

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-HTF/1187

- Applicant** : 黃新光 (Mr.) represented by 海願規劃發展公司
- 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** : Proposed 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 proposed 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 building 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, A-4a and A-4b**).
- 1.2 The Site is accessible via a local track leading from Kai Pak Ling Road and the ingress/egress is at the eastern tip of the Site (**Plans A-2 and A-3**). As shown on the layout plan at **Drawing A-1**, two one-storey (about 5m to 7m in height) structures (in the form of shed) with a total floor area of about 342m² are proposed to be erected at the western portion of the Site for recycling centre use. The central portion 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, shredding, crushing and repairing, will be conducted at the Site. A total of four parking spaces are provided, including two for private cars and two for light goods vehicles. No vehicle exceeding 5.5 tonnes, including medium and heavy goods vehicle and container vehicle, will be used. The operation hours are from 8:00 a.m. to 8:00 p.m. from Mondays to Saturdays, and there is no operation on Sundays and public holidays. Plans showing the proposed site layout, drainage facilities and fire service installations (FSIs) submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site was involved in two previous applications (No. A/YL-HTF/1136 and 1172) for temporary recycling centre with/without open storage use which were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2022 and 2024 respectively (details at paragraph 6 below). Compared with the last approved application (No. A/YL-HTF/1172), the current application is submitted by a different applicant for the same use at the same site with the same development parameters and similar layout.
- 1.4 In support of the application, the applicant submitted the following documents:
 - (a) Application Form with attachments received on (Appendix I) 4.2.2025
 - (b) Supplementary Information (SI) received on 6.2.2025 (Appendix Ia)
 - (c) Further Information (FI) received on 17.3.2025 (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) Although the planning permission for previous application No. A/YL-HTF/1172 which is very similar to the current application was revoked in 2024 owing to non-compliance with an approval condition prohibiting vehicles exceeding 5.5 tonnes to enter/exit or be parked/stored on the Site, the current application is submitted by the new tenant of the Site who has no connection with the applicant of the previous application (i.e. the previous tenant of the Site). For the current application, vehicles entering the Site will be required to book at least one day in advance and no vehicle exceeding 5.5 tonnes will be allowed.
- (b) There are similar planning approvals for temporary recycling centre and open storage uses in the vicinity.
- (c) The proposed uses are compatible with the surrounding areas.
- (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 TPB PG-No. 31B are not applicable.

4. Background

The Site is currently not subject to active planning enforcement action. Should there be sufficient evidence to form an opinion that there is unauthorized development (UD) at the Site, planning enforcement action would be undertaken.

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 TPB PG-No. 13G. Relevant extract of the Guidelines is at **Appendix II**.

6. Previous Applications

The Site was involved in two previous applications (No. A/YL-HTF/1136 and 1172)¹ for temporary recycling centre with/without open storage use. The applications were approved with conditions by the Committee in 2022 and 2024 respectively mainly on considerations that the applied use(s) was/were not incompatible with the surrounding areas; the application was considered in line with TPB PG-No. 13F/G; concerned government departments generally had no objection to the application and/or the technical concerns could be addressed by approval conditions. However, both planning permissions were revoked in 2024 owing to non-compliance with approval conditions. For application No. A/YL-HTF/1136, the planning permission was revoked owing to non-compliance with time-limited approval conditions on the submission and implementation of drainage proposal as well as implementation of FSIs proposal. As for application No. A/YL-HTF/1172, it was revoked owing to non-compliance with an approval condition prohibiting vehicles exceeding 5.5 tonnes to enter/exit or be parked/stored on the Site. Details of these previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

¹ Application No. A/YL-HTF/1136 was submitted by the same applicant as the current application, while application No. A/YL-HTF/1172 involved a different applicant.

7. Similar Applications

- 7.1 There are 27 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 these similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.
- 7.2 Out of the 27 applications, 25 (including 10 involving recycling centre/recyclable collection centre with/without workshop and 15 involving only open storage uses) were approved with conditions by the Committee between 2020 and 2025 mainly on considerations similar to those mentioned in paragraph 6 above.
- 7.3 The remaining two applications (No. A/YL-HTF/1108 and 1129) 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 in 2020 and 2022 respectively mainly on grounds of being not in line with the planning intention of the “R(D)” zone and failure to demonstrate no adverse environmental impact.

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

- 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 open storage and warehouse uses are covered by valid planning permissions, whilst some are suspected UD's 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 11.2.2025, the application was published for public inspection. During the statutory public inspection period, a public comment from an individual was received (**Appendix VII**) expressing concern that the approval condition of the previous application prohibiting vehicles exceeding 5.5 tonnes to enter/exit or be parked/stored on the Site has not been complied with.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed 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 proposed 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 proposed uses are considered not incompatible with the surrounding areas.
- 12.3 The Site falls within Category 2 areas under TPB PG-No. 13G. The proposed uses are considered generally in line with TPB PG-No. 13G in that relevant government departments, including the Commissioner for Transport, 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 respectively. While the Director of Environmental Protection (DEP) has no objection to the application, he advises that there were nine 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 shredding and melting of plastic. In this regard, while the Site is currently used for sorting and storage of plastic and open storage of recycling materials, the applicant states that no workshop activities will be conducted 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 two previous applications (No. A/YL-HTF/1136 and 1172) for temporary recycling centre with/without open storage use approved with conditions by the Committee in 2022 and 2024 respectively, with the last

approved application (No. A/YL-HTF/1172) submitted by a different applicant. However, both planning permissions were subsequently revoked in 2024 due to non-compliance with approval conditions related to the submission and implementation of drainage proposal as well as implementation of FSIs proposal (for application No. A/YL-HTF/1136), and an approval condition prohibiting vehicles exceeding 5.5 tonnes to enter/exit or be parked/stored on the Site (for application No. A/YL-HTF/1172). 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 submitted FSIs proposal is considered acceptable by D of FS. The applicant has also pledged to require vehicles entering the Site to book at least one day in advance and that no vehicles exceeding 5.5 tonnes will be allowed at the Site. Should the application be approved, an approval condition prohibiting vehicles exceeding 5.5 tonnes to enter/exit or be parked/stored on the Site is recommended. The applicant will also 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 25 similar applications within/straddling the same “R(D)” zone in the past five years mainly on similar considerations summarised in paragraph 6 above. Although the Committee has rejected two similar applications, their circumstances are 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 and would cause adverse environmental impact. The current application only involves the use of light goods vehicles and no workshop activities will be conducted, and DEP has no objection to 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 concern 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 has no objection to the application.
- 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 28.3.2028. 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, burning and repairing, 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 **28.9.2025**;
- (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 **28.12.2025**;
- (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 **9.5.2025**;
- (g) the implementation of the accepted 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 **28.12.2025**;
- (h) 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
- (i) if any of the above planning condition (c), (d), (f) or (g) 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 proposed 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 4.2.2025
Appendix Ia	SI received on 6.2.2025
Appendix Ib	FI received on 17.3.2025
Appendix II	Extract of 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	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
MARCH 2025**