

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM/587

<u>Applicant</u>	:	黃寶玲
<u>Premises</u>	:	Unit 4, 18/F, Block A, Hang Wai Industrial Centre, 6 Kin Tai Street, Tuen Mun, New Territories
<u>Floor Area</u>	:	357m ² (about)
<u>Lease</u>	:	<p>Tuen Mun Town Lot (TMTL) No. 114 held under New Grant No. 2232</p> <ul style="list-style-type: none">- Restricted to industrial and/or godown purposes (excluding offensive trades)- Maximum plot ratio (PR) of 9.5 for building with height exceeding 120ft
<u>Plan</u>	:	Draft Tuen Mun Outline Zoning Plan (OZP) No. S/TM/38
<u>Zoning</u>	:	<p>“Other Specified Uses” annotated “Business” (“OU(B)”) <i>[Restricted to a maximum PR of 9.5 (including not more than a PR of 1.0 for ‘Shop and Services’ and ‘Eating Place’) and a maximum building height (BH) of 100mPD, or the PR/BH of the existing building, whichever is the greater]</i></p>
<u>Application</u>	:	Proposed Temporary Industrial Use (Recycling Facilities for Scrap Metals, Plastics, Electronics and Papers) for a Period of Three Years

1. The Proposal

- 1.1. The applicant seeks planning permission to use the application premises (the Premises) for proposed temporary industrial use (recycling facilities for scrap metals, plastics, electronics and papers) for a period of three years. The Premises is located on the 18/F of an existing industrial building, known as Hang Wai Industrial Centre (the Building) (**Plans A-1 and A-2**). According to Schedule II (for industrial or industrial-office (I-O) building) of the Notes of the OZP for the “OU(B)” zone, ‘Industrial Use’ other than non-polluting industrial use is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Premises is currently used as a warehouse.
- 1.2. According to the applicant’s submission, the temporary industrial use involves collection, storage, sorting and packing of scrap metals, plastics, electronics and papers. It also involves activities such as compression and shredding of plastics, as well as dismantling of electronics. No washing, burning, melting and use of chemicals would be involved during the recycling process. The floor plan of the 18/F of the Building and the layout plan of the Premises submitted by the applicant are at **Drawings A-1 and A-2**.

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

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|-----|--|----------------------|
| (a) | Application Form received on 13.7.2023 | (Appendix I) |
| (b) | Supplementary Information (SI) received on 18.7.2023 | (Appendix Ia) |
| (c) | Further Information (FI) received on 23.8.2023* | (Appendix Ib) |
| (d) | FI received on 27.9.2023* | (Appendix Ic) |

**accepted and exempted from publication and recounting requirements*

1.4. On 8.9.2023, the Rural and New Town Planning Committee (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 applicant in support of the application are detailed at **Appendices I-Ic**. They can be summarised as follows:

- (a) The applicant has already rented the Premises for the proposed industrial use.
- (b) The applicant's business is to recycle scrap metals, plastics, electronics and papers from various factories and enterprises. The recycling materials would not include food waste and would not create odour nuisance. These materials would not be placed in and obstruct public areas, passageway and means of escape of the Building. The proposed use could share the government's responsibility of protecting the environment.
- (c) The proposed use would not create adverse impact on the existing pedestrian footpaths near the Building. The additional trips generated by/attracted to the Building would be insignificant as the proposed use would only involve 5-6 employees and 3-4 times loading/unloading (L/UL) per week. The parking and/or L/UL demand would be met by the existing parking and L/UL facilities of the Building (the utilisation rate of the existing parking spaces is about 73.4%).

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 Section 16 of the Town Planning Ordinance (TPB-PG No. 31A) by notifying the 'current land owner'. Detailed information would be deposited at the meeting for Members' inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for Development within "OU(B)" Zone (TPB PG-No. 22D) is relevant in the following aspects:

- (a) the "OU(B)" zone has been introduced to allow maximum flexibility in the use of

existing industrial and I-O buildings as well as in the development of new buildings for both commercial and clean industrial uses. The planning intention of the “OU(B)” zone is primarily for general employment uses;

- (b) whilst it is the intention to provide greater flexibility in the use of the existing industrial or I-O buildings before such buildings are redeveloped, it is necessary to ensure that the fire safety and environmental concerns are properly addressed. In view of the possible presence of existing polluting and hazardous industrial uses, it is necessary to ensure compatibility of the uses within the same building until the whole building is modified/converted to accommodate the new non-polluting and less fire hazard-prone uses; and
- (c) for all new development, redevelopment, conversion and material change of use, adequate parking and L/UL spaces should be provided in accordance with the requirements of the Hong Kong Planning Standards and Guidelines (HKPSG), and all other statutory or non-statutory requirements of relevant Government departments must also be met.

5. Previous Application

There is no previous application at the Premises.

6. Similar Application

There is no similar application within the “OU(B)” zone for the proposed use.

7. The Premises and its Surrounding Areas (Plans A-1 to A-3 and photos on Plan A-4)

7.1. The Premises is:

- (a) located on the 18/F of an existing 20-storey industrial building known as Hang Wai Industrial Centre; and
- (b) currently used as a warehouse.

7.2. Based on site inspection conducted on 21.8.2023, the existing main uses of the Building by floors are summarised below:

Floor	Current Main Uses
G/F	Wholesale trade, eating places ⁽¹⁾ , canteen, storage, shops (real estate agency, logistics company, printing company, safety equipment retailing etc.) ⁽¹⁾ , offices and workshops
1/F	Shops ⁽¹⁾ , workshops and storage
2/F	Carpark
3/F to 19/F	Offices (for trading company, printing company, logistics company, computer company and design company), workshops (for metal, food factory etc.) and storage

⁽¹⁾ No record of planning approval granted for these eating places and some shops.

7.3. The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

- (a) the Building is located at the southern part of Tuen Mun Industrial Area 9 which is predominately occupied by industrial buildings;
- (b) to its west and south are industrial buildings and another industrial area (Tuen Mun Industrial Area 12) respectively;
- (c) to its north and northeast are Kowloon Motor Bus (KMB) Overhaul Centre and Bus Depot; to its northwest is a commercial building, and to its east are a fire station and an ambulance depot; and
- (d) the Tuen Ma Line Tuen Mun Station is situated about 400m to its east.

8. Planning Intention

The planning intention of the “OU(B)” zone is primarily for general business uses. A mix of information technology and telecommunications industries, non-polluting industrial, office and other commercial uses are always permitted in new “business” buildings. Less fire hazard-prone office use that would not involve direct provision of customer services or goods to the general public is always permitted in existing industrial or I-O buildings.

9. Comments from Relevant Government Departments

All government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments are provided in **Appendices II and III** respectively.

10. Public Comment Received During Statutory Publication Period

On 21.7.2023, the application was published for public inspection. During the statutory public inspection period, a public comment from the Owners’ Incorporation of Hang Wai Industrial Centre (i.e. the subject building) was received (**Appendix IV**) expressing concerns on the possible occupation and obstruction on public areas and means of escape of the Building by the recycling materials, overloading the L/UL facilities of the Building, and possible odour nuisance.

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary industrial use (recycling facilities for scrap metals, plastics, electronics and papers) for a period of three years at the Premises on the 18/F of an existing industrial building zoned “OU(B)” on the OZP. While activities such as compression and shredding of plastics as well as dismantling of electronics would be involved during the recycling process, no washing, burning, melting and use of chemicals would be performed at the Premises as confirmed by the applicant. The planning intention of the “OU(B)”

zone is primarily for general business uses. Although the proposed use is not entirely in line with the planning intention of the “OU(B)” zone, the proposed use in the existing industrial building is small in scale (357m²) and concerned departments have no objection to/no adverse comment on the current application. As such, approval of the application on a temporary basis would not jeopardise the long-term planning intention of the “OU(B)” zone.

- 11.2 The Building is located in the Tuen Mun Industrial Area 9 which is predominately occupied by industrial/ I-O buildings. The proposed industrial use on part of the 18/F of an existing industrial building is considered not incompatible with other uses within the same building which mainly comprises industrial-related offices, warehouses and workshops on the upper floors and shop and services, canteen, and workshops on the ground floor, as well as the surrounding industrial developments.
- 11.3 The proposed use generally complies with TPB PG-No. 22D in that it would not induce adverse traffic, fire safety, environmental and infrastructural impacts on other uses within the Building and the adjacent areas. Director of Fire Services has no in-principle objection to the application subject to imposing approval condition requiring timely provision of fire service installations as recommended in paragraph 12.2. Director of Environmental Protection has no objection to the application and the applicant is required to comply with the requirements of relevant environmental pollution control ordinances. Other relevant government departments including Commissioner for Transport and Chief Building Surveyor/New Territories West of Buildings Department have no objection to/ no adverse comment on the application.
- 11.4 A public comment expressing concern on the application was received during the statutory publication period as summarised in paragraph 10 above. The applicant’s justifications in paragraph 2, departmental comments in **Appendices II and III**, and the planning considerations and assessments in paragraphs 11.1 to 11.3 above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment in paragraph 10 above, the Planning Department has no objection to the proposed temporary industrial use (recycling facilities for scrap metals, plastics, electronics and papers) for a period of three 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 three years until **27.10.2026**. The following conditions of approval and advisory clauses are suggested for Members’ reference:

Approval Conditions

- (a) the submission of proposals for fire service installations and water supplies for firefighting 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 **27.4.2024**;

- (b) in relation to (a) above, the implementation of the proposals for fire service installations and water supplies for firefighting within **9** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **27.7.2024**; and
- (c) if any of the above planning conditions (a) or (b) 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 at **Appendix III**.

12.3 There is no strong 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 permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval conditions and advisory clauses, 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 13.7.2023
Appendix Ia	SI received on 18.7.2023
Appendix Ib	FI received on 23.8.2023
Appendix Ic	FI received on 27.9.2023
Appendix II	Government Departments' General Comments
Appendix III	Recommended Advisory Clauses
Appendix IV	Public Comment
Drawing A-1	Floor Plan of 18/F of the Building
Drawing A-2	Layout of the Premises
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos