

RNTPC Paper No. A/YL-PH/782
For Consideration by
the Rural and New Town
Planning Committee
on 1.6.2018

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/782

- Applicant** : Chief Force Limited
- Site** : Lots 1864 RP (Part), 1865 (Part), 1866 (Part), 1867 (Part), 1868 (Part), 3047 (Part) and 3048 (Part) in D.D. 111, Pat Heung, Yuen Long
- Site Area** : About 3,650m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
- Zoning** : “Agriculture ” (“AGR”)
- Application** : Renewal of Planning Approval for Temporary “Open Storage of Construction Materials” for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission to use the application site (the Site) for temporary open storage of construction materials for a period of 3 years. The Site is currently used for the applied use with a valid planning permission (application No. A/YL-PH/719).
- 1.2 The Site is the subject of seven previous applications for various temporary open storage uses/ composting use. All applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) from 1997 to 2015 except application No. A/YL-PH/235 was rejected by the Committee on 30.10.1998. The last application No. A/YL-PH/719 for the same applied use and submitted by the same applicant as the current application was approved with conditions by the Committee on 7.8.2015 for a period of 3 years. All approval conditions of the last approved application have been complied with. The planning permission is valid until 7.8.2018.

- 1.3 According to the information provided by the applicant, there is no change to the applied use and site area as approved under the last application No. A/YL-PH/719. The ingress/egress is located at the western boundary of the Site and the Site is accessible to Kam Tin Road via a local track. Two parking spaces are provided on site. The operation hours are between 9 a.m. and 6 p.m. from Mondays to Saturdays and there is no operation on Sundays and public holidays. No medium or heavy goods vehicle exceeding 5.5 tonnes would be used for operation of the development. No workshop related activities will be carried out on site. The site layout, landscape proposal, drainage proposal, fire services installations proposal and vehicular access submitted by the applicant are at **Drawings A-1 to A-5**.
- 1.4 Compared with the previous approved application, the current application is for the same applied use and site area except for addition of 2 parking spaces.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application form with supplementary planning statement and plans received on 10.4.2018. **(Appendix I)**
 - (b) Further Information (FI) received on 4.5.2018 in response to the comments of the Commissioner for Transport (C for T) **(Appendix Ia)**
(accepted and exempted from publication and recounting requirements)
 - (c) FI received on 7.5.2018 in response to the comments of the C for T **(Appendix Ib)**
(accepted and exempted from publication and recounting requirements)

2. Justifications from the Applicant

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

- (a) The current application has no major change to the last approved Application No. A/YL-PH/719 and there were no adverse departmental comment and local objection during the last application. All approval conditions under the last approval have been complied with.
- (b) Existing landscape, drainage and fire services installation facilities will be properly maintained. Boundary fencing has been provided. No adverse traffic

impact is anticipated. The Town Planning Board (the Board)'s favourable consideration is sought for renewal of the planning approval.

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 notice near entrance of the Site and sending notice to 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 Guideline for “Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development” (TPB PG-No. 34B) is 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 Guideline 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. The relevant extract of the Guideline is attached at **Appendix III**.

5. Background

The Site is not the subject of any active enforcement cases and there is currently no enforcement action against it. The Site was granted with planning permission on 7.8.2015 for the same applied use for a period of 3 years which will be expiring soon. The use of the Site for storage use without a valid planning permission constitutes an unauthorized development under the Town Planning Ordinance. Should the application for planning approval is not granted, and the current storage use on site continues after the expiry of the current planning approval (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 it.

6. Previous Applications

- 6.1 The Site was the subject of seven previous applications (No. A/YL-PH/99, 235, 255, 330, 575, 659 and 719) for temporary open storage of construction

materials or temporary open composting uses¹. All the previous applications except application No. A/YL-PH/235 was approved with conditions by the Committee. Details of the applications are summarized in **Appendix IV** and the locations of the sites are shown on **Plan A-1b**.

- 6.2 Application No. A/YL-PH/235 covers a much larger site area including the current application site for 9 temporary open storage yards for construction materials for a period of 12 months was rejected by the Committee on 30.10.1998 on the grounds that the proposed development was not in line with the planning intention of the “AGR” and “Village Type Development” (“V”) zones; the development did not comply with the Town Planning Board Planning Guidelines for “Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” in that it was incompatible with the surrounding areas partly zoned “V”; the proposed vehicular access leading to the site from Kam Tin Road would be via a sub-standard track passing through the existing village settlements, the frequent transportation of construction materials to and from the site in large quantities would generate adverse noise and traffic impacts on the nearby village settlements; there was insufficient information in the submission to demonstrate that the development would not have adverse drainage impact on the surrounding areas; and approval of the application would set an undesirable precedent.
- 6.3 Applications No. A/YL-PH/99 and 255 for temporary composting use were approved by the Committee with conditions on 11.7.1997 and 22.1.1999 for a period of 12 months mainly for the reasons that the organic fertiliser produced in the proposed development could serve the nearby cultivation; previous approval had been granted (for A/YL-PH/255 only); the proposed development was considered not incompatible with the surrounding areas; the proposed developments would unlikely induce adverse environmental impact on the surrounding areas; and concerned Government departments had no adverse comment on the applications.
- 6.4 Application No. A/YL-PH/330 and A/YL-PH/575 for temporary composting use both for a period of 3 years were approved with conditions by the Committee on 14.4.2000 and 27.2.2009 respectively for similar reasons that previous approvals had been granted for the same use; there were no change in the planning circumstances pertaining to the site since the granting of the previous approvals; and the Government departments consulted had no adverse comments on the applications.
- 6.5 The Application No. A/YL-PH/659 for open storage of construction materials with ancillary site office for a period of 3 years was approved with conditions by the Committee on 8.2.2013 mainly for the reasons that approval of the application would not frustrate the long-term planning

¹ Application No. A/YL-PH/698 covering a small portion of the site (i.e. Lot 1866 in D.D. 111) is considered as similar application in paragraph 7.

intention of the “AGR” zone; the proposed development was considered not incompatible with the surrounding areas; and the technical requirements of relevant Government departments could be addressed by approval conditions. However, the application was revoked on 8.11.2013 due to non-compliance with approval condition in relation to the implementation of landscaping proposal including tree preservation proposal.

- 6.6 The last Application No. A/YL-PH/719 for the same applied use as the current application for a period of 3 years submitted by the same applicant as the current application was approved with conditions by the Committee on 7.8.2015 mainly for reasons that the development generally complied with TPB PG-No.13E; the development was considered not incompatible with the surrounding areas, Government departments’ concern could be addressed by approval conditions; and the development on a temporary basis would not frustrate the long-term planning intention of the “AGR” zone. All of the approval conditions have been complied with and the permission is valid until 7.8.2018. Compared with the last application No. A/YL-PH/719, the current application is for the same applied use and site area except for addition of 2 parking spaces.

7. Similar Applications

- 7.1 There are 21 similar applications (No. A/YL-PH/603, 608, 616, 635, 645, 658, 666, 667, 678, 680, 683, 686, 687, 698, 701, 724, 733, 740, 752, 756 and 770) for various temporary open storage uses within the same “AGR” zone on the OZP since the promulgation of the TPB PG-No.13E on 17.10.2008. Details of these applications are summarized in **Appendix V** while the locations of the sites are shown on **Plan A-1a**.
- 7.2 Application No. A/YL-PH/608, 666 and 733, and 616, 686, 701 and 756 for various temporary open storage uses approved with conditions by the Committee on 28.1.2011, 7.6.2013, 10.6.2016, 28.1.2011, 4.4.2014, 26.9.2014 and 22.9.2017 respectively are on two sites. Application No. A/YL-PH/608 and 616 was approved mainly on the considerations that the original site of the applied uses had been affected by the XRL project and the applicant had made effort but no suitable site (except the site under application) was identified to continue his businesses; the location of the application near “OS” zone and no objection raised by relevant government departments. Considerations in favour of the application were given in view of the special background of the case, despite the site being located within Category 3 areas. Applications No. A/YL-PH/666, 686, 701, 733 and 756 were approved mainly on the considerations that approval on temporary basis would not frustrate the long-term planning intention; the nearby area was zoned as “OS” and in line with TPB PG-No.13E as previous approval had been granted and no objection from relevant departments and their concerns could be addressed by approval conditions. However,

Applications No. A/YL-PH/608 and 686 were revoked on 28.9.2012 and 4.10.2014 respectively due to non-compliance with the approval conditions.

- 7.3 Applications No. A/YL-PH/635, 667, 683 and 740 for various temporary open storage uses were approved with conditions by the Committee on 20.1.2012, 5.7.2013, 7.2.2014 and 12.5.2017 respectively mainly on the grounds that the development would not frustrate the long-term planning intention of the “AGR” zone; the development was not incompatible with the surrounding land uses, in particular that the sites were located next to the Shek Kong Stabling Slidings of the XRL and landscape impact would not be significant; and/or complied with the TPB PG-No. 13E in that there were previous planning approvals and requirement of concerned departments could be addressed by approval conditions. However, Applications No. A/YL-PH/635 and 667 were revoked on 20.4.2013 and 5.10.2013 respectively due to non-compliance with the approval conditions.
- 7.4 Applications No. A/YL-PH/603, 658, 680 and 724 on the same site located to the further north of the Site adjoining Kam Tin Road for temporary open storage of private cars and lorries (or renewal of planning approval for the same use) for a period of 3 years were approved with conditions by the Committee on 29.1.2010, 25.1.2013, 13.12.2013 and 22.1.2016 respectively on the considerations that the use was not incompatible with the surrounding area; the applications were in line with the TPB PG-No.13E and TPB PG-No.34B in that previous approvals had been granted, there was no adverse departmental comment and the departmental concern could be addressed by appropriate approval conditions, However, Applications No. A/YL-PH/658 and 680 were revoked on 29.7.2013 and 13.11.2015 due to non-compliance with approval conditions.
- 7.5 Applications No. A/YL-PH/645, 678 and 687 located on about the same site, A/YL-PH/698 (partly on “V” zone) and 752 for various temporary open storage uses were rejected by the Committee on 24.8.2012, 8.11.2013, 25.4.2014, 12.9.2014 and 11.8.2017 respectively on similar grounds that the proposed developments were not in line with the planning intention of the “AGR” zone; the application did not comply with the TPB PG-No.13E in that the proposed developments were not compatible with the surrounding land uses which were predominated by residential structures/dwellings and agricultural land, there was no previous approval granted at the site, and there were adverse departmental comments and local objections against the application; the applicant failed to demonstrate that the proposed development would not generate adverse environmental/drainage impacts on the surrounding areas; and the approval of the application would set an undesirable precedent. Application No. A/YL-PH/770 for open storage uses was rejected by the Committee on 16.3.2018 mainly on the grounds of repeated non-compliance of approval conditions.

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

8.1 The Site is:

- (a) paved and used for the applied use with a valid planning permission (application No. A/YL-PH/719); and
- (b) accessible from Kam Tin Road via a local track (**Plan A-1b**).

8.2 The surrounding areas are rural in character, mixed with open storages yards, parking of vehicles, an office, some residential structures/dwellings, and vacant/unused land:

- (a) to its north and south are two stream courses;
- (b) to its north are some open storage yards, an office, parking of vehicles, residential structures/dwellings (the nearest about 20m away) and vacant land;
- (c) to its south and west are open storages/storage yards. Two of the open storages yards are operated with valid planning permission under Applications No. A/YL-PH/740 and 756 (**Plan A-2**); and
- (d) to its east is an “Open Storage” (“OS”) zone intermixed with parking lots, open storage/storage yards, warehouses and a plant nursery.

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 Old Scheduled Agricultural Lots held under the Block Government Lease which contains the restriction that

no structures are allowed to be erected without the prior approval of the Government.

- (b) 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 over the GL to the Site.
- (c) 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.
- (d) Should planning approval be given to the application, the lot owner(s) 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 landlord or lessor at its sole discretion and there is no guarantee that such application 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 Engineer, New Territories West, Highways Department (CHE/NTW, HyD):.

- (a) He has no comment on the application from highways maintenance point of view.

- (b) HyD does not and will not maintain any access connecting the Site and Kam Tin Road. The applicant should be responsible for his own access arrangement.

Agriculture

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

- (a) As the Site possesses potential for agricultural rehabilitation, he does not support the application from agricultural point of view.
- (b) It is also noted that there are watercourses to the north and south of the Site. Should the application be approved, the applicant should be advised to adopt good site practice and necessary measures to avoid polluting and disturbing these watercourses during operation.

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, in accordance with the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (“COP”), he does not support the application as there are sensitive receivers, i.e. residential dwellings located in the vicinity (the nearest about 20m away to its north) (**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 requirement in the latest COP 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 point of view
- (b) The Site is surrounded by open storages and temporary structures within the “AGR” zone to the south and the west and within the “OS” zone to the east. Small houses are concentrated within the “V” zone to the north. The Site is connected to Kam Tin Road via driveway at the north. The Site is the subject of seven previous planning applications for various open storage/storage uses. Except

application no. A/YL-PH/235, all previous applications were approved by the Committee. He had no objection to the last previous application (No. A/YL-PH/719) for the same use from landscape planning perspective.

- (c) Base on the aerial photo taken on 3.4.2017, the Site is situated in an area of rural landscape character comprising of open storage yards, small houses and fragmented farmlands. Although the applied use is not in line with the planning intention of “AGR” zone, it is not incompatible to the surrounding environment.
- (d) Referring to the site visit dated 25.4.2018, the Site is hard paved and in operation as open storage. Existing landscaping trees from the previous applications are generally in fair to good condition. Adverse impact on landscape resources and landscape character arising from the development is not anticipated.
- (e) Should the application be approved, approval condition on maintain the existing trees and vegetation at the Site to satisfactory conditions at all times during the approval period should be included.
- (f) His detailed comment is at **Appendix VI**.

Drainage

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

- (a) He has no in-principle objection to the development.
- (b) Based on the drainage proposal enclosed in the application, the applicant would maintain the same drainage facilities as those implemented under previous Application No. A/YL-PH/719.
- (c) Should the application be approved, approval conditions on the maintenance of the drainage facilities implemented under Application No. A/YL-PH/719 and submission of the records of the existing drainage facilities on site to his satisfaction should be included in the planning approval.

Water Supplies

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

- (a) He has no objection to the application.

- (b) No structure shall be erected over the Waterworks Reserve as shown on **Plan A-2** and such area shall not be used for storage purposes.
- (c) The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorize.
- (d) Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site.

Fire Safety

10.1.7 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) The submitted FSIs proposal is considered acceptable. The applicant is advised that the installation/maintenance/modification/ repair work of fire service installations (FSI) shall be undertaken by an Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall after completion of the installation/ maintenance/ modification/ repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to the Director of Fire Services. The applicant is advised to adhere the “Good Practice Guidelines for Open Storage Sites” in **Appendix VII**.
- (c) Having considered the nature of the open storage, the 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 approval condition, the applicant should submit a valid fire certificate (FS 251) to his department for approval.

Building Matters

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

- (a) If the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted

House), they are unauthorized under the BO and should not be designated for any use under application.

- (b) Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of the BD should be obtained. Otherwise, they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (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 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 Building (Planning) Regulation at the building plan submission stage.

District Officer's Comments

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

He has not received any comment from locals upon close of the consultation and he has no particular comments on the application.

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) Director of Electrical and Mechanical Services (DEMS);
- (c) Commissioner of Police (C of P).

11. Public Comment Received During Statutory Publication Period

On 17.4.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 8.5.2018, 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 considerations in the Guidelines are relevant.

Category 3 areas: Within these area, “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 application 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 application is for renewal of planning approval for temporary open storage of construction materials for three years within the “AGR” zone. The development 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 also does not support the application from the agriculture point of view as the Site possesses potential for agricultural rehabilitation. Nevertheless, 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 open storage/storage yards, parking of vehicles, an office, plant nurseries, residential structures/dwellings and vacant/unused land. The area to the further west and southwest of the Site is used as the works site for Shek Kong Stabling Sidings (SKSS) of the Express Rail Link (XRL) which will be situated at grade with underground emergency rescue station (**Plan A-3**). Also, there are 15 similar applications for various temporary open storage uses located in the same “AGR” zone approved with conditions by the Committee from 2010 to 2017 as mentioned in paragraphs 7 above (**Plan A-1a**).

- 12.4 The current application is generally in line with TPB PG-No.34B and 13E in that previous approval (Application No. A/YL-PH/719) for the same applied use was granted on 7.8.2015 and all the approval conditions under the last approved application have been complied with. There is no adverse comment from the departments consulted, except DEP and DAFC, and there has been no major change in planning circumstances since the last planning approval. The applicant has also submitted landscape, drainage and FSIs proposal in the current application. In this regard, sympathetic consideration could be given to the current application.
- 12.5 While DEP does not support the application as there are residential dwellings/structures in the vicinity of the Site (the nearest about 20m to the north) and environmental nuisance is expected, there was no environmental complaint received in the last three years and no objection has been received during the statutory publication period. To mitigate any potential environmental impacts, approval conditions restricting the operation hours and types of vehicles, and prohibiting dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities are recommended in paragraph 13.2 (a) to (d) below. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorized development on site would be subject to enforcement action by the Planning Authority. Besides, the applicant will be advised to adopt the environmental mitigation measures as set out in the latest COP issued by DEP 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 (e) to (j) 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 construction materials could be tolerated for a period of 3 years.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years, and be renewed from 8.8.2018 until 7.8.2021. The following approval conditions 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 medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the Site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the existing boundary fence on the Site shall be maintained at all times during the planning approval period;
- (g) the maintenance of the existing trees and vegetation at the Site to satisfactory conditions at all times during the planning approval period;
- (h) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (i) the submission of the records of the existing drainage facilities on 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 8.11.2018;
- (j) the provision of fire extinguisher(s) within a valid fire certificate (FS 251) 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 19.9.2018;
- (k) the implementation of the accepted 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 8.2.2019;
- (l) 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;
- (m) if any of the above planning conditions (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 expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

[The above approval conditions are the same as those under the planning permission for previous Application No. A/YL-PH/719, except that the approval condition on provision of boundary fencing is replaced by maintenance of existing boundary fencing, the submission and implementation of tree preservation proposal is replaced by maintenance of existing trees and vegetation according to CTP/UD&L, PlanD's comment, and the submission of FSIs proposal is removed since proposal submitted in the current application was accepted by the D of FS.]

Advisory Clauses

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

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is 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.
- 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 supplementary planning statement and plans received on 10.4.2018
- Appendix Ia** FI received on 4.5.2018 in response to the comments of the Commissioner for Transport (C for T)

Appendix Ib	FI received on 7.5.2018 in response to the comments of the C for T
Appendix II	Relevant Extracts of Town Planning Board Guidelines for Renewal of Planning Approval and Extension of Time for Compliance with Planning Condition for Temporary Use or Development (TPB PG-No. 34B)
Appendix III	Relevant extract of Town Planning Board Guideline for “Application for Open Storage and Port Back-up uses” No. 13E
Appendix IV	Previous applications covering the application site
Appendix V	Similar applications within the same “AGR” zones on the Kam Tin South OZP
Appendix VI	Detailed comment from CTP/UD&L of PlanD
Appendix VII	Good Practice Guidelines for Open Storage Sites
Appendix VIII	Advisory Clause
Drawing A-1	Layout Plan
Drawing A-2	Landscape Proposal
Drawing A-3	Drainage Proposal
Drawing A-4	Emergency Vehicular Access Plan and FSI proposal
Drawing A-5	Vehicular Access Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Location Plan with Previous Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a & 4b	Site Photos

**PLANNING DEPARTMENT
JUNE 2018**