

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-HTF/1153

- Applicant** : Grand Sky Consultants & Development Limited represented by Allgain Land Administrators (Hong Kong) Limited
- Site** : Lots 260 (Part), 261 (Part), 262, 263 and 264 in D.D.128, Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 3,080m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ha Tsuen Fringe Outline Zoning Plan (OZP) No. S/YL-HTF/12
- Zonings** “Residential (Group D)” (“R(D)”) (about 55%)
[Restricted to a maximum plot ratio of 0.2 and a maximum building height of 2 storeys (6m)]

“Agriculture” (“AGR”) (about 45%)
- Application** : Proposed Temporary Recyclable Collection Centre for Metal for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary recyclable collection centre for metal for a period of three years at the application site (the Site). The Site falls within an area zoned “R(D)” and “AGR” on the OZP (**Plan A-1a**). ‘Recyclable Collection Centre’ is a Column 2 use in the “R(D)” zone which requires planning permission from the Town Planning Board (the Board), whereas it is neither a Column 1 nor Column 2 use in the “AGR” zone. According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years requires planning permission from the Board. The Site is currently partly used for warehouse without valid planning permission, and partly vacant (**Plans A-2 and A-4**).
- 1.2 The Site is accessible via a local track leading from Deep Bay Road (**Plans A-2 and A-3**). As shown on the proposed layout plan at **Drawing A-1**, four structures with a total floor area of about 1,420m² and a building height of 1 storey (3 to 11m) will be used for recyclable collection centre with rain shelter, site office, security and surveillance camera room, and fire services water tank. Two loading/unloading

(L/UL) spaces for light goods vehicles will be provided. According to the applicant, the structure for recyclable collection centre will be fully enclosed and used for storage of metal recyclables. No workshop activities, such as washing, burning, melting and breaking of metal, will be carried out. The uncovered area of the Site will be used for manoeuvring, circulation and L/UL purposes. The operation hours of the proposed development will be between 9:00 a.m. to 7:00 p.m. from Mondays to Saturdays, and no operation will be carried out on Sundays and public holidays. The proposed layout plan, drainage proposal, fire service installations (FSIs) proposal and vehicular access plan are at **Drawings A-1 to A-4** respectively.

- 1.3 The Site is involved in nine previous applications, including three applications for recycling centre/recyclable collection centre uses (details at paragraph 5 below). The last previous application (No. A/YL-HTF/1123) for recyclable collection centre use was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 10.9.2021.
- 1.4 Compared with the last application (No. A/YL-HTF/1123), the current application is submitted by a different applicant for the same use at the same site with slightly different development parameters and layout. A comparison of the major development parameters of the previous application and the current application is as follows:

Major Development Parameters	Previously approved Application No. A/YL-HTF/1123 (a)	Current Application No. A/YL-HTF/1153 (b)	Difference (b) – (a)
Proposed Use	Proposed Temporary Recyclable Collection Centre for Metal for a Period of 3 Years		No change
Site Area	about 3,080m ²		No change
Total Floor Area	about 1,250m ²	about 1,420m ²	+170m² (+13.6%)
No. of Structures	1 (1 for recyclable collection centre)	4 (1 for recyclable collection centre with rain shelter, 1 for site office, 1 for security and surveillance camera room, and 1 for fire services water tank)	+3 structures
Height of Structures	1 storey (not more than 11m)	1 storey (not more than 11m)	No change
Parking and L/UL Spaces	2 light goods vehicle L/UL spaces		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 **(Appendix I)**
2.5.2023

(b) Supplementary Information (SI) received on (Appendix Ia)
5.5.2023

(c) Further Information (FI) received on 24.5.2023 (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 involved in a previous application (No. A/YL-HTF/1123). As the applicant was unable to obtain the Short Term Waiver in time, the approval conditions under the previous application were not complied with and a fresh planning application is required.
- (b) Similar applications have been approved in the locality.
- (c) The proposed use is compatible with the surrounding areas, which comprise of open storage and port back-up uses.
- (d) No adverse environmental, drainage, sewerage and landscape impacts are anticipated.
- (e) The proposed use is temporary in nature and would 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 Applications**

- 5.1 The Site is involved in nine previous applications for various temporary open storage, workshop, development and learning centre, and recycling centre/recyclable collection centre uses. Details of the application are summarised at **Appendix II** and the locations are shown on **Plan A-1b**.
- 5.2 Application No. A/YL-HTF/1123 for temporary recyclable collection centre (metal) use was approved with conditions by the Committee in 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 revoked on 10.3.2023 due to non-compliance with approval conditions related to the submission and implementation of drainage proposal, and implementation of FSI's proposal.

- 5.3 Applications No. A/YL-HTF/1093 and 1096 covering a larger site for temporary plastic bottle recycling centre use with workshop and ancillary office, which involved use of medium goods vehicles, breaking of plastic and pellet-making, were both rejected by the Committee in 2019 mainly on the grounds of not in line with the planning intentions of the "R(D)" and "AGR" zones, failure to demonstrate no adverse traffic and/or environmental impacts, and setting an undesirable precedent.
- 5.4 For the remaining six applications generally involving larger sites, five were for various temporary open storage uses with/without workshop (No. A/YL-HT/64, 368, 391, 453 and 744) and one was for temporary development and learning centre (No. A/YL-HTF/1104). All applications were rejected by the Committee or the Board on review between 1999 and 2020. However, the considerations for these applications were not relevant to the current application, which involves a different use.

6. Similar Applications

- 6.1 There are thirteen similar applications for various recyclable collection centre/recycling centre uses within the same "R(D)" and "AGR" zones 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-1a**.
- 6.2 Out of the thirteen applications, ten applications (No. A/YL-HTF/1099, 1101, 1107, 1109, 1120, 1136, 1138, 1142, 1144 and 1148) (involving the use of light goods vehicles with/without workshop activities) were approved with conditions by the Committee between 2019 and 2023 mainly on similar considerations as mentioned in paragraph 5.2 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 three applications (No. A/YL-HTF/1098, 1108 and 1129) (involving the use of medium/heavy 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)" or "AGR" zones, and failure to demonstrate no adverse environmental and/or traffic impacts.

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

- 7.1 The Site is:
 - (a) partly used for warehouse without valid planning permission, and partly vacant; and
 - (b) accessible via a local track from Deep Bay 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;
- (b) to its east and southeast are open storage yards covered by valid planning permission under applications No. A/YL-HTF/1111 and 1136, areas used for storage, residential dwellings and unused land; and
- (c) to its south and southwest are warehouses (one of which is covered by valid planning permission under application No. A/YL-HTF/1150) and vacant land.

8. Planning Intentions

8.1 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.

8.2 The “AGR” zone is intended to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

9. Comments from Relevant Government Departments

9.1 Apart from the government department as set out in paragraph 9.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments are provided in **Appendices III and IV** respectively.

9.2 The following government department does not support the application:

Agriculture

Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

The Site falls within the “AGR” and “R(D)” zones and is occupied by structures. Agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, the proposed use is not supported from agricultural perspective.

10. Public Comment Received During Statutory Publication Period

On 9.5.2023, 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 approval conditions of the previous application have not been complied with.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary recyclable collection centre for metal for a period of three years at the Site zoned “R(D)” (55%) and “AGR” (45%) on the OZP. 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. Although DAFC does not support the application from the agricultural perspective mainly on consideration that the Site possesses potential for agricultural rehabilitation and agricultural infrastructures such as road access and water source are available in the area, the current application is for temporary use only. In this regard, approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intentions of the “R(D)” and “AGR” zones.
- 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 areas.
- 11.3 Relevant government departments including Commissioner for Transport (C for T), Director of Environmental Protection (DEP), Chief Engineer/Mainland North of Drainage Services Department (CE/MN of DSD), Director of Fire Services (D of FS) and Chief Town Planner/Urban Design and Landscape of Planning Department have no objection to or no adverse comment on the application. The applied use will unlikely create adverse traffic, environmental, drainage, fire safety and landscape 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/1123) for the same use at the same site approved with conditions by the Committee in 2021. The planning permission was subsequently revoked due to non-compliance with approval conditions related to the submission and implementation of drainage proposal, and implementation of FSIs proposal. While the current application is submitted by a different applicant, the development parameters and layout are largely similar. For the current application, the applicant has submitted the drainage and FSIs proposals and CE/MN of 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 failure to comply with any of the approval conditions will result in revocation of the planning permission, and sympathetic consideration may not be given to any further application.
- 11.5 The Committee has approved ten similar applications within the same “R(D)” and “AGR” zones in the past five years. Although the Committee has rejected three similar applications and two previous applications involving recyclable collection centre/recycling centre uses, they were different from the current application in that they involved workshop activities including breaking of plastic and/or pellet-making and the use of medium/heavy goods vehicles. The current application only involves the use of light goods vehicles with no workshop activities and DEP and C for T 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 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 considers that the proposed temporary recyclable collection centre for metal could be tolerated for a period of three years.
- 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 **23.6.2026**. 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 workshop activities, as proposed by the applicant, are 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 **23.12.2023**;
- (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 **23.3.2024**;
- (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 **23.12.2023**;
- (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 **23.3.2024**;
- (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;
- (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; and
- (j) upon expiry of the planning permission, the reinstatement of the portion of the Site zoned "AGR" to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

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 intentions of the "R(D)" and "AGR" zones, which are primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes respectively. There is no strong planning justification in the submission for a departure from such planning intentions, 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 2.5.2023
Appendix Ia	SI received on 5.5.2023
Appendix Ib	FI received on 24.5.2023
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Proposed Layout Plan
Drawing A-2	Drainage Proposal
Drawing A-3	FSIs Proposal
Drawing A-4	Vehicular Access Plan
Plan A-1a	Location Plan
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos