

RNTPC Paper No. A/YL-KTN/773  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 23.7.2021

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

**APPLICATION NO. A/YL-KTN/773**

- Applicant** : Sonliet Realty Company Limited represented by Aikon Development Consultancy Limited
- Site** : Lots 192 S.A, 192 S.B (Part), 209 S.A, 210 S.A, 214 S.A, 215 S.A, 268 S.B, 269 S.A, 270 S.A, 270 S.B (Part), 271, 272 S.A, 273 S.A, 274 S.A&B, 275, 276 S.A, 276 S.B, 277 S.A, 278 and 279 S.A in D.D. 107, Kam Tin, Yuen Long, N.T.
- Site Area** : About 2,735m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/9
- Zonings** : “Industrial (Group D)” (“I(D)”) (about 64%)  
[maximum plot ratio of 1.6, maximum site coverage of 80% and maximum building height of 13m]  
  
“Other Specific Uses” annotated “Railway Reserve” (“OU (Railway Reserve)”) (about 36%)
- Application** : Proposed Temporary Cold Storage 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 cold storage for a period of 3 years. The Site falls within the “I(D)” and “OU(Railway Reserve)” zones on the Kam Tin North OZP. While ‘Industrial Use’ is a Column 1 use within the “I(D)” zone and is always permitted, the applied use is neither a Column 1 nor Column 2 use under the “OU(Railway Reserve)” zone. According to the covering Notes of the OZP, temporary use not exceeding a period of 3 years requires planning permission from 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 plastic bags-related manufacturing use (**Plans A-2 and A-4**).

- 1.2 According to the applicant, all the building envelopes of the existing structures within the Site will be retained for the proposed temporary use under application. No new structures or buildings will need to be erected to effect the proposed development thereat. There will be nine 1 to 2-storey structures (with building height of not more than 8m and a total floor area of about 2,937.58m<sup>2</sup>) within the Site for warehouse (cold storage)(about 2,635.58m<sup>2</sup>), site office (about 80.82m<sup>2</sup>), electric room (about 18.58m<sup>2</sup>), storeroom (about 11.15m<sup>2</sup>) and canopy (about 190.45m<sup>2</sup>) uses. All electrical and mechanical machinery for the proposed temporary cold storage will be fully enclosed within the existing structures on-site. Two private car parking spaces (including one accessible parking space), one motorcycle parking space and two parking spaces and loading/unloading bays for light goods vehicles will be provided at the Site. The operation hours will be 7:00a.m. to 7:00p.m. daily. The Site is accessible from San Tam Road via a local track. The layout plan submitted by the applicant is at **Drawing A-1**.
- 1.3 In support of the application, the applicant has submitted the following documents:
- (a) Application form with planning statement and plans (**Appendix I**) received on 25.5.2021
  - (b) Further Information (FI) dated 9.7.2021 in response to (**Appendix Ia**) departmental comments  
*[exempted from publication requirement]*

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

The justifications put forth by the applicant in support of the application are detailed in the application form, planning statement and FI in **Appendices I and Ia**. They can be summarized as follows:

- (a) The proposed use serves as an accurate response to the changing economic context in Hong Kong, favoring warehousing and modern logistics industry. The proposed use would help realize the strategic economic development potentials in the north-west New Territories under the strategic planning intention of “Hong Kong 2030+: Towards a Planning Vision and Strategy Transcending 2030”.
- (b) Majority of the Site falls within an area zoned “I(D)” where the proposed use is always permitted. In view that the Northern Link (NOL) project is still at the detailed planning and design stage, the proposed use, which is on a temporary basis, would not jeopardize the long-term planning intention of the “OU (Railway Reserve)” zone. The proposed use is considered not incompatible with the surrounding areas in terms of its land use. The proposed use will not set an undesirable precedent as similar applications are identified in the close vicinity of the Site.

- (c) Since no new buildings or structures are involved for the current application, no adverse visual or landscape impact is therefore expected to be generated from the proposed use. With the utilization of the existing drainage system and the building envelopes of the existing temporary structures on the Site, and in view that the traffic generation of the proposed use would be the same or less than that of the tolerated use, no adverse environmental, drainage and traffic impacts on the surrounding areas are anticipated to be generated from the proposed use.

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

The applicant is one of the “current land owners” of the Site and has complied with the requirement 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 sending registered mail to the other owners. Detailed information would be deposited at the meeting for Member’s inspection.

### **4. Background**

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

### **5. Previous Application**

The Site is not involved in any previous application.

### **6. Similar Applications**

- 6.1 There are ten similar applications for temporary storage or warehouse uses within the same “OU(Railway Reserve)” zone in the vicinity of the Site on the Kam Tin North OZP. They were all approved. Details of the similar applications are summarized in **Appendix II** and their locations of the sites are shown on **Plan A-1**.
- 6.2 Applications No. A/DPA/YL-KTN/1 for office and storage of glove, A/YL-KTN/180 and 259 for temporary storage of household goods and food, A/YL-KTN/476, 591 and 754 for temporary storage of fertilizer and/or food processing material, A/YL-KTN/558 and 594 for temporary warehouse (pet supplies and gardening goods), A/YL-KTN/685 for temporary storage of tail lift and A/YL-KTN/750 for temporary warehouse for storage of construction materials and miscellaneous goods were approved with conditions by the Committee between 1991 and 2021 for 3 years on similar considerations that temporary approval would not frustrate the long-term planning intention; the proposed developments were not incompatible with the surrounding area; and departmental comments could be addressed by the approval conditions.

However, applications No. A/YL-KTN/476, 558 and 594 were revoked due to non-compliance with conditions.

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

7.1 The Site is:

- (a) paved and currently used for plastic bags-related manufacturing use; and
- (b) accessible via a local track leading from San Tam Road.

7.2 The surrounding areas are rural in character intermixed with warehouses, storage/open storage yards, a vehicle repair workshop, parking of vehicles and residential dwellings/structures, and an electricity substation:

- (a) to its south across a local track and west are warehouses, a factory, storage/open storage yards, a vehicle repair workshop, parking of vehicles and residential dwellings/structures. To its northwest is a package substation (approved under a valid application No. A/YL-KTN/608);
- (b) to its east across a local track are residential dwellings/structures (the nearest about 20m), storage/open storage yards and Mo Fan Heung; and
- (c) to its north and northeast are storage/open storage yards, residential dwellings/structures and parking of vehicles.

## **8. Planning Intentions**

8.1 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.

8.2 The planning intention of the “OU(Railway Reserve)” zone is primarily for railway development. According to the Explanatory Statement of the OZP, the area covers the proposed NOL alignment, and the exact alignment of the NOL has yet to be finalized.

## **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/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site comprises 2 New Grant Lots and 18 Old Schedule Agricultural Lots (OSALs). Lots 192 S.A and 192 S.B in D.D. 107 are held under Tai Po New Grant No. 2723 for “Agricultural” purposes. The OSALs were 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) Lots 192 S.B, 270 S.B and 276 S.B in D.D. 107 are currently covered by Short Term Waiver (STW) No. 634 to permit “timber factory and sawmill”. And Lots 192 S.A, 209 S.A, 210 S.A, 214 S.A, 215 S.A, 268 S.B, 269 S.A, 270 S.A, 271, 272 S.A, 273 S.A, 274 S.A & B, 275, 276 S.A, 277 S.A, 278 and 279 S.A all in D.D. 107 are covered by STW 3310 for “ancillary use to cutting and packing of consumer cling film packs”.
- (c) Should planning approval be given to the planning application, the STWs holders will need to apply to his office for modification of the STWs conditions where appropriate. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. 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 rent or fee, as may be imposed by the LandsD.

#### 9.1.2 Comments of the Chief Estate Surveyor/Railway Development, LandsD (CES/RD, LandsD):

Provided that the Railway Development Office of Highways Department has no objection against this application, he has no objection against the application.

### **Traffic**

#### 9.1.3 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.
- (c) The Site is connected to the public road network via a section of a local access road which is not managed by the Transport Department. The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.

9.1.4 Comments of the Chief Highway Engineer/NT West, Highways Department (CHE/NTW, HyD):

- (a) His department shall not be responsible for the maintenance of any access connecting the Site and San Tam Road.
- (b) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

9.1.5 Comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD 2-2, RDO, HyD):

- (a) The Site falls within the area of influence (“AOI”) of the proposed Northern Link (“NOL”), which is a recommended railway scheme under the Railway Development Strategy 2014. Although the programme and the alignment of the proposed NOL are still under review, those areas within the AOI may be required to be vacated at the time for the construction of the NOL and subject to nuisance, such as noise and vibration of the proposed NOL. He has no in-principle objection to the application for a period of 3 years from the development point of view of the NOL, provided that the applicant is satisfied with the surrounding condition of nuisance taking into account the future construction, operation and maintenance of NOL.
- (b) The NOL alignment and its AOI may be subject to further amendments.

## **Environment**

### 9.1.6 Comments of the Director of Environmental Protection (DEP):

- (a) The applicant has stated that all electrical and mechanical machinery for the proposed use is proposed to be fully enclosed within the existing structures on the Site and the types of vehicles going into/out of the Site will be restricted to private cars, motorcycles and light goods vehicles only. As such, he has no in-principle objection to the application.
- (b) The applicant shall be advised to follow the revised "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by DEP.
- (c) There was no environmental complaint related to the Site in the past 3 years.

## **Landscape**

### 9.1.7 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) He has no objection to the application from the landscape planning perspective.
- (b) The Site is located to the west of Kai Kung Leng Country Park and east of San Tam Road. Based on the aerial photo taken in 2019, the Site is situated in an area of miscellaneous rural fringe landscape character comprising temporary structures, open storages and scattered tree groups. The proposed development is considered not entirely incompatible with the surrounding landscape setting. According to site inspection on 4.6.2021, the Site is fenced off and hard paved with existing temporary structures in operation as the plastic bags-related manufacturing use. According to the submitted information, all the existing temporary structures will be retained and no new structures or buildings will be erected within the Site. Also, no tree felling will be involved and all existing trees within the Site will be retained and properly maintained. Further significant impact on existing landscape resources within the Site arising from the proposed use is not anticipated. Should the application be approved, the applicant is advised that approval of the application does not imply approval of tree works such as pruning, transplanting and/or felling under lease. The applicant is reminded to approach relevant authority/government

department(s) direct to obtain the necessary approval on tree works.

### **Fire Safety**

#### **9.1.8 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.
- (c) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap.123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority.

### **Drainage**

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

- (a) He has no objection in principle to the development from the public drainage point of view.
- (b) Should the application be approved, approval conditions requiring the applicant to submit a drainage proposal and implement and maintain the drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board should be included.
- (c) There is no public sewer connection available in the vicinity. The applicant shall seek views and comments from the DEP regarding the sewage disposal arrangement of the proposed development.

### **Building Matters**

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

- (a) As there is no record of approval granted by the Building Authority (BA) for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application.
- (b) Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on Site, prior approval and consent of the BA should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO).
- (c) His detailed comments on UBW, provision of access, temporary or licensed structures are at **Appendix IV**.
- (d) Detailed checking under the BO will be carried out at building plan submission stage.

### **Electricity Safety**

#### 9.1.11 Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) He has no comment on the application from the electricity supply safety aspect.
- (b) However, in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line (**Plan A-2**) under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the concerned site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

### **Food and Environmental Hygiene**

#### 9.1.12 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) Proper license / permit issued by his department is required if there is any food business / cater service / activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public and the operation of any business should not cause any obstruction.
- (b) If the proposal involves any commercial/trading activities, no environmental nuisance should be generated to the surroundings. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses.
- (c) The proposal shall not generate any environmental nuisance to the surroundings. Also, for any waste generated by the construction works shall be properly and legitimately handled on their own/at their expenses.

### **District Officer's Comments**

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

His office has not received any locals' comment on the application and he has no comment on the application.

#### 9.2 The following Government departments have no comment on/ objection to the application:

- (a) Director of Agriculture, Fisheries and Conservation;
- (b) Chief Engineer/Construction, Water Supplies Department;
- (c) Project Manager (West), Civil Engineering and Development Department; and
- (d) Commissioner of Police.

## **10. Public Comments Received During Statutory Publication Period**

On 4.6.2021, the application was published for public inspection. During the three-week statutory publication period, thirty five public comments from individuals were received (**Appendices III-1 to III-35**). They support the application mainly for the reasons that the proposed development is similar to the existing use and compatible with the

surrounding land uses; it will not generate adverse impacts to the surrounding areas and affect the NOL development; the proposed development will not jeopardize the long-term planning intentions; it will foster local economic development and stimulate employment opportunities; and there is a strong demand for cold storage in Hong Kong

## **11. Planning Considerations and Assessments**

- 11.1 The application is for proposed temporary cold storage for a period of 3 years in “I(D)” (64%) and “OU(Railway Reserve)” (36%) zones. Whilst the applied use is a Column 1 use within the “I(D)” zone and is always permitted, the applied use is neither a Column 1 nor Column 2 use under the “OU(Railway Reserve)” zone, which is intended primarily for the NOL development, and requires planning approval of the Board. RDO of HyD advised that the alignment and programme of the NOL is still under review and has no in-principle objection to the application. It is considered that approval of the application on a temporary basis of 3 years would not jeopardize the future implementation of the NOL.
- 11.2 The applied use which primarily makes use of the existing factory buildings is considered not incompatible with the surrounding land uses which are rural in character intermixed with warehouses, storage/open storage yards, a vehicle repair workshop, parking of vehicles and residential dwellings/structures, and an electricity substation.
- 11.3 Relevant departments consulted, including C for T, CE/MN of DSD and D of FS, have no objection to or adverse comment on the application. Although there are residential dwelling/structures located in the vicinity of the Site (**Plan A-2**), the applicant stated that all the electrical and mechanical machinery for the proposed cold storage will be fully enclosed within the existing structures on-site and the types of vehicles to be used would be restricted to private cars, motorcycles and light goods vehicles only. DEP, in this regard, has no objection to the application. Besides, there was no substantiated environmental complaint related to the Site has been received in the past 3 years. To minimize any possible environmental nuisance generated by the development, approval conditions on operation hours, the types of vehicles, prohibiting workshop activities and maintenance of the existing boundary fencing are recommended in paragraphs 12.2 (a) to (d) below. Besides, the applicant will be advised to adopt the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”. Moreover, the technical requirements of C for T, CE/MN of DSD and D of FS could be addressed by approval conditions in paragraphs 12.2 (e) to (j) below.
- 11.4 There were ten similar applications for temporary storage or warehouse uses within the same “OU(Railway Reserve)” zone approved between 1991 and 2021 as stated in paragraph 6 above.

- 11.5 Thirty five public comments supporting the application were received during the statutory publication period as mentioned in paragraph 10 above.

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

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department considers that the proposed temporary cold storage 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 23.7.2024. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval Conditions

- (a) no operation between 7:00p.m. to 7:00a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities shall be carried out on the Site at any time 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 are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (d) the existing boundary fencing on the Site shall be maintained at all times 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 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 23.1.2022;
- (g) in relation to (f) above, the implementation of the 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 23.4.2022;
- (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 a 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 23.1.2022;
- (j) in relation to (i) above, the implementation of the 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 23.4.2022;
- (k) if any of the above planning condition (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 condition (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 advisory clauses are in **Appendix IV**.

- 12.3 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 "OU(Railway Reserve)" zone which is primarily for railway development. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

### **13. Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission for renewal of the planning approval.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

**14. Attachments**

<b>Appendix I</b>	Application Form with Planning Statement received on 25.5.2021
<b>Appendix Ia</b>	Further Information received on 9.7.2021
<b>Appendix II</b>	Similar Applications within the Same “OU(Railway Reserve)” Zone
<b>Appendix III</b>	Public Comments
<b>Appendix IV</b>	Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Plan A-1</b>	Location Plan with Similar Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
JULY 2021**