

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

**APPLICATION NO. A/YL-KTN/804**

<b><u>Applicant</u></b>	:	Sonliet Realty Company Limited represented by Aikon Development Consultancy Limited
<b><u>Site</u></b>	:	Various lots in D.D. 107, Kam Tin, Yuen Long, N.T.
<b><u>Site Area</u></b>	:	About 2,735m <sup>2</sup>
<b><u>Lease</u></b>	:	(i) Tai Po New Grant Lot 2723 for “Agricultural” purposes (ii) Old Schedule Agricultural Lots held under Block Government Lease
<b><u>Plan</u></b>	:	Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/9
<b><u>Zonings</u></b>	:	“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%)
<b><u>Application</u></b>	:	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 (**Plan A-1**). While ‘Industrial Use’ is a Column 1 use within the “I(D)” zone and is always permitted, the proposed 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, the existing buildings on-site will be demolished and a new 1-storey non-domestic building (with building height of not more than 13m and floor area of about 2,188m<sup>2</sup>) will be erected within the Site for

warehouse (with ancillary site office, storeroom and electric room) (about 1,900m<sup>2</sup>) and covered area (about 288m<sup>2</sup>) for loading/ unloading space uses. All electrical and mechanical machinery for the proposed temporary cold storage will be fully enclosed within the proposed structure on-site. Two private car parking spaces (including one accessible parking space), one motorcycle parking space and two parking spaces cum loading/unloading spaces for light goods vehicles will be provided at the Site. The operation hours are between 7:00 a.m. and 7:00 p.m. daily. The Site is accessible from San Tam Road via a local track. The site layout plan submitted by the applicant is at **Drawing A-1**.

- 1.3 The Site is the subject of a previous application (No. A/YL-KTN/773) submitted by the same applicant as the current application for the same proposed temporary cold storage use. The application was approved by the Rural and New Town Planning Committee (the Committee) on 23.7.2021 for reasons as stated in paragraph 5.1 below and its planning permission is valid until 23.7.2024. Nevertheless, the applicant explained that as the existing structures at the Site are old and obsolete, a fresh planning application is submitted for upgrading the cold storage facility to the up-to-date requirements and standards so as to ensure the building safety and facilitate the efficient operation of the cold storage. A comparison of the major development parameters of the current application and the previous approved application No. A/YL-KTN/773 are summarized in the table below:

Major Development Parameters	Last Application No. A/YL-KTN/773 (a)	Current Application (b)	Difference (b)-(a)
Site Area (m <sup>2</sup> )(about)	2,735	2,735	N/A
Site Coverage (%) (about)	63	80	+17%
Total Floor Area (m <sup>2</sup> )(about)	2,937.58	2,188	-749.58 (-26%)
Plot Ratio (about)	1.07	0.8	-0.27 (-25%)
No. of Structure(s)	9	1	-8 (-89%)
No. of Storey(s)	1-2	1	-1 (-50%)
Building Height (m) (not more than)	8	13	+5 (+63%)
No. of Parking Spaces			
- private car	2	2	N/A
- motorcycle	1	1	N/A
- LGV	2	2 (cum loading/unloading spaces)	N/A

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

- (a) Application form planning statement and (**Appendix I**) supplementary information received on 18.11.2021
- (b) Further Information (FI) received on 7.1.2022 and (**Appendix Ia**)

10.1.2022 in response to 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, supplementary information and FI in **Appendices I and Ia** respectively. They can be summarized as follows:

- (a) Given the remote working and social distancing measures under the pandemic, a shift in consumer behaviour gives rise to the demand for local cold chain facilities, cold storage in particular, to support online groceries and delivery services. The proposed development is considered indispensable to meet the rising demand and could facilitate a more efficient logistics and consumption model for food industry. The structures at the Site would also be upgraded to ensure the building safety and to facilitate efficient operation.
- (b) The proposed use serves as an accurate response to the changing economic context in Hong Kong, favoring warehousing and modern logistics industry. It would help realize the strategic economic development potential in the Northwest New Territories under the strategic planning intention of “Hong Kong 2030+: Towards a Planning Vision and Strategy Transcending 2030”.
- (c) Majority of the Site falls within an area zoned “I(D)” (about 64%) 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.
- (d) The proposed use is 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.
- (e) Compared with the previously approved application No. A/YL-KTN/773, there is no change in the development nature, site area, number of parking spaces and operation hours. The current application is for upgrading the approved cold store facility to the up-to-date requirements and standards, in order to ensure the building safety and to facilitate the operation performance efficiently.
- (f) The proposed development would have no adverse traffic, environmental and drainage impacts on the surrounding areas.
- (g) The proposed building height of the structure is about 13m, which involves an increase of about 5m in height when comparing to the previously approved application No. A/YL-KTN/773. In order to ensure the building safety and to facilitate the operation performance of the proposed cold storage, the increase in building height in the proposed development is necessary for upgrading the interior and structural conditions in order to comply with the current fire safety standards in accordance with the Buildings Ordinance (Cap. 123).

**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**

5.1 The Site is the subject of one previous application (No. A/YL-KTN/773) submitted for the same temporary use by the same applicant. The application was approved with conditions by the Committee on 23.7.2021 for 3 years for the reasons that approval on a temporary basis would not frustrate the long-term planning intention; the proposed use was not incompatible with surrounding areas; relevant departments consulted had no objection to or no adverse comment; and the technical concerns could be addressed by appropriate approval conditions. Details of the previous application are summarized in **Appendix II** and its location is shown on **Plan A-1**.

5.2 Compared with the last approved Application No. A/YL-KTN/773, the current application is the same in terms of site area/ boundary, applied use, number of parking spaces and operation hours, with some changes in development parameters (including the covered area, site coverage, total floor area, building height, plot ratio, number of structures and the usage of ancillary structures). The planning permission of Application No. A/YL-KTN/773 is valid until 23.7.2024. Nevertheless, the applicant explained that a fresh planning application is submitted for upgrading the cold storage facility to the up-to-date requirements and standards so as to ensure the building safety and facilitate the efficient operation of the proposed cold storage.

**6. Similar Applications**

There are seven similar applications (No. A/YL-KTN/558, 591, 594, 685, 750, 754 and 783), involving five sites, for various temporary storage and warehouse uses within the same “OU(Railway Reserve)” zone in the vicinity of the Site since 2017. All the applications were approved with conditions by the Committee on similar considerations as stated in paragraph 5.1 above. However, applications No. A/YL-KTN/558 and 594 were revoked due to non-compliance with approval

conditions. Details of these applications are summarized in **Appendix III** and their locations are shown on **Plan A-1**.

## **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, vehicle repair workshop, parking of vehicles and residential dwellings/structures (**Plan A-2**):**

- (a) to its south and west are warehouses, a factory, storage/open storage yards, a vehicle repair workshop, parking of vehicles and residential dwellings/structures (the nearest about 5m);
- (b) to its east are residential dwellings/structures and an open storage yard; and
- (c) to its north, northeast and northwest are storage/open storage yards, residential dwellings/structures, parking of vehicles and a package substation (approved under a valid application No. A/YL-KTN/608).

## **8. Planning Intentions**

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 are 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) The applicant should be reminded that sufficient manoeuvring space shall be provided within the Site. No vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period.
- (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/New Territories 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 NOL. The detailed planning and design of the NOL are still under development. The scheme (including railway alignment, railway structures and the corresponding route protection area, and potential tunnel design and corresponding construction methods, etc.) is subject to further changes. The area within the AOI would be subject to nuisance, such as noise and vibration of the NOL. The applicant should have taken the impacts from NOL, such as the nuisance from the future construction, operation and maintenance of NOL, into consideration.
- (b) The construction of NOL may commence in 2025 tentatively, and the ground investigation (GI) works commenced in October 2021. If there are any proposed GI works for the NOL near the Site, MTR may contact the applicant for any arrangement for the GI works at the location concerned. The applicant should be reminded to coordinate with the associated parties of the GI works.

**Environment**

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

- (a) The applicant stated in the submission that all electrical and mechanical machinery for the proposed use is proposed to be fully enclosed within the proposed structure 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.

### **Fire Safety**

#### 9.1.7 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 (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**

#### 9.1.8 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**

#### 9.1.9 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**

#### 9.1.10 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 interest 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.

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

9.1.11 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 / no objection to the application:

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

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

On 30.11.2021, the application was published for public inspection. During the three-week statutory publication period, no public comment was received.

## **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 proposed use is a Column 1 use within the "I(D)" zone and is always permitted, the proposed 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. CE/RD 2-2, RDO of HyD advises 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 proposed use is considered not incompatible with the surrounding land uses which are rural in character intermixed with warehouses, storage/open storage yards, vehicle repair workshop, parking of vehicles and residential dwellings/structures.
- 11.3 Relevant departments consulted, including C for T, CE/MN of DSD, DEP and D of FS, have no objection to or no adverse comment on the application. Although there are residential dwelling/structures located in the vicinity of the Site (**Plan A-2**), the applicant states that all the electrical and mechanical machinery for the cold storage will be fully enclosed within the proposed building structure 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 in the past 3 years. To minimize any possible environmental nuisances and to address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below. The applicant will also be advised to adopt the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize any potential environmental impact on the surrounding areas.

- 11.4 Compared with the last approved application No. A/YL-KTN/773, the current application submitted by the same applicant is the same in terms of the applied use, site area/boundary, car parking provision and operation hours. The 9 existing structures are replaced by a single structure with reduction in GFA. Although the absolute building height is increased from 8m to 13m, the applicant claims that high ceiling is required mainly due to the technical concerns, particularly considering fire service installations in cold storage facility. As previous approval has been granted and there is no major change in planning circumstances since the last approval, sympathetic consideration could be given to the current application.
- 11.5 Apart from the previous approval (No. A/YL-KTN/773) for the same applied use granted for the Site in 2021, there are seven similar applications involving five sites for temporary storage or warehouse uses within the same “OU(Railway Reserve)” zone in the vicinity of the Site approved between 2017 and 2021 as stated in paragraph 6 above. Approval of the current application is in line with the previous decisions of the Committee.
- 11.6 No public comment was 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, 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 14.1.2025. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

### **Approval Conditions**

- (a) 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;
- (b) 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;

- (c) the existing boundary fencing on the Site shall be maintained at all times during the planning approval period;
- (d) 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 14.7.2022;
- (e) in relation to (d) 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 14.10.2022;
- (f) in relation to (e) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (g) 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 14.7.2022;
- (h) in relation to (g) 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 14.10.2022;
- (i) if any of the above planning condition (a), (b), (c), or (f) 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
- (j) if any of the above planning condition (d), (e), (g) or (h) 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 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 and Supplementary Information received on 18.11.2021
<b>Appendix Ia</b>	FI received on 7.1.2022 and 10.1.2022
<b>Appendix II</b>	Previous s.16 Application covering the Site
<b>Appendix III</b>	Similar Applications within the Same “OU(Railway Reserve)” Zone in the Vicinity of the Site
<b>Appendix IV</b>	Advisory Clauses
<b>Drawing A-1</b>	Site 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  
JANUARY 2022**