

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

**APPLICATION NO. A/YL-TYST/1223**

- Applicant** : Merito Technical Services Limited represented by Top Bright Consultants Ltd.
- Site** : Lot 1945 RP (Part) in D.D. 121, Tong Yan San Tsuen, Yuen Long, New Territories
- Site Area** : 772 m<sup>2</sup> (about)
- Lease** : New Grant Lot restricted for private residential purpose only
- Plan** : Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/14
- Zoning** : “Industrial” (“T”)  
*[Restricted to a maximum plot ratio of 3 and a maximum building height (BH) of 4 storeys (15m)]*
- Application** : Temporary Industrial Use (Manufacturing of Inert Gases and Fire Suppression Agents, Servicing and Filling of Fire Extinguishers and Compressed Gas Cylinders with Inert Gases and Fire Suppression Agents and Hydraulic Pressure Testing) and Dangerous Goods (DG) Godown (Storage of Inert Gases and Fire Suppression Agents) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary industrial use (manufacturing of inert gases and fire suppression agents, servicing and filling of fire extinguishers and compressed gas cylinders with inert gases and fire suppression agents and hydraulic pressure testing) and DG godown (storage of inert gases and fire suppression agents) for a period of three years at the application site (the Site) (**Plan A-1**). According to the Notes of the OZP for “T” zone, while the major work procedures of the proposed development could be regarded as ‘Industrial Use (not elsewhere specified)’ which is always permitted, ‘Dangerous Goods Godown’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently paved, partly fenced off and vacant (**Plans A-2 and A-4**) and covered by valid planning permissions No. A/YL-TYST/750 and A/YL-TYST/1117 for the same applied use.

- 1.2 The Site is accessible from Tong Yan San Tsuen Road (**Plans A-2 and A-3**). According to the applicant, the proposed industrial use is for manufacturing of inert gases and fire suppression agents, service and filling of fire extinguishers and compressed gas cylinders with inert gases and fire suppression agents (classified as Category 2 DG and subject to the regulation under the Dangerous Goods Ordinance). After the servicing and filling of the fire extinguishers and compressed gas cylinder, hydraulic pressure testing of the pressurized fire extinguishers and cylinders will be carried out to ensure that no leakage occurs. The filled fire extinguishers and cylinders will be temporarily stored at the DG godown within the Site before delivery to clients. No medium or heavy goods vehicles and container tractors/trailers are allowed to enter the Site. Plans showing the vehicular access and the proposed layout plan submitted by the applicant are at **Drawings A-1 and A-2** respectively.
- 1.3 The Site is the subject of two previous applications (No. A/YL-TYST/750 and 1117) for the same applied use approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2016 and 2021 respectively (details at paragraph 5 below). Compared with the last application No. A/YL-TYST/1117, the current application is submitted by the same applicant at the same site with the same layout and development parameters. The major development parameters of the current application are summarised as follows:

<b>Site Area</b>	About 772 m <sup>2</sup>
<b>Total Floor Area (Non-domestic)</b>	About 160 m <sup>2</sup>
<b>No. and Height of Structure</b>	1 • for DG manufacturing and godown (7.6m, 1 storey)
<b>No. of Parking Space</b>	Nil
<b>No. of Loading/ Unloading Space</b>	1 (for light goods vehicle) (7 m x 3.5 m)
<b>Operation Hours</b>	8:00a.m. to 8:00p.m., with no operation on Sundays and public holidays

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

- (a) Application Form with attachments received on 1.6.2023 (**Appendix I**)
- (b) Supplementary Planning Statement (**Appendix Ia**)
- (c) Supplementary Information (SI) received on 8.6.2023 (**Appendix Ib**)
- (d) Further Information (FI) received on 10.7.2023\* (**Appendix Ic**)
- (e) FI received on 20.7.2023\* (**Appendix Id**)

*\* accepted and exempted from publication requirements*

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

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

- (a) the Site was the subject of two previous planning permissions (No. A/YL-TYST/750 and 1117) for the same use. Approval of the proposed uses is in line with the previous decisions of the Board;
- (b) the applicant had made efforts to comply with the approval conditions of the last previously approved application No. A/YL-TYST/1117. All time-limited approval conditions related to the submission of the fire service installations, drainage and run-in/out proposals had been complied with. General Building Plans approval for the structure involved was obtained in May 2022. A short term waiver (STW) application had been submitted in 2021 to erect new structures on the Site. The implementation of the proposals could not be proceeded pending approval of the STW application;
- (c) the proposed use is in line with the planning intention of the “I” zone and the proposal is compatible with the surrounding environment; and
- (d) there will be no adverse environmental, traffic and drainage impacts arising from the proposed use. The result of the Quantitative Risk Assessment (QRA) submitted under the previously approved application No. A/YL-TYST/1117 should still be valid as the assumption of the QRA is identical as the applied uses and its development parameters remain unchanged.

### **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 posting site notice and sending the notice to the Ping Shan Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Background**

The Site is currently not subject to planning enforcement action.

### **5. Previous Applications**

The Site is the subject of two previous applications for the same applied use covering different extents of the Site. Application No. A/YL-TYST/750 submitted by a different applicant was approved with conditions by the Committee in 2016 on a permanent basis (valid until 4.3.2024<sup>1</sup>). Application No. A/YL-TYST/1117 submitted by the same applicant was approved in 2021 for a period of three years (valid until 12.11.2024). Both applications were approved mainly on the considerations that the development was not in

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<sup>1</sup> Application No. A/YL-TYST/750-1 for extension of time for commencement of the approved development under application No. A/YL-TYST/750 was approved by the Director of Planning under the delegated authority of the Board in 2020. The proposal had yet to be implemented and the amended permission is valid until 4.3.2024. Compared with the application No. A/YL-TYST/750, the current application is submitted by a different applicant at a smaller site with revised development parameters and site layout.

conflict with the planning intention of the “I” zone; not incompatible with the surrounding uses; and the concerns of relevant government departments could be addressed by imposing approval conditions. Details of the applications are summarised in **Appendix II** and the boundaries of the sites are shown on **Plan A-1**.

## **6. Similar Application**

There is no similar application within the subject “I” zone.

## **7. Planning Intention**

The planning intention of the “I” zone is primarily for general industrial uses to ensure an adequate supply of industrial floor space to meet demand from production-oriented industries. Information technology and telecommunications industries, office related to industrial use, and selected uses akin to industrial production and would not compromise building and fire safety are also always permitted in this zone.

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

8.1 The Site is:

- (a) abutting Tong Yan San Tsuen Road to its east (**Plan A-2**); and
- (b) paved, partly fenced off and vacant and covered by valid planning permissions for the same applied use (**Plans A-2 to A-4**).

8.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

- (a) comprise predominantly industrial operations, open storage yards, a warehouse, godown, petrol station and car park within the subject “I” zone;
- (b) to the east of Tong Yan San Tsuen Road is a mixture of low-rise residential developments, car parks, a warehouse, church, petrol station, restaurant, social welfare facility and plant nursery in the adjoining “Residential (Group B)1” (“R(B)”1) zone;
- (c) to the north and further northwest are another petrol station and Tong Yan San Tsuen Playground in the adjoining “Other Specified Uses” annotated “Petrol Filling Station” and “Open Space” zones respectively;
- (d) there are residential developments in the vicinity of the Site with the nearest on located about 50m to its southeast; and
- (e) except for a social welfare facility and restaurant with valid planning permissions (No. A/YL-TYST/1056 and 1168) in the adjacent “R(B)1” zone, as well as the petrol stations and an open storage yard to the south of the Site, the remaining open storage yards, warehouses, godown and car park in the vicinity are suspected unauthorized developments subject to planning enforcement action.

**9. Comments from Relevant Government Departments**

All government 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 III** and **IV** respectively.

**10. Public Comment Received During the Statutory Publication Period**

On 9.6.2023, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

**11. Planning Considerations and Assessments**

- 11.1 The application is for temporary industrial use (manufacturing of inert gases and fire suppression agents, servicing and filling of fire extinguishers and compressed gas cylinders with inert gases and fire suppression agents and hydraulic pressure testing) and DG godown (storage of inert gases and fire suppression agents) for a period of three years at the Site zoned “I” on the OZP. The major work procedures of the current application is always permitted in the “I” zone except the DG godown for storing the inert gases and fire suppression agents in support of the major works procedures. The current application is in line with the planning intention of the “I” zone which is intended for general industrial uses.
- 11.2 The surrounding area comprises predominantly industrial operations, open storage yards, a warehouse, godown, petrol station and car park (**Plan A-2**). Although there are residential structures in the vicinity, the applied DG godown is generally not incompatible with the surrounding areas and the uses within the subject “I” zone.
- 11.3 Concerned government departments, including the Commissioner for Transport, Director of Environmental Protection, Director of Fire Services and Chief Engineer/Mainland North, Drainage Services Department have no objection to/no adverse comment on the application. Adverse traffic, environmental, fire safety and drainage impacts on the surrounding areas are not envisaged. There was no environmental complaint concerning the Site received in the past three years. Regarding the potential safety risks associated with the DG godown, the applicant states that the QRA submitted under the previously approved application No. A/YL-TYST/1117 should be applicable to the current application (**Appendix Ib**) with the same applied use and development parameters and DEMS has no adverse comment on the current application. Furthermore, relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of concerned government departments. Should the planning application be approved, the applicant will also be advised to submit a formal application for DG Licence to the Fire Services Department and to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any potential fire risk and environmental impact on the surrounding areas respectively.

- 11.4 Given that two previous approvals for the same use as the current application have been granted to the Site in 2016 and 2021, approval of the current application is generally in line with the Committee's previous decisions.

## **12. Planning Department's Views**

- 12.1 Based on the assessments made in paragraph 11 above, 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 on a temporary basis for a period of three years until 28.7.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval conditions

- (a) the submission of a run-in/out proposal within **6** months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 28.1.2024;
- (b) the implementation of the run-in/out proposal within **9** months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 28.4.2024;
- (c) the implementation of the accepted 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 28.4.2024;
- (d) in relation to (c) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (e) the implementation of the accepted fire service installations proposal and water supplies for firefighting 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 28.4.2024;
- (f) if the above planning condition (d) 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
- (g) if any of the above planning condition (a), (b), (c) or (e) 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**.

- 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 period of which the permission should be valid on a temporary basis.
- 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**

<b>Appendix I</b>	Application Form with attachments received on 1.6.2023
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix Ib</b>	SI received on 8.6.2023
<b>Appendix Ic</b>	FI received on 10.7.2023
<b>Appendix Id</b>	FI received on 20.7.2023
<b>Appendix II</b>	Previous Applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Location Plan with Vehicular Access
<b>Drawing A-2</b>	Site Layout 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 Photos

**PLANNING DEPARTMENT  
JULY 2023**