

RNTPC Paper No. A/YL-SK/275
For Consideration by
the Rural and New Town
Planning Committee
on 26.5.2020

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-SK/275

- Applicant** : Real Dragon Development Limited represented by Mr. Kwok Chi Man
- Site** : Lots 574 S.A, 574 S.B (Part) and 574 RP (Part) in D.D. 114 and Adjoining Government Land, Shek Kong, Yuen Long
- Site Area** : About 1,295 m² (including Government land of about 270 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)”)
[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 paved and currently vacant.
- 1.2 The Site comprises two portions separated by a local track in the middle (**Drawing A-1**). The northwestern portion (about 722 m², about 56% of the Site) is subject to a planning permission under Application No. A/YL-SK/268 submitted by the same applicant and for the same use approved by the Rural and New Town Planning Committee (the Committee) on 15.11.2019 for a period of 3 years, with validity until 15.11.2022. The applicant intends to expand his logistics business by including the southeastern portion (about 573 m², about 44% of the Site) into the Site.

- 1.3 According to the applicant, the total gross floor area (GFA) for the proposed logistics centre is about 640 m², which comprises one single-storey structure on each portion. A breakdown of the development parameters for the two portions of the proposed logistics centre is provided in the summary table below:

The Site	Site Area (m ²) (about)	GFA (m ²) (about)	Heights of Structure (m) Note (2)	Remarks
Northwestern Portion ^{Note (1)}	722 (56%)	410 (64%)	8.9m-9.7m (upper level) 11.9m-12.7m (lower level)	Already approved under Application No. A/YL-SK/268
Southeastern Portion	573 (44%)	230 (36%)	8.9m-9.7m	-
Total	1,295	640	-	-

¹ Part of this portion is subject to a level difference of 3m. The applicant proposes to install a fire service water tank (about 3m high) at the lower level to partially offset the level difference.

² A single-storey structure with a pyramid roof is proposed to be erected at each portion.

- 1.4 The proposed logistics centre mainly involves packing, labelling and sorting of goods, which are mainly electronic products such as mobile phones and peripheral products. The operation hours will be from 8:00 a.m. to 8:00 p.m. from Mondays to Saturdays with no operation on Sundays and public holidays. The Site is accessible via a local track from Kam Tin Road. Separate vehicular ingress/egress (7.3m wide) is provided for each portion of the Site. One loading/unloading space for light goods vehicles with one 10m-diameter manoeuvring space will be provided on each portion of the Site. The site layout plan and drainage plan submitted by the applicant are shown in **Drawings A-1** and **A-2**.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application form with attachments received on **(Appendix I)**
24.12.2019
 - (b) Further Information (FI) dated 16.1.2020 **(Appendix Ia)**
(exempted from publication)
 - (c) FI dated 13.2.2020 **(Appendix Ib)**
(exempted from publication)
- 1.6 In light of the special work arrangement for government departments due to the novel coronavirus infection, the meeting originally scheduled for 30.3.2020 for consideration of the application has been rescheduled, and the

Board has agreed to defer consideration of the application. The application is now scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in **Appendix I to Ib**, and 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 of the said zoning. The Site falls within the Category 1 areas under the Town Planning Board Guidelines No. 13E.
- (b) The proposed use is not incompatible with the surrounding areas. The Site would be clean and tidy and no dangerous goods will be stored at the Site.
- (c) The operation of the proposed logistics centre would be minimal at most of the day. No staff will be stationed at the Site. The development will generate about four trips of 5.5-tonne light goods vehicle per week during non-peak hours in the morning or afternoon, and no visitors’ vehicles are allowed to enter the Site. Hence, the anticipated traffic impact to Kam Tin Road will be insignificant. Besides, the drivers will also perform the role of storemen.
- (d) The logistics operation would be confined to two single-storey structures and the Site will be further enclosed with soundproofing galvanized steel sheets to minimize the environmental nuisance to the domestic dwellings/structures nearby. In addition, 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” to minimize any nuisance generated from the proposed use to the surrounding area.
- (e) 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. Trees, landscape, drainage facilities and fire service installations will also be provided at the Site.

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

The applicant is not a “current land owner” of the private land portion 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 posting site notice and sending notification to Pat Heung Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection. For the Government land portion, the “Owner’s Consent/Notification” Requirements are not applicable.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines No. 13F for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13F) promulgated by the Board on 27.3.2020 is relevant to the application. The Site falls within the Category 1 areas under the TPB PG-No. 13F. The relevant extract of the Guidelines is attached at **Appendix II**.

5. Background

The Site is currently not a subject of any active enforcement case.

6. Previous Application

- 6.1 The northwestern portion of the Site is involved in one previous application (No. A/YL-SK/268) for the same use (i.e. temporary logistics centre use) submitted by the same applicant for a period of 3 years. The GFA, layout and vehicular access arrangement of the approved logistics centre are the same as the current application insofar as the northwestern portion is concerned. Details of the previous application are summarized in **Appendix II** and its location is shown on **Plan A-1**.
- 6.2 The above application was recently approved with conditions by the Committee on 15.11.2019 for a period of 3 years mainly on the considerations that the proposed development was not in conflict with the planning intention of “I(D)” zone; the proposed use was not incompatible with the surrounding areas; the proposed development was in line with the TPB PG-No. 13E that falls within Category 1 areas, and government departments consulted generally had no adverse comments on the 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 on the considerations 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; and the environmental concerns could be addressed by appropriate approval conditions. Details of the applications are summarized in **Appendix III** 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) divided into northwestern and southeastern portions by a local track,
- (b) paved and currently vacant; and
- (c) accessible via a local track from Kam Tin Road.

8.2 The surrounding areas are predominantly rural in character occupied by open storage/storage yards, workshops, logistics centre, warehouse and domestic dwellings/structures:

- (a) to its north of the two portions of the Site are mainly an open storage of water-filled barriers and plastic pipes, a few domestic dwellings/structures including one at the immediate north of the southeastern portion of the Site, and vacant/unused land;
- (b) to its east and southeast are mainly a vehicle repair workshop, a logistics centre, a warehouse and a few domestic dwellings/structures; and
- (c) to its south and west are mainly open storage/storage yards for vehicles, vehicle parts and construction materials/machinery, a vehicle dismantling workshop and a few domestic dwellings/structures.

9. Planning Intention

The planning intention of the “I(D)” zone is primarily for industrial uses that cannot be accommodated in conventional flattened 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, LandsD):

- (a) the Site comprises Government land (GL) and Old Schedule Agricultural Lots 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) no permission has been given for occupation of GL (about 270m² subject to verification) included in the Site. Any occupation of GL without Government's prior approval is not allowed;
- (c) DLO/YL, LandsD will not consider to direct grant a Short Term Tenancy (STT) for the proposed GL even if the Board approves the planning application in view of the GL under application together with other GL at its adjoining location is capable for separate alienation; and
- (d) should planning approval be given to the planning application, the lot owner(s) will need to apply to DLO/YL, LandsD to permit the structure(s) to be erected or regularize any irregularities on Site. Besides, given that the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Furthermore, the applicant has to exclude the GL portion from the Site. Applications for any of the above will be considered by LandsD acting in the capacity as the landlord or lessor at its sole discretion and there is no guarantee that such application(s) 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, HyD):

- (a) HyD 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) 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; and
- (b) there was no substantiated environmental complaint on the Site received by DEP in the past three years.

Drainage

10.1.5 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, 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 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 V**.

Water Supplies

10.1.6 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

he has no objection to the application. His detailed comments are at **Appendix V**.

Building Matters

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

- (a) if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Building Authority, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application;
- (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) 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 UBW under the BO. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
- (d) the Site shall be considered as two separate sites and 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
- (e) 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

10.1.8 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 (FSIs) 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 FSIs 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 BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

District Officer's Comments

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

he has not received any comments from locals upon close of consultation and he has no particular comment on the application.

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

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

11. Public Comment Received During Statutory Publication Period

On 3.1.2020, the application was published for public inspection. During the three-week statutory public inspection period, a total of nine public comments (all in standard letter format) were received from three indigenous inhabitant representatives, one resident representative, one village committee chairperson and four local residents of Sheung Tsuen (**Appendix IV**). They objected to the application mainly on the grounds that the proposed development would induce more heavy traffic, and increase the burden of the narrow local track and the risk of traffic accidents.

12. Planning Considerations and Assessments

- 12.1 The proposed temporary logistics centre with a total GFA of about 640 m² in two single-storey structures is located within the “I(D)” zone on the Shek Kong OZP. The “I(D)” zone is intended primarily for industrial uses that cannot be accommodated in conventional flattened 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 involving packing, labelling and sorting of goods, which are mainly electronic products such as mobile phones and peripheral products. It is considered that the proposed use is not in conflict with the planning intention of the “I(D)” zone.
- 12.2 The Site is located within a large “I(D)” zone in which general open storage, industrial and warehouse uses are always permitted. Currently, the surrounding areas are mainly occupied by open storage/storage yards, workshops, logistics centre and warehouse. The proposed logistics centre is considered not incompatible with the surrounding areas.
- 12.3 The Site falls within Category 1 areas stated in the TPB PG-No.13F. The following criteria are relevant:

Category 1 areas: Favorable 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, such as container trailer/tractor park and open storage of chemical products/dangerous goods etc., may cause significant environmental and traffic concerns.

According to the applicant, the proposed development would only involve about four trips of 5.5-tonne light goods vehicle per week during non-peak hours. When the drivers come to perform logistics activities, it will take place within the logistics structures and the Site will be enclosed with soundproofing galvanized steel sheets to minimize the environmental nuisance to the domestic dwellings/structures nearby. The logistics operation on the Site would be minimal. Relevant Government departments consulted including DEP, C for T, CE/MN of DSD and CTP/UD&L of PlanD have no objection to/adverse comment on the application. To mitigate potential environmental impacts on the surrounding areas, approval conditions restricting the operation hours and type of vehicles entering the Site as well as prohibiting the workshop-related activities are recommended in paragraph 13.2 (a) to (d) below. 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 DEP. 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. Any non-compliance with the approval conditions will result in revocation of the planning permission.

- 12.4 The northwestern portion of the Site is involved in one previous application (No. A/YL-SK/268) (**Plan A-1**) for the same use submitted by the same applicant, which was recently approved with conditions by the Committee on 15.11.2019 for a period of 3 years. In addition, there are two similar applications (No. A/YL-SK/239 and 246) (**Plan A-1**) for temporary logistics centre within the same “I(D)” zone approved with conditions by the Committee between 2018 and 2019 for a period of 3 years. The Committee’s considerations as stated in paragraphs 6 and 7 are generally applicable to the current application and approval of the application is in line with the previous decisions of the Committee.
- 12.5 Regarding the nine public comments received during the statutory publication period as stated in paragraph 11, relevant Government departments’ comments and planning considerations set out in paragraphs 12.1 to 12.4 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 comments 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 26.5.2023. 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 **26.11.2020**;
- (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 **26.2.2021**;
- (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 **26.11.2020**;
- (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 **26.2.2021**;
- (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 VI**.

- 13.2 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 24.12.2019
Appendix Ia	Further Information (FI) dated 16.1.2020
Appendix Ib	FI dated 13.2.2020
Appendix II	Extract of the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F)
Appendix III	Previous Application
Appendix IV	Similar Applications
Appendix V	Public Comments
Appendix VI	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-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
MAY 2020**