

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-SK/268

- Applicant** : Real Dragon Development Limited represented by Mr. Kwok Chi Man
- Site** : Lot 574 S.A in D.D. 114, Shek Kong, Yuen Long
- Site Area** : About 722 m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Shek Kong Outline Zoning Plan No. S/YL-SK/9
- Zoning** : “Industrial (Group D)” (“I(D)”) [restricted to a maximum plot ratio of 1.6, a maximum site coverage of 80% and a maximum building height of 13m]
- Application** : Proposed Temporary Logistics Centre 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 logistics centre for a period of 3 years. According to the Notes of the OZP, ‘Cargo Handling and Forwarding Facility (Container Freight Station, Logistics Centre only)’ is a Column 2 use within “I(D)” zone, which requires planning permission from the Town Planning Board (the Board). The Site is currently vacant (**Plans A-2 and A-4a to A-4b**).
- 1.2 According to the applicant, the Site is divided into the western portion (at lower level) and the eastern portion (at higher level), with a level difference of about 3m (**Drawing A-1**). Taking advantage of the level difference, the applicant proposes to install a fire service water tank (of about 3m high) at the lower level. A single-storey structure with a pyramid roof for logistics centre use is proposed to be erected covering the whole Site, with building heights of 11.9m-12.7m and 8.9m-9.7m for the western and eastern portion respectively. The total gross floor area for the proposed logistics centre is

about 410m². The proposed operation will mainly involve packing, labelling and sorting of goods. The operation hours will be from 8:00 a.m. to 8:00 p.m. Mondays to Saturdays and there will be no operation on Sundays and public holidays. The Site is accessible via a local track from Kam Tin Road and one loading/unloading space for light goods vehicle will be provided on site. The layout plan and drainage proposal submitted by the applicant are shown in **Drawings A-1 to A-2**.

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

- (a) Application Form with attachments received on **(Appendix I)**
26.9.2019
- (b) Further Information dated on 6.11.2019 **(Appendix Ia)**
(exempted from publication requirement)

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in **Appendices I and Ia** respectively. They are briefly summarized as follows:

- (a) The proposed use is under Column 2 of the “I(D)” zone and is in line with the planning intention. The Site falls within the Category 1 areas under the Town Planning Board Guidelines No. 13E (TPG PG-No. 13E) on the “Application for Open Storage and Port Back-up Uses”.
- (b) The Site is not incompatible with the surrounding areas. The operation of the proposed use will be clean and tidy and no dangerous goods will be stored at the Site. There will only be one 5.5 tonnes light goods vehicle for the proposed use and the average usage of the proposed development will be once a week so the traffic impact brought by the proposed use will be insignificant.
- (c) No tree-felling, filling and/or excavation of land and blockage of water resource will be carried out and no ecological and environmental impact brought by the proposed use is anticipated. Landscaping, drainage facilities and fire service installations will also be provided at the Site.
- (d) No workshop-related activities such as repairing, paint-spraying and car washing will be carried out within the Site. The applicant will follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (the COP) to minimize any nuisance generated from the proposed use to the surrounding area.

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 notification to the Pat Heung Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Town Planning Board Guidelines**

The Town Planning Board Guidelines No. 13E for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13E) promulgated by the Board on 17.10.2008 is relevant to the application. The Site falls within Category 1 areas under the guidelines. The following criteria are relevant:

Category 1 areas: 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 currently not a subject of any active enforcement case.

6. **Previous Application**

The Site is not the subject of any previous application.

7. **Similar Applications**

There are two similar applications (No. A/YL-SK/239 and 246) for temporary logistics centre within the same “I(D)” zone on the OZP. They were approved with conditions by the Committee on 17.8.2018 and 22.3.2019 for a period of 3 years mainly for the reasons that the application was not in conflict with the planning intention of the “I(D)” zone and was in line with TPB PG-No. 13E in that the site fell within Category 1 areas which were considered suitable for open storage and port back-up uses; the development was not incompatible with the surrounding land uses; there was no adverse comments from the relevant Government departments except for Environmental Protection Department (EPD); and the environmental concerns could be addressed by appropriate approval conditions. Details of the applications are summarized in **Appendix II** and their locations are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) paved, fenced and currently vacant; and
- (b) accessible via a local track from Kam Tin Road.

8.2 The surrounding areas are predominantly rural in character and occupied by open storage/storage yards, workshops, warehouses, logistics centre, parking of vehicles, vacant/unused land and domestic dwellings/structures:

- (a) to its north and further north across the local track are a few domestic dwellings/structures and vacant/unused land;
- (b) to its west and southwest are open storage/storage yards for vehicle, vehicle parts and construction machineries, workshops and a few residential dwellings/structures;
- (c) to its south is parking of vehicles; and
- (d) to its east and southeast are open storage/storage yards, workshop, warehouse, logistics centre, a few domestic dwellings/structures and vacant/unused land.

9. Planning Intention

The planning intention of the “I(D)” zone is primarily for industrial uses that cannot be accommodated in conventional flatted factories due to extensive land and/or high ceiling requirements. It is also intended for the redevelopment of existing informal industrial uses, which are operated in workshop premises in rural area, to properly designed permanent industrial buildings.

10. Comments from Relevant Government Departments

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

Land Administration

10.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL of 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) the Site is accessible from Kam Tin Road via Government Land (GL). His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site;
- (c) the Site falls within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structure shall not exceed the relevant airfield height limit within SKAHRA; and
- (d) should planning approval be given to the planning application, the lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularities 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. No construction of New Territories Excepted Building(s) will be considered or allowed. Applications for any of the above will be considered by LandsD acting in the capacity as landlord or lessor at its sole discretion and there is no guarantee that such application 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 LandsD.

Traffic

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

- (a) he has no comment on the application from traffic engineering perspective;
- (b) should the application be approved, approval condition on no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period should be included; and
- (c) the Site is connected to the public road network via a section of a local access road which is not managed by his department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.

10.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW of HyD):

- (a) his department is not/shall not be responsible for the maintenance of any access connecting the Site and Kam Tin Road; and
- (b) adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads or exclusive road drains.

Environment

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

- (a) there was no environmental complaint received in the past three years; and
- (b) should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by his department to minimise any potential environmental nuisances.

Drainage

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

- (a) he has no objection in principle to the proposed development from the public drainage point of view;
- (b) should the application be approved, the conditions requiring the submission of a revised drainage proposal and implementation and maintenance of the drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board should be included in the planning approval; and
- (c) his detailed comments on the drainage proposal are at **Appendix III**.

Building Matters

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

- (a) before any new building works (including containers/open

sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, prior approval and consent of the Building Authority should be obtained, otherwise they are unauthorized building works (UBW) under the Buildings Ordinance (BO). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;

- (b) for UBW erected on leased land, enforcement action may be taken by the BD 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;
- (c) the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively; and
- (d) the Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

Fire Safety

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

- (a) he has no objection in principle to the proposal subject to fire service installations 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 his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans; and
- (c) the applicant is reminded that if the proposed structure(s) is required to comply with the BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

District Officer's Comments

10.1.8 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL) of HAD):

he has not received any comments from locals and he has no particular comments on the application.

10.2 The following departments have no objection to or no comment on the application:

- (a) Project Manager (West), Civil Engineering and Development Department (PM(W) of CEDD);
- (b) Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L of PlanD);
- (c) Director of Electrical and Mechanical Services (DEMS);
- (d) Chief Engineer/Construction, Water Supplies Department (CE/C of WSD); and
- (e) Commissioner of Police (C of P).

11. Public Comment Received During Statutory Publication Period

On 8.10.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 29.10.2019, three public comments were received from the resident's representatives of Sheung Tsuen (**Appendix IV**). They objected to the application mainly on the grounds that the proposed development will induce heavy traffic and increase the risk of traffic accidents.

12. Planning Considerations and Assessments

12.1 The proposed temporary logistics centre is located within the "I(D)" zone which is intended primarily for industrial uses that cannot be accommodated in conventional flatted factories due to extensive land and/or high ceiling requirements. It is also intended for the redevelopment of existing informal industrial uses, which are operated in workshop premises in rural area, to properly designed permanent industrial buildings. According to the applicant, the proposed logistics centre is for storage and logistic uses and is mainly for packing, labelling and sorting of goods. It is considered that the proposed use is not in conflict with the planning intention of the "I(D)" zone.

12.2 The proposed logistics centre is considered not incompatible with the surrounding area which is mainly occupied by open storage/storage yards, workshops, warehouses, logistics centre, parking of vehicles and vacant/unused land.

- 12.3 The application is in line with the TPB PG-No. 13E in that the Site falls within Category 1 areas which are considered suitable for open storage and port back-up uses; drainage proposal has been submitted to demonstrate that the proposed use would not generate adverse impacts; and the technical requirements and concerns of relevant Government departments could be addressed through the implementation of approval conditions.
- 12.4 Relevant departments consulted including C for T, CE/MN of DSD and D of FS have no adverse comment on the application. There was no environmental complaint received by DEP in the past three years. To mitigate any potential environmental nuisance, approval conditions restricting the operation hours and types of vehicles, and prohibiting dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities are recommended in paragraphs 13.2 (a) to (d) below. Any non-compliance with the 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. Also, the applicant is advised to follow the relevant mitigation measures and requirements in the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Environmental Protection Department in order to minimize the possible environmental impacts on the nearby sensitive receivers. The technical requirements of C for T, CE/MN of DSD and D of FS could be addressed by approval conditions in paragraph 13.2 (e) to (j) below.
- 12.5 There are two similar applications (No. A/YL-SK/239 and 246) for proposed temporary logistics centre within the same "I(D)" zone approved by the Committee on 17.8.2018 and 22.3.2019 for a period of 3 years as mentioned in paragraph 7 above. Approval of the current application is in line with the Committee's previous decisions.
- 12.6 Three public comments objecting the application were received during the statutory publication period as mentioned in paragraph 11 above. The departmental comments and planning considerations and assessments as stated above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comment as 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 for a period of 3 years until 15.11.2022. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation between 8:00 p.m. and 8:00 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 medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the Site, as proposed by the applicant, at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the submission of a revised 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 15.5.2020;
- (g) in relation to (f) above, the implementation of 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 15.8.2020;
- (h) in relation to (g) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (i) the submission of fire service installations 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 15.5.2020;
- (j) in relation to (i) above, the implementation of 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 15.8.2020;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e) or (h) 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
- (l) if any of the above planning conditions (f), (g), (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 at **Appendix V**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed development is not in line with the planning intention of the "I(D)" zone which is primarily for industrial uses that cannot be accommodated in conventional flatted factories due to extensive land and/or high ceiling requirements. It is also intended for the redevelopment of existing informal industrial uses, which are operated in workshop premises in rural area, to properly designed permanent industrial buildings. No strong justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

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 26.9.2019
Appendix Ia	Further Information dated on 6.11.2019
Appendix II	Similar Applications
Appendix III	Detailed Departmental Comments
Appendix IV	Public Comments
Appendix V	Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Drainage Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2019**