

APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/648

<u>Applicant</u>	: Chief Force Limited
<u>Site</u>	: Lots 381 RP (Part), 382 RP (Part) and 412 RP (Part) in D.D. 110, Pat Heung, Yuen Long
<u>Site Area</u>	: About 1,753 m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/9
<u>Zoning</u>	: “Agriculture” (“AGR”)
<u>Application</u>	: Renewal of Planning Approval for Temporary Private Car Park for Medium Goods Vehicles and Storage of Construction Materials for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission to use the application site (the Site) for temporary private car park for medium goods vehicles and storage of construction materials for a period of 3 years. The Site is currently used for the applied use with valid planning permission (**Plans A-2 to A-4b**).
- 1.2 The Site was involved in seven previous applications (No. A/YL-KTN/130, 263, 339, 354, 373, 399 and 517) for various temporary open storage or parking uses. The last Application No. A/YL-KTN/517 for the same applied use and submitted by the same applicant of the current application was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 10.6.2016 for 3 years. All the approval conditions of the last application have been complied with and the planning permission is valid until 10.6.2019.
- 1.3 According to the applicant, a total of five one-storey structures with a total floor area of about 249m² and building height ranging from 2.5m to 6m are provided for staff common rooms, store rooms, and shelters with structures underneath for office, parking spaces and staff common rooms. A total of 2 car parking spaces for visitors and 10 parking spaces for medium goods vehicles of 5.5 tonnes to 24 tonnes are

provided within the Site. Construction materials including ironware and H-shaped iron will be stored in the open area of the Site. Moreover, no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities is carried out on the Site. The operation hours are between 9:00 a.m. and 6:00 p.m. from Mondays to Saturdays. There is no operation on Sundays or public holidays. The Site is accessible via a local track branching off Kam Tai Road to the south. The site layout plan, landscape plan, drainage plan and fire service installation plan as submitted by the applicant are in **Drawings A-1 to A-4**.

- 1.4 The current application is same as the last approved application (No. A/YL-KTN/517) in terms of applied use, site area/boundary, numbers of structures, total floor area and site layout.
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application form with planning statement and plans (**Appendix I**) received on 4.3.2019
 - (b) Further Information received on 27.3.2019 clarifying the (**Appendix Ia**) traffic arrangement to the Site

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the planning statement in **Appendix I** and FI in **Appendix Ia**. They can be summarized as follows:

- (a) The current application is a renewal of the last approved Application No. A/YL-KTN/517. As compared to the previous application, there is no major change of the applied use. Also, during the last application, there was no objection or complaint from Government departments and the nearby public, and the Site has been kept in good condition.
- (b) All the approval conditions in the last approved Application No. A/YL-KTN/517 have been complied with. The applicant will maintain the landscape plantings, drainage facilities and fire service installations on-site.

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

The applicant is not a “current land owner” but has complied with the requirement as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting a site notice and notifying the Pat Heung Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

- 4.1 The Town Planning Board Guidelines for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34C) are relevant to this application. The relevant assessment criteria are attached at **Appendix II**.
- 4.2 The Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No.13E) is relevant to the application. The Site falls within Category 2 areas under TPB PG-No.13E promulgated by Town Planning Board (the Board) on 17.10.2008. The relevant extract of the Guidelines is attached at **Appendix III**.

5. Background

The storage use and parking of vehicles use are not subject to planning enforcement action. Follow-up investigation will be taken upon expiry of the planning permission if the current application is not approved by the Committee.

6. Previous Applications

- 6.1 The Site was involved in seven previous applications (No. A/YL-KTN/130, 263, 339, 354, 373, 399 and 517). Details of these applications and their locations are shown in **Appendix IV** and **Plan A-1b**.
- 6.2 Applications No. A/YL-KTN/130 and 263 both covering larger sites for temporary open storage of vehicles and temporary open storage of building materials and vehicle parts for a period of 2 years and 3 years respectively were rejected by the Committee on 2.3.2001 and 25.5.2007 on similar grounds that the proposed developments were not in line with the planning intention of the “AGR” zone and were not compatible with the surrounding areas; no information to demonstrate why suitable sites within areas zoned “Industrial (Group D)” (“I(D)”) and “Open Storage” (“OS”) would not be available; insufficient information to demonstrate that the development would not have adverse traffic, drainage and environmental impacts; the approval would set an undesirable precedent; and did not comply with Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that there was no previous approval granted at the site, residential dwellings were located in close proximity and would be susceptible to adverse environmental nuisances and there were adverse departmental comments.
- 6.3 Application No. A/YL-KTN/339 for temporary open storage of excavators was approved with conditions by the Committee on 15.1.2010 for a period of 1 year for the reasons that the development was not incompatible with the surrounding land uses; in line with TPB PG-No. 13E in that the relevant departments generally had no adverse comment and the environmental and landscape concerns could be addressed by shorter approval period and appropriate approval conditions. However, the application was revoked on 15.11.2010 due to non-compliance with approval conditions related to fencing, landscape, drainage and fire safety aspects.

- 6.4 Applications No. A/YL-KTN/354 and 373 both for temporary private vehicle park (light goods vehicle / medium goods vehicles) with or without storage of construction materials were approved with conditions by the Committee on 4.3.2011 for a period of 3 years and 10.2.2012 for a period of 1 year for the reasons that the development were not incompatible with the surrounding land uses; in line with TPB PG-No. 13E in that relevant departments except the Environmental Protection Department (EPD) had no adverse comment; and the environmental concerns could be addressed by appropriate approval conditions. However, Application No. A/YL-KTN/354 was revoked on 20.5.2011 due to non-compliance with approval condition related to prohibition on parking/storage of medium or heavy goods vehicle exceeding 5.5 tonnes on the site. As such, a shorter approval period was granted to Application No. A/YL-KTN/373 to monitor the site situation. However, Application No. A/YL-KTN/373 was also revoked on 10.11.2012 due to non-compliance with approval conditions related to submission and implementation of fire service installations proposal.
- 6.5 Application No. A/YL-KTN/399 and 517 both for the same applied use and the last one submitted by the same applicant of the current application were approved with conditions by the Committee for 3 years on 24.5.2013 and 10.6.2016 respectively on similar reasons as those mentioned in para. 6.4 above. All the approval conditions for these applications have been complied with and the planning permission of the last application No. A/YL-KTN/517 is valid until 10.6.2019.

7. Similar Applications

- 7.1 There are 29 similar applications (No. A/YL-KTN/99, 338, 340, 341, 343, 355, 363, 364, 375, 386, 392, 400, 405, 429, 441, 442, 452, 548, 552, 553, 559, 563, 578; and A/YL-PH/618, 682, 739, 697, 700 and 751) for various temporary open storage and / or private vehicle park uses within the same “AGR” zone in the vicinity straddling the Kam Tin North OZP and Pat Heung OZP since the promulgation of the TPB PG-No. 13E on 17.10.2008. Details are summarized in **Appendix V** and their locations are shown on **Plan A-1a**.

Open storage uses in Category 2 areas

- 7.2 Eight applications No. A/YL-KTN/338, 341, 355, 364, 442, 452, 553 and 578 on two sites were approved with conditions by the Committee between 2010 to 2017 for similar reasons the proposed developments were in line with TPB PG-No. 13E in that the relevant departments had no adverse comment and the environmental or landscape concerns could be addressed by appropriate approval conditions. However, Application Nos. A/YL-KTN/338 and 341 were revoked on 15.11.2010 and 29.11.2010 respectively due to non-compliance with approval conditions.

Open storage uses in Category 3 areas

- 7.3 Seven applications Nos. A/YL-KTN/343, 363, 441 and 559 and A/YL-PH/618, 682 and 739 on two sites were approved by the Committee between 2010 and 2017 for the reasons that the original site of the proposed developments was resumed for the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link

(XRL) project and the applicant had spent efforts in identifying suitable site for continuous operation of his business for open storage (but only the application site was identified); not incompatible with the surrounding land uses and the site was situated within the Category 3 areas next to the Category 2 areas where there were various existing open storage uses; and the concerns of the relevant government departments could be addressed by the appropriate approval conditions. However, given the unique background and circumstances, the approval of the applications should not be considered as precedent for other applications within the same Category 3 areas. Application No. A/YL-KTN/343 was revoked on 27.8.2011 due to non-compliance with the approval conditions.

- 7.4 Eight applications No. A/YL-KTN/375, 386, 392, 405, 552 and A/YL-PH/697, 700 and 751 were rejected by the Committee or the Board on review between 2012 to 2017 mainly on the grounds that that the developments were not in line with TPB PG-13E in that the sites were within Category 3 areas and there were no previous planning approvals; not in line with the planning intention of "AGR" zone; there was insufficient information to demonstrate the developments would not cause adverse environmental, drainage, traffic and landscape impacts on the surrounding areas; and approval of the applications would set an undesirable precedent.

Private vehicle park use

- 7.5 Five Applications No. A/YL-KTN/340, 400, 429, 548 and 563 for temporary private vehicle park for light goods vehicles at two sites were approved with conditions by the Committee between 2010 and 2017 for similar reasons that the developments were not incompatible with the surrounding land uses; and relevant departments had no adverse comment. However, Application No. A/YL-KTN/400 was revoked on 15.9.2013 due to non-compliance with approval conditions.
- 7.6 An application (No. A/YL-KTN/99) for temporary private car and lorry park and storage of miscellaneous goods was rejected by the Committee on 22.10.1999 on the grounds that the proposed development was not in line with the planning intention of "AGR" zone; not compatible with residential dwellings/structure in the vicinity; insufficient information to demonstrate the developments would not cause adverse environmental and drainage impacts on the surrounding areas; and the approval of the application would set an undesirable precedent.

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

- 8.1 The Site is:
- (a) accessible via a local track branching off Kam Tai Road to the south;
 - (b) encroached on the control/protection boundary of XRL (**Plan A-2**); and
 - (c) currently used for the applied use covered by valid planning permission under Application No. A/YL-KTN/517.

8.2 The surrounding areas are mixed with open storage/storage yards, workshop, warehouse, residential dwellings/structures and a plant nursery. Some of the open storage/storage yards are suspected unauthorized development subject to enforcement action taken by the Planning Authority:

- (a) to its immediate north and east is a vacant site previously used for the XRL project. An open storage yard with planning permission under A/YL-KTN/553 is located to the northwest;
- (b) to its further east and southeast is a large piece of land zoned “OS” and “I(D)” (**Plan A-1a**), which is mainly occupied by open storage/storage yards and workshop;
- (c) to its immediate south is a warehouse with planning permission under Application No. A/YL-KTN/542 and an open storage yard with planning permission under Application No. A/YL-KTN/578 at its further south. Open storage yards, workshop, some residential dwellings/structures (the nearest about 30m on the southwest) and a plant nursery are located to its west. A residential development, Seasons Villas, is also located to its further south across Kam Tin River (**Plan A-1a**).

9. **Planning Intention**

The planning intention of the “AGR” zone is to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

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 Scheduled 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) Within the Site, the following private lots are currently covered by Short Term Waivers (STWs):

STW No.	Lot No. in D.D. 110	Permitted Use
STW 4274	Lot No. 381 RP	Temporary Private Car Park for Medium Goods Vehicles and Storage of Construction Materials
STW 4275	Lot No. 382 RP	
STW 4276	Lot No. 412 RP	

- (c) The Site is accessible from Kam Tai Road via Government Land (GL) and private land. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site.
- (d) The Site falls within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structures will not exceed the relevant airfield height limit within SKAHRA.
- (e) Should the application be approved, the STW(s) holder(s) will need to apply to his office for modification of the STW(s) conditions where appropriate. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. 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 premium 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 renewal application.
- (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 incorporated.
- (c) The Site is connected to the public road network via a section of local access road which is not managed by Transport Department (TD). The land status of the local access road should be checked with the 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/NT West, Highways Department (CHE/NTW, HyD):

- (a) HyD does not and will not maintain any access connecting the Site and Fan Kam Road, Wang Toi Shan Shan Tsuen Road or Kam Tai Road.
- (b) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

10.1.4 Comments of the Chief Engineer/Railway Development, Railway Development Office, Highways Department (CE/RD, RDO, HyD):

- (a) The Site falls within the gazetted railway scheme boundary of the XRL. As the operation of XRL has been entrusted to MTRCL in September 2018 and that the operation of the existing railway system is not under the jurisdiction of his office, he has no comment on the application from railway development viewpoint.
- (b) With reference to the PNAP APP-24, the applicant is reminded to consult MTRCL with respect to operation, maintenance, safety and future construction of the existing railway network.

Environment

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

- (a) There was no environmental complaint received in respect of the Site in the past three years. However, he does not support the application as there is sensitive receiver, i.e. residential structure, located to the southwest (about 30m away) and in the vicinity of the Site (**Plan A-2**), and environmental nuisance is expected.
- (b) Should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP.

Landscape

10.1.6 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) She has no objection to the application from the landscape planning perspective.
- (b) The Site is covered by 7 previous applications. She has no objection to the last application No. A/YL-KTN/517 from the landscape planning perspective.
- (c) According to the aerial photo of 2018, the surrounding area is composed of farmland, temporary structures, open storage yards and scattered tree groups. The proposed use is considered not incompatible with the existing landscape setting in proximity.
- (d) Based on the site visit in March 2019, existing trees in fair to good condition were found within the Site, except 2 trees along the northwestern boundary and a tree to the south of ingress were topped. Further adverse landscape impact arising from the applied use is not anticipated.

- (e) Should the application be approved, approval condition on maintenance of the existing trees within the Site in healthy condition at all times during the planning approval period should be included.
- (f) The applicant is reminded to step up tree maintenance works including weed control and pruning works where appropriate. Any proposed tree works or tree felling shall be approved by the relevant authority prior to the commencement of the works.

Agriculture

10.1.7 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

He has no adverse comment on the application for renewal of planning approval from agricultural point of view.

Drainage

10.1.8 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) Presumably, the applicant would maintain the same drainage facilities as those implemented under previous application No. A/YL-KTN/517. He has no in-principle objection to the development.
- (b) Should the application be approved, approval conditions requiring the applicant to maintain the drainage facilities implemented under previous planning application and to submit record of existing drainage facilities on site should be incorporated in the planning permission.

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 FSIs to be installed should be clearly marked on the layout plans. Besides, the good practice guidelines for open storage sites in **Appendix VI** should be adhered to.

- (c) Having considered the nature of the open storage use, the condition on provision of fire extinguisher(s) within 6 weeks from the date of the planning approval should be included in the planning permission. To address this condition, the applicant should submit a valid fire certificate (FS251) to his department for approval.
- (d) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Building Matters

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

- (a) There is no record of approval by the Building Authority (BA) for the existing structures at the Site, BD is not in a position to offer comments on their suitability for the applied use.
- (b) The applicant's attention is drawn to the following points:
 - (i) Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO.
 - (ii) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of BD, they are UBW under the BO and should not be designated for any proposed use under the application.
 - (iii) For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's 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.
 - (iv) The Site shall be 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 (B(P)R) respectively.
 - (v) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

District Officer's Comments

10.1.11 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 has no particular comments on the application.

10.2 The following Government departments have no comment on the application:

- (a) Director of Electrical and Mechanical Services;
- (b) Chief Engineer/Construction, Water Supplies Department;
- (c) Project Manager (West), Civil Engineering and Development Department;
and
- (d) Commissioner of Police.

11. Public Comment Received During Statutory Publication Period

On 12.3.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 2.4.2019, no public comment was received.

12. Planning Considerations and Assessments

12.1 The application is for renewal of planning permission of temporary private car park for medium goods vehicles and storage of construction materials for a period of three years at the Site zoned "AGR". The planning intention of the "AGR" zone is to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. The development is not in line with the planning intention of the "AGR" zone. Nevertheless, DAFC has no adverse comment on the application from agriculture point of view. It is considered that approval of the application on a temporary basis would not frustrate the long-term planning intention of the "AGR" zone.

12.2 The development is not incompatible with the surrounding areas which are characterized by open storage/storage yards, workshop, warehouse, residential dwellings/structures and a plant nursery. There is also a large piece of land zoned "OS" and "I(D)" abutting the eastern part of the "AGR" zone which is occupied by open storage (**Plan A-1a**).

12.3 The Site falls within Category 2 areas under the TPB PG-No. 13E. The following considerations in the Guidelines are relevant:

Category 2 areas: planning permission could be granted on a temporary basis up to a maximum period of 3 years, subject to no 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, where appropriate, should be submitted to demonstrate that the proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas.

- 12.4 The application is in line with the TPB PG-No. 34B and 13E in that previous approvals (Applications No. A/YL-KTN/339, 354, 373, 399 and 517) had been approved for vehicle park and / or open storage uses (**Plan A-1b** and paragraph 6 refer). All the approval conditions under the last application No. A/YL-KTN/517 have been complied with. The current application is same as the last application in terms of applied use, site area/boundary, numbers of structures, total floor area and site layout. There is no adverse comments from concerned departments except DEP. The applicant has submitted landscape, drainage and FSI proposals in the current submission. There is also no major change in planning circumstances since the last approval. In this regard, favourable consideration could be given to the renewal application.
- 12.5 While DEP does not support the application as there are residential dwellings/structures located in the vicinity (the nearest about 30m on the southwest) and environmental nuisance is expected, there was no environmental complaint received at the Site in the past 3 years and no public comment received during the statutory publication period. To minimise any possible environmental nuisance, approval conditions restricting the operation hours, vehicle type and workshop activities on the Site are recommended in paragraph 13.2 (a) and (f) below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorized development on the Site will be subject to enforcement action by the Planning Authority. The applicant will also be advised to adopt the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites'. The technical requirements of C for T, CTP/UD&L of PlanD, CE/MN of DSD and D of FS could be addressed by approval conditions (g) to (n) in paragraph 13.2 below.
- 12.6 No public comment was received during the statutory publication period.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12, the Planning Department considers that the temporary private car park for medium goods vehicles and storage of construction materials could be tolerated for a period of 3 years.
- 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, and be renewed from 11.6.2019 until 10.6.2022. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation between 6:00p.m. and 9:00a.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 heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (d) a notice should be posted at a prominent location of the Site to indicate that no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the Site at all times during the planning approval period;
- (e) no vehicle without valid licence issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations is allowed to be parked/stored on the Site at any time during the planning approval period;
- (f) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the Site at any time during the planning approval period;
- (g) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (h) the existing boundary fencing along the Site shall be maintained at all times during the planning approval period;
- (i) the existing trees within the Site shall be maintained at all times during the planning approval period;
- (j) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (k) the submission of records of the existing drainage facilities on the Site within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 11.9.2019;
- (l) the provision of fire extinguisher(s) within **6** weeks from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 23.7.2019;
- (m) the submission of fire service installations proposal within **6** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 11.12.2019;
- (n) in relation to (m) above, the implementation of fire service installations proposal within **9** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 11.3.2020;

- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h), (i) or (j) 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;
- (p) if any of the above planning conditions (k), (l), (m) or (n) 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; and
- (q) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

[The above approval conditions are the same as those under planning permission for pervious application No. A/YL-KTN/517, except replacements of approval conditions regarding submission and implementation of the tree preservation proposal by maintenance of existing trees according to CTP/UD&L of PlanD's comments.]

Advisory Clauses

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

- 13.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:
- (a) the development is not in line with the planning intention of the "AGR" zone which is to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis; and
 - (b) the applicant fails to demonstrate that the development would not generate environmental nuisance on the surrounding areas.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission for renewal of the planning application.
- 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 planning statement and plans received on 4.3.2019
Appendix Ia	FI received on 27.3.2019
Appendix II	Relevant extracts of Town Planning Board Guidelines for ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ (TPB PG-No. 34C)
Appendix III	Relevant extract of Town Planning Board Guideline for “Application for Open Storage and Port Back-up uses” No. 13E
Appendix IV	Previous applications covering the Site
Appendix V	Similar applications within the same “AGR” zone on the Kam Tin North and Pat Heung OZP
Appendix VI	Good Practice Guidelines for Open Storage Site issued by Director of Fire Services
Appendix VII	Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Landscape Plan
Drawing A-3	Drainage Proposal
Drawing A-4	FSIs Proposal
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Application Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
MAY 2019**