

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKL/732

- Applicant** : Exa Fire Protection (HK) Limited represented by PlanPlus Consultancy Limited
- Site** : Lot 93 (Part) in D.D. 83, Kwan Tei North, Fanling, New Territories
- Site Area** : 147.61m² (about)
- Lease** : (i) Block Government Lease (demised for agricultural use)
(ii) The Site and its adjoining lots No. 75, 76, 77 RP and 91 are covered by Short Term Waiver (STW) No. 1072 for dyeing factory
- Plan** : Approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP) No. S/NE-TKL/14
- Zoning** : “Open Storage” (“OS”)
- Application** : Proposed Temporary Industrial Use and Dangerous Goods (DG) Godown (Class 2.2 DG) for a Period of Five Years

1. The Proposal

- 1.1 The applicants seek planning permission for a proposed temporary industrial use and DG godown (Class 2.2 DG) for a period of five years at the application site (the Site) which falls within an area zoned “OS” on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘Industrial Use (not elsewhere specified)’ and ‘Dangerous Goods Godown’ are Column 2 uses in the “OS” zone, which require planning permission from the Town Planning Board (the Board). The Site is hard-paved and currently vacant.
- 1.2 The Site is accessible from its west via a local track leading to Sha Tau Kok Road – Lung Yeuk Tau (**Plan A-1**). According to the applicant, the proposed development comprises two single-storey enclosed temporary structures (building heights of not more than 4.25m) with a total floor area of about 38.5m² for a manufacturing workshop to carry out agent extraction and refilling of extinguisher receptacles (classified as DG and subject to the regulation under Dangerous Goods Ordinance). The used/expired extinguishing receptacles will be emptied by extracting the agent and temporarily stored at the DG godown within the Site. According to the applicant, sufficient distance is proposed between the existing switch room and the proposed DG godown/ manufacturing workshop; 2-hours fire-resistance block walls of about 3m high and a fire resistance door will be erected along the northwestern boundary of the Site; and all opening of the DG godown/ manufacturing workshop will be facing away from the public road with a view

to preventing potential fire hazards resulting from the proposed development (**Drawing A-1**). A 2m high metal mesh will be erected along the southern boundary to separate the proposed development from the neighbouring areas. One loading/unloading space for light goods vehicles will be provided within the Site. The operation hours of the development are from 9:00 a.m. to 6:00 p.m. from Mondays to Fridays, with no operation on weekends and public holidays. The layout plan and elevation plan of the proposed structure submitted by the applicant are shown in **Drawings A-1** and **A-2** respectively.

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

- (a) Application Form with attachments received on 1.6.2023 (Appendix I)
- (b) Further Information (FI) received on 12.9.2023[^] (Appendix Ia)

[^] accepted and exempted from the publication and recounting requirements

1.4 On 28.7.2023, the Committee agreed to the applicant's request to defer making a decision on the application for two months.

2. Justifications from the Applicant

The justifications put forth by the applicants in support of the application are detailed at **Appendix I**, as summarized below:

- (a) the DG to be stored within the Site are non-flammable and non-toxic gases designed for fire suppression. No polluting and contaminated waste will be created by the proposed development;
- (b) the Site falls within an area zoned "OS" under the OZP and the proposed development is considered in line with the planning intention of the "OS" zone;
- (c) the proposed development is temporary in nature and will not jeopardize the long-term planning of the Site;
- (d) the surrounding areas are predominantly intermixed with warehouses, open storage/storage yards and vacant land. The proposed use is not incompatible with the surrounding environment;
- (e) no adverse traffic, landscape, visual, drainage and noise impacts arising from the proposed use are anticipated; and
- (f) the applicant undertakes to implement the proposed mitigation/prevention measures to minimize the potential fire hazard arising from the proposed development. All relevant licencing requirements regarding fire safety, hygiene and noise nuisance will be strictly followed and complied with.

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 obtaining consent of one “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is not subject to any active enforcement action.

5. Previous Application

The Site is not the subject of any previous application.

6. Similar Application

There is no similar application for the same use within the same “OS” zone in the vicinity of the Site in the Ping Che and Ta Kwu Ling area over the past five years.

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

7.1 The Site is:

- (a) hard-paved and currently vacant; and
- (b) accessible via a local track to its west leading to Sha Tau Kok Road – Lung Yeuk Tau.

7.2 The surrounding areas are intermixed with warehouses, open storages/storage yards, temporary domestic structures and vacant land. To the immediate west is an existing main switch room and an existing China Light and Power (CLP) electricity substation.

8. Planning Intention

The planning intention of the “OS” zone is intended primarily for the provision of land for appropriate open storage uses and to regularize the already haphazard proliferation of open storage uses. It provides for the orderly development of land for open storage uses that cannot be accommodated in conventional godown premises.

9. Comments from Relevant Government Departments

9.1 All the government departments consulted have no objection to/adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided at **Appendices II** and **III** respectively.

9.2 Local views/comments on the application relayed by District Officer (North), Home Affairs Department (DO(N), HAD) are as follows:

- (a) the Chairman cum the Indigenous Inhabitant Representative (IIR) of Ko Po, the First Vice-Chairman cum the IIR of Ko Po and the Vice-Chairman of Fanling

District Rural Committee object to the application on the grounds that the proposed storage of DG in the Site would pose threat to the safety of the nearby residents;

- (b) the Chairman of Lung Shan Area Committee has no comment but indicates that local consultation should be carried out annually; and
- (c) the incumbent North District Councilor of N18 Constituency, another IIR of Ko Po, and the IIR and the Resident Representative (RR) of Kwan Tei do not reply.

10. Public Comment Received During Statutory Publication Period

On 9.6.2023, the application was published for public inspection. During the statutory public inspection period, one comment was received (**Appendix IV**) from the Chairman of Sheung Shui District Rural Committee who indicates no comment on the application.

11. Planning Considerations and Assessments

- 11.1 The application is for a proposed temporary industrial use and DG godown for manufacturing and storage of gas agents subject to the regulation under the Dangerous Goods Ordinance for a period of five years. The Site falls within “OS” zone under the OZP. The proposed development is considered not in conflict with the planning intention of the “OS” zone which is intended primarily for the provision of land for appropriate open storage uses and to regularize the already haphazard proliferation of open storage uses. It provides for the orderly development of land for open storage uses that cannot be accommodated in conventional godown premises. It is considered that approval of the application on a temporary basis for a period of five years would not frustrate the planning intention of the “OS” zone.
- 11.2 The Site is hard-paved and currently vacant. The surrounding areas are predominantly rural in character comprising warehouses, open storages/storage yards and temporary domestic structures. To the immediate west are an existing main switch room and electricity substation of CLP. Noting that there are some domestic structures and the existing switch room/electricity substation in the vicinity, the applicant has proposed several fire safety mitigation measures, including providing fire-resistance block walls and door, sufficient separation from the development and the existing switch room/electricity substation in order to prevent/mitigate the potential fire hazard resulting from the proposed development, etc. D of FS has no objection in-principle to the application from fire safety perspective and the applicant is reminded to submit a formal application for Dangerous Goods Licence to FSD for approval at later stage. Relevant approval conditions requiring the applicant to submit and implement detailed fire service installation proposal are also recommended in paragraph 12.2 below.
- 11.3 Other relevant departments consulted, including C for T, DEP and CE/MN of DSD, DEMS, etc. have no adverse comment on or no objection to the application.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11, and having taken into account the local views conveyed by DO(N), HAD, 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 five years until 10.11.2028. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) 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;
- (b) in relation to (a) above, the provision of drainage facilities 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;
- (c) in relation to (b) above, the implemented drainage facilities should be maintained at all times during the planning approval period;
- (d) 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;
- (e) in relation to (d) 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 10.8.2024;
- (f) if planning condition (c) 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
- (g) if any of the above planning condition (a), (b), (d) or (e) 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 at **Appendix III**.

- 12.3 There is no strong planning reason to recommend rejection of the application.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the 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 applicants.

14. Attachments

Appendix I	Application Form with Attachment received on 1.6.2023
Appendix Ia	FI received on 12.9.2023
Appendix II	Government Departments' General Comments
Appendix III	Recommended Advisory Clauses
Appendix IV	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Elevation Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and 4b	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2023**