

RNTPC Paper No. A/YL-NTM/358A
For Consideration by
the Rural and New Town
Planning Committee
on 4.5.2018

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-NTM/358

- Applicant** : Fortune Property Development Company represented by Lanbase Surveyors Limited
- Site** : Lots 826 RP (Part), 827, 828 and 829 in D.D.102 and Lots. 296, 297 RP, 298 RP, 299 RP, 396 RP (Part) and 397 (Part) in D.D. 105 and Adjoining Government Land (GL), Ngau Tam Mei, Yuen Long
- Site Area** : About 2,777 m² (including GL of about 72 m²)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ngau Tam Mei Outline Zoning Plan (OZP) No. S/YL-NTM/12
- Zoning** : “Open Storage” (“OS”)
- Application** : Temporary Public Vehicle Park (Private Cars and Container Vehicles), Vehicle Repair Workshop, Open Storage of Construction Materials and Ancillary Offices 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 public vehicle park (private cars and container vehicles), vehicle repair workshop, open storage of construction materials and ancillary offices for a period of 3 years (**Plan A-1**). The Site falls within an area zoned “OS” on the Approved Ngau Tam Mei Outline Zoning Plan (OZP) No. S/YL-NTM/12. According to the Notes of the OZP for “OS” zone, ‘Public Vehicle Park (excluding container vehicle)’, ‘Vehicle Repair Workshop’ and ‘Open Storage (not elsewhere specified)’ are Column 1 uses, while ‘Container Vehicle Park’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied uses. For the public vehicle park (private cars and container vehicles) use, there is a planning permission under Application No. A/YL-NTM/339 with validity until 14.9.2019.

- 1.2 The Site is the subject of 6 previously approved applications (Nos. A/YL-NTM/89, 177, 210, 248, 287 and 339). The last Application No. A/YL-NTM/339 for public vehicle park (private cars and container vehicles) and ancillary offices submitted by the same applicant was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 14.9.2016 for a period of 3 years until 14.9.2019. Except for approval conditions on the submission and implementation of landscape proposal, all remaining approval conditions have been complied with.
- 1.3 As shown on the layout plan on **Drawing A-1** and **Plan A-2**, the Site is accessible at the west via Shek Wu Wai Road. Part of the Site is used as vehicular access to the open storage yards and workshops to its east. The comparison of the major parameters of the current application and the last approved Application No. A/YL-NTM/339 is summarized below:

Major Development Parameters	Last Application No. A/YL-NTM/339	Current Application No. A/YL-NTM/358	Difference
Development/ Use	temporary public vehicle park (private cars and container vehicles) and ancillary offices for a period of 3 years	temporary public vehicle park (private cars and container vehicles), vehicle repair workshop, open storage of construction materials and ancillary offices	vehicle repair workshop and open storage of construction materials added
Site Area	about 2,777 m ²	about 2,777 m ²	No change
Total Floor Area	About 264.74m ²	About 489.74 m ²	+225 m ²
No. of Structure	10 (including 9 converted containers for office use and 1 open shed for shelter purpose)	11 (including 9 converted containers for site offices and vehicle repair workshop uses, and 2 open sheds)	+1
Building Height	1 to 2 storeys (2.6m to 5.2m)	1 to 2 storeys (2.6m to 5.2m)	No change
No. of car parking spaces	15 (including 11 for containers/tractors and 4 for private cars)	10 (including 6 for containers/tractors and 4 for private cars)	-5
Operation Hours	<u>Mondays to Saturdays:</u> between 8:00 a.m. and 11:00 p.m. <u>Sundays and public holidays:</u> between 8:00 a.m. and 6:00 p.m.	<u>Mondays to Saturdays:</u> between 8:00 a.m. and 11:00 p.m. <u>Sundays and public holidays:</u> between 8:00 a.m. and 6:00 p.m.	No change

- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 1.12.2017 **(Appendix I)**
 - (b) Supplementary Planning Statement **(Appendix Ia)**
 - (c) Further Information (FI) received on 21.3.2018 providing responses to Transport Department's and Environmental Protection Department's comments *(accepted and exempted from publication and recounting requirements)* **(Appendix Ib)**
 - (d) FI received on 9.4.2018 clarifying the material to be stored on site *(accepted and exempted from publication and recounting requirements)* **(Appendix Ic)**
 - (e) FI received on 16.4.2018 enclosing the drainage proposal approved under Application A/YL-NTM/339 to address DSD's comment *(accepted and exempted from publication and recounting requirements)* **(Appendix Id)**
- 1.5 The application was first received on 1.12.2017. On 26.1.2018, the Committee decided to defer a decision on the application as requested by the applicant pending further submission from the applicant to address departmental comments. On 21.3.2018, 9.4.2018 and 16.4.2018, the applicant submitted FIs, and the application is scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Chapter 5 of Planning Statement at **Appendix Ia** and FIs at **Appendices Ib, Ic and Id**. They can be summarized as follows:

- (a) The Site was granted planning permissions for similar uses under previous planning Applications (Nos. A/YL-NTM/89, 177, 210, 248, 287 and 339) from 2000 to 2016. The applicant has made efforts in compliance with approval conditions of the last approved application (No. A/YL-NTM/339) such as submission of a condition record of the existing drainage facilities on site and a fire service installations (FSIs) proposal.
- (b) The applied use is in line with the planning intention of the subject "OS" zone and the temporary development would not frustrate the long term planning intention of the "OS" zone.

- (c) The applied use is compatible with the surrounding land uses which are mainly container vehicle parks and open storage yards. As the Site is located in close proximity to the border area, the applied use could support the pork back-up activity in the locality.
- (d) The applied use is in line with the Town Planning Board Guidelines No. 13E for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13E) as the Site falls within Category 1 areas for which favourable consideration should be given subject to no major adverse departmental comments and local objections, or their concerns could be addressed through implementation of approval conditions.
- (e) Planning applications (Nos. A/YL-NTM298, 300, 301, 307, 323, 326 and 335) for similar port back-up uses within the same “OS” zone were approved by the Committee in the past few years. The applied use should not be unsuitable on the Site.
- (f) The applicant stated that the construction material to be stored on site would not include cement, sand, chemical products and dangerous goods, and committed to make reference to the “Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses” (“COP”) in daily operation to minimize environmental impacts to the adjacent areas.
- (g) According to the layout plan (**Drawing A-1**), sufficient space within the Site would be provided for manoeuvring of vehicles.

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

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting site notice and sending notice to San Tin Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection. The remaining of the Site is GL, and the “Owner’s Consent/Notification” requirements are not applicable.

4. Town Planning Board Guideline

The Site falls within Category 1 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 on 17.10.2008. The following criteria are relevant:

Category 1 areas: favourable consideration will normally be given to applications within these areas, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments should be submitted if the proposed uses, such as container trailer/ tractor park and open storage of chemical

products/ dangerous goods etc., may cause significant environmental and traffic concerns.

5. Background

The Site is not the subject of any active enforcement action.

6. Previous Applications

6.1 The Site is the subject of 7 previous applications. 6 applications (Nos. A/YL-NTM/89, 177, 210,, 248, 287 and 339) (**Plan A-1b**) were approved by the Committee.

6.2 Amongst the 6 previously approved applications, except for the Application No. A/YL-NTM/89 which was for temporary open storage of brand new vehicle parts and building materials, 5 applications for container vehicle parks with ancillary offices at the Site were approved by the Committee since 2004 for a period of 2 or 3 years mainly on the considerations that the proposed developments were generally in line with the planning intention of the “OS” zone; not incompatible with the surrounding uses; in line with the TPB PG-No. 13E in that there were no adverse comments from relevant departments or their concerns could be addressed by imposing approval conditions.

6.3 Application No. A/YL-NTM/242 on a much larger site submitted by a different applicant for similar temporary container storage yard and container vehicle park with ancillary vehicle repair workshops and site offices for a period of 3 years was rejected by the Committee on 6.11.2009 mainly on the considerations that proposed development was not in line with the TPB PG-No. 13E as there were adverse comments from concerned departments on adverse drainage impact and flooding risk on the adjacent areas, possible adverse environmental impacts on the nearby sensitive receivers, traffic obstruction caused by queuing of container trucks/ heavy vehicles in the vicinity of Shek Wu Wai Road and Castle Peak Road near Mai Po Tsuen and no technical assessment had been submitted to demonstrate that the development would not have adverse environmental, drainage and traffic impacts on the surrounding areas.

6.4 The last Application No. A/YL-NTM/339 submitted by the same applicant for temporary public vehicle park (private cars and container vehicles) and ancillary offices for a period of 3 years was approved with conditions on 14.9.2016, mainly on grounds that the proposed use was in line with the planning intention of “OS” zone, in line with TPB PG-No. 13E in that there was no adverse comments from the relevant departments while DEP’s concerns could be addressed through the implementation of approval conditions. The planning permission is valid until 14.9.2019 and all approval conditions except for the submission/ implementation of landscape proposal have been complied with. As compared with the last approved planning application, the current application is for similar temporary

public vehicle park (private cars and container vehicles), vehicle repair workshop, open storage of construction materials (the latter two uses are Column 1 uses always permitted in the “OS” zone) with same site area but different layout.

- 6.5 Details of these applications are summarized at **Appendix II** and their locations are shown on **Plan A-1b**.

7. **Similar Applications**

There are 32 similar applications for similar applied uses (for container tractor/trailer park (with ancillary repair activities)/ cargo handling and forwarding facility with ancillary site offices/ container vehicles/goods vehicles repair yard) within the same “OS” zone since the promulgation of TPB PG-No. 13E on 17.10.2008. 28 of which were approved by the Committee taking into consideration that the applied uses were not incompatible with the surrounding uses. 9 of them were subsequently revoked due to non-compliance with approval conditions. The remaining 4 applications were rejected by the Committee mainly for the reasons that they were not in line with TPB-PG No. 13E in that there were adverse departmental comments and objection from local residents; and no technical assessments had been submitted to demonstrate that the proposed development would not have adverse environmental, drainage and traffic impacts on the surrounding areas. Details of these applications are summarized at **Appendix III** and their locations are shown on **Plan A-1a**.

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

8.1 The Site is:

- (a) accessible via Shek Wu Wai Road to its west and another vehicular access at the eastern boundary to access the adjoining site for open storage of container vehicles and repair yard;
- (b) currently used for container vehicle park with ancillary site office approved under Application No. A/YL-NTM/339, storage yard and vehicle repair workshop; and
- (c) bounded by San Tin Highway to the north, a nullah to the east and Shek Wu Wai Road to the west.

8.2 The surrounding areas are intermixed with vehicle parks, warehouse, open storage yards, cargo handling and forwarding facility, vehicle repair workshops within “OS” zone and unused land, residential dwellings and ponds within “Village Type Development” (“V”) zone; some of the workshops and open storage uses are suspected unauthorized development subject to planning enforcement action:

- (a) to its immediate north is San Tin Highway, further north across San Tin Highway and Castle Peak Road- San Tin are open storage of vehicle for sale and open storage of scrap metal and recyclable materials;
- (b) to its immediate east is a nullah, further east across the nullah are open storage of vehicles, container vehicle repair yard and container vehicle park; to its southeast are cargo handling and forwarding facility and unused land;
- (c) to its immediate south are residential dwellings and unused land; further south are warehouse and pond within “V” zone; and
- (d) to the immediate northwest is a vehicle park, further west across Shek Wu Wai Road are vehicle and lorry park and some residential dwellings.

9. **Planning Intention**

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

10. **Comments from Relevant Government Departments**

10.1 The following Government departments have been consulted and their views on the application and public comments are summarized as follows:

Land Administration

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

Without recent inspection, his comments/observations based on the applicant’s information are as follows:

- (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 prior approval of the Government.
- (b) A portion of the GL (about 69m²) of the Site is covered by a Short Tem Tenancy (STT) No. 3113 for the purpose of “Temporary Public Vehicle Park (Private Cars and Container Vehicles) and Ancillary Offices”.
- (c) No permission is given for occupation of the remaining GL of about 3m² in area (subject to verification) included in the Site. The act of

occupation of remaining GL without Government's prior approval is not allowed.

- (d) The Site is accessible to Shek Wu Wai Road through GL only. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way.
- (e) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (f) Should planning approval be given to the application, the lot owners will need to apply to his office to permit the structures to be erected or regularize any irregularity on site. Besides, the STT holder will need to apply to his office for modification of the STT conditions if there is any irregularity on site. Furthermore, the applicant has to either exclude the remaining portion of GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Such application will be considered by Lands Department acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such applications will be approved. If such applications are approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by Lands Department.

Traffic

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

- (a) He has no objection to the application from traffic engineering point of view.
- (b) Should the application be approved, the following conditions should be incorporated:

No vehicle queuing and no reverse movement of vehicle on public road is allowed.

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

- (a) The existing vehicular access connecting the Site and Shek Wu Wai Road is not and will not be managed by HyD.
- (b) The proposed access arrangement of the Site from Shek Wu Wai Road should be commented by TD.
- (c) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

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

He has no comment on the application from railway development viewpoint as the Site neither falls within any administrative route protection boundary, gazette railway schemes, nor railway protection boundary of heavy rail systems.

Environment

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

- (a) According to the latest “Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses” (COP), he does not support the application as there are residential dwellings in the vicinity of the Site (residential dwelling at 10m south of the Site), and environmental nuisance is expected.
- (b) No environmental complaint related to the Site was received in the past 3 years.

Nature Conservation

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

- (a) As the Site has been paved and used for similar purpose for a number of years, he has no comment on the application from nature conservation perspective.
- (b) There is a watercourse abutting the eastern boundary of the Site. Should the application be approved, the applicant is advised to adopt appropriate measures to avoid polluting and disturbing the watercourse during operation. There are also some trees adjacent to the Site and the applicant is advised to avoid damaging the trees during operation.

Landscape

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

- (a) It is noted that the Site is not within a landscape sensitive zoning area. Significant landscape impact due to the proposed development is not anticipated
- (b) Should the application be approved, the following approval condition is recommended to be included in the planning permission:

Submission and implementation of landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the Town Planning Board

- (c) The applicant should make reference to the following information/guideline published by the Greening, Landscape & Tree Management Section, Development Bureau for tree maintenance and new tree planting:
 - (i) Pictorial Guide for Tree Maintenance
(https://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf)
 - (ii) Proper Planting Practices
(https://www.greening.gov.hk/en/tree_care/practices.html)

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 application from drainage operation and maintenance point of view.
- (b) His comments on the drainage proposal (**Appendix Ic**) submitted by the applicant as follows:
 - (i) The proposal is considered unacceptable from drainage operation and maintenance point of view;
 - (ii) The applicant should mark clearly on the drainage plan location(s) of the last manhole(s) and information of the discharging point and outlet pipe;
- (c) Should the Board approve the application, the following approval conditions is suggested to be included:

Submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB

Fire Safety

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

- (a) He has no objection in principle to the application subject to fire service installations (FSIs) being provided to the satisfaction of the Director of Fire Services.
- (b) In consideration of the design/ nature of the application, FSIs are anticipated to be required. Therefore, the applicant is advised to

submit relevant layout plans incorporated with the proposed FSIs to Fire Services Department (FSD) for approval. In addition, the applicant should also be advised on the following points:

- (i) The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy;
 - (ii) The location of where the proposed FSIs to be installed should be clearly marked on the layout plans; and
 - (iii) Attached good practice guidelines for open storage should be adhered to (**Appendix IV**).
- (c) Having considered the nature of the open storage, the following approval condition shall be added:
- The provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of D of FS.
- (d) The applicant is advised to submit a valid fire certificate (FS 251) to FSD for approval to comply with the additional approval condition.
 - (e) The applicant is reminded that if the proposed structure(s) is required to comply with the Building Ordinance (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/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) As there is no record of approval by the Building Authority for the existing structures at the Site, he is not in position to offer comments on their suitability for the use proposed in the application.
- (b) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Buildings Department (BD), they are unauthorized building works (UBW) under the Building Ordinance (BO) and should not be designated for any proposed use under the captioned 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 BO.

- (d) Before any new building works (including containers/ open sheds as temporary building and land filling) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (e) 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 respectively.
- (f) 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 Building (Planning) Regulation at the building plan submission stage.

District Officer's Comment

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

His office has no comment on the application and the local comments shall be submitted to the Board direct, if any.

Others

10.1.12 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) If any FEHD's facility is affected by the development, FEHD's prior consent must be obtained. Re provisioning of the affected facilities by the project proponent up to the satisfaction of FEHD may be required. Besides, the project proponent should provide sufficient amount of additional recurrent cost for management and maintenance of the re provisioned facilities to FEHD; and
- (b) If the proposal involves any commercial/ trading activities, no environmental nuisance should be generated to the surroundings. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses.

10.1.13 Comments of Commissioner of Police (C of P):

He has no objection in principle subject to no parallel trading/ general merchandise operations (GMO) activities involved.

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

- (a) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (b) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (c) Director of Electrical and Mechanical Services (DEMS);
- (d) Director of Leisure and Culture Services (DLCS); and
- (e) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

11. Public Comments Received During Statutory Publication Period

On 8.12.2017, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 29.12.2017, no public comment was received.

12. Planning Considerations and Assessments

- 12.1 The Site falls within Category 1 areas under the Town Planning Board Guideline No. 13E. The following considerations in the Guidelines are relevant:

Category 1 areas: favourable consideration will normally be given to applications within these areas, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments should be submitted if the proposed uses may cause significant environmental and traffic concerns.

- 12.2 The applied uses are generally in line with the planning intention of the “OS” zone which is intended primarily for provision of land for appropriate open storage uses and to regularize the already haphazard proliferation of open storage uses; and is not incompatible with the surrounding uses within the “OS” zone, which are mainly vehicle parks, warehouse, open storage yards, cargo handling and forwarding facility, vehicle repair workshop (**Plans A-2 and A-3**).

- 12.3 Although DEP does not support the application as there are residential dwellings in the vicinity of the site (**Plan A-2**), DEP has not received any complaints about the Site in the past 3 years. To address DEP’s concern and mitigate any potential environmental impacts, approval conditions on restriction on operation hours, type of construction materials to be stored, and requiring provision of boundary fencing are recommended in paragraphs 13.2 (a), (b), (c) and (g) below. The applicant also stated that the construction material to be stored on site would not include cement, sand, chemical products and dangerous goods, and committed to

make reference to the “COP” in daily operation to minimize environmental impacts on the adjacent areas. 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.

- 12.4 The development is in line with the TPB PG-No. 13E in that there are 6 previous approved applications for similar container vehicle/car park and /or open storage use at the Site. Concerned departments including C for T, CE/MN of DSD, D of FS, CTP/UD&L of PlanD have no adverse comments on the application from traffic, drainage, fire safety, landscape point of view and their technical concerns can be addressed by imposing the approval conditions recommended in paragraphs 13.2 (d), (e), (f), (h) to (m) below should the Board decide to approve the application; and DEP’s concerns could be addressed through the imposition of approval conditions as recommended in paragraph 12.3 above.
- 12.5 The Committee has approved 6 previous applications at the Site for similar container vehicle parks with ancillary offices and/or open storage use (**Appendix II**). The last Application No. A/YL-NTM/339 submitted by the same applicant for temporary public vehicle park (private cars and container vehicles) and ancillary offices was approved by the Committee with conditions on 14.9.2016 for a period of 3 years until 14.9.2019. As compared with the last approved application, the current application is for similar uses of temporary public vehicle park (private cars and container vehicles), vehicle repair workshop, open storage of construction materials (the latter two uses are always permitted under “OS” zone) with same site area but different layout. Since 2008, the Committee has also approved 28 applications (**Appendix III**) for similar use within the same “OS” zone. Approval of the subject application is in line with the Committee’s previous decisions.
- 12.6 There is no public comment received during the statutory inspection period.

13. Planning Department’s Views

- 13.1 Based on the assessment made in paragraph 12 above, the Planning Department considers that the temporary public vehicle park (private cars and container vehicles), vehicle repair workshop, open storage of construction materials and ancillary offices 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 4.5.2021. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no night-time operation between 11:00 p.m. and 8:00 a.m. on Mondays

and Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;

- (b) no night-time operation between 6:00 p.m. and 8:00 a.m. on Sundays or public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no storage of cement, sand, chemical products and dangerous goods as proposed by the applicant, is allowed on the site during the planning approval period;
- (d) no vehicle without valid license issued under the Road Traffic Ordinance is allowed to be parked/stored on the site during the planning approval period;
- (e) no vehicle queuing and no reverse movement of vehicles on public road is allowed during the planning approval period;
- (f) the provision of fire extinguisher(s) within **6** weeks from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by 15.6.2018;
- (g) the provision of boundary fencing on the Site within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 4.11.2018;
- (h) the submission of drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 4.11.2018;
- (i) in relation to (h) above, the implementation of the drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 4.2.2019;
- (j) the submission of landscape and tree preservation proposal within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 4.11.2018;
- (k) in relation to (j) above, the implementation of the landscape and tree preservation proposal within **9** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 4.2.2019;
- (l) the submission of a 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 4.11.2018;
- (m) in relation to (l) above, the provision of fire services installations within **9** months from the date of planning approval to the satisfaction of the

Director of Fire Services or of the Town Planning Board by 4.2.2019;

- (n) 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; and
- (o) if any of the above planning conditions (f), (g), (h), (i), (j), (k), (l) or (m) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

Advisory clauses

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

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the development is not in line with revised Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that there is adverse comment from concerned government department and that no technical assessment has been submitted to demonstrate that the development would not have 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 for renewal of the planning 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 with letter received on 1.12.2017
Appendix Ia	Planning Statement
Appendix Ib	Further Information received on 21.3.2018
Appendix Ic	Further Information received on 9.4.2018
Appendix Id	Further Information received on 16.4.2018
Appendix II	Previous applications

Appendix III	Similar applications within the same “OS” zone on the OZP
Appendix IV	Good Practice Guidelines for Open Storage Sites
Appendix V	Recommended advisory clauses
Drawing A-1	Layout 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
MAY 2018**