

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/396

- Applicant** : Double Industries Co. (得寶實業公司) represented by Miss HUI Hang Yu (許幸如)
- Site** : Lot 1367 in D.D. 124, Ha Tsuen, Yuen Long, New Territories.
- Site Area** : About 2,670m²
- Land Status** : 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** : (i) “Other Specified Uses” annotated “Enterprise and Technology Park” “(OU(E&TP))”(about 53%);
(ii) “Residential (Group A)3” (“R(A)3”) (about 21%); and
(iii) An area shown as ‘Road’ (about 26%).
- Application** : Proposed Temporary Industrial Use (Food Processing and Storage) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary industrial use (food processing and storage) for a period of 3 years at the application site (the Site) (**Plan A-1**). The Site falls within an area straddling “OU(E&TP) (about 53%) and “R(A)3” (about 21%) zones and an area shown as ‘Road’ (about 26%) on the OZP. According to the Notes of the OZP for “OU(E&TP)” zone, ‘Industrial Use (not elsewhere specified)’ is a Column 2 use requiring planning permission whereas the subject use is neither Column 1 nor Column 2 use in “R(A)” zone. Temporary use or development of any land or building not exceeding a period of three years within the zone requires planning permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for under the Notes of the OZP. The Site is currently partly vacant and partly used as open storage of construction materials without valid planning permission (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site is accessible from Kong Sham Western Highway via a local track (**Plans A-2 and A-3**) and the ingress/egress point is at its south-western boundary. As shown on the layout plan at **Drawing A-1**, there are 3 structures with a total floor

area of about 1,237m², including one single-storey enclosed structure (9m in height) for food processing and storage uses, one single-storey structure (4m in height) as toilet use, and 1 two-storey temporary structure (6m in height) for guard room and ancillary office. 2 parking spaces for private car, 1 for light goods vehicle (LGV) and 1 for medium goods vehicle (MGV) are also provided within the Site for staffs and delivery uses. The operation hours are from 8:00 a.m. to 8:00 p.m. from Monday to Saturday and there will be no operation on Sundays and public holidays. The layout plan with vehicular access is at **Drawing A-1**.

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

- (a) Application Form received on 27.7.2022 with plans (Appendix I)
- (b) Supplementary Information (SI) received on 1.8.2022 clarifying the height of the structures (Appendix Ia)
- (c) SI received on 1.8.2022 clarifying the background information (Appendix Ib)
- (d) SI received on 2.8.2022 providing planning justification (Appendix Ic)

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form at **Appendices Ia to Ic**. They can be summarized as follows:

- (a) Food processing and storage on-site only involve frozen meat cutting activity and preserving meat to supply the local business such as restaurants and barbecue places.
- (b) All the processes will be handled within the enclosed structure. No livestock farming and slaughtering will be carried out on-site.
- (c) The applicant will apply for Short Term Waiver (STW) once the application is approved by the Board. The proposed development will not have adverse environmental, drainage, ecological and traffic impacts.
- (d) The proposed development will put rural land resources under good management. The applicant pledges to provide good management to the Site to avoid mosquito and dumping/littering problems. The proposed development would be compatible with the surrounding areas.
- (e) There are 3 applications (No. A/HSK/184, 185 and 358) involving industrial use for temporary reinforcing steel processing workshop with ancillary office, food processing and storage, and hardware processing workshop with ancillary office respectively, were approved in the same “OU(E&TP)” zone between 2019 to 2022.

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 Tsuen Rural Committee. Detailed information would be deposited at the meeting for Members' inspection.

4. Background

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

5. Previous Application

There is no previous application covering the Site.

6. Similar Application

There is a similar application (No. A/HSK/185) for temporary industrial use (food processing factory and storage) within the same "OU(ETP)" zone on the OZP. The application was approved with conditions by the Rural and New Town Planning Committee (the Committee) in 2019 on the considerations that the applied use would not jeopardise the long-term planning intention of the zoned uses; being not incompatible with the surrounding areas; and no major adverse comments from concerned government departments. However, the planning permission was subsequently revoked due to non-compliance with time-limited approval conditions. Details of the application is summarized at **Appendix II** and its location is shown on **Plan A-1**.

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

7.1 The Site is:

- (a) currently partly vacant and partly being used for open storage of construction materials 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 north are warehouse and open storage yard which are suspected unauthorized developments (UDs), some residential dwellings and an orchard;
- (b) to its immediate east is open storage of new vehicles (private cars) under valid planning permission, to its southeast are some residential dwellings and vacant land;
- (c) to its south and southwest are a number of open storage yards, workshops, storage which are suspected UD and some vacant land; and
- (d) to its west and northwest are some open storage yards (one under valid planning permission and the others are suspected UD), and some residential dwellings.

8. Planning Intentions

- 8.1 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.
- 8.2 The planning intention of the “R(A)” zone is primarily for high-density residential developments where commercial uses are always permitted on the lowest two floors of a building excluding basements, or in a free-standing purpose-designed non-domestic building up to five storeys.

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 does not support the application:

Environment

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

- (a) he does not support the application because there are sensitive users in the vicinity of the Site (the closest residential dwelling being abutted the Site) (**Plan A-2**). Environmental nuisance is expected;
- (b) there was no substantiated environmental complaint pertaining to the Site received in the past 3 years; and
- (c) the applicant should note his advisory comments in the Recommended Advisory Clauses in **Appendix IV**.

10. Public Comment Received During Statutory Publication Period

On 5.8.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments from individuals were received (**Appendices V-1 to V-2**). An individual objects to the application on the grounds that the proposed development will increase traffic flow, cause traffic congestion and environmental nuisance, and pose fire safety hazard to the villagers. The other individual expresses concerns that the Site is adjacent to an approved planning permission No. A/HSK/231 for warehouse in 2020.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary industrial use (food processing and storage) for a period of 3 years within an area straddling “OU(E&TP)” (about 53%) and “R(A)3” (about 21%) zones and an area shown as ‘Road’ on the OZP. The planning intention of “OU(E&TP)” is primarily to provide development space for accommodating a variety of innovation and technology uses, whereas “R(A)” zone is primarily for high-density residential developments. Whilst the applied use is not in line with the planning intentions of both zones, the implementation programme for this part of New Development Area (NDA) is still being formulated, and Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD) has no objection to the proposed temporary use for a period of 3 years on the Site. In this regard, 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 the implementation of government projects.
- 11.2 The applied use is not incompatible with the surrounding land uses which are predominantly used for open storage yards (with some covered by planning permissions) and workshops (**Plan A-2**).
- 11.3 There is no adverse comment from the concerned government departments, except DEP. DEP does not support the application because there are sensitive uses in the vicinity (the nearest residential dwelling is abutting the Site) (**Plan A-2**), and thus environmental nuisance is expected. However, there was no substantial environmental complaint pertaining to the Site in the past 3 years. 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 below. 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’ to minimize the possible environmental impacts on the surrounding areas.
- 11.4 There is one similar approved application for temporary food processing factory and storage within the same “OU(E&TP)” zone on the OZP (**Plan A-1**). Approval of the current application is in line with the Committee’s previous decision.
- 11.5 Two public comments objecting to/expressing concerns on the application were received during the statutory publication period as summarised 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 and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department considers that the proposed temporary industrial use (food processing and storage) 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 **23.9.2025**. 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, at the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, at the Site during the planning approval period;
- (c) 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 **23.3.2023**;
- (d) in relation to (c) 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 **23.6.2023**;
- (e) in relation to (d) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) 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 **23.3.2023**;
- (g) in relation to (f) above, the implementation of a 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 **23.6.2023**;
- (h) if the above planning condition (a), (b), or (e) 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
- (i) if any of the above planning condition (c), (d), (f) or (g) 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 intentions of the "OU(E&TP)" and "R(A)" zones which are primarily to provide development space for accommodating a variety of innovation and technology uses,; and primarily for high-density residential developments respectively. There is no strong justification to deviate from the planning intentions, 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 27.7.2022
Appendix Ia	SI received on 1.8.2022
Appendix Ib	SI received on 1.8.2022
Appendix Ic	SI received on 2.8.2022
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendices V-1 and V-2	Public Comments
Drawing A-1	Proposed Layout Plan with Vehicular Access
Plan A-1	Location Plan with Similar Application
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and 4b	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2022**