

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/956

<u>Applicant</u>	:	Plus Investment Limited represented by Mr. WONG Sun Wo William
<u>Site</u>	:	Lots 91 (Part), 98, 99, 100 and 101 in D.D. 108, Pat Heung, Yuen Long
<u>Site Area</u>	:	About 6,380m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Pat Heung Outline Zoning Plan (OZP) 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 Materials Recycling Centre (Waste Metalware, Plastic and Plastic Bottle) with Ancillary Office for a Period of 5 Years and Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary recyclable materials recycling centre (waste metalware, plastic and plastic bottle) with ancillary office for a period of 5 years and filling of land at the application site (the Site). The Site is zoned “R(D)” on the Pat Heung OZP. According to the Notes of the OZP, ‘Recyclable Collection Centre’ is a Column 2 use in the “R(D)” zone which requires planning permission from the Town Planning Board (the Board). Filling of land within “R(D)” zone also requires planning permission from the Board. The Site is vacant, paved, partly covered with weeds, and erected with a structure (**Plans A-2 to A-4**).
- 1.2 According to the applicant, the proposed development involves five 1-storey structures with building heights ranging from 3m to 12m and a total floor area of about 2,426m² for recyclable collection centre and ancillary site office, toilet and meter room. The applicant also applies for filling of land for the entire Site to levels ranging from +40mPD to +41mPD for site formation, loading/unloading space and circulation. The proposed operation hours are between 8:00 a.m. and 6:00 p.m. from Mondays to Saturdays with no operation on Sundays and public holidays. Two parking spaces for private car and two loading/unloading (L/UL) spaces for light goods vehicle are provided within the Site. The Site is accessible to Fan Kam Road via a local track. The site layout plan and paving plan submitted by the applicant are at **Drawings A-1 and A-2**.

- 1.3 The Site is involved in nine previous applications for various temporary uses (details at paragraph 5 below).
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application form with supplementary information received (**Appendix I**) on 24.5.2023, 31.5.2023 and 5.6.2023
 - (b) Further Information (FI) received on 18.9.2023 and (**Appendix Ia**) 21.9.2023*
 - (c) FI received on 3.11.2023* (**Appendix Ib**)
** accepted and exempted from publication and recounting requirements*
- 1.5 On 14.7.2023, the Rural and New Town Planning Committee (the Committee) agreed to defer making a decision on the application for two months as requested by the applicant.

2. Justifications from the Applicant

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

- (a) The application is on a temporary basis and the applied use is not incompatible with the surrounding environment.
- (b) No material breaking, crushing, burning or melting processes will be involved in the proposed operations. Recyclable materials will be sorted, compressed and packed at the Site prior to shipping to the Mainland for further processing. All recycling activities and compressors will be kept indoor at all times in the enclosed structures. Air filtration systems will be installed in the proposed development. No recyclable material will be stored in the open-air area of the Site.
- (c) The development will not induce adverse traffic, environmental and drainage impacts to the surrounding areas. The applicant undertakes to comply with the approval conditions to be stipulated by the Committee should the current application be approved by the Committee again.
- (d) The applicant has applied to Lands Department (LandsD) for Short Term Waiver (STW) to regularise the structure at the Site, while the existing unauthorised building structures at the Site will be removed.

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 notification letter to the Pat Heung Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site was subject to a planning enforcement action case against an Unauthorised Development (UD) involving workshop and storage uses (**Plan A-2**). An Enforcement Notice was issued on 9.9.2022.

5. Previous Applications

- 5.1 Various parts of the Site are involved in nine previous applications (No. A/YL-PH/479, 524, 537, 681, 725, 745, 780, 822 and 882). Whilst the former seven are for various temporary public car park, hobby farm and open storage uses which are not relevant to the current application, the remaining two applications No. A/YL-PH/822 and 882 submitted by a different applicant from the current application, are for temporary recyclable materials recycling centre.
- 5.2 Application No. A/YL-PH/822 for temporary recyclable materials recycling centre (temporary waste metalware recycling centre with ancillary office) was rejected by the Committee in March 2020 mainly on the grounds that the applicant failed to demonstrate that the proposed development would not generate environmental nuisance and impacts to the surrounding areas as the development involved the use of heavy vehicles.
- 5.3 The site of application No. A/YL-PH/822 forms part of another application subsequently approved under application No. A/YL-PH/882 for temporary recyclable materials recycling centre (recycling waste paper, waste metalware and plastic) by the Committee in July 2021 mainly on the considerations that no heavy vehicles was involved in the application; temporary approval would not frustrate the long-term planning intention; relevant departments in general had no adverse comments; and their technical concerns could be addressed by appropriate approval conditions. The planning permission under application No. A/YL-PH/882 was revoked in January 2022 due to non-compliance with approval conditions.
- 5.4 Compared with the scheme under the previous approved application No. A/YL-PH/882, there are changes in layout, increases in site area, number of structures and gross floor area.
- 5.5 Details of the previous applications are summarised in **Appendix II** and the locations are shown on **Plan A-1b**.

6. Similar Applications

- 6.1 There are two similar applications (No. A/YL-PH/806 and 905) for temporary recyclable materials collection centre within the same “R(D)” zone in the vicinity of the Site in the past 5 years. Both applications were approved with conditions by the Committee in August 2019 and February 2022 respectively on similar considerations as stated in paragraph 5.3 above. The planning permissions under both applications were revoked in November 2021 and February 2023 respectively due to non-compliance with approval conditions.

- 6.2 Details of these applications are summarised in **Appendix II** and the locations are shown on **Plan A-1a**.

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

7.1 The Site is:

- (a) vacant, paved, partly covered with weeds, and erected with a structure; and
- (b) accessible to Fan Kam Road on the west via a local track.

- 7.2 The surrounding areas are rural in character intermixed with open storage/storage yards, residential dwellings/structures, vacant lands, vehicle repair workshops, a warehouse and woodlands. The “Village Type Development” (“V”) zone of the village settlement of Ta Shek Wu (打石湖) is located about 80m to the southwest of the Site (**Plans A-1a and 3**).

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 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 in the Recommended Advisory Clauses are provided in **Appendices III and IV** respectively.

- 9.2 The following government department has adverse comments on the application:

Land Administration

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

- (a) LandsD has adverse comments on the application;
- (b) 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; and
- (c) LandsD has grave concerns given that there are unauthorised building works (UBWs) and/or uses on Lot 91 in D.D. 108 which is already subject to lease

enforcement actions according to case priority. The lot owner(s) should remedy the lease breaches as demanded by LandsD.

10. Public Comments Received During Statutory Publication Period (Appendix V)

The application was published for public inspection. During the statutory publication period, eight public comments from indigenous inhabitant representative of Ta Shek Wu village, representative of Ta Shek Wu villagers and individuals were received. The commenters object to the application mainly on the grounds that the proposed development would generate environmental nuisance and adverse health and safety impacts on the surrounding area; and it would cause adverse traffic, fire safety, environmental and ecological impacts on the surrounding area.

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary recyclable materials recycling centre (waste metalware, plastic and plastic bottle) with ancillary office for a period of 5 years and filling of land at the Site zoned “R(D)”. 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. Whilst the proposed development is not in line with the planning intention of the “R(D)” zone, there is no known proposal for long-term development at the Site. It is considered that approval of the application on a temporary basis for a period of 5 years would not frustrate the long-term planning intention of the “R(D)” zone. Filling of land within “R(D)” zone also requires planning permission from the Board. In this regard, the Chief Engineer/Mainland North of the Drainage Services Department (CE/MN of DSD) and the Director of Environmental Protection (DEP) have no objection to the proposed filling of land from drainage and environmental perspectives.

11.2 The Site falls within an area which is rural in character intermixed with open storage/storage yards, residential dwellings/structures and vehicle repair workshops (**Plan A-2**). There were a total of five complaint cases against the Site regarding noise and air aspects received in the past 3 years. In this regard, the applicant states that no material breaking, crushing, burning or melting processes will be involved in the proposed operations. All recycling activities will be undertaken within the enclosed structures. DEP has no objection to the application from environmental perspective. Approval conditions restricting operation hours and operation processes are recommended. Should the application be approved, the applicant will be advised to follow the revised ‘Code of Practice on Handling the Environmental Aspect of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department to minimise any potential environmental nuisances.

11.3 DLO/YL of LandsD has adverse comments on the application in view of the existing UBWs at the Site. In this regard, the applicant states that he has applied for STW to regularise the structure and undertakes to remove the UBWs at the Site. Relevant advisory clause on need for application to LandsD for

regularisation for UBWs is also recommended. Other relevant government departments, including the Commissioner for Transport, CE/MN of DSD, the Director of Fire Services and the Director of Agriculture, Fisheries and Conservation have no objection to or no adverse comments on the application. To address the technical requirements of concerned government departments, relevant approval conditions are recommended in paragraph 12.2 below.

- 11.4 The Site is the subject of two relevant previous applications. The circumstances of the current application are different from the rejected application No. A/YL-PH/ 822 in that no heavy vehicle is involved and EPD has no objection to the current application. In addition, there are two similar applications approved by the Committee in 2019 and 2022 respectively for temporary recyclable materials collection centre use within the same “R(D)” zone as mentioned in paragraph 6.1 above. Approving the current application is in line with the Committee’s previous decisions.
- 11.5 Regarding the public comments on the application as detailed in paragraph 10 above, the departmental comments and planning assessments as stated 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 comments mentioned in paragraph 10 above, 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 5 years until 10.11.2028. The following approval conditions and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation between 6:00 p.m. and 8:00 a.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 material breaking, crushing, burning or melting, as proposed by the applicant, is allowed on the site during the planning approval period;
- (d) all the recycling activities shall be conducted indoor within the site, as proposed by the applicant, during the planning approval period;
- (e) no storage of recyclable material in the open-air portion of the site, as proposed by the applicant, is allowed during the planning approval period;
- (f) no 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;

- (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 10.5.2024;
- (h) in relation to (g) above, the implementation of the accepted 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 10.8.2024;
- (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 10.5.2024;
- (k) in relation to (j) above, 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 10.8.2024;
- (l) if any of the above planning condition (a), (b), (c), (d), (e), (f) 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 (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 in **Appendix IV**.

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

the 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. It is also intended 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.

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 supplementary information received on 24.5.2023, 31.5.2023 and 5.6.2023
Appendix Ia	FI received on 18.9.2023 and 21.9.2023
Appendix Ib	FI received on 3.11.2023
Appendix II	Previous and Similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public Comments
Drawing A-1	Site layout plan
Drawing A-2	Paving Plan
Plan A-1a	Location plan with similar applications
Plan A-1b	Previous Application Plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
NOVEMBER 2023**