

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/KTN/45

<u>Applicant</u>	Sun Kong Logistics Limited represented by Metro Planning and Development Company Limited
<u>Site</u>	Lots 879 S.A RP, 879 S.B RP (Part) and 880 S.C RP in D.D. 92 and Adjoining Government Land, Yin Kong, Sheung Shui, New Territories
<u>Site Area</u>	About 2,726 m ² (including 310 m ² of Government land)
<u>Lease/ Land Status</u>	(a) Old Schedule lot held under the Block Government Lease (demised for agricultural use) (about 88.5% of the Site); and (b) Government land (about 11.5% of the Site)
<u>Plan</u>	Approved Kwu Tung North Outline Zoning Plan (OZP) No. S/KTN/2
<u>Zoning</u>	“Other Specified Uses” annotated “Amenity Area” (“OU(A)”), “Other Specified Uses” annotated “Business and Technology Park” (“OU(BTP)”) and area shown as ‘Road’
<u>Application</u>	Proposed Temporary Warehouse for Storage of Electronic Goods for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for the proposed temporary warehouse for storage of electronic goods at the application site (the Site) for a period of 3 years. The Site falls within an area zoned “OU(A)”, “OU(BTP)” and an area shown as ‘Road’ on the approved Kwu Tung North OZP No. S/KTN/2 (**Plan A-1**). According to the Notes of the OZP, temporary use not exceeding a period of 3 years in area zoned “OU(A)”, “OU(BTP)” or ‘Road’ area requires permission of the Town Planning Board (the Board), notwithstanding that the use or development is not provided for in terms of the OZP. The Site is currently used for temporary coach and container trailer park with ancillary vehicle repair workshop under Application No. A/KTN/18 approved by the Rural and New Town Planning Committee (the Committee) on 18.9.2015 for a period of 3 years until 18.9.2018. All approval conditions have been complied with.
- 1.2 According to the applicant’s submission, the existing structure within the Site will be demolished. The proposed development comprises 2 structures with a total gross

floor area (GFA) of about 1,870 m² (**Drawing A-1**). The main structure occupying the majority of the Site is for the proposed warehouse for storage of electronic goods with maximum GFA of about 1,850 m² and maximum height of 11m. A toilet of about 20 m² (maximum height of 3m) is also proposed within the Site. The Site is accessible from the Castle Peak Road – Kwu Tung. One loading/unloading bay for medium/heavy goods vehicle and vehicle manoeuvring space are proposed within the Site. The proposed operation hours are from 9:00 a.m. to 6:00 p.m., from Mondays to Saturdays, and no operation on Sundays and Public Holidays. The estimated traffic generated/attracted by the proposed development at peak hours are 2 passenger car unit (pcu) per hour respectively. The applicant has submitted a landscape and tree preservation plan and an as-built drainage plan to support the application.

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

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| (a) Application Form received on 18.5.2018 | (Appendix I) |
| (b) Supplementary Planning Statement | (Appendix Ia) |
| (c) Supplementary Information dated 25.5.2018 | (Appendix Ib) |
| (d) Further Information dated 25.6.2018 | (Appendix Ic) |

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Executive Summary and Section 3 of the Supplementary Planning Statement at **Appendix Ia**. They are summarized as follows:

- (a) the proposed development is a temporary use which would not jeopardize the planning intentions of “OU(BTP)”, “OU(A)” and ‘Road’ zones;
- (b) the proposed development is not incompatible with the surrounding environment which is mainly occupied by vehicle repair workshops and rural workshops. There is no residential development or any sensitive land use in the immediate neighbourhood;
- (c) the Site is located in close proximity to the border, which is considered an advantage for timely delivery of electronic goods to southern China;
- (d) the traffic generated by the proposed development is insignificant. There is only one loading/unloading bay for medium/heavy goods vehicle, which is far less than 8 parking spaces for coach/container trailer under the last approved application No. A/KTN/18. The estimated traffic generated/attracted by the proposed development at peak hours are 2 pcu per hour respectively. Besides, adequate space for manoeuvring would be provided within the Site. The proposed development would not aggravate traffic condition of adjacent area;
- (e) the proposed development would generate neither significant environmental nor noise disturbance to the residents in the area. Some environmental ameliorate and preventive measures have been proposed including hard paving of the access area at the site frontage and 5m strip of the area beyond the access gate to avoid any fugitive dust impact and restriction on the opening time. No workshop use and open storage

use will be carried out at the Site. The existing trees within the Site will be preserved, whereas the 3 existing dead trees will be replaced;

- (f) all existing drainage facilities at the Site will be maintained by the applicant and the precautionary measures will be taken to ensure the unobstructed flow of surface runoff from the adjacent areas; and
- (g) the Site is the subject of several previous approved applications. All approval conditions of the last planning permission have been complied with. The environment pertaining to the Site remains unchanged since the last planning approval granted in 2015.

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

The applicant is not the 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.31) by posting application notice outside the Site and sending notice to the Sheung Shui District Rural Committee (SSDRC) by local registered post. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is not the subject of any active enforcement case.

5. Previous Application

- 5.1 The Site, in part or in whole, is involved in 10 previous applications (No. A/DPA/NE-KTN/18, A/NE-KTN/47, 56, 67, 82, 91, 111, 133 and 149, and A/KTN/18) and all were approved with conditions by the Committee. The first 9 previous applications were approved between 1993 to 2011, where the first application No. A/DPA/NE-KTN/18 fell within “Unspecified Use” and the other 8 applications were under previous zonings of “Agriculture” and ‘Road’. Except for the first application No. A/DPA/NE-KTN/18 which applied use was warehouse and workshop for manufacturing of rattan products, the subsequent 8 previous applications were for temporary lorry and container trailer park, with or without ancillary vehicle repair workshop. Details of the previous applications are summarized at **Appendix II** and its location is shown on **Plans A-1** and **A-2b**.
- 5.2 The last application No. A/KTN/18 within current “OU(A)” and “OU(BTP)” zones and ‘Road’ area for temporary coach and container trailer parking with ancillary vehicle repair workshop for a period of 3 years was approved with conditions by the Committee on 18.9.2015 mainly on grounds that the temporary use would not frustrate the long-term planning intention, was not incompatible with the existing surrounding land uses and would unlikely have significant adverse impacts on the surrounding area. All approval conditions have been complied with. The planning permission will lapse on 19.9.2018.

6. Similar Application

There is no similar application with the same “OU(A)” and “OU(BTP)” zones.

7. The Site and Its Surrounding Areas (Plans A-1, A-2a to A-2b and photos on Plans A-3 and A-4a to A4-b)

7.1 The Site is:

- (a) hard-paved, mostly fenced off and currently used for the temporary coach and container trailer parking with ancillary vehicle repair workshop with planning permission under No. A/KTN/18; and
- (b) accessible from Castle Peak Road – Kwu Tung.

7.2 The surrounding areas have the following characteristics:

- (a) to the north and northeast are some domestic structures, car parks, a car repair workshop, a stone workshop, a workshop and domestic structure, some active and fallow agricultural land;
- (b) to the immediate east are a temporary coach, container tractor and trailer park under application No. A/KTN/44 approved by the Committee on 15.6.2018, and a trucks park, and to further east are logistic centres and some active and fallow agricultural land;
- (c) to the south are Castle Peak Road – Kwu Tung and Fanling Highway; and
- (d) to the west are a car trading shop and Kwu Tung Road, and to the further northwest are some domestic structures and a car park of damaged cars.

8. Planning Intentions

8.1 The planning intention of the “OU(A)” zone is primarily for the provision of landscaping and planting to enhance the environment.

8.2 The planning intention of the “OU(BTP)” zone is primarily for medium-density development to provide a mix of commercial, office, design, research and development uses for promoting high technology business development.

8.3 The area shown as ‘Road’ is intended for road development.

9. Comments from Relevant Government Departments

9.1 The following Government departments have been consulted and their views on the application are summarized as follows:

Land Administration

9.1.1 Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) the Site comprises private lots, namely Lots 879 S.A RP, 879 S.B RP (Part) and 880 S.C RP in D.D. 92 and the adjoining Government land. The Lots are Old Schedule lots held under the Block Government Lease (demised for agricultural use) without any guarantee of right of access. Meanwhile, the applicant should make her own arrangement for acquiring access. The Government shall accept no responsibility on such arrangement;
- (b) 2 of the application lots viz. Lots 879 S.A RP and 879 S.B RP in D.D. 92 are covered by Short Term Waiver (STW) No. 1413 for the purpose of a lorry and container trailer park with the total site coverage not exceeding 137 m². Besides, the Site also includes some Government land covered by Short Term Tenancy (STT) No. 1271 for the purpose of a lorry and container trailer park with a total roofed-over area not exceeding 54 m²;
- (c) it was noted that:
 - (i) the occupation boundary and the application boundary of the Site do not tally;
 - (ii) unauthorised structures were erected on the Site and on the Government land adjoining the Site;
 - (iii) the Government land within and adjoining the Site is being illegally occupied;
 - (iv) the total built-over area of the aforesaid structures exceeds the maximum permitted site coverage stipulated under STW No. 1413 and the maximum permitted roofed-over area stipulated under STT No. 1271;
 - (v) the aforesaid structures are not acceptable under the terms and conditions as stipulated under STW No. 1413 and STT No. 1271. His office reserves the right to take necessary enforcement actions against the unauthorised structures and illegal occupation of Government land; and
- (d) if the planning application is approved, the owner(s) of the lots concerned shall apply to his office for regularisation of STW and STT

covering all the actual occupation area. The application for STW/STT will be considered by Government in its landlord's capacity and there is no guarantee that they will be approved. If they are approved, their commencement dates would be backdated to the first date of occupation and it will be subject to such terms and conditions to be imposed including payment of fee/rental and administrative fees as considered appropriate by his office.

Traffic

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

- (a) he considers that the application can be tolerated from traffic engineering viewpoint, noting that the traffic generation from/attracted to the proposed development is less than the current use approved under application No. A/KTN/18 and vehicles can manoeuvre within the Site without reversing on the public road; and
- (b) it is noted that the proposed vehicular access to the Site is via Castle Peak Road – Kwu Tung. The applicant should check with the lands authority regarding the land status of the access leading to the Site. The management and maintenance responsibilities of the access should also be clarified with the relevant lands and maintenance authorities accordingly.

Future Development

9.1.3 Comments of the Project Manager/North, Civil Engineering and Development Department (PM/N, CEDD):

he has no comment on the application from the project interface point of view. The Site falls within the Remaining Works Packages of Kwu Tung North New Development Area (KTN NDA) project.

Environment

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

- (a) he does not support the application since the proposed use is expected to generate traffic of heavy vehicles and there are domestic uses within 100m of the site boundary (the nearest domestic structures are to the immediate north of the Site). Environmental nuisance to nearby residents is anticipated;
- (b) there is no environmental complaint case related to the Site from January 2015 to April 2018; and
- (c) should the application be approved, the applicant should be advised to follow the relevant mitigation measures and requirements in the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites'.

Landscape

9.1.5 Comments of the Chief Town Planner/Urban Design & Landscape, PlanD (CTP/UD&L, PlanD):

- (a) he has no objection to the application from the landscape planning perspective;
- (b) compared the aerial photo of 2014 with photo of 2018, there is no significant change in the rural landscape character where the Site is located. It comprises temporary structures of various sizes, vehicle parking area, scattered trees and small patches of active farmland. An existing large temporary structure is found to the east of the Site. The proposed use is not entirely incompatible with the surrounding environment;
- (c) the Site is in use as a vehicle park which was fenced off, hard-paved with temporary structures for repair workshop. The submitted landscape and tree preservation plan indicates that trees planted under previous approval condition will be preserved and a few dead trees will be replaced with new tree planting. Nonetheless, having reviewed the layout and size of the proposed warehouse structure, it is noted that there is insufficient space to cater for the existing peripheral tree growth. The applicant should consider setting back the temporary structure so that a clearance of minimum 3m between the trees and structures could be maintained. He notes that the applicant will review and revise the proposed tree preservation and landscape proposal upon the approval of the planning application in response to his above comments (**Appendix Ic**); and
- (d) should the application be approved, an approval condition requiring the submission and implementation of tree preservation and landscape proposal is recommended. Other advices are at **Appendix IV**.

Drainage

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

- (a) he has no objection to the application from the public drainage viewpoint; and
- (b) should the application be approved by the Board, the following conditions should be included in the planning permission:
 - (i) to submit a conditional record of the existing drainage facilities on Site as previously implemented on the same site in the planning application No. A/KTN/18 within 3 months from the date of planning approval to the satisfaction of his department; and

- (ii) to maintain those existing drainage facilities properly and rectify those facilities if they are found inadequate/ineffective during operation.

Building Matters

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

he has no objection to the application and his detailed comments are at **Appendix IV**.

Fire Safety

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

- (a) he has no in-principle objection to the application subject to fire service installations and water supplies for fire-fighting being provided to the satisfaction of his department; and
- (b) Emergency Vehicular Access (EVA) arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by BD.

District Officer's Comments

9.1.9 Comment of the District Officer/North, Home Affairs Department (DO/N, HAD):

he has consulted the locals from 31.5.2018 to 19.6.2018. The North District Council (NDC) members of the subject Constituency and the Resident Representative (RR) of Kwu Tung (North) have no comment on the application. The Chairman of SSDRC and the RR of Kwu Tung (South) objected to the application mainly on the grounds that the proposed development will lead to more conflicts among vehicles and pedestrians, creating inconvenience to the nearby residents.

9.2 The following Government departments have no objection/adverse comment on the application. Their comments, if any, are at **Appendix IV**:

- (a) Chief Estate Surveyor/Acquisition, Lands Department (CES/A, LandsD);
- (b) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (d) Head of Geotechnical Engineering Office, CEDD (H(GEO), CEDD);
- (e) Director of Electrical and Mechanical Services (DEMS);
- (f) Director of Agriculture, Fisheries and Conservation (DAFC); and
- (g) Commissioner of Police (C of P).

10. Public Comments Received During Statutory Publication Period

On 29.5.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 19.6.2018, a total of 3 public comments were received (**Appendices IIIa and IIIc**). One comment submitted by a NDC member objects to the application mainly on the grounds that the proposed development would add extra traffic load to Castle Peak Road – Kwu Tung and create traffic congestion problem, and storage of electronic goods may create environmental pollution to the surroundings and agricultural land nearby. Other 2 commenters from the general public indicate no comment on the application.

11. Planning Considerations and Assessments

- 11.1 The application is for the proposed temporary warehouse for storage of electronic goods for a period of 3 years. The Site falls within an area zoned “OU(A)”, “OU(BTP)” and an area shown as ‘Road’ on the approved Kwu Tung North OZP No. S/KTN/2 (**Plan A-1**). The proposed use is not in line with the planning intention of the above zonings which are mainly for amenity, business and technology park or road use under the KTN NDA development. However, the Site falls within the Remaining Works Packages of KTN NDA project. PM/N, CEDD has no objection to the application in relation to the implementation of the NDA. In view of the above, approval of the application on a temporary basis for 3 years would not jeopardize the long-term development of the Site.
- 11.2 The proposed use is not incompatible with the existing surrounding land uses which comprise mainly workshops, logistic centres, car trading shop, vehicle parks intermixed with some domestic structures. To its immediate east is a temporary coach, container tractor and trailer park under application No. A/KTN/44 approved by the Committee on 15.6.2018. C for T considers that the application can be tolerated from traffic engineering viewpoint. Although DEP does not support the application as the proposed use is expected to generate environmental nuisance to residents in the vicinity of the Site, no environmental complaint was received in the past three years. The concern of DEP on possible environmental nuisance to surrounding areas could be addressed through the incorporation of approval conditions restricting the operating hours and days, prohibiting workshop and open storage uses, and paving of the vehicular access area of the Site in paragraph 12.2 (a), (b), (c) and (f) below. Any non-compliance with the approval conditions will result in revocation of the planning permission. Besides, the applicant would be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the DEP in order to minimise any possible environmental nuisances. CE/MN, DSD, CTP/UD&L of PlanD and DAFC have no adverse comment on/no objection to the application from drainage, landscape and agricultural perspectives.
- 11.3 The Site is involved in 10 previous applications (**Plans A-1 and A-2b**) for temporary warehouse and workshop or lorry and container trailer park, with or without ancillary vehicle repair workshop. They were all approved by the Committee. The last application No. A/KTN/18 for temporary coach and container trailer parking with ancillary vehicle repair workshop was approved by the Committee on 18.9.2015

mainly on grounds that the temporary use would not frustrate the long-term planning intention, was not incompatible with the existing surrounding land uses and would unlikely have significant adverse impacts on the surrounding area. All approval conditions have been complied with. The planning permission will lapse on 19.9.2018.

- 11.4 There are 4 local comments conveyed by DO(N) and 3 public comments (as stated in paragraphs 9.1.9 and 10), of which 3 raise objection to the application mainly on the grounds of adverse traffic and environmental impacts. Relevant Government departments' comments and planning considerations set out in paragraphs 11.1 to 11.3 above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the local views and public comments in paragraphs 9.1.9 and 10, the Planning Department considers that the proposed temporary warehouse for storage of electronic goods could be tolerated for a period of 3 years.
- 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 3 years until **6.7.2021**. 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 workshop and open storage uses, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (d) the existing drainage facilities on the Site should be properly maintained and rectified if found inadequate/ineffective during the planning approval period;
- (e) the submission of a conditional record of the existing drainage facilities on Site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **6.10.2018**;
- (f) the paving of the vehicular access area of the Site, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **6.1.2019**;
- (g) the submission of proposal for fire service installations and water supplies for fire-fighting 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 **6.1.2019**;

- (h) in relation to (g) above, the implementation of proposal for fire service installations and water supplies for fire-fighting 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 **6.4.2019**;
- (i) the submission of tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **6.1.2019**;
- (j) in relation to (i) above, the implementation of tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **6.4.2019**;
- (k) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approved hereby given shall cease to have effect and shall be revoked without further notice; and
- (l) if any of the above planning conditions (e), (f), (g), (h), (i) or (j) 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 IV**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:

the applicant fails to demonstrate that the proposed development would not cause adverse environmental impact on the surrounding areas.

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

Appendix I	Application Form received on 18.5.2018
Appendix Ia	Supplementary Planning Statement
Appendix Ib	Supplementary Information dated 25.5.2018
Appendix Ic	Further Information dated 25.6.2018
Appendix II	Previous Applications
Appendices IIIa and IIIc	Public Comments
Appendix IV	Advisory Clauses
Drawing A-1	Landscape and Tree Preservation Plan
Plan A-1	Location Plan
Plans A-2a and A-2b	Site Plans
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
JULY 2018**