

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-NTM/443

<u>Applicant</u>	: Rise Smart Industrial Limited
<u>Site</u>	: Lot 116 in D.D. 105, Mai Po Lung Road, Ngau Tam Mei, Yuen Long
<u>Site Area</u>	: About 1,350 m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Ngau Tam Mei Outline Zoning Plan No. S/YL-NTM/12
<u>Zoning</u>	: “Open Storage” (“OS”)
<u>Application</u>	: 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 for proposed temporary open storage of chemical products/ dangerous goods (LPG cylinders) for a period of three years at the application site (the Site) (**Plan A-1**). 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 two previous applications (No. A/YL-NTM/397 and 430) submitted by different applicants for the same use which were approved by the Rural and New Town Planning Committee (the Committee) on 6.3.2020 and 24.12.2021 respectively for a period of 3 years. These applications were revoked on 6.9.2021 and 24.6.2022 respectively 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 (**Drawing A-1**). 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 western 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 wagons will be provided within the Site. The operation hours are between 8:00 a.m. and 6:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. The current scheme is the same as the previously approved scheme of application No. A/YL-NTM/430, except a longer operation hours per day.

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

- (a) Application Form received on 19.7.2022 (**Appendix I**)
- (b) Supplementary Planning Statement received on 19.7.2022 (**Appendix Ia**)
- (c) Further Information (FI) received on 31.8.2022 (**Appendix Ib**)
responding comments of Transport Department (TD
and Drainage Services Department (DSD)[#]

[#] *exempted from publication requirement*

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Supplementary Planning Statement at **Appendix Ia**. They are summarised as follows:

- (a) 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 12 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 the 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.

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

The applicant is not a “current land owner” of the Site 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 obtaining consent of “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) promulgated by the Board on 27.3.2022 is relevant to this application. The Site falls within Category 1 areas under the TPB PG-No. 13F. Relevant extract of the Guidelines is attached at **Appendix II**.

5. Background

The Site is not subject to any active enforcement action.

6. Previous Applications

6.1 The Site is involved in two previous applications (No. A/YL-NTM/397 and A/YL-NTM/430) submitted by different applicants for the same use which were approved on 6.3.2020 and 24.12.2021 respectively for the reasons that they were not in conflict with the planning intention and generally comply with the TPB PG-No.13E and 13F; they were not incompatible with the surrounding land uses; and relevant government departments generally had no adverse comments on/objection to the application. The planning approval of application No. A/YL-NTM/397 and No. A/YL-NTM/430 were revoked on 6.9.2021 and 24.6.2022 respectively due to the non-compliance with conditions on the provision of boundary fencing and submission and implementation of drainage and fire service installations proposals.

6.2 Details of the application are summarised at **Appendix III**.

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 and A-2, aerial photo on Plan A-3 and site photos on Plan 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 land uses 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 parks and residential dwellings within the same “OS” zone; and
- (c) to the east and south are woodland and vehicle parks.

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

Apart from the government department as set out in paragraph 10.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices IV** and **V** respectively.

10.1 The following government department does not support/has concerns on the application.

Environment

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

- (a) She does not support the application since the applied use is expected to generate traffic of heavy vehicles and there are domestic uses within 100m of the site boundary (the nearest domestic structure is located at about 14m northeast of the Site). Environmental nuisance to nearby residents is anticipated.

- (b) Should the application be approved, the applicant is advised to follow the environmental mitigation measures as recommended in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize the potential environmental impacts on the adjacent area.
- (c) There is no environmental complaint case related to the Site for the past 3 years.

11. Public Comments Received During Statutory Publication Period

On 26.7.2022, the application was published for public inspection. During the three weeks of the statutory public inspection period, which ended on 16.8.2022, no public comment was received.

12. Planning Considerations and Assessments

- 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, unused land 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, except DEP. DEMS advises that the proposed development is not a potentially hazardous installation (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 fulfil 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 14 m 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 complaints 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 paragraph 13.2 below. Any non-compliance with these approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority. In addition, the applicant should also be advised to follow “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 previously approved applications for the same use submitted by different applicants which were subsequently revoked due to non-compliance with approval conditions relating to fencing, drainage and FSI. The current application is submitted by a new applicant. Approval of the current application is in line with the previous decision of the Committee.
- 12.4 There is no public comment received on the application during the statutory publication period.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12, 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 for a period of three years until 9.9.2025. 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. daily, 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 9.3.2023;
- (e) the submission of a drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 9.3.2023;

- (f) in relation to (e) above, the implementation of the drainage proposal within **9 months** from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 9.6.2023;
- (g) the submission of a fire service installation proposal within **6 months** from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 9.3.2023;
- (h) in relation to (g) above, the implementation of the fire service installations proposal within **9 months** from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 9.6.2023;
- (i) if any of the above planning condition (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 condition (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 attached at **Appendix V**.

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 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

Appendix I	Application Form with attachments received on 19.7.2022
Appendix Ia	Supplementary Planning Statement
Appendix Ib	FI received on 31.8.2022
Appendix II	Extract of TPB PG-No. 13F
Appendix III	Previous applications

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

**PLANNING DEPARTMENT
SEPTEMBER 2022**