

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

APPLICATION NO. A/YL-HTF/1148

- Applicant** : Chung's Recycle International Limited represented by Mr. WONG Sun Wo William
- Site** : Lots 154 (Part) and 159 S.A (Part) in D.D.128 and Adjoining Government Land (GL), Yuen Long
- Site Area** : 3,245m² (about) (including GL of about 128.2m² or 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 Electrical Appliances, Electronic Parts and Batteries for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary recyclable collection centre for electrical appliances, electronic parts and batteries 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 occupied by a recycling factory which had ceased operation (**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**, three structures with a total floor area of about 2,344m² and building height of 1 to 2 storeys (5 to 8m) will be used for recycling centre, rain shelter, water tank and storeroom purposes. Two loading/unloading (L/UL) spaces for light goods vehicles are provided. According to the applicant, only disassembling, sorting, packing and compacting of recyclable materials will be carried out in the indoor area of the Site. No burning, breaking, melting and washing of electrical appliances, electronic parts and batteries will take place at the Site. The operation hours of the recycling centre will be between 8:00 a.m. to 6:00 p.m. from Mondays to Saturdays, and no

operation will be carried out on Sundays and public holidays. The vehicular access plan, proposed layout plan, drainage proposal and fire service installations proposal are at **Drawings A-1 to A-4** respectively.

- 1.3 A majority part of the Site is involved in a previous application (No. A/YL-HTF/1120) approved by the Rural and New Town Planning Committee (the Committee) of the Board on 23.7.2021 (details at paragraph 5 below). A comparison of the major development parameters of the previous application and the current application are as follows:

Major Development Parameters	Previously approved Application No. A/YL-HTF/1120 (a)	Current Application No. A/YL-HTF/1148 (b)	Difference (b) – (a)
Applied Use	Temporary Recycling Centre (Metal Waste, Plastic and Plastic Bottle) with Ancillary Office and Plastic Breakdown Workshop for a Period of 3 Years	Proposed Temporary Recyclable Collection Centre for Electrical Appliances, Electronic Parts and Batteries for a Period of 3 Years	Change in type of recyclable materials
Site Area	about 2,860m ²	about 3,245m ²	+385m² (+13.5%)
Total Floor Area	about 2,290m ²	about 2,344m ²	+54m² (+2.4%)
No. of Structures	2 (1 for recycling centre and 1 for rain shelter)	3 (1 for recycling centre, 1 for rain shelter, and 1 for water tank and storeroom)	+1 structure
Height of Structures	1 storey (6 to 8m)	1 to 2 storeys (5 to 8m)	+1 storey; No change in maximum height
Parking and L/UL Spaces	2 light goods vehicle L/UL bays		No change
Operation Hours	7:00 a.m. to 7:00 p.m. from Mondays to Saturdays and no operation on Sundays and public holidays	8:00 a.m. to 6:00 p.m. from Mondays to Saturdays and no operation on Sundays and public holidays	Shortened operation hours

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

- (a) Application Form with attachments received on **(Appendix I)**
29.12.2022
- (b) Supplementary Information (SI) received on **(Appendix Ia)**
3.1.2023

- (c) Further Information (FI) received on 9.1.2023 (**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 and SI at **Appendices I and Ia** respectively. They can be summarised as follows:

- (a) The Site is the subject of a previously approved application No. A/YL-HTF/1120 for temporary recycling centre (metal waste, plastic and plastic bottle) with ancillary office and plastic breakdown workshop. For operational reasons, the applicant now intends to use the Site for the recycling of electrical appliances, electronic parts and batteries.
- (b) All processing activities will be conducted indoor and hydraulic compressors would be used for compacting of recyclable materials, no noise nuisance will be generated.

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. The “Owner’s Consent/Notification” Requirements under TPB PG-No. 31A are not applicable to the GL portion.

4. Background

The Site is currently not subject to any planning enforcement action.

5. Previous Application

- 5.1 The Site is involved in a previous application (No. A/YL-HTF/1120) for temporary recycling centre (metal waste, plastic and plastic bottle) with ancillary office and plastic breakdown workshop. The application was approved with conditions by the Committee on 23.7.2021 mainly on considerations that the development was not incompatible with the surrounding areas and concerned government departments generally had no objection to the application and/or the technical concerns could be addressed by approval conditions. However, the planning permission was subsequently revoked on 23.4.2022 due to non-compliance with approval conditions related to the submission and implementation of drainage and fire service installations proposals. Details of the application are summarised at **Appendix II** and the location of the application site is shown on **Plan A-1**.
- 5.2 Compared with the last application, the current application was submitted by the same applicant for a similar use (different types of recyclable materials) at a larger 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, 1123, 1136, 1138, 1142 and 1144) (involving the use of light goods vehicles with/without workshop activities) were approved with conditions by the Committee between 2018 and 2023 mainly on similar considerations as mentioned in paragraph 5.1 above. However, the planning permission for four 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 which include breaking of plastic and/or pellet-making) were rejected by the Committee between 2019 and 2022 mainly on 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) occupied by a recycling factory which had ceased operation; 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 west are open storage yards (some of which are covered by valid planning permission under applications No. A/HSK/366, A/YL-HTF/1111 and 1122) and vacant land;
 - (b) to its east are a warehouse, an area used for storage and vacant land; and
 - (c) to its south are a recyclable collection centre covered by valid planning permission under application No. A/YL-HTF/1107, open storage yards (some of which are covered by valid planning permission under applications No. A/YL-HTF/1114 and 1119) and a godown.

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 6.1.2023, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received (**Appendix V**) raising concern that the Site is the subject of a previously revoked application.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary recyclable collection centre for electrical appliances, electronic parts and batteries 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, recyclable collection centre and warehouse/godown, some of which are covered by valid planning permissions. The proposed use, which will make use of the structures at the Site, 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 (CE/MN, DSD) and Director of Fire Services (D of FS) have no objection to or no adverse comment on the application. The proposed use will unlikely create 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 involved in a previous application (No. A/YL-HTF/1120) for a similar use approved with conditions by the Committee in 2021. However, the planning permission was subsequently revoked due to non-compliance with approval conditions related to the submission and implementation of drainage and fire service installations proposals. For the current application, the applicant has submitted the relevant proposals and CE/MN, DSD and D of FS have no objection to the application. As such, sympathetic consideration may be given to the application. The applicant will be advised that should he fail to comply with any of the approval conditions resulting in revocation of the planning permission, sympathetic consideration would not be given to any further application.
- 11.5 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 involving breaking of plastic and/or pellet-making and the use of medium goods vehicles were involved. The current application only involves the use of light goods vehicles, and the disassembling, sorting, packing and compacting of

recyclable materials within the structures and relevant departments have no adverse comment on the application. As such, approval of this application is generally in line with the previous decisions of the Committee.

- 11.6 One public comment was received during the statutory publication period raising concern to the application mainly on grounds summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.5 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 **17.2.2026**. 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/exit or to be parked/stored on the Site at all times during the planning approval period;
- (b) no burning, breaking, melting and washing of electrical appliances, electronic parts and batteries, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) all workshop activities (including disassembling, sorting, packing and compacting of materials) shall be conducted inside enclosed building structures at all times during the planning approval period;
- (d) 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 **17.8.2023**;
- (e) in relation to (d) 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 **17.11.2023**;
- (f) in relation to (e) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (g) 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 **17.8.2023**;
- (h) in relation to (g) 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 **17.11.2023**;

- (i) if any of the above planning condition (a), (b), (c) or (f) 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
- (j) if any of the above planning condition (d), (e), (g) or (h) 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 29.12.2022
Appendix Ia	SI received on 3.1.2023
Appendix Ib	FI received on 9.1.2023
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Vehicular Access Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	Drainage Proposal
Drawing A-4	Fire Service Installations Proposal
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**