

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-HTF/1136

- Applicant** : Mr. WONG Sun Kwong (黃新光) represented by Ms. HUI Hang Yu (許幸如)
- Site** : Lots 134 (Part) and 135 in D.D.128 and adjoining Government Land (GL), Ha Tsuen, Yuen Long, New Territories
- Site Area** : 2,828m² (about) (including GL of about 102m² or 3.6%)
- 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 Recycling Centre for Metal and Plastic with Ancillary Workshop for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary recycling centre for metal and plastic with ancillary workshop for a period of 3 years at the application site (the Site). 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 partly vacant and partly occupied by some temporary structures with storage use without valid planning permission (**Plans A-2, A-4a and 4b**).
- 1.2 The Site is accessible via a local track leading from Kai Pak Ling Road (**Plans A-2 and A-3**). As shown on the proposed layout plan at **Drawing A-2**, 4 temporary structures with a total floor area of about 1,304m² and building height of 1 to 2 storeys (5 to 7m) for workshop, storage, office and guard room uses are proposed at the Site. The uncovered area of the Site (about 1,628m², 57.6% of the Site) is mainly for open storage of recyclable materials (metal and plastic). The proposed ancillary workshop only involves sorting of plastic and metal with no washing or burning activities. Two car parking spaces and two loading/unloading spaces for

light goods vehicles are proposed. The operation hours of the proposed use are between 8:00 a.m. and 8:00 p.m. from Mondays to Saturdays, and no operation will be carried out on Sundays and public holidays. The location and vehicular access plan, and proposed layout plan are at **Drawings A-1 and A-2** respectively.

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

- (a) Application Form with attachments received on **(Appendix I)**
4.7.2022
- (b) Further Information (FI) received on 21.7.2022 **(Appendix Ia)**
[exempted from publication requirements]

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 summarized as follows:

- (a) The proposed use will not jeopardize the long-term planning intention of the “R(D)” zone.
- (b) In the same “R(D)” zone, there are approved applications for recycling centres with ancillary workshop use.
- (c) The proposed use is compatible with the surrounding environment.
- (d) No adverse traffic and environmental impacts are anticipated.

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 the Ha Tsuen Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements under TPB PG-No. 31A are not applicable.

4. Background

The Site is currently not subject to any enforcement action.

5. Town Planning Board Guidelines

The Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13F) promulgated on 27.3.2020 are relevant to the application, as over 50% of the Site is uncovered and used for open storage. The Site falls within Category 2 area under the Guidelines. Relevant extract of the Guidelines is at **Appendix II**.

6. **Previous Application**

There is no previous application at the Site.

7. **Similar Applications**

- 7.1 There are eleven similar applications (No. A/YL-HTF/1085, 1093, 1096, 1099, 1101, 1107, 1108, 1109, 1120, 1123 and 1129) for various recycling centre uses with or without workshop within/partly within the same “R(D)” zone in the past 5 years. Details of these applications are summarized at **Appendix III** and the locations of these application sites are shown on **Plan A-1**.

Approved Applications

- 7.2 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) and Applications No. A/YL-HTF/1101 and 1109 covering the same site 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 each were approved by the Committee between 2018 and 2020 mainly on 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. The planning permissions of applications No. A/YL-HTF/1085, 1099 and 1101 were subsequently revoked due to non-compliance with approval conditions on the submission and/or implementation of drainage, landscape and/or fire service installations proposals.
- 7.3 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) for a period of 3 years was approved by the Committee in 2021 on similar grounds as mentioned in paragraph 7.2 above.
- 7.4 Application No. A/YL-HTF/1123 for temporary recycling centre (metal) (involving the use of light goods vehicles and without workshop activities) for a period of 3 years was approved by the Committee in 2021 on similar grounds as mentioned in paragraph 7.2 above.

Rejected Applications

- 7.5 Applications No. A/YL-HTF/1093 and 1096 covering the same site for temporary plastic bottle recycling centre with workshop and ancillary office (involving the use of medium goods vehicles and workshop activities which include breaking of plastic and plastic pellet-making) straddling the adjoining “Agriculture” (“AGR”) and the subject “R(D)” zone for a period of 3 years were rejected by the Committee in 2019 on the grounds of not in line with the planning intention of the “AGR” and “R(D)” zones, failure to demonstrate no adverse environmental and traffic impacts, and setting an undesirable precedent.
- 7.6 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 which include breaking of plastic and plastic pellet-making) for a period of 3 years was rejected by the Committee in 2020 on grounds of not in line with the planning intention of the “R(D)” zone and failure to demonstrate no adverse environmental impact to the surrounding areas.

- 7.7 Application No. A/YL-HTF/1129 for temporary recyclable collection centre for metal and plastic with ancillary workshop for a period of 3 years (involving the use of medium goods vehicles and workshop activities which include breaking of plastic) for a period of 3 years was rejected by the Committee in 2022 mainly on considerations similar to paragraph 7.6 above.
- 7.8 Application No. A/YL-HTF/1138 for temporary recyclable collection centre for metal at a location to the northeast of the Site will be considered in the same meeting.

8. The Site and Its Surrounding Areas (Plans A-2 to A-4b)

8.1 The Site is:

- (a) partly vacant and partly occupied by some temporary structures with storage use without valid planning permission; and
- (b) accessible via a local track from Kai Pak Ling Road (**Plans A-2 and A-3**).

8.2 The surrounding areas have the following characteristics:

- (a) to its north are some vacant land and open storage yards covered by valid planning permissions (applications No. A/YL-HTF/1111 and 1122) as well as a suspected unauthorised development (UD);
- (b) to its east and southeast are open storage yards and a warehouse covered by valid planning permissions (applications No. A/YL-HTF/1118 and 1119) and suspected UD, as well as a recyclable collection centre covered by valid planning permission (application No. A/YL-HTF/1107);
- (c) to its south and southwest are open storage yards and warehouses which are suspected UD, as well as some vacant land and graveyards; and
- (d) to its west is a warehouse which is a suspected UD.

9. 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.

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 Statutory Publication Period

On 12.7.2022, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual (**Appendix VI**) was received objecting to the application on the grounds of adverse environmental impacts arising from recycling operations and not in line with the planning intention of the “R(D)” zone.

12. Planning Considerations and Assessments

12.1 The application is for proposed temporary recycling centre for metal and plastic with ancillary workshop for a period of 3 years at the Site zoned “R(D)” on the OZP, which is intended primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. Whilst the proposed use is not in line with the planning intention of the “R(D)” zone, there is no known development proposal for the Site in the subject “R(D)” zone. Approval of the application on a temporary basis for 3 years would not frustrate the long-term planning intention of the “R(D)” zone.

12.2 The Site is located in an area predominated by open storage yards and warehouses, some of which are covered by valid planning permissions (applications No. A/YL-HTF/1111, 1118, 1119 and 1122). The proposed use is considered not incompatible with the surrounding areas.

12.3 The Site falls within the Category 2 area under the TPB PG-No. 13F. The following considerations in the Guidelines are relevant:

Category 2 area: planning permission could be granted on a temporary basis up to a maximum period of 3 years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments, where appropriate, should be submitted to demonstrate that the proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas.

12.4 The proposed use is generally in line with the TPB PG-No. 13F in that relevant government departments, including Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to or no adverse comment on the application. The proposed use will unlikely create significant adverse traffic, drainage and fire safety impacts to the surrounding areas. While the Director of Environmental Protection has no objection to the application, she advised that there was 1 substantiated environmental complaint regarding air quality pertaining to the Site in the past 3 years. The complaint was related to a recycling facility operating at the Site, which has already ceased operation. The Site is currently partly vacant and partly occupied by some temporary structures with storage use. Nevertheless, to minimise any potential environmental nuisances and address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 13.2 below.

12.5 There is no previous application at the Site. Within the same “R(D)” zone, there were eleven similar applications (No. A/YL-HTF/1085, 1093, 1096, 1099, 1101,

1107, 1108, 1109, 1120, 1123 and 1129), of which seven were approved and four were rejected. The four rejected applications were different from the current application in that they involved the use of medium goods vehicles and workshop activities involving breaking of plastic and/or pellet-making, while the current application only involves the use of light goods vehicle and the workshop activities only with sorting of plastic and metal. Approval of this application is generally in line with the previous decisions of the Committee.

- 12.6 One public comment was received during the statutory publication period objecting to the application mainly on grounds stated in paragraph 11. The planning considerations and assessments in paragraphs 12.1 to 12.5 are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comment mentioned in paragraph 11, the Planning Department considers that the proposed temporary recycling centre for metal and plastic with ancillary workshop could be tolerated for a period of 3 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 3 years until **26.8.2025**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation from 8 p.m. to 8 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) only sorting of metal and plastic waste, as proposed by the applicant, and no shredding, pulverizing, crushing, washing, melting, burning of metal or plastic waste, is allowed on the Site during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes, as defined under the Road Traffic Ordinance, are allowed to enter/be parked on the Site, as proposed by the applicant, at all times 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 **26.2.2023**;
- (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 **26.5.2023**;
- (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 **26.2.2023**;
- (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 **26.5.2023**;
- (j) if any of the above planning condition (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 condition (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.

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 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.

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 4.7.2022
Appendix Ia	FI received on 21.7.2022
Appendix II	Relevant extract of TPB PG-No. 13F
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Advisory Clauses
Appendix VI	Public Comment

Drawing A-1	Location and Vehicular Access Plan
Drawing A-2	Proposed Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

PLANNING DEPARTMENT
AUGUST 2022