

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/358

- Applicant** : Double Industries Co. represented by Ms. HUI Hang Yu
- Site** : Lots 1373 (Part), 1375 (Part), 1376 (Part), 1377 (Part) and 1378 (Part) in D.D.124, Ha Tsuen, Yuen Long
- Site Area** : 2,835 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Shui Kiu and Ha Tsuen (HSK and HT) Outline Zoning Plan (OZP) No. S/HSK/2
- Zonings** : “Other Specified Uses” annotated “Enterprise and Technology Park” (“OU(ETP)”) (about 74%); and
[Restricted to maximum plot ratio (PR) of 5 and maximum building height (BH) of 90mPD]
- an area shown as ‘Road’ (about 26%)
- Application** : Proposed Temporary Hardware Processing Workshop with Ancillary Office 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 hardware processing workshop with ancillary office for a period of 3 years (**Plan A-1**). The Site falls within an area zoned “OU(ETP)” and areas shown as ‘Road’ on the approved HSK and HT OZP. According to the Notes of the OZP, ‘rural workshop’ is neither a Column 1 nor Column 2 use under the “OU(ETP)” zone. Nevertheless, according to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently used for open storage and workshop and partly occupied by temporary structures without valid planning permission.
- 1.2 The Site is accessible from Kong Sham Western Highway via a local track and the ingress/egress point is at the southern boundary of the Site (**Drawing A-1 and Plan A-2**). As shown on the layout plan at **Drawing A-1**, there will be a temporary single-storey structure with ventilation facilities (7m high, GFA 1,955m²) to provide an

enclosed environment for the necessary hardware processing workshop. An ancillary office (1 storey of 4m high, 40m²) will also be provided within the above temporary structure. 3 parking spaces for private cars and 1 loading/unloading space for light goods vehicle are proposed in the open area at the southern portion of the Site. According to the applicant, no workshop activities will be carried out at the uncovered area. The operation hours are between 8:00 a.m. and 8:00 p.m. from Mondays to Saturdays. There will be no operation on Sundays and public holidays. The proposed layout plan is shown at **Drawing A-1**.

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

- (a) Application Form received on 19.1.2022 (Appendix I)
with supplementary drawings
- (b) Further Information (FI) received on 16.2.2022 providing responses to the comments from the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) (Appendix Ia)
- (c) FI received on 22.2.2022 and 28.2.2022 providing responses to the comments from the Director of Environmental Protection (DEP) (Appendices Ib and Ic)
[(b) and (c) are exempted for publication]

2. **Justifications from the Applicant**

The justifications put forth by the Applicant in support of the application are detailed in the planning justifications at **Appendix I**. They can be summarized as follows:

- (a) The applied use is a Column 2 use within the “OU(ETP)” zone¹, which requires permission for the Town Planning Board. The applied use on temporary basis will not result in any long-term adverse impact to the planning intention of the area.
- (b) The main workshop activities include the separation of various materials like metal, aluminium, copper and plastics from cables and wires with subsequent packaging activities before delivering to other locations/countries for further processing. Adequate parking spaces and loading/unloading space will be used by staff or visitor(s). Necessary transportation of goods will be arranged at off peak hours to minimise the adverse traffic impact to the surrounding road network.
- (c) The applicant will strictly follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department to minimize adverse environmental impact and nuisance to the surrounding area.
- (d) The applicant undertakes to provide and maintain drainage facilities for the Site and is

¹ According to the Notes of the OZP, ‘rural workshop’ is neither a Column 1 nor Column 2 use under the “OU(ETP) zone.

willing to accept relevant conditions that the Board considers necessary.

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

The applicant is not a “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 notice to the Ha Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is currently subject to an enforcement case (No. E/YL-HSK/82) against unauthorised development (UD) involving storage use and workshop use (**Plan A-2**). An Enforcement Notice was issued on 23.9.2021 to the concerned parties requiring discontinuation of the UD.

5. Previous Applications

The Site does not involve any previous application.

6. Similar Applications

There is one similar application (No. A/HSK/184) involving the same “OU(ETP)” zone on the OZP for temporary reinforcing steel processing workshop with ancillary office which was approved with conditions by the Committee on the considerations that the applied use was not incompatible with the surrounding areas; and no major adverse comments from concerned government departments. Details of this application are summarized at **Appendix II** and its location is shown on **Plan A-1**.

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

7.1 The Site is:

- (a) currently used for open storage and workshop and partly occupied by temporary structures without valid planning permission; and
- (b) accessible from Kong Sham Western Highway via a local track.

7.2 The surrounding areas have the following characteristics:

- (a) to its immediate east and north-east are a piece of vacant land and some residential dwellings. Further north-east are an open storage yard of construction material and some residential dwellings;
- (b) to its immediate north is a residential dwelling. Further north is a warehouse for storage;
- (c) to its southwest and northwest are some open storage yards of containers, machineries, vehicles, vehicle parts and a warehouse; and

- (d) to its south and southeast are an open storage yard of construction materials and a storage facility.

8. Planning Intentions

The planning intention of the “OU(ETP)” zone is primarily to provide development space for accommodating a variety of innovation and technology uses, including research centre, testing and certification, data centre, modern industries and other related businesses and non-polluting industrial uses.

9. Comments from Relevant Government Departments

- 9.1 The following government departments have been consulted and their views on the application received 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 Scheduled 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. There is no lease modification/land exchange application or building plan submission in relation to development at the application site approved/under processing.
- (b) The applicant should be reminded of the detailed comments in **Appendix IV**.

Traffic

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

- (a) He has no adverse comments on the application from traffic engineering view point.
- (b) Sufficient manoeuvring space shall be provided within the Site. No vehicle is allowed to queue back to or reverse onto/from the public road.
- (c) The applicant should be reminded of the detailed comments in **Appendix IV**.

- 9.1.3 Comments of CHE/NTW, HyD:

- (a) Adequate drainage measures should be provided to prevent surface water flowing from the Site to nearby public roads and drains.
- (b) The access road connecting the Site and ‘Kong Sham Western Highway’ is not and will not be maintained by his Office. His Office should not be responsible for maintaining any access connecting the Site with Kong Sham Western Highway.

Environment

9.1.4 Comments of DEP:

- (a) He has no objection to the application.
- (b) According to the submitted information, the existing use of processing and recycling of scrap metal in a semi-open environment will be phased out, i.e. discontinuing the existing business with scrap metal. The proposed metal workshop will be for manufacturing of screws and aluminium strips from raw material of stainless steel or steel, then packaging. The proposed manufacturing and packaging activities will be carried out in the metal workshop of an enclosed structure of metal and concrete of 7m high and 1,955m².
- (c) Notwithstanding the above, a number of substantiated environmental complaints concerning malodour and noise from workshop activities were received by his department at the subject site in the past 3 years. In this connection, an approval condition that no workshop activities are allowed in the open area of the Site should be imposed.
- (d) Should the application be approved, the applicant is also advised of the detailed comments in **Appendix IV**.

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 development from a drainage point of view.
- (b) Should the application be approved, he would suggest that a condition should be stipulated in the approval letter requiring the applicant to submit a drainage proposal, to implement and maintain the proposed drainage facilities to the satisfaction of his Division.

Building Matters

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

- (a) There is no record of approval by the Building Authority for the existing structures at the Site.
- (b) The applicant should be reminded of the detailed comments in **Appendix IV**.

Fire Safety

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

- (a) He has no objection in principle to the application 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 him for approval.
- (c) The applicant should be reminded of the detailed comments in **Appendix IV**.

Long-Term Development

9.1.8 Comments of the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD):

- (a) The Site falls within the boundary of Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA). To ensure timely and orderly implementation, the development of HSK/HT NDA and relevant site formation and infrastructure works would be implemented in three phases, viz. First Phase development, Second Phase development and Remaining Phase development. The lots concerned fall within the site under Second Phase development of HSK/HT NDA. While the detailed implementation programme for the project is still being formulated, it is envisaged that the site formation and engineering infrastructure works for Second Phase development will commence in 2024. In this regard and subject to the necessary approvals as required, the Government plans to acquire the relevant sites by end 2023 progressively for the development of HSK/HT NDA.
- (b) The applicant is required to pay attention to the above-mentioned development programme and ensure their proposed development would not affect the proposed works under HSK/HT NDA.

District Officer's Comments

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

- (a) He has no comment on the application from departmental point of view.
- (b) His office has not received any comment from the locals on the application.

9.2 Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) has no objection to the application.

10. Public Comment Received During Statutory Publication Period

On 28.1.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one public comment from an individual was received (**Appendix III**) objecting to the application on the grounds that the proposed development will increase traffic flow and cause traffic congestion, environmental nuisances, pose fire safety hazards to the villagers thus affecting their quality of life.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary hardware processing workshop with ancillary office for a period of 3 years at a site mainly zoned “OU(ETP)” and partly within an area shown as ‘Road’ on the approved HSK and HT OZP. Whilst the applied use is not in line with the planning intention of the “OU(ETP)” zone, which is primarily to provide development space for accommodating a variety of innovation and technology uses, the detailed implementation programme for this part of NDA is still being formulated, and PM(W) of CEDD has no objection to the application. Approval of the application on a temporary basis of 3 years would not jeopardize the long-term development of the Site. However, should the application be approved, it is suggested to include an advisory clause stating that the Site may be resumed by the Government at any time during the planning approval period for implementation of government projects.
- 11.2 The applied use is considered not entirely incompatible with the surrounding land uses in particular to the west and south of the Site which mainly comprise open storage yards and parking of vehicles (**Plan A-2**). Although there are some residential dwellings at its north and east, the proposed workshop activities would be confined within an enclosed structure and no workshop activity will be carried out at the open areas.
- 11.3 Concerned government departments, including C for T, DEP, CE/MN, DSD and D of FS have no objection to or no adverse comment on the application. It is anticipated that the applied use would not generate significant traffic, environmental, drainage and fire safety impacts. Although there were substantiated environment complaints pertaining to the Site in the past 3 years, the existing use of processing workshop in a semi-open environment will be phased out and discontinued, and the proposed workshop will be carried out in the enclosed structure. In this regard, DEP has no objection to the application. Nevertheless, to address the concerns on the possible environmental nuisances or the technical requirements of the other concerned Government departments, relevant approval conditions have been recommended in paragraph 12.2. Any non-compliance with these approval conditions would result in revocation of the planning permission and any UD on Site would thus be subject to enforcement action by the Planning Authority. Should the application be approved, the applicant will also be advised to follow the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ in order to minimize the possible environmental impacts on the nearby sensitive receivers.
- 11.4 While the Site is not involved in any previous application, there is a similar application within the same “OU(ETP)” zone approved by the Committee in 2019. Approval of the current application is in line with the Committee’s previous decision.
- 11.5 A public comment was received objecting to the application mainly on grounds as summarized in paragraph 10. The planning considerations and assessments in the above paragraphs are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comment mentioned in paragraph 10, the Planning Department considers that the proposed temporary hardware processing workshop with ancillary office

could be tolerated 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 **18.3.2025**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 8:00 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 workshop activities are allowed on the uncovered areas of the Site as proposed by the applicant during the planning approval period;
- (d) 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 **18.9.2022**;
- (e) in relation to (d) 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 **18.12.2022**;
- (f) the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (g) 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 **18.9.2022**;
- (h) in relation to (g) 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 **18.12.2022**;
- (i) if any of the above planning condition (a), (b), (c) or (f) 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
- (j) if any of the above planning condition (d), (e), (g) or (h) 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 applied use is not in line with the planning intention of the "OU(ETP)" zone, which is primarily provide development space for accommodating a variety of

innovation and technology uses. There is no strong justification given in the submission to deviate 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 received on 19.1.2022
Appendix Ia	FI received on 16.2.2022
Appendix Ib	FI received on 22.2.2022
Appendix Ic	FI received on 28.2.2022
Appendix II	Public Comment
Appendix III	Similar Application
Appendix IV	Advisory Clauses
Drawing A-1	Proposed Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4b	Site Photos

**PLANNING DEPARTMENT
MARCH 2022**