

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/765

- Applicant** : Mr. TANG Kit Hang Clifton
- Site** : Lots 2879 (Part), 2881 (Part), 2888 (Part), 2889 (Part), 2890 (Part) and 2900 (Part) in D.D. 111, Wing Ning Lei, Wang Toi Shan, Pat Heung, Yuen Long
- Site Area** : 1,480m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
- Zoning** : “Residential (Group D)” (“R(D)”) (about 62%)
[maximum plot ratio of 0.2 and maximum building height of 2 storeys (6m)]

“Agriculture” (“AGR”) (about 38%)
- Application** : Temporary Open Storage of Construction Materials, Machinery, Second-Hand Vehicles and Vehicle Parts with Ancillary Office for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary open storage of construction materials, machinery, second-hand vehicles and vehicle parts with ancillary office for a period of 3 years. The Site is currently used for the applied use without valid planning permission (**Plans A-2 to A-4**).
- 1.2 The Site was involved in 9 previous planning applications (No. A/YL-PH/207, 375, 534, 553, 585, 597, 655, 677 and 699) for various temporary open storage uses. The last application No. A/YL-PH/699 for temporary open storage of construction materials, machinery and second-hand vehicles for a period of 3 years submitted by different applicant was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 26.9.2014. All the approval conditions had been compiled with and the planning permission lapsed on 26.9.2017.
- 1.3 The development involves two 2- storey container-converted structures for office (4.88m in height) and a shelter (3.5m in height) with a total floor area of

about 72m². Two private car parking spaces and one loading/unloading space for light goods vehicles not exceeding 5.5 tonnes are provided within the Site. The operation hours are between 9:00am and 5:00pm from Mondays to Fridays, and between 9:00am and 1:00pm on Saturdays. There is no operation on Sundays and public holidays. The Site is accessible via a local track branching off Kam Tin Road to the south. The layout plan with fire service installations proposal, drainage proposal, landscape proposal and vehicular access plan as submitted by the applicant is in **Drawings A-1 to A-4**.

1.4 When compared with the last approved application No. A/YL-PH/699, the current application is subject to same site area and similar applied use and 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 21.11.2017
- (b) FI received on 23.2.2018 in response to the comments (**Appendix Ia**) of Commissioner for Transport
(accepted and exempted from publication and recounting requirements)
- (c) FI received on 6.3.2018 and 8.3.2018 in response to (**Appendix Ib**) the comments of C for T
(accepted and exempted from publication and recounting requirements)
- (d) FI received on 13.3.2018 in response to the comments (**Appendix Ic**) of C for T
(accepted and exempted from publication and recounting requirements)
- (e) FI submitted on 21.3.2018, 27.3.2018 and 28.3.2018 in (**Appendix Id**) response to the comments of C for T
(accepted and exempted from publication and recounting requirements)

1.6 As requested by the applicant, the Committee agreed to defer consideration of the application on 12.1.2017 to allow more time for the applicant to prepare FI to address the departmental comments. The applicant submitted FIs providing responses to departmental comments to support the application.

2. Justifications from the Applicant

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

- (a) The Site is subject to previous approved application for temporary storage of construction materials, machinery and second-hand vehicles. The development is temporary in nature and would not cause adverse environmental, traffic and drainage impacts. There are existing drainage facilities at the Site and no flooding problem is anticipated. The applicant will comply with the relevant conditions if the application is approved.
- (b) The Site is a suitable location for the applied use. There is demand of open storage of construction materials and there is no other site available for such use in the vicinity. There are also similar operation of second-hand vehicles and vehicle parts nearby. The applied use can better utilize land resources and bring more job opportunities. The Site is also away from residential area and nuisance to residents is not expected.

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. 31) by posting site notice and sending notice to the Pat Heung Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The 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 II**.

5. Background

- 5.1 The Site is not the subject of active enforcement cases and there is currently no enforcement action against it.
- 5.2 The Site was granted with planning permission on 26.9.2014 for storage use on a temporary basis for a period of 3 years until 26.9.2017. The use of the Site for storage use without a valid planning permission constitutes an unauthorized development under the Town Planning Ordinance. Should the current storage use on site continues (i.e. the use continues but without a valid planning permission), such use would be considered as an unauthorized development and enforcement action would be taken against.

6. Previous Applications

- 6.1 The Site involves in 9¹ previous planning applications (No. A/YL-PH/207, 375, 534, 553, 585, 597, 655, 677 and 699) for various temporary open storage uses. Details of the applications are summarized in **Appendix III** and the location of the sites are shown on **Plan A-1b**.
- 6.2 Application No. A/YL-PH/207 for open storage of construction machinery and materials for a period of 12 months covering a larger site was rejected by the Committee on 28.8.1998 on the consideration that the proposed development was not in line with the planning intention of the "R(D)" and "AGR" zones; the proposed development does not comply with the Town Planning Board Guidelines for "Application for Open Storage and Port Back-up Uses" in that it was incompatible with the surrounding land-uses which were rural in character with cultivated and fallow agricultural land and scattered domestic structures; and setting an undesirable precedent.
- 6.3 Application No. A/YL-PH/375 for temporary open storage of construction materials for a period of 3 years was approved by the Board on review on 14.12.2001 on the consideration that the proposed open storage uses on-site was not incompatible with the open storage uses in the vicinity. Although there were a few scattered structures in the vicinity of the access road, the environmental concerns could be addressed by imposition of appropriate approval conditions. Relevant Government departments consulted had no adverse comments on the application.
- 6.4 Application No. A/YL-PH/534 for temporary open storage of plastic materials was rejected by the Committee on 19.1.2007 on the consideration that the development did not comply with the Town Planning Board Guidelines for 'Application for Open Storage and Port Back-up Uses' in that there were local objection and adverse departmental comments; and there was insufficient to demonstrate that the development would not have adverse environmental, drainage and landscape impacts on the surrounding areas.
- 6.5 Application No. A/YL-PH/553 for temporary open storage of construction materials and machinery was approved with conditions by the Committee for a period of 3 years on 4.1.2008 on the consideration that the development was different from the previous rejected application No. A/YL-PH/534 for open storage of plastic materials which was related to recycling industry. Similar temporary open storage uses for new private cars, vehicle parts and construction materials had been approved. The development was also considered not incompatible with adjoining open storage uses generally complied with the Town Planning Board Guidelines on 'Application for Open Storage and Port Back-up Uses' in that there were previous approvals for similar uses on-site, approval conditions under the previous approval had been complied with, and no local objection had been received. The planning permission was revoked on 4.7.2008 as the applicant failed to comply with the conditions on the submission and provision of drainage proposals. The subsequent application No.

¹ There are 6 applications (No. A/YL-PH/208, 209, 296, 392, 398 and 636) only with minor portion overlapped with the Site (about 0.14% to 14.15%), and are not considered as previous application.

A/YL-PH/585 for temporary open storage of tires was rejected by the Committee on 24.7.2009 for similar reasons as stated in paragraph 6.4 above.

- 6.6 Application No. A/YL-PH/597 for proposed temporary open storage of construction materials and machinery for a period of 3 years was approved with conditions by the Committee on 23.10.2009 on the consideration that the proposed development was not incompatible with adjoining open storage uses; previous and similar applications for open storage of similar materials were approved; the proposed development generally complied with the Town Planning Board Guidelines on 'Application for Open Storage and Port Back-up Uses' in that there were previous approvals for the same use on-site and no local objection had been received; approval of the application would not frustrate the planning intentions; and the relevant departmental concerns could be addressed by appropriate approval conditions. All the approval conditions including those related to drainage, landscape and fire safety aspects had been complied with.
- 6.7 Application Nos. A/YL-PH/655 and 677 and the last application No. A/YL-PH/699 for temporary open storage of construction materials, machinery and second-hand vehicles for a period of 3 years were approved with conditions by the Committee on 21.12.2012, 8.11.2013 and 26.9.2014 respectively on similar considerations as mentioned in para. 6.6 above. However, Application No. A/YL-PH/655 was revoked on 21.6.2013 due to non-compliance with conditions related to the submission of a record of the existing drainage facilities, tree preservation proposal and fire service installations proposal. Application No. A/YL-PH/677 was also revoked on 20.12.2013 due to non-compliance with condition related to the provision of fire extinguishers with a valid fire certificate (FS 251). All the approval conditions of the last application No. A/YL-PH/699 had been complied with and the planning permission lapsed on 26.9.2017.
- 6.8 When compared with the last approved application No. A/YL-PH/699, the current application submitted by a different applicant is subject to same site area and similar applied use and layout.

7. Similar Applications

- 7.1 There are 19 similar applications (No. A/YL-PH/587, 589, 591, 610, 613, 624, 625, 627, 629, 634, 636, 641, 656, 660, 685, 710, 716, 729 and 741) for various temporary open storage uses within the same "R(D)" and "AGR" zones or straddle partly within the "Village Type Development" ("V") zone since the promulgation of the TPB PG-No. 13E on 17.10.2008. Details of these applications are summarized in **Appendix IV** while the locations of the sites are shown on **Plan A-1a**.

Sites within "R(D)" and/or with minor portion within "AGR" zone

- 7.2 Amongst the 18 similar applications, 12 applications falling within "R(D)" or straddling "R(D)" and "AGR" (Applications No. A/YL-PH/589, 610, 613, 627, 641, 656, 660, 685, 710, 716, 729 and 741) on four sites were approved with conditions by the Committee between 2009 and 2017 mainly on the

consideration that the items stored within the sites would unlikely generate nuisance to the surrounding areas and no significant environmental, traffic and drainage problems were expected from the developments. Five applications No. A/YL-PH/610, 613, 627, 656 and 660) had been revoked due to non-compliance with the approval conditions.

Sites within “AGR” and/or with minor portion within “V” zones

7.3 The other 7 applications (Application No. A/YL-PH/587, 591, 624, 625, 629, 634 and 636) were rejected by the Committee between 2009 and 2012 mainly on the grounds that the developments were not in line with the planning intentions of “AGR”/“V” zones; the developments did not comply with the TPB Guidelines for ‘Application for Open Storage and Port Back-up Uses’; they were incompatible with the surrounding land uses; there was insufficient information to demonstrate that the developments would not have adverse drainage and/or environmental impacts on the surrounding areas; there was land zoned “Open Storage”/“Industrial (Group D)” on the Pat Heung OZP to meet the demand of land for the uses under application; and approval of the applications would set an undesirable precedent.

8. The Site and Its Surrounding Areas (Plans A-1a to A-2 and Photos on Plan A-4)

8.1 The Site is:

- (a) fenced off and currently used for the applied use without planning permission; and
- (b) located about 430m to the north of Kam Tin Road and accessible via a local track leading from Kam Tin Road.

8.2 The surrounding areas are intermixed with various kinds of open storage yards, workshops, warehouse and vacant land (**Plans A-2 and A-3**). Some of the open storage/storage yards, workshops and warehouse are suspected unauthorized development subject to enforcement action by the Planning Authority:

- (a) to its immediate east, south and west are open storage yards including two under approved applications No. A/YL-PH/741 and 716. To the further south or southwest of the Site are some open storage/storage yards, a workshop and a warehouse; and
- (b) to its north are open storage yards and vacant/unused land. A residential structure is located to the further northwest about 60m away from the Site.

9. Planning Intentions

9.1 The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through

redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

- 9.2 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 are summarized as follows:

Land Administration

10.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) Lot No. 2888 in D.D. 111 is covered by a Short Term Waiver (STW) No. 3930 to permit structures erected thereon for the purpose of “Temporary Open Storage of Construction Materials, Machinery (Electricity Generator), Vehicles Parts, Temporary Transit Shipment Particles and Containers for Storage of Plastic Barriers”.
- (c) The Site is accessible to Kam Tin 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.
- (d) The Site falls within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structures shall not exceed the relevant airfield height limit within SKAHRA.
- (e) Should the planning application be approved, the STW holder(s) will need to apply to his office for modification of the STW conditions to regularize any irregularities (if any) on site. The owner(s) of the lot without STW will need to apply to his office to permit the structures to be erected or regularize any irregularities on site. Such application(s) 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 objection on the application from the traffic engineering point of view. The following clauses should be included in the approval condition and advisory clause respectively:
 - (i) No vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period.
 - (ii) The Site is connected to the public road network via a section of local access road which is not managed by the Transport Department. The land status of the local access road should be checked with the Lands Department. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.

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

- (a) HyD is not and shall not be responsible for the maintenance of the access road connecting the Site and Kam Tin Road.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flow from the Site to the nearby public roads or exclusive road drains.

Environment

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

- (a) There was no environmental complaint received in the past three years. However, he does not support the application as sensitive receiver, i.e. residential structure is found to the northwest (the about 60m away (**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

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

- (a) He has no objection to the application from the landscape planning perspective.
- (b) The Site was involved in 9 previous applications for various temporary open storage uses. He had no objection to the latest Application No. A/YL-PH/699 from the landscape planning perspective.
- (c) Referring to the aerial photo in 3.4.2017, the Site is situated in an area of rural landscape character comprising of scattered woodlands, open storages and carparks in the vicinity. Small houses are concentrated within the “V” zone at the west of the Site. Although the use is not in line with planning intention of “AGR” zone, the applied use is not incompatible with the surrounding environment.
- (d) According to the site visit in 11.12.2017, the existing landscape implemented for the previous applications were in fair condition. No significant change in the landscape setting since the last approved application and further adverse landscape impact arising from the continual use of temporary open storage is not anticipated.
- (e) Should the application be approved, the approval conditions on submission and implementation of a tree preservation proposal to the satisfaction of the Director of Planning or of the Board should be included in the planning permission.
- (f) Detailed comments are at **Appendix V**.

Drainage

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

- (a) He has no objection in principle to the development. It is presumed that the applicant would implement the same drainage facilities as those for the previous Application No. A/YL-PH/699.
- (b) Should the application be approved, approval conditions on the maintenance of the drainage facilities implemented under Application No. A/YL-PH/699 and the submission of records of the existing drainage facilities on site to his satisfaction should be indicated in the planning permission.

Building Matters

10.1.7 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 for the structures existing at the Site and BD is not in a position to offer comments on their suitability for the applied use.
- (b) If the existing structures are erected on leased land without approval of the BD (not being New Territories Exempted Houses), they are unauthorized under the BO and should not be designated for any use under the application.
- (c) 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 Building Authority should be obtained. Otherwise, they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO. 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) 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.
- (e) If the Sites do not abut on a specified street of not less than 4.5m wide, their permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

Nature Conservation and Agriculture

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

- (a) Noting that the Site has been paved and used for open storage purpose for some time, he has no comment on the application from nature conservation perspective.
- (b) Since the Site is of high potential for agricultural rehabilitation, he does not support the application from the agricultural point of view.

Fire Safety

10.1.9 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the application 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. Besides, the good practice guidelines for open storage (**Appendix VI**) should be adhered to.
- (c) Having considered the nature of the open storage, approval condition on 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.

Water Supply

10.1.10 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) He has no objection to the application.
- (b) For provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

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 the locals upon close of consultation and he also has no particular comment on the application.

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

- (a) Director of Electrical and Mechanical Services (DEMS);
- (b) Project Manager/ West, Civil Engineering and Development Department (PM/W, CEDD); and
- (c) Commissioner of Police (C of P).

11. Public Comment Received During the Statutory Publication Period

On 1.12.2017, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 22.12.2017, one objecting comment (**Appendix VII**) was received from a general public on the ground that the development will generate adverse traffic and environmental impacts on the surroundings and the adjacent agricultural land; and agricultural land is not for vehicular access use.

12. Planning Considerations and Assessments

12.1 According to TPB PG-No. 13E, the Site falls within Category 3 areas. The following 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 within these areas, 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, if required, to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. 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, planning permission could be granted a temporary basis up to a maximum period of 3 years.

12.2 The applied use is for temporary open storage of construction materials, machinery, second-hand vehicles and vehicle parts with ancillary office in "R(D)" (62%) and "AGR" (38%) zones. The planning intention of the "R(D)" zone is primarily for improvement and upgrading of existing temporary

structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential developments subject to planning permission from the Board. As there is no known proposal for permanent development at the Site, approval of the application on temporary basis would not frustrate the long-term planning intention of the “R(D)” zone. Although the open storage use is not in line with the planning intention of “AGR” zone which is to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purpose and DAFC does not support the application as the Site is of high potential for agricultural rehabilitation, only about 38% of the Site falls within “AGR” zone. It is considered that the granting of temporary planning permission would not frustrate the long-term planning intention of the “AGR” zone.

- 12.3 The development is considered not incompatible with the surrounding area intermixed with various kinds of open storage yards, workshop, warehouse and vacant land (**Plan A-2**). The Site was subject to previous approved applications for similar open storage uses and similar applications for various temporary open storage uses were approved in the vicinity of the Site (**Plans A-1a and A-1b**). Approval of the application is in line with the Committee’s previous decision.
- 12.4 The application is considered generally in line with TPB PG-No. 13E in that the Site falls within Category 3 areas and previous planning approvals for similar open storage uses have been granted, and there is also no adverse comment from the relevant departments except DAFC and DEP. The current application is similar to the last approved Application No. A/YL-PH/699 in terms of the applied use and all the approval conditions had been complied with. The applicant also submitted landscape, drainage and FSIs proposals in the current application. As there is no major change in planning circumstances since the last approval, sympathetic consideration could be given to the current application.
- 12.5 Although DEP does not support the application as there is sensitive receiver, i.e. residential structure located to the northwest of the Site (about 60 away) (**Plan A-2**) and environmental nuisance is expected, there was no environmental complaint in the past 3 years. To address DEP’s concern, approval conditions restricting the operation hours and types of vehicles, as well as prohibiting workshop-related activities are recommended in paragraph 13.2 (a) to (e) 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. The applicant will also be advised to adopt the environmental mitigation measures and requirements as set out in 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 approval conditions in paragraph 13.2(f) to (m) below.
- 12.6 A public comment objecting to the application was received during the statutory publication period as mentioned in paragraph 11 above. The planning considerations and assessments as stated above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comment mentioned in paragraph 11, the Planning Department considers that the temporary open storage of construction materials, machinery, second-hand vehicles and vehicle parts with ancillary office 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 until 6.4.2021. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation between 5:00 p.m. to 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation between 1:00 p.m. to 5:00 p.m. on Saturdays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out at the Site at any time during the planning approval period;
- (e) no medium or heavy goods vehicle exceeding 5.5 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;
- (f) no vehicle is allowed to queue back to or reverse into/from public road at any time during the planning approval period;
- (g) the existing drainage facilities on site shall be maintained at all times during the planning approval period;
- (h) the submission of records of the existing drainage facilities on site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 6.7.2018;
- (i) the submission of a tree preservation proposal 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;

- (j) in relation to (i) above, the implementation of a tree preservation proposal within **9** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 6.1.2019;
- (k) the provision of fire extinguisher(s) within **6** weeks with a valid fire certificate (FS 251) from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 18.5.2018;
- (l) the submission of fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 6.10.2018;
- (m) in relation to (l) above, the provision of fire service installations within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 6.1.2019;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (h), (i), (j), (k), (l) or (m) 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
- (p) 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 VIII**.

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

- (a) the development is not in line with the planning intention of the "R(D)" and "AGR" zones. The "R(D)" zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board. The "AGR" zone 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. There is no strong planning justification given in the submission for the departure from the planning

intentions of the “R(D)” and “AGR” zones, even on a temporary basis;
and

- (b) the applicant fails to demonstrate that the proposed development would not generate adverse environmental impact 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 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

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| Appendix I | Application form with planning statement and plans received on 21.11.2017 |
| Appendix Ia | FI received on 23.2.2018 in response to the comments of C for T |
| Appendix Ib | FI received on 6.3.2018 and 8.3.2018 in response to the comments of C for T |
| Appendix Ic | FI received on 13.3.2018 in response to the comments of C for T |
| Appendix Id | FI submitted on 21.3.2018, 27.3.2018 and 28.3.2018 in response to the comments of C for T |
| Appendix II | Relevant extract of Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No. 13E) |
| Appendix III | Previous s.16 applications covering the application site |
| Appendix IV | Similar Applications for various open storage uses within the same “R(D)” and “AGR” zones on the Pat Heung Outline Zoning Plan |
| Appendix V | Detailed comments of the CTP/UD&L, PlanD |
| Appendix VI | Good Practice Guidelines for Open Storage Sites |

Appendix VII	Public comment received during the statutory publication period
Appendix VIII	Advisory Clauses
Drawing A-1	Layout Plan with Fire Service Installations Proposal,
Drawing A-2	Drainage Proposal
Drawing A-3	Landscape Proposal
Drawing A-4	Vehicular Access Plan
Plan A-1a	Location Plan
Plan A-1b	Previous Application Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4a & 4b	Site Photos

**PLANNING DEPARTMENT
APRIL 2018**