

RNTPC Paper No. A/YL-PH/861A
For Consideration by
the Rural and New Town
Planning Committee
on 26.3.2021

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/861

<u>Applicant</u>	: Win Century International Investments Limited represented by Mr. Wong Sun Wo William
<u>Site</u>	: Lots 29 (Part), 33 and 35 in D.D. 111 and Adjoining Government Land, Pat Heung, Yuen Long
<u>Site Area</u>	: 5,760m ² (including 829m ² of Government Land (14.4%))
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Pat Heung Outline Zoning Plan No. S/YL-PH/11
<u>Zoning</u>	: “Residential (Group D)” (“R(D)”) [Maximum plot ratio of 0.2 and building height of 2 storeys (6m)]
<u>Application</u>	: Proposed Temporary Recyclable Collection Centre (Recycling of Plastic and Plastic Bottles) with Ancillary Office and Plastic Breaking Workshop for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application Site (the Site) for proposed temporary recyclable collection centre (recycling of plastic and plastic bottles) with ancillary office and plastic breaking workshop for a period of 3 years (**Plan A-1**). According to the Notes of the OZP, ‘Recyclable Collection Centre’ is a Column 2 use in “R(D)” zone which requires planning permission from the Town Planning Board (the Board). The Site is currently paved and vacant (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site involves 1 previous planning application submitted by the same applicant for temporary public vehicle park for private car and light goods vehicle for a period of 3 years, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) in 2018. The planning permission was revoked in September 2020 due to non-compliance with approval conditions.

- 1.3 According to the applicant, three one to two-storey structures (3.5m to 8m in height) will be erected for recycling of plastic, plastic bottles, plastic breaking workshop, ancillary office and toilet with total floor area of about 1,890m². A total of 4 private car parking spaces and 2 loading / unloading spaces for light goods vehicle will be provided. The operation hours are between 8:00am and 7:00pm from Mondays to Saturdays, and there will be no operation on Sundays and public holidays. The Site is accessible via a local track branching off Fan Kam Road. The layout plan submitted by the applicant is at **Drawing A-1**.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application form with plans received on 6.10.2020 (Appendix I)
 - (b) Further Information (FI) received on 4.2.2021 (Appendix Ia) providing response to departmental comments*
 - (c) FI received on 17.3.2021 providing response to (Appendix Ib) departmental comments*
 - (d) FI received on 19.3.2021 providing response to (Appendix Ic) departmental comments*
- *exempted from publication requirements*
- 1.5 On 4.12.2020, the Committee agreed to defer a decision on the application to allow time for the applicant to prepare FI to address departmental comments. After the deferral request, the applicant submitted FI in response to departmental comments. The application is scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the application form and FI at **Appendices I, Ia and Ib**. They can be summarised as follows:

- (a) As the Mainland has banned all import of plastic bottles and plastic waste, there is a build-up of plastic bottles in Hong Kong. The plastic pellet workshop does not have sufficient space to recycle plastic and to break apart the plastic materials. As such, with the agreement of nearby villagers, the current application is submitted. Drainage and landscape proposals are submitted in support of the application.
- (b) There will be no open storage of plastic bottles and materials. All plastic breaking machinery and operation will take place indoor, and air filters will be provided to prevent any pollution from affecting the surrounding areas. The proposed

development will not involve melting of plastic and works to convert the melted plastic into pellets. No washing of plastic bottles will take place.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is the sole “current land owner” of the private land portion of the Site. Detailed information would be deposited at the meeting for Members’ inspection. For the Government land portion, the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) are not applicable.

4. Background

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

5. Previous Application

The Site is the subject of 1 previous application (No. A/YL-PH/768) submitted by the same applicant for temporary public vehicle park for private car and light goods vehicle for a period of 3 years. It was approved with conditions by the Committee in 2018 mainly for the reasons that approval of the application on a temporary basis would not frustrate the long-term planning intention of the “R(D)” zone; it was not incompatible with the surrounding environment; and relevant departments had no adverse comment on the application. The applicant has complied with approval conditions on the submission of tree preservation, drainage, and fire service installations proposals, but the planning permission was revoked in September 2020 due to non-compliance with approval conditions on the provision of boundary fence, and implementation of all the above proposals. Details of the application is summarized in **Appendix II** and its location is shown on **Plan A-1**.

6. Similar Applications

- 6.1 There is no similar application for temporary recycling collection centre in the same “R(D)” zone. There are two similar applications within the adjacent “R(D)” zone further north along Fan Kam Road. Details of the applications are summarized in **Appendix III** and their locations are shown on **Plan A-1**.

One rejected application

- 6.2 Application No. A/YL-PH/822 for proposed temporary recyclable collection centre (waste metalware recycling centre with ancillary office) for a period of 3 years (with an area of 3,670m²) was rejected by the Committee on 20.3.2020 for the reasons that the proposed use was not in line with the planning intention of the

“R(D)” zone; the proposed development was not compatible with the surrounding areas where residential structure, a natural stream and “CA” zones were found; and the applicant failed to demonstrate that the development would not generate environmental nuisance to the surrounding areas.

One approved application

- 6.3 Application No. A/YL-PH/806 for proposed recycling materials collection centre (garment and cloth collection centre with ancillary office) for a period of 3 years (with an area of 2,160m²) was approved with conditions by the Committee on 16.8.2019 mainly for the reasons that the proposed use mainly involved collection and package of recycled garment and cloth without involving machinery and open storage and would unlikely generate significant adverse traffic and drainage impacts and environmental nuisance to the surrounding area; and there was no adverse comment from relevant departments.

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

7.1 The Site is:

- (a) paved and vacant; and
- (b) accessible via a local track branching off Fan Kam Road.

7.2 The surrounding areas are rural in character intermixed with residential structures / dwellings, plant nursery, cultivated agricultural land, open storage / storage yards, and vacant / unused land:

- (a) to its north are residential structures / dwellings (the closest one about 10m away), open storage / storage yards and vacant / unused land;
- (b) to its south are residential structures / dwellings (the closest one about 10m away), cultivated agricultural land, plant nursery, open storage yard, and vacant / unused land;
- (c) to its east are a residential dwelling / structure and vacant / unused land. To its further east is densely vegetated land zoned “Conservation Area” (“CA”); and
- (d) to its west are vacant land and Fan Kam Road.

8. Planning Intention

The planning intention of the “R(D)” zone is 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

9.1 The following Government departments have been consulted and their views on the application are summarized as follows:

Land Administration

9.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) No permission is given for occupation of Government Land (GL) (about 829m² subject to verification) included in the Site. Any occupation of GL without the Government’s prior approval is not allowed.
- (c) Should the application be approved, the lot owner(s) will need to apply to his office to permit the structure(s) to be erected or regularize any irregularities on Site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Furthermore, the applicant has to either exclude the GL from the Site or obtain a formal approval prior to the actual occupation of GL. Applications for any of the above will be considered by LandsD acting in the capacity as landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by LandsD.

Traffic

9.1.2 Comments of the Commissioner for Transport (C for T)

- (a) He has no comment on the application from traffic engineering perspective.
- (b) Should the application be approved, approval condition on no vehicle is allowed to queue back to or reverse onto / from public road at any time during the planning approval period should be included.
- (c) The Site is connected to the public road network via a section of a local access road which is not managed by Transport Department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.

9.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) HyD shall not be responsible for the maintenance of any access connecting the Site and Fan Kam Road.
- (b) If the proposed run-in / out is agreed by TD, the applicant should provide the run-in/out at Fan Kam Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement.
- (c) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

Environment

9.1.4 Comments of the Director of Environmental Protection (DEP):

The applicant is advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (COP) issued by DEP.

Drainage

9.1.5 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection in-principle to the proposed development.
- (b) Should the application be approved, approval conditions on the submission of a revised drainage proposal, and implementation and maintenance of the drainage proposal for the development should be included.
- (c) His detailed comments on the submitted drainage proposal is at **Appendix V**.

Fire Safety

9.1.6 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in-principle to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans.
- (c) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Building Matters

9.1.7 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) As there is no record of approval granted by the Building Authority (BA) for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application.
- (b) Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling etc.) are to be

carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO).

- (c) His detailed comments on UBW, provision of access, temporary or licensed structures are at **Appendix V**.
- (d) Detailed checking under the BO will be carried out at building plan submission stage.

Nature Conservation

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

Noting that the Site has been paved, he has no adverse comments on the application from nature conservation perspective. Nevertheless, trees are found at the periphery of the Site, and the applicant is advised not to disturb them as far as possible during operation should the application be approved.

District Officer's Comments

- 9.1.9 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

He has not received any comments from locals upon close of consultation and he has no particular comments on the application.

- 9.2 The following Government department has no objection to/no comment on the application:
- (a) Chief Engineer/Construction, Water Supplies Department.
 - (b) Director of Electrical and Mechanical Services;
 - (c) Project Manager (West), Civil Engineering and Development Department; and
 - (d) Commissioner of Police.

10. Public Comments Received During Statutory Publication Period

On 13.10.2020, the application was published for public inspection. During the three-week statutory publication period, five public comments were received from a Legislative Councilor (Hon. LEUNG Che-cheung), a Yuen Long District Council

member, the village representative of A Kung Tin, and individuals (**Appendices IV-1 to IV-5**). They all object to the application mainly on the grounds that the proposed use would produce toxins that are harmful to human health; the proposed use would result in adverse environmental, traffic, fire safety and security impacts as well as noise and odour nuisance; and the proposed use should be confined to specific sites and away from residential use.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary recyclable collection centre (recycling of plastic and plastic bottles) with ancillary office and plastic breaking workshop for a period of 3 years at the “R(D)” zone. The planning intention of the “R(D)” zone is 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. The proposed use is not in line with the planning intention of the “R(D)” zone. There is no strong planning justifications in the submission to justify a departure from the planning intention of the “R(D)”, even on a temporary basis.
- 11.2 The proposed use involving recycling of plastic, plastic bottles and plastic breaking is considered not compatible with the surrounding areas which are rural in character intermixed with residential dwellings/ structures and vacant / unused land. A densely vegetated “CA” zone is also located to the east of the Site.
- 11.3 Relevant departments consulted have no adverse comment on the application.
- 11.4 The Site is subject to 1 previous application submitted by the same applicant for temporary public vehicle park for private car and light goods vehicle, which was approved in 2018. However, the planning permission was revoked in September 2020 due to non-compliance with approval conditions. The current application is for a different use. There are two similar applications within the adjacent “R(D)” zone to the north. The approved application (No. A/YL-PH/806) for temporary recycling materials collection centre (garment and cloth collection centre with ancillary office) is subject to a smaller site area and involved collection and package of recycled garment and cloth without machinery. On the other hand, the rejected application (No. A/YL-PH/822) for temporary recyclable collection centre (waste metalware recycling centre with ancillary office) involved recycling of metalware and the use of a metal compressor. The current application is considered more akin to the rejected application in terms of operation nature and potential impacts generated.
- 11.5 Five public comments objecting to the application were received during the statutory publication period as mentioned in paragraph 10 above. In this regard, the departmental comments as well as the planning assessments and considerations as stated above are relevant.

12. Planning Department's Views

12.1 Based on the assessment made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department does not support the application for the following reasons:

- (a) the proposed development 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, and for low-rise, low-density residential developments subject to planning permission from the Board. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis; and
- (b) the proposed development is not compatible with the surrounding areas where residential structures are found.

12.2 Alternatively, 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 3 years until 26.3.2024. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation between 7:00p.m. and 8:00a.m, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/ trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the submission of a run-in/out proposal at Fan Kam Road within **6** months from the date of planning approval to the satisfaction of the Director of Highways and the Commissioner for Transport or of the Town Planning Board by 26.9.2021;
- (f) in relation to (e) above, the implementation of the run-in/out proposal at Fan Kam Road within **9** months from the date of planning approval to the satisfaction of the Director of Highways and the Commissioner for Transport or of the Town Planning Board by 26.12.2021;

- (g) the submission of a 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 26.9.2021;
- (h) in relation to (g) above, the implementation of the 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 26.12.2021;
- (i) in relation to (h) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (j) 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 26.9.2021;
- (k) in relation to (j) 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 26.12.2021;
- (l) if any of the above planning condition (a), (b), (c), (d) or (i) 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
- (m) if any of the above planning condition (e), (f), (g), (h), (j) or (k) 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. 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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 13.3 Alternatively, 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. Attachments

Appendix I	Application form with plans received on 6.10.2020
Appendix Ia	FI received on 4.2.2021
Appendix Ib	FI received on 17.3.2021
Appendix Ic	FI received on 19.3.2021
Appendix II	Previous application covering the Site
Appendix III	Similar applications within the adjacent “R(D)” zone on the Pat Heung OZP
Appendices IV-1 to IV-5	Public Comments
Appendix V	Advisory Clauses
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a & 4b	Site Photos

**PLANNING DEPARTMENT
MARCH 2021**