

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-SK/279

- Applicant** : Golden Honest Investment Development Limited represented by Mr. KWOK Chi-man
- Site** : Lots 580 (Part), 595, 598 S.A (Part) and 598 S.B (Part) in D.D. 114, Shek Kong, Yuen Long
- Site Area** : About 1,777 m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9
- Zonings** : “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** : Temporary Logistics Centre and Workshop for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary logistics centre and workshop 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), whereas ‘Rural Workshop’ is a Column 1 use within the “I(D)” zone and no planning permission is required. The Site is currently used for the applied use with valid planning permissions¹.
- 1.2 The Site comprises two portions separated by a piece of land used for open storage of vehicles and vehicle parts (**Plan A-2**). The northeastern portion (about 727m², about 41% of the Site) is subject to a planning permission under Application No. A/YL-SK/239 by a different applicant for similar use as the current application (but without workshop use) approved with conditions by the Rural and New Town

¹ The Site is divided into two portions, i.e. northeastern portion and southwestern portion both covered by respective valid planning permissions (Application Nos. A/YL-SK/239 and 246).

Planning Committee (the Committee) on 17.8.2018 for a period of 3 years, up to 17.8.2021. Likewise, the southwestern portion (about 1,050m², about 59% of the Site) is subject to a planning permission under Application No. A/YL-SK/246 submitted by the same applicant for similar use as the current application (but without workshop use) approved with conditions by the Committee on 22.3.2019 for a period of 3 years up to 22.3.2022. The approval conditions requiring the submission and implementation of fire service installations and drainage proposals for both applications are yet to be complied with.

- 1.3 According to the applicant, the Site comprises one main temporary structure on each portion of the Site, with a total gross floor area of about 1,544m² (**Appendix Ib**) for logistics centre and workshop uses. A 2-storey container-converted structures is provided within each of the temporary structure for ancillary office use in support of the logistics centre and workshop uses. The heights of the container-converted structures are about 5.2m. The operation hours are from 8:00 a.m. to 8:00 p.m. Mondays to Saturdays and there is no operation on Sundays and public holidays. The two portions of the Site are accessible via a local track from Kam Tin Road. The layout plan and fire service installations proposal plans submitted by the applicant are at **Drawing A-1 and A-3**.
- 1.4 The development parameters of the applied use are provided below:

The Site	Site Area (m²) (about)	GFA (m²) (about)	Heights of Structure (m) (1)
Northeastern Portion	727	694	about 8.9 - 9.7
Southeastern Portion	1,050	850	about 7.4 - 9.2
Total	1,777	1,544	-

(1) A pyramid roof is proposed to be erected at each logistics centre

- 1.5 The development parameters of the current application are very similar to the two previously approved applications with slight reduction in GFA from 1,578m² to 1,544m² (-34m² or -2.15%), minor changes in layouts, and inclusion of workshop use.
- 1.6 In support of the application, the applicant has submitted the following documents including a swept path analysis, Drainage Impact Assessment and a fire service installation proposal:
- (a) Application form with attachments received on 13.5.2020 (**Appendix I**)
 - (b) Further Information (FI) dated 1.6.2020* (**Appendix Ia**)
 - (c) FI dated 8.6.2020 and 10.6.2020* (**Appendix Ib**)

- (d) FI dated 16.6.2020* (Appendix Ic)
- (e) FI dated 24.6.2020* (Appendix Id)
- (f) FI dated 6.7.2020* (Appendix Ie)

**exempted from publication requirement*

2. Justifications from the Applicant

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

- (a) The Site is the subject of two previous applications (No. A/YL-SK/239 and 246) approved with conditions by the Committee in 2018 and 2019 respectively. Considering the requirement of fulfilling the approval conditions about submission/implementation of fire service installations proposal and the similar circumstances of both applications, the applicant submitted the current application so that he could comply with the fire safety requirements in one-go.
- (b) The applied use is under Column 2 of the “I(D)” zone and is in line with the planning intention of the said zoning. The Site falls within the Category 1 areas under the Town Planning Board Guidelines No. 13F.
- (c) The daily operation of the applied logistics centre would be minimal at most of the day. No staff will be stationed at the Site. The development will generate about four trips of 5.5-tonne light goods vehicle per week 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, the drivers will also perform the role of storemen.
- (d) The operation of the applied use will be clean and tidy and no dangerous goods will be stored at the Site. No repairing, paint-spraying and car washing will be carried out within the Site. 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 applied use to the surrounding area.
- (e) No tree-felling, filling and/or excavation of land and blockage of water resource will be carried out and no ecological and environmental impact brought by the applied use is anticipated. Trees, landscape, drainage facilities and fire service installations will also be provided at the Site.
- (f) Regarding the six substantiated environmental complaints relating to air and noise aspects arising from the northeastern portion of the Site (see Para. 10.1.4(b) below), the applicant explained that the air and noise nuisance was generated from the plastic recycling business operated by the

previous user (**Appendix Id**). The applicant added that he intends to use the Site for logistics centre and workshop, not recycling activities.

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

The applicant is not the current land owner but has complied with the requirements as set out in the Town Planning Board (TPB) 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 and sending notice to the Pat Heung Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

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 the subject to any active enforcement case.

6. **Previous Application**

- 6.1 The Site is subject to three previous applications (No. A/YL-SK/71, 239 and 246) for temporary open storage or logistics centre uses which were approved by the Committee between 1999 and 2019. Details of the previous applications are summarized in **Appendix III** and their locations are shown on **Plan A-1**.
- 6.2 Application No. A/YL-SK/71 for temporary open storage of building materials use at a larger site area was approved with conditions by the Committee in 5.2.1999 mainly on the grounds that the proposed development was not incompatible with the surrounding land uses; there was no adverse comment from the relevant Government departments; the environmental concerns could be addressed by appropriate approval conditions; and similar applications were approved in the vicinity of the Site.
- 6.3 Applications No. A/YL-SK/239 and 246 separately covering the two portions of the Site for proposed temporary logistics centre (both without workshop use) were approved with conditions by the Committee on 17.8.2018 and 22.3.2019 mainly on the considerations that the application was not in conflict with the planning intention of the “I(D)” zone and was in line with TPB PG-No. 13E in that the site fell within Category 1 areas which were considered suitable for open storage and port back-up uses; the development was not incompatible with the surrounding land uses; there was no adverse comments from the relevant Government departments; and the environmental concerns could be addressed by appropriate approval conditions. The approval conditions requiring the submission and

implementation of fire service installations and drainage proposals are yet to be complied with.

7. **Similar Applications**

There are two similar applications (No. A/YL-SK/268 and 275) for temporary logistics centre use and both were approved by the Committee in 2019 and 2020 respectively 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. Details of the similar applications are summarized in **Appendix IV** and their locations are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) separated into northeastern and southwestern portions, both fenced off, by a piece of land used for open storage of vehicles and vehicle parts;
- (b) used for the applied use with valid planning permissions; and
- (c) accessible via a local track from Kam Tin Road.

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

- (a) to its northwest and northeast of the Site are mainly vehicle repair workshop, warehouses, domestic dwellings/structures, car dump, open storage of construction materials and vacant/unused land;
- (b) to its southeast are mainly domestic dwellings/structures, storage and open storage of construction materials;
- (c) to its southwest and west of the Site are open storage of vehicles and vehicle parts and recycling materials, storage yards and domestic structures/dwellings; and
- (d) in between the two portions of the Site are open storage of vehicles and vehicle parts and warehouse.

9. **Planning Intentions**

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

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; and
- (b) should the planning approval be given to the planning application, the lot owner(s) will need to apply to DLO/YL of LandsD to permit the structures to be erected or regularize any irregularities on site, if any. Besides, given the applied 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 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) 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 Transport Department. The land status of the local access road should be checked with the Lands Department. 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 the nearby public roads and drains.

Environment

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

- ~~(a) according to the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”, he does not support the application since there are sensitive receivers in the vicinity (the nearest about 20m away) and environmental nuisance is expected;~~
- (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 were six substantiated environmental complaints related to air and noise impacts arising from *previous* plastic recycling activities at the northeastern portion of the Site received by DEP in the past three years.

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 applied development from public drainage point of view;
- (b) should the application be approved, the conditions requiring the submission of a revised 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; and

- (c) His detailed comments on the submitted drainage proposal are at **Appendix V**

Building Matters

10.1.6 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) 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 applied use under the application;
- (c) 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 construed as an acceptance of any existing building works or UBW on the Site under the BO;
- (d) before any new building works (including containers/open sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO;
- (e) the two portions of the Site shall be considered as two separate sites and provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations respectively; and
- (f) the two portions of the Site do not abut on a specified street of not less than 4.5m wide, and its permitted development intensity of each individual site shall be determined under Regulation 19(3) of the Building (Planning) Regulations at the building plan submission stage.

Fire Safety

10.1.7 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;
- (c) the applicant is reminded that if the applied 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; and
- (d) his detailed comments on the submitted fire service installations proposal is at **Appendix V**.

District Officer's Comments

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

he has not received any comments 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) Project Manager/West, Civil Engineering and Development Department (PM/W, CEDD);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (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 22.5.2020, the application was published for public inspection. During the three-week statutory publication period, no public comment was received.

12. Planning Considerations and Assessments

12.1 The application is for temporary logistics centre and workshop at the Site for a period of 3 years. The Site falls within the "I(D)" zone on the approved Shek Kong OZP (**Plan A-1**). 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. While the rural workshop is always permitted within the "I(D)" zone, 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, vacant and unused land. The applied 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.

The applicant has submitted Drainage Impact Assessment, swept path analysis and fire service installations proposal to support the applied use. Relevant departments consulted including C for T, CE/MN of DSD, *DEP* and D of FS, ~~except for DEP, have no adverse comment on the application. DEP does not support the application since there are sensitive receivers in the vicinity (the nearest about 20m away) and environmental nuisance is expected. However, the applied use will be operating within enclosed structures, both portions have been fenced off and there was no environmental complaint against the applied use received by the DEP in the past three years. Regarding the previous complaints on air and noise impacts of plastic recycling activities at the northeastern portion of the Site, the applicant has advised that the Site is intended to be used for the applied use.~~ 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 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 (j) below.

- 12.4 The Site is involved in two previous applications (No. A/YL-SK/239 and 246) for temporary logistics centre (without workshop use) approved with conditions by the Committee on 17.8.2018 and 22.3.2019 respectively for a period of 3 years. In addition, there are two similar applications (A/YL-SK/268 and 275) (**Plan A-1**) for temporary logistics centre within the same “I(D)” zone approved with conditions by the Committee respectively on 17.8.2018 and 22.3.2019 for a period of 3 years. The Committee’s considerations as stated in paragraph 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.
- 12.5 No public comment was received during the three-week publication period.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12, 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 10.7.2023. 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 revised 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 10.1.2021;
- (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 10.4.2021;
- (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 revised 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 10.1.2021;
- (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 10.4.2021;
- (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 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 13.5.2020
Appendix Ia	Further Information (FI) dated 1.6.2020
Appendix Ib	FI dated 8.6.2020 and 10.6.2020
Appendix Ic	FI dated 16.6.2020
Appendix Id	FI dated 24.6.2020
Appendix Ie	FI dated 6.7.2020
Appendix II	Extract of the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F)
Appendix III	Previous Applications
Appendix IV	Similar Applications
Appendix V	Advisory Clauses
Drawing A-1	Layout Plan

Drawings A-2 and A-3 Fire Service Installations Proposal Plans

Plan A-1 Location Plan

Plan A-2 Site Plan

Plan A-3 Aerial Photo

Plans A-4a to A-4b Site Photos

**PLANNING DEPARTMENT
JULY 2020**