

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-HTF/1142

- Applicant** : Mr. WONG Sun Kwong represented by Metro Planning & Development Company Limited
- Site** : Lots 182 S.A RP, 185 S.A, 185 S.B and 185 S.C in D.D.128, Ha Tsuen, Yuen Long, New Territories
- Site Area** : 5,466m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plans and Zonings** : (i) “Residential (Group D)” (“R(D)”) (about 97%)
[Restricted to a maximum plot ratio of 0.2 and a maximum building height (BH) of 2 storeys (6m)]
on approved Ha Tsuen Fringe (HTF) Outline Zoning Plan (OZP) No. S/YL-HTF/12
- (ii) “Government, Institution or Community” (“G/IC”) (about 3%)
[Restricted to a maximum BH of 8 storeys]
on approved Hung Shui Kiu and Ha Tsuen (HSK and HT) OZP No. S/HSK/2
- Application** : Proposed Temporary Recyclable Collection Centre for Metal and Plastic for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary recyclable collection centre for metal and plastic for a period of three years at the application site (the Site). The Site falls within an area largely zoned “R(D)” (about 97%) on the HTF OZP, with a very minor portion zoned “G/IC” (about 3%) on the HSK and HT OZP¹ (**Plan A-1**). According to the Notes for the “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 partly vacant and partly used for open storage of construction materials without valid planning permission (**Plans A-2, A-4a and 4b**).

¹ ‘Recyclable Collection Centre’ is always permitted within the “G/IC” zone on the HSK and HT OZP.

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**, seven structures with a total floor area of not more than 1,340m² and building height of one storey (3 to 6.5m) for warehouse and toilet uses are proposed at the Site. Two loading/unloading spaces for light goods vehicles are proposed. According to the applicant, the uncovered area is used for manoeuvring purpose. The warehouses will be fully enclosed. No workshop activities, including washing, melting, burning and breaking of metal and plastic, will be carried out at the Site. The operation hours of the development will be 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, proposed drainage plan and proposed landscape and tree preservation plan are at **Drawings A-1 to A-4** respectively.

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

- (a) Application Form with attachments received on **(Appendix I)**
19.10.2022
- (b) Supplementary Information (SI) received on **(Appendix Ia)**
20.10.2022
- (c) Further Information (FI) received on **(Appendix Ib)**
14.12.2022*
- (d) FI received on 16.1.2023* **(Appendix Ic)**

**accepted and exempted from publication and
recounting requirements*

1.4 On 9.12.2022, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer a decision on the application as requested by the applicant for two months.

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 development is compatible with the surrounding environment, which is characterised by open storage and port back-up uses. The Site falls within “Category 2” area under the Town Planning Board Guidelines No. 13F, and open storage and port back-up uses will normally be accepted.
- (b) There is a similar planning application (No. A/YL-HTF/1109) in the close proximity.
- (c) No workshop use is proposed at the Site.
- (d) Insignificant traffic and drainage impacts are anticipated.
- (e) The proposed development is temporary in nature and will not jeopardise the long-term planning intention of the “R(D)” zone.

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 planning enforcement action.

5. Previous Application

There is no previous application at the Site.

6. Similar Applications

- 6.1 There are fourteen similar applications for various recyclable collection centre/recycling centre uses within/partly within the same “R(D)” zone in the past five years. Details of these applications are summarised at **Appendix II** and the locations of these application sites are shown on **Plan A-1**.
- 6.2 Out of the fourteen applications, ten applications (No. A/YL-HTF/1085, 1099, 1101, 1107, 1109, 1120, 1123, 1136, 1138 and 1144) (involving the use of light goods vehicles with/without workshop activities) were approved with conditions by the Committee between 2018 and 2022 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. However, the planning permission for five of them were subsequently revoked due to non-compliance with time-limited approval conditions.
- 6.3 The remaining four applications (No. A/YL-HTF/1093, 1096, 1108 and 1129) (involving the use of medium goods vehicles with workshop activities) were rejected by the Committee between 2019 and 2022 mainly on the grounds of not in line with the planning intention of the “R(D)” and/or “Agriculture” zones, and failure to demonstrate no adverse environmental and/or traffic impacts.

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

- 7.1 The Site is:
 - (a) partly vacant and partly used for open storage of construction materials without valid planning permission; and
 - (b) accessible via a local track from Fung Kong Tsuen Road.
- 7.2 The surrounding areas have the following characteristics. Some of the uses are suspected unauthorized developments subject to planning enforcement action:

- (a) to its north and east are some vacant/unused land and a works site;
- (b) to its south, southeast and southwest are warehouses, open storage yards (some of which are covered by valid planning permission under applications No. A/YL-HTF/1111 and 1122, and A/HSK/366), and some vacant land; and
- (c) to its west are some vacant land and a warehouse covered by valid planning permission under application No. A/YL-HTF/1138.

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 25.10.2022, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received (**Appendix V**) objecting to the application on the grounds that there is no previous approval for brownfield use at the Site, and expressing concerns that the proposed use is an extension of the adjoining recycling operation.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary recyclable collection centre for metal and plastic for a period of three years at the Site mainly zoned “R(D)” (97%). 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. Approval of the application on a temporary basis for a period of three years will 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 proposed 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, 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 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 Committee has approved ten similar applications within/partly within the same “R(D)” zone in the past five years. Although the Committee has rejected four applications, they were different from the current application in that workshop activities and the use of medium goods vehicles were involved, while the current application only involves the use of light goods vehicle with no workshop activities. As such, approval of this application is generally in line with the previous decisions of the Committee.
- 11.5 One public comment was received during the statutory publication period objecting to the application mainly on grounds summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.4 above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment 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 three years until **3.2.2026**. 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) no washing, melting, burning or breaking of metal or plastic waste, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) the submission of a revised 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 **3.8.2023**;
- (d) in relation to (c) above, the implementation of the revised 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 **3.11.2023**;
- (e) in relation to (d) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (f) 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 **3.8.2023**;
- (g) in relation to (f) above, the implementation of the fire service installations proposal within **9 months** from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **3.11.2023**;

- (h) if any of the above planning condition (a), (b) or (e) 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
- (i) if any of the above planning condition (c), (d), (f) or (g) 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 "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 19.10.2022
Appendix Ia	SI received on 20.10.2022
Appendix Ib	FI received on 14.12.2022
Appendix Ic	FI received on 16.1.2023
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Location and Vehicular Access Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	Proposed Drainage Plan
Drawing A-4	Proposed Landscape and Tree Preservation 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
FEBRUARY 2023**