

RNTPC Paper No. A/YL-KTN/934
For Consideration by
the Rural and New Town
Planning Committee
on 13.10.2023

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/934

<u>Applicant</u>	:	Well Chance Corporation Limited represented by PlanPlus Consultancy Limited
<u>Site</u>	:	Lots 1875 S.C ss.2 (Part), 1173 S.A (Part) and 1875 S.C ss.4 (Part) in D.D. 107, Fung Kat Heung, Yuen Long, New Territories
<u>Site Area</u>	:	About 580m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use) Lots 1875 S.C ss.2 and 1875 S.C ss.4 in D.D.107 held under Tai Po New Grant No. 5397 for orchard purpose
<u>Plan</u>	:	Draft Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/10
<u>Zoning</u>	:	“Industrial (Group D)” (“I(D)”) [maximum plot ratio of 1.6, maximum site coverage of 80% and maximum building height of 13m]
<u>Application</u>	:	Proposed Dangerous Goods Godown (for Class 3 Dangerous Goods)

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed dangerous goods (DG) godown (for Class 3 DG) at the application site (the Site), which falls within an area zoned “I(D)” on the Kam Tin North OZP. According to the Notes of the OZP for “I(D)” zone, “Dangerous Goods Godown” is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently paved, fenced, mainly vacant and deposited with some construction materials.
- 1.2 According to the applicant, the proposed development involves five underground tanks, each with an area of 22.3m² and a capacity of 45,000 litres, to separately store five types of Class 3 DG (flammable liquids) under the Dangerous Goods (Application and Exemption) Regulation, namely kerosene (煤油), hydrocarbons

liquid (液態烴類), xylenes (二甲苯), acetone (丙酮) and isopropanol (異丙醇). The proposed development also includes three single-storey structures with a total floor area of about 50.8m² and building height of not more than 3.3m for ancillary DG filling room (for DG refilling and short-term storage), pump room and toilet. One loading/unloading space for light goods vehicle will be provided at the Site. The proposed operation hours will be from 8:30 a.m. to 5:30 p.m. from Mondays to Fridays, and from 8:30 a.m. to 12:30 p.m. on Saturdays. No operation will be carried out on Sundays and public holidays. The Site is accessible from Fung Kat Heung Road. The 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 and supplementary information (**Appendix I**)
received on 23.6.2023 and 5.7.2023 respectively
- (b) Supplementary planning statement (**Appendix Ia**)
- (c) FI received on 2.8.2023 and 3.8.2023* (**Appendix Ib**)
- (d) FI received on 14.8.2023* (**Appendix Ic**)
- (e) FI received on 12.9.2023* (**Appendix Id**)

** exempted from publication and recounting requirements*

1.4 On 11.8.2023, at the request of the applicant, the Rural and New Town Planning Committee (the Committee) agreed to defer making a decision on the application for two months to allow time for the applicant to address departmental comments.

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, planning statement and FI in **Appendices I to Id**. They can be summarised as follows:

- (a) The applicant is a land owner and business operator of chemical processing and wholesaling of solvents, adhesives and lubricants for machineries and building materials with a supporting DG godown located in Tong Yan San Tsuen which are being affected by land resumption for the Yuen Long South Development. While the affected industrial operations will be relocated to the adjacent lots to the northeast and east, the affected DG godown is proposed to be relocated to the Site to serve the neighbouring operations by providing solvents to the industrial process. The proximity of the proposed DG godown to the industrial operations

can maximise efficiency and the application is for facilitating relocation of the applicant's business.

- (b) The applicant has diligently pursued the possibility of in-situ relocation within the same district to mitigate the impact of land resumption and ensure seamless business continuity. Prior to selecting the Site for relocation, the applicant has already visited more than 10 locations. Only the Site falling within the "I(D)" zone is considered suitable and practicable for sustaining the business operations without disruption and can minimise adverse impact.
- (c) The nature of the DG godown operation is in line with the planning intention of the "I(D)" zone. The proposed use is not incompatible with the surrounding environment which is predominated by warehouses and workshops. Short Term Waiver for DG godown has been obtained from the Lands Department (LandsD).
- (d) The applicant proposes fire safety measures including fire suppression system and smoke detection system, explosion-proof system and installation of anti-static electric cord. Double-walled underground tanks meeting relevant safety standards will be used for storing the DG.
- (e) The proposed development would not induce adverse impacts on traffic, fire safety, drainage, landscape 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

The Site is not involved in any previous application.

6. Similar Application

There is no similar application for DG godown within the same "I(D)" zone in the vicinity of the Site.

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

7.1 The Site is:

- (a) currently paved, fenced, mainly vacant and deposited with some construction materials; and
- (b) accessible from Fung Kat Heung Road.

7.2 The surrounding areas have the following characteristics:

- (a) to the immediate northeast and east are vacant structures to be used for the industrial operations by the applicant;
- (b) to the further north across Fung Kat Heung Road are a factory and open storage yard and to the further east are temporary residential structures/dwellings and storage yards; and
- (c) to the south and west are warehouse and open storage yards.

8. Planning Intention

The planning intention of the “I(D)” zone is primarily for industrial uses that cannot be accommodated in conventional flatted factories due to extensive land and/or high ceiling requirements. It is also intended for the redevelopment of existing informal industrial uses, which are operated in workshop premises in rural area, to properly designed permanent industrial buildings.

9. Comments from Relevant Government Departments

9.1 The following government bureau/departments have been consulted and their views on the application are summarised as follows:

Policy Aspect

9.1.1 Comments of the Secretary of Development (SDEV):

- (a) the application is to facilitate relocation of a brownfield operation for storage of DG in Yuen Long, which will be displaced by the Yuen Long South Development;
- (b) according to the applicant, a thorough site search has been conducted with a view to identifying suitable site for re-establishment of its business elsewhere to pave way for clearance under the Yuen Long South Development, and the Site

under the current application is the only one considered suitable and practicable after the site search;

- (c) according to the concerned departments, the proposed use is not incompatible with the surrounding land uses and would not create insurmountable impacts in technical terms subject to imposition of appropriate approval condition(s); and
- (d) to facilitate smooth clearance for the Yuen Long South Development and provide operating space for displaced brownfield operation still needed by the community, the application is supported from policy perspective.

Land Administration

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

- (a) the Site comprises 2 New Grant (NG) Lots and 1 Old Schedule Agricultural Lot (OSAL). Lot Nos. 1875 S.C ss.2 and 1875 S.C ss.4 both in D.D.107 are held under Tai Po New Grant No. 5397 for “Orchard” purposes. The OSAL was held under the Block Government Lease which contains the restrictions that no structures are allowed to be erected without the prior approval of the Government;
- (b) within the Site, the following private lots are covered by Short Term Waivers (STWs), details of which are listed below:

Lot Nos. in D.D. 107	STW No.	Permitted Use
1875 S.C ss.2 and 1875 S.C ss.4	STW 5416	Temporary Warehouse (with ancillary facilities for storage of dangerous goods)
1173 S.A	STW 5417	

- (c) the STWs holders will need to apply to his office for modification of the STWs conditions where appropriate. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Applications 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 rent or fee, as may be imposed by the LandsD.

Traffic

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

- (a) no comment on the application from traffic engineering perspective; and
- (b) 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 checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly. Sufficient manoeuvring space shall be provided within the Site. No vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period.

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

- (a) Fung Kat Heung Road is not and will not be maintained by HyD;
- (b) HyD shall not be responsible for the maintenance of any access connecting the Site and San Tam Road; and
- (c) adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

Environment

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

- (a) no objection to the application;
- (b) should the application be approved, the following condition should be imposed:

the submission of a contamination assessment plan and remediation action plan, if necessary, and the implementation of the remedial actions, if necessary, prior to commencement of construction for the contaminated areas of the development to his satisfaction; and
- (c) the applicant should be reminded of the detailed comments at **Appendix II**.

Drainage

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

no objection in-principle to the proposed development from the public drainage point of view subject to drainage facilities being provided to his satisfaction.

Fire Safety

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

- (a) no objection in-principle to the proposal subject to fire service installations (FSIs) and water supplies for firefighting being provided to his satisfaction; and
- (b) comments on FSI proposal and emergency vehicular access (EVA) layout will only be given upon receipt of formal submission of general building plans and application for DG license. Moreover, the applicant is advised to observe the requirements of EVA as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Building 2011, which is administered by the Building Authority.

Landscape

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

the Site falls within “I(D)” zone which is non-landscape sensitive zoning and no significant landscape impact arising from the proposed development is anticipated.

Building Matters

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

- (a) as there is no record of approval granted by the Building Authority for the existing structure at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application; and
- (b) the applicant should be reminded of the detailed comments at **Appendix II**.

District Officer's Comments

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

DO(YL), HAD has not received any locals' comment on the application and has no comment on the application.

9.2 The following government departments have no comment on the application:

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Chief Engineer/Construction, Water Supplies Department;
- (c) Commissioner of Police;
- (d) Director of Electrical and Mechanical Services (DEMS); and
- (e) Project Manager (West), Civil Engineering and Development Department.

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 DG godown at the Site zoned "I(D)". The planning intention of the "I(D)" zone is primarily for industrial uses that cannot be accommodated in conventional flatted factories due to extensive land and/or high ceiling requirements. It is also intended for the redevelopment of existing informal industrial uses, which are operated in workshop premises in rural area, to properly designed permanent industrial buildings. The proposed DG godown is intended to serve the adjacent industrial operations by providing solvents to the industrial processing and is not in conflict with the planning intention of the "I(D)" zone.
- 11.2 According to the submission, the application is for facilitating relocation of the applicant's industrial operations with supporting DG godown being affected by the Yuen Long South Development. SDEV notes that the Site is considered the only suitable and practicable location after site search by the applicant. With the policy objectives of facilitating smooth clearance for the Yuen Long South Development and providing operating space for displaced brownfield operations still needed by the community, SDEV supports the application.
- 11.3 The proposed development is considered not incompatible with the surrounding land uses which are predominated by open storage yards, factory and warehouse

(**Plan A-2**). CTP/UD&L, PlanD considers that no significant landscape impact arising from the proposed development is anticipated.

- 11.4 Relevant safety measures including fire suppression system, installation of anti-static electric cord and double-walled underground tanks are proposed by the applicant. D of FS has no in-principle objection to the application subject to provision of FSIs, and implementation of the proposed DG godown is subject to the relevant licensing requirements administered by the Fire Services Department. DEP has no objection to the application and the applicant will be advised to follow the relevant legislative requirements during operation and construction, and the requirements of ProPECC PN 5/93 “Drainage Plans Subject to Comment by the Environmental Protection Department”. Other relevant departments consulted including C for T, CE/MN of DSD and DEMS, have no objection to or no adverse comment on the application.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11, 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 until 13.10.2027, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Condition

the submission of a contamination assessment plan and a remediation action plan, if necessary, and the implementation of the remedial actions identified therein prior to construction of the development to the satisfaction of the Director of Environmental Protection or of the Town Planning Board.

Advisory Clauses

The advisory clauses are in **Appendix IV**.

- 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 date when the validity of the permission should expire.
- 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 and supplementary information received on 23.6.2023 and 5.7.2023 respectively
Appendix Ia	Supplementary planning statement
Appendix Ib	FI received on 2.8.2023 and 3.8.2023
Appendix Ic	FI received on 14.8.2023
Appendix Id	FI received on 12.9.2023
Appendix II	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**