

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

**APPLICATION NO. A/YL-HTF/1123**

- Applicant** : Mr. TANG Siu-kwong represented by Allgain Land Administrators (Hong Kong) Limited
- Site** : Lots 260 (Part), 261 (Part), 262, 263 and 264 in D.D.128, Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 3,080 m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ha Tsuen Fringe Outline Zoning Plan (OZP) No. S/YL-HTF/12
- Zoning** : “Agriculture” (“AGR”) (about 45%)  
“Residential (Group D)” (“R(D)”) (about 55%)  
[Restricted to a maximum plot ratio of 0.2 and a maximum building height of 2 storeys (6m)]
- Application** : Proposed Temporary Recyclable Collection Centre (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 (metal) for a period of 3 years. The Site falls within an area zoned “AGR” and “R(D)” on the OZP (**Plan A-1a**). 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 hard paved, vacant and occupied by a temporary structure at the eastern part of the Site (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site involves 8 previous applications (No. A/YL-HT/64, 368, 391, 453, 744, A/YL-HTF/1093, 1096 and 1104) for temporary workshop, open storage, or development and learning centre uses, which were all rejected by the Rural and New Town Planning Committee (the Committee) or the Board. The last application (No. A/YL-HTF/1104) covering a larger site area for proposed temporary development and learning centre for graphene with ancillary office for a period of

3 years by a different applicant was rejected by the Board upon review on 30.10.2020.

- 1.3 The Site is accessible via a local track to Deep Bay Road (**Plans A-2 and A-3**). As shown on the layout plan at **Drawing A-2**, there is one temporary structure with total floor area of about 1,250m<sup>2</sup> and building height of not more than 11m for recyclable collection centre use. The proposed use mainly involves the collection of scrap metal in small to medium size and there will be no processing and sorting activities involved in the Site. There are two light goods vehicle parking spaces. According to the applicant, the operation hours are from 9 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
- 1.4 In support of the application, the applicant has submitted the following documents:
  - (a) Application Form with attachments received on 13.7.2021 (**Appendix I**)
  - (b) Further Information (FI) received on 27.7.2021 responding to Transport Department's (TD) comment [*exempted from publication requirements*] (**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 (**Appendix I**). They can be summarized as follows:

- (a) The applicant intends to collect metal recyclables from various sources and to distribute them to Mainland China and southeastern countries.
- (b) The proposed use is compatible with the planning intentions of the "AGR" and "R(D)" zones. The proposed use is only temporary for a period of 3 years. It would not jeopardize the long-term planning intentions of the Site.
- (c) The Board has approved similar applications in the surroundings.
- (d) Only light goods vehicles would be allowed to enter the Site.
- (e) The proposed use will not have adverse noise impact to the surroundings as there will be no mechanical process and workshop activities to sort the metal recyclables.
- (f) The proposed use would not induce adverse landscape, environmental and traffic 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 site notice and sending registered post to Ha Tsuen Rural Committee. Detailed information would be deposited at the meeting for Members' inspection.

#### **4. Background**

- 4.1 The Site is currently not subject to any planning enforcement action.
- 4.2 The Site was subject to 10 previous planning enforcement actions between 1998 and 2020 for filling of pond, open storage and workshop uses.

#### **5. Previous Applications**

- 5.1 The Site involves 8 previous applications (No. A/YL-HT/64, 368, 391, 453, 744, A/YL-HTF/1093, 1096 and 1104) covering different extents of area for various open storage, workshop and development centre uses, which were all rejected by the Committee or the Board on review. Details of these previous applications are summarized at **Appendix II** and their locations are shown on **Plan A-1b**.
- 5.2 Application No. A/YL-HT/64 for temporary open storage of construction materials and construction machinery for a period of 12 months was rejected by the Committee in 1999. Applications No. A/YL-HT/368 and 391 for temporary workshop for recycling plastic waste and open storage of plastic raw materials for a period of 3 years were rejected by the Committee/the Board on review in 2005. Application No. A/YL-HT/453 for temporary open storage of construction materials (steel and scrap metal) for a period of 3 years was rejected by the Board on review in 2006. Application No. A/YL-HT/744 for temporary open storage of used electronic appliances and parts for a period of 3 years was rejected by the Committee in 2011. Applications No. A/YL-HTF/1093 and 1096 for temporary plastic bottle recycling centre with workshop and ancillary office for a period of 3 years was rejected by the Committee in 2019.
- 5.3 The last application (A/YL-HTF/1104) for proposed temporary development and learning centre for graphene with ancillary office for a period of 3 years was rejected by the Board on review in 2020.
- 5.4 The rejection reasons for these applications are similar including, amongst others, that the development was not in line with the planning intention of the “AGR” and/or “R(D)” zones; the development was not compatible with the rural neighborhood; the development was not in line with the then TPB PG-No.13C/13D/13E that there were adverse departmental comments and insufficient information to demonstrate no environmental, traffic, drainage and/or landscape impacts; and approval of the application would set an undesirable precedent for applications for similar developments.

#### **6. Similar Applications**

- 6.1 There are seven similar applications (No. A/YL-HTF/1085, 1099, 1101, 1107, 1108, 1109 and 1120) involving four sites for various temporary recycling centre uses within the same “R(D)” zone on the OZP. Six of them were approved with conditions by the Committee while the remaining one was rejected. There is no similar application within the “AGR” zone. Details of these applications are summarized at **Appendix III** and the locations of these application sites are shown on **Plan A-1a**.

### **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) within the “R(D)” zone 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) within the “R(D)” zone 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.
- 6.4 Application No. A/YL-HTF/1120 for temporary recycling centre (metal waste, plastic and plastic bottle) with ancillary office and plastic breakdown workshop (involving the use of light goods vehicles and workshop activities with environmental mitigation measures) within the “R(D)” zone for a period of 3 years was approved by the Committee in 2021 on similar grounds as mentioned in paragraph 6.2 above.

### **Rejected Application**

- 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) within the “R(D)” zone 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 intention 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) hard paved, vacant and occupied by a temporary structure at the eastern part of the Site; and
  - (b) accessible via a local track from Deep Bay Road (**Plans A-2 and A-3**).
- 7.2 The surrounding areas have the following characteristics:
- (a) to its east are open storage yards which are suspected unauthorized developments (UDs), and an open storage yard with valid planning permission;

- (b) to its south are vacant land, workshops and warehouses which are suspected UD's;
- (c) to its west is an open storage yard; and
- (d) to its north is an open storage yard which is a suspected UD.

## **8. Planning Intentions**

- 8.1 The planning intention of the "AGR" zone is to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.
- 8.2 The planning intention of the "R(D)" zone is 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. 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) There are two modifications of tenancy (MoTs) within the Site, MoT No. 10184 and 17080 for accommodation and porch in Lot 263 in D.D. 128.
- (c) Should planning approval be given to the application, the lot owner(s) will need to apply to his office for permitting the structures to be erected or to 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 (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) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (b) HyD shall not be responsible for the maintenance of any access connecting the Site and Deep Bay Road.

## **Agriculture**

### 9.1.4 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

The agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as green houses, plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, he does not support the application from agricultural point of view.

## **Environment**

### 9.1.5 Comment of the Director of Environmental Protection (DEP):

- (a) He has no objection to the application.
- (b) There is no pollution complaint pertaining to the Site received in the past 3 years.
- (c) The applicant should be reminded of the detailed comments at **Appendix V**.

## **Landscape**

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

- (a) With reference to aerial photo of 2020 and site photos on 27.7.2021, it is observed that the eastern portion of the Site within “R(D)” zone is occupied by a large temporary structure while the western portion of the Site falling within “AGR” zone is hard paved. Existing trees are observed along the northern and western boundaries within the Site. The Site is situated in an area of rural landscape character occupied by open storage yards, temporary structures, and tree clusters. The proposed use is not entirely incompatible with the existing landscape character. However, no similar open storage, warehouse or recycling centre use was previously approved within the same “AGR” zone.
- (b) Since the planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, there is concern that approval of the application would encourage other similar applications to undertake site modification prior to obtaining planning permission. The cumulative impact of which would result in a further degradation of the surrounding rural environment. Hence, he has reservation on the application from landscape planning perspective

### **Drainage**

#### 9.1.7 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**

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

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

### **Fire Safety**

#### 9.1.9 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**.

### **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 V**.

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

- 9.1.11 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) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (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 20.7.2021, the application was published for public inspection. During the statutory public inspection period, two public comments from individuals (**Appendices IV-1 and IV-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 proposed temporary recyclable collection centre (metal) for a period of 3 years at the Site zoned "AGR" (about 45%) and "R(D)" (about 55%) on the OZP. The planning intention of the "AGR" zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. The planning intention of the "R(D)" zone is 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. Although the proposed use is not in line with the planning intention of the "AGR" zone and DAFC does not support the application in view of the potential of the Site for agricultural rehabilitation, the current application is on a temporary basis and the applicant is required to reinstate the portion of the Site within "AGR" zone to amenity area upon the expiry of the planning permission. Whilst the proposed use is also not in line with the planning



intention of the “R(D)” zone, there is no known permanent 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 planning intentions of the “AGR” and “R(D)” zones.

- 11.2 The Site is situated in an area of rural landscape character occupied by open storage yards<sup>1</sup> and temporary structures (**Plans A-2 and A-3**). The proposed use is not entirely incompatible with the surrounding landscape character.
- 11.3 Relevant Government departments including C for T, DEP, CE/MN of DSD and D of FS have no adverse comment on/objection to the application. The proposed use would not cause significant adverse traffic, environmental, drainage and fire safety impacts on the surrounding areas. To minimize any possible environmental impacts and nuisance on the surrounding developments, and to address the technical requirements of the concerned Government departments, relevant 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. Should the planning application be approved, the applicant will be advised to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize the possible environmental impacts on the nearby sensitive receivers.
- 11.4 The Site is subject of 8 previous applications (No. A/YL-HT/64, 368, 391, 453, 744, A/YL-HTF/1093, 1096 and 1104) straddling the “AGR” and “R(D)” zones and generally covering large site extent of about 1.2 ha for various open storage, workshop and development centre uses. They were all rejected by the Committee/the Board on review from 1999 to 2020 mainly on the grounds, inter alia, that the development was not in line with the planning intentions of the “AGR” and “R(D)” zones; the development was not compatible with the rural neighbourhood; there were adverse departmental comments and insufficient information to demonstrate no environmental, traffic, drainage and/or landscape impacts. However, as compared with these applications, the current application is for a different use, and no adverse comments are raised on the relevant technical aspects.
- 11.5 Among the seven similar applications within the “R(D)” zone, the Committee approved six (No. A/YL-HTF/1085, 1099, 1101, 1107, 1109 and 1120) covering four sites with site extents of about 3,000 m<sup>2</sup> for temporary recyclable collection centre for metal, garment, cloth and/or waste paper use (without workshop/ open storage use) between 2018 and 2021 mainly on the considerations, inter alia, that the developments were not incompatible with the surrounding areas and there were no adverse traffic, environmental, drainage and landscape impacts on the surroundings. The rejected application (No. A/YL-HTF/1108) for plastic recycling centre (with workshop use) was rejected in 2020 on the grounds of not in line with the planning intention and that the applicant fails to demonstrate that the applied use would not generate adverse environmental impact on the surrounding areas.

---

<sup>1</sup> Part of the subject “AGR” and “R(D)” zones falls within the Category 2 Area under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F) promulgated on 27.3.2020, which was upgraded from the Category 3 Area under the previous TPB PG-No. 13E. Since then, some planning applications for open storage uses have been approved in this locality, such as Application No. A/YL-HTF/1111 (**Plan A-2**).

When compared with these similar applications, , the current application, in terms of the nature of the applied use (i.e. recyclable collection centre without workshop and open storage uses) and scale of the operation (i.e. one temporary structure of GFA of 1,250 m<sup>2</sup> situated within the portion zoned “R(D)” on a site of about 3,080 m<sup>2</sup>) is akin to the six approved similar applications located to the northeast and east of the Site (**Plan A-1a**) and the proposed use, without workshop, would not generate adverse environmental impact to the surrounding areas. In view of the above, sympathetic consideration can be given to approve the current application.

- 11.6 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 11.5 are relevant.

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

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department considers that the proposed temporary recyclable collection centre 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 **10.9.2024**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### **Approval Conditions**

- (a) no operation from 7 p.m. to 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 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 workshop activities, as proposed by the applicant, are allowed on the Site at any time during the planning approval period;
- (e) 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 **10.3.2022**;
- (f) in relation to (e) 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 **10.6.2022**;
- (g) in relation to (f) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;

- (h) 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 **10.3.2022**;
- (i) in relation to (h) 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 **10.6.2022**;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (g) 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
- (k) if any of the above planning conditions (e), (f), (h) or (i) 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.
- (l) upon expiry of the planning permission, the reinstatement of the portion of the Site zoned “AGR” to amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

#### Advisory Clauses

The recommended advisory clauses are attached at **Appendix V**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members’ reference:
- (a) the applied use is not in line with the planning intentions of the “AGR” and “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 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; and
  - (b) approval of the application would set an undesirable precedent for similar applications within the “AGR” zone, the cumulative effect of which will result in a general degradation of the rural environment.

### **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 13.7.2021
<b>Appendix Ia</b>	FI received on 27.7.2021
<b>Appendix II</b>	Previous Applications
<b>Appendix III</b>	Similar Applications within the same “AGR” and “R(D)” zones
<b>Appendices IV-1 and IV-2</b>	Public Comments
<b>Appendix V</b>	Advisory Clauses
<b>Drawing A-1</b>	Vehicular Access Plan
<b>Drawing A-2</b>	Layout Plan
<b>Plan A-1a</b>	Location Plan
<b>Plan A-1b</b>	Previous Applications 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  
SEPTEMBER 2021**