

**APPLICATION FOR PERMISSION  
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-KTN/591**

<b><u>Applicant</u></b>	:	Win Dragon Transportation Limited represented by Goldrich Planners & Surveyors Ltd.
<b><u>Site</u></b>	:	Lots 423 R.P. (Part) and 428 R.P. in D.D. 107 and adjoining Government land (GL), Fung Kat Heung, Kam Tin, Yuen Long
<b><u>Site Area</u></b>	:	About 1,716.1m <sup>2</sup> (including GL of about 17.9m <sup>2</sup> )
<b><u>Lease</u></b>	:	Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	:	Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/9
<b><u>Zoning</u></b>	:	“Other Specified Uses” annotated “Railway Reserve” (“OU(Railway Reserve)”)
<b><u>Application</u></b>	:	Temporary Storage of Fertiliser and Food Processing Material 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 storage of fertilizer for a period of 3 years. The Site is currently used for the applied use without planning permission (**Plans A-2 to A-4b**).
- 1.2 The Site is the subject of five previous applications (No. A/YL-KTN/13, 88, 180, 259 and 476) for proposed food product factory, food production factory with ancillary open storage use, and proposed / renewed temporary storage of household goods and food, and storage of fertilizer respectively. All the applications were approved by the Rural and New Town Planning Committee (the Committee). The last application No. A/YL-KTN/476 submitted by the same applicant for temporary open storage of fertilizer was approved by the Committee on 4.9.2015. However, the application was revoked on 4.2.2018 due to non-compliance of approval conditions on implementation of the landscape, drainage and fire service installations proposals.
- 1.3 According to the applicant, six one-storey structures with a total floor area of about 845.1m<sup>2</sup> and building height of 2.6m, 6.5m or 8m are provided within the Site for storage, shelter and resting area for workers. The remaining open area is for vehicle maneuvering space. No parking space is provided on-site. One

loading/unload space for light good vehicles and one loading/unloading space for medium /heavy goods vehicles and container vehicles will be provided within the Site. The Site is accessible via Fung Kat Heung Road. The operation hours are from 7 a.m. to 11 p.m. on Mondays to Saturdays and no operation on Sundays and public holidays. The layout plan, lot index plan, landscape plan and drainage plan as submitted by the applicant are in **Drawings A-1 and A-4**.

- 1.4 A comparison of the current application and the previous approved Application No. A/YL-KTN/476 is shown in the following table:

<b>Major Development Parameters</b>	<b>Last Approved Application No. A/YL-KTN/476 (a)</b>	<b>Current Application (b)</b>	<b>Differences (b) – (a)</b>
Site Area (m <sup>2</sup> )	1,716 (GL of 17.6)	1,716.1 (GL of 17.9)	+0.1 (+0.005%)
Applied Use	Temporary Open Storage of Fertiliser for a Period of 3 Years	Temporary Storage of Fertiliser and Food Processing Material for a Period of 3 Years	-
No. of Structures	7	6	-1 (-14.3%)
Total Floor Area (m <sup>2</sup> )	835.3	845.1	+9.8 (+1.17%)
Building Height of Structures (m)	2.6m /6.5m	2.6m/6.5m/8m	+1.5 (+23.1%)

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

- (a) Application Form received on 6.2.2018 including supplementary statement, layout plan, landscape plan and drainage plan **(Appendix I)**
- (b) Further information (FI) dated 9.3.2018 in response to departmental comments **(Appendix Ia)**  
*(accepted and exempted from publication and recounting requirements)*
- (c) FI dated 19.3.2018 in response to departmental comments **(Appendix Ib)**  
*(accepted and exempted from publication and recounting requirements)*

## **2. Justifications from the Applicant**

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

- (a) The Site falls within Category 2 areas under the TPB PG-No. 13E for ‘Application for Open Storage and Port Back-up’ uses. The applied use may be permitted subject to planning permission. The applied use is not incompatible with the surrounding area as most of the land uses are open storage yards, workshops and car parks. Previous approvals for similar uses have been granted by the Committee and approval of the application is in line with the Committee’s previous decision.
- (b) The stored fertilisers are non-flammable, non-toxic and non-corrosive. They will be stored in containers or in bags. No adverse odour impact is anticipated.
- (c) The landscape and drainage proposal remain the same as the previous approved application No. A/YL-KTN/476. The applied use can provide employment opportunities to local residents and the temporary use will not hindered the long-term planning intention of the “OU(Railway Reserve)” zone.

### **3. Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is not the “current land owner” but has complied with the requirement as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31) by having obtained consent from the sole current owner for the Site. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Town Planning Board Guidelines**

The Site falls within Category 2 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 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 currently not a subject of any active enforcement case. Notwithstanding, as the previous planning permission (A/YL-KTN/476) was revoked on 8.2.2018, investigation is underway to ascertain whether the current use of the Site constitutes an unauthorized development. If confirmed, enforcement action will be investigated under the Town Planning Ordinance.

### **6. Previous Applications**

- 6.1 The Site is the subject of 5 previous applications. Application Nos. A/YL-KTN/13, 88, 180 and 259 submitted by different applicants for various use and application No. A/YL-KTN/476 submitted by the same applicant as the current application for similar use were all approved by the Committee between 1996 and 2015. Details of these applications and their locations are shown in **Appendix III** and **Plan A-1** respectively.

- 6.2 Application No. A/YL-KTN/13 for proposed food product factory for production of peanut oil and peanut butter was approved by the Committee on 12.4.1996 for a period two and a half years until 12.10.1998 mainly on the considerations that the development was compatible with the surrounding land use including open storage uses; constraint imposed by the 400kV transmission line, the potential adverse environmental impacts and flooding hazard could be overcome by imposing conditions. The applicant had complied with all approval conditions.
- 6.3 Application No. A/YL-KTN/88 for food production factory for oil products with ancillary open storage use was approved by the Committee on 11.6.1999 for a period of two years mainly on the considerations that the development was considered not incompatible with the surrounding land uses which were predominantly vehicle parks and workshops; previous approval had been granted and no local objection had been received. The temporary approval of two years was given so as not to affect the implementation of the West Rail (Phase II) project. There was no submission for compliance with approval conditions.
- 6.4 Applications No. A/YL-KTN/180 and 259 for proposed and renewed temporary storage of household goods and food were approved by the Committee with conditions on 10.10.2003 and 29.9.2006 both for a period of 2 years until 10.10.2005 and 29.9.2008 respectively. The applications were approved on similar considerations that the development was not incompatible with the surrounding land uses which were predominantly open storage yards and workshops; concerned Government departments had no adverse comment and no local objection had been received; previous approval had been given; and it was unlikely that the site would be required for implementation of the Northern Link (the NOL) in the near future. All approval conditions in relation to landscaping, drainage and fire safety aspects had been complied with.
- 6.5 The last application No. A/YL-KTN/476 for proposed temporary open storage of fertilizer submitted by the same applicant as the current application was approved by the Committee with conditions on 4.9.2015 mainly on the similar considerations stated in paragraph 6.4 above. However, the application was revoked on 4.2.2018 due to non-compliance of approval conditions in relation to implementation of landscape, drainage and fire service installations proposals.
- 6.6 Compared with the last application No. A/YL-KTN/476, the current application involves slightly different applied use, reduction of one structure from 7 to 6 (-14.3%) but an increase total floor area from 835.3m<sup>2</sup> to 845.1m<sup>2</sup> (+1.17%) and building height of 2.6m /6.5m to 2.6m/ 6.5m/ 8m (+23.1%) with a different site layout.

## **7. Similar Applications**

- 7.1 There were a total of 13 similar applications (No. A/YL-KTN/ 313, 327, 342, 353, 362, 414, 419, 425, 440, 480, 515, 534 and 586) 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, 425, 440, 480, 515, 534 and 584) 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 (both 419 and 425), 9.5.2014, 4.9.2015, 8.1.2016, 18.3.2016, 26.8.2016 and 3.2.2018 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 Application Nos. A/YL-KTN/313, 362, 414, 419, 425 and 480 were revoked on 23.1.2009, 22.10.2012, 6.12.2014, 24.1.2014, 13.12.2016 and 8.4.2017 respectively due to non-compliance with approval conditions.

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

8.1 The Site is:

- (a) accessible via Fung Kat Heung Road branching off from San Tam Road (about 30m long); and
- (b) currently used for the applied use without planning permission.

8.2 The surrounding area is a mix of open storage / storage yards, warehouses, workshop, scattered residential structures/dwellings, and vacant/unused land:

- (a) to its immediate east is an open storage yard for construction materials. Some warehouses and open storage yards falling within an area zoned “Industrial (Group D)” (“I(D)”) on the OZP are located to the further east;
- (b) to its immediate and further south are a warehouse, a vehicle repair workshop and an open storage yard. A residential structure is found to the further south sandwiched between the workshop and the open storage yard;
- (c) to its immediate west are a residential structure (less than 5m away) and vacant/unused land. An amenity area is found further west along San Tam Road; and
- (d) to its immediate north is Fung Kat Heung Road branching off from San Tam Road to the west. Further north across Fung Kat Heung Road are several open storage/ storage yards, residential dwellings/structures and vacant/unused land.

## 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 finalized.

## 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. 423RP and 428 RP all in D.D. 107 are covered by Short Term Wavier (STW) No. 4669 to permit structures erected thereon for the purpose of “temporary storage of fertilizer”.
- (c) Part of the Government Land (GL) within the Site is covered by Short Term Tenancy (STT) No. 2999 for the purpose of ‘temporary open storage of fertilizer’.
- (d) No permission is given for occupation of the GL not covered by STT No. 2999 (“the remaining GL”) 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 Fung Kat Heung 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 planning approval be given to the planning application, the STW and STT holder(s) will need to apply to his office for modification of the STW/STT conditions if 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):

- (a) He has no comment on the application from the traffic engineering point of view.
- (b) The 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):

He has no comment on the application from highways maintenance point of view. Fung Kat Heung Road is not under HyD's maintenance.

#### 10.1.4 Comments of the Chief Engineer/Railway Development 1-1, Railway Development Office, Highways Department (CE/RD1-1, RDO, HyD):

- (a) He has no in-principle objection to the applied use for three years from development point of view of the Northern Link ("NOL") project.
- (b) The applicant should be reminded that part of the Site falls within the administrative route protection boundary of the proposed 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.

### **Environment**

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

- (a) He does not support the application as the applied use involves heavy vehicles and there are sensitive uses in the vicinity of the Site (the closest residential dwelling being less than 5m to its west) (**Plan A-2**), and environmental nuisance is expected.

- (b) Should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary uses and Open Storage Sites” issued by DEP.
- (c) No substantiated environmental complaint at the Site has been received in the past 3 years.

### **Nature Conservation**

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

- (a) Noting that the Site has been paved and is occupied by temporary structures, he has no comment on the application from nature conservation point of view.
- (b) Nonetheless, there are some trees within or adjacent to the Site. Should the application be approved, the applicant should be advised to adopt appropriate measures to avoid impacts on these existing trees during operation.

### **Landscape**

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

Should the application be approved, approval conditions on the submission and implementation of the landscape proposal should be included.

### **Drainage**

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

- (a) He has no in-principle objection to the proposal from the public drainage point of view..
- (b) Should the application be approved, approval conditions requiring the submission and implementation of the drainage proposal for the development to the satisfaction the Director of Drainage Services or of the Town Planning Board should be included.

### **Fire Safety**

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

- (a) He has no in-principle objection 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.
- (c) 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**

#### 10.1.10 Comments of the Chief Building Surveyor/NT West, Buildings Department (CBS/NTW, BD):

- (a) There is no record of approval by the Building Authority (BA) for the structures existing on-site and Buildings Department (BD) is not in a position to offer comments on their suitability for the applied use.
- (b) The following issues should be observed by the applicant:
  - (i) If the existing structures are erected on leased land without approval of the BD, they are unauthorized under the BO and should not be designated for any use under the application.
  - (ii) Before any new building works (including containers and open storage sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of the BA 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.
  - (iii) For UBW erected on leased land, enforcement action may be taken by the BA 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 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 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**

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

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. He has no objection in principle to the application subject to the following conditions pertaining to electricity supply safety and reliability, being strictly complied by the applicant and its 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 outermost 400kV conductors at all times. Warning notices should be posted at conspicuous locations to remind operators and workers of the site boundary. CLP Power shall 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**

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

He has not received any locals' comment on the application.

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

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

## **11. Public Comment Received During Statutory Publication Period**

On 20.2.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 6.3.2018, one comment was received from a general public (**Appendix V**) objecting to the application on the ground that there is no information on environmental protection and safety suggestions.

## **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 storage of fertilizers at the Site within the "OU (Railway Reserve)" zone, of which the planning intention is primarily for reservation of land for railway development, i.e. the NOL. Although the applied use is not in line with the planning intention of "OU(Railway Reserve)" zone, the exact alignment and development programme of the NOL is yet to be finalized and CE/RD1-1, RDO of HyD also has no objection to the application from the development point of view of the NOL project. It is considered that 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 / storage yards, warehouses, workshop, scattered residential structures/dwellings, and vacant/unused land. Furthermore, an area located to the east of the Site which is zoned "I(D)" on the OZP is intended for rural industrial uses. Previous and similar applications for various temporary

open storage uses were approved with conditions by the Committee within the same “OU (Railway Reserve)” zone. The applications were approved taking into account that they were located in Category 2 areas and the applications were generally in line with TPB PG-No. 13E (paragraph 7.2 and **Plan A-1** refer).

- 12.4 The applied use is generally in line with the TPB PG-No. 13E in that there is generally no adverse comment from the concerned departments including DLO/YL, C for T, CE/RD1-1, RDO of HyD, CE/MN of DSD, D of FS and CBS/NTW of BD, except DEP. The technical requirements of C for T, CTP/UD&L of PlanD, CE/MN of DSD and D of FS can be addressed by imposing the approval conditions recommended in paragraphs 13.2 (e) and (k) below. The applicant has also submitted landscape and drainage proposals in the current submission. As previous approvals have been granted at the Site and there is no major change in the planning circumstances since the previous planning approvals, sympathetic consideration could be given to the current application.
- 12.5 Although DEP does not support the application as the applied use involves heavy vehicles and there are sensitive receivers in the vicinity of the Site (the closest residential dwelling is less than 5m away to the west) (**Plan A-2**), no substantiated environmental complaint on the Site in the past 3 years was received. To address DEP’s concern and mitigate any potential environmental impacts, approval conditions restricting the operation hours and workshop activities as well as maintenance of the existing boundary fencing have been recommended in paragraphs 13.2 (a) to (d) below. Any non-compliance with these approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority. Besides, the applicant will also be advised to adopt the latest “Code of Practice on Handling the Environmental Aspect of Temporary Uses and Open Storage Sites” to minimize the possible environmental impacts on the adjacent areas.
- 12.6 The last application No. A/YL-KTN/476 submitted by the same applicant as the current application for similar temporary storage use which was approved by the Committee for the reasons as stated in paragraph 6.5 above. When compared with the last application No. A/YL-KTN/476, the current application involved slightly different use (with addition of food processing material), and different in floor area and number of structures. However, the last application was revoked on 4.2.2018 due to non-compliance with conditions on implementation of landscape, drainage and fire service installations proposal. Since the last approval was revoked, shorter compliance periods are recommended in the current application to monitor the fulfillment of approval conditions. The applicant would be advised that should he fail to comply with the approval condition(s) again resulting in the revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 12.7 One objecting comment was received during the statutory publication period as mentioned in paragraph 11 above. In this regard, the planning consideration and assessments above are relevant.

**13. Planning Department's View**

- 13.1 Based on the assessments made in paragraph 12 and having taking into account the public comment in paragraph 11, the Planning Department considers that the proposed temporary storage of fertilisers and food processing material 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 6.4.2021. The following conditions of approval with shorter compliance period and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation between 11:00 p.m. and 7:00 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) the maintenance of the existing boundary fencing on the Site at all times 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 submission of landscape proposal within **3** months from the date of the planning approval to the satisfaction of the Director of Planning or the Town Planning Board by 6.7.2018;
- (g) in relation to (f) above, the implementation of the landscape proposal within **6** months from the date of planning approval to the satisfaction of the Director of Planning or the Town Planning Board by 6.10.2018;
- (h) the submission of drainage proposal within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or the Town Planning Board by 6.7.2018;
- (i) in relation to (h) above, the implementation of drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or the Town Planning Board by 6.10.2018;
- (j) the submission of fire service installations proposal within **3** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 6.7.2018;

- (k) in relation to (j) above, the implementation 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 6.10.2018;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

#### Advisory Clauses

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

- 13.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are 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**

<b>Appendix I</b>	Application Form with planning statement, layout plan, landscape and drainage proposal received on 6.2.2018
<b>Appendix Ia</b>	FI dated 9.3.2018
<b>Appendix Ib</b>	FI dated 19.3.2018
<b>Appendix II</b>	Relevant extract of Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13E)
<b>Appendix III</b>	Previous applications at the Site
<b>Appendix IV</b>	Similar applications in the same “OU(Railway Reserve)” zone on Kam Tin North OZP
<b>Appendix V</b>	Public comment received during the statutory publication period
<b>Appendix VI</b>	Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Lot Index Plan
<b>Drawing A-3</b>	Landscape Plan
<b>Drawing A-4</b>	Drainage Plan
<b>Plan A-1</b>	Location Plan with Previous and Similar Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4a to A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
APRIL 2018**