

RNTPC Paper No. A/YL-SK/386A
For Consideration by the
Rural and New Town
Planning Committee
on 24.1.2025

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-SK/386

- Applicant** : HK Leadway Group Limited represented by Top Planning Property Consultants Limited
- Site** : Lot 598 S.C (Part) in D.D. 114 and Adjoining Government Land (GL), Shek Kong, Yuen Long
- Site Area** : 2,788m² (about) (including GL of about 650m² (about 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 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 for a period of three years at the application site (the Site), which falls within an area zoned “I(D)” on the OZP (**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 “I(D)” zone which requires planning permission from the Town Planning Board (the Board). The Site is fenced off, partly paved and used for open storage of vehicles and vehicle parts (**Plans A-2, A-3 to A-4b**).
- 1.2 The Site is accessible from a local access leading to Kam Tin Road, with an ingress/egress (about 7m wide) at the northwestern part of the Site (**Drawing A-1 and Plan A-2**). According to the applicant, the proposed use involves one single-storey structure (with height not more than 11m) with a total floor area of about 2,720m² for logistics centre use at the Site. Two loading/unloading bays for light goods vehicles will be provided within the proposed structure. The proposed operation hours will be from 8:00 a.m. to 8:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. The layout plan submitted by the applicant is at **Drawing A-1**.

- 1.3 The Site is the subject of two previous applications (No. A/YL-SK/307 and 340) (**Plan A-1**) for the same use as the current application, which were approved by the Rural and New Town Planning Committee (the Committee) of the Board on 25.6.2021 and 31.3.2023 respectively (details at paragraph 6 below). Both planning permissions were subsequently revoked on 25.12.2022 and 30.9.2024 respectively due to non-compliance with approval conditions. Compared with the last application, the current application is submitted by the same applicant for the same proposed use at the same site with the same layout, development parameters and operation hours.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with Supplementary Information (SI) (**Appendix I**) received on 14.8.2024
 - (b) Further Information (FI) received on 4.12.2024* (**Appendix Ia**)
** accepted and exempted from publication and recounting requirements*
- 1.5 On 4.10.2024, the Committee of the Board agreed to defer making a decision on the application for two months as requested by the applicant.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form, SI and FI at **Appendices I and Ia** and can be summarised as follows:

- (a) The proposed logistics centre is a Column 2 use within the “I(D)” zone, which could support the development of open storage and port back-up use. The current application is temporary in nature for a period of three years and will not frustrate the long-term planning intention of the “I(D)” zone.
- (b) The proposed use is compatible with the surrounding area which is predominated by open storage and port-back up uses. The Site also falls within Category 1 areas under the Town Planning Board Guidelines No. 13G for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13G), and is the subject of two previously approved applications (No. A/YL-SK/307 and 340) for the same logistics centre use. Besides, similar applications have been approved in the “I(D)” zone of the same OZP. Hence, approval of the current application is in line with TPB PG-No.13G and previous decisions of the Board.
- (c) The applicant has submitted Short Term Waiver (STW) and Short Term Tenancy (STT) applications to the Lands Department (LandsD) since the approval of the first application (No. A/YL-SK/307). However, approvals from LandsD are still pending. Hence, the erection of proposed structure at the Site, which includes the implementation of the fire service installations (FSIs) proposal and drainage facilities, have been delayed, resulting in revocation of the previous applications. In support of the current application, the applicant has submitted a drainage proposal and a FSIs proposal, and is committed to comply with all relevant approval conditions should the current application be approved.

- (d) No car washing, vehicle repairing, dismantling, spraying and other workshop activities will be carried out at the Site. The applicant will strictly follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (CoP) issued by the Environmental Protection Department (EPD) to minimise any adverse impact or nuisance generated from the proposed use to the surrounding area.

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. 31B) by posting site notices 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 GL, the requirements as set out in TPB PG-No. 31B are not applicable.

4. **Town Planning Board Guidelines**

The TPB PG-No. 13G promulgated by the Board on 14.4.2023 is relevant to the application. The Site falls within Category 1 areas under TPB PG-No. 13G and the relevant extract of which is at **Appendix II**.

5. **Background**

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

6. **Previous Applications**

- 6.1 The Site is the subject of two previous applications (No. A/YL-SK/307 and 340) submitted by the same applicant for the same proposed use with the same development parameters and same layout. Both applications were approved with conditions by the Committee on 25.6.2021 and 31.3.2023 respectively, mainly on the considerations that the proposed use was not in conflict with the planning intention of the “I(D)” zone; the proposed use was not incompatible with the surrounding areas; the application was in line with the then TPB PG-No. 13F as the application site fell within Category 1 areas; and relevant government departments consulted generally had no adverse comments on the application. Subsequently, both planning permissions were revoked on 25.12.2022 and 30.9.2024 respectively due to non-compliance with approval conditions related to submission and implementation of both drainage and FSIs proposals (No. A/YL-SK/307) and implementation of both drainage and FSIs proposals (No. A/YL-SK/340).
- 6.2 Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

7. **Similar Applications**

- 7.1 During the past five years, there are three similar applications (No. A/YL-SK/275, 279 and 301) involving temporary logistics centre within the same “I(D)” zone in the vicinity of the Site. All of them were approved with conditions by the Committee mainly on similar considerations as stated in paragraph 6.1 above, and the planning permissions of them were subsequently revoked between 2021 and 2023 due to non-compliance with approval conditions.
- 7.2 Details of the similar applications are summarised at **Appendix IV** and their locations are shown on **Plan A-1**.

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

- 8.1 The Site is:
- (a) fenced off and partly paved and used for open storage of vehicles and vehicle parts; and
 - (b) accessible from a local access leading to Kam Tin Road.
- 8.2 The surrounding areas are rural in character predominated by open storage/storage yards, warehouses and low-rise residential structures.

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 general comments on the application and advisory comments in the Recommended Advisory Clauses, if any, are provided in **Appendices V** and **VI** respectively.

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

On 23.8.2024, the application was published for public inspection. During the statutory public inspection period, two public comments were received (**Appendix VII**), including one from the Chairman of Yuen Long Town Centre and Rural East Area Committee without providing views on the application, and one from an individual objecting to the

application considering the non-compliance with approval conditions of the previous applications.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary logistics centre for a period of three years at the Site zoned “I(D)” (**Plan A-1**). While the proposed use is not entirely in line with the planning intention of the “I(D)” zone, according to the applicant, the proposed use could support the development of open storage and port back-up use. There is no known development proposal for permanent use at the Site. In view of the above and taking into account the planning assessments below, approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “I(D)” zone.
- 12.2 The proposed use is considered not incompatible with the surrounding areas which are rural in character predominated by open storage/storage yards, warehouses and low-rise residential structures (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) advises that the Site is located at a non-landscape sensitive zoning and has no adverse comment on the application from landscape planning perspective.
- 12.3 The Site falls within Category 1 areas under TPB PG-No. 13G. The following considerations in the Guidelines 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 government departments consulted including the Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD), Director of Environmental Protection and Director of Fire Services (D of FS) have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 13.2 below. Should the application be approved, the applicant will be advised to follow the revised CoP issued by the EPD to minimise any potential environmental nuisance by the proposed use on the surrounding areas.
- 12.5 The Site is the subject of two previously approved applications (No. A/YL-SK/307 and 340) for the same use of the current application submitted by the same applicant as detailed in paragraph 6 above. Although the planning permissions of two previous applications were subsequently revoked in 2022 and 2024 respectively due to non-compliance with approval conditions including those related to submission and/or implementation of drainage and FSIs proposals, the applicant has submitted drainage and FSIs proposals in support of the current application which have been accepted by CE/MN, DSD and D of FS respectively.

The applicant also committed to comply with all relevant approval conditions and implement the accepted FSIs and drainage proposals once the STT and STW applications are approved. In this regard, sympathetic considerations could be given to the application. Should the application be approved, the applicant will be advised that sympathetic consideration may not be given to any further applications should he fail to comply with any of the approval conditions again resulting in revocation of planning permission.

- 12.6 There were three similar approved applications involving temporary logistics centre within the same “I(D)” zone in the vicinity of the Site in the past five years. Approving the current application is in line with the Committee’s previous decisions.
- 12.7 Regarding the public comments received during the statutory inspection period as stated in paragraph 11 above, the planning considerations and departmental comments above are also relevant.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11 above, PlanD 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 24.1.2028. The following conditions of approval and advisory clauses are suggested for Members’ reference:

Approval Conditions

- (a) the implementation of the accepted 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 24.10.2025;
- (b) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (c) the implementation of the accepted 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 24.10.2025;
- (d) if the above planning condition (b) 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
- (e) if any of the above planning condition (a) or (c) 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 VI**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed use 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. 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. 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 reason(s) for rejection should be given to the applicant.

15. The Proposal

Appendix I	Application Form with SI received on 14.8.2024
Appendix Ia	FI received on 4.12.2024
Appendix II	Relevant Extracts of TPB PG-No. 13G
Appendix III	Previous Applications
Appendix IV	Similar Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Appendix VII	Public Comments
Drawing A-1	Layout Plan
Plan A-1	Location Plan with Previous and Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo

Plans A-4a to A-4b

Site Photos

**PLANNING DEPARTMENT
JANUARY 2025**