

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

**APPLICATION NO. A/YL-SK/301**

- Applicant** : Milpitas Investment Limited represented by Mr. KWOK Chi-man
- Site** : Lots 585 S.A ss.1, 585 S.B ss.1, 585 S.B RP, 585 RP, 587, 588, 589 and 590 in D.D. 114 and Adjoining Government Land, Shek Kong, Yuen Long
- Site Area** : About 2,380 m<sup>2</sup> (including Government land of about 280 m<sup>2</sup> or 11.8%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Shek Kong Outline Zoning Plan (OZP) 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 of 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 for proposed temporary logistics centre at the application site (the Site) for a period of 3 years. The Site falls within an area zoned “I(D)” on the approved Shek Kong OZP No. S/YL-SK/9 (**Plan A-1**). According to the Notes of the OZP, ‘Cargo Handling and Forwarding Facility (Container Freight Station, Logistics Centre only)’ is a Column 2 use within the “I(D)” zone which requires planning permission from the Town Planning Board (the Board). The Site is fenced off, paved and currently occupied by a cold storage facility of food and an open storage yard of empty plastic bottles.
- 1.2 According to the applicant, the proposed development comprises two single-storey temporary structures with a building height of about 9m and a total floor area of about 2,248 m<sup>2</sup> for logistics centre and cold storage facility of food uses (**Drawing A-1**). The proposed operation hours will be from 8:00 a.m. to 8:00 p.m. Mondays to Saturdays, and no operation on Sundays and public holidays. The Site is accessible from Kam Tin Road via a local track, and two loading/unloading spaces for light goods vehicle will be provided on-site. The layout plan submitted by the applicant is at **Drawing A-1**.

- 1.3 The Site is subject to a previous planning permission under Application No. A/YL-SK/25 for vehicle stripping and repairing workshop use (**Plan A-1**) approved with conditions by the Rural and New Town Planning Committee (the Committee) in 1996.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with Attachments received on 2.2.2021 **(Appendix I)**
  - (b) Further Information received on 19.3.2021 **(Appendix Ia)**  
*(exempted from publication)*

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

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

- (a) the proposed logistics centre use is a Column 2 use within the “I(D)” zone and is compatible with the open storage and port back-up uses in the vicinity. Besides, the Site falls within the Category 1 areas under the Town Planning Board Guidelines No. 13F;
- (b) the operation of the proposed development mainly involves packaging, labeling and distribution of goods, which will be clean and tidy in nature. No repairing, paint-spraying and car washing, tree-felling, filling and/or excavation of land and blockage of water resource will be carried out and no environmental impact brought by the proposed use is anticipated. 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; and
- (c) the proposed development will generate about eight trips of 5.5-tonne goods vehicle per day, which will only be made 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, sufficient manoeuvring space are provided within the Site to ensure road safety outside the Site.

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

The applicant is not a “current land owner” of the private land portion 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 at the Site and sending notice to the Pat Heung Rural Committee by registered post. For the Government land portion, TPB PG-No. 31A 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 not subject to any active planning enforcement case.

#### **6. Previous Application**

6.1 The Site is subject to one previous application (No. A/YL-SK/25) for vehicle stripping and repairing workshop use approved by the Committee in 1996. Details of the previous application are summarized in **Appendix III** and its location is shown on **Plan A-1**.

6.2 The above application was approved with conditions by the Committee on 9.8.1996 mainly on the grounds that the proposed development was generally in line with the planning intention of “I(D)” zone and not incompatible with the surrounding land uses; there was generally no adverse comments from the relevant Government departments; and the environmental and landscape concerns could be addressed by appropriate approval conditions.

#### **7. Similar Applications**

7.1 There are four similar applications (Nos. A/YL-SK/239, 246, 268 and 279) for temporary logistics centre use all for a period of 3 years (with workshop use for Application No. A/YL-SK/279) within the same “I(D)” zone, which were approved by the Committee between 2018 and 2020. Details of the similar applications are summarized in **Appendix IV** and their locations are shown on **Plan A-1**.

7.2 The above four applications were approved by the Committee mainly on the grounds that the development was not in conflict with the planning intention of “I(D)” zone; the use was not incompatible with the surrounding areas; the development was in line with the TPB PG-No. 13E or 13F in that the site fell within Category 1 areas; and Government departments consulted generally had no adverse comments on the application. However, the planning approvals under Application Nos. A/YL-SK/239, 246 and 268 were revoked on 17.7.2020, 22.9.2020 and 15.11.2020 respectively, all due to non-compliance with approval conditions in relation to both submission and implementation of drainage proposal and fire service installations proposal.

#### **8. The Site and Its Surrounding Areas (Plans A-1 and A-2, aerial photo on Plan A-3, and site photos on Plan A-4)**

8.1 The Site is:

- (a) fenced off, paved and currently occupied by a cold storage facility of food and an open storage yard of empty plastic bottles; and
- (b) accessible from Kam Tin Road via a local track.

8.2 The surrounding areas of the Site are predominantly rural in character intermixed with warehouses, workshops, open storage/storage yards, domestic structures/dwellings and vacant/unused land:

- (a) to its northwest and northeast are some pieces of vacant/unused land and scattered domestic dwellings/structures respectively;
- (b) to its east and south are vegetated hillslope within the “Conservation Area” (“CA”) zone; and
- (c) to its southwest and west are a cluster of warehouses, a vehicle repair workshop, open storage/storage yards, 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 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 is given for occupation of Government land (GL) (about 280m<sup>2</sup> subject to verification) in the Site. The applicant’s attention is drawn to the fact that any occupation of GL without Government’s prior approval is not allowed; and

- (c) should planning approval be given to the planning application, the lot owner(s) will need to apply to his office to permit the structure(s) 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. Furthermore, the applicant has to either exclude the GL from the Site or obtain a formal approval prior to the actual occupation of the GL. 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 LandsD.

### **Traffic**

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

- (a) having regard to the FI (**Appendix Ia**), 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 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.

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

- (a) HyD 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 to prevent surface water running from the Site to nearby public roads and 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) in the past three years, there is one substantiated environmental complaint concerning the Site received by DEP, which was a waste complaint received in 2018 related to land filling within the Site.

### **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 public drainage point of view; and
- (b) should the application be approved, the conditions requiring the submission of a drainage proposal and the 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.

### **Water Supply**

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

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

### **Building Matters**

10.1.7 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; and
- (b) if the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of the BA, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application.

### **Fire Safety**

10.1.8 Comment 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, fire service installations are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations 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 fire service installations 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**

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

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

10.2 The following Government departments have no objection to/no adverse comment on the application:

- (a) Chief Town Planner/Urban Design & Landscape, PlanD (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 Comments Received During the Statutory Publication Period**

On 9.2.2021, the application was published for public inspection. During the three-week statutory publication period, one public comment (**Appendix V**) was received from an individual objecting to the application mainly on the grounds that the proposed logistics centre located within rural community would lead to traffic congestion, environmental pollution, fire safety hazard, and adversely affect the safety and quality of living of the villagers.

### **12. Planning Considerations and Assessments**

12.1 The application is for proposed temporary logistics centre for a period of 3 years at the Site zoned "I(D)" on the Shek Kong OZP. The "I(D)" zone 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. The logistics centre use is considered not in conflict with the planning intention of the “I(D)” zone.

- 12.2 The Site is located within a larger “I(D)” zone in which general open storage, industrial, warehouse and rural workshop uses are always permitted. Currently, the surrounding areas are mainly occupied by warehouses, workshops, open storage/storage yards, domestic structures/dwellings, and vacant/unused land. The proposed use 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: 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, such as container trailer/tractor park and open storage of chemical products/dangerous goods etc., may cause significant environmental and traffic concerns.

- 12.4 Relevant Government departments consulted including C for T, CE/MN of DSD, DEP and D of FS have no adverse comment on the application. To mitigate any potential environmental impacts on the surrounding areas, approval conditions restricting the operation hours and type of vehicles entering the Site are recommended in paragraph 13.2 (a) to (c) below. Besides, the proposed development will be operating within enclosed structures according to the applicant, and 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. For the one substantiated environmental complaint as stated in para. 10.1.4, it should be noted that the complaint was relating to land filling but not the proposed use under application. 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 (d) to (j) below.

- 12.5 The Site is involved in a previous application (No. A/YL-SK/25) for vehicle stripping and repairing workshop use approved by the Committee in 1996. In addition, there are four similar applications (Nos. A/YL-SK/239, 246, 268 and 279) for temporary logistics centre use all for a period of 3 years within the same “I(D)” zone approved by the Committee between 2018 and 2020. 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.

- 12.6 Regarding the public comment received during the statutory publication period, the departmental comments and planning considerations and assessment above are relevant.



### 13. Planning Department's Views

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comment in paragraph 11, 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 26.3.2024. 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 are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) 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 26.9.2021;
- (f) in relation to (e) 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 26.12.2021;
- (g) in relation to (f) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) 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 26.9.2021;
- (i) in relation to (h) 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 26.12.2021;
- (j) if any of the above planning condition (a), (b), (c), (d) or (g) 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

- (k) if any of the above planning condition (e), (f), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

#### Advisory Clauses

The recommended advisory clauses are attached at **Appendix VI**.

- 13.3 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**

<b>Appendix I</b>	Application Form with Attachments received on 2.2.2021
<b>Appendix Ia</b>	Further Information (FI) dated 19.3.2021
<b>Appendix II</b>	Extract of the Town Planning Board Guidelines on Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F)
<b>Appendix III</b>	Previous Application
<b>Appendix IV</b>	Similar Applications
<b>Appendix V</b>	Public Comment
<b>Appendix VI</b>	Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan

**Plan A-3**

Aerial Photo

**Plan A-4**

Site Photos

**PLANNING DEPARTMENT  
MARCH 2021**