

RNTPC Paper No. A/YL-MP/268  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 6.4.2018

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**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-MP/268**

- Applicant** : Chief Force Limited
- Site** : Lots 22, 23, 24, 25, 29, 30, 31, 33, 34 and 38 in D.D. 101 and Adjoining Government Land (GL), San Tin, Yuen Long
- Site Area** : About 7,711 m<sup>2</sup> (including about 405m<sup>2</sup> of GL)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Mai Po and Fairview Park Outline Zoning Plan (OZP) No. S/YL-MP/6
- Zoning** : “Open Space” (“O”) (about 81.5%) & “Village Type Development” (“V”) (about 18.5%)
- Application** : Proposed Temporary Open Storage of Construction Machinery and Equipment with Ancillary Converted Container Office and Staff Common Room for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary open storage of construction machinery and equipment with ancillary converted container office and staff common room for a period of 3 years (**Plan A-1b**). According to the Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board), notwithstanding that the use or development is not provided for in terms of the OZP.
- 1.2 The Site (part) is subject of a previous Application No. A/YL-MP/52 for temporary godown and open storage uses with loading/unloading area for a period of 12 months which was rejected by the Rural and New Town Planning Committee (the Committee) on 11.6.1999 (**Plan A-1**).
- 1.3 The Site is accessible from the north via a local track leading from Castle Peak Road – Mai Po. The proposed layout plan is at **Drawing A-1**. The major development parameters are summarised as follows:

	<b>Major Development Parameters</b>
Site Area	About 7,711m <sup>2</sup>
No. of Structures	5 (one single-storey guard kiosk, three temporary mobile toilets and one temporary converted container office and staff common room)
Total Floor Area	About 97 m <sup>2</sup>
Height of Structures	1 storey (2.5 – 3.5m)
No. of private car parking spaces	3
No. of Loading/Unloading Area	1
Operation Hours	- 8:00 a.m. to 7:00 p.m Mondays to Saturdays - No operation on Sundays and public holidays

1.4 In support of the application, the applicant has submitted an application form on 14.2.2018 (**Appendix I**).

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in Part 9 of the application form at **Appendix I**. They can be summarized as follows:

- (a) The application only involves development on unused land partly zoned “O” and partly zoned “V”. Owing to its temporary nature, the proposed development will not frustrate the long-term planning intention of the “O” and “V” zone.
- (b) The proposed development is geographically and topographically suited for open storage uses and is compatible with the surrounding land uses characterised by open storage and port backup uses.
- (c) The proposed development will not involve cutting, dismantling, cleaning, repair or other such activities.
- (d) The proposed development will not have significant adverse impacts on traffic as there will be limited number of vehicles accessing the Site. Furthermore, there is adequate provision of parking and manoeuvring space.
- (e) The unused land has posed no serious drainage or flooding risks.
- (f) The proposed development will not have adverse noise impacts as it will be predominantly used for open storage of construction machinery which will mainly remained switched off.
- (g) In accordance with TPB PG-No. 13E, the applicant has specified that items will be stored with a 2m setback from the site boundary.

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

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting a notice of the application at the Site and sending the notice to the San Tin Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. For the GL, the “Owner’s Consent/Notification” Requirements as set out in TPB PG-No. 31A are not applicable.

**4. Town Planning Board Guidelines**

4.1 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 on 17.10.2008 is relevant to the application. The Site falls within the Category 3 and 4 areas under the TPB PG-No. 13E. The relevant extract of the Guidelines is attached at **Appendix II**.

4.2 The Town Planning Board Guidelines No. 12C for “Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C) promulgated by the Town Planning Board on 16.5.2014 is relevant to the application. The Site falls within the Wetland Buffer Area under TPB PG-No. 12C. The relevant extract of the Guidelines is attached at **Appendix III**.

**5. Background**

The Site is not a subject of any active planning enforcement case.

**6. Previous Application**

The Site is the subject of a previous application No. A/YL-MP/52 for temporary godown and open storage use with loading/unloading areas for 12 months which was rejected by the Committee on 11.6.1999 mainly on the consideration that the proposed development was not in line with the planning intention of the area which are for open space and village developments; was incompatible with the surrounding land uses; did not comply with TPB PG-No. 12; and if approved, would set an undesirable precedent for similar applications resulting in a general degradation of the environment. Its location is shown on **Plan A-1**.

**7. Similar Applications**

7.1 There are five similar planning applications (Nos. A/YL-MP/3, A/YL-MP/54, A/YL-MP/76, A/YL-MP/82 and A/YL-MP/112) for open storage uses falling in areas zoned “O” or within the same “V” zone on the OZP. All applications were rejected by the Committee and/or the Board.

- 7.2 Application No. A/YL-MP/3 for temporary open storage of left-hand-drive vehicles (for one year) and Application No. A/YL-MP/82 for temporary warehouse and open storage of building and metal materials for a period of 3 years, both within the same “V” zone were rejected on 17.11.1995 and 2.2.2001 respectively by the Committee on the consideration that the proposed developments were not in line with the planning intention of the “V” zone; was incompatible with the surrounding land uses; there was insufficient information in the submission to demonstrate that the proposed development would not cause any adverse ecological, environmental and drainage impacts on the surrounding areas and if approved, would set an undesirable precedent for similar applications resulting in a general degradation of the environment.
- 7.3 Application No. A/YL-MP/54 for temporary open storage of timber and plywood for 12 months and Application No. A/YL-MP/76 for temporary open storage of scrap metal for a period of 12 months within “O” zone on the OZP were rejected by the Committee on 16.7.1999, and by the Board on review on 5.1.2001 respectively, mainly on the considerations that the development were not in line with the planning intention of the “O” zone; were incompatible with the surrounding land uses; did not comply with TPB PG-No. 12; and if approved, would set an undesirable precedent for similar applications resulting in a general degradation of the environment and ecology of the area.
- 7.4 Application No. A/YL-MP/112 for proposed temporary carpark for new left-hand drive vehicles prior to sale for a period of 3 years within the same “O” zone on the OZP was rejected by the Committee on 8.11.2002 and by the Board on review on 28.2.2003, mainly on the consideration that the development was not in line with the planning intention of the “O” zone; there was insufficient information in the submission to demonstrate that the development would not generate adverse landscape and drainage impacts on the surrounding areas and approval of the application would set an undesirable precedent for similar applications leading to a degradation of the environment of the area.
- 7.5 Details of these applications are summarized at **Appendix IV**. Their locations are shown on **Plan A-1**.

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

- 8.1 The Site is:
- (a) currently vacant;
  - (b) accessible at the north of the Site via a paved local track off Castle Peak Road – Mai Po; and
  - (c) within the WBA of Deep Bay Area.
- 8.2 The surrounding land uses are mainly residential development (Royal Palms), village houses, vacant land and open storage yards. Some storage yards are suspected unauthorized developments subject to enforcement action by the

Planning Authority:

- (a) to the immediate north are areas for open storage of converted containers / construction materials, vacant land and further north are village areas;
- (b) to the immediate east are some residential dwellings and vacant land. To the further east across Castle Peak Road – Mai Po, San Tin Highway and San Tam Road are a refuse collection point, unused land, and Maple Gardens;
- (c) to the south are areas for metal hardware retail shop and open storage of construction materials; and
- (d) to the immediate west are storage / open storage of machinery. To the further west across Palm Canyon Drive is a residential development, Royal Palms.

## **9. Planning Intention**

The Site falls mainly within an area zoned “O” (81.5%) which is intended for the provision of outdoor open-air space for active and/or passive recreational uses serving the needs of local residents as well as the general public. The Site is also partly within area zoned “V” (18.5%) which is intended to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territory Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

## **10. Comments from Relevant Government Departments**

10.1 The following Government departments have been consulted and their views on the application and the public comments are summarised 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.
- (b) No permission is given for occupation of Government land (GL) of about 405m<sup>2</sup> in area (subject to verification) included in the Site.

Applicant's attention is drawn to the fact that the act of occupation of GL without Government's prior approval is not allowed.

- (c) The Site is accessible to Castle Peak Road – Mai Po through both GL and private land. This office provides no maintenance work for the GL involved and does not guarantee any right-of-way.
- (d) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (e) According to LandsD's records, there is no Small House (SH) application currently under processing or approved within the Site. No SH applications are currently under processing and 2 SH applications have been approved in the vicinity (i.e. 30m from the Site).
- (f) Should planning approval be given to the application, the lot owners will need to apply to his office to permit the structures to be erected or regularize any irregularity on site. Besides, the applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Such application will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application 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.

### **Environment**

#### 10.1.2 Comment of the Director of Environmental Protection (DEP):

- (a) In accordance with the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites", he does not support the application as the proposed use will generate traffic of heavy vehicles and the Site is within 100m from the nearest sensitive use (i.e. residential dwellings at about 4m east of the Site) and environmental nuisance is expected (**Plan A-2**).
- (b) There were no environmental complaints received in the past 3 years.

### **Nature Conservation**

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

Noting that the Site is paved and disturbed, he has no comment on the application from nature conservation point of view.

## **Traffic**

### 10.1.4 Comments of the Commissioner for Transport (C for T):

- (a) The applicant should indicate the clear width of ingress and egress point as well as the access road within the Site.
- (b) The Site is connected to the public road network via a section of local road which is not managed by Transport Department (TD). The land status of the local access road should be clarified with LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.

### 10.1.5 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) The proposed access arrangement of the Site should be commented by TD;
- (b) HyD is not and shall not be responsible for the maintenance of any existing vehicular access connecting the Site and any public road under HyD's maintenance; and
- (c) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

### 10.1.6 Comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD 2-2, RDO, HyD):

The subject site falls within the gazetted railway schemes of the Northern Link. Although the programme and the alignment of the railway schemes are still under review, those areas within the gazetted area may be required to be vacated at the time during railway construction. The applicant shall be reminded of the above when planning its land use application.

## **Fire Safety**

### 10.1.7 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 the satisfaction of the D of FS.
- (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 the Fire Services Department (FSD) for approval. The applicant should also be advised on the following points:

- (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy;
  - (ii) the location of where the proposed FSI to be installed should be clearly marked on the layout plans; and
  - (iii) the 'Good practice guidelines for open storage' should be adhered to (**Appendix V**).
- (c) Having considered the nature of the open storage, the following approval conditions shall be added:
- The provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of D of FS.
- (d) To address this additional approval condition, please advise the applicant to submit a valid fire certificate (FS 251) to FSD for approval.
  - (e) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

### **Buildings Matters**

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

- (a) Before any new building works (including containers and open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of the Building Authority (BA) 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 Building Ordinance (BO).
- (b) For UBW erected on leased land, enforcement action may be taken by the BA 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.
- (c) 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.



- (d) 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.

### **Drainage**

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

- (a) He has no objection in-principle to the application from drainage operation and maintenance point of view.
- (b) The applicant shall submit a drainage submission to demonstrate how he will collect, convey and discharge rain water falling onto or flowing to his site. A clear drainage plan showing full details of the existing drains and proposed drains (e.g. cover & invert levels of pipes/catchpits/outfalls and ground levels justifying waterflow etc.) with supporting design calculations should be included. Should additional drainage works be required, the applicant is reminded that approval of the drainage proposal must be sought prior to the implementation of drainage works on site.
- (c) After completion of the required drainage works, the applicant shall provide DSD a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan for reference. DSD will inspect the completed drainage works jointly with the applicant with reference to the set of photographs.
- (d) The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas.
- (e) No public sewerage maintained by CE/MN, DSD is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained.
- (f) The applicant is reminded that the proposed drainage works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction.
- (g) The applicant should consult DLO/YL, LandsD regarding all the proposed drainage works outside the site boundary in order to ensure the unobstructed discharge from the Site in future.
- (h) All the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage facilities on site under proper maintenance during occupancy of the Site.

### **Open Space Provision**

#### 10.1.10 Comments of the Director of Leisure and Cultural Services (DLCS):

- (a) He notes the application period is only for three years and has no in-principle objection to the application.
- (b) The Site is partly zoned “O” and partly zoned “V” on the OZP. It is not on the priority list for development agreed by the Yuen Long District Council (YLDC). DLCS has no plan to develop the site into public open space at present.

### **Landscape**

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

- (a) He has some reservation to the application from the landscape planning perspective.
- (b) The Site was the subject of 2 previously rejected applications of temporary use in which he has reservations from landscape planning perspective. The surrounding is rural fringe character occupied by open storage yards, low-rise residential sites and village houses. The proposed use is considered not incompatible with existing landscape setting.
- (c) According to series of aerial photos since 1995, the Site has been used as open storage yards without planning approval since then.
- (d) With reference to site inspection photos taken on 2.3.2018, existing trees of common species, including weed tree *Leucaena leucocephala* (銀合歡), in good to fair condition are found along the site boundary. There is no information on the proposed landscape treatment in the submission for the proposed use in a site area of 7,711m<sup>2</sup>. Moreover, it is not certain if the proposed use will cause contamination to the soil that will have impact on the future use of the Site as open space.
- (e) Should the application be approved by the Board, the following approval condition is recommended to be included in the planning permission:  
  
Submission and implementation of tree preservation and landscape proposal to the satisfaction of the Director of Planning or of the Board.
- (f) Groups of *Leucaena leucocephala* are found along the site boundary. *Leucaena leucocephala* is an invasive, exotic small tree that grows vigorously and forms dense thickets that prevent natural succession

of native species. Its brittle branches and poorly developed root system also makes the tree susceptible to fall under strong wind. As such, the applicant should remove all Leucaena within the Site and provide compensatory tree planting.

### **Environmental Hygiene**

10.1.12 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) if any Food and Environmental Hygiene Department (FEHD)'s facility is affected by the development, FEHD's prior consent must be obtained. Reprovisioning of the affected facilities by the project proponent up to the satisfaction of FEHD may be required. Besides, the project proponent should provide sufficient amount of additional recurrent cost for management and maintenance of the reprovisioned facilities to FEHD; and
- (b) if the proposal involves any commercial/trading activities, no environmental nuisance should be generated to the surroundings. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/ at their expenses.

### **Others**

10.1.13 Comments of the Commissioner of Police (C of P):

He has no objection in principle subject to there being no activities in any form, whatsoever associated with Parallel Trading/ General Merchandize Operations (GMO) activities.

10.1.14 Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) He has no particular comment on the application from electricity supply safety aspect.
- (b) In the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organising and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

**District Officer's Comments**

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

His office has no comment on the application and the local comments should be submitted to the Board directly, if any.

10.2 The following Government departments have no 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); and
- (c) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD).

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

On 23.2.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 16.3.2018, a total of 76 public comments were received with 65 objecting and 1 supporting the application. The 65 objecting comments are from a YLDC member, the Owners' Committee of Royal Palms and 43 members of the general public (**Appendix VI-a**). They raise concern on the adverse impacts on visual, environmental (noise and air quality) and traffic impacts, that the proposed opens storage use will affect local property values, and legitimize a long time brownfield use located near residential dwellings. The supporting comment is from a YLDC member who is of the view that the proposed development will not generate adverse impacts and would create local employment opportunities (**Appendix VI-b**). *There has also been 1 objecting comment received out of the statutory public inspection period from a member of the general public.*

**12. Planning Considerations and Assessments**

12.1 According to TPB PG-No. 13E, the Site falls within Category 3 and 4 areas. The following criteria are relevant:

- (a) Category 3 areas: normally not favourably considered unless the applications are on sites with previous planning approvals. In that connection, 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, if required, to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on surrounding areas. Subject to no adverse departmental comments and local objections, or the concerns of the developments and local residents can be addressed through the implementation of approval conditions, planning permission could be granted on a temporary basis up to a maximum period of 3 years.

- (b) Category 4 areas: normally rejected except under exceptional circumstances. For applications on sites with previous planning approvals, and subject to no adverse departmental comments and local objections, 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 applications relevant technical assessments/proposals, if required, to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. The intention is however to encourage the phasing out of such non-conforming uses as early as possible. Since the planning intention of Category 4 areas is to phase out the open storage and port back-up uses, a maximum period of 2 years may be allowed upon renewal of planning permission for an applicant to identify suitable sites for relocation. No further renewal of approval will be given unless under very exceptional circumstances and each application for renewal of approval will be assessed on its individual merits.

- 12.2 The Site falls within an area partly zoned “O” (81.5%) and partly zoned “V” (18.5%) on the OZP. The planning intention for “O” zone is to allow for the provision of outdoor air-space for active and/or passive recreational uses serving the needs of local residents as well as the general public; while the “V” zone is primarily intended for development of small houses by indigenous villagers, to reflect the existing recognized and other villages and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. The proposed open storage use is not in line with the planning intention of the “O” and “V” zones. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.
- 12.3 The surrounding areas are mainly residential areas, village houses, vacant land and open storage yards (**Plan A-2**). The open storage yards are suspected unauthorized developments subject to enforcement action by the Planning Authority. DEP does not support the application as the proposed use will generate traffic of heavy vehicles and there are sensitive uses in the vicinity of the Site (i.e. nearest residential dwelling at about 4m to its east) and environmental nuisance is expected (**Plan A-2**). CTP/UD&L, PlanD has some reservation to the application from the landscape planning perspective as there are existing trees of common species in good to fair condition found along the site boundary and no information on the proposed landscape treatment is included in applicant’s submission. Moreover, it is not certain if the proposed use will cause contamination of the soil that will have impact on the future use of the Site as open space.
- 12.4 According to the TPB PG-No. 13E, the Site falls within Category 3 and 4 areas and applications would not be favourably considered unless they are on sites with previous planning approvals. The intention of Category 3 areas are to contain existing and approved open storage and port back-up uses, and further proliferation is not acceptable. Applications falling within Category 4 areas would normally be rejected except under exceptional circumstances, as the intention is to encourage the phasing out of such non-conforming uses as early as

possible. The application is not in line with TPB PG-No. 13E in that no previous approval for open storage use has been granted for the Site, there are adverse comments from DEP, CTP/UD&L, PlanD and local objections, and the applicant has not submitted any technical assessment/proposal to demonstrate that the applied use would not have adverse environmental and landscape impacts on the surrounding areas. Approval of the application would set an undesirable precedent and encourage other applications for similar developments in the area. The cumulative effect of approving the application would result in a general degradation of the environment of the area.

- 12.5 No approval has ever been given to any application for temporary open storage use within “O” and “V” zones on the OZP. The previous application at the Site (part) for temporary godown / open storage use was rejected on consideration that the proposed use was not in line with the planning intention of the “V” zone, being incompatible with surrounding uses and setting of undesirable precedence. There are also five applications for similar temporary open storage uses within the “O” and “V” zones which were rejected on consideration that the proposed uses were not in line with the planning intention of the zones; not compatible with surrounding land uses; having failed to demonstrate the development would not cause adverse environmental/landscape/visual and drainage impacts; setting of undesirable precedent leading to general degradation of the area; and not complying with the TPB-PG No.12. Rejection of the current application is in line with the previous decisions of the Committee.
- 12.6 There are 76 public comments with 65 objecting to the application as detailed in paragraph 11. The planning considerations and assessments above are of relevance.

### **13. Planning Department’s Views**

- 13.1 Based on the assessment in paragraph 12 and having taken into account the public comments mentioned in paragraph 11, the Planning Department does not support the application for the following reasons:
- (a) the proposed development is not in line with the planning intention of “O” and “V” zones. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;
  - (b) the proposed development is not in line with the Town Planning Board Guidelines for Application for Temporary Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that no previous approval has been granted for the Site, there are adverse department comments on environmental and landscape aspects and local objection; and
  - (c) the approval of the application would set an undesirable precedent for similar applications within the “O” and “V” zones. The cumulative effect of approving such application would result in general degradation of the environment of the area.

- 13.2 Alternatively, 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 2 years, instead of the applied 3 years, until 6.4.2020. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation between 7:00p.m. and 8:00a.m. from Monday to Saturday, 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 car washing, vehicle repair, dismantling, paint spraying or other workshop activities are allowed on the site at any time during the planning approval period;
- (d) the submission of drainage proposal within **6** months to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 6.10.2018;
- (e) in relation to (d) above, the implementation of drainage proposal within **9** months to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 6.1.2019;
- (f) the provision of fire extinguisher(s) within **6** weeks to the satisfaction of the Director of Fire Services or of the Town Planning Board by 18.5.2018;
- (g) the submission of fire service installations proposal within **6** months to the satisfaction of the Director of Fire Services or of the Town Planning Board by 6.10.2018;
- (h) in relation to (g) above, the implementation of fire service installations proposal within **9** months to the satisfaction of the Director of Fire Services or of the Town Planning Board by 6.1.2019;
- (i) the submission of tree preservation and landscape proposal within **6** months to the satisfaction of the Director of Planning or of the Town Planning Board by 6.10.2018;
- (j) in relation to (i) above, the implementation of tree preservation and landscape proposal within **9** months to the satisfaction of the Director of Planning or of the Town Planning Board by 6.1.2019;
- (k) the provision of boundary fencing on the Site, within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 6.10.2018;
- (l) if any of the above planning conditions (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;

- (m) if any of the above planning conditions (d), (e), (f), (g), (h), (i), (j) or (k) 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
- (n) upon the 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.

Advisory Clauses

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

**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**

<b>Appendix I</b>	Application Form received on 14.2.2018
<b>Appendix II</b>	Relevant Extract of TPB-PG No. 13E
<b>Appendix III</b>	Relevant Extract of TPB-PG No. 12C
<b>Appendix IV</b>	Similar Applications
<b>Appendix V</b>	Good Practice Guidelines for Open Storage Sites
<b>Appendix VI-a and VI-b</b>	Public comments received during statutory publication period
<b>Appendix VII</b>	Recommended advisory clauses
<b>Drawing A-1</b>	Proposed Layout Plan
<b>Plan A-1</b>	Location Plan with Similar and Previous Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to 4c</b>	Site Photos