

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

APPLICATION NO. A/YL-HTF/1138

- Applicant** : Mr. WONG Sun Kwong represented by Metro Planning & Development Company Limited
- Site** : Lots 182 S.A ss.2 (Part) and 182 S.B (Part) in D.D.128, Ha Tsuen, Yuen Long, New Territories
- Site Area** : 3,350m² (about)
- 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 Recyclable Collection Centre for Metal for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary recyclable collection centre for metal 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 Notes of the OZP for “R(D)” zone, ‘Recyclable Collection Centre’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use with valid planning permission under Application No. A/YL-HTF/1109 (**Plans A-2, A-4a and 4b**).
- 1.2 The Site is accessible via a local track leading from Fung Kong Tsuen Road (**Plans A-2 and A-3**). As shown on the proposed layout plan at **Drawing A-2**, 8 temporary structures with a total floor area of no more than 645m² and building height of 1 to 2 storeys (4 to 6.5m) for warehouse, rain shelter, site office and toilet purposes are proposed at the Site. The uncovered area is mainly used for maneuvering and circulation purposes. No workshop activity will be carried out at the Site. Two loading/unloading spaces for light goods vehicles are proposed. The operation hours of the development are between 9:00 a.m. and 7:00 p.m. from Mondays to Saturdays, and no operation will be carried out on Sundays and public holidays. The location and vehicular access plan, proposed layout plan, and as-built drainage plan are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site is involved in 2 previous applications (No. A/YL-HTF/1101 and 1109) (details at paragraph 5 below).
- 1.4 A comparison of the major development parameters of the current application and the last approved application are as follows:

Major Development Parameters	Last Approved Application No. A/YL-HTF/1109 (a)	Current Application No. A/YL-HTF/1138 (b)	Difference (b) – (a)
Applied Use	Proposed Temporary Recyclable Collection Centre for Metal for a Period of 3 Years	Temporary Recyclable Collection Centre for Metal for a Period of 3 Years	No change
Site Area	about 3,350m ²		No change
Total Floor Area (Non-domestic)	about 670m ²	not more than 645m ²	-25m ² (-3.7%)
No. of Structures	4 (1 for storage, 1 for sorting, 1 for packing and baling of recyclable materials and 1 for office and toilet)	8 (2 for storage, 3 for rain shelter, 2 for site office and 1 for site office and toilet)	+4 (+100%)
Height of Structures	5m, 1 storey	4 to 6.5m, 1 to 2 storeys	+1.5m (+30%) +1 storey (+100%)
Loading/ Unloading Spaces	2 for Light Goods Vehicles		No change
Operation Hours	9:00 a.m. to 7:00 p.m. from Mondays to Saturdays and no operation on Sundays and public holidays		No change

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

- (a) Application Form with attachments received on 6.7.2022 (**Appendix I**)
- (b) Further Information (FI) received on 19.8.2022 (**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 Site is the subject of two previously approved applications for recycling collection centre. The current application is the same as the last approved application except that additional structures are proposed to meet operational need.
- (b) The proposed development will not jeopardize the long-term planning intention of the “R(D)” zone.
- (c) The proposed development is compatible with the surrounding environment, which consists of recyclable collection centres, open storage yards and port back-up activities.
- (d) Planning permissions regarding open storage, port back-up activities and similar uses in proximity of the Site were granted, including application No. A/YL-HTF/1111 (**Plan A-2**). The planning circumstances pertaining to the Site are similar to those permissions.
- (e) There is shortage of land for the applied use in the Ha Tsuen area.
- (f) Insignificant traffic, environmental and drainage 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.

4. Background

The Site is currently not subject to any enforcement action.

5. Previous Applications

- 5.1 The Site is involved in two previous applications (No. A/YL-HTF/1101 and 1109) for proposed temporary recyclable collection centre. Both applications were approved by the Committee on 17.1.2020 and 18.12.2020 respectively on considerations that the proposed development will not jeopardize the long-term development of the Site; not incompatible with the surrounding area; no adverse comments from concerned government departments and technical concerns could be addressed by approval conditions; and approval was in line with previous decisions of the Committee. Planning permission under application No. A/YL-HTF/1101 was revoked on 17.7.2020 due to non-compliance with time-limited approval conditions on the submission of drainage proposal and fire service installations proposal. The last application No. A/YL-HTF/1109 is valid until 18.12.2023. Details of the applications are summarized at **Appendix II** and the locations are shown on **Plan A-1**.
- 5.2 Compared with the last application (No. A/YL-HTF/1109), the current application was submitted by a different applicant for the same use on the same site with different development parameters and layout.

6. Similar Applications

- 6.1 There are nine similar applications (No. A/YL-HTF/1085, 1093, 1096, 1099, 1107, 1108, 1120, 1123 and 1129) for various recycling centre uses within/partly within the same “R(D)” zone in the past 5 years. 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 were approved by the Committee between 2018 and 2020 mainly on the 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 and 1099 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.
- 6.3 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, and 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, were both approved by the Committee in 2021 on similar grounds as mentioned in paragraph 6.2 above.

Rejected Applications

- 6.4 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) 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.
- 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 on grounds of not in line with the planning intention of the “R(D)” zone and failure to demonstrate no adverse environmental impact on the surrounding areas.
- 6.6 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 6.5 above.

- 6.7 Application No. A/YL-HTF/1136 for proposed temporary recycling centre for metal and plastic with ancillary workshop located to the southwest of the Site will be considered in the same meeting.

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

7.1 The Site is:

- (a) being used for the applied use with valid planning permission under application No. A/YL-HTF/1109; and
- (b) accessible via a local track from Fung Kong Tsuen Road (**Plans A-2 and A-3**).

7.2 The surrounding areas have the following characteristics:

- (a) to its north are an open storage yard which is a suspected unauthorized development (UD) and some unused land;
- (b) to its east are a works site and some cultivated agricultural land;
- (c) to its south, southeast and southwest are warehouses and open storage yards, some of which are covered by valid planning permissions (applications No. A/YL-HTF/1111 and 1122) while some are suspected UD's; and
- (d) to its west are some open storage yards which are suspected UD's.

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

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 III and IV** respectively.

10. Public Comment Received During Statutory Publication Period

On 15.7.2022, the application was published for public inspection. During the statutory public inspection period, two public comments from individuals were received (**Appendices V-1 and V-2**) objecting to the application on the grounds that the approval conditions of the previous application have not been complied with, and there are adverse traffic impact, environmental pollution and fire risk arising from the applied use.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary recyclable collection centre for metal 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. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board. Whilst the applied use is not in line with the planning intention of the “R(D)” zone, there is no known development proposal for the Site. Approval of the application on a temporary basis for 3 years would not frustrate the long-term planning intention of the “R(D)” zone.

- 11.2 The Site is located in an area predominated by open storage yards and warehouses, some of which are covered by valid planning permissions. The applied use is considered not incompatible with the surrounding environment.
- 11.3 Relevant government departments including Director of Environmental Protection, 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 applied use will unlikely create significant adverse environmental, traffic, drainage and fire safety impacts on the surroundings. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below.
- 11.4 The Site is the subject of two previous applications (No. A/YL-HTF/1101 and 1109) involving the same use submitted by a different applicant which were approved by the Committee with conditions in 2020. Within the same “R(D)” zone, there were nine similar applications (No. A/YL-HTF/1085, 1093, 1096, 1099, 1107, 1108, 1120, 1123 and 1129), of which five 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, while the current application only involves the use of light goods vehicle with no workshop activities. Approval of this application is generally in line with the previous decisions of the Committee.
- 11.5 Two public comments were received during the statutory publication period objecting to the application mainly on grounds stated in paragraph 10 above. 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 has no objection to the application.
- 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 **26.8.2025**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) 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;

- (b) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (c) the submission of a condition record of the existing drainage facilities on the Site within **3 months** from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **26.11.2022**;
- (d) 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**;
- (e) in relation to (d) 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**;
- (f) if any of the above planning condition (a) or (b) 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
- (g) if any of the above planning condition (c), (d) or (e) 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

Appendix I	Application Form with Attachments received on 6.7.2022
Appendix Ia	FI received on 19.8.2022
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Advisory Clauses
Appendices V-1 and V-2	Public Comments
Drawing A-1	Location and Vehicular Access Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	As-built Drainage 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**