

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-NTM/397**

<b><u>Applicant</u></b>	Rise Smart Industrial Limited represented by PlanPlus Consultancy
<b><u>Site</u></b>	Lot No. 116 in D.D.105, Mai Po Lung Road, Ngau Tam Mei, Yuen Long
<b><u>Site Area</u></b>	1,350 m <sup>2</sup> (about)
<b><u>Lease</u></b>	Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	Approved Ngau Tam Mei Outline Zoning Plan (OZP) No. S/YL-NTM/12
<b><u>Zoning</u></b>	“Open Storage” (“OS”)
<b><u>Application</u></b>	Proposed Temporary Open Storage of Chemical Products/ Dangerous Goods (LPG Cylinders) 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 open storage of chemical products/ dangerous goods (LPG cylinders) for a period of 3 years (**Plan A-1**). The Site falls within an area zoned “OS” on the approved Ngau Tam Mei OZP No. S/YL-NTM/12. According to the Notes of the OZP, ‘Open Storage of Chemical Products/ Dangerous Goods’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by open storage use with temporary structures and some vehicles.
- 1.2 According to the information submitted by the applicant, the proposed development is for storage of LPG cylinders, with a maximum amount of 24.8 tonnes of LPG to be stored within the Site. A total of 66 nos. of stack spaces for storage of LPG cylinders will be provided on the elevated platform of 1.2m high at the eastern portion of the Site to accommodate the movable stacks of LPG cylinders. Water tank and FS pump cabinet will be provided at the Site. No other manufacturing, filling, transferring, or any other industrial process of the LPG or retail process will be involved in the Site. A loading/unloading space for cylinder wagons will be provided within the Site. A radiation wall of 2.5m high will be erected at the eastern boundary of the Site, and fencing will be erected on the remaining boundary of the Site (**Drawing A-1**).

- 1.3 The Site is accessible from a local access road branching off from Mai Po Lung Road. Cylinder wagons will be used for delivery of LPG cylinders with a maximum of 12 trip rates per day. The operation hours of the Site are between 8:00a.m and 6:00p.m from Mondays to Saturdays, with no operation on Sundays and public holidays. The site layout and section plan are at **Drawings A-1 to A-2**.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with supplementary information received on 16.1.2020 **(Appendix I)**
  - (b) Planning Statement **(Appendix Ia)**

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed at **Appendices I and Ia** which are summarised as follows:

- (a) The proposed development conforms to the planning intention of the “OS” zone. It only involves storage of LPG cylinders and no additional adverse impact would be induced to the surrounding area which is predominantly zoned “OS”. It is also in line with the Town Planning Board Guidelines No. 13E (TPB PG-No. 13E) that the Site situates within the Category 1 area suitable for open storage uses.
- (b) LPG cylinders will be stored temporarily at the Site before delivery to other locations in the territory. The Site, being located adjacent to the junction of San Tin Highway/ Mai Po Lung Road, is well connected to the road network that can facilitate its LPG cylinders distribution. The Site is in a strategic location in proximity to the Lok Ma Chau Boundary Control Point which is suitable for the proposed development as cross-boundary transportation of LPG cylinders would be necessary on a daily basis.
- (c) The Site will be fenced off and the LPG cylinder storage area will be bounded by a radiation wall higher than the height of the LPG cylinder stacks, which provides an effective screening of site activities. Since no industrial/ manufacturing/ retail process of LPG is to be conducted on the Site, no adverse environmental impact and safety concern to the surrounding residence is anticipated. Insignificant impacts on visual, landscape, traffic and environment are anticipated from the proposed development.
- (d) The applicant will comply with the Gas Safety Ordinance and obtain approval from the gas authority prior to its construction and use. The applicant will also comply with the relevant regulations/guidelines to ensure gas safety and minimal environmental nuisance.

## **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 sending registered post to 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 "Application for Open Storage and Port Back-up Uses" (TPB PG-No.13E) promulgated by the Board on 17.10.2008 are relevant to the application. The Site falls within Category 1 areas under TPB PG-No.13E and the following considerations in the Guidelines are relevant:

Category 1 areas: favourable consideration will normally be given to applications within these areas, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments should be submitted if the proposed uses may cause significant environmental and traffic concerns.

**5. Background**

The Site is not subject to planning enforcement action.

**6. Previous Application**

There is no previous application for the Site.

**7. Similar Application**

There is no similar application for 'open storage of chemical products/ dangerous goods' within the "OS" zone on the OZP.

**8. The Site and Its Surrounding Areas (Plans A-1 to A-4b)**

8.1 The Site is:

- (a) paved and fenced off, and occupied by open storage use with temporary structures and some vehicles; and
- (b) accessible from a local access road branching off from Mai Po Lung Road.

8.2 The surrounding areas are rural in character intermixed with open storage uses, vehicle repair workshop, parking of vehicles, residential dwellings and unused land:

- (a) to the immediate north are open storage, vehicle repair workshop, and parking of vehicles. To the further north is unused land and the San Tin Highway;
- (b) to the northeast are unused land and a residential dwelling at about 14m away from the Site;
- (c) to the west are parking of vehicles, residential dwellings and unused land within the same "OS" zone; and

(d) to the immediate southeast is the “Green Belt” (“GB”) zone.

**9. 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.

**10. Comments from Relevant Government Departments**

10.1 The following Government departments have been consulted and their views are summarised as follows:

**Land Administration**

10.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site comprises an Old Schedule Agricultural Lot 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.
- (b) His office does not guarantee any right-of-way to the Site.
- (c) Should planning approval be given to the subject planning application, the lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularity on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications for any of the above will be considered by the Lands Department acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by the Lands Department.

**Traffic**

10.1.2 Comments of the Commissioner for Transport (C for T):

- (a) The Site is connected to the public road network via a section of a local access road which is not managed by Transport Department (TD). The land status of the local access road should be clarified with the LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access road should be

clarified with the relevant lands and maintenance authorities accordingly.

- (b) As there is no information about the vehicular access at the private lot(s) to the Site, the applicant should arrange by themselves if necessary, and should seek the relevant land owner(s) on the right of using the vehicular access.
- (c) Should the application be approved, the following condition should be incorporated:

no vehicle is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period.

10.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) HyD is not/shall not be responsible for the maintenance of any access connecting the Site and Mai Po Lung Road.
- (b) Adequate drainage measures should be provided at the Site access to prevent surface water running from the Site to the nearby public roads or exclusive road drains.

10.1.4 Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD2-2, RDO, HyD):

No comment on the application from railway development viewpoint. The Site neither falls within any administrative route protection boundary, gazetted railway schemes boundary, nor railway protection boundary of heavy rail systems.

### **Environment**

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

- (a) He does not support the application as heavy vehicles will be used and there are sensitive receivers in the vicinity of the Site (the nearest residential dwelling is located at about 14m northeast of the Site), and environmental nuisance are expected.
- (b) Should the application be approved, the applicant is advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP to minimize potential environmental impacts on the surrounding area.

### **Landscape**

10.1.6 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

It is noted that the Site falls within Category 1 areas in accordance with TPB PG-No. 13E. As such, he has no objection to the application from the landscape planning perspective. .

### **Drainage**

#### 10.1.7 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection in principle to the application from drainage operation and maintenance point of view.
- (b) Should the application be approved, condition should be imposed requiring the applicant to submit a drainage submission to demonstrate how he will collect, convey and discharge rain water falling onto or flowing to his Site. A clear drainage plan showing full details of the existing drains and the proposed drains (e.g. cover and invert levels of pipes/catchpits/outfalls, and ground levels justifying water flow etc.) with supporting design calculations and charts should be included.
- (c) After completion of the required drainage works, the applicant shall provide DSD for reference a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan. DSD will inspect the completed drainage works jointly with the applicant with reference to the set of photographs.
- (d) The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas.
- (e) No public sewerage maintained by his office is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained.
- (f) The applicant is reminded that the proposed drainage works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction.
- (g) The applicant should consult DLO/YL regarding all the proposed drainage works outside the lot boundary in order to ensure the unobstructed discharge from the Site in future.
- (h) All the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage facilities on site under proper maintenance during occupancy of the Site.

### **Building Matters**

#### 10.1.8 Comments of the Chief Building Surveyor/New Territories West, Buildings

Department (CBS/NTW, BD):

- (a) He has no in-principle objection under the Buildings Ordinance (BO) to the proposed use at the Site.
- (b) There is no record of approval by the Building Authority (BA) for the structures existing at the Site and his department is not in a position to offer comments on their suitability for the use related to the application.
- (c) His advisory comments are at **Appendix III**.

### **Nature Conservation**

10.1.9 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) He has no adverse comments on the application from nature conservation perspective.
- (b) The Site falls within the “OS” zone. According to the aerial photo available in the Geospatial Information Hub of the LandsD and the planning statement attached to the application, the Site is primarily disturbed in nature and is currently occupied by a vehicle repairing workshop. While he has no adverse comments on the application from nature conservation perspective, it is noted that the Site is adjoining the area zoned as “GB” which is vegetated and some adjoining lots to the southeast of the application site may have been affected by recent paving / vegetation clearance according to aerial photo in 2017. Also, there are trees on GL located adjacent to the subject site according to aerial photos. Should the application be approved, the applicant shall be advised to adopt necessary measures to avoid causing disturbance to the vegetated GL and the “GB” zone adjacent to the Site.

### **Fire Services**

10.1.10 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 FS for approval. The applicant should also be advised on the following points:
  - (i) layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and

- (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans.
- (c) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

### **LPG/Gas Safety Aspect**

#### 10.1.11 Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) The Site is subject to the control of Gas Safety Ordinance, Cap. 51 as the LPG storage capacity of 24.8 tons is regarded as a notifiable gas installation. The applicant should submit an application for approval by the Gas Authority prior to the construction and use of the notifiable gas installation.
- (b) It is not a potentially hazardous installation (PHI) unless its LPG storage capacity is 25 tonnes or more. As such, Quantitative Risk Assessment (QRA) submission to the Co-ordinating Committee on PHI (CCPHI) is therefore not required.
- (c) There is a high pressure underground town gas pipeline running along San Tin Road in close vicinity of the Site.
- (d) The project proponent/consultant/works contractor shall therefore liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/gas installations in the vicinity of the works sites and any required minimum set back distance away from them during the design and construction stages of the proposed development.
- (e) The project proponent/consultant/works contractor is required to observe the requirements of the Electrical and Mechanical Services Department (EMSD)'s "Avoidance of Damage to Gas Pipes 2nd Edition"([https://www.emsd.gov.hk/filemanager/en/content\\_286/CoP\\_gas\\_pipes\\_2nd\\_\(Eng\).pdf](https://www.emsd.gov.hk/filemanager/en/content_286/CoP_gas_pipes_2nd_(Eng).pdf))

#### 10.1.12 Comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD)

- (a) He has no comment on the application.
- (b) It is noted that no diversion of stream/filling of pond/filling of land/excavation of land would be proposed as stated in the Application Form (**Appendix I**).

### **District Officer's Comments**

#### 10.1.13 Comments of District Officer (Yuen Long) (DO(YL)):



His office has no comment on the application and the local comments should be submitted to the Board directly, if any.

10.2 The following Government departments have no comment on the application:

- (a) Commissioner of Police (C of P);
- (b) Director of Food and Environmental Hygiene (DFEH);
- (c) Director of Leisure and Cultural Services (DLCS);
- (d) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD); and
- (e) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

## **11. Public Comment Received During the Statutory Publication Period**

On 24.1.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, 5 public comments were received with 1 supporting and 4 objecting to the application. The supportive comment was from the San Tin Rural Committee which stated that the proposed development was in line with the planning intention of the “OS” zone, the Site was not in close proximity to major residential areas and the small scale of the open storage of LPG cylinders would not pose major safety concerns for villagers; and the 4 objecting comments were from members of the public without stating their reasons of objection (**Appendix II**).

## **12. Planning Considerations and Assessment**

12.1 The application is for proposed temporary open storage of chemical products/ dangerous goods (LPG cylinders) for a period of 3 years. No manufacturing, filling, transferring, or any other industrial process of the LPG or retail process will be undertaken at the Site. The Site falls within the “OS” zone, which is primarily for 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. The applied use is a Column 2 use of the “OS” zone, and is considered not in conflict with the planning intention of the Site.

12.2 The proposed use involves 66 no. of stack spaces for accommodating LPG cylinders on an elevated platform of 1.2m high and the Site will be fenced off as proposed by the applicant. It is not incompatible with the surrounding areas comprising mainly open storage, vehicle repair workshops and parking of vehicles.

12.3 The site falls within Category 1 areas under the TPB PG-No. 13E. The following considerations in the Guidelines are relevant:

Category 1 areas: favourable consideration will normally be given to applications within these areas, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments should be submitted if the proposed uses may cause significant environmental and traffic concerns.

12.4 The application generally complies with TPB PG-No. 13E. There is no adverse comment from concerned Government departments, including DEMS, D of FS, C for T and CE/MN of DSD. DEMS advises that the proposed development is not a PHI as its LPG storage capacity does not exceed 25 tons, but it will be subject to the control of Gas Safety Ordinance (Cap. 51) as the LPG storage capacity of 24.8 tonnes is regarded as a notifiable gas installation. The applicant would be required to apply to EMSD to fulfill the gas safety requirements under Gas Safety Ordinance prior to the operation of the proposed use should the application be approved. The application was not supported by DEP as there are sensitive receivers in the vicinity (the nearest residential dwelling being about 14m northeast of the Site), and environmental nuisance is expected. It should be noted that the residential dwelling falls within the “OS” zone. Besides, the applicant has proposed that the Site will be fenced and the LPG cylinder storage area will be bounded by a radiation wall higher than the height of the LPG cylinder stacks to provide screening of site activities. To mitigate any potential environmental impacts on the surrounding areas, approval conditions restricting the operation hours, and requiring provision of fencing, submission and implementation of drainage and FSIs proposals are recommended in paragraphs 13.2 (a), (d) to (h) below. Any non-compliance with these approval conditions would result in revocation of the planning permission and unauthorised development on-site would be subject to enforcement action by the Planning Authority. Besides, the applicant should be advised to follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize the possible environmental impacts.

12.5 Five public comments including 1 supporting and 4 objecting were received. The planning assessment and departmental comments above are of relevance.

### **13. Planning Department’s Views**

13.1 Based on the assessment in paragraph 12 and having taken into account the public comment mentioned in paragraph 11 above, the Planning Department has no objection to the application.

13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis until 6.3.2023. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

#### Approval Conditions

- (a) no operation between 6:00 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 vehicle is allowed to queue back to or reverse onto/from the site at any time during the planning approval period;

- (d) the provision of boundary fencing within **6** months to the satisfaction of the Director of Planning or of the Town Planning Board by 6.9.2020;
- (e) the submission of drainage proposal within **6** months to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 6.9.2020;
- (f) in relation to (e) above, the implementation of drainage proposal within **9** months to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 6.12.2020;
- (g) the submission of fire service installations proposal within **6** months to the satisfaction of Director of Fire Services or of the Town Planning Board by 6.9.2020;
- (h) in relation to (g) above, the implementation of fire service installations within **9** months to the satisfaction of Director of Fire Services or of the Town Planning Board by 6.12.2020;
- (i) if any of the above planning conditions (a), (b) or (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 (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**.

13.3 There is no apparent reason to reject the application.

#### **14. Decision Sought**

14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.

14.2 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.

14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reasons for rejection should be given to the applicant.

#### **15. Attachments**

**Appendix I**

Application form with supplementary information

<b>Appendix Ia</b>	Planning Statement
<b>Appendix II</b>	Public comments received during publication period
<b>Appendix III</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Section Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and 4b</b>	Site Photos

**PLANNING DEPARTMENT  
MARCH 2020**