

RNTPC Paper No. A/HSK/270  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 18.12.2020

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL FOR TEMPORARY  
USE UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/HSK/270**

<b><u>Applicant</u></b>	:	Excel (HK) Industrial Ltd.
<b><u>Site</u></b>	:	Lots 856 RP, 857 RP, 858 RP, 859 RP and 860 RP in D.D. 124 and Lots 238, 239 and 367 in D.D. 127, Hung Tin Road, Ping Shan, Yuen Long, New Territories
<b><u>Site Area</u></b>	:	About 1,672 m <sup>2</sup>
<b><u>Lease</u></b>	:	Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	:	Approved Hung Shui Kiu and Ha Tsuen (HSK and HT) Outline Zoning Plan (OZP) No. S/HSK/2
<b><u>Zoning</u></b>	:	“Government, Institution or Community” (“G/IC”) <i>[Restricted to a maximum building height of 8 storeys]</i>
<b><u>Application</u></b>	:	Renewal of Planning Approval for Temporary Dangerous Goods Godown (Cat. 5 Dangerous Goods) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning approval to use the application site (the Site) for temporary dangerous goods godown (Cat. 5 dangerous goods) for a further period of 3 years (**Plan A-1**). The Site falls within an area zoned “G/IC” on the approved HSK and HT OZP. According to the covering Notes of the OZP, temporary use or development of any land or buildings 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 used for the applied use with valid planning permission under application No. A/HSK/41.
- 1.2 The Site is related to four previous applications (No. A/YL-PS/324, 347, 401 and A/HSK/41) for open storage of dangerous goods / temporary dangerous goods godown uses (**Plan A-1**). The last application No. A/HSK/41 for the same applied use as the current application was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board for a period of 3 years on 26.1.2018 with validity up to 26.1.2021. All the approval conditions have been complied with. Compared with the last application, the current

application is submitted by the same applicant for the same use with the same development parameters at the same site.

- 1.3 The Site is accessible from Hung Tin Road via a local track and the ingress/egress point is at its southwest (**Plan A-2** and **Drawing A-1**). The applied development is mostly the same as the previous submission to store the same Cat. 5 dangerous goods, including toluene (甲苯), isopropyl alcohol (異丙醇) and ethyl acetate (乙酸乙酯). The Site is to store the imported materials for distribution (in containers) to retailers. There are two existing underground tanks at the north-eastern part of the Site for storage of the dangerous goods at a depth of 3.2 m; each of the Tanks has a size of 4.3m long, 2.4m deep and 2.7m in height and a capacity of 27,864 litres. According to the applicant, the overall capacity of the dangerous goods to be stored on site would be 55,728 litres. There is a covered loading and unloading platform at the northern part of the Site (with covered area of 239.19m<sup>2</sup>) an existing structure for guard room (floor area of 74.32m<sup>2</sup>) at the eastern portion of the Site. Three parking spaces for container vehicles at the centre of the Site (16m x 3.5m each) are provided. The applied use will generate two trips (5.5 tonnes or below) daily and one trip will be generated by container truck in every four days. The operation hours are between 8:00 a.m. to 6:00 p.m. from Mondays to Saturdays, and there will be no operation on Sundays and public holidays. The indicative layout plan and the illustrative diagram of underground tank are at **Drawings A-1** and **A-2**.
- 1.4 The development parameters of the last approved application and the current application are the same and are summarized in the following table:

<b>Major Development Parameters</b>	<b>Last Approved Application (A/HSK/41) (a)</b>	<b>Current Application (A/HSK/270) (b)</b>
<b>Site Area</b>	1,672m <sup>2</sup>	
<b>No. of Structures</b>	2	
<b>Total Floor Area</b>	313.51m <sup>2</sup>	
<b>No. of Parking Spaces</b>	3 (for container vehicles)	
<b>Loading/Unloading Platform</b>	1	
<b>Operation Hours</b>	8:00 a.m. to 6:00 p.m. (Mondays to Saturdays) No operation on Sundays and public holidays	

- 1.5 In support of the application, the applicant has submitted the following document:
- (a) Application form received on 28.10.2020 (**Appendix I**)
- (b) CCTV Inspection Report for Underground (**Appendix Ia**)

- Pipeline
- (c) Supplementary Information (SI) received on 2.11.2020 providing background information (Appendix Ib)
  - (d) SI received on 4.11.2020 providing background information (Appendix Ic)
  - (e) Further Information (FI) received on 16.11.2020 in response to Transport Department's comments [exempted from publication and recounting requirements] (Appendix Id)

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

The justifications put forth by the applicant in support of the application are detailed at **Appendices I to Id**. They can be summarised as follows:

- (a) The applicant is in the business of trading chemical materials and Category 5 dangerous goods are the main trading commodities. Storage area is needed to keep the imported materials for dissemination.
- (b) Delivery of the materials and logistics of distributing to the retailers rely on container trucks/lorries for delivery. The loading/unloading platform and parking spaces for the container trucks/lorries are essential to the operation.
- (c) There would be no substantial change in site configuration and the operations are the same as of the last planning permission of Application No. A/HSK/41. All the approval conditions have been complied with.

## 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. **Town Planning Board Guidelines**

The Town Planning Board Guidelines for "Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development" (TPB PG-No. 34C) are relevant to the application. The relevant assessment criteria are attached at **Appendix II**

## 5. **Background**

The Site is not subject to planning enforcement action.

## 6. Previous Applications

- 6.1 The Site is involved in four previous applications (No. A/YL-PS/324, 347, 401 and A/HSK/41). Amongst these applications, three of them were approved and one was rejected by the Committee. Details of the previous applications are summarized at **Appendix III** and their locations are shown on **Plan A-1**.
- 6.2 Application No. A/YL-PS/324 for open parking of vehicles for Category 5 dangerous goods at a smaller site was rejected by the Committee on 15.10.2010 for reason that it was not in line with the then Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that the Director of Fire Services (D of FS) objected to the application because the proposed vehicle park could not be used for overnight parking of dangerous goods vehicles while loaded with lubricating oil (Cat. 5 Dangerous Goods) which should only be stored in a fixed storage facility.
- 6.3 Application No. A/YL-PS/347 for permanent dangerous goods godown (Cat.4 - 5. dangerous goods) was approved with conditions by the Committee on 23.9.2011 for a period of 5 years mainly on grounds that the proposed development was in line with the planning intention of the then “I(D)” zone<sup>1</sup> and there were no adverse comments from concerned government departments. The application was approved on a temporary basis, instead of permanent permission sought, for closely monitoring the site condition and compliance with conditions in view of the potential fire risks and environmental concern of the use. However, the planning permission was subsequently revoked on 23.9.2012 as the applicant failed to comply with the time-specified approval conditions on the implementation of emergency vehicular access, water supplies and fire services installations (FSIs), landscape proposals and drainage facilities.
- 6.4 Application No. A/YL-PS/401 for permanent dangerous goods godown (Cat 5. dangerous goods) was approved with conditions by the Committee on 21.12.2012 for a period of 5 years until 21.12.2017 on a temporary basis on similar considerations as mentioned in paragraph 6.3 above. All the approval conditions had been complied with under this application.
- 6.5 The last application (No. A/HSK/41) for temporary dangerous goods godown (Cat. 5 dangerous goods) was approved by the Committee with conditions on 26.1.2018 for a period of 3 years with validity up to 26.1.2021 mainly on the grounds that temporary use would not frustrate the long term planning intention for the site; the applied use was not incompatible with the surrounding uses; and no adverse comments from Government departments and the general public. All the approval conditions had been complied with under this application.

## 7. Similar Application

There is no similar application in the same “G/IC” zone.

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<sup>1</sup> The Site was zoned “Industrial (Group D)” (“I(D)”) under the previous Ping Shan OZP and rezoned to “G/IC” under the HSK and HT OZP.

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

8.1 The Site is:

- (a) currently used for applied use under valid planning permission;
- (b) fenced and hard paved; and
- (c) accessible via a local track from Hung Tin Road.

8.2 The surrounding areas have the following characteristics:

- (a) to the north are some open storage yards, unused land, a property estate agency, a metal workshop and some warehouse, and a residential dwelling (about 34m away);
- (b) to the east is a small knoll covered with vegetation and graves. A temple is at the top of the knoll;
- (c) to the immediate south is a car servicing facility and a storage facility; and
- (d) to the west across a local track is the elevated Hung Tin Road and its slip road. Further west across the road is a residential estate, Hung Fuk Estate.

## **9 Planning Intention**

The planning intention of the “G/IC” zone is primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments.

## **10 Comments from Relevant Government Departments**

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

### **Land Administration**

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

- (a) Lot 367 in D.D. 127 in the Site is a New Grant Lot which contains the restriction that the lot shall be used for private residential purposes only subject to a maximum building height of 25 feet or two-storey and a maximum total roofed over area of 800 sq. ft.
- (b) The remaining lots in the Site are Old Schedule Agricultural Lots

(OSLAs) held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government.

- (c) The private Lots 856RP and 857RP in D.D.124 and Lot 239 in D.D.127 are covered by Short Term Waiver (STW) No. 5113 for the purposes of temporary dangerous goods godwon (Cat.5 dangerous goods).
- (d) Should planning approval be given to the subject planning application, the lot owner(s) of the lot(s) without STW will need to apply to his office for permitting the structures to be erected or regularise any irregularities on site, if any. The STW holders will need to apply to his office for modification of the STW conditions where appropriate. Application(s) for any of the above will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) 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 LandsD.
- (e) Since the last planning approval in 2018, the applicant has been found operating the Temporary Dangerous Goods Godown with substantial structures straddling Lot 367 in D.D.127 and the adjoining Government Land (GL). Despite his repeated request, the owner(s) of Lot 367 in D.D.127 refused to submit a STW application and a STT application for the GL. The applicant should address this issue in this renew application.

### **Traffic**

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

- (a) He has no adverse comment on the application from traffic engineering point of view.
- (b) Sufficient manoeuvring space shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads.
- (c) The local track leading to the Site is not under Transport Department (TD)'s purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site.

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

- (a) The access arrangement should be commented by TD.

- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (c) HyD shall not be responsible for the maintenance of any access connecting the Site and Hung Tin Road.

### **Landscape**

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

- (a) The Site located to the east of Hung Fuk Estate, falls within an area zoned “G/IC” on the OZP. A site visit has been conducted on 12.11.2020, it is observed that the Site is hard paved with existing climbing plants on fencing along Hung Tin Road. With reference to the aerial photo of 2020, the Site is situated in an area of urban fringe landscape character predominated by temporary structures and open storage yards. A wooded knoll is observed to the east of the Site. Significant change to the landscape character arising from the continued use of the application is not envisaged.
- (b) Should the Board approve this application, he would recommend the inclusion of the condition to maintain all climbing plant on boundary fence in good condition during the planning approval period.

### **Environment**

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

- (a) It is noted that the applied use is an existing use approved previously under planning application No. A/HSK/41 with conditions. Measures required under approval conditions including : (i) provision of 100mm thick concrete box to enclose the underground tanks; (ii) provision of a 100mm bund wall around the distribution area of 4m x 4m above each of underground tank with a peripheral channel; and (iii) provision of an underground sump tank equipped with an oil/grease trap, were already in place and considered complied with.
- (b) Provided the above measures would remain in place, he has no comment on the application.
- (c) There was no environmental complaint pertaining to the Site received in the past 3 years.

### **Drainage**

#### 10.1.6 Comments of the Chief Engineer/Mainland North, Drainage Services

Department (CE/MN, DSD):

- (a) According to the applicant's submission, the existing drainage facilities which were implemented under an approved application No. A/HSK/41 will be maintained for the current development. He has no objection in principle to the proposed application from a drainage point of view.
- (b) Should the Board consider that the application is acceptable from the planning point of view, conditions should be stipulated to require the applicant to maintain the existing drainage facilities and to submit condition record of the existing drainage facilities to the satisfaction of his department.
- (c) The applicant should be reminded of the detailed comments in **Appendix V**.

### **Building Matters**

10.1.7 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) An occupation permit no. NT 18/2013(OP) was issued on 10 April 2013 for "2 nos. underground storage tanks for non-domestic use".
- (b) There is no record of approval by the Building Authority (BA) for the structures existing at the Site.
- (c) The applicant should be reminded of his detailed comments at **Appendix V**.

### **Fire Safety**

10.1.8 Comments of the Director of Fire Services (D of FS):

He has no objection in principle to the renewal application subject to the existing fire service installations (FSIs) implemented on the Site being maintained in efficient working order at all times.

### **Long Term Development**

10.1.9 Comments of the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD):

- (a) He has no objection to the temporary use for 3 years, which should be considered in accordance with the provisions of the existing OZP and infrastructure capacities.
- (b) However, the Site falls within the boundary of HSK/HT NDA. According to the Planning and Engineering Study (P&E Study)



for the HSK/HT NDA and the latest plan, to ensure timely and orderly implementation, the development of HSK/HT NDA and relevant site formation and infrastructure works would be implemented in three phases, viz. First Phase development, Second Phase development and Remaining Phase development. The lot(s) concerned falls within sites under Remaining Phases development in the latest programme of the HSK/HT NDA. While the detailed implementation programme for the project is still being formulated, it is envisaged that the site formation and engineering infrastructure works for the Remaining Phase development will commence in 2030.

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

10.1.10 Comment of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

- (a) He has no comment on the application from departmental point of view.
- (b) His office has not received any comment from locals on the application.

10.2 The following departments has no comment / no objection to the application:

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (b) Director of Electrical and Mechanical Services.

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

On 6.11.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments were received from individuals. One of them raised concerns on the application as the proposed development falls within the HSK/HT NDA which will be commenced soon and GIC facilities should be developed in tandem with housing development in HSK/HT NDA. The other commenter objected to the proposed development as the applied use is too close to the residential area nearby and it would affect the quality of life and the ecological environment in the area. (**Appendices IV-1 and IV-2**).

## **12 Planning Considerations and Assessments**

12.1 The application is for renewal of planning approval for temporary dangerous goods godown (Cat. 5 dangerous goods) for a period of 3 years at the Site zoned "G/IC" on the OZP (**Plan A-1**). The "G/IC" zone is intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of

the Government, organizations providing social services to meet community needs, and other institutional establishments. Whilst the development is not in line with the planning intention of the “G/IC” zone, the implementation programme of this part of the NDA is still being formulated. PM(W), CEDD has no objection to the applied temporary use for 3 years on the Site. In this regard, approval of the application on a temporary basis would not jeopardize the long term planning of the area. 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 implementation of government projects.

- 12.2 The development is not incompatible with the surrounding land uses which are predominantly used for open storage yards, warehouses and workshops (**Plan A-2**).
- 12.3 The current application is a renewal application of the last approved application (No. A/HSK/41) for three more years. There has been no major change in planning circumstances of the Site and the surrounding areas since the previous temporary approval, and the approval of the application on a temporary basis would not jeopardize the implementation of the zoned uses. Compared with the last approved application No. A/HSK/41, the current application was submitted by the same applicant and all the approval conditions under the previous application had been complied with. In view of the above, the renewal application is considered generally in line with the TPB PG-No. 34C.
- 12.4 There is no adverse comment from the concerned Government departments including C for T, DEP, CE/MN of DSD and D of FS. In order to address the possible environmental nuisances or the technical requirements of the other concerned Government departments, relevant approval conditions are recommended in paragraph 13.2 below. Any non-compliance with these approval conditions would result in revocation of the planning permission and any unauthorized development on the Site would be subject to enforcement action by the Planning Authority.
- 12.5 The Committee has approved three previous applications for the same applied use on temporary basis (No. A/YL-PS/347, 401 and A/HSK/41) at the Site on the OZP (**Plan A-1**). Approval of the current application is in line with the Committee’s previous decisions.
- 12.6 There are two public comments received during the statutory public inspection period as summarized in paragraph 11. The planning considerations and assessments in the above paragraphs are relevant.

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

- 13.1 Based on the assessments made in paragraph 12, and having taken into account the public comments as mentioned in paragraph 11, the Planning Department considers that the renewal of planning approval for temporary dangerous goods godown (Cat.5 dangerous goods) could be tolerated for a further period of 3

years.

- 13.2 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 and be renewed from **27.1.2021 to 26.1.2024**. 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 or public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no open storage of dangerous goods are allowed on the Site at any time during the planning approval period;
- (d) the 100mm thick concrete box to enclose the underground tanks shall be maintained at all times during the approval period to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (e) the 100mm bund wall around the distribution area of 4mx4m above each of underground tank with a peripheral channel shall be maintained at all times during the approval period to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (f) the underground sump tank equipped with an oil/grease trap shall be maintained at all times during the approval period to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (g) all screen plantings within the Site shall be maintained at all times during the planning approval period;
- (h) the existing boundary fencing on Site shall be maintained at all times during the planning approval period;
- (i) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (j) no vehicle is allowed to queue back to or reverse onto/from public road at any times during the planning approval period;
- (k) all climbing plant on boundary fence shall be maintained in good condition at all times during the planning approval period;
- (l) the existing fire service installations implemented shall be maintained in efficient working order at all times during the planning approval period;

- (m) the submission of a condition record of the existing drainage facilities within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **27.4.2021**;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k) or (l) 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
- (o) if any of the above planning condition (m) 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.

*[Approval conditions (a), (c), (d), (e), (f), (g), (h), (i), (j) and (m) are the same as those under the permission for application No. A/HSK/41, while the previous condition on the submission and implementation of FSIs are replaced by condition (l) as the FSIs have been accepted by D of FS. Conditions (b) and (k) are added as proposed by the applicant and as required by concerned government department, and the reinstatement clause under previous approval condition (o) is deleted to accord with the department's latest requirements.]*

Advisory clauses

The recommended advisory clauses are attached at **Appendix V**.

- 13.3 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 intention of the "G/IC" zone which is primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

**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 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.
- 14.3 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.

**15 Attachments**

<b>Appendix I</b>	Application form received on 28.10.2020
<b>Appendix Ia</b>	CCTV Inspection Report for Underground Pipeline
<b>Appendix Ib</b>	SI received on 2.11.2020 providing background information
<b>Appendix Ic</b>	SI received on 4.11.2020 providing background information
<b>Appendix Id</b>	FI received on 16.11.2020
<b>Appendix II</b>	Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development” (TPB PG-No. 34C)
<b>Appendix III</b>	Previous Applications covering the Site
<b>Appendix IV</b>	Public Comments
<b>Appendix V</b>	Advisory Clauses
<b>Drawing A-1</b>	Site Layout Plan
<b>Drawing A-2</b>	Illustrative diagram of the underground tank
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
DECEMBER 2020**