

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-HTF/1144

- Applicant** : Metro Planning & Development Company Limited
- Site** : Lots 175 (Part), 176 (Part), 177 (Part), 178 S.A, 178 S.B, 179 and 181 in D.D.128 and adjoining Government Land (GL), Ha Tsuen, Yuen Long, New Territories
- Site Area** : 8,200m² (about) (including GL of about 363.2m² or 4.4%)
- 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 (BH) of 2 storeys (6m)]
- 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 zoned “R(D)” on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘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 open storage of construction materials and equipment, and recycling materials without valid planning permission (**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**, six structures with a total floor area of not more than 1,080m² and building height of 1-2 storeys (3 to 6m) for warehouse, site office and toilet uses are proposed at the Site. Two private car parking spaces and one loading/unloading (L/UL) space for light goods vehicle are proposed. According to the applicant, the uncovered area is used for manoeuvring and circulation purposes. The structures at the Site will be fully enclosed. No workshop activities, including cleaning, burning, melting, crushing, shredding, breaking and washing of metal or plastic waste, 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, and proposed drainage plan are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site is involved in a previous application (No. A/YL-HTF/1129) rejected by the Committee on 10.6.2022 (details at paragraph 5 below). A comparison of the major development parameters of the previously rejected application and the current application are as follows:

Major Development Parameters	Previously Rejected Application No. A/YL-HTF/1129 (a)	Current Application No. A/YL-HTF/1144 (b)	Difference (b) – (a)
Applied Use	Proposed Temporary Recyclable Collection Centre for Metal and Plastic with Ancillary Workshop for a Period of 3 Years	Proposed Temporary Recyclable Collection Centre for Metal and Plastic for a Period of 3 Years	No ancillary workshop
Site Area	about 8,200m ²		No change
Total Floor Area	not more than 1,080m ²		No change
No. of Structures	6 (4 for workshop, 1 for site office and 1 for toilet)	6 (4 for storage, 1 for site office and 1 for toilet)	Similar layout; Change to storage use
Height of Structures	1 to 2 storeys (3 to 6m)		No change
Parking and L/UL Spaces	2 private car parking spaces; 1 medium goods vehicle (MGV) L/UL bay	2 private car parking spaces; 1 light goods vehicle (LGV) L/UL bay	Change to LGV L/UL bay
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

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

- (a) Application Form with attachments received on **(Appendix I)** 7.11.2022
- (b) Supplementary Information (SI) received on **(Appendix Ia)** 8.11.2022
- (c) Further Information (FI) received on 8.12.2022 **(Appendix Ib)**
[accepted and exempted from publication and recounting 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 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

Part of the Site is the subject of an active planning enforcement case (No. E/YL-HTF/946) against unauthorized development (UD) involving storage use (**Plan A-2**). Enforcement Notice (EN) was issued on 10.10.2022 requiring discontinuation of the UD by 10.1.2023. The Site is being closely monitored under established practice.

5. Previous Application

- 5.1 The Site is involved in a previous application (No. A/YL-HTF/1129) for proposed temporary recyclable collection centre for metal and plastic with ancillary workshop. The application was rejected by the Committee on 10.6.2022 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. Details of the application are summarised at **Appendix II** and the location is shown on **Plan A-1**.
- 5.2 Compared with the last application, the current application was submitted by a different applicant for the same use but without workshop activities and use of MGW.

6. Similar Applications

- 6.1 There are twelve similar applications (No. A/YL-HTF/1085, 1093, 1096, 1099, 1101, 1107, 1108, 1109, 1120, 1123, 1136 and 1138) 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 twelve applications, nine applications (involving the use of LGV 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 permissions for five of them were subsequently revoked due to non-compliance with time-limited approval conditions.
- 6.3 The remaining three applications (involving the use of MGW 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) used for open storage of construction materials and equipment, and recycling 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 UD's subject to planning enforcement action:
 - (a) to its north are some vacant land and graveyards; and
 - (b) to its east, south and west are open storage yards (two are covered by valid planning permissions under applications No. A/YL-HTF/1111 and 1122), a warehouse covered by valid planning permission under application No. A/YL-HTF/1138 and some vacant/unused land.

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 Comments Received During Statutory Publication Period

On 15.11.2022, 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 of adverse traffic impact, environmental pollution and fire risk arising from the proposed use; no previous approval for brownfield use at the Site; and not in line with the planning intention of the “R(D)” zone.

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 zoned “R(D)” on the OZP. 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 warehouse, 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 (DEP), 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 surrounding area. 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 nine similar applications within/partly within the same “R(D)” zone in the past five years. Although the Site is the subject of a previous application (No. A/YL-HTF/1129) rejected mainly on the ground of failure to demonstrate no adverse environmental impact on the surrounding environment, the current application is different in that it only involves the use of LGV with no workshop activities and DEP has no objection to the current application. As such, 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 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 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 three years until **23.12.2025**. 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) only storage of metal and plastic, and no cleaning, burning, melting, crushing, shredding, breaking and washing 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 **23.6.2023**;
- (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 **23.9.2023**;
- (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 **23.6.2023**;
- (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 **23.9.2023**;
- (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 7.11.2022
Appendix Ia	SI received on 8.11.2022
Appendix Ib	FI received on 8.12.2022
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	Proposed 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
DECEMBER 2022**