

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-HTF/1101**

- Applicant** : TANG Chiu Wah represented by Metro Planning and Development Company Limited
- Site** : Lots 182 S.A ss.2 (Part) and 182 S.B (Part) in D.D.128, Ha Tsuen, Yuen Long, New Territories
- Site Area** : 3,350 m<sup>2</sup> (about)
- 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)”)  
[No development including redevelopment for ‘Flat’ and ‘House’ (except ‘New Territories Exempted Houses’) uses shall result in a development and/or redevelopment in excess of a maximum plot ratio of 0.2 and a maximum building height of 2 storeys (6m).]
- Application** : Proposed Temporary Recyclable Collection Centre for Metal and Garment 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 for metal and garment for a period of 3 years. The Site falls within an area zoned “Residential (Group D)” (“R(D)”) on the Approved Ha Tsuen Fringe Outline Zoning Plan (OZP) No. S/YL-HTF/12 (**Plan A-1**). According to the Notes of “R(D)” zone, ‘Recyclable Collection Centre’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently vacant. There is no previous application at the Site (**Plans A-2 and A-4a to 4b**).
- 1.2 The Site is accessible via a local track to Fung Kong Tsuen Road (**Plans A-2 and A-3**). As shown on the proposed layout plan at **Drawing A-2**, there are four temporary structures with a total floor area of about 670 m<sup>2</sup> and building height of 5m for open sheds for storage, sorting, packing and baling of recyclable materials and office uses. The applicant indicates that there are 2 light goods vehicle parking spaces. According to the applicant, the operation hours are from 9 am to 7 pm from Mondays to Saturdays and no operation on Sundays and public

holidays. The proposed layout plan, landscape plan and drainage plan are shown at **Drawings A-2, A-3 and A-4** respectively.

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

- (a) Application form with attachments received on **(Appendix I)**  
19.11.2019 and 21.11.2019
- (b) Supplementary Planning Statement **(Appendix Ia)**

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the supplementary planning statement **(Appendix I)**. They can be summarized as follows:

- (a) The proposed development is a community-based recycling activities involving collection, storage, sorting, packing and baling of recyclable materials.
- (b) The proposed development is compatible with the surrounding environment.
- (c) The proposed development will not jeopardize the long term planning intention of the “R(D)” zone.
- (d) There are similar applications for temporary recyclable collection centre approved by the Rural and New Town Planning Committee (the Committee) in the vicinity (Application No. A/YL-HTF/1085).
- (e) The proposed development will not generate adverse traffic, environmental and drainage impact to the surroundings.

## **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 notice at the site and sending registered post to the Ha Tsuen Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Background**

The Site is subject to an enforcement action against unauthorised development (UD) involving storage use. Enforcement Notice (EN) was served on 18.3.2019 and expired on 18.6.2019. Recent site inspection on 6.1.2020 revealed that UD was discontinued. If the requirement of the EN was not complied with, prosecution action would be taken against the notice recipients.

## **5. Previous Application**

There is no previous application at the Site.

## **6. Similar Applications**

- 6.1 There are four similar applications (No. A/YL-HTF/1085, 1093, 1096 and 1099) involving two sites for various recycling centre uses within the same “R(D)” zone on the OZP. Details of these applications are summarized at **Appendix II** and the locations of these application sites are shown on **Plan A-1**.
- 6.2 Applications No. A/YL-HTF/1085 and 1099 for temporary recyclable collection centre for garment, cloth and waste paper use were approved by the Committee on 4.5.2018 and 13.12.2019 respectively mainly on the grounds that the development was not incompatible with the surrounding areas and there were no adverse traffic, environmental, drainage and landscape impacts on the surroundings.
- 6.3 Applications No. A/YL-HTF/1093 and 1096 fall mainly within the adjoining “AGR” zone with a minor portion in the same “R(D)” zone. Both applications for proposed temporary plastic bottle recycling centre with workshop and ancillary office for a period of 3 years were rejected by the Committee on 1.2.2019 and 20.9.2019 respectively. The rejection reasons include the proposed development was not in line with the planning intentions of the “AGR” and “R(D)” zones; the applicants failed to demonstrate no adverse traffic and / or environmental impacts; and approval of application would set an undesirable precedent for similar applications.

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

7.1 The Site is:

- (a) currently vacant; and
- (b) accessible via a local track from Fung Kong Tsuen Road (**Plans A-2 and A-3**).

7.2 The surrounding areas have the following characteristics:

- (a) to its north, east and west are orchard, cultivated and fallow agricultural land. To the further northwest are graves; and
- (b) to its south, southwest and southeast are warehouses and open storage yards.

## **8. 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.

## **9. Comments from Relevant Government Departments**

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

### **Land Administration**

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

- (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) The Site is accessible from Fung Kong Tsuen Road through Government Land (GL) and private lots. His office provides no maintenance works over the GL involved and does not guarantee any right-of-way to the Site.
- (c) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (d) Should planning approval be given to the planning application, the lot owner(s) of the lot(s) without Short Term Waiver will need to apply to his office for permitting the structures to be erected or regularize any irregularities on site, if any. No construction of New Territories Exempted Building(s) will be considered or allowed. Application(s) for any of the above will be considered by the LandsD acting in the capacity of the 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 premium or fee, as may be imposed by the LandsD.

### **Traffic**

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

- (a) He has no adverse comment on the application from traffic engineering point of view.
- (b) Sufficient manoeuvring space shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads.
- (c) The local track leading to the Site is not under TD's purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site.

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

- (a) The access arrangement should be commented by TD.

- (b) HyD shall not be responsible for the maintenance of any access connecting the Site and Fung Kong Tsuen Road.

### **Environment**

#### 9.1.4 Comment of the Director of Environmental Protection (DEP):

- (a) DEP has no adverse comment on the application.
- (b) The applicant is advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the DEP to minimize potential environmental nuisance to the surrounding area.
- (c) There is no substantiated complaint pertaining to the Site received in the past 3 years.

### **Landscape**

#### 9.1.5 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) The Site located to the northwest of Fung Kong Tsuen lies in an area of “R(D)” zone. The Site is not subject to any previous planning application. The current application seeks planning permission for temporary recyclable collection centre use for a period of 3 years.
- (b) With reference to site visit conducted and aerial photo of 2018, the Site is formed and some existing trees of common species are observed within the Site. Vegetated areas and tree groups are found to the north and further northwest of the Site. The Site is situated in an area of rural landscape character predominated by open storage yards and temporary structures. The proposed use is not incompatible with the surrounding landscape character. Hence, he has no objection to the application from landscape planning perspective.
- (c) In consideration that the Site is not situated in a landscape sensitive zoning and not facing any prominent public frontage, it is considered the approval condition to maintain all existing trees within the Site in good condition for the duration of the planning approval period is adequate should the application be approved by the Board.

### **Drainage**

#### 9.1.6 Comments of the Chief Engineer/Mainland North, DSD (CE/MN, DSD):

- (a) He has no objection in principle to the proposed application from a drainage point of view; and
- (b) Should the Board consider that the application is acceptable from planning point of view, he would suggest a condition should be stipulated in the approval letter requiring the applicant to submit a revised drainage proposal, to implement and to maintain the proposed

drainage facilities to the satisfaction of the Director of Drainage Services or of the Board.

### **Building Matters**

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

- (a) Before any building works (including containers / open sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, prior approval and consent of the Building Authority should be obtained, otherwise they are unauthorized building works (UBW) under the Buildings Ordinance (BO). An Authorized Person should be appointed as the coordinator for the proposed works in accordance with the BO.
- (b) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with prevailing enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.
- (c) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations respectively.
- (d) The Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulation at the building plan submission stage.

### **Fire Safety**

9.1.8 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.
- (c) 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.
- (d) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

### **District Officer's Comments**

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

His office has not received any comment from the locals on the application.

### **Others**

- 9.1.10 Comments of the Antiquities and Monuments Office, Development Bureau (AMO, DEVB):

In view of the location and scope of the proposed temporary recyclable collection centre for metal and garment, the AMO has no objection to the application from cultural heritage viewpoint. Nevertheless, the applicant is required to inform AMO immediately if antiquities or supposed antiquities are discovered in the course of excavation works.

- 9.2 The following Government departments have no comment on the application:

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (c) Chief Engineer/Land Works, CEDD (CE/LW, CEDD)
- (d) Director of Electrical and Mechanical Services (DEMS);
- (e) Director of Leisure, Cultural and Services (DLCS);
- (f) Commissioner of Police (C of P); and
- (g) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

## **10. Public Comment Received During Statutory Publication Period**

On 26.11.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 17.12.2019, one public comment (**Appendix III**) was received objecting to the application on the grounds that the surrounding of the Site is still in a relatively natural status and the proposed development should be developed in other locations.

## **11. Planning Considerations and Assessments**

- 11.1 The subject application is for proposed temporary recyclable collection centre for metal and garment for a period of 3 years at the Site zoned "R(D)" on the OZP. 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. Whilst the development is not entirely in line with the planning intention of the "R(D)" zone, there is no known development for the Site in the subject "R(D)" zone. In this regard, approval of the application on a temporary basis of 3 years would not jeopardize the long-term development of the Site.

- 11.2 The Site is located in an area predominantly occupied by warehouse, godowns and different types of open storage uses. The proposed use is considered not incompatible with the surrounding areas.
- 11.3 The proposed use would not cause significant adverse traffic, environmental, drainage and landscape impacts on the surrounding areas. Relevant Government departments including C for T, DEP, CE/MN, DSD and CTP/UD&L, PlanD have no adverse comment on/objection to the application. To address the technical concerns of concerned Government departments and to minimize any potential nuisance, appropriate approval conditions are recommended in paragraph 12.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorized development on the Site will be subject to enforcement action by the Planning Authority.
- 11.4 There is no previous application at the Site. The Committee approved two similar applications (No. A/YL-HTF/1085 and 1099) in the same “R(D)” zone (**Plan A-1**). Approval of this application is in line with the Committee’s previous decisions. For those rejected applications (No. A/YL-HTF/1093 and 1096), the rejection reasons were mainly involving not in line with the planning intentions of the “AGR” and “R(D)” zones, adverse traffic and environmental impacts and setting an undesirable precedent for similar applications.
- 11.5 One public comment was received objecting to the application mainly on grounds stated in paragraph 10. The planning considerations and assessments in paragraphs 11.1 to 11.4 are relevant.

## **12. Planning Department’s Views**

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10, the Planning Department has no objection to the application for the temporary recyclable collection centre for metal and garment for a period of 3 years.
- 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 3 years until **17.1.2023**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

### Approval Conditions

- (a) no operation from 7 p.m. to 9 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 medium or heavy goods vehicle exceeding 5.5 tonnes is allowed to enter / exit or to be parked / stored on the Site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;



- (e) 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 **17.7.2020**;
- (f) in relation to (e) 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 **17.10.2020**;
- (g) in relation to (f) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (h) the existing trees within the Site shall be maintained in good condition at all times during the planning approval period;
- (i) the submission of a fire service installations proposal within **6 months** from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by **17.7.2020**;
- (j) in relation to (i) above, the implementation of the fire service installations proposal within **9 months** from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by **17.10.2020**;
- (k) if any of the above planning conditions (a), (b), (c), (d), (g) or (h) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (l) if any of the above planning conditions (e), (f), (i) or (j) is not complied with by the above 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 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. There is no strong planning justification in the submission for a departure from such 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 reasons for rejection should be given to the applicant.

**14. Attachments**

<b>Appendix I</b>	Application form with attachments received on 19.11.2019 and 21.11.2019
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix II</b>	Similar Applications within the same “R(D)” zone
<b>Appendix III</b>	Public Comment
<b>Appendix IV</b>	Advisory Clauses
<b>Drawing A-1</b>	Site Access Plan
<b>Drawing A-2</b>	Proposed Layout Plan
<b>Drawing A-3</b>	Proposed Landscape Plan
<b>Drawing A-4</b>	Proposed Drainage Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to 4b</b>	Site Photos

**PLANNING DEPARTMENT  
JANUARY 2020**