RNTPC Paper No. A/YL-ST/546 For Consideration by the Rural and New Town Planning Committee on 21.6.2019

# <u>APPLICATION FOR PERMISSION</u> UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

#### APPLICATION NO. A/YL-ST/546

Applicant : Chang Ying International Limited represented by Top Bright Consultants

Limited

Site : Lot 156 S.B RP (Part) in D.D. 105 and Adjoining Government Land (GL), San

Tin, Yuen Long

Site Area : About 713 m<sup>2</sup> (including about 274 m<sup>2</sup> of GL)

<u>Lease</u>: Block Government Lease (demised for agricultural use) (no structures are

allowed to be erected without the prior approval of the Government)

Plan : Approved San Tin Outline Zoning Plan (OZP) No. S/YL-ST/8

**Zoning** : "Residential (Group D)" ("R(D)")

Application : Temporary Open Storage of Recyclable Metal 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 recyclable metal with ancillary office for a period of 3 years. According to the covering Notes of the OZP, temporary use not exceeding a period of three years may be allowed subject to planning permission from the Town Planning Board (the Board), notwithstanding that the use or development is not provided for in terms of the OZP. The Site is currently used for the applied use without valid planning permission.
- 1.2 The Site (in whole or in part) is the subject of 7 approved previous applications (Nos. A/YL-ST/84, 96, 228, 260, 335, 389 and 454) for temporary open storage of recyclable metal/container vehicle park uses (**Plan A-1b**). The last application No. A/YL-ST/454 submitted by different applicant for the same use was approved by the Rural and New Town Planning Committee (the Committee) of the Board on

- 13.3.2015 for a period of 3 years. All approval conditions had been complied with. The planning permission lapsed on 14.3.2018.
- 1.3 As shown on the layout plan at **Drawing A-1** and **Plan A-2**, the Site is accessible at the north of the Site via a local access leading to Castle Peak Road San Tin. The applicant has submitted a landscape and tree preservation proposal in support of the current application (**Drawing A-2**).
- 1.4 A comparison of the major parameters of the approved previous application and the current application is as follows:

Major	Approved Previous	<b>Current Application</b>	Difference
Development	Application No.	No. A/YL-ST/546	(b) - (a)
<b>Parameters</b>	A/YL-ST/454		
	(a)	<b>(b)</b>	
Development/	Temporary open storage	Same	-
use	of recyclable metal with		
	ancillary office for a		
	period of 3 years		
Site area	about 1,005 m <sup>2</sup>	about 713 m <sup>2</sup>	- about 292 m <sup>2</sup>
	(including about	(including about	(- about 148
	422 m <sup>2</sup> of GL)	$274 \text{ m}^2 \text{ of GL}$	m <sup>2</sup> of GL)
Total floor	58 m <sup>2</sup>	$24.5 \text{ m}^2$	$-33.5 \text{ m}^2$
area			
No. of	3	3	-
structures	(2 Site offices,	(Site office, mobile	
	1 container storage)	toilet and canopy)	
Height of	1 to 2 storeys	1 storey	- 1 storey
structures	(2.4 to 4.8m)	(2.3  to  2.4m)	
No. of parking	1 for medium goods	Same	-
space	vehicle (MGV)		
Operation	8:00a.m. and 6:00p.m.	Same	-
Hours	(Mondays to Saturdays)		
	No operation on		
	Sundays and public		
	holidays		

1.5 In support of the application, the applicant has submitted the following documents:

(a) Application Form received on 23.4.2019

(Appendix I)

(b) Planning Statement

(Appendix Ia)

(c) Further Information (FI) received on 10.5.2019 (Appendix Ib)

clarifying the types of recyclable metal for storage on site

## 2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Chapter 6 of Planning Statement at **Appendix Ia**. They can be summarized as follows:

- (a) Approval of the development would not contravene the planning intention of the Site. Though the Site is zoned "R(D)", it falls within Category 2 areas under the Town Planning Board Guidelines No. 13E and is considered tolerable for open storage and port back-up uses. The owner of the Site has no plan for any residential development on-site.
- (b) The applied use is highly compatible with surrounding areas which have predominantly been used for open storage yards, cargo handling and forwarding facilities and logistics centre, and planning permissions for most of these uses have been obtained from the Board in recent years.
- (c) The Board had previously approved 4 applications for the same applied use on the Site between 2004 and 2015. Compared with the last Application No. A/YL-ST/454, the site area and floor area of the current application have been reduced but the planning circumstances remain unchanged. All approval conditions of these previous planning permissions had been complied with. Favourable consideration may be given by the Board to this application.
- (d) The recyclable metal refers to metal scrap including metal sheet, steel wire mesh and metal reinforcement etc. The applied use will not cause any adverse environmental and traffic impacts to the surrounding areas.

# 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 site notice and sending notice to San Tin Rural Committee by registered post. Detailed information would be deposited at the meeting for Members' inspection. For the GL, the "owner's consent/notification" requirements are not applicable.

#### 4. Town Planning Board Guidelines

The Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No.13E) provides guidelines for open storage and port back-up uses. The Site falls within Category 2 areas under the guidelines. The following criteria are relevant:

Technical assessments, where appropriate, should be submitted to demonstrate that the proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. 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 on a temporary basis up to a maximum period of 3 years.

## 5. Background

The applied use on the Site would be subject to planning enforcement action on collection of sufficient evidences.

## 6. Previous Applications

- 6.1 The Site is the subject of 8 previous applications (No. A/YL-ST/84, 96, 165, 228, 260, 335, 389 and 454) for container vehicle park/open storage for recyclable metal uses (**Plan A-1b**). All except application No. A/YL-ST/165 were approved by the Committee.
- 6.2 Applications Nos. A/YL-ST/84 and A/YL-ST/96 covering much larger sites and No. A/YL-ST/228 covering similar site area mainly for temporary container tractor/trailer park and sales office for container tractors uses were approved by the Committee between 1999 and 2003 for periods of 12 months and 3 years respectively mainly on the grounds that the proposed developments were considered not incompatible with the surrounding areas and concerns from Government departments could be addressed by incorporation of approval conditions. Application No. A/YL-ST/228 was subsequently revoked on 7.9.2003 due to non-compliance with approval condition on submission of drainage proposals and provision of drainage facilities.
- 6.3 Application No. A/YL-ST/165 on much larger site for temporary container tractor/trailer park with ancillary repair area was rejected by the Committee in 2001 mainly for the reasons that there was insufficient information to demonstrate that the development would not have adverse environmental, drainage and sewage impacts on the surrounding areas, and approval of the application would set an undesirable precedent for similar applications and would result in a general degradation of the ecology and environment in the area.
- 6.4 Applications Nos. A/YL-ST/260, 335 and 389 for the same open storage of recyclable metal with ancillary office uses but on slightly larger sites were approved by the Committee between 2004 and 2010 for periods of 3 years on the consideration that the proposed developments were considered not incompatible with the surrounding land uses and the concerns of Government departments could be addressed by imposing approval conditions. The last Application No. A/YL-ST/454 submitted by different applicant for the same applied use on slightly larger site was approved by the Committee on 13.3.2015 for a period of 3 years on similar considerations. All

approval conditions including the provision of fire extinguishers, submission of as-built drainage plan and photographic records of the existing drainage facilities, and submission and implementation of fire services installations (FSIs) and tree preservation proposal had been complied with. The planning permission lapsed on 14.3.2018.

6.5 Details of these applications are summarized at **Appendix II.** Their locations are shown on **Plan A-1b**.

# 7. <u>Similar Applications</u>

- 7.1 There are 2 similar applications (Nos. A/YL-ST/277 and 419) for open storage of recyclable metal within the same "R(D)" zone on the OZP. These applications were approved by the Committee on 14.1.2005 and 21.6.2013 respectively mainly on the consideration that the developments were not incompatible with the surrounding land uses and concerns of Government departments could be addressed by imposing approval conditions. Application No. A/YL-ST/277 was revoked subsequently on 14.1.2006 due to non-compliance with condition on the submission of landscape and tree preservation proposals.
- 7.2 Details of these applications are summarized at **Appendix III.** Their locations are shown on **Plan A-1a**.

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

- 8.1 The Site is:
  - (a) accessible at the north of the Site via a local track leading to Castle Peak Road San Tin; and
  - (b) currently used for the applied use without valid planning permission.
- 8.2 The surrounding areas are predominantly logistics facilities, open storage yards, vehicle parks, and warehouse and retail store for vehicles. Some storage, warehouse and parking uses are unauthorized developments (UD) subject to enforcement action by the Planning Authority:
  - (a) to its north and northwest across Castle Peak Road San Tin are retail shop for container tractors, MGV, vehicle parts and building materials under application No. A/YL-ST/538, cargo handling and forwarding facilities with ancillary facilities under application No. A/YL-ST/525, a logistic centre with ancillary facilities and services approved under application No. A/YL-ST/512, a storage yard and residential dwelling;

- (b) to its west are open storage of vehicles and open storage of lorry cranes for sale approved under Application No. A/YL-ST/526 and 535 respectively, and warehouse and parking of container and goods vehicles;
- (c) to its south are San Tin Highway and Shek Wu Wai Road; and
- (d) to its east is cycle track under construction by Civil and Engineering Development Department (CEDD).

## 9. Planning Intention

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.

## 10. Comments from Relevant Government Departments

10.1 The following Government departments have been consulted and their views on the application 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 Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
  - (b) The private land of Lot No. 156 S.B RP in D.D. 105 is covered by Short Term Waiver (STW) No. 4279 to permit structures for the purpose of temporary open storage of recyclable metal with ancillary office.
  - (c) The GL of the Site is covered by Short Term Tenancy (STT) No. 2988 for the purpose of temporary open storage of recyclable metal with ancillary office.
  - (d) The Site is accessible from Castle Peak Road San Tin through GL. His office provides no maintenance works for the GL involved and does not guarantee any right-of-way.
  - (e) The Site does not fall within Shek Kong Airfield Height Restriction Area.

(f) Should planning approval be given, the STT/STW holders will need to apply to his office for modification of STT/STW conditions where appropriate. Besides, given the applied use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications for any of the above will be considered by the LandsD acting in the capacity of landlord or lessor at its sole discretion and there is no guarantee that such applications will be approved. If such applications are 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) The Site is connected to the public road network via a section of a local access which is not managed by Transport Department. The land status of the local access road should be clarified with the 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.
  - (b) Should the application be approved, the following condition should be incorporated:
    - No vehicle is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period.
- 10.1.3 Comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD 2-2, RDO, HyD):

The Site neither falls within any administrative route protection boundary, gazetted railway scheme boundary, nor railway protection boundary of heavy rail systems. As such, he has no comments on the application from railway development viewpoint.

- 10.1.4 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):
  - (a) The access arrangement should be commented by Transport Department.
  - (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to the nearby public roads/drains.

(c) HyD shall not be responsible for the maintenance of any access connecting the Site and Castle Peak Road – San Tin. The relevant departments will provide their comments, if any.

## **Environment**

- 10.1.5 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 there are sensitive uses within 100m of the Site (i.e. the nearest residential dwelling is at about 38m northwest of the Site) and environmental nuisance is expected (**Plan A-2**).
  - (b) There was no environmental complaint related to the Site in the past 3 years.

#### **Nature Conservation**

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

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

### **Landscape**

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

With reference to the aerial photo taken in 2018, he notes that some existing trees are located surrounding the Site and act as landscape buffer to the main road. Therefore, he does not suggest any landscape condition, should the application be approved by the Board.

#### **Fire Safety**

- 10.1.8 Comments of the Director of Fire Services (D of FS):
  - (a) He has no objection in principle to the application subject to FSIs being provided to the satisfaction of 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 his

Department for approval. The applicant should also be advised on the following:

- (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy;
- (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans; and
- (iii) good practice guidelines for open storage should be adhered to (**Appendix IV**).
- (c) Having considered the nature of the open storage, he suggests imposing a condition requiring the applicant to provide 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, the applicant is advised to submit a valid fire certificate (FS251) to his Department for approval.
- (e) 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.

# **Buildings Matters**

- 10.1.9 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):
  - (a) Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are Unauthorized Building Works (UBW) under the BO. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
  - (b) 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.
  - (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**

- 10.1.10 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):
  - (a) He has no in-principle objection to the application from drainage operation and maintenance point of view.
  - He notes that the Site is the subject of 8 previous applications with the last application No. A/YL-ST/454. However, the site area of the last application is larger than that of the current application. In addition the drainage information mentioned in the Planning Statement are considered insufficient. In this respect, 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 the proposed drains (e.g. cover and invert levels of pipes/catchpits/outfalls and ground levels justifying waterflow etc.) with supporting design calculations and charts should be included. (Guideline on preparation of the drainage proposal available DSD homepage is in http://www.dsd.gov.hk/EN/Files/Technical\_Manual/dsd\_guideline/Dra inage Submission.pdf). 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 the 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 lot 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.

#### **Other**

- 10.1.11 Comments of the Commissioner of Police (C of P):
  - (a) He has no comment on the application.
  - (b) The applicant is reminded that obstruction to the road access to the vicinity would not be tolerated.
- 10.1.12 Comments of the Director of Food and Environmental Hygiene (DFEH):

If the proposal involves any commercial/trading activities, its state should not be a nuisance or injurious or dangerous to health and surrounding environment. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses.

## **District Officer's Comments**

10.1.13 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 shall be submitted to the Board direct, if any.

- 10.2 The following Government departments have no objection to/comment on the application:
  - (a) Head of the Geotechnical Engineering Office (H(GEO)), CEDD;
  - (b) Project Manager (West) (PM(W)), CEDD;
  - (c) Director of Electrical and Mechanical Services (DEMS);
  - (d) Director of Leisure and Cultural Services (DLCS); and

(e) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

## 11. Public Comment Received During Statutory Publication Period

On 30.4.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 21.5.2019, no public comment was received.

# 12. Planning Considerations and Assessments

- 12.1 The applicant seeks planning permission to use the application site (the Site) for temporary open storage of recyclable metal with ancillary office for a period of 3 years. The Site falls within "R(D)" zone which 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 applied use is not in line with the planning intention of the "R(D)" zone. However, approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the "R(D)" zone as there is no immediate development proposal for the Site. The applied use is not incompatible with the surrounding land uses, comprising mainly logistics facilities, open storage yards, vehicle parks, and warehouse and retail store for vehicles.
- 12.2 The application is in line with the TPB PG-No. 13E in that the Site falls within the Category 2 areas where 7 previous planning approvals for open storage yards or container vehicle parks had been granted since 1999. The last application No. A/YL-ST/454 for the same use was approved by the Committee on 13.3.2015 for a period of 3 years. All approval conditions have been complied with. The permission lapsed on 14.3.2018.
- 12.3 Concerned Government departments, including C for T, D of FS, CE/MN of DSD and CTP/UD&L of PlanD, have no objection to or no adverse comment on traffic, fire safety, drainage and landscape aspects respectively. Their technical concerns could be addressed by approval conditions as recommended in paragraphs 13.2 (f) to (k) below. DEP does not support the application as there are residential dwellings within 100m from the boundary of the Site (i.e. the nearest residential dwelling is at about 38m northwest of the Site) and environmental nuisance is expected. Nevertheless, there was no environmental complaint related to the Site in the past 3 years and the nearest dwelling located at 38m to its northwest is separated from the Site by Castle Peak Road San Tin. To mitigate any potential environmental impacts, approval conditions restricting the operation hours and types of activities, and requiring the provision of boundary fencing are recommended in paragraphs 13.2 (a) to (e) below. Non-compliance with any of the approval conditions would result in revocation of the planning permission and UD on-site would be subject to

- enforcement action by the Planning Authority. Besides, the applicant should be advised to follow the "Code of Practice on Handling Environmental Aspects of Temporary uses and Open Storage Sites".
- The Site is the subject of 4 approved previous applications (Nos. A/YL-ST/260, 335, 389 and 454) for the same temporary open storage of recyclable materials with ancillary office use at the Site. For the last approved Application No. A/YL-ST/454, all approval conditions had been complied with. The Committee has approved 2 similar applications for the same use within the same "R(D)" zone. Approval of the current application is in line with the previous decisions of the Committee.
- 12.5 There is no public comment on the application received during the statutory publication period.

## 13. Planning Department's Views

- 13.1 Based on the assessment made in paragraph 12, the Planning Department considers that the temporary open storage of recyclable metal with ancillary office <u>could be tolerated</u> 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 21.6.2022. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### **Approval Conditions**

- (a) no operation between 6:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no dismantling, repairing, cleansing or any other workshop activities shall be carried out on the Site at any time during the planning approval period;
- (d) the provision of boundary fencing within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by <u>21.12.2019</u>;
- (e) no vehicle is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period;
- (f) the submission of a drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by <u>21.12.2019</u>;

- (g) in relation to (f) above, the implementation of the drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by <u>21.3.2020</u>;
- (h) in relation to (g) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (i) the provision of fire extinguisher(s) within **6** weeks from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by <u>2.8.2019</u>;
- (j) 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 21.12.2019;
- (k) in relation to (j) above, the implementation of fire service installations proposal 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 <u>21.3.2020</u>;
- (l) if any of the above planning conditions (a), (b), (c), (e) 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; and
- (m) if any of the above planning conditions (d), (f), (g), (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.

#### Advisory clauses

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

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

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

#### 14. <u>Decision Sought</u>

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 received on 23.4.2019

Appendix Ia Planning Statement

**Appendix Ib** Further Information received on 10.5.2019

**Appendix II** Previous applications covering the application site

**Appendix III** Similar applications within the same "R(D)" zone on the approved

San Tin OZP No. S/YL-ST/8

**Appendix IV** Good practice guidelines for open storage issued by the D of FS

**Appendix V** Recommended Advisory Clauses

**Drawing A-1** Layout Plan

**Drawing A-2** Landscape and Tree Preservation Proposal

Plan A-1a Location Plan with Similar Applications

Plan A-1b Previous Application Plan

Plan A-2 Site Plan

Plan A-3 Aerial Photo

Plans A-4a and A-4b Site Photos

PLANNING DEPARTMENT JUNE 2019