

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/956

<u>Applicant</u>	:	Sinopec (Hong Kong) Limited represented by Goldrich Planners & Surveyors Limited
<u>Site</u>	:	Lot 1041 (Part) in D.D. 103, Au Tau, Yuen Long, New Territories
<u>Site Area</u>	:	About 5,236m ²
<u>Lease</u>	:	held under New Grant No. 4567 for erection of one petrol filling station
<u>Plan</u>	:	Draft Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/10
<u>Zoning</u>	:	“Other Specified Uses” annotated “Petrol Filling Station” (“OU(PFS)”) [maximum building height of 1 storey]
<u>Application</u>	:	Proposed Temporary Hydrogen Filling Station with Ancillary Facilities 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 hydrogen filling station with ancillary facilities for a period of 3 years. The Site falls within an area zoned “OU(PFS)” on the Kam Tin North OZP. According to the covering Notes of the OZP, temporary use not exceeding a period of 3 years requires planning permission from the Town Planning Board (the Board)¹. The Site is adjacent to an existing PFS under operation, and it is currently fenced and under site formation works.
- 1.2 According to the applicant, the proposed development involves four single-storey structures (building height of not more than 9m) with a total floor area of about 1,046m² for accommodating hydrogen filling spaces and machines under canopy, ancillary storage and filling facilities, electrical and mechanical facilities, and fire services installations and equipment (**Drawing A-1**). 2 parking spaces for

¹ While ‘Petrol Filling Station’ use is always permitted in the subject “OU(PFS)” zone, according to the Definitions of Terms currently adopted by the Board, ‘Petrol Filling Station’ only covers the supply of gasoline, liquefied petroleum gas, oil, grease and electricity. As hydrogen is not covered in the current definition, temporary planning permission from the Board for the proposed hydrogen filling station is required.

hydrogen tube trailers transporting hydrogen, and 6 hydrogen filling spaces for coaches/heavy goods vehicles will be provided at the Site. The proposed operation hours will be 24 hours daily, including Sundays and public holidays. The Site abuts Kam Tin Road and is accessible via the adjacent PFS from Kam Tin Road (**Plans A-2 and A-3**). The proposed layout plan submitted by the applicant is at **Drawing A-1**

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

- (a) Application form with supplementary information (**Appendix I**)
received on 28.8.2023
- (b) Quantitative Risk Assessment (QRA) (**Appendix Ia**)
- (c) FI received on 20.9.2023 * (**Appendix Ib**)
- (d) FI received on 4.10.2023* (**Appendix Ic**)
- (e) FI received on 20.10.2023* (**Appendix Id**)

** exempted from publication and recounting requirements*

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the application form, supplementary information and FIs in **Appendices I to Id**. They can be summarised as follows:

- (a) The proposed development is to serve a trial project for the Environment and Ecology Bureau (EEB) which has obtained the agreement-in-principle by the Government's Inter-departmental Working Group on Using Hydrogen as Fuel.
- (b) The Site is selected as the subject lot is already occupied by an existing PFS under operation which is of a similar nature as the proposed hydrogen filling station and there is a reasonable distance from the residential area. The Site is served by trunk road and the hydrogen tube trailers can come in shorter distance from the Mainland without passing through any tunnels in Hong Kong.
- (c) The hydrogen is imported from the Mainland in the Greater Bay Area and transported to the Site by hydrogen tube trailers, and then stored after compression. No hydrogen will be produced on site. The applicant proposes safety measures including fire walls, safety distance and emergency shut-down systems for the filling station. QRA has been conducted and submitted to demonstrate that the proposed hydrogen filling station at the Site is at an acceptable risk level to the surrounding and is in compliance with the relevant risk

guidelines. A total of about 10 coaches or heavy goods vehicles are estimated to use the hydrogen filling station daily during the trial period and the noise produced by hydrogen vehicles would be less than the normal petrol/diesel vehicles. The proposed development would not induce significant adverse impacts on traffic, land contamination, drainage, noise and environmental aspects. The applicant will ensure good site practices and comply with the relevant safety regulations and standards to fulfill the requirements of relevant license(s).

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

The applicant is the sole “current land owner”. 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

After the Site was rezoned from “Undetermined” (“U”) to “OU(PFS)” on the draft Kam Tin North OZP No. S/YL-KTN/8 in 2014, the Site is not involved in any previous application.

6. Similar Application

There is no similar application for temporary hydrogen filling station within the “OU(PFS)” zone in the vicinity of the Site.

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

7.1 The Site:

- (a) is currently fenced and under site formation works;
- (b) is adjacent to an existing PFS being operated by the applicant; and
- (c) abuts Kam Tin Road near the junction of Castle Peak Road (Tam-Mi) and is accessible via the adjacent PFS from Kam Tin Road.

7.2 The surrounding areas have the following characteristics:

- (a) to the north and northwest are godowns and open storage yards within “Residential (Group D)” zone; and
- (b) to the south is Kam Tin Road, across which are woodland, open storage yards and vacant land within “Conservation Area” zone.

8. Planning Intention

The planning intention of the “OU(PFS)” zone is intended primarily for the development of petrol filling station.

9. Comments from Relevant Government Bureau/Departments

9.1 Apart from the government bureau as set in paragraph 9.2 below, other departments consulted have no objection to or no adverse comments on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices II** and **III** respectively.

Environmental Policy

9.2 Comments of the Secretary for Environment and Ecology (SEE):

- (a) EEB supports the application;
- (b) the Chief Executive’s 2022 Policy Address announced that the Government will progressively commence trials of hydrogen fuel cell (HFC) double-deckers and heavy vehicles in 2023, and formulate the long-term strategies for the application of hydrogen energy in road transport by 2025. To keep pace with the development trend of hydrogen fuel adoption, the Government has set up the Inter-departmental Working Group on Using Hydrogen as Fuel (the Working Group) in 2022, to coordinate preparation work of bureaux/departments for using hydrogen as fuel locally, with a view to encouraging local adoption of hydrogen energy. The Working Group is liaising closely with the applicants of the trial projects and other stakeholders to examine the feasibility of providing hydrogen refueling facilities at different locations. This includes exploring transforming existing petrol filling stations to hydrogen refilling stations, or allowing the provision of different vehicle fuels in one station; and
- (c) in view of the aforementioned Government policies and targets on HFC vehicles, it is essential to set up hydrogen filling stations at strategic locations to support the use of HFC vehicles at their initial development stage.

10. Public Comment Received During Statutory Publication Period

The application was published for public inspection. During the statutory publication period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary hydrogen filling station for a period of 3 years at the site zoned “OU(PFS)”. The planning intention of the “OU(PFS)” zone is primarily for the development of PFS. Although ‘Petrol Filling Station’ use is always permitted in the subject “OU(PFS)” zone, the Definition of Terms currently adopted by the Board only includes such fuels as petrol and electricity. The applicant has to apply for a temporary planning permission to take forward the trial project. Nevertheless, a station targeted for vehicle refuelling is generally in line with the planning intention of the “OU(PFS)” zone. The proposed development is similar in nature to a PFS and is not incompatible with the intended use of the zone. With the policy support of EEB, the proposed development is in line the Government’s policy in encouraging local adoption of hydrogen energy and it is a trial project to examine the feasibility of providing hydrogen refuelling facilities to support the use of HFC vehicles at the initial development stage.
- 11.2 The proposed development is not incompatible with the surrounding land uses which include the adjacent PFS being operated by the same applicant and open storages. The Site abutting Kam Tin Road and near the junction of Castle Peak Road (Tam-Mi) is highly accessible. The applicant has demonstrated that sufficient manoeuvring space can be provided for heavy vehicles and hydrogen tube trailers to gain access to the hydrogen filling station. The Commissioner for Transport (C for T) has no objection to the application from traffic engineering perspective.
- 11.3 According to the applicant, safety measures including fire walls and emergency shut-down systems will be incorporated in the hydrogen filling station. The QRA submitted has demonstrated that the proposed development is in compliance with the relevant risk guidelines. In this connection, the Director of Environmental Protection (DEP) and the Director of Electrical and Mechanical Services (DEMS) have accepted the findings of the QRA and have no objection to the application.
- 11.4 The applicant has obtained the agreement-in-principle by the Government’s Inter-departmental Working Group on Using Hydrogen for the proposed development as a trial project. Relevant departments consulted, including the Chief Engineer/Mainland North of the Drainage Services Department, the Director of Fire Services and DEP, have no objection to or no adverse comment on the application. The technical requirements of the concerned departments

could be addressed by appropriate approval conditions as recommended in paragraph 12.2 below.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11, the Planning Department considers that the proposed use 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 27.10.2026. The following conditions of approval and advisory clauses are also 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 27.4.2024;
- (b) in relation to (a) 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 27.7.2024;
- (c) in relation to (b) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) the submission of a fixed noise impact assessment within **6** months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by 27.4.2024;
- (e) in relation to (d) above, the implementation of noise mitigation measures identified in the fixed noise impact assessment within **9** months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by 27.7.2024;
- (f) the submission of a hazard review within **6** months from the date of planning approval to the satisfaction of the Director of Environmental Protection and the Director of Electrical and Mechanical Services or of the Town Planning Board by 27.4.2024;
- (g) the submission of a revised quantitative risk assessment within **6** months from the date of planning approval to the satisfaction of the Director of Environmental Protection and the Director of Electrical and Mechanical Services or of the Town Planning Board by 27.4.2024;

- (h) in relation to (g) above, the implementation of risk mitigation measures identified in the quantitative risk assessment within **9** months from the date of planning approval to the satisfaction of the Director of Environmental Protection and the Director of Electrical and Mechanical Services or of the Town Planning Board by 27.7.2024;
- (i) if the above 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
- (j) if any of the above planning ~~conditions~~ **condition**(a), (b), (d), (e), (f), (g) or (h) 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 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 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 with supplementary information received on 28.8.2023
Appendix Ia	Quantitative risk assessment
Appendix Ib	FI received on 20.9.2023
Appendix Ic	FI received on 4.10.2023
Appendix Id	FI received on 20.10.2023

Appendix II	Government departments' general comments
Appendix III	Recommended advisory clauses
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2023**