

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

APPLICATION NO. A/YL-HTF/1154

- 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** : About 3,245m² (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 of 2 storeys (6m)]
- Application** : Proposed Temporary Recyclable Collection Centre for Electrical Appliances, Electronic Parts and Batteries with Ancillary Plastic Breakdown Workshop 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 with ancillary plastic breakdown workshop 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 recyclable collection centre (without ancillary plastic breakdown workshop) with valid planning permission under application No. A/YL-HTF/1148 (**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 layout plan at **Drawing A-1**, three structures with a total floor area of about 2,344m² and building height of 1 to 2 storeys (5 to 8m) would be used for recycling centre with ancillary plastic breakdown workshop, rain shelter, water tank and storeroom purposes. Two loading/unloading (L/UL) spaces for light goods vehicles would be provided. According to the applicant, disassembling, sorting and packing of recyclable materials will be conducted at the

Site. In addition, for electrical appliances, while there will be no burning, melting and washing activities, small-sized plastic materials will be shredded and large-sized ones will be compacted using machines. All processing activities will be carried out indoors. No burning, melting, washing and shredding of electronic parts and batteries will be carried out at the Site. The operation hours will be from 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 layout plan, vehicular access plan, drainage proposal and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-4** respectively.

- 1.3 The Site is involved in two previous applications (No. A/YL-HTF/1120 and 1148) for temporary recycling centre with ancillary plastic breakdown workshop, and recyclable collection centre uses approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2021 and 2023 respectively (details at paragraph 5 below).
- 1.4 Compared with the last application (No. A/YL-HTF/1148), the current application is submitted by the same applicant for largely the same use (only with the addition of ancillary plastic breakdown workshop) at the same site with the same development parameters and layout.
- 1.5 In support of the application, the applicant submitted the following documents:
 - (a) Application Form with attachments received on **(Appendix I)** 24.5.2023
 - (b) Supplementary Information (SI) received on **(Appendix Ia)** 1.6.2023

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/1148 for proposed temporary recyclable collection centre for electrical appliances, electronic parts and batteries. One of the approval conditions stipulates that no breaking/shredding activities shall be conducted at the Site. As the applicant would like to perform plastic shredding activities at the Site, a fresh planning application is needed.
- (b) All processing activities will be conducted indoors. During operation, the noise generated by the shredding machine will be less than 30dB. Hydraulic compressors will be used for compacting of recyclable materials. Hence, 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 Applications**

The Site is involved in two previous applications (No. A/YL-HTF/1120 and 1148) submitted by the same applicant for temporary recycling centre (metal waste, plastic and plastic bottle) with ancillary office and plastic breakdown workshop, and temporary recyclable collection centre for electrical appliances, electronic parts and batteries respectively. The applications were approved with conditions by the Committee on 23.7.2021 and 17.2.2023 each for a period of three years respectively mainly on considerations including the development was not incompatible with the surrounding areas, concerned government departments generally had no objection to the application and the technical concerns could be addressed by approval conditions. However, the planning permission for application No. A/YL-HTF/1120 was subsequently revoked on 23.4.2022 due to non-compliance with time-limited approval conditions related to the submission and implementation of drainage and FSIs proposals. As for the planning permission under application No. A/YL-HTF/1148 with validity up to 17.2.2026, all the time-limited approval conditions have yet been complied with. Details of the applications are summarised at **Appendix II** and the locations are shown on **Plan A-1**.

6. **Similar Applications**

- 6.1 There are 14 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 are shown on **Plan A-1**.
- 6.2 Out of the 14 applications, 10 applications (No. A/YL-HTF/1099, 1101, 1107, 1109, 1123, 1136, 1138, 1142, 1144 and 1153) (involving the use of light goods vehicles and with/without workshop activities) were approved with conditions by the Committee between 2019 and 2023 mainly on similar considerations as mentioned in paragraph 5 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 and 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 being not in line with the planning intention(s) of the “R(D)” and/or “Agriculture” zone(s), 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 for recyclable collection centre use with 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, northeast, northwest and west are open storage yards (some of which are covered by valid planning permission under applications No. A/HSK/366 and A/YL-HTF/1111), a storage yard, a workshop, a residential dwelling and vacant land;
- (b) to its east are a warehouse, a storage yard and vacant land; and
- (c) to its south and southwest are shrubland, a godown, a logistics centre and open storage yards (some of which are covered by valid planning permission under applications No. A/YL-HTF/1114 and 1119).

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 2.6.2023, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary recyclable collection centre for electrical appliances, electronic parts and batteries with ancillary plastic breakdown workshop 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 (some of which are covered by valid planning permission), storage yard, logistics centre, warehouse/godown and vacant land. The proposed use is considered not incompatible with the surrounding areas.
- 11.3 Relevant government departments including the Director of Environmental Protection (DEP), Commissioner for Transport (C for T), Chief Engineer/Mainland North, Drainage Services Department and Director of Fire Services have no objection to or no adverse comment on the application. The Site is already being used as a recyclable collection centre under planning permission. 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 Committee has approved two previous applications (No. A/YL-HTF/1120 and 1148) covering the Site for temporary recycling centre with ancillary plastic breakdown workshop and recyclable collection centre uses in 2021 and 2023 respectively mainly on considerations as stated in paragraph 5. The current application is similar to the approved recyclable collection centre under the latest planning permission except with the addition of plastic breaking activity in the enclosed structure. The Committee has also approved 10 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 they involved pellet-making activities in the workshops and/or the use of medium goods vehicles. The current application only involves the use of light goods vehicles and the disassembling, sorting, breaking/shredding, compacting and packing of recyclable materials would be conducted within enclosed structure, 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.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11, 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 **14.7.2026**. 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 any time during the planning approval period;
- (b) no burning, melting and washing of recyclable materials, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;

- (c) all workshop activities 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 **14.1.2024**;
- (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 **14.4.2024**;
- (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 **14.1.2024**;
- (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 **14.4.2024**;
- (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 24.5.2023
Appendix Ia	SI received on 1.6.2023
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Vehicular Access 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
JULY 2023**