

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

**APPLICATION NO. A/YL-NTM/430**

<b><u>Applicant</u></b>	Chun Lik Engineering (HK) Limited represented by Allgain Land Administrators (Hong Kong) Limited
<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 vehicle repair workshop and open storage uses with temporary structures and some vehicles.
- 1.2 The Site is the subject of a previous application (No. A/YL-NTM/397) submitted by a different applicant for the same use under application which was approved by the Rural and New Town Planning Committee (the Committee) on 6.3.2020 for a period of 3 years. The application was revoked on 6.9.2021 due to non-compliance with approval conditions.
- 1.3 According to the information submitted by the applicant, the proposed development is for storage of LPG cylinders with a maximum storage capacity of 24.8 tonnes of LPG. The LPG cylinders will be stored in stacks at the eastern portion of the Site on an elevated platform of 1.2m in height (**Drawings A-1 and A-2**). A radiation wall of

2.5m in height 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**). The ingress/egress is located at its northwestern boundary accessible to Mai Po Lung Road through a local access road (**Plan A-2**). A Heavy Goods Vehicle (HGV) loading/unloading space for cylinder wagon will be provided within the Site. The operation hours are between 9:00a.m and 6:00p.m from Mondays to Saturdays, with no operation on Sundays and public holidays. Compared with the previous approved application No. A/YL-NTM/397, the current scheme is the same as the previous scheme, except a shorter operational hour per day.

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

- (a) Application Form with supporting documents received on 1.11.2021 (**Appendix I**)
- (b) Further Information (FI) received on 10.12.2021 providing responses to departmental comments \* (**Appendix Ia**)

*Remark: \* accepted and 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 at **Appendices I** and **Ia** which are summarised as follows:

- (a) The current application is the same as the previously approved application (A/YL-NTM/397). The proposed development conforms to the planning intention of the “OS” zone. It only involves storage of LPG cylinders. It is also in line with the Town Planning Board Guidelines No. 13F (TPB PG-No. 13F) that the Site falls within the Category 1 area suitable for open storage uses. The proposed use is temporary in nature and would not jeopardise the long-term planning for the New Territories North.
- (b) The LPG cylinders will be stored temporarily at the Site before delivery to other locations. 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 and cross-boundary transportation on daily basis. The development will only involve a maximum of 1 trip rate per day.
- (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, providing an effective screening of site activities. Water tank and FS pump cabinet will also be provided on Site. Since no industrial/ manufacturing/ retail process of LPG will be conducted on the Site, no adverse environmental impact and safety concerns to the surrounding residential dwellings are anticipated. No significant impacts on visual, landscape, traffic and environment are anticipated.
- (d) The applicant will comply with the Gas Safety Ordinance and obtain approval from the gas authority prior to its construction and operation. The applicant will also comply with the relevant regulations/guidelines to ensure gas safety and minimal environmental nuisance.

- (e) Approval conditions of the previous approval were not fulfilled as the applicant had failed to obtain owner consent. Unlike the last applicant, owner consent has been obtained.

### **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 under Section 16 of the Town Planning Ordinance (TPB PG-No.13F) provides guidelines for open storage and port back-up uses. The Site falls within Category 1 areas under the guidelines. The following criteria are relevant:

Category 1 areas: these are areas considered suitable for open storage and port back-up uses. 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**

- 6.1 The Site is involved in a previous application (No. A/YL-NTM/397) submitted by a different applicant for the same use which was approved on 6.3.2020 for the reasons that it was not in conflict with the planning intention and generally complies with the then TPB PG-No. 13E; it was not incompatible with the surrounding land uses; and relevant government departments generally had no adverse comments on/objection to the application. The planning approval was revoked on 6.9.2021 due to non-compliance with the conditions on provision of boundary fencing and submission and implementation of drainage proposal and fire service installations proposal.

- 6.2 Details of the application are summarised at **Appendix II**.

### **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-4)**

8.1 The Site is:

- (a) paved and occupied by vehicle repair workshop and open storage uses with temporary structures and some vehicles; and
- (b) accessible to Mai Po Lung Road through a local access road.

8.2 The surrounding areas are rural in character intermixed with vehicle repair workshop, parking of vehicles, residential dwellings and vacant land/woodland:

- (a) to the north and northeast are a vehicle repair workshop, vacant land and a residential dwelling at about 14m away from the Site; to the further north is the San Tin Highway;
- (b) to the west are vehicle park, vacant land and residential dwellings within the same “OS” zone; and
- (c) to the east and south are woodland and parking of vehicles.

**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) It is noted that the proposed access to the Site from Mai Po Lung Road would straddle on private land and Government Land (GL). There is no guarantee that a right-of-way over GL will be granted. In addition, according to the established practice, application of Short Term Tenancy for the purpose of access on GL will not be entertained, even if the planning application is approved by the Board.
- (c) Should planning approval be given to the subject planning application, the owner of the lot will need to immediately apply to his office for

permitting the structures to be erected or to 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. 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(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 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) The access arrangement to the Site from Mai Po Lung Road should be commented by TD.
- (b) HyD is not/shall not be responsible for the maintenance of any access connecting the Site and Mai Po Lung Road.
- (c) 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.

### **Environment**

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

- (a) He does not support the application as heavy vehicle 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) No environmental complaint pertaining to the Site has been received over the past 3 years.
- (c) 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**

#### 10.1.5 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. 13F. No significant landscape impact is envisaged.

### **Drainage**

#### 10.1.6 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) The applicant shall submit a drainage submission to demonstrate how rain water falling onto or flowing to the Site will be collected, conveyed and discharged. A clear drainage plan showing full details of the existing drains and the proposed drains (e.g. cover and inverted levels of pipes/catchpits/outfalls and ground levels justifying waterflow etc.) with supporting design calculations and charts according to the ‘Guideline on Preparation of the Drainage Proposal’ available at DSD’s homepage should be included. Approval of the drainage proposal must be sought prior to the implementation of drainage works on site.
- (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) His detailed comments are at **Appendix IV**.

### **Nature Conservation**

#### 10.1.7 Comments of the Director of Agriculture, Fisheries and Conservation

(DAFC):

- (a) He has no adverse comments on the application from nature conservation perspective.
- (b) It is noted that a previous application had been approved by the Board. 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.

### **Building Matters**

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

- (a) There is no record of approval by the Building Authority (BA) for the structures existing at the Site.
- (b) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BA, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the captioned application.
- (c) For UBW erected on leased land, enforcement action may be taken by the Buildings Department to effect their removal in accordance with the prevailing enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.
- (d) His advisory comments are at **Appendix IV**.

### **Fire Services**

10.1.9 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 FSD 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. In addition, applicant is advised to seek advice from Electrical and Mechanical Services Department (EMSD), which is the Controlling Authority on the importation, manufacture, storage, transport, supply and use of LPG under the Gas Safety Ordinance, Cap. 51.

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

#### **10.1.10 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))

### **Others**

#### **10.1.11 Comments of the Project Manager (North), Civil Engineering and Development Department (PM(M), CEDD):**

The Site is within the proposed boundary of San Tin / Lok Ma Chau Development Node (STLMC DN). According to the latest target programme of STLMC DN, it is targeted to commence works in phases from 2024, and thus to seek the funding approval from Finance Committee in 2024. Therefore, the Site, within the boundary of STLMC DN, may probably be required for timely clearance and construction.

#### **10.2 The following government departments have no comment on the application:**

- (a) Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD2-2, RDO, HyD);
- (b) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (c) Commissioner of Police (C of P);
- (d) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (e) District Officer (Yuen Long) (DO(YL)).

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

On 9.11.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period, 2 public comments were received providing views on the application. One was submitted by the Hong Kong and China Gas Company Limited suggesting that a QRA should be conducted to evaluate the potential risk as the proposed development will be in close vicinity to an existing high pressure gas pipeline, and another was submitted by an individual raising concerns on the revocation of previous approval due to failure to comply with conditions as dangerous goods are stored at the Site (**Appendix III**).

## **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. The applicant proposes that the LPG cylinders will be stored on an elevated platform with provision of fencing/ radiation wall around the Site, and no industrial/ manufacturing/ retail process of LPG will be conducted at the Site. The LPG cylinder will be stored temporarily at the Site before delivery to other locations in the territory. The proposed use is considered not in conflict with the planning intention of the Site, which is intended primarily for provision of land for appropriate open storage uses and to regularize the already haphazard proliferation of open storage uses. It is also considered not incompatible with the surrounding land uses which are mostly vehicle repair workshop, parking of vehicles, woodland and vacant land (**Plan A-2**).
- 12.2 The Site falls within Category 1 areas under the TPB PG-No. 13F where favourable consideration will normally be given to applications within these areas. The development is generally in line with the Guidelines in that there is no adverse comment from the concerned government departments including DEMS, D of FS, C for T, DAFC, CE/MN of DSD, and CTP/UD&L of PlanD, except DEP. DEMS advises that the proposed development is not a PHI as its LPG storage capacity does not exceed 25 tonnes. However, it is regarded as a notifiable gas installation subject to the control of Gas Safety Ordinance (Cap. 51). 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. While DEP does not support the application as it would cause environmental nuisances to the sensitive uses in the vicinity of the Site (the nearest residential dwelling is about 14m to the northeast of the Site (**Plan A-2**)), it should be noted that the residential dwelling falls within the same "OS" zone and no environmental complaint against the Site have been received by DEP in the past 3 years. Besides, the applicant has proposed that 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 to provide screening of site activities. To mitigate any potential environmental impacts on the surrounding areas, approval conditions on operation hour restrictions, fencing provision, submission and implementation of drainage and FSI proposals are recommended in paragraphs 13.2 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. In addition, the applicant should also 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.

- 12.3 The Site is involved in a previously approved application for the same use submitted by a different applicant which was subsequently revoked due to non-compliance with approval conditions relating to fencing, drainage and FSI. As the current application is submitted by a new applicant, it may be assessed on its own merits and approval of the current application is in line with the previous decision of the Committee.
- 12.4 Regarding the two public comments providing views on the application as detailed in paragraph 11, the departmental comments and planning assessments 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 24.12.2024. 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 9:00 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/wall, as proposed by the applicant, within 6 months to the satisfaction of the Director of Planning or of the Town Planning Board by 24.6.2022;
- (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 24.6.2022;

- (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 24.9.2022;
- (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 24.6.2022;
- (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 24.9.2022;
- (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 IV**.

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**

<b>Appendix I</b>	Application form with supporting documents received on 1.11.2021
<b>Appendix Ia</b>	FI received on 10.12.2021
<b>Appendix II</b>	Previous Applications
<b>Appendix III</b>	Public comments
<b>Appendix IV</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>Plan A-4</b>	Site Photo

**PLANNING DEPARTMENT  
DECEMBER 2021**