

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE/DEVELOPMENT
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/YL-KTS/787

- Applicant** : Mr. KOK Yun Kuen represented by PlanArch Consultants Limited
- Site** : Lots 391 RP (Part) and 392 RP in D.D.106, Shek Wu Tong, Kam Tin, Yuen Long
- Site Area** : About 3,333 m² (including about 517 m² of Government Land)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/14
- Zoning** : “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) [Maximum plot ratio of 0.4 and maximum building height of 3 storeys (9m)]
- Application** : Renewal of Planning Approval for Temporary Open Storage of Electricity Generators and Compressors with Maintenance Work for a Period of 1 Year

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission to use the application site (the Site) for temporary open storage of electricity generators and compressors with maintenance work for a period of 1 year. The Site is currently used for the applied use under application No. A/YL-KTS/740 with validity up to 3.7.2018 (**Plans A-2 to A-4b**).
- 1.2 The Site is the subject of 14 previous planning applications (No. A/YL-KTS/19, 37, 54, 132, 219, 297, 383, 467, 567, 602, 641, 669, 708 and 740) for the same applied use with or without maintenance work. All applications were approved by the Rural and New Town Planning Committee (the Committee) from 1995 to 2017 on a temporary basis for 1 to 3 years except application No. A/YL-KTS/19 which was rejected on review by the Town Planning Board (the Board) in 1995. The last application (No. A/YL-KTS/740) for the same applied use and submitted by the same applicant

as the current application was approved with conditions by the Committee on 23.6.2017 on a temporary basis for a period of 1 year valid until 3.7.2018. All approval conditions have been complied with.

- 1.3 According to the applicant, the site area and site layout is the same as the last approved application (No. A/YL-KTS/740). The Site is occupied by 6 structures with a total floor area of about 517 m² and building height ranging from 2.1 m to 4.8 m (1 to 2 storeys high) for ancillary offices and shelters for storage and maintenance work uses. Four private car parking spaces and four medium/heavy goods vehicles loading/unloading spaces are provided within the Site. The Site is accessible from Kam Sheung Road to its east (**Plan A-1**). The operation hours of the development are from 7:00 a.m. to 11:00 p.m. on Mondays to Saturdays and no operation on Sundays and statutory holidays. The site layout, landscaping plan and drainage proposal plan submitted by the applicant are at **Drawings A-1** and **A-2**.
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application form received on 3.5.2018 **(Appendix I)**
 - (b) Supplementary Planning Statement **(Appendix Ia)**

2. Justifications from the Applicant

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

- (a) The Site has been used for open storage use under previous applications approved by the Committee since 1995. The Site is well-maintained and all approval conditions of previous application have been complied with. There is no change in planning circumstance and sympathetic consideration should be given by the Board.
- (b) The applied use is temporary in nature and approval of the application will not jeopardize the long-term planning intention of the area zoned “OU(RU)” on the OZP.
- (c) The applicant has been undertaking the environmental mitigation measures in accordance with the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (COP). These measures include provision of paved access to avoid fugitive dust impact, no paint spraying activity at the open area of the Site, provision of a washroom, peripheral fencing and planting and restriction on operation hours.
- (d) The development is well managed in the past 20 years and has not caused any adverse environmental, landscape, drainage and traffic impacts. Existing

trees and landscaping, and drainage facilities are well-maintained in accordance to the approved proposals made under previous planning applications. The operation of the applied use is clean and tidy, and is compatible with the open storage yards and workshop uses in the surroundings. The Site is properly fenced off and dense landscaping is provided to mitigate any potential visual effect and to provide greeneries to the surrounding areas.

- (e) Approval of the application will not set an undesirable precedent. The same applied use has been approved by the Town Planning Board (the Board) since 1995 and the Site is subject to previous planning approvals. Besides, similar applications for various open storage uses within the same “OU(RU)” zone have been approved by the Board.

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

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Town Planning Board Guidelines**

- 4.1 The Town Planning Board Guidelines No. 34B on “Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development” (TPB PG-No. 34B) are relevant to this application. The relevant assessment criteria are attached at **Appendix II**.

- 4.2 The Town Planning Board Guidelines No. 38 for “Designation of “OU(RU)” Zone and Application For Development Within “OU(RU)” Zone under Section 16 of the Town Planning Ordinance” (TPB PG-No.38) is relevant to the application. The relevant assessment criteria are summarized as follows:

Application for development within “OU(RU)” zone would need to demonstrate that the proposed development is in line with the planning intention of the zone and will not adversely affect the rural environment, the conservation of the rural landscape and the maintenance of the rural character of the area and its surroundings and will not overstrain the capacity of existing and planned infrastructure such as transport, drainage, sewerage and water supply in the area. Each development proposal will be assessed on its individual merits, with particular reference to its sustainability in ecological, environmental and infrastructural terms.

- 4.3 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 on 17.10.2008 is relevant to the application. The Site falls within the Category 3 areas under the TPB PG-No. 13E. The relevant extract of the Guidelines is attached at **Appendix III**.

5. **Background**

The Site was granted with planning permission on 23.6.2017 for the same applied use for a period of 1 year. Should the application for renewal of the planning approval is not granted, and the current storage use on site continues after the expiry of the current planning approval (i.e. the use continues but without a valid planning permission), such use would be considered as an unauthorized development under the Town Planning Ordinance and enforcement action would be taken against it.

6. **Previous Applications**

- 6.1 The Site is the subject of 14 previous planning applications (No. A/YL-KTS/19, 37, 54, 132, 219, 297, 383, 467, 567, 602, 641, 669, 708 and 740) for the same applied use (with/without maintenance work) submitted by the same applicant as the current application¹. All the applications were approved with conditions by the Committee except Application No. A/YL-KTS/19 which was reject on review by the Board in 1995. Details of the applications are summarized in **Appendix IV** and the locations of the sites are shown on **Plan A-1b** respectively.
- 6.2 Application No. A/YL-KTS/19 for the same applied use (without maintenance work and on permanent basis) was rejected by the Board on review on 16.6.1995 on the grounds that the proposed development was not in line with the Town Planning Guidelines for “Application for Open Storage and Port Back-up Uses”; the site fell within an area where Government had put conscious efforts in eradicating open storage uses; the development was incompatible with the surrounding area; there was insufficient information to demonstrate the proposed development would not cause adverse traffic and visual impacts on the surrounding areas; the proposed development might frustrate the planning of the alignment of the Western Corridor Railway and approval of the application would set an undesirable precedent.
- 6.3 Applications No. A/YL-KTS/37 and 54 for the same applied use with/without maintenance workshop were approved with conditions by the Committee on 1.12.1995 and 12.7.1996 respectively for a period of 2 years. Approvals were granted for the reasons that the applications were on temporary basis that would not pre-empt the long-term land use of the application sites; the proposed uses were considered not incompatible with the adjoining land uses as the application sites were sandwiched by an open storage of scrap metal and a car repair workshop; the Government departments consulted had no objection; the proposed open storage uses were non-polluting and approvals of these applications would not set a

¹ Applications No. A/YL-KTS/19, 37, 54, 132, 219, 297 and 383 were submitted under the then “Undetermined” (“U”) zone on the Kam Tin South OZP. The zoning of the sites has been amended to “OU(RU)” on the draft Kam Tin South OZP No. S/YL-KTS/10 which was gazetted on 22.9.2006 and is still valid under the prevalent OZP No. S/YL-KTS/14.

precedent for similar application as the application sites were surrounded by existing open storages.

- 6.4 Applications No. A/YL-KTS/132, 219, 297, 383 and 467 for the same applied use as the current application were approved with conditions by the Committee on 31.7.1998, 28.7.2000, 25.7.2003, 21.7.2006 and 10.7.2009 respectively for a period of 2 or 3 years for similar reasons that the applied uses were not incompatible with surrounding land uses, previous approvals had been granted and all the approval conditions under the previous approvals had been complied with; they were in line with the Town Planning Guidelines for “Application for Open Storage and Port Back-up Uses” in that concerned departments had no adverse comment and/or the departmental concerns could be addressed by appropriate approval conditions.
- 6.5 Applications No. A/YL-KTS/567, 602, 641, 669, 708 and the last Application No. A/YL-KTS/740 for the same applied use were approved with conditions by the Committee on 6.7.2012, 5.7.2013, 27.6.2014, 3.7.2015, 24.6.2016 and 23.6.2017 respectively for a period of 1 year on similar considerations as mentioned in paragraph 6.4 above. A shorter approval period of 1 year was granted to monitor the situation on the Site given a Small House development (comprising six Small Houses) under construction or partly occupied was located close to the Site. All the approval conditions under the last application (No. A/YL-KTS/740) had been complied with and the planning permission is valid until 3.7.2018.
- 6.6 The current application submitted by the same applicant is the same as the last approved application in terms of the site area/boundary, applied use and site layout.

7. **Similar Applications**

- 7.1 There are 29 similar applications (No. A/YL-KTS/444, 470, 479, 485, 493, 496, 501, 503, 525, 527, 531, 541, 558, 569, 572, 575, 586, 589, 603, 616, 630, 635, 653, 664, 706, 719, 731, 751 and 757) for various types of temporary open storage uses within the same “OU(RU)” zone on the OZP since the promulgation of TPB PG-No. 13E on 17.10.2008. Details of these applications are summarized in **Appendix V** and their locations are shown on **Plan A-1a**.
- 7.2 All the similar applications except applications (No. A/YL-KTS/525, 572, 589, 616 and 664) for various types of open storage with/without workshop on temporary basis were approved with conditions by the Committee or the Board on review on similar considerations that previous approvals were granted for the application sites and the approval conditions under the previous applications had been complied with; the uses were not incompatible with the surrounding land uses or did not contradict with the planning intention; relevant approval conditions could be imposed to

minimize the environmental impact; there was no adverse comment from relevant departments; and the departmental or public concerns could be addressed by appropriate approval conditions. However, applications No. A/YL-KTS/444, 470, 479, 485, 493, 501, 503, 531, 541, 558, 569, 586 and 630 were revoked on 4.8.2009, 7.2.2010, 4.10.2010, 15.3.2011, 22.4.2011, 10.12.2010, 31.7.2012, 15.2.2012, 5.1.2013, 16.2.2013, 18.11.2012, 21.7.2013, 26.12.2014 respectively due to non-compliance with approval conditions.

- 7.3 Applications No. A/YL-KTS/525, 572, 589, 616 and 664 covering 3 sites for various temporary open storage with or without workshop on temporary basis were rejected by the Committee or the Board on review between 2011 and 2015. They were rejected mainly due to the development was not in line with the planning intention of the “OU(RU)” zone; the continuation of the development would jeopardize the planning intention of the “OU(RU)” zone as a proposed residential development near the site had been approved and/or there are agricultural activities near and in the vicinity of the site; the development is not compatible with the existing and future residential land uses in the vicinity; the applicant failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; the development did not comply with TPB PG-No. 13E in that the applicant failed to demonstrate efforts in compliance with the approval conditions and/or there is no previous approval for open storage use granted at the site and/or the development would cause adverse environment, drainage, traffic and landscape impacts; there were adverse departmental comment and public objections; the approval of application will set an undesirable precedent for similar applications within this part of the zone.

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

- 8.1 The Site is:
- (a) located on the western side of Kam Sheung Road with direct access from the road; and
 - (b) paved and fenced off, and currently used for the applied use with valid planning permission under Application No. A/YL-KTS/740 until 3.7.2018.
- 8.2 The surrounding areas are mainly rural in character predominated by open storage/storage yards, workshops, residential dwellings/structures, parking of vehicles, shops and vacant/unused land. Some of the open storage/storage yards, workshops, parking of vehicles are suspected unauthorized development subject to enforcement action by Planning Authority:
- (a) to its north are open storage yards and workshops;

- (b) to its immediate west and northwest are residential structures/dwellings, vacant land and open storage yards covered by approved applications (No. A/YL-KTS/719 and 751);
- (c) to its south across a local road are small house development (including a row of six Small Houses with most of them being occupied), some residential dwellings/structures, parking of vehicles, an open storage yard and vacant/unused land which fall within the “Village Type Development” (“V”) zone; and
- (d) to its east across Kam Sheung Road are open storage yards, two real estate agencies (one is covered by approved application No. A/YL-KTS/745) and unused/vacant land.

9. Planning Intention

The planning intention of the “OU(RU)” is for the preservation of the character of the rural area. Uses or developments compatible with the rural landscape, such as passive recreation uses and a selected range of rural uses, may be allowed on application to the Board, with a view to upgrading or improving the area or providing support to the local communities.

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) Lots 391 RP and 392 RP in D.D.106 are covered by Short Term Waiver (STW) No. 2504 to permit structures erected thereon for the purpose of “an office and a workshop ancillary to open storage of electricity generators and compressors”.
- (c) The Site is accessible to Kam Sheung Road via Government Land (GL). 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 planning approval be given to the application, the STW holder(s) will need to apply to his office for modification of the STW conditions if there is any irregularities on site. 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 LandsD.

Traffic

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

- (a) He has no objection to the proposed vehicular access arrangement and the provision of car parking spaces and loading/unloading spaces from the traffic engineering point of view.
- (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 piece of GL which is not managed by the Transport Department (TD). The land status of this GL should be checked with LandsD. Moreover, the management and maintenance responsibilities of this GL should be clarified with the relevant lands and maintenance authorities accordingly.

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

- (a) His department does not and will not maintain any access connecting the Site and Kam Sheung Road. It is also noted that there is a strip of unallocated GL between the Site and the footpath of Kam Sheung Road.
- (b) Adequate drainage measures should be provided to prevent surface water running from the Site to nearby public roads and drains.

Environment

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

- (a) There was no environmental complaint received in the past three years. However, in accordance with the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”, he does not support the application as there are sensitive receivers, i.e. residential dwellings/structures located to the immediate north and south (the nearest about 10 m away) (**Plan A-2**) and in the vicinity of the Site, and environmental nuisance is 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.

Landscape

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

- (a) He has no objection to the application from the landscape planning point of view.
- (b) The Site is involved in 14 previous applications to which he had no objection to the previous application (No. A/YL-KTS/740) from landscape planning perspective. Further to the site inspection taken on 18.5.2018, there is no significant change to the surrounding landscape setting since the application was last approved. The existing landscape in general is in good condition. It is considered that the applied use will have no significant impact on the existing landscape.
- (c) Should the application be approved, the approval condition requiring the maintenance of existing trees and landscape plantings should be included in the planning permission.

Drainage

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

- (a) Based on the drainage proposal/planning statement enclosed in the application, apparently the applicant would maintain the same drainage facilities as those maintained under the previous Application No. A/YL-KTS/740.

- (b) He has no objection in principle to the application. Should the application be approved, the approval conditions requiring maintenance of the drainage facilities implemented under application No. A/YL-KTS/740 and to submit the record of the existing drainage facilities on site to the satisfaction of the Director of Drainage Services or of the Board should be included in the planning permission.

Building Matters

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

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

Nature Conservation

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

Noting that the Site is a paved area and the application seeks to continue the existing approved use, he has no adverse comment on the application from the nature conservation point of view. Nevertheless, should the application be approved, the applicant is reminded to adopt good site practice and implement necessary measures as far as practicable to prevent polluting the adjacent watercourse which would connect to a nearby channel with gabion linings as ecological mitigations measures.

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 FSIs to be installed should be clearly marked on the layout plans. Also, good practice guidelines for open storage (**Appendix VI**) should be adhered to.
- (c) Having considered the nature of the open storage use, approval condition on provision of fire extinguisher(s) within 6 weeks from the date of planning approval is recommended for inclusion in the planning permission. To address this condition, the applicant should submit a valid fire certificate (FS 251) to his department for approval.
- (d) The applicant is reminded that if the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Project Interface

10.1.10 Comments of the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD):

- (a) He has no comment on the application.
- (b) The Site falls within one of the potential housing sites identified in the Land Use Review for Kam Tin South and Pat Heung.
- (c) The application should be considered in the context of the housing developments at Kam Tin South, the existing infrastructure, the current uses permitted under the existing OZP, the prevailing land administration policy and the BO.

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 comments from the locals upon close of consultation and has no particular comment on the application.

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

- (a) Director of Electrical and Mechanical Services (DEMS),
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (c) Commissioner of Police (C of P).

11. Public Comment Received During Statutory Publication Period

On 11.5.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 1.6.2018, no public comment was received.

12. Planning Considerations and Assessments

12.1 The Site falls within Category 3 areas under the TPB PG-No. 13E. The following considerations in the Guidelines are relevant.

Category 3 areas: within these areas, "existing" and approved open storage and port back-up uses are to be contained and further proliferation of such uses is not acceptable. Applications 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 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.

- 12.2 The application is for renewal of the planning permission for temporary open storage of electricity generators and compressors with maintenance work for a period of 1 year within “OU(RU)” zone. The applied use is not in line with the planning intention of the “OU(RU)” zone, which is intended for the preservation of the character of the rural area, and uses or developments compatible with the rural landscape, such as passive recreation uses and a selected range of rural uses, may be allowed on application to the Board, with a view to upgrading or improving the area or providing support to the local communities. Nevertheless, there is no known programme for long-term development at the Site. Hence, it is considered that approval of the application on temporary basis for a period of 1 year would not jeopardize the long-term planning intention of the “OU(RU)” zone on the OZP.
- 12.3 The development is considered not incompatible with the surrounding areas which are predominated by open storage yards, workshops, residential dwellings/structures, parking of vehicles, real estate agencies and vacant/unused land. Moreover, the Site is abutting Kam Sheung Road with direct access from the road. The vehicular traffic from the Site would not pass through the nearby residential settlements.
- 12.4 The current application is generally in line with TPB PG-No. 13E and TPB PG-No. 34B in that previous applications (No. A/YL-KTS/37, 54, 132, 219, 297, 383, 467, 567, 602, 641, 669, 708 and 740) for the same open storage use (with/without maintenance workshop) have been granted since 1995 and all approval conditions under the last Application No. A/YL-KTS/740 have been complied with. Also, relevant departments consulted, including C for T, CTP/UD&L of PlanD, CE/MN of DSD and D of FS have no adverse comment on the application except DEP. Compared with the last approved application No. A/YL-KTS/740, the current application submitted by the same applicant is the same in terms of the site area/boundary, applied use, total floor area, number of structures and 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. Furthermore, 24 similar applications for various temporary open storage uses within the same “OU(RU)” zone were approved by the Committee. Approval of the current application is in line with the Committee’s previous decision.

- 12.5 While DEP does not support the application as there are sensitive receivers, i.e. residential structures/dwellings located to the immediate north and south and in the vicinity of the Site (the nearest about 10m away) (**Plan A-2**) and environmental nuisance is expected, there is no environmental complaint received by DEP in the past three years. Besides, the applicant proposed environmental mitigation measures in accordance with the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (COP) including paving of the site access area to avoid fugitive dust impact, restriction on the operation hours, prohibition of paint-spraying activity at the open area of the Site and provision of boundary fence and planting. To address the possible nuisance generated by the applied use, approval conditions restricting the above are recommended as approval conditions (a), (b), (c), (f) and (g) in paragraph 13.2 below. Any non-compliance with the approval condition will result in revocation of the planning permission and unauthorized development on site will be subject to enforcement action by the Planning Authority. The applicant will also be advised to undertake the environmental mitigation measures as set out in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” in order to alleviate any potential impact. In addition, 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 (d), (e) and (h) to (l).
- 12.6 No public comment was received during the statutory publication period.

13. Planning Department’s Views

- 13.1 Based on the assessment made in paragraph 12, the Planning Department considers that the temporary open storage of electricity generators and compressors with maintenance work could be tolerated for a period of 1 year.
- 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 1 year, and be renewed from 4.7.2018 until 3.7.2019. The following conditions of approval 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 statutory holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no paint spraying activity shall be carried out at the open area of the Site, as proposed by the applicant, at any time during the planning approval period;

- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the vehicular access/run-in/out between the Site and Kam Sheung Road shall be maintained at all times during the planning approval period;
- (f) the stacking height of the materials stored within 5 metres of the periphery of the Site should not exceed the height of the boundary fence at all times during the planning approval period;
- (g) the peripheral fence wall of 2.5 metres high shall be maintained at all times during the planning approval period;
- (h) the existing trees and landscape plantings on the Site shall be maintained at all times during the planning approval period;
- (i) the existing drainage facilities within the Site shall be maintained at all times during the planning approval period;
- (j) the submission of a condition record of the existing drainage facilities on 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 4.10.2018;
- (k) The provision of fire extinguisher (s) 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 15.8.2018.
- (l) the submission of fire service installations proposal within **3** 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 4.10.2018;
- (m) in relation to (l) above, the provision of fire service installations 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 4.1.2019;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) 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;
- (o) if any of the above planning conditions (j), (k), (l) or (m) 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

- (p) 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.

[The above approval conditions are the same as those under planning permission for previous application No. A/YL-KTS/740, except addition of approval condition on submission of fire extinguisher based on D of FS's comments.]

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(RU)" zone, which is for the preservation of the character of the rural area. Uses or developments compatible with the rural landscape, such as passive recreation uses and a selected range of rural uses, may be allowed on application to the Board, with a view to upgrading or improving the area or providing support to the local communities. 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 development does not comply with the Town Planning Board Guidelines No. 13E for "Application for Open Storage and Port Back-up Uses" (TPB PG-No. 13E) in that the proposed development would generate adverse environmental impact on the surrounding areas and there is adverse departmental comment.

14. Decision Sought

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

15. Attachments

Appendix I	Application form received on 3.5.2018
Appendix Ia	Supplementary Planning Statement
Appendix II	Relevant extract of Town Planning Board Guidelines No. 34B on ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ (TPB PG-No. 34B)
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 applications covering the Site
Appendix V	Similar applications in the same “OU(RU)” zone on approved Kam Tin South OZP
Appendix VI	Good practice guidelines for open storage
Appendix VII	Advisory Clauses
Drawing A-1	Layout and Landscaping Plan
Drawing A-2	Drainage Proposal Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Application Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and b	Site Photos

**PLANNING DEPARTMENT
JUNE 2018**