

RNTPC Paper No. A/YL-PH/789
For Consideration by
the Rural and New Town
Planning Committee
on 21.9.2018

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/789

- Applicant** : Pollytime Development Limited represented by Waltz. T. Property Agency Company Limited
- Site** : Lots 2902 (Part), 2905 (Part), 2909 (Part), 2910 (Part), 2911 (Part), 2912 S.A (Part), 2912 RP (Part) and 2914 RP (Part) in D.D. 111, Pat Heung, Yuen Long
- Site Area** : 860m²
- 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)”) [subject to maximum plot ratio of 0.2 and building height of 2 storeys (6m)]
- Application** : Proposed Temporary Open Storage of Construction Material and Machinery for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary open storage of construction material and machinery for a period of 3 years. The Site is currently vacant and fenced off (**Plans A-2 to A-4**).
- 1.2 The Site is the subject of three previous applications No. A/YL-PH/206, 304 and 377) covering similar site area for temporary open storage or workshop uses. Except application No. A/YL-PH/206, the other two applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) or the Town Planning Board (the Board) on review in 1999 and 2001. All the approval conditions of the last approved application had been complied with and the planning permission lapsed on 15.12.2004.

- 1.3 According to the applicant, six 1-to 2-storey temporary structures with a building height ranging from 2.62m to 5.24m and a total floor area of 93m² are proposed for storage purpose. Three loading/unloading spaces for light goods vehicle will be provided on site. The operation hours will be from 10:00 a.m. to 5:00 p.m. Monday to Friday, 10:00 a.m. to 1:00 p.m. on Saturdays, and no operation on Sundays and public holidays. The Site is accessible to Kam Tin Road via a local track. The layout and parking, landscape and drainage plans as submitted by the applicant are at **Drawings A-1 to A-3**.
- 1.4 Compared with the previous application No. A/YL-PH/377, the current application is submitted by a different applicant with slightly larger site area for similar open storage use, but different 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**) dated 27.7.2018
 - (b) Supplementary Information (SI) received on 1.8.2018 (**Appendix Ia**) and 6.8.2018.
 - (c) Further Information (FI) received on 7.8.2018 revising (**Appendix Ib**) relevant drawings.
(accepted and exempted from publication and recounting requirement)
 - (d) FI received on 31.8.2018 clarifying traffic (**Appendix Ic**) arrangement in response to departmental comments
(accepted and exempted from publication and recounting requirement)
 - (e) FI received on 7.9.2018 clarifying operation hours, (**Appendix Id**) vehicle type and provided further justification in response to departmental comments
(accepted and exempted from publication and recounting requirement)

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 FI in **Appendices I and Id**. They can be summarized as follows:

- (a) The proposed use is temporary in nature which would not jeopardise future land use. Also, there are similar uses in the vicinity.

- (b) Storage of construction material and machinery requires a large area. Therefore, it is difficult to locate the proposed use in urban area taking into account the high rental price and size of land required. In addition, storing of the materials in an industrial building is infeasible due to the building headroom and traffic restrictions. As such, the Site in rural area is identified for the proposed use.
- (c) The proposed use would not generate adverse environmental, drainage and traffic impact. No dismantling, maintenance, repairing, paint spraying or other workshop related activities would be carried out at the Site. The boundary fencing on site would also be maintained. Flooding is not expected as there are existing drainage facilities on site.
- (d) Should the application be approved, the applicant would make effort in complying with all the approval conditions.

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 Board on 17.10.2008. The relevant extract of the Guidelines is attached at **Appendix II**.

5. **Background**

The Site is the subject of a current planning enforcement action (No. E/YL-PH/794) involving storage use with Enforcement Notice issued to the responsible persons on 7.8.2018. Should the EN requirement is not complied with or planning permission has not yet been sought after the expiry of the EN, further enforcement/prosecution action would be taken against the responsible persons.

6. Previous Applications

- 6.1 The Site is the subject of three previous applications No. A/YL-PH/206, 304 and 377 covering similar site area for temporary open storage or workshop uses and submitted by different applicants as the current application. Except application No. A/YL-PH/206, the other two applications were approved with conditions by the Committee or the Board on review in 1999 and 2001. Details of the applications are at **Appendix III** and their locations are at **Plan A-1b**.

Rejected Application

- 6.2 Application No. A/YL-PH/206 for temporary lorry and private car repairing workshop for a period of 12 months was rejected by the Board on review on 18.12.1998 mainly for the grounds that the development was not in line with the planning intention of “R(D)” zone; the development was incompatible with the surrounding land uses; and approval of the development would set undesirable precedent for other similar applications which would result in a general degradation of the environment.

Approved Applications

- 6.3 Applications No. A/YL-PH/304 and 377 for temporary open storage of construction materials for a period of 3 years were approved by the Committee or the Board on review on 5.11.1999 and 14.12.2001 mainly for the reasons that the development would unlikely induce adverse traffic and environmental impacts on the surrounding areas (for No. A/YL-PH/304); previous approval had been granted for the same use; relevant governments consulted, except DEP, had no adverse comment on the application and DEP’s concern could be addressed by approval conditions; there was no local objection; and the development was not incompatible with surrounding areas. The planning permission for application No. A/YL-PH/304 was revoked on 5.8.2000 due to non-compliance of approval conditions. All the approval conditions of the last application No. A/YL-PH/377 had been complied with and the permission lapsed on 15.12.2004.
- 6.4 Compared with the previous application No. A/YL-PH/377, the current application is submitted by a different applicant with slightly larger site area for similar open storage use, but different layout.

7. Similar Applications

- 7.1 There are twenty similar applications (No. A/YL-PH/585, 589, 597, 610, 613, 627, 636, 641, 655, 656, 660, 677, 685, 699, 710, 716, 729, 741, 765 and 776) for various temporary open storage uses within the same “R(D)” zone or straddles the adjoining “Agriculture” (“AGR”) zone since the promulgation of

TPB PG-No. 13E on 17.10.2008. Except applications No. A/YL-PH/585 and 636, all the similar applications were approved with conditions by the Committee between 2009 and 2018. Details of these applications are at **Appendix IV** and their locations are shown at **Plan A-1a**.

Approved Applications

- 7.2 Eighteen applications (No. A/YL-PH/589, 597, 610, 613, 627, 641, 655, 656, 660, 677, 685, 699, 710, 716, 729, 741, 765 and 776) were approved with conditions by the Committee between 2009 and 2018 mainly for the reasons that the temporary development would not frustrate the planning intention of the “R(D)” zone; the development was not incompatible with the surrounding land uses; and the application generally complied with TPB PG-No. 13E in that previous planning approval was granted. However, Applications No. A/YL-PH/610, 613, 627, 655, 656, 660 and 677 were revoked on 14.9.2011, 24.9.2011, 21.9.2013, 21.6.2013, 21.3.2013, 3.11.2015 and 20.12.2013 respectively due to non-compliance with the approval conditions.

Rejected Applications

- 7.3 The other two applications No. A/YL-PH/585 (for temporary open storage of tires) and 636 (fall mostly within the “AGR” zone for temporary open storage of construction materials) were rejected by the Committee in 2009 and 2012 respectively. Application No. A/YL-PH/585 was rejected mainly on the grounds that the development did not comply with TPB PG-No. 13E in that there were local objections and adverse departmental comments on environmental and agricultural aspects; the development would generate adverse environmental impact and increase fire hazards to the surrounding area; and no technical assessment was submitted to address potential impacts. Application No. A/YL-PH/636 was rejected mainly on the grounds that the development did not comply with TPB PG-No. 13E in that there was no previous approval granted on the site and there were local objections and adverse departmental comments; there was insufficient information to demonstrate that the developments would not have adverse impacts on the surrounding areas; and the development was not in line with the planning intention of the “AGR” zone.

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

- 8.1 The Site is:
- (a) currently vacant and fenced off; and
 - (b) accessible to Kam Tin Road via a local track.

- 8.2 The surrounding areas are rural in character mixed with residential dwellings/structures, open storage, warehouse, workshop, cultivated agricultural land and vacant/unused land. Some of the open storages, warehouses and workshops are suspected unauthorized developments subject to enforcement action by the Planning Authority:
- (a) to its east, south and northeast under the “R(D)” zone are open storages (two sites under approved applications No. A/YL-PH/741 and 776 for open storage use), warehouses, a vehicle repair workshop and vacant/unused land; and
 - (b) to its west and northwest under the “Village Type Development” (“V”) zone are residential dwellings/structures (the nearest 10m on the west), open storages/storage yards, warehouses, parking of vehicles and unused land.

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 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) The Site is accessible from 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 the application be approved, the lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications for any of the above 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, an 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. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.

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

- (a) His office is not and shall not be responsible for the maintenance of the existing vehicular access connecting the Site and Kam Tin Road.

- (b) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and 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.
- (b) According to the “Code of Practice on Handling the Environmental Aspects of Temporary uses and Open Storage Sites”, he does not support the application as there are sensitive receivers, i.e. residential structures located to the west and northwest (the nearest about 20m away) and in the vicinity of the Site, and environmental nuisance is expected.
- (c) Should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary uses and Open Storage Sites” issued by DEP.

Landscape

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

- (a) She has no objection to the application from the landscape planning perspective.
- (b) The Site is connected to Kam Tin Road via a paved driveway to the south. Small Houses are concentrated within “V” zone to the further west of the Site. The Site is the subject of three previous planning applications for open storage and workshop uses. Except application No. A/YL-PH/206, both applications (No. A/YL-PH/304 and 377) were approved by the Committee or the Board for a period of 3 years. She had no objection to the last application (No. A/YL-PH/377) from the landscape planning perspective.
- (c) Referring to the aerial photo dated 3.1.2018, the Site is situated in an area of rural landscape character comprising of scattered tree groups, open storages and Small Houses. Although the

proposed use is not in line with the planning intention of “R(D)” zone, it is not incompatible to the surrounding environment.

- (d) With reference to the site visit dated 24.8.2018, the Site is in operation as open storage for construction materials and machineries. Thirty-four existing trees of mature *Ficus microcarpa* (細葉榕) are recorded along the site boundary. Adverse impact to landscape resources within the Site arising from the proposed use is not anticipated.
- (e) Should the application be approved, approval condition requiring the maintenance of the existing trees and vegetation within the Site in satisfactorily condition at all times during the approval period should be included.
- (f) Noting a number of existing trees are heavily pruned, the applicant is reminded that extensive tree pruning is a malpractice for tree maintenance which could weaken tree health and increase the risk of fungal infection at the cuts. The applicant should closely monitor the conditions of the trees, especially the two heavily pruned trees at the northeastern part of the Site and conduct proper tree maintenance works as necessary during the approval period. No object/garbage should be stacked within the root zone of the trees, i.e. min. 1m away from the tree trunk, to facilitate healthy growth of trees.

Nature Conservation

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

He has no comment on the application from nature conservation point of view as the Site is a disturbed area within “R(D)” zone and similar uses have been approved by the Board in the past.

Drainage

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

- (a) He has no objection in principle to the development from the public drainage point of view.

- (b) Should the application be approved, approval conditions requiring the submission of a revised drainage proposal for the development and implementation and maintenance of the drainage proposal to the satisfaction of the Director of Drainage Services or of the Board should be included.
- (c) His detailed comments on the submitted drainage proposal are at **Appendix V**.

Fire Safety

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

- (a) He has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. The applicant should also be advised to adhere to the “Good Practice Guidelines for Open Storage” in **Appendix VI**.
- (c) Having considered the nature of the open storage, approval condition on the provision of fire extinguisher(s) within 6 weeks from the date of planning approval should be included in the planning permission. To address this condition, the applicant should submit a valid fire certificate (FS 251) to his department for approval.
- (d) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Building Matters

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

- (a) Before any new building works (including containers/open sheds

as temporary buildings) are to be carried out on the Site, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.

- (b) If the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of his department, they are unauthorized under the BO and should not be designated for any approved use under the application.
- (c) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.
- (d) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively.
- (e) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

District Officer's Comments

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

He has no particular comments on the application.

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

- (a) Director of Electrical and Mechanical Services (DEMS);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Project Manager(West), Civil Engineering and Development Department (PM/W, CEDD); and
- (d) Commissioner of Police (C of P).

11. Public Comment Received During Statutory Publication Period

On 7.8.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 28.8.2018, one public comment was from an individual was received (**Appendix VII**). The commenter objects to the application mainly on the grounds that rejection of the application could regularise unapproved brownfield use and encourage low-rise residential development on the Site.

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 proposed use is not in line with the planning intention of the “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. Nevertheless, as there is no known development programme for permanent development in this part of the “R(D)” zone, it is considered that approval of the application on a temporary basis would not frustrate the long-term planning intention of the “R(D)” zone.

12.3 The proposed development is considered not incompatible with the surrounding areas which are rural in character mixed with residential dwellings/structures, open storages/storage yards, workshop and vacant/unused land (**Plan A-2**). The Site is the subject of three previous applications No. A/YL-PH/206, 304 and 377 for open storage or workshop uses (**Plan A-1b**). The last two applications No. A/YL-PH/304 and 377 for similar open storage use were approved by the Committee or the Board on review in 1999 and 2001 mainly for the reasons as

mentioned in paragraph 6 above. There are also eighteen similar applications for temporary open storage-related uses approved in the vicinity of the Site as mentioned in paragraph 7 above (**Plan A-1a**). Approval of the current application is in line with the Committee's previous decisions.

- 12.4 The proposed use is considered generally in line with TPB PG-No. 13E in that the Site falls within Category 3 areas and previous approval (Application No. A/YL-PH/377) for similar open storage use was granted and all the approval conditions under the last application have been complied with. There is generally no adverse comment from the concerned government departments, except DEP. Under the current application, the applicant has submitted landscape and drainage proposals. In this regards, sympathetic consideration could be given to the current application.
- 12.5 While DEP does not support the application as there are sensitive receiver, i.e. residential structures located to the west and northwest (the nearest about 10m away) and in vicinity of the Site and environmental nuisance is expected, there has been no environmental complaint received in the past three years. Besides, there is a vehicular access to the Site on the south without passing through the residential dwellings/structures on the west of the Site. To mitigate any potential environmental impacts, approval conditions restricting the operation hours, types of vehicles and prohibiting workshop 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 the Site will be subject to enforcement action by the Planning Authority. In addition, the applicant will also be advised to adopt the environmental mitigation measures 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 (g) to (n).
- 12.6 A public comment objecting the application was received as stated in paragraph 11 above. In this regards, temporary approval would not frustrate the long-term planning intention. The planning assessments and considerations above are also relevant.

13. Planning Department's Views

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comment in paragraph 11, the Planning Department considers that the temporary open storage of construction material and machinery 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 three years until 21.9.2021. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation between 5:00 p.m. and 10:00 a.m., as proposed by the applicant, is allowed at the Site during the planning approval period;
- (b) no operation between 1:00 p.m. and 5:00 p.m., on Saturdays, as proposed by the applicant, is allowed at 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, as proposed by the applicant, shall be carried out on the Site at any time during the planning approval period;
- (e) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (f) the existing boundary fencing on the Site shall be maintained at all times during the planning approval period;
- (g) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (h) the existing trees and vegetation on the Site shall be maintained at all times during the planning approval period;
- (i) the submission of 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 21.3.2019;
- (j) in relation to (i) above, the implementation of 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 21.6.2019;
- (k) in relation to (j) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;

- (l) the provision of fire extinguisher(s) with a valid fire certificate (FS251) within **6** weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 2.11.2018;
- (m) 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 21.3.2019;
- (n) in relation to (m) 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 21.6.2019;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (k) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (p) if any of the above planning conditions (i), (j), (l), (m) or (n) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (q) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

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

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' consideration:
- (a) the development is not in line with the planning intention of the "R(D)" zone which is intended 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 Town Planning Board. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis; and
 - (b) the applicant fails to demonstrate that the development would not generate environmental nuisance 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.
- 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 dated 27.7.2018
Appendix Ia	SI received on 1.8.2018 and 6.8.2018
Appendix Ib	FI received on 7.8.2018
Appendix Ic	FI received on 31.8.2018
Appendix Id	FI received on 7.9.2018
Appendix II	Relevant extract of Town Planning Board Guideline for “Application for Open Storage and Port Back-up uses” No. 13E
Appendix III	Previous applications covering the Site
Appendix IV	Similar applications within the same “R(D)” zone on the Pat Heung OZP
Appendix V	Detailed Comments from CE/MN of DSD
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 and Parking Plan
Drawing A-2	Landscape Proposal

Drawing A-3	Drainage 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
Plan A-4	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2018**