

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

APPLICATION NO. A/YL-KTS/798

- Applicant** : Mr. TANG Pak-hung represented by BMI Appraisals Limited
- Site** : Lot 466 RP in D.D. 106 and Adjoining Government Land, Kam Sheung Road, Kam Tin, Yuen Long
- Site Area** : About 2,777 m² (including about 25.71m² of Government land)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/14
- Zoning** : Agriculture (“AGR”)
- Application** : Renewal of Planning Approval for Temporary Open Storage of Vehicles and Vehicle Parts 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 open storage of vehicles and vehicle parts for a period of 3 years. The Site is currently paved, fenced off and used for the applied use with valid planning permission (**Plans A-2 to A-4b**).
- 1.2 The Site is the subject of seven previous applications (No. A/YL-KTS/208, 310, 354, 450, 474, 579 and 678). All applications for temporary open storage of vehicles and vehicle parts were approved with conditions by the Rural and New Town Planning Committee (the Committee) or the Town Planning Board (the Board) on review between 2000 and 2015. The last Application No. A/YL-KTS/678 submitted by the same applicant as the current application was approved with conditions on 9.10.2015. All approval conditions had been complied with and the permission is valid until 23.10.2018.
- 1.3 According to the information submitted by the applicant, the layout of the development remains the same as the last approved Application No. A/YL-KTS/678 in which 3 one-to-two storeys temporary structures with a total floor area of about 354.71m² and building height ranging from 2.1m to 4.5m are provided for site office and storage uses. According to the applicant,

no dismantling, cleansing and paint spraying or other workshop activities would be carried out on the Site and no heavy goods vehicles exceeding 24 tonnes would be parked, stored, entered or exited the Site. The operation hours are from 9:00 a.m. to 6:00 p.m., Mondays to Saturdays and no operation on Sundays and public holidays. The Site is accessible from Kam Sheung Road to its west. The layout plan as submitted by the applicant is at **Drawings A-1**.

- 1.4 Compared with the last Application No. A/YL-KTS/678, the current application is the same as the last application in terms of site area/boundary, applied use, total floor area, number of structures 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 received on 27.8.2018. (**Appendix I**)
 - (b) Further information (FI) received on 26.9.2018 clarifying traffic arrangement. (**Appendix Ia**)
 - (c) FI received on 12.10.2018 clarifying operation details. (**Appendix Ib**)

2. Justifications from the Applicant

The justifications put forth by the applicant are detailed in the planning statement in **Appendix I**. They can be summarized as follows:

- (a) In consideration of the storage yards in the locality and the sharp decline of agricultural industry in Kam Tin, the applied use would take locational advantage and the physical state of the Site to provide a short-term solution to alleviate the shortage of open storage spaces. It also allows flexibility without pre-empting the long-term development potential and permanent land use of the Site.
- (b) The development is in line with the Town Planning Board Guidelines No. 13E for “Application for Open Storage and Port Back-up Uses” as there were previous approvals granted at the Site and the current application is the same as the last Application No. A/YL-KTS/678 in terms of the applied use.
- (c) The development is compatible with the surrounding land uses as open storages and godowns in Kam Tin are predominately clustered along Kam Sheung Road. Landscaping provisions required under the last application had been implemented to the satisfaction of the relevant department.
- (d) Activity/operation within the Site is static in nature and would not generate significant noise pollution. Besides, there are insignificant drainage and traffic impacts. Should the planning permission be re-granted by the Board, the drainage proposal implemented under the last application would be

maintained. The existing road network has adequate capacity to accommodate traffic to and from the Site.

- (e) The development has been operating for a number of years and no objection from the nearby residents and concerned departments have been received. The applicant has shown genuine effort in complying with all approval conditions under the previous applications. Should the planning permission be given, the applicant would keep up the good works.
- (f) Approval of the application would not create undesirable precedent as the Site is the subject of a number of previous approvals and each application is considered according to the merits of individual case.

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

The applicant is one of the “current land owners”. In respect of the other “current land owners”, the applicant 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. 31) by posting notice at the main entrance of the Site 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**

- 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. 34B) are relevant to this application. The relevant assessment criteria are attached at **Appendix II**.
- 4.2 The Site falls within Category 3 areas under the Town Planning Board Guidelines No. 13E for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13E) promulgated by the Town planning Board (the Board) on 17.10.2008. The relevant extract of the Guidelines is attached at **Appendix III**.

5. **Background**

The use currently on site is still covered by a valid planning permission, follow-up investigation will be taken upon expiry of the current planning permission if the application is not approved by the Board.

6. **Previous Applications**

- 6.1 The Site is the subject of seven previous Applications No. A/YL-KTS/208, 310, 354 450, 474, 579 and 678 for the same applied use submitted by the same applicant as the current application. Details of these applications are summarized in **Appendix IV** and their locations are shown on **Plan A-1b**.
- 6.2 Application No. A/YL-KTS/208 covering a larger site area was approved on review by the Board on 1.9.2000 for 3 years mainly on the reasons that the

development was not incompatible with the surrounding land uses; a similar development adjacent to the site had been approved; the residential structures in close proximity of the site were occupied by the operators of the adjacent open storage yard. All approval conditions had been complied with.

- 6.3 Application No. A/YL-KTS/310 and 354 covering the same site area were approved with conditions by the Committee on 27.2.2004 and 11.11.2005 for 18 months and 3 years respectively mainly on the reasons that the developments generally complied with TPB PG-No. 13C/13D; the developments were not in compatible with the surrounding land uses; all previous planning conditions had been complied with; no adverse departmental comments; though Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications, the site had been used for the applied use since 2000; traffic generated from the site would not pass through major village settlement in the area; and similar applications had been approved. For Application No. A/YL-KTS/310, a shorter approval period was granted since the site was encroached onto one of the proposed drainage channels which was scheduled to be commenced in late 2005.
- 6.4 Application No. A/YL-KTS/450, 474, 579 and 678 (renewal application for the latter 2) covering the same site and submitted by the same applicant as the current application were approved with conditions by the Committee on 23.1.2009, 23.10.2009, 5.10.2012 and 9.10.2015 for a period of 3 years mainly on the similar reasons as mentioned in paragraph 6.3. However, the planning permission of Application No. A/YL-KTS/450 was revoked on 23.7.2009 due to non-compliance with approval conditions related to submission and implementation of fire service installations proposal. For the last approved Application No. A/YL-KTS/678, all the approval conditions had been complied with and the permission is valid until 23.10.2018.
- 6.5 Compared with the last Application No. A/YL-KTS/678, the current application is the same as the last application in terms of site area/boundary, applied use, total floor area, number of structures and site layout.

7. Similar Applications

- 7.1 There are four similar applications for similar temporary open storage uses within the same "AGR" zone on the OZP since the promulgation of TPB PG-No. 13E on 17.10.2008. Details of these applications are summarized in **Appendix V** and the location of the application site is shown on **Plan A-1**.
- 7.2 Applications No. A/YL-KTS/530, 636 (renewal application), 652 and 750 (renewal application) for temporary open storage of vehicles (vehicles pending repair and insurance compensation) and spare parts at the same site were approved with conditions by the Committee on 15.4.2011, 4.4.2014, 31.10.2014, 31.10.2014 and 22.9.2017 for a period of 3 years respectively mainly on the reasons that the applications were in line with the TPB PG-No. 13E/ TPB PG-No. 34B in that the sites were subject to previous planning approvals for the same applied use; there was no adverse departmental comment, except DEP and no local objection; technical concern could be addressed by imposition of approval conditions; and there was also no major

change in planning circumstances since the last approvals. However, Application No. A/YL-KTS/636 was revoked on 30.5.2014 due to non-compliance with the approval conditions.

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

8.1 The Site is:

- (a) accessible via a local track branching off Kam Sheung Road to its west; and
- (b) fenced, paved and used for the applied use with planning permission under Application No. A/YL-KTS/678.

8.2 The surrounding areas are rural in character mixed with residential dwellings/structures, storage/open storage yards, warehouses, cultivated/fallow agricultural land and vacant/unused land. Most of the open storage/storage yards and warehouse are suspected unauthorized developments subject to enforcement action by the Planning Authority (**Plan A-2**);

- (a) to its north, east and south within the “AGR” zone are residential dwellings/structures (the nearest to the immediate north), open storage yards, cultivated/fallow agriculture land and vacant/unused land. A plant nursery is located to its further northeast;
- (b) to its further north within the “Residential (Group D)” (“R(D)”) zone are residential dwellings/structures, open storage yard and a warehouse; and
- (c) to its immediate west is an open storage with valid planning permission under Application No. A/YL-KTS/750. Across the Kam Sheung Road within the “Other Specified Use” annotated “Rural Use” zone are open storage yards, warehouse and unused land.

9. Planning Intention

The planning intention of the “AGR” zone is primarily 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 Government Land (GL) and an Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) No permission is given for occupation of GL (about 25.71m² subject to verification) included in the Site. Any occupation of GL without Government's prior approval is not allowed.
- (c) Lot No. 466 RP in D.D. 106 within the Site is covered by a Short Term Waiver (STW) No. 3579 to permit structures erected thereon for the purpose of "Ancillary Use to Open Storage of Vehicles and Vehicle Parts".
- (d) The Site is accessible from Kam Sheung Road via 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.
- (e) The Site falls within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structure shall not exceed the relevant airfield height limit within SKAHRA.
- (f) Should the application be approved, the STW holder(s) will need to apply to his office for modification of the STW 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. Furthermore, the applicant has to either exclude the GL portion from the Site or apply for a direct grant STT for use of the Site. 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 the 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.

- (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 (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/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) HyD does not and will not maintain any access connecting the Site and Kam Sheung Road.
- (b) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

Agriculture

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

- (a) He has no strong view against the renewal application from agriculture point of view noting that the application is seeking for renewal of planning permission for the current use which was approved by the Board, and that the Site has been used for similar uses for a number of years.
- (b) Nevertheless, the Site is adjacent to a drainage channel and a retained meander to the south and south-east. Should the application be approved, the applicant should adopt necessary measures to prevent polluting these watercourses during operation as far as practicable.

Environment

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

- (a) There was no environmental complaint received in the past three years.
- (b) According to the “Code of Practice on Handling the Environmental Aspects of Temporary uses and Open Storage Sites”, he does not support the application as there are sensitive receivers, i.e. residential structures located to the immediate north (the nearest about 1m away) and in the vicinity of the Site, and environmental nuisance is expected.

- (c) 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 point of view.
- (b) The Site is the subject of seven previous approved applications for the same applied use. For the last application No. A/YL-KTS/678, she had no objection from the landscape planning perspective.
- (c) Compared the aerial photo of 2015 to latest photo of 2017, there is no significant change in the rural landscape character where the Site is located. It comprises of open storages, temporary structures, car parks, scattered tree group and some farmland. The applied use is not incompatible with the surrounding environment.
- (d) According to the site visit on 19.9.2018, the Site is fenced off and hard paved. As all existing trees located within and along the site boundary are not in conflict with the layout, adverse landscape impact is not anticipated.
- (e) Should the application be approved, approval conditions on submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the Board should be included.
- (f) In compliance of the above conditions, the applicant is reminded that some existing trees (i.e. those located at the north and south side of the Site), being maintained for compliance with the landscape condition under the previous Application No. A/YL-KTS/678 were in poor conditions, such as serious leaning, wounds from improper pruning cut, broken branches, sparse foliage density and tree trunk with cavity or wound etc. Replacement tree planting are required for these existing trees in an irrecoverable health condition. The applicant shall maintain all existing trees in good conditions during the approval period.

Drainage

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

- (a) He has no objection in principle to the development.
- (b) Based on the submission, the applicant would maintain the same drainage facilities as those implemented under previous Application No. A/YL-KTS/678.
- (c) Should the application be approved, approval conditions requiring the maintenance of the drainage facilities implemented under Application No. A/YL-KTS/678 and the submission of a records of the existing drainage facilities on site to the satisfaction of the Director of Drainage Services or of the Board should be included.

Fire Safety

10.1.8 Comments of the Director of Fire Services (D of FS)

- (a) He has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. The applicant should also adhere the “Good Practice Guidelines for Open Storage Sites” in **Appendix VI**.
- (c) Having considered the nature of the open storage, approval condition on the provision of fire extinguisher(s) within 6 weeks from the date of planning approval should be included in the planning permission. To address this condition, the applicant should submit a valid fire certificate (FS 251) 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

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

- (a) Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, the 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 co-ordinator for the proposed building works in accordance with the BO.
- (b) If the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of his department, they are unauthorized under the BO and should not be designated for any approved use under the application.
- (c) For UBW erected on leased land, enforcement action may be taken by the 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.
- (d) 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.
- (e) 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.

Project Interface

10.1.10 Comments of the Project Manager (West), Civil Engineering and Development Department (PM/W, CEDD):

- (a) He has no objection to the application.
- (b) The Site falls within one of the potential housing development sites identified in the Land Use Review for Kam Tin South and Pat Heung. The application should be considered in the context of the housing developments at Kam Tin South, the existing infrastructure, the current uses permitted under the existing OZP, the prevailing land administration policy and the Buildings Ordinance.

District Officer's Comments

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

His office has not received any comments 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) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Director of Electrical and Mechanical Services (DEMS); and
- (c) Commissioner of Police (C of P).

11. Public Comment Received During Statutory Publication Period

On 5.9.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 26.9.2018, no public comment was received.

12. Planning Considerations and Assessments

12.1 The Site falls within Category 3 areas under the TPB PG-No. 13E. The following consideration in the Guidelines are relevant:

Category 3 areas: within these areas, “existing” and approved open storage and port back-up uses are to be contained and further proliferation of such uses is not acceptable. Applications would normally not be favourably considered unless the applications are on sites with previous planning approvals. Sympathetic consideration may be given if the applicants have demonstrated genuine efforts in compliance with approval conditions of the previous planning applications and included in the fresh applications relevant technical assessments/proposals to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding 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.

12.2 The application is for renewal of the planning permission for temporary open storage of vehicles and vehicle parts for a period of 3 years in “AGR” zone. Although the applied use is not in line with the planning intention of the “AGR” zone which is intended 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, DAFC has no strong view against the application as the Site has been used for similar uses for a number of years and previous approval for the current use has been granted by the Board. It is considered that approval of the application on a temporary basis would not frustrate the long-term planning intention of the “AGR” zone.

12.3 The development is considered not incompatible with the surrounding areas which are mixed with residential dwellings/structures, storage/open storage yards, warehouses, cultivated/fallow agricultural land and vacant/unused

land. (**Plan A-2**). The Site is the subject of seven previous applications approved by the Committee or the Board on review between 2000 and 2015 mainly on the reasons as mentioned in paragraph 6 above (**Plan A-1b**). There are also four similar applications at the west of the Site for temporary open storage uses approved with conditions by the Committee between 2011 and 2014 mainly on the reasons as mentioned in paragraph 7 above (**Plan A-1a**). Approval of the application is in line with the Committee's previous decisions.

- 12.4 The application is considered generally in line with the TPB PG-No. 34B and 13E in that previous approvals (Application No. A/YL-KTS/208, 310, 354, 450, 474, 579 and 678) for the same applied use was granted since 2000 and all the approval conditions under the last Application No. A/YL-KTS/678 had been complied with. There is also no adverse comment from the relevant departments, except DEP and no local objection. Compared with the last Application No. A/YL-KTS/678, the current application submitted by the same applicant is the same in terms of the applied use, site area/boundary, total floor area and site layout. As previous approvals have been granted and there is no major change in planning circumstances since the last approval, sympathetic consideration could be given to the current application.
- 12.5 While DEP does not support the application as there are sensitive receivers, i.e. residential dwellings located to the immediate north (the nearest about 1m away) and in the vicinity of the Site (**Plan A-2**) and environmental nuisance is expected, there has been no environmental complaint received in the past three years. Besides, the Site is abutting Kam Sheung Road on the west without passing through the residential settlements on the north of the Site. In order to address any potential environmental nuisance, approval conditions restricting the operation hours, types of vehicles and prohibition workshop activities are recommended in paragraphs 13.2 (a) to (d) below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorized development on site will be subject to enforcement action by the Planning Authority. In addition, the applicant will also be advised to adopt the "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" in order to alleviate any potential impact. The technical requirements of C for T, CTP/UD&L of PlanD, CE/MN of DSD and D of FS could be addressed by imposing 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 assessment made in paragraph 12 above, the Planning Department considers that the temporary open storage of vehicles and vehicle parts 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 24.10.2018 until 23.10.2021. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation between 6:00 p.m. and 9:00 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 dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities, as proposed by the applicant, are allowed on the Site at any time during the planning approval period;
- (d) no heavy goods vehicles exceeding 24 tonnes including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (e) no machinery is allowed to be stored at the Site at any time during the planning approval period;
- (f) the stacking height of vehicles and vehicle parts should not exceed the height of the peripheral fence of 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 drainage facilities implemented on the Site shall be maintained at all times during the planning approval period;
- (i) the submission of a record 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 24.1.2019;
- (j) the submission of a landscape proposal within **6** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 24.4.2019;
- (k) in relation to (j) above, the implementation of the landscape proposal within **9** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 24.7.2019;
- (l) the provision of fire extinguisher(s) with a valid fire certificate (FS251) 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 5.12.2018;

- (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 24.4.2019;
- (n) in relation to (m) above, the provision of fire service installations 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 24.7.2019;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) 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 (i), (j), (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 similar to those under the last Application No. A/YL-KTS/678, except the additional approval conditions on submission and implementation of landscape proposal , and deletion of the conditions on the submission and implementation of run-in/out in view of CTP/UD&L of PlanD and CHE/NTW, HyD comments respectively.]

Advisory Clauses

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

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

the development is not in line with the planning intention of the "AGR" zone which is to retain and safeguard good agricultural land for agricultural purposes. This zone is also intended to retain fallow arable land with good potential for rehabilitation. 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 for renewal of the planning 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 planning statement and plans received on 27.8.2018
Appendix Ia	Further Information received on 26.9.2018 clarifying traffic arrangement
Appendix Ib	Further Information received on 12.10.2018 clarifying the operation details
Appendix II	Relevant extract of the Town Planning Board Guidelines No. 34B on ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ (TPB PG-No. 34B)
Appendix III	Relevant extract of the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No. 13E)
Appendix IV	Previous applications covering the application site
Appendix V	Similar applications within the same “AGR” zone on the OZP
Appendix VI	Good Practice Guidelines for Open Storage Sites
Appendix VII	Advisory Clause
Drawing A-1	Layout Plan
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
OCTOBER 2018**