

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

APPLICATION NO. A/HSK/488

- Applicant** : Excel (HK) Industrial Limited
- Site** : 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
- Site Area** : About 1,672m²
- Land Status** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Shui Kiu and Ha Tsuen Outline Zoning Plan (OZP) No. S/HSK/2
- Zoning** : “Government, Institution or Community” (“G/IC”)
[Restricted to a maximum building height of 8 storeys]
- Application** : Renewal of Planning Approval for Temporary Dangerous Goods Godown (Cat. 3 Dangerous Goods) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval to continue using the application site (the Site) for temporary dangerous goods godown (Cat. 3 dangerous goods) for a period of three years (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use with valid planning permission until 26.1.2024.
- 1.2 The Site is accessible from Hung Tin Road via a local track and the ingress/egress point is at its southwest (**Drawing A-1 and Plan A-2**). According to the applicant, there are two existing underground tanks (each with dimension of 4.3m x 2.7m and 2.4m in height with a capacity of 27,864 litres) at the northeastern part of the Site for storage of the dangerous goods at a depth of 3.2m. Cat. 3 dangerous goods are stored, including toluene (甲苯), isopropyl alcohol (異丙醇) and ethyl acetate (乙酸乙酯). There are also a guard room (3.5m in height) and a covered loading/ unloading platform for container vehicles (5.9m in height) with a total floor area of about 313.51m² at-grade. Three container vehicle parking spaces are provided. The operation hours are from 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 layout plan with vehicular access, as-built drainage plan and access road plan submitted by the

applicant are shown on **Drawings A-1 to A-3** respectively.

- 1.3 The Site is the subject of five previous planning applications for various open storage of dangerous goods/ dangerous goods godown uses (**Plan A-1**) (details at paragraph 6 below). Compared with the last previous application No. A/HSK/270 approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board for a period of three years on 18.12.2020, the current application is submitted by the same applicant for the same applied use¹ with the same layout at the same site.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 14.9.2023 (**Appendix I**)
 - (b) Further Information (FI) received on 17.10.2023* (**Appendix Ia**)

**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 in the Application Form with attachments and FI at **Appendices I and Ia**. They can be summarised as follows:

- (a) the applicant is in the business of trading chemical materials where Cat. 3¹ dangerous goods are the main trading commodities. Storage area is therefore essential to keep the imported materials for dissemination;
- (b) delivery of the imported materials and the logistics of distributing them to retailers rely on container vehicles for transportation. The loading/unloading platform and parking spaces for container vehicles are hence essential to the operation; and
- (c) the applied use and site configuration of the current application are the same as the previous application no. A/HSK/270. All the approval conditions of the last approved application 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 on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D) are also relevant to the application. The relevant assessment criteria are at **Appendix II**.

¹ Due to the amendment of the dangerous goods classification, the dangerous goods regulated by the Fire Services Department to be stored at the Site have been reclassified from Cat. 5 to Cat. 3.

5. Background

The Site is currently not subject to any active planning enforcement action.

6. Previous Applications

- 6.1 The Site is involved in five previous applications for open storage of dangerous goods/ dangerous goods godown uses. Application No. A/YL-PS/324 covering the northwestern part of the Site was rejected by the Committee on 15.10.2010 while the subsequent four applications (No. A/YL-PS/347, 401 and A/HSK/41 and 270) at the same site were approved with conditions by the Committee between 2011 and 2020. Details of these applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.
- 6.2 Application No. A/YL-PS/324 for open storage of dangerous goods was rejected by the Committee in 2010. Considerations of this application are not relevant to the current application which does not involve open storage of dangerous goods.
- 6.3 Applications No. A/YL-PS/347 and 401 for proposed dangerous goods godown were approved by the Committee on a temporary basis in 2011 and 2012 respectively for a period of five years on similar considerations that the proposed development was in line with the planning intention of the then “I(D)” zone² and there were no adverse comments from concerned government departments. However, planning permission of Application No. A/YL-PS/347 was revoked in 2012 due to non-compliance 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. Applications No. A/HSK/41 and 270 for the same applied use as the current application were approved by the Committee in 2018 and 2020 respectively for a period of three years on similar considerations 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.
- 6.4 The last application No. A/HSK/270 was approved with conditions by the Committee on 18.12.2020 for a period of three years with validity up to 26.1.2024. All time-limited conditions have been complied with.

7. Similar Application

There is no similar application within the same “G/IC” zone on the OZP.

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

8.1 The Site is:

- (a) accessible from Hung Tin Road via a local track; and
- (b) fenced, hard-paved and occupied by the applied use with valid planning permission.

² The Site was zoned “Industrial (Group D)” (“I(D)”) under the previous Ping Shan OZP and rezoned to “G/IC” under the Hung Shui Kiu and Ha Tsuen OZP.

- 8.2 The surrounding areas are predominantly occupied by warehouses, parking of vehicles, storage facilities, an open storage yard, a car servicing facility, a property estate agency, a workshop, which are all suspected unauthorized developments subject to planning enforcement action, intermixed with some residential dwellings (the nearest one is about 34m to the northwest).

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

All 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.

11. Public Comment Received During Statutory Publication Period

On 22.9.2023, the application was published for public inspection. During the statutory public inspection period, one public comment from villagers of Hung Uk Tsuen was received objecting to the application on the reasons that the development could potentially lead to accidents which would affect fire and public safety (**Appendix VI**).

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning approval for temporary dangerous goods godown (Cat. 3 dangerous goods) for a period of three years at the Site zoned “G/IC” on the OZP (**Plan A-1**). Whilst the applied use is not in line with the planning intention of the “G/IC” zone, the Site falls within the Hung Shui Kiu/ Ha Tsuen New Development Area and the Project Manager (West), Civil Engineering and Development Department has no adverse comment on the application. In this regard, approval of the application on a temporary basis of three years would not jeopardise the long-term development of the Site. Notwithstanding this, 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 the implementation of government projects.
- 12.2 The applied use is considered not incompatible with the surrounding land uses which are predominantly occupied by warehouses, parking of vehicles and storage facilities intermixed with residential dwellings (**Plan A-2**).
- 12.3 The application is also generally in line with TPB PG-No. 34D in that there has been no material change in planning circumstances since the granting of the previous approval; all the time-limited approval conditions under the previous approval had been complied with; and the three-year approval period sought is reasonable and of the same timeframe as the previous approval.

- 12.4 Concerned government departments, including the Director of Environmental Protection, Commissioner for Transport, Chief Engineer/Mainland North, Drainage Services Department and Director of Fire Services have no objection to/ no adverse comment on the application. The applied use would unlikely create significant adverse environmental, traffic, drainage and fire safety impacts on the surrounding areas. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 13.2 below.
- 12.5 Given four previous approvals had been granted between 2011 and 2020 for dangerous goods godown use, approval of the current application is generally in line with the previous decisions of the Committee.
- 12.6 Regarding the public comment objecting to the application as summarised in paragraph 11 above, the planning considerations and assessments in paragraphs 12.1 to 12.5 above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comment mentioned in paragraph 11, the Planning Department considers that the temporary dangerous goods godown (Cat.3 dangerous goods) could be tolerated for a further period of three 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 three years **from 27.1.2024 to 26.1.2027**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no open storage of dangerous goods is allowed on the Site at any time during the planning approval period;
- (b) 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;
- (c) the 100mm bund wall around the distribution area of 4m x 4m 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;
- (d) 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;
- (e) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) the submission of a revised 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 **27.4.2024**;

- (g) the existing fire service installations implemented shall be maintained in efficient working order at all times during the planning approval period;
- (h) if any of the above planning condition (a), (b), (c), (d), (e) or (g) 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
- (i) if the above planning condition (f) 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), (b), (c), (d), (e), (f) and (g) are the same as those under the permission for application No. A/HSK/270; and the restrictions on queuing back and reversing movement of vehicles, the requirements on existing fencing/ planting maintenance and operation hours have been removed as per the latest practice.]

Advisory clauses

The Recommended Advisory Clauses are attached at **Appendix V**.

13.3 There is no strong reason to recommend rejection of 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 14.9.2023
Appendix Ia	FI received on 17.10.2023
Appendix II	Relevant Extracts of TPB PG-No. 34D
Appendix III	Previous Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment
Drawing A-1	Layout Plan with Vehicular Access
Drawing A-2	As-built Drainage Plan
Drawing A-3	Access Road Plan
Plan A-1	Location Plan
Plan A-2	Site Plan

Plan A-3
Plans A-4a to 4b

Aerial Photo
Site Photos

PLANNING DEPARTMENT
NOVEMBER 2023