

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/586

- Applicant** : Bonus Investment Limited represented by Derby Engineering Company
- Site** : Lots 49 S.B RP (Part), 379 S.B (Part), 383 (Part), 385 RP (Part), 394 S.A RP (Part), 395, 396 (Part), 397 RP, 398, 399 RP and 401 RP in D.D. 107 and Adjoining Government Land, Kam Tin, Yuen Long
- Site Area** : 3,610m² (about) (including Government land of about 567m²)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/9
- Zoning** : “Other Specified Uses” (“OU”) annotated “Railway Reserve” (“OU(Railway Reserve)”)
- Application** : Temporary Open Storage of Construction Materials for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary open storage of construction materials for a period of 3 years. The Site is subject to a previous planning application (No. A/YL-KTN/425) for the same applied use submitted by the same applicant which was approved by the Rural and New Town Planning Committee (the Committee) on 13.12.2013, and planning permission lapsed on 13.12.2016. The Site is currently used for the applied use without valid planning permission (**Plans A-1 to A-4c**).
- 1.2 According to the applicant, the applied use involved 3 one to two storeys structures with a total floor area of about 204m² and building height ranging from 2.5m to 5m erected within the Site for security booth, worker resting area and storage purpose. The remaining area of the Site is used for open storage of metal scaffold. Fencing (aluminum sheets) of 2.5m to 3m high painted in dark green are erected along the site boundary. No workshop-related activity would be conducted within the Site. Three loading/unloading spaces would be provided within the Site. Lorry with crane of 5.5 tonnes to 38 tonnes are used for transporting construction materials to and from the Site. The operation

hours are from 8:00 a.m. to 6:00 p.m. from Mondays to Saturdays. There is no operation on Sundays and public holidays. The ingress/egress is located at the northwest of the site. The Site is accessible via a local track branching off Sam Tam Road. A site layout plan and drainage plan submitted by the applicant are at **Drawings A-1 and A-2**.

- 1.3 Compared with the previous application No. A/YL-KTN/425, the current application is the same in the applied use, covered area, gross floor area and layout except with a larger site area.
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application form with justification statement received (**Appendix I**) on 3.1.2018
 - (b) Further information (FI) dated 12.2.2018 in response to departmental comments (**Appendix Ia**)
(accepted and exempted from publication and recounting requirements)
 - (c) FI dated 21.2.2018 in response to departmental comments (**Appendix Ib**)
(accepted and exempted from publication and recounting requirements)
 - (d) FI dated 26.2.2018 in response to departmental comments (**Appendix Ic**)
(accepted and exempted from publication and recounting requirements)

2. Justifications from the Applicant

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

- (a) The Site is adjacent to Fung Kat Heung and San Tam Road. The number of vehicle trips to and from the Site is small. Hence it would not cause significant traffic impact on the vicinity.
- (b) Fencing (aluminum sheets) of 2.5m to 3m high painted in dark green are erected along the site boundary to minimize the potential environmental and aesthetic impacts on the surrounding areas. The recommended mitigation measures as stated in the Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites would also be adopted on the Site.
- (c) Drainage system including the periphery channels, catchpits and sump pits would be erected at the Site to dissipate the wastewater and stormwater

accrued from the Site. Regular cleaning of the drainage system and the adjacent nullah would be conducted.

- (d) Existing trees and planting trees on the Site are maintained in good condition all the times to improve the aesthetic impact to the vicinity. Sufficient clearance from the 400kV overhead lines (OHL) will be provided.
- (e) According to the nearby villagers, after the development has been set up, the overall environment such as hygiene condition and cleanliness of the nullah has been improved.

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 publishing a notice on the specified local newspapers and posting notice near the entrance of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

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 within Category 2 areas 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 II.**

5. Background

The Site is related to two of the enforcement cases with details below:

- (a) The southern portion of the Site is related to an enforcement case (No. CEP/E/YL-KTN/451) against an unauthorized development (UD) involving storage use. An Enforcement Notice (EN) was issued to the concerned parties on 3.1.2018 requiring the discontinuance of the UD. If the requirement of the EN is not complied with upon expiry of the compliance period of the notice, the concerned parties will be subject to further enforcement action.
- (b) The northern portion of the Site is related to an enforcement case (No. CEP/E/YL-KTN/452) against an UD involving parking of vehicles. Warning letter was issued to the concerned parties on 8.12.2017 requiring the discontinuation of the UD. The subsequent site inspection revealed that the UD was discontinued. The site will be kept under close monitoring for further enforcement action, if necessary.

6. Previous Application

- 6.1 The Site is subject to a previous planning application (No. A/YL-KTN/425) for proposed temporary open storage of construction materials submitted by the same applicant of the current application for a period of 3 years. Details

of the previous application are summarized in **Appendix III** and the location of the site is shown on **Plan A-1**.

- 6.2 The previous application was approved by the Committee on 13.12.2013 mainly on the considerations that the proposed development was not incompatible with the surrounding land uses; the alignment of the proposed Northern Link (NOL) had yet to be finalised and temporary approvals would not jeopardize the long term planning intention of the “OU(Railway Reserve)” zone; the application was generally in line with TPB PG-No.13E in that relevant departments except the Director of Environmental Protection (DEP) had no adverse comment on the application and similar approvals of various temporary open storage uses within the same zone had been granted; and the environmental concern of DEP could be addressed by appropriate approval conditions. All the approval conditions have been complied with and the planning permission lapsed on 13.12.2016.
- 6.3 Compared with this previous application, the current application is the same in the applied use, covered area, gross floor area and layout except with a larger site area.

7. **Similar Applications**

- 7.1 There were a total of 12 similar applications (No. A/YL-KTN/ 313, 327, 342, 353, 362, 414, 419, 440, 476, 480, 515 and 534) for various temporary open storage uses within the same “OU(Railway Reserve)” zone since the promulgation of TPB PG-No. 13E on 17.10.2008. Details of these applications are summarized in **Appendix IV** and their locations are shown on **Plan A-1**.
- 7.2 All applications (No. A/YL-KTN/313, 327, 342, 353, 362, 414, 419, 440, 476, 480, 515 and 534) for planning application/renewal application of various temporary open storage uses in the same “OU(Railway Reserve)” zone were approved with conditions by the Committee on 7.11.2008, 22.5.2009, 5.3.2010, 4.3.2011, 6.5.2011, 6.9.2013, 13.12.2013, 9.5.2014, 4.9.2015, 8.1.2016, 18.3.2016 and 26.8.2016 respectively on similar considerations that the proposed developments were not incompatible with the surrounding land uses; the alignment of the proposed NOL had yet to be finalised and temporary approvals would not jeopardize the long term planning intention of the “OU(Railway Reserve)” zone; the applications were generally in line with TPB PG-No.13E in that relevant departments except the DEP had no adverse comment on the application and previous approvals had been granted; and the environmental concern of DEP could be addressed by appropriate approval conditions. However, the planning permissions for Applications No. A/YL-KTN/313, 362, 414, 419, 476 and 480 were revoked on 23.1.2009, 22.10.2012, 6.12.2014, 24.1.2014, 4.2.2018 and 8.4.2017 respectively due to non-compliance with approval conditions.

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

- 8.1 The Site is:

- (a) accessible via a local track (about 100m) branching off San Tam Road; and
- (b) hard paved and fenced off; and
- (c) currently used for the applied use without valid planning permission.

8.2 The surrounding areas are mixed with open storage/storage yards, warehouses, residential structures/dwellings, car servicing and vacant/unused land:

- (a) to its immediate east are residential structures/dwellings. Open storage yards/storages, warehouses and vacant land are located to the further east and southeast on land zoned “Industrial (Group D)” (“I(D)”) on the OZP;
- (b) to its immediate south are residential structures/dwellings, storages, open storage yards and vacant land;
- (c) to its immediate west are an open storage yard and unused land. San Tam Road and San Tin Highway are located to its further west; and
- (d) to its north is a store, car servicing and warehouses.

9. **Planning Intention**

The planning intention of the “OU(Railway Reserve)” is primarily for railway development. According to the Explanatory Statement, the area covers the proposed NOL alignment, and the exact alignment of the NOL has yet to be finalised.

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) Lot Nos. 394 S.A RP and 379 S.B all in D.D. 107 are covered by Short Term Waiver (STW) No. 3943 to permit

structures erected thereon for the purpose of “temporary open storage of construction materials”.

- (c) A portion of the Site on the Government land (GL) (about 247m²) is covered by Short Term Tenancy (STT) No. 2787 to permit structures erected thereon for the purpose of “temporary open storage of construction materials”.
- (d) No permission is given for occupation of the GL not covered by STT No. 2787 (“the remaining GL”) (about 320m² subject to verification) included in the Site. Attention is drawn to the fact that any occupation of GL without Government’s prior approval is not allowed.
- (e) The Site is accessible to San Tam Road via GL. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way to the Site.
- (f) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (g) Should the application be approved, the STW and STT holder(s) will need to apply to his office for modification of the STW/STT conditions of there is any irregularities on-site. Furthermore, the applicant has to either exclude the remaining GL portion from the Site or apply for a formal approval prior to the actual occupation of the GL portion. Such application(s) will be considered by LandsD acting in the capacity as the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by the LandsD.

Traffic

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

He has no comment on the application from traffic engineering point of view. The following clauses should be included in the approval condition and advisory clause respectively:

- (i) No vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period.
- (ii) The Site is connected to the public road network via a section of a local access road which is not managed by Transport Department (TD). The land status of the local access road should be checked with 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) He has no comment on the application from highways maintenance point of view.
- (b) His department is not and shall not be responsible for the maintenance of the existing vehicular access connecting the Site and San Tam Road.
- (c) The Site falls within the Administrative Route Protection Boundary of NOL.

10.1.4 Comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD2-2, RDO, HyD):

- (a) He has no in-principle objection to the application for temporary open storage of construction materials for a period of three years from the railway development point of view.
- (b) The Site would fall within the administrative route protection boundary of NOL. Although the programme and the alignment of the proposed NOL are still under review, those areas within the railway protection boundary may be required to be vacated at the time for the construction of the proposed NOL. The applicant shall be reminded of the above when planning its land use application.

Environment

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

- (a) There is no substantiated environmental complaint received in the past three years. He does not support the application as there are residential dwellings immediately next to the Site (**Plan A-2**). Environmental nuisance due to loading and unloading activities, as well as heavy vehicles travel to and from the Site are therefore expected according to 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses'.
- (b) Should the applicant 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

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

Should the application be approved, approval condition on maintaining of existing trees and landscape planting at the Site should be included in the planning permission.

Nature Conservation

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

He has no comment on the application from the nature conservation point of view as the Site is already a paved area used for open storage of construction materials.

Drainage

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

- (a) He has no objection in principle to the proposed development from the drainage point of view.
- (b) Should the application be approved, approval conditions on maintaining the drainage facilities implemented under Application No. A/YL-KTN/425 and to submit records of the existing drainage facilities on-site to his satisfaction should be included in the planning permission.

Fire Safety

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

- (a) He has no in-principle objection to the application subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. Besides, the good practice guidelines for open storage sites in **Appendix V** 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.

Water Supply

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

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

Building Matters

10.1.11 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). An Authorized Person 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 BD, they are UBW under the BO and should not be designated for use under the application.
- (c) 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.

- (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.

Electricity

10.1.12 Comments of the Director of Electrical and Mechanical Services (DEMS):

Based on the information provided, there are 400kV extra high voltage overhead lines running across the Site, which is within the preferred working corridor of the concerned overhead lines as stipulated in the Hong Kong Planning Standards and Guidelines (HKPSG). He has no objection in principle to the application subject to the following conditions pertaining to electricity supply safety and reliability, being strictly complied with by the applicant and his contractors:

- (a) The applicant should refer to the requirements of minimum safety clearance, minimum vertical clearance and preferred working corridor of the concerned overhead lines as stipulated in Clause 2.3.5, 2.3.6 and 2.3.14 under Chapter 7 – Utility Services of the HKPSG and ensure they shall be maintained at any time during and after construction.
- (b) No scaffolding, crane and hoist shall be built or operated within 6m from the conductors of the 400kV at all times. Warning notices should be posted at conspicuous locations to remind operators and workers of the site boundary. CLP Power should be consulted on the safety precautions required for carrying out any works near the concerned overhead lines.
- (c) In any time during and after construction, CLP Power shall be allowed to get access to the working corridor area of the concerned overhead lines for carrying out any operation, maintenance and repair work including tree trimming.
- (d) The Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.
- (e) As regards the electric and magnetic fields arising from the transmission overhead lines, the applicant should be warned

of possible undue interference to some electronic equipment in the vicinity, if any.

District Officer's Comments

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

He has not received any local comment on the application.

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

- (a) Project Manager/New Territories West, Civil Engineering and Development Department (PM/NTW, CEDD); and
- (b) Commissioner of Police (C of P).

11. Public Comment Received During Statutory Publication Period

11.1 On 12.1.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 2.2.2018, one objecting comment from a general public was received. (**Appendix VI**).

11.2 The commenter object the application on the reasons that it appears to be legitimizing continuous brownfield use of an unapproved use as last application expired; the application should be rejected to encourage the long delayed redevelopment of Kam Tin; and the Site should be rezoned to achieve more efficient and beneficial land use.

12. Planning Considerations and Assessments

12.1 According to TPB PG-No. 13E, the Site falls within Category 2 areas. The following guidelines are relevant:

Category 2 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. 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.

12.2 The applied use is for temporary open storage of construction materials. It is not in line with the planning intention of the "OU (Railway Reserve)" zone which is primarily for reservation of land for railway development, i.e. the NOL. However, the exact alignment and development programme of the NOL is yet to be finalized and CE/RD(2-2), RDO of HyD has no comment on the application for a period of 3 years from the railway development point of view. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the "OU(Railway Reserve)" zone.

- 12.3 The development is considered not incompatible with the surrounding land uses predominated by open storage yards, warehouses, storages, residential structures/dwellings and vacant/unused land. The Site is also adjoining to the “I(D)” zone to its east which is intended for industrial uses.
- 12.4 The current application is considered generally in line with TPB PG-No. 13E as relevant departments consulted except DEP have no adverse comments on the application. While DEP does not support the application as there are sensitive receivers, i.e. residential structures to the immediate east, and environmental nuisance is expected, there is no substantiated environmental complaint received in the past three years. Besides, the Site is accessible via a local track (about 100m) branching off San Tam Road where direct access is provided and traffic generated from the Site would not pass through any major residential development in the area. The applicant also undertakes to carry out a number of mitigation measures including restricting the operation hours, not to conduct workshop-related activities on-site and the peripheral fencing has been painted in dark green. It is also noted that the access road has been paved (Photo 1 of **Plan A-4a**). To address the concerns of the DEP on the possible nuisance generated by the temporary use, approval conditions on restricting the operation hours, prohibiting dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities and requiring the maintenance of the existing peripheral fencing are recommended in paragraphs 13.2 (a) to (d) below.
- 12.5 The technical concerns and requirements of CTP/UD&L of PlanD, CE/MN of DSD and D of FS could be addressed by approval conditions in paragraphs 13.2 (f) to (l). Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorised development on-site will be subject to enforcement action by the Planning Authority. The applicant will also be advised to adopt the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” in order to alleviate any potential impact.
- 12.6 Previous application for the same applied use submitted by the same applicant as the current application was approved with conditions by the Committee on 13.12.2013. All the approval conditions have been complied with and the planning permission lapsed on 13.10.2016. Also, 12 similar applications for various temporary open storage uses were approved with conditions by the Committee within the same “OU (Railway Reserve)” zone since 2008. The applications were approved mainly on the consideration that the applications were generally in line with TPB PG-No. 13E (paragraph 7.2 and **Plan A-1** refer). In this regard, approval of the application is in line with the Committee’s previous decision.
- 12.7 One public comment was received during the statutory publication period and objecting to the application as stated in paragraph 11 above. In this regard, the planning considerations and assessments are also relevant.

13. Planning Department's Views

- 13.1 Based on the assessment made in paragraph 12 above and having taking into account the public comment in paragraph 11.2, the Planning Department considers that the temporary open storage of construction materials could be tolerated for a period of 3 years.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years until 2.3.2021. The following conditions of approval and advisory clauses are also suggested for Members' reference.

Approval Conditions

- (a) no operation between 6:00p.m. and 8:00a.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) other workshop activities, as proposed by the applicant, shall be carried out on the Site at any time during the planning approval period;
- (d) the maintenance of the existing boundary fencing on the Site at all times during the planning approval period;
- (e) no stacking of materials above the height of peripheral fencing (3m) shall be allowed on the Site at any time during the planning approval period;
- (f) *no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;***
- ~~(g)~~ the existing trees and landscape planting on the Site shall be maintained at all times during the planning approval period;
- ~~(h)~~ the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- ~~(i)~~ the submission of the record of the existing drainage facilities on the Site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 2.6.2018;
- ~~(j)~~ the provision of fire extinguisher(s) with a valid fire certificate (FS 251) 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 13.4.2018;
- ~~(k)~~ 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 2.9.2018;

- (l) ~~(k)~~ in relation to ~~(k)~~ ~~(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 2.12.2018;
- (m) ~~(l)~~ if any of the above planning conditions (a), (b), (c), (d), (e), (f), ~~(g)~~ **or (h)** is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) ~~(m)~~ if any of the above planning conditions ~~(h)~~, (i), (j), ~~(k)~~ **or (l)** 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
- (o) ~~(n)~~ upon expiry of the planning permission, the reinstatement of the 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 VII**.

- 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 "OU(Railway Reserve)" zone which is primarily for railway development. No strong planning justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis; and
 - (b) the applicant fails to demonstrate that the proposed development would not generate adverse environmental impact on the surrounding areas.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

15. Attachments

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| Appendix I | Application form with justification statement received on 3.1.2018 |
| Appendix Ia | FI dated 12.2.2018 |
| Appendix Ib | FI dated 21.2.2018 |
| Appendix Ic | FI dated 26.2.2018 |
| Appendix II | Relevant extract of Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13E) |
| Appendix III | Previous s.16 Application covering part of the Application Site |
| Appendix IV | Similar applications in the same “OU(Railway Reserve)” zone on Kam Tin North OZP |
| Appendix V | Good Practice Guidelines for Open Storage Sites |
| Appendix VI | Public comment received during the statutory publication period |
| Appendix VII | Advisory Clauses |
| Drawing A-1 | Layout Plan |
| Drawing A-2 | Drainage Proposal Plan |
| Plan A-1 | Location Plan with Similar Applications |
| Plan A-2 | Site Plan |
| Plan A-3 | Aerial Photo |
| Plans A-4a to A-4c | Site Photos |

**PLANNING DEPARTMENT
MARCH 2018**