

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-SK/307

- Applicant** : HK Leadway Group Limited represented by Mr. KWOK Chi-man
- Site** : Lot 598 S.C (Part) in D.D. 114 and Adjoining Government Land, Shek Kong, Yuen Long, New Territories
- Site Area** : About 2,788 m² (including Government land of about 650 m² or 23.3%)
- 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 paved, fenced off into three separate portions and currently occupied by temporary structures and storage yards (**Plans A-3 and A-4**).
- 1.2 According to the applicant, the proposed development comprises a single-storey temporary structure with a building height of not more than 11m and a total floor area of about 2,720 m² for logistics and warehouse uses. 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 site plan, location plan and layout plan submitted by the applicant are at **Drawing A-1 to A-3**.

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

- (a) Application Form with attachments received on 26.4.2021 (Appendix I)
- (b) Further Information received on 21.6.2021 (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 summarised as follows:

- (a) the proposed logistics centre use is a Column 2 use within the “I(D)” zone and is compatible with the existing 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 and blockage of water resource will be carried out and no significant 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 minimise any nuisance generated from the proposed use to the surrounding area;
- (c) the proposed development will generate about eight trips of 5.5-tonne goods vehicle per month, 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 is provided within the Site to ensure road safety outside the Site; and
- (d) as the Site is on an uneven terrain, a 2m tall water tank will be constructed at the southern part of the Site to offset the site level difference. Site formation work will then be undertaken to provide a flat platform for the operation of the proposed logistic centre.

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

There is no previous application in respect of the Site.

7. Similar Applications

- 7.1 There are five similar applications (Nos. A/YL-SK/239, 246, 268, 279 and 301) 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 2021. Details of the similar applications are summarised in **Appendix III** and the locations are shown on **Plan A-1**.
- 7.2 The five similar 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) paved, fenced off into three separate portions ranging from 9 to 11 mPD and currently occupied by temporary structures and storage yards; 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 storage/storage yards, domestic structures/dwellings, and vacant/unused land:

- (a) to its north and northwest are some storage yards intermixed with some warehouses, domestic structures/dwellings and vacant land;
- (b) to its east, northeast and southeast are domestic structures/dwellings scattered across a vegetated hillslope, some of which are situated within the “Conservation Area” (“CA”) zone to the further east; and
- (c) to its south and west are some open storage yards, a shop and services site, and a few domestic structures/dwellings.

9. Planning Intention

The planning intention of the “I(D)” zone is primarily for industrial uses that cannot be accommodated in conventional flat 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 summarised 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 an Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
 - (b) no permission is given for occupation of GL (about 650m² subject to verification) included 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 regularise any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularisation 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) there is no environmental complaint in relation to the Site received in the past three years.

Landscape

10.1.5 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) with reference to the aerial photo in 2019, the Site is situated in an area of rural landscape character comprising open storages, temporary structures, car parks and scattered tree groups, and Conservation Area is located at the eastern side of the Site. The proposed development is not incompatible to the landscape character of the surrounding area;
- (c) with reference to the site photos in May 2021, the Site is hard-paved with temporary structures and storages for cars. Mature trees in fair condition were found at the western corner and southern side of the Site. According to the aerial photo (**Plan A-3**), the trees may be affected by the proposed temporary structure. In view that the affected trees are common species which can be easily sourced in local market, significant adverse landscape impact arising from the development is not anticipated; and
- (d) his detailed comments are at **Appendix V**.

Drainage

10.1.6 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, conditions should be stipulated requiring the submission of a drainage proposal for collecting and disposal of surface runoff from the Site and not disturbing the existing watercourse at/near the Site, 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.

Water Supply

10.1.7 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 V**.

Building Matters

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

- (a) before any new building works (including containers / open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of BA should be obtained, otherwise they are unauthorised building works (UBW). An Authorised Person should be appointed as the coordinator for the proposed building works in accordance with the Buildings Ordinance (BO);
- (b) for UBW erected on leased land, enforcement action may be taken by 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 constructed as an acceptance of any existing building works or UBW on the Site under BO; and
- (c) his detailed comments are at **Appendix V**.

Fire Safety

10.1.9 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 FSI to be installed should be clearly marked on the layout plans; and
- (c) the applicant is reminded that if the proposed structure(s) is required to comply with the BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

District Officer's Comments

10.1.10 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) Commissioner of Police (C of P);
- (b) Director of Electrical and Mechanical Services (DEMS); and
- (c) Project Manager/West, Civil Engineering and Development Department (PM/W, CEDD).

11. Public Comments Received During the Statutory Publication Period

On 4.5.2021, the application was published for public inspection. During the three-week statutory publication period, three public comments (**Appendix IV**) were received from three individuals objecting to the application mainly on the grounds that the proposed logistics centre would generate environmental pollution such as noise and air pollution, fire safety hazard to the rural community and adversely affect the safety and quality of living of the villagers; the proposed structure would block the air ventilation in the area; the proposed development would block the access to the nearby residential structures/dwellings; and the construction works may cause landslide in the area.

12. Planning Considerations and Assessment

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 flattened factories due to extensive land and/or high ceiling requirements. 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 storage/storage yards, domestic structures/dwellings, and vacant/unused land. The proposed logistic 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: 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. 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 (i) below.

- 12.5 There are five similar applications for logistic centre uses within the same “I(D)” zone on the OZP as detailed in paragraph 7 above (**Plan A-1**), all of which were approved with conditions by the Committee from 2018 to 2021. The Committee’s considerations for approval of these four applications are generally applicable to the current application. Approval of the current application is in line with the previous decisions of the Committee.
- 12.6 Regarding the three public comments 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 comments 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 25.6.2024. 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 25.12.2021;

- (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 25.3.2022;
- (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 25.12.2021;
- (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 25.3.2022;
- (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 V**.

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

Appendix I	Application Form with Attachments received on 26.4.2021
Appendix Ia	Further Information (FI) dated 21.6.2021
Appendix II	Relevant Extracts of the Town Planning Board Guidelines on Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F)
Appendix III	Similar Applications
Appendix IV	Public Comments
Appendix V	Advisory Clauses
Drawing A-1	Location Plan
Drawing A-2	Site Plan
Drawing A-3	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JUNE 2021**