

RNTPC Paper No. A/YL-PH/781  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 1.6.2018

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

**APPLICATION NO. A/YL-PH/781**

- Applicant** : Chief Force Limited
- Site** : Lots 101 S.J (Part), 179 S.A RP (Part), 179 S.E RP (Part) and 179 S.D & S.F & S.G & S.I (Part) in D.D. 111 and Adjoining Government Land, Pat Heung, Yuen Long
- Site Area** : About 1,018m<sup>2</sup> (Including about 43m<sup>2</sup> Government Land)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
- Zoning** : “Residential (Group D)” (“R(D)”) [subject to maximum plot ratio of 0.2 and building height of 2 storeys (6m)]
- Application** : Renewal of Planning Approval for Temporary Open Storage of Goods Vehicles for Sale for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant sought renewal of planning permission to use the application site (the Site) for temporary open storage of goods vehicles for sale for a period of 3 years. The Site is currently used for the applied use with valid planning permission under application No. A/YL-PH/718 (**Plans A-2 and A-4b**).
- 1.2 The Site is the subject of nine previous applications (No. A/DPA/YL-PH/15, 21, 33, A/YL-PH/305, 381, 494, 574, 646 and 718) for various open storage uses. Except application Nos. A/DPA/YL-PH/15, 21, 33 and A/YL-PH/494, all applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) or the Town Planning Board (the Board) between 1999 and 2005. The last application No. A/YL-PH/718 for the same applied use and submitted by the same applicant as the current application was approved with conditions for a period of 3 years by the Committee on 17.7.2015. All approval conditions of the last application have been complied with. The planning permission is valid until 17.7.2018.

- 1.3 According to the information provided by the applicant, there is no change to the scheme approved under the last application No. A/YL-PH/718. The Site is occupied by a 2-storey structure with a total floor area of 55m<sup>2</sup> and building height of 4.5m for staff common room and office uses. A total of 18 light goods vehicles and 7 medium goods vehicles are stored within the Site. One private car parking space will be provided on site. Only light to medium goods vehicles from 5.5 tonnes to 24 tonnes will be stored at the Site. No dismantling, maintenance, repairing, cleansing, paint-spraying or other workshop activities will be carried out within the Site. The operation hours are between 9:00 a.m. and 6:00 p.m. from Mondays to Saturdays and no operation on Sundays and public holidays. The ingress/egress is located to the southwest of the Site to Fan Kam Road. The layout, vehicular access, landscape, drainage and fire service installations plans as submitted by the applicant are at **Drawings A-1 to A-5**.
- 1.4 Compared with the previous approved application No. A/YL-PH/718, except for the additional private car parking space, the current application is for the same applied use, site area, floor area and layout.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application form with supplementary planning (**Appendix I**) statements and plans received on 9.4.2018.
  - (b) Supplementary Information (SI) received on (**Appendix Ia**) 13.4.2018.
  - (c) Further Information (FI) submitted on 3.5.2018 (**Appendix Ib**) clarifying the width of ingress/egress, trip generation and manoeuvring space.  
*(accepted and exempted from publication and recounting requirement)*
  - (d) FI submitted on 8.5.2018 clarifying the trip (**Appendix Ic**) generation, parking provision and providing justification.  
*(accepted and exempted from publication and recounting requirement)*
  - (e) FI submitted on 25.5.2018 clarifying the operation (**Appendix Id**) details and vehicle types.  
*(accepted and exempted from publication and recounting requirement)*

**2. Justifications from the Applicant**

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

The Site has been properly maintained and no complaint has been received from the government or nearby residents since 2012. There is no major change under the current application as compared with the approved scheme. Existing vegetation, drainage and fire service installations on site will be properly maintained. There is also an existing vehicular access directly abutting Fan Kam Road. No adverse traffic impact is anticipated. Dark green boundary fence has been provided to mitigate any possible landscape impacts. The Board's favourable consideration is sought for renewal of the planning approval.

**3. Compliance with the "Owner's Consent/Notification" Requirements**

The applicant is not a "current land owner" but has complied with the requirements as set out in the Town Planning Board Guidelines on satisfying the "Owner's Consent/Notification" Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31) by posting notice near the entrance of the Site and sending notice to the Pat Heung Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members' inspection.

**4. Town Planning Board Guidelines**

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

The Site falls within Category 2 area 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 relevant extract of the Guidelines is attached at **Appendix III**.

**5. Background**

The Site is not the subject of active enforcement cases and there is currently no enforcement action against it. The Site was granted with planning permission on 17.7.2015 for the same applied use for a period of 3 years which will be expiring soon. The use of the Site for storage use without valid planning permission constitutes an unauthorized development under the Town Planning Ordinance. Should the application for 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 and enforcement action would be taken against it.

## 6. Previous Applications

- 6.1 The Site is the subject of nine previous applications (No. A/DPA/YL-PH/15, 21, 33, A/YL-PH/305, 381 494, 574, 646 and 718) for various open storage uses. Details of the applications are summarized in **Appendix IV** and their locations are shown on **Plan A-1b**.
- 6.2 Applications No. A/DPA/YL-PH/15, 21 and 33 for open storage of vehicles and spare parts were rejected by the Committee on 5.3.1993, 5.11.1993 and by the Board on review on 25.11.1994 respectively. The zoning of the site at the time of the applications was “Unspecified Use”. The applications were rejected on the grounds that the use was not in line with the planning intention of “Unspecified Use” designated on the approved Pat Heung Development Permission Area Plan which was to encourage agricultural activities as far as possible, the development would also pose safety hazard to the road users of Fan Kam Road in view of the insufficient sightlines for vehicles leaving the site (DPA/YL-PH/33 only); the proposed development might adversely affect an important water main and no protective measures to safeguard it from damage had been provided in the submission; there was no information on the sewage and waste oil treatment and disposal facilities to demonstrate that the proposed development would not cause adverse environmental impact on the surrounding areas; and no landscaping proposal to mitigate the visual impact of the proposed development on the surrounding areas had been included in the submission.
- 6.3 Application No. A/YL-PH/305 covering a larger area (about 3,000m<sup>2</sup>) for temporary open storage of new private cars, vehicle parts and construction materials for a period of 3 years was approved by the Committee with conditions on 22.10.1999 mainly for the reasons that the development would unlikely induce adverse traffic and environmental impacts on the surrounding areas. Besides, part of the site would be affected by the then “Fam Kam Road Improvement” project and therefore the planning intention of “R(D)” zone for those sites was not expected to be realized in the near future. However, the application was revoked on 22.7.2000 due to non-compliance with planning conditions in relation to the submission and implementation of the landscaping proposal, provision of drainage facilities and fencing and paving of the site.
- 6.4 Application No. A/YL-PH/381 for temporary open storage of vehicles (private cars only) for a period of 3 years was approved with conditions by the Board on review on 18.1.2002 mainly for the reasons that previous approval (No. A/YL-PH/305) had been granted for a larger area that included the site; the proposed development was not considered incompatible with the surrounding areas; the applicant had submitted landscaping, drainage and noise mitigation proposals; Director of Environmental Protection’s (DEP) concern of environmental impacts on nearby residential dwellings could be addressed by

imposing appropriate approval conditions; and there was no local objection to the application.

- 6.5 Application No. A/YL-PH/494 for temporary open storage of private vehicles and vehicle parts for a period of 3 years was rejected by the Board on review on 4.11.2005 on the grounds that the site was used for open storage of old and dismantled private cars as well as vehicle parts which were stacked up on-site. Car-dismantling activities were carried out on-site, and such activities were considered not environmentally desirable. DEP was concerned about the noise nuisance from the loading/unloading activity of dismantled private cars and vehicle parts to nearby sensitive receivers, as well as the waste oil from the dismantling activities that might pollute the land; the proposed development was therefore considered not in line with the planning intention of the “R(D)” zone; it was incompatible with the surrounding land uses which were rural in character with residential dwellings and active/fallow agricultural lands located in the vicinity. It also did not comply with the TPB PG-No.13D. Whilst the previous application (No. A/YL-PH/381) was approved and the approval conditions have been complied with, it was for temporary open storage of vehicles (private cars only). As car dismantling activities were observed on-site, the application did not warrant the same grounds as the previous application. DEP considered that the imposition of planning conditions could not totally remove the environmental nuisance from the proposed use; and there was insufficient information in the submission to demonstrate that the proposed development would not have adverse environmental impacts on the surrounding areas.
- 6.6 Application No. A/YL-PH/574 and 646 for temporary open storage of goods vehicles for sale for a period of 3 years were approved with conditions by the Committee on 9.1.2009 and 7.9.2012 respectively mainly for similar reasons that the development was not incompatible with the surrounding land uses. Although there were residential settlements in the “Village Type Development” (“V”) zone to the east of the Site, they were separated by vacant land and an open storage yard. In addition, there was no known development programme for this part of the “R(D)” zone where the Site was located. It was considered that temporary planning permission for the applied open storage use would not frustrate the planning intention of the “R(D)” zone on the OZP. The development was generally in line with TPB PG-No. 13E in that the Site was the subject of previous planning approvals and comments from the concerned government departments could be addressed by imposing appropriate approval conditions. All of the approval conditions including those related to the submission and implementation of drainage and fire service installations proposals had been complied with.
- 6.7 The last application No. A/YL-PH/718 for temporary open storage of goods vehicles for sale submitted by the same applicant as the current application was approved with conditions by the Committee for a period of 3 years on 17.7.2015 mainly for the similar reasons as mentioned in paragraph 6.6 above. All the approval conditions have been complied with and the planning permission is valid until 17.7.2018. When compared with the last approved application No.

A/YL-PH/718, except an additional private parking space, the current application is for the same applied use with same site area, total floor area and similar layout.

## 7. Similar Applications

- 7.1 There are seven similar applications covering two sites (No. A/YL-PH/588, 644, 692, 705, 728, 738 and 757) for various temporary open storage uses within the same “R(D)” zone since the promulgation of TPB PG-No. 13E on 17.10.2008. All the similar applications were approved with conditions by the Committee between 2009 and 2017. Details of these applications and their locations are shown in **Plan A-1a** and **Appendix V**.
- 7.2 All seven applications were approved by the Committee with conditions mainly for similar reasons that the applications complied with the TPB PG-No. 13E in that previous approvals had been granted at the sites, concerned departments consulted, except DEP, had no adverse comment on the applications, the developments were not incompatible with the surrounding environment, the concern of DEP could be addressed by imposing approval conditions and the sites had direct access from Fan Kam Road to the west without the need to pass through the residential dwellings.

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

- 8.1 The Site is:
- (a) accessible via a short local track branching off Fan Kam Road to its west; and
  - (b) paved, fenced and currently used for the applied use with valid planning permission.
- 8.2 The surrounding areas are rural in character, mixed with open storage/storage yards, parking lots, residential structures/dwellings, vacant/unused land and a plant nursery. Some of the open storage/storage yards and parking lots are suspected unauthorized developments subject to enforcement action by the Planning Authority:
- (a) to its south are open storage yards for vehicle parts;
  - (b) to its east under the “Village Type Development” (“V”) zone are open storage yards, and to the further east are some residential dwellings/structures (the nearest about 40m away);
  - (c) to its immediate west is an amenity area and further west across the Fan Kam Road under the “Open Storage” (“OS”) zone are various open storage/storage yards; and

- (d) to its north are vacant/unused land.

## **9. Planning Intention**

The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

## **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 Scheduled Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government and Government Land (GL).
- (b) Lot No. 179 S.A RP in D.D. 111 within the Site is covered by a Short Term Waiver (STW) No. 4337 to permit structures erected thereon for the purpose of “temporary open storage of goods vehicles for sale”.
- (c) The concerned GL within the Site is covered by a Short Term Tenancy (STT) No. 2903 for the purpose of “temporary open storage of goods vehicles for sale”.
- (d) The Site is accessible to Fan Kam Road via GL and private land. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site.
- (e) 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.
- (f) Should planning approval be given to the 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. The owner(s) of the lot without STW will

need to apply to his office to permit the structures to be erected or regularize 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 the LandsD.

### **Traffic**

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

- (a) He has no comment on the application from traffic engineering perspective. The following approval condition and advisory clause should be imposed respectively:
- (b) No vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period.
- (c) The Site is connected to the public road network via a piece of land which is not managed by Transport Department (TD). The land status of that piece of land should be checked with the LandsD. Moreover, the management and maintenance responsibilities of this piece of land should be clarified with the relevant lands and maintenance authorities accordingly.

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

- (a) His department does not and will not maintain any access connecting the Site and Fan Kam Road. The applicant should be responsible for his own access arrangement.
- (b) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

### **Landscape**

#### 10.1.4 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, Plan D):

- (a) He has no objection to the application from the landscape planning perspective.



- (b) The Site is the subject of nine previous planning applications for various open storage uses. He had no objection to the last approved application No. A/YL-PH/718 of the same use from the landscape planning perspective.
- (c) Based on the aerial photo taken on 3.1.2018, the Site is situated in an area of rural landscape character comprising of open storages yards, small houses and scattered tree groups. The Site is surrounded by open storages and temporary structures within the “R(D)” zone. The “OS” zone is to its west. Small houses are concentrated within the “V” zone to its east and south. The Site abuts to a local road leading to Fan Kam Road to the west. Although the applied use is not in line with the planning intention of “R(D)” zone, it is not incompatible to the surrounding environment.
- (d) Referring to the site visit dated 25.4.2018, the Site is hard paved and in operation as open storage. Existing trees along the western boundary are in good condition. Adverse impact on landscape resources and landscape character arising from the continual use of open storage is not anticipated.
- (e) Should the application be approved, approval condition on maintenance of the existing trees and vegetation at the Site to satisfactory conditions at all times during the planning approval period is recommended for inclusion in the planning permission.

### **Environment**

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

- (a) There was no environmental complaint received in the past 3 years. However, in accordance with the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (“COP”), he does not support the application as there are sensitive receivers, i.e. existing residential structures/dwellings located to the east (the nearest one about 40m away) (**Plan A-2**) and in the vicinity, 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.

### **Agriculture**

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

- (a) Noting that the application seeks for renewal of planning approval to continue the existing approved use, he has no adverse comment on the application.
- (b) Should the application be approved, the applicant should be advised to adopt precautionary measures to avoid disturbance and pollution to the watercourse immediately to the east of the Site, especially in terms of surface runoff.

### **Drainage**

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

- (a) He has no objection in principle to the development noting the applicant would maintain the same drainage facilities as those implemented under previous planning application No. A/YL-PH/718. The applicant should inform relevant department if the drainage arrangement is changed.
- (b) Should the planning application be approved, approval conditions on maintenance of the drainage facilities implemented under application No. A/YL-PH/718 and submission of the records 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.

### **Fire Safety**

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

- (a) He has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) The submitted FSIs proposal is considered acceptable. The applicant should be advised that the installation/ maintenance/ modification/ repair work of FSIs shall be undertaken by a Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall after completion of the installation/ maintenance/ modification/ repair work issue to the person on whose

instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to him.

- (c) In addition, the applicant should also be advised to adhere to the “Good Practice Guidelines for Open Storage” in **Appendix VI**.
- (d) Having considered the nature of the open storage, approval condition on the provision of fire extinguisher(s) within 6 weeks from the date of planning approval should be included in the planning permission. To address this condition, the applicant should submit a valid fire certificate (FS 251) to his department for approval.
- (e) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

### **Water Supplies**

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

- (a) He has no objection to the application.
- (b) The Site encroaches upon 10m wide WSD’s Waterworks Reserve for an existing strategic 48” diameter water main (**Plan A-2**). Diversion of this water main shall not be considered.
- (c) The development should set back to avoid encroaching the existing Waterworks Reserve or the developer must ensure that no structure shall be erected over this Waterworks Reserve and such area shall not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorize.
- (d) No tree/shrub shall be planted within the Waterworks Reserve.
- (e) No change of the existing conditions shall be undertaken without prior agreement of WSD.

- (f) Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site.

### **Building Matters**

#### 10.1.10 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 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.

### **District Officer's Comments**

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

His office has not received any comments from locals upon close of consultation and has no particular comments on the application.

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

- (a) Director of Electrical and Mechanical Services (DEMS);
- (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 17.4.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 8.5.2018, no public comment has been received.

## **12. Planning Considerations and Assessments**

12.1 The Site falls within Category 2 areas under the TPB PG-No. 13E. The following considerations in the 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 application is for renewal of the planning permission for temporary open storage of goods vehicles for sale in the “R(D)” zone. The applied use is not in line with the planning intention of the “R(D)” zone which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board. Nevertheless, as there is no known development programme for residential development in this part of the “R(D)” zone, it is considered that approval of the application on a temporary basis would not frustrate the long-term planning intention of the “R(D)” zone.

12.3 The development is considered not incompatible with the surrounding areas which are mixed with open storage/storage yards, vacant/unused land and residential dwellings/structures (**Plan A-2**). The residential settlements are mainly located to the further east of the Site in “V” zone and vehicles can enter the Site via a short local track branching off Fan Kam Road to its west without passing through the residential settlements. In addition, previous and similar applications for temporary open storage-related uses were approved at or in the vicinity of the Site from 1999 to 2017 as mentioned in paragraph 6.1 and 7.2

above (**Plan A1-a**). Approval of the current application is in line with the Committee's previous decision.

- 12.4 The current application is generally in line with TPB PG -No. 34B and 13E in that previous approval (Application No. A/YL-PH/718) for the same applied use was granted and all the approval conditions under the last application have been complied with. There is generally no adverse comment from the concerned government departments, except DEP, and there is no major change in planning circumstances since the last planning approval. The applicant has submitted landscape, drainage and FSIs proposal in the current application. In this regard, sympathetic consideration could be given to the current application.
- 12.5 While DEP does not support the application as there are residential structures located to the east (the nearest about 40m away) and in vicinity of the Site and environmental nuisance is expected, there has been no environmental complaint received in the past three years and no objection has been received during the statutory publication period. Besides, there is vehicular access to the Site on the west without passing through the residential dwellings/structures as mentioned in paragraph 12.3 above. To mitigate any potential environmental impacts, approval conditions restricting the operation hours, types of vehicles and prohibiting workshop activities are recommended in paragraph 13.2 (a) to (d) below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorized development on the Site will be subject to enforcement action by the Planning Authority. In addition, the applicant will also be advised to adopt the environmental mitigation measures as set out in the "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" in order to alleviate any potential impact. According to CE/C of WSD, the western boundary of the Site falls within a Waterworks Reserve (**Plan A-2**). In this regards, approval conditions on setting back of the western boundary and no planting of trees and shrubs are recommended in 12.2 (e) and (f) in paragraph 13.2 below. 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 (g) to (m).
- 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 goods vehicles for sale could be tolerated for a period of 3 years.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years, and be renewed from 18.7.2018 until 17.7.2021. The following approval conditions and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed at 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, as proposed by the applicant, shall be carried out on the Site at any time during the planning approval period;
- (d) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (e) the setting back of the western boundary of the Site to avoid encroachment upon the Waterworks Reserve area at all times during the planning approval period;
- (f) no tree/shrub shall be planted within the Waterworks Reserve area at any time during the planning approval period;
- (g) a proper vehicular access/run-in between the Site and the public road should be maintained at all times during the planning approval period;
- (h) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (i) the existing trees and vegetation on the Site should be maintained to satisfactory condition at all times during the planning approval period;
- (j) the existing drainage facilities on the Site should be maintained at all times during the planning approval period;
- (k) the submission of the record of the existing drainage facilities on the Site within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 18.10.2018;
- (l) the provision of fire extinguisher(s) together with a valid fire certificate (FS251) within **6** weeks from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 29.8.2018;

- (m) the implementation of the accepted fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 18.1.2019;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h), (i) or (j) 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 (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 the planning permission for previous application No. A/YL-PH/718]*

#### Advisory Clauses

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

- 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 the planning intention of the "R(D)" zone which is intended primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Town Planning Board. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

#### **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 9.4.2018
- Appendix Ia** Supplementary Information received on 13.4.2018
- Appendix Ib** Further information received on 3.5.2018 clarifying width of ingress/egress, trip generation and manoeuvring space
- Appendix Ic** Further Information received on 8.5.2018 clarifying trip generation, parking provision and providing justification
- Appendix Id** Further Information received on 25.5.2018 clarifying operation details and vehicle types
- Appendix II** Relevant Extracts of Town Planning Board Guidelines for Renewal of Planning Approval and Extension of Time for Compliance with Planning Condition 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” No. 13E
- Appendix IV** Previous applications covering the application site
- Appendix V** Similar applications within the same “R(D)” zone on the Pat Heung OZP
- Appendix VI** Good Practice Guidelines for Open Storage Sites
- Appendix VII** Advisory Clauses
- Drawing A-1** Layout plan
- Drawing A-2** Landscape plan
- Drawing A-3** Drainage plan
- Drawing A-4** Fire Service Installations plan
- Drawing A-5** Vehicular Access Plan
- Plan A-1a** Location Plan with Similar Applications

**Plan A-1b** Previous Applications Plan

**Plan A-2** Site Plan

**Plan A-3** Aerial Photo

**Plan A-4a to  
A-4b** Site Photos

**PLANNING DEPARTMENT  
JUNE 2018**