

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-HTF/1172

- Applicant** : 新峰(香港)工程有限公司
- Site** : Lots 134 (Part) and 135 in D.D.128 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 2,028m² (including GL of about 102m² or 5%)
- 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** : Temporary Recycling Centre for Plastic and Open Storage of Construction Materials and Plastic for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary recycling centre for plastic and open storage of construction materials and plastic for a period of three years at the application site (the Site) zoned “R(D)” on the OZP (**Plan A-1**). 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 Town Planning Board (the Board). The Site is currently mainly used for open storage of recycling materials without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is accessible via a local track leading from Kai Pak Ling Road (**Plans A-2 and A-3**). As shown on the layout plan at **Drawing A-1**, two structures (in the form of shed) with a total floor area about 342m² and a height of 5 to 7m (one storey) for recycling centre use are proposed. The eastern part of the Site (about 586m², or 29% of the Site) is designated for open storage of construction materials and plastic. According to the applicant, only sorting and storage of plastic will be involved at the recycling centre. No workshop activities, including burning, melting, washing and breaking of plastic, will be conducted

at the Site. There are four parking spaces in total, including two for private cars and two for light goods vehicles. The operation hours are from 8:00 a.m. to 8:00 p.m. from Mondays to Saturdays. There is no operation on Sundays and public holidays. The layout plan, drainage plan and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site is involved in a previous application (No. A/YL-HTF/1136) for temporary recycling centre and ancillary workshop which was approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2022 (details at paragraph 6 below).
- 1.4 Compared with the previous application, the current application is submitted by a different applicant for a similar use, with addition of open storage use, at a smaller site with a reduced number of structures and floor area and similar 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/1136 (a)	Current Application No. A/YL-HTF/1172 (b)	Difference (b) – (a)
Proposed/Applied Use(s)	Proposed Temporary Recycling Centre for Metal and Plastic with Ancillary Workshop for a Period of 3 Years	Temporary Recycling Centre for Plastic and Open Storage of Construction Materials and Plastic for a Period of 3 Years	Change in recycling materials and addition of open storage use
Site Area	about 2,828m ² (including GL of about 102m ²)	about 2,028m ² (including GL of about 102m ²)	-800m² (-28%)
Total Floor Area	about 1,304m ²	about 342m ²	-962m² (-74%)
No. of Structures	4 (for workshop, storage, office and guard room uses)	2 (for storage use)	-2 structures
Height of Structures	1-2 storeys (not more than 7m)	1 storey (not more than 7m)	No change to maximum height
Parking and Loading/Unloading (L/UL) Spaces	4 in total <ul style="list-style-type: none"> • 2 private car parking spaces • 2 light goods vehicle L/UL 	4 in total <ul style="list-style-type: none"> • 2 private car parking spaces • 2 light goods vehicle 	No change to overall parking provisions

	spaces	parking spaces	
Operation Hours	8:00 a.m. to 8:00 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**) 22.3.2024
- (b) Supplementary Information (SI) received on (**Appendix Ia**) 28.3.2024

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) There are similar planning approvals for temporary recycling centre and open storage uses in the vicinity.
- (b) The applied uses are compatible with the surrounding environment.
- (c) No medium or heavy goods vehicles will be used.
- (d) No adverse traffic and environmental impacts are anticipated.

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. 31B) 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. For the GL portion, the requirements under the TPB PG-No. 31B are not applicable.

4. Background

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

5. Town Planning Board Guidelines

The Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13G) promulgated on 14.4.2023 is relevant to the application. The Site falls within Category 2 areas under the TPB PG-No. 13G. Relevant extract of the Guidelines is at **Appendix II**.

6. Previous Application

The Site is involved in a previous application (No. A/YL-HTF/1136) for temporary recycling centre for metal and plastic with ancillary workshop. The application was approved with conditions by the Committee on 26.8.2022 mainly on considerations that the development was not incompatible with the surrounding areas; the application was considered in line with the then TPB PG-No. 13F; 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 26.2.2024 owing to non-compliance with time-limited approval conditions on the submission and implementation of drainage proposal, as well as implementation of FSI proposal. Details of the application are summarised at **Appendix III** and its location is shown on **Plan A-1**.

7. Similar Applications

- 7.1 There are 26 similar applications for various temporary recycling centre/recyclable collection centre with/without workshop or open storage uses within/straddling the same “R(D)” zone in the past five years. Details of the applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.
- 7.2 Out of the 26 applications, 23 (including 12 for recycling centre/recyclable collection centre and 11 for open storage uses) were approved by the Committee between 2019 and 2024 mainly on considerations similar to those mentioned in paragraph 6 above. However, the planning permissions for 12 of them were subsequently revoked due to non-compliance with approval conditions.
- 7.3 The remaining three applications for recycling centre/recyclable collection centre uses (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.

8. The Site and Its Surrounding Areas (Plans A-1 to A-4)

- 8.1 The Site is:

- (a) mainly used for open storage of recycling materials without valid planning permission; and
- (b) accessible via a local track leading from Kai Pak Ling Road.

8.2 The surrounding areas are predominated by open storage yards, warehouses and vacant/unused land. Some of the uses are covered by valid planning permissions, whilst some are suspected unauthorized developments subject to planning enforcement action.

9. 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.

10. Comments from Relevant Government Departments

All government 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 IV and V** respectively.

11. Public Comment Received During the Statutory Publication Period

On 2.4.2024, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received (**Appendix VII**) expressing concerns that the approval conditions of the previous application have not been complied with, as well as over the fire safety and drainage aspects of the recycling centre use under application.

12. Planning Considerations and Assessments

- 12.1 The application is for temporary recycling centre for plastic and open storage of construction materials and plastic for a period of three years at the Site zoned “R(D)” on the OZP. Whilst the applied uses are not in line with the planning intention of the “R(D)” zone, there is no known development proposal for implementing the zoned use at 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.
- 12.2 The Site is situated in an area predominated by open storage yards and warehouses with some of them covered by valid planning permissions, as well as vacant/unused land. The applied uses are considered not incompatible with the surrounding areas.

- 12.3 The Site falls within Category 2 areas under the TPB PG-No. 13G. The applied uses are considered generally in line with the TPB PG-No. 13G in that relevant government departments, including the Commissioner for Transport (C for T), Chief Engineer/Mainland North of 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 from traffic, drainage and fire safety perspectives. While the Director of Environmental Protection (DEP) has no objection to the application, he advises that there were six substantiated environmental complaints regarding air quality pertaining to the Site in the past three years which were related to a plastic recycling facility at the Site with workshop activities including melting of plastic and pellet-making. In this regard, the Site is currently used for open storage of recycling materials and the applicant has stated that no workshop activities will be involved under the current application. To minimise any potential environmental nuisances and address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 13.2 below. Should the application be approved, the applicant will also be advised to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites'.
- 12.4 The Site is the subject of a previous application submitted by a different applicant for a similar use approved with conditions by the Committee in 2022. The planning permission was subsequently revoked due to non-compliance with approval conditions related to the submission and implementation of drainage proposal, as well as implementation of FSIs proposal. For the current application, the applicant has submitted drainage and FSIs proposals and CE/MN, DSD and D of FS have no objection 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.
- 12.5 The Committee has approved 23 similar applications within the same "R(D)" zone in the past five years mainly on similar considerations summarised in paragraph 6 above. Although the Committee has rejected three similar applications, they were different from the current application in that they involved breaking of plastic and/or pellet-making activities in the workshops and the use of medium goods vehicles. The current application only involves the use of light goods vehicles and no workshop activities will be conducted, 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.
- 12.6 Regarding the public comment expressing concerns on the application, the planning considerations and assessments in paragraphs 12.1 to 12.5 above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account

the public comment mentioned in paragraph 11 above, the Planning Department considers that the temporary recycling centre for plastic and open storage of construction materials and plastic could be tolerated for a period of three years.

- 13.2 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 10.5.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no vehicle exceeding 5.5 tonnes, including medium goods vehicle, heavy goods vehicle and container trailer/tractor, as defined in the Road Traffic Ordinance, is allowed to enter/exit or to be parked/stored on the site at any time during the planning approval period;
- (b) no workshop activity, including shredding, pulverizing, crushing, washing, melting and burning, is allowed on the site at any time 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 10.11.2024;
- (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 10.2.2025;
- (e) in relation to (d) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (f) the provision of fire extinguisher(s) within **6 weeks** from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 21.6.2024;
- (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 10.11.2024;
- (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 10.2.2025;
- (i) if any of the above planning condition (a), (b) or (e) is not complied with during the planning 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 (c), (d), (f), (g) or (h) is not complied with by the 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 V**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applied uses are 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.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 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.

15. Attachments

Appendix I	Application Form with Attachments received on 22.3.2024
Appendix Ia	SI dated 28.3.2024
Appendix II	Extract of the TPB PG-No.13G
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	'Good Practice for Open Storage Sites' issued by the Fire Services Department
Appendix VII	Public Comment
Drawing A-1	Layout Plan
Drawing A-2	Drainage Plan
Drawing A-3	FSIs Proposal

Plan A-1
Plan A-2
Plan A-3
Plan A-4

Location Plan
Site Plan
Aerial Photo
Site Photos

PLANNING DEPARTMENT
MAY 2024