

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-SK/340

<u>Applicant</u>	:	HK Leadway Group Limited represented by Allgain Land Administrators (Hong Kong) Limited
<u>Site</u>	:	Lot 598 S.C (Part) in D.D. 114 and Adjoining Government Land, Shek Kong, Yuen Long, New Territories
<u>Site Area</u>	:	About 2,788m ² (including about 650m ² of Government Land (23%))
<u>Lease/ Land Status</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9
<u>Zoning</u>	:	“Industrial (Group D)” (“I(D)”) [restricted to maximum plot ratio of 1.6, maximum site coverage of 80% and a maximum building height of 13m]
<u>Application</u>	:	Proposed Temporary Logistics Centre for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary logistics centre for a period of 3 years (**Plan A-1**). According to the Notes of the OZP, ‘Cargo Handling and Forward 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 partly used for open storage of vehicles (**Plans A-2 to A-4b**).
- 1.2 According to the applicant, the proposed development comprises a single-storey temporary structures with a building height of not more than 11m and a total floor area of about 2,720m² for logistics and warehouse uses. The proposed operation hours will be from 8:00 a.m. to 8:00 p.m. Mondays to Saturdays, with no operation on Sundays and public holidays. The Site is accessible from Kam Tin Road via a local track, and two loading/unloading bays for light goods vehicles will be provided. The layout plan submitted by the applicant is at **Drawing A-1**.
- 1.3 The Site is the subject of one previous application (Nos. A/YL-SK/307) for the same applied use and submitted by the same applicant as the current application. It was revoked due to non-compliance with approval conditions (see paragraph 6

below). Compared with the previous approved application No. A/YL-SK/307, there is no change in the development parameters or layout of the development.

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

- (a) Application Form with attachments received on 6.2.2023 (**Appendix I**)
- (b) Further Information (FI) received on 16.3.2023 (**Appendix Ia**)
(*exempted from publication and recount requirements*)

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FI at **Appendices I and Ia** and are summarized below:

- (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. The Site also falls within Category 1 areas under the Town Planning Board Guidelines No. 13F;
- (b) the operation of the proposed development is temporary in nature, and 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 Site is subject to a previous planning application No. A/YL-SK/307 and the applicant has applied to the Lands Department for a Short Term Waiver and Short Term Tenancy, which are pending approval;
- (d) the proposed development will generate about eight trips for each of the two light goods vehicles each month that take place during non-peak hours. Besides the drivers of the light goods vehicles occasionally travelling to and from the Site, there will be no other staff working within the proposed development. No visitors’ vehicles are allowed and thus there will be no visitors’ car parking provided. The anticipated traffic impact to Kam Tin Road will be insignificant;
- (e) the proposed development would not result in adverse impacts, including drainage, landscape and fire safety. The applicant will comply with any planning approval conditions imposed by the Town Planning Board to minimize any adverse impacts; and
- (f) local stakeholders have been consulted, and no objections to the proposed development had been received.

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

The applicant is not a “current land owner” 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. Detailed information would be deposited at the meeting for Members’ inspection. For the Government Land portion of the Site, TPB PG-No. 31A is not applicable.

4. **Town Planning Board Guidelines**

The 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 enforcement action.

6. **Previous Applications**

The Site is the subject of one previous application (application No. A/YL-SK/307) submitted by the same applicant. The previous application is the same in terms of use (i.e. proposed temporary logistics centre for a period of 3 years), development parameters and layout. It was approved in 2021 on the considerations that the proposed development was not in conflict with the planning intention of the “I(D)” zone; it was not incompatible with the surrounding areas; the proposed development was in line with the TPB PG-No. 13F as it fell within Category 1 areas; and government departments consulted generally had no adverse comments on the application. However, it was revoked on 25.12.2022 for non-compliance with approval conditions within the specified periods. Details of this previous application are summarized at **Appendix III** and its location is shown on **Plan A-1**.

7. **Similar Applications**

There are six similar applications (Nos. A/YL-SK/239, 246, 268, 275, 279 and 301) within the same “I(D)” zone on the OZP involving temporary logistics centre use for a period of 3 years approved with conditions by the Committee in between 2018 and 2021 on similar considerations as stated in paragraph 6 above. Details of these similar applications are summarized at **Appendix III** and their locations are shown on **Plan A-1**.

8. **The Site and Its Surrounding Areas (Plans A-2 to A-4b)**

8.1 The Site is:

- (a) partly used for open storage of vehicles;
- (b) partly occupied by shed and temporary structures; and
- (c) accessible from Kam Tin Road via a local access.

8.2 The surrounding areas are predominantly rural in character intermixed mostly with warehouses, open storage/storage yards, shop and services of vehicles and vehicle parts, and domestic structures/dwellings (**Plans A-2 and A-3**).

9. **Planning Intention**

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.

10. **Comments from Relevant Government Departments**

Government departments consulted have no objection to or no adverse comment on the application. Their comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices IV and V** respectively.

11. **Public Comment Received During Statutory Publication Period**

The application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual. The comment raises objection to the application mainly on the grounds that the planning approval conditions of the previous application had not been fulfilled, and diligence should be observed when considering the application (**Appendix VI**).

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)”. 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. The proposed development 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 use are always permitted. Currently, the Site’s surrounding areas are predominantly rural in character intermixed mostly

with warehouses and open storage/storage yards. The proposed logistics centre is considered not incompatible with the surrounding areas.

- 12.3 The Site falls within Category 1 areas stated in the TPB PG-No. 13F. The following criteria are relevant:

Category 1 areas: considered suitable for open storage and port back-up uses. 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 may cause significant environmental and traffic concerns.

- 12.4 Relevant 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, the applicant will be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the DEP. The technical requirements of CE/MN of DSD and D of FS could be addressed by approval conditions in paragraphs 13.2 (a) to (e) below.
- 12.5 The Site is involved in one previous application (Application No. A/YL-SK/307) submitted by the same applicant and for the same applied use approved with conditions by the Committee in 2021 for reasons as detailed in paragraph 6 above. In addition, there are six similar applications involving temporary logistics centre use within the same “I(D)” zone, which were all approved with conditions by the Committee from 2018 to 2021 on similar grounds as the previous application. The Committee’s considerations as stated in paragraph 6 are generally applicable to the current application, and approval of this application is in line with the previous decisions of the Committee. Although the previous planning permission was revoked due to non-compliance of approval conditions within the specified periods, there has been no major change in planning circumstances since the last approval, sympathetic consideration could be given to the current application. The applicant will also be advised that should he fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 12.6 Regarding the one public comment received during the statutory publication period, the departmental comments and the planning considerations and assessments above are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comment mentioned 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 three years until

31.3.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) 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 **31.9.2023**;
- (b) in relation to (a) 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 **31.12.2023**;
- (c) the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (d) 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 **31.9.2023**;
- (e) in relation to (d) 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 **31.12.2023**;
- (f) if the above planning condition (c) 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
- (g) if any of the above planning conditions (a), (b), (d) or (e) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

Advisory Clauses

The recommended advisory clauses are at **Appendix V**.

- 13.3 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 "I(D)" zone which is primarily for industrial uses that cannot be accommodated in conventional flatted factories due to extensive land and/or high ceiling requirements. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

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 reasons for rejection should be given to the applicant.

15. Attachments

Appendix I	Application Form with attachments received on 6.2.2023
Appendix Ia	FI Received on 16.3.2023
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	Previous and Similar Applications
Appendix IV	Government Departments' Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
MARCH 2023**