanical ventilation at all time during the planning approval period.

## **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 sending registered post to notify the land owner. Detailed information would be deposited at the meeting for Members' inspection. For the GL portion, TPB PG-No. 31A is not applicable.

## **4. Background**

The Site would be subject to planning enforcement action.

## **5. Previous Application**

There is no previous application at the Site.

## **6. Similar Applications**

- 6.1 There are eight similar applications (No. A/YL-HTF/1085, 1093, 1096, 1099, 1101, 1107, 1108 and 1109) involving four sites for various temporary recycling centre with or without workshop and ancillary office within the same “R(D)” zone on the OZP. Five of them were approved with conditions by the Committee while three of them were rejected. Details of these applications are summarized at **Appendix II** 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 (involving the use of light goods vehicles and without workshop activities) for a period of 3 years each were approved by the Committee between 2018 and 2020 mainly on the grounds that the development was not incompatible with the surrounding areas and there were no adverse traffic, environmental, drainage and landscape impacts on the surroundings. 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.
- 6.3 Applications No. A/YL-HTF/1101 and 1109 for proposed temporary recyclable collection centre for metal and garment (involving the use of light goods vehicles and without workshop activities) for a period of 3 years were approved by the Committee in 2020 on similar grounds as mentioned in paragraph 6.2 above. The planning permission for application No. A/YL-HTF/1101 was subsequently revoked on 17.7.2020 due to non-compliance with approval conditions on drainage and fire safety aspects.

### **Rejected Applications**

- 6.4 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 were rejected by the Committee in 2019. 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.
- 6.5 Application No. A/YL-HTF/1108 for temporary plastic recycling centre with workshop and ancillary office (involving the use of medium goods vehicles and workshop activities) for a period of 3 years was rejected by the Committee in 2020. The rejection reasons included the proposed development was not in line with the planning intentions of “R(D)” zone and the applicant failed to demonstrate no adverse environmental impacts to 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 used for the applied use without valid planning permission; and
- (b) accessible via a local track from Kai Pak Ling Road and Fung Kong Tsuen Road (**Plans A-2 and A-3**).

7.2 The surrounding areas have the following characteristics:

- (a) to its east are two warehouses and an open storage yard which are suspected unauthorized developments (UDs); to its southeast about 77m is a residential structure;
- (b) to its south are shrubland, a logistics centre which is covered by valid planning permission, open storage yards and warehouses which are suspected UD;
- (c) to its west is an open storage yard which is covered by valid planning permission; and
- (d) to its north are open storage yards and warehouses 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 and GL. The lots are 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) The private land of Lot 159 S.A in D.D. 128 is covered by a Short Term Waiver (STW) No. 745 to permit structures for the purpose of “Manufacturing of Plastic Furniture”.
- (c) The GL (about 111m<sup>2</sup>) in the Site is covered by a Short Term Tenancy (STT) No. 489 for the purpose of “Manufacturing of Plastic Furniture”.
- (d) Should planning approval be given to the application, the STW/STT holders will need to apply to his office for modification of the STW/STT conditions where appropriate, 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 (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.

#### 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) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (c) 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) He has no objection to the application.
- (b) According to the information provided by the applicant, the proposed development does not contain any burning, melting, washing or cleaning of recycling materials activities, and that all the workshop activities will be conducted within enclosed structure with provision of mechanical ventilation system.
- (c) The applicant should be reminded of the detailed comments at **Appendix IV**.

### **Landscape**

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

With reference to aerial photo of 2020, the Site is occupied by a temporary structure with existing trees along the northern and southern boundaries outside the Site. The Site is situated in an area of rural landscape character predominated by temporary structures, open storage yards, tree clusters and village houses. Significant landscape impact arising from the application is not envisaged.

### **Drainage**

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

- (a) He has no objection in principle to the 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 conditions should be stipulated in the approval letter requiring the applicant to submit a 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 record of approval by the Building Authority for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application.
- (b) The applicant should be reminded of the detailed comments at **Appendix IV**.

### **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 IV**.

### **Electricity Supply**

9.1.9 Comments of the Director of Electrical and Mechanical Services (DEMS):

The applicant should be reminded of the detailed comments at **Appendix IV**.

**Others**

- 9.1.10 Comments of the Antiquities and Monuments Office, Development Bureau (AMO, DevB):

He has no objection to the application from built heritage and archaeological conservation perspective. The applicant should be reminded of the detailed comments at **Appendix IV**.

- 9.1.11 Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);

It is noted that the proposed access to the site will pass through the existing Fung Kong Tsuen Road. Part of the existing Fung Kong Tsuen Road with the proposed access passing through will be widened under Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA) Stage 1 Works; while the remaining sections of the proposed access will not be affected under HSK/HT NDA Stage 1 Works. The construction works at this area is anticipated to commence in Q3 2021 tentatively. He has no adverse comment on the proposed access from HSK/HT NDA Stage 1 Works perspective.

**District Officer's Comments**

- 9.1.12 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 and he has no comment on the application.

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

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Chief Engineer/Land Works, CEDD (CE/LW, CEDD);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (d) Commissioner of Police (C of P).

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

On 8.6.2021, the application was published for public inspection. During the statutory public inspection period, two public comments from individuals (**Appendices III-1 and III-2**) were received objecting to the application on the following grounds:

- (a) there is no previous approval for similar use at the Site; and
- (b) the development would cause adverse traffic, environmental and fire safety impacts to the surroundings.

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

- 11.1 The application is for temporary recycling centre (metal waste, plastic and plastic bottle) with ancillary office and plastic breakdown workshop 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 proposed use is not in line with the planning intention of the “R(D)” zone, there is no known development for the Site and the adjoining area 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 open storage uses. The applied 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 concerns on the possible environmental nuisances generated by the temporary use and the technical requirements of concerned Government departments, relevant approval conditions have been recommended in paragraph 12.2 below. Any non-compliance with these approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority.
- 11.4 There is no previous application at the Site. The Committee has approved five similar applications (No. A/YL-HTF/1085, 1099, 1101, 1107 and 1109) covering two sites for temporary recyclable collection centre for metal, garment, cloth and/or waste paper use within the subject “R(D)” zone between 2018 and 2020 on the grounds that the developments were not incompatible with the surrounding areas and there were no adverse traffic, environmental, drainage and landscape impacts on the surroundings. Although the Committee rejected three similar applications (No. A/YL-HTF/1093, 1096 and 1108) within or straddling the same “R(D)” zone and the adjoining “AGR” zone (**Plan A-1**) for plastic recycling centre with workshop use between 2019 and 2020, they were rejected mainly on the grounds, inter alia, that the development was not in line with the planning intentions of the “R(D)” and/or “AGR” zones; there were adverse departmental comments and insufficient information to demonstrate no environmental, traffic, drainage and/or landscape impacts. For the current application, although it involves workshop use, the applicant has proposed environmental mitigation measures, and relevant Government departments have no adverse comment on the application and technical concerns of relevant Government departments can be addressed by approval conditions. Approval of the application is in line with the previous decisions of the Committee on similar approved applications.
- 11.5 Two public comments were received objecting to the application mainly on grounds stated in paragraph 10. The planning considerations and assessments in paragraphs 11.1 to 11.4 are relevant.



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

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department considers that the temporary recycling centre (metal waste, plastic and plastic bottle) with ancillary office and plastic breakdown workshop could be tolerated for a period of 3 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 3 years until 23.7.2024. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### **Approval Conditions**

- (a) no operation from 7 p.m. to 7 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 goods vehicle 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) no burning, melting, washing or cleaning of recycling materials activities, as proposed by the applicant, are allowed on the Site at any time during the planning approval period;
- (f) all workshop activities shall be conducted inside enclosed building structure with provision of mechanical ventilation system, as proposed by the applicant, at all times during the planning approval period;
- (g) 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 23.1.2022;
- (h) in relation to (g) 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 23.4.2022;
- (i) in relation to (h) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (j) the submission of a 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 23.1.2022;
- (k) in relation to (j) above, the implementation of the fire service installations proposal within **9 months** from the date of planning approval to the

satisfaction of Director of Fire Services or of the Town Planning Board by **23.4.2022**;

- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (i) 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
- (m) if any of the above planning conditions (g), (h), (j) or (k) 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 applied 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 31.5.2021
<b>Appendix Ia</b>	FI received on 2.7.2021
<b>Appendix Ib</b>	FI received on 12.7.2021
<b>Appendix Ic</b>	FI received on 15.7.2021
<b>Appendix II</b>	Similar Applications within the same "R(D)" zone
<b>Appendices III-1 and III-2</b>	Public Comments
<b>Appendix IV</b>	Advisory Clauses
<b>Drawing A-1</b>	Vehicular Access Plan
<b>Drawing A-2</b>	Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo

**Plans A-4a and 4b**

Site Photos

**PLANNING DEPARTMENT  
JULY 2021**