

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/805

- Applicant** : Chief Force Limited
- Site** : Lot 1845 (Part) in D.D.111 and Lots 9 RP (Part), 10 RP (Part), 12 RP, 13 RP (Part), 14 (Part), 32 (Part), 33 RP, 34 (Part), 35 S.A (Part), 35 S.B, 36 (Part), 37 (Part), 38, 39 (Part) and 40 (Part) in D.D. 114 and Adjoining Government Land, Pat Heung, Yuen Long
- Site Area** : About 10,800m² (including Government Land of about 280m² (2.6%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
- Zoning** : “Agriculture” (“AGR”) (about 97%); and
“Open Storage” (“OS”) (about 3%)
- Application** : Renewal of Planning Approval for Temporary "Open Storage of Second-Hand Vehicles for Export, Vehicle Parts and 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 second-hand vehicles for export, vehicle parts and construction materials for a period of 3 years (**Plan A-1a**). The Site is currently fenced off and paved, divided into two parts by the Dongjiang Water Main, and used for the applied use with valid planning permission under Application No. A/YL-PH/733 (**Plans A-2 to A-4b**).
- 1.2 The Site is the subject of five previous applications (No. A/YL-PH/235, 409, 608, 666 and 733) for various temporary open storage uses. The last application No. A/YL-PH/733 for the same applied use and submitted by the same applicant of the current application was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 10.6.2016 for a period of 3 years. All approval conditions of the last application have been complied with and the planning permission is valid until 10.6.2019.

- 1.3 According to the applicant, 4 structures with total floor area of about 322m² and building height of 2.5 - 5m (1 - 2 storeys) are provided on the Site for staff resting room and office uses. The open area is used for open storage of vehicles, vehicle parts and construction materials (including iron frames/metalware and H-shaped irons). **While 24 tonnes vehicles will be used to transport materials to the entrance of the Site, no vehicle exceeding 5.5 tonnes will enter/exit the Site.** The development does not involve ~~the use of vehicles exceeding 5.5 tonnes, and~~ dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities. The operation hours are between 9:00a.m. to 6:00p.m. from Mondays to Saturdays. There is no operation on Sundays and public holidays. The Site is accessible via a local track branching off Kam Tin Road. The site layout plan, landscape proposal, drainage and fire service installations proposals as submitted by the applicant are at **Drawings A-1 to A-4.**
- 1.4 The current application is same as the last approved application (No. A/YL-PH/733) in terms of site area/boundary and applied use with same site layout.
- 1.5 In support of the application, the applicant has submitted the following:
- (a) Application form with supplementary statement and plans received on 6.3.2019 **(Appendix I)**
 - (b) Further information (FI) received on 27.3.2019 and 28.3.2019 in response to departmental comments **(Appendix Ia)**
 - (c) FI received on 18.4.2019 clarifying operation details **(Appendix Ib)**

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the supplementary statement attached to the Application Form and FI in **Appendices I to Ib.** They can be summarized as follows:

- (a) The application is submitted to continue the use approved under the previous approval (No. A/YL-PH/733). There was no adverse comment from the Government departments and no complaint from the nearby residents in the last application and the Site has been kept in good condition. It is hoped that the Committee would give favourable consideration to the application.
- (b) The applicant will comply with all the approval conditions and other statutory requirements should the application be approved. The existing landscape plantings, drainage facilities and fire service installations on-site will be properly maintained.

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 publishing notice in newspapers. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Town Planning Board Guidelines**

- 4.1 The Town Planning Board Guidelines for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34C) are relevant to this application. The relevant assessment criteria are attached at **Appendix II**.
- 4.2 The Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’(TPB PG-No.13E) are relevant to the application. The Site is largely within Category 3 areas (about 97% of the Site in the “AGR” zone) with a minor portion within Category 1 areas (about 3% of the Site in “OS” zone) under TPB PG-No. 13E promulgated by the Town Planning Board (the Board) on 17.10.2008. The relevant extract of the Guidelines is attached at **Appendix III**.

5. **Background**

The Site is currently not a subject to any outstanding enforcement case. Follow-up investigation will be taken upon expiry of the planning permission if the current application is not approved by the Board.

6. **Previous Applications**

- 6.1 The Site is the subject of five previous applications (No. A/YL-PH/235, 409, 608, 688 and 733) for various temporary open storage uses. Details of the previous applications are summarized in **Appendix IV** and the locations of the sites are shown on **Plan A-1b**.

Rejected Applications

- 6.2 Application No. A/YL-PH/235 for proposed nine temporary open storage yards of construction materials for a period of 12 months covering a much larger site of about 70,000m² was rejected by the Committee on 30.10.1998 on the grounds that the proposed development was not in line with the planning intentions of the “AGR” and “Village Type Development” (“V”) zones; did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that it was incompatible with the village settlements of Leung Uk Tsuen and the nearby domestic structures; the frequent transportation of construction materials to and from the site would generate adverse noise and traffic impacts on the nearby village settlement; insufficient information to demonstrate the development would not have adverse drainage impact on the surrounding areas; and approval of application would set an undesirable precedent.

- 6.3 Application No. A/YL-PH/409 for proposed temporary storage of building materials for a period of three years was rejected by the Board on review on 20.12.2002 on the grounds that part of the proposed development was not in line with the planning intention of the “AGR” zone; not compatible with the surrounding areas to its south which were predominantly rural in character with fallow agricultural land and plant nurseries; and the approval of the application would set an undesirable precedent.

Approved Applications

- 6.4 Application No. A/YL-PH/608 for temporary open storage of second-hand vehicles for display and export for a period of two years was approved by the Committee on 28.1.2011 mainly for the reasons that the original site of the applied use had been affected by the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (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 site near “OS” zone where there were various existing open storage uses and the application site was close to the Shek Kong Stabling Sidings of the XRL; and relevant government departments generally had no adverse comment and the environmental concern could be addressed by approval conditions. Taking the consideration that impacts on the landscape were insignificant due to the XRL project, and other potential impacts could be addressed by imposition of conditions, consideration in favour of the application was given in view of the special background of the case, despite the site being located within Category 3 areas without previous planning approval. However, planning permission was revoked on 28.9.2012 due to non-compliance with approval conditions in relation to fencing, drainage and fire safety aspects.
- 6.5 Application No. A/YL-PH/666 and the last application No. A/YL-PH/733 (submitted by the same applicant of the current application) for temporary open storage of second-hand vehicles for export, vehicle parts and construction materials for a period of three years were approved with conditions by the Committee on 7.6.2013 and 10.6.2016 respectively mainly for the reasons that approval on temporary basis would not frustrate the long-term planning intention; the nearby area was zoned “OS”; in line with TPB PG-No. 13E as previous approval had been grant and no objection from relevant departments in general and their concerns could be addressed by approval conditions. All conditions including those in relation to landscape, drainage and fire safety aspects have been complied with for both applications. The planning permission for the last application No. A/YL-PH/733 is valid until 10.6.2019.

7. Similar Applications

- 7.1 There were a total of 22 similar applications (No. A/YL-PH/603, 616, 635, 645, 658, 659, 667, 678, 680, 683, 686, 687, 698, 701, 719, 724, 740, 752, 756, 770, 782 and 803) for various temporary open storage uses within the same “AGR” zone since the promulgation of the TPB PG-No. 13E on 17.10.2008. Details of the applications are summarized in **Appendix V** and the locations of the sites are shown on **Plan A-1a**.

Approved Applications (16)

- 7.2 Applications No. A/YL-PH/659, 719 and 782, and Applications No. 635, 667, 683 and 740 on two sites to the north of the Site for various temporary open storage uses were approved with conditions by the Committee between 2012 and 2017 mainly for the reasons 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 particularly 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, planning permissions for Applications No. A/YL-PH/635, 659 and 667 were revoked on 20.4.2013, 8.11.2013 and 5.10.2013 respectively due to non-compliance with approval conditions.
- 7.3 Applications No. A/YL-PH/616, 686, 701, 756 and 803 for a site located on the northwest of the Site for temporary open storage of backdrop screens, advertising aluminium frames and construction materials for a period of 3 years were approved with conditions by the Committee between 2011 and 2019. Application No. A/YL-PH/616 was approved for the reasons that the original site for the applied use had been affected by the XRL project and the applicant had made effort but no suitable site (except the site under application) was identified; the nearby areas were zoned “OS” where there were various existing open storage uses and the application site was close to the Shek Kong Stabling Sidings of the XRL; and relevant departments generally had no objection to the application or the concern could be addressed by approval conditions. Taking the consideration that impacts on the landscape were insignificant due to the XRL project, and other potential impacts could be addressed by imposition of conditions, consideration in favour of the application was given in view of the special background of the case, despite the site being located within Category 3 areas without previous planning approval. Applications No. A/YL-PH/686, 701, 756 and 803 were approved for similar reasons and the applications generally complied with TPB PG-No. 13E in that previous approval was given. However, planning permission for Application No. A/YL-PH/686 was revoked on 4.10.2014 due to non-compliance with approval conditions.
- 7.4 Applications No. A/YL-PH/603, 658, 680 and 724 on the same site located to the further northwest 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 between 2010 and 2016 for the reasons that the use was not incompatible with the surrounding area; the applications were in line with the TPB PG-No. 13E 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, planning permissions for Applications No. A/YL-PH/658, 680 and 724 were revoked on 29.7.2013, 13.11.2015 and 22.12.2017 due to non-compliance with approval conditions.

Rejected Applications (6)

7.5 Applications No. A/YL-PH/645, 678 and 687 about the same site located to further northwest, A/YL-PH/698 (partly on “V” zone) to the north of the Site and Application No. A/YL-PH/752 at the northeast of the Site 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 located to the north of the Site abutting Kam Tin Road 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-4b)

8.1 The Site is:

- (a) currently fenced off and paved, divided into two parts by the Dongjiang Water Main, and used for the applied use with valid planning permission; and
- (b) accessible via a local track leading to Kam Tin Road to the north.

8.2 The surrounding areas are rural in character mixed with open storage yards/warehouses, workshops, residential dwellings/structures, plant nurseries, vacant/unused land and Shek Kong Stabling Sidings of the XRL. Some of the open storage yards within the “AGR” zone are suspected unauthorised developments subject to enforcement action by the Planning Authority:

- (a) to its north are open storage/storage yards for vehicles, vehicle parts or construction materials, warehouses, a workshop and vacant/unused land. Two of the open storage yards are covered by valid planning permissions under Applications No. A/YL-PH/740 and 803, or falling within the “OS” zone which are permitted use;
- (b) to its northeast and northwest are residential dwellings/structures (the nearest less than 10m);
- (c) to its immediate and further east are a open storage/storage yard, plant nurseries and vacant/unused land; and
- (d) to its west and southwest is the Shek Kong Stabling Sidings of the XRL.

9. Planning Intentions

- 9.1 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.
- 9.2 The planning intention of the “OS” zone is primarily for the provision of land for appropriate open storage uses and to regularize the already haphazard proliferation of open storage uses. It provides for the orderly development of land for open storage uses that cannot be accommodated in conventional godown premises.

10. Comments from Relevant Government Departments

- 10.1 The following Government departments have been consulted and their views are summarized as follows:

Land Administration

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

- (a) The Site comprises Government Land (GL) and 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) Within the Site, Lot 12 RP in D.D. 114 is currently covered by Short Term Waiver (STW) whereas the GL therein is covered by a Short Term Tenancy (STT):

STW/STT No.	Lot No./GL in D.D. 114	Permitted Use
STW 4173	Lot No. 12RP	Temporary Open Storage of Second-Hand Vehicles for Export, Vehicle Parts and Construction Materials
STT 2854	GL	

- (c) The Site is accessible from Kam Tin Road via 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.
- (d) 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.
- (e) Should the application be approved, the STW/STT holder(s) will need to apply to his office for modification of the STW/STT conditions where appropriate. The owner(s) of the lot(s) without STW 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(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by the LandsD.

Traffic

10.1.2 Comments of the Commissioner for Transport (C for T):

- (a) He has no 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. 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/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) His department does not and will not maintain the accesses 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 for the Site 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/structures located to the northeast and northwest (the nearest less than 10m) of the Site (**Plan A-2**), and environmental nuisances are 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, including the following:
 - (i) Drainage channels and an oil interceptor should be installed to reduce pollutants from the site run-off.
 - (ii) Materials stored in the open area which may leak out oil or chemical waste should be placed on the non-slip heavy duty membrane and properly covered with water proofing sheet to avoid any soil contaminations.

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 the subject of five previous applications for similar open storage uses and she had no objection to the last application (No. A/YL-PH/733) from the landscape planning perspective.
- (c) Base on the aerial photo taken on 12.3.2018, the Site is situated in an area of rural landscape character comprising of scattered tree group, temporary structures and storage yards. The applied use is considered not incompatible to the surrounding environment.
- (d) Referring to the site inspection dated 22.3.2019, the Site is hard-paved and in operation as open storage. Existing trees within Site have been maintained in satisfactory condition. There is no significant change to the surrounding landscape setting since the application was last approved. Further adverse landscape impact due to the applied use is not anticipated.
- (e) Should the application be approved, condition on maintenance of the existing trees within the Site satisfactorily at all times during the planning approval period should be included.

Drainage

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

- (a) He has no objection in principle to the development.
- (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/733.
- (c) Should the application be approved, approval conditions on the maintenance of the existing drainage facilities implemented under Application No. A/YL-PH/733 and submission of records of the existing drainage facilities on site should be included.

Agriculture

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

He has no adverse comment on the application from agricultural point of view, provided that an approval condition requiring the applicant to properly reinstate the Site to a condition which is suitable for agricultural uses after the planning approval has expired will be imposed.

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 fire service installations (FSIs) being provided to his satisfaction.
- (b) The submitted FSIs proposal is considered acceptable to his department. The applicant should be advised that the installation/ maintenance/ modification/ repair work of FSIs shall be undertaken by a 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 him. In addition, the good practice guidelines for open storage in **Appendix VI** should be adhered to.
- (c) Having considered the nature of the open storage use, the condition on provision of fire extinguisher(s) within 6 weeks from the date of the planning approval should be included in the planning permission. To address this condition, the applicant should submit a valid fire certificate (FS251) 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) There is no record of approval by the Building Authority for the structures existing at the Site and BD is not in a position to offer comments on their suitability for the use related to the application.
- (b) The applicant's attention is drawn to the following points:
 - (i) Before any new buildings works (including containers/ open sheds as temporary buildings) are to be carried out on the Site, the prior approval and consent of 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.
 - (ii) If the existing structures are erected on leased land without approval of BD (not being a New Territories Exempted House), they are unauthorized under the BO and should not be designated for any approved use under the application.
 - (iii) For UBW erected on leased land, enforcement action may be taken by 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.
 - (iv) 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.
 - (v) If the Site does not abut on a specified street of 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.
 - (vi) Noting the Site is located at two different lots separated by a track, it is defined as two sites under the BO. In this case, each site should be self-sustainable and there should not be any transferal of plot ratio and site coverage among the sites.

Water Supply

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

- (a) He has no objection to the application.
- (b) The Site encroaches upon the existing 10m wide Waterworks Reserve (WWR) for the WSD's water mains (**Plan A-2**). No structure shall be erected over this WWR and such area shall not be used for storage purposes.
- (c) The Water Authority (WA) and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plants and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the WA 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.

District Officer's Comments

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

He has not received any comment from the locals upon close of consultation and he has no particular comment 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); and
- (c) Commissioner of Police (C of P).

11. Public Comment Received During the Statutory Publication Period

On 15.3.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 6.4.2019, no public comment has been received.

12. Planning Considerations and Assessments

12.1 The application is for renewal of planning permission for temporary open storage of second-hand vehicles for export, vehicle parts and construction materials for a period of three years mainly within the "AGR" zone with a minor portion (only

about 3%) of the area within “OS” zone. The planning intention of the “AGR” zone is 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. The applied use is not in line with the planning intention of the “AGR” zone. Nevertheless, DAFC has no adverse comment on the application from agriculture point of view. It is considered that the approval of the application on a temporary basis would not frustrate the long-term planning intention of the “AGR” zone.

- 12.2 The development is considered not incompatible with the surrounding areas which are rural in character mixed with open storage yards/warehouses, workshops, residential dwellings/structures, plant nurseries and vacant/unused land. The areas to the immediate north of the Site are zoned “OS” and are Category 1 areas under TPG PG-No. 13E (**Plan A-1a**) where there are various existing open storage uses. Besides, the area to the west and southwest of the Site is the Shek Kong Stabling Sidings of the XRL (**Plan A-2**). Hence, significant impact on the existing landscape is not anticipated and CTP/UD&L of PlanD has no objection to the application.
- 12.3 The Site falls within Category 1 (about 3%) and Category 3 (about 97%) areas under the TPB PG-No. 13E. The following consideration in the Guidelines are relevant:

Category 1 areas: they are considered suitable for open storage and port back-up uses. Favourable consideration will normally be given to applications within these areas, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessment should be submitted if the proposed uses may cause significant environmental and traffic concerns.

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 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. Planning permission could be granted on a temporary basis up to a maximum period of 3 years, 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.

- 12.4 The current application is considered generally in line with the TPB PG-No. 34C and 13E in that previous planning approvals (Applications No. A/YL-PH/608, 666 and 733) for same/similar open storage uses were granted since 2011 and all the approval conditions under the last approved Application No. A/YL-PH/733 had been complied with. There is also no adverse comment from the relevant departments except DEP. The applicant also submitted drainage, landscape and FSIs proposals in the current application, and the FSIs proposal is considered acceptable by D of FS. Compared to the last application, the current application submitted by the same applicant is the same in terms of site area/boundary and

applied use with same site layout. As previous approvals have been granted and there is no major change in planning circumstances since the last approval, sympathetic consideration could be given to the current application.

12.5 While DEP does not support the application as there are sensitive receivers, i.e. residential dwellings/structures to the northeast and northwest of the Site (the nearest less than 10m)(**Plan A-2**) and environmental nuisance is expected, no environmental complaint at the Site has been received in the past three years and no local objection was received during the statutory publication period. To address any possible environmental nuisance, relevant approval conditions restricting the operation hours, types of vehicles and prohibiting workshop-related activities are recommended in paragraph 13.2 (a) to (d) below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorized development on site will be subject to enforcement action by the Planning Authority. In addition, the applicant will be advised to adopt the latest COP. 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 (k) below.

12.6 No public comment was received during the statutory publication period.

13. Planning Department's Views

13.1 Based on the assessments made in paragraph 12, the Planning Department considers that the temporary open storage of second-hand vehicles for export, vehicle parts and 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 11.6.2019 until 10.6.2022. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation between 6:00 p.m. to 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 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;
- (d) 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;

- (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 trees on the Site shall be maintained at all times during the planning approval period;
- (g) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) the submission of records of the existing drainage facilities on the 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 11.9.2019;
- (i) the provision of fire extinguisher(s) with 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 23.7.2019;
- (j) 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 11.12.2019;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (l) if any of the above planning conditions (h), (i) or (j) 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
- (m) upon expiry of the planning permission, the reinstatement of the Site, at the applicant's own cost, to a condition which is suitable for agricultural uses with a view to preserving agricultural land to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the Town Planning Board.

[The above approval conditions are the same as those under the planning permission of previous Application No. A/YL-PH/733, except the condition on submission of FSIs proposal is deleted based on D of FS's comment.]

Advisory Clauses

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

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

- (a) 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. 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.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission for renewal of the planning application.
- 13.2 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.
- 13.3 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.

14. Attachments

- Appendix I** Application form with supplementary statement and plans received on 6.3.2019
- Appendix Ia** FI submitted on 27.3.2019 and 28.3.2019
- Appendix Ib** FI submitted on 18.4.2019
- Appendix II** Relevant extract of Town Planning Board Guidelines for 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development' (TPB PG-No. 34C)
- Appendix III** Relevant extract of Town Planning Board Guidelines for 'Application for Open Storage and Port Back-up Uses' (TPB PG-No. 13E)
- Appendix IV** Previous s.16 applications covering the application site
- Appendix V** Similar applications within the same "AGR" zone on the approved Pat Heung OZP
- Appendix VI** Good practice guidelines for open storage sites

Appendix VII	Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Landscape Plan
Drawing A-3	Drainage Plan
Drawing A-4	FSIs Proposal
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
MAY 2019**