

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/963

<u>Applicant</u>	:	Sky Score (China) Limited represented by Mr. WONG Sun Wo William
<u>Site</u>	:	Lots 68 (Part), 69 S.B (Part), 70 (Part) and 71 RP (Part) in D.D. 108, Pat Heung, Yuen Long
<u>Site Area</u>	:	About 3,560m 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)”)
<u>Application</u>	:	Proposed Temporary Recyclable Collection Centre (Waste Metalware, Waste Paper and Cloth) 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 collection centre (waste metalware, waste paper and cloth) 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 (**Plan A-1**). 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 paved, fenced and currently used for open storage of construction machineries and materials with some temporary container structures without valid planning permission (**Plans A-2 to A-4b**).
- 1.2 According to the applicant, the proposed use involves three 1 to 2-storey structures with building heights ranging from 3.5m to 12m and a total floor area of about 3,079m² for recyclable collection centre, ancillary office, staff rest room and meter room uses. The applicant also applies for regularisation of filling of land for the entire Site to levels ranging from +33.4mPD to +34.6mPD for the paved area within the Site. 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 spaces for light goods vehicle will be provided within the Site. The Site is accessible to Fan Kam Road

via a local track. The site layout plan submitted by the applicant is at **Drawing A-1**.

1.3 In support of the application, the applicant has submitted the following documents:

- (a) Application form with supplementary information received (**Appendix I**)
on 3.7.2023 and 7.7.2023
- (b) Further Information (FI) received on 25.10.2023* (**Appendix Ia**)
- (c) FI received on 13.11.2023 and 16.11.2023* (**Appendix Ib**)
- (d) FI received on 7.12.2023 and 11.12.2023* (**Appendix Ic**)
** accepted and exempted from publication and recounting requirements*

1.4 On 25.8.2023, 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 Ic**. They can be summarised as follows:

- (a) The Site has been used for open storage for many years without valid planning permission. The applicant is intended to obtain planning permission for the proposed use with a view to supporting the recycling industry in Hong Kong.
- (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. To minimise the possible noise nuisances to the nearby residents, the ventilation windows in the proposed use will be closed during the operation hours. No recyclable material will be stored in the open-air area of the Site.
- (c) Approval of the current application will not set an undesirable precedent as there are similar applications (No. A YL-PH/806 and 956) approved by the Committee in the vicinity of the Site.
- (d) The development will not induce adverse traffic, environmental and drainage impacts to the surrounding areas.
- (e) A meeting with Ta Shek Wu villagers had been held on 6.10.2023 to explain the operation of the proposed temporary recyclable collection centre and the attending villagers agreed to withdraw their objections (**Appendix Ia**). The International Riding Centre (**Plan A-3**) is located more than 119m away from the Site with two warehouses in between. Adverse impacts on the operation of the centre and the horses are not 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. 31A) by giving notification. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

The Site is not subject to planning enforcement action.

5. **Previous Application**

- 5.1 The Site forms part of a previous application (No. A/YL-PH/13) for temporary private car and lorry carpark and open storage of vehicle parts which is not relevant to the current application for temporary recyclable collection centre use.
- 5.2 Details of the previous application are summarised in **Appendix II** and the location is shown on **Plan A-1**.

6. **Similar Applications**

- 6.1 There are five similar applications (No. A/YL-PH/806, 822, 882, 905 and 956) for temporary recyclable materials collection/recycling centre within the same “R(D)” zone in the vicinity of the Site in the past 5 years. Except application No. A/YL-PH/822, all applications were approved with conditions by the Committee between 2019 and 2023 mainly on the considerations that 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 permissions under applications No. A/YL-PH/806, 882 and 905 were revoked in November 2021, January 2022 and February 2023 respectively due to non-compliance with approval conditions.
- 6.2 Application No. A/YL-PH/822 was rejected by the Committee in March 2020 for the reasons that the development was not in line with the planning intention of the “R(D)” zone; there was no sufficient information to demonstrate that the development would not cause adverse environmental nuisance to the surrounding areas as the development involved the use of heavy vehicles; and the development was not compatible with the surrounding areas. Nevertheless, the subsequent application No. A/YL-PH/882 for the same use covering approximately the same site was approved by the Committee in July 2021.
- 6.3 Details of these applications are summarised in **Appendix II** and the locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) paved, fenced and currently used for open storage of construction machineries and materials with some temporary container structures without valid planning permission; and
- (b) accessible to Fan Kam Road via a local track.

7.2 The surrounding areas are rural in character intermixed with open storage/storage yards, residential dwellings/structures, vehicle repair workshops. A temporary riding school, namely the International Riding Centre, is located to the south of the Site without valid planning permission (**Plans A-2 and A-3**). The village cluster of Ta Shek Wu within “Village Type Development” zone is located about 600m to the further south of the Site.

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 provided comments on the application:

Local Views

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

- (a) he has no particular comment on the application; and
- (b) there are two comments received from locals. The Village Representative (VR) of Ta Shek Wu objects to the application mainly on the ground that the proposed use will cause pollution problems. The other comment from the International Riding Centre (**Plan A-3**) raises concerns that the proposed use will cause adverse environmental, traffic, noise and fire safety impacts on the surrounding areas and the users and horses of the riding centre.

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

The application was published for public inspection. During the statutory publication period, two public comments from a representative of Ta Shek Wu villagers and an individual were received, objecting to the application mainly on the grounds that the proposed use would generate environmental nuisance, adverse traffic, ecological and safety impacts on the surrounding area; it is not in line with the planning intention and not compatible with the nearby land uses.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary recyclable collection centre (waste metalware, waste paper and cloth) with ancillary office for a period of 5 years and filling of land at the Site zoned “R(D)” (**Plan A-1**). 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 use is not entirely 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.
- 11.2 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.
- 11.3 The proposed use is considered not incompatible with the surrounding land uses intermixed with open storage/storage yards, residential dwellings/structures and vehicle repair workshops. The Chief Town Planner/Urban Design and Landscape of the Planning Department considers that significant landscape impact arising from the proposed use is not anticipated.
- 11.4 Other relevant government departments, including DEP, the Commissioner for Transport, CE/MN of DSD and the Director of Fire Services 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. To minimise any possible environmental nuisance, the applicant states that all recycling activities and compressors will be kept indoor at all times in the enclosed structures. Besides, approval conditions restricting operation hours and operation processes are recommended and 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 should the application be approved by the Committee.
- 11.5 There are five similar applications for temporary recyclable materials collection centre use as mentioned in paragraph 6 above. The planning 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. The other four applications were all approved by the Committee between 2019 and 2023. Approving the current application is in line with the Committee's previous decisions.

- 11.6 Regarding the comments conveyed by DO(YL), HAD and the public comments received during the statutory period mentioned in paragraphs 9.2(b) and 10 above, the applicant states that a meeting with Ta Shek Wu villagers had been held explaining the operation of the proposed temporary recyclable collection centre and the attending villagers agreed to withdraw their objections. The applicant also indicates that the proposed use and the International Riding Centre are separated by warehouses and the recycling activities will be kept indoor at all times in the enclosed structures, and thus adverse impacts on the operation of the centre and the horses are not anticipated. The departmental comments and planning assessments above are also relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the local views and public comments mentioned in paragraphs 9.2(b) and 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 22.12.2028. 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 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 22.6.2024;

- (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 22.9.2024;
- (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 22.6.2024;
- (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 22.9.2024;
- (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 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. 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 3.7.2023 and 7.7.2023
Appendix Ia	FI received on 25.10.2023
Appendix Ib	FI received on 13.11.2023 and 16.11.2023
Appendix Ic	FI received on 7.12.2023 and 11.12.2023
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
Plan A-1	Location plan with similar applications
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4a and 4b	Site photos

**PLANNING DEPARTMENT
December 2023**