

RNTPC Paper No. A/YL-PH/803
For Consideration by
the Rural and New Town
Planning Committee
on 12.4.2019

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/803

- Applicant** : Chief Force Limited
- Site** : Lots 1831 RP, 1832 RP (Part), 1867 (Part), 1868 (Part), 1869 (Part), 1870 (Part), 1871 (Part), 1872 (Part), 1873 (Part), 1874 RP and 1875 RP (Part) in D.D. 111, Pat Heung, Yuen Long
- Site Area** : About 5,232m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
- Zoning** : “Agriculture” (“AGR”)
- Application** : Temporary Open Storage of Backdrop Screens, Advertising Aluminium Frames and Construction Materials for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary open storage of backdrop screens, advertising aluminum frames and construction materials for a period of 3 years. The Site is zoned “AGR” on the Approved Pat Heung OZP No. S/YL-PH/11. The Site is currently fenced off and paved with some existing structures. It is divided into two parts with a narrow strip of Government Land between the two parts. The northern part is currently used for parking of vehicles without a valid planning permission and a structure for storage use, while the southern part is occupied by a structure for storage use (**Plans A-2 to A-4b**).
- 1.2 The Site is the subject of five previous applications (No. A/YL-PH/235, 616, 686, 701 and 756). The last application No. A/YL-PH/756 submitted by the same applicant as the current application for the same applied use (but different layout) for a period of 3 years was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 22.9.2017. The planning permission is valid until 22.9.2020.

1.3 According to the applicant, 11 single-storey structures with a total floor area of about 1,994m² (38% of the Site) and building height of 5m will be erected within the Site for storage of backdrop screens and advertising aluminium frames, office and staff rest room uses. The open area within the Site will be used to store advertising aluminium frames and construction materials. Two loading/unloading spaces for private cars or light goods vehicles not exceeding 5.5 tonnes will be provided within the Site. No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities will be carried out. The operation hours are between 9:00a.m. to 6:00p.m. from Mondays to Saturdays. There is no operation on Sundays or public holidays. The Site is accessible via a local track branching off Kam Tin Road to the northeast. Plans showing the site layout, landscape, drainage and fire service installations (FSIs) proposals, and site access as submitted by the applicant are at **Drawings A-1 to A-5**.

1.4 A comparison of the major development parameters of the current application and the previous approved application is given in the following table:

	Previous Approved Application No. A/YL-PH/756 (a)	Current Application (b)	Differences (b) – (a)
Applied Use	Temporary Open Storage of Backdrop Screens, Advertising Aluminium Frames and Construction Materials for a Period of 3 Years	Temporary Open Storage of Backdrop Screens, Advertising Aluminium Frames and Construction Materials for a Period of 3 Years	-
Site Area (m ²)	5,232	5,232	-
No. of Structures	7	11	+4 (+57.1%)
Total Floor Area (m ²)	1,130	1,994	+864 (+76.5%)
Building Height of Structures (m)	5	5	-
Loading / Unloading Spaces	1	2	+1 (+100%)

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

- (a) Application Form with planning statement and plans (Appendix I) received on 18.2.2019
- (b) Further Information (FI) received on 15.3.2019 and (Appendix Ia) 18.3.2019 in response to departmental comments
- (c) FI received on 20.3.2019 in response to departmental (Appendix Ib) comments

2. **Justifications from the Applicant**

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

- (a) The applied use is the same as the approved Application No. A/YL-PH/756. Nevertheless, as the backdrop screens are vulnerable to rain, more structures are required for shelter purpose. Due to the increase in the number and total floor area of structures, the current application is submitted. It is hoped that the Committee would give favourable consideration to the application.
- (b) The applied use is temporary in nature and is not in conflict with the planning intention. It is compatible with the surrounding environment and will not cause adverse impact on the nearby residents. There has been no adverse comment from the Government departments and no complaint from the nearby residents.
- (c) The applicant will comply with all the approval conditions and other statutory requirements should the application be approved. The landscaping, drainage and FSIs at the Site will be properly maintained. No adverse traffic impact is anticipated.

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 notifying the Pat Heung Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’(TPB PG-No.13E) are relevant to the application. The Site is within Category 3 areas under TPB PG-No. 13E promulgated by the Town Planning Board (the Board) on 17.10.2008. The relevant extract of the Guidelines is attached at **Appendix II**.

5. Background

The Site is currently not a subject of any outstanding enforcement case. The Site is covered by a valid planning permission (Application No. A/YL-PH/756) until 22.9.2020. However, a recent site visit revealed that only the southern portion of the Site was used for storage purpose. The northern part of the Site was occupied with vehicles and is considered to be used for place for parking of vehicles, which may be subject to planning enforcement action.

6. Previous Applications

- 6.1 The Site was involved in five previous Applications No. A/YL-PH/235, 616, 686, 701 and 756 for temporary open storage uses. Details of the applications are summarized in **Appendix III** and their locations are shown on **Plan A-1b**.
- 6.2 Application No. A/YL-PH/235 submitted by a different applicant for nine temporary open storage yards of construction materials covering a much larger site was rejected by the Committee on 30.10.1998 on the grounds that the proposed development was not in line with the planning intention of the “AGR” and “Village Type Development” (“V”) zones; did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that it was incompatible with the village settlements of Leung Uk Tsuen and the nearby domestic structures; the frequent transportation of construction materials to and from the site would generate adverse noise and traffic impacts on the nearby village settlement; there was insufficient information to demonstrate the development would not have adverse drainage impact on the surrounding areas; and approval of application would set an undesirable precedent.
- 6.3 Application No. A/YL-PH/616 submitted by a different applicant covering a slightly larger site area (including the strip of Government Land between the two parts of the current application) for the same applied use for a period of 3 years was approved with conditions by the Committee on 28.1.2011 for the reasons that the original site for the applied use had been affected by the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL) project and the applicant had made effort but no suitable site (except the site under application) was identified; the nearby areas were zoned “Open Storage” (“OS”) and were Category 1 areas under TPG PG-No. 13E where there were various existing open storage uses and the application site was close to the Shek Kong Stabling Sidings of the XRL; and relevant departments generally had no objection to the application or the concern could be addressed by approval conditions.

Taking the consideration that impacts on the landscape were insignificant due to the XRL project, and other potential impacts could be addressed by imposition of conditions, consideration in favour of the application was given in view of the special background of the case, despite the site being located within Category 3 areas without previous planning approval.

- 6.4 Applications No. A/YL-PH/686, 701 and 756 submitted by the same applicant for the same applied use as the current application were approved with conditions by the Committee on 4.4.2014, 26.9.2014 and 22.9.2017 respectively for similar reasons as mentioned in paragraph 6.3 above and the applications generally complied with TPB PG-No. 13E in that previous approval was given. For Application No. A/YL-PH/686 while the approval conditions on provision of fire extinguishers, and landscape and drainage aspects had been complied with, the planning permission was revoked on 4.10.2014 due to non-compliance of approval condition on submission of FSIs proposal. For Application No. A/YL-PH/701, approval conditions on submission of drainage records and FSIs proposal and provision of fire extinguishers had been complied with but the planning permission was revoked on 26.2.2017 due to non-compliance of the condition on provision of FSIs. For the last approved Application No. A/YL-PH/756, approval conditions on submission of record of existing drainage facilities, tree preservation and landscape and FSIs proposals and provision of fire extinguisher have been complied with while the conditions on implementation of the proposals are yet to be complied with, and the planning permission is valid until 22.9.2020.

7. Similar Applications

- 7.1 There are a total of 20 similar applications (No. A/YL-PH/603, 608, 635, 645, 658, 659, 666, 667, 678, 680, 683, 687, 698, 719, 724, 733, 740, 752, 770 and 782) for various temporary open storage uses within the same “AGR” zone since the promulgation of the TPB PG-No. 13E on 17.10.2008. Details of these applications are summarized in **Appendix IV** and the locations of the sites are shown on **Plan A-1a**.

Approved Applications (14)

- 7.2 Applications No. A/YL-PH/608, 666 and 733 for various temporary open storage uses approved with conditions by the Committee on 28.1.2011, 7.6.2013 and 10.6.2016 respectively are located at about the same site to the southeast of the Site. Application No. A/YL-PH/608 was approved mainly for the reasons that the original site of the applied use had been affected by the XRL project and the applicant had made effort but no suitable site (except the site under application) was identified to continue his businesses; the location of the site near “OS” zone and no objection raised by relevant government departments. Considerations in favour of the application were given in view of the special background of the case, despite the site being located within Category 3 areas without previous planning approval. Applications No. A/YL-PH/666 and 733 were approved mainly for the reasons that approval on temporary basis would not frustrate the long-term

planning intention; the nearby area was zoned “OS”; in line with TPB PG-No. 13E as previous approval had been granted and no objection from relevant departments and their concerns could be addressed by approval conditions. However, planning permission for Application No. A/YL-PH/608 was revoked on 28.9.2012 due to non-compliance with approval conditions.

- 7.3 Applications No. A/YL-PH/659, 719 and 782, and Applications No. 635, 667, 683 and 740 on two sites to the east of the Site for various temporary open storage uses were approved with conditions by the Committee on 8.2.2013, 7.8.2015, 1.6.2018, 20.1.2012, 5.7.2013, 7.2.2014 and 12.5.2017 respectively mainly for the reasons that the development would not frustrate the long-term planning intention of the “AGR” zone; the development was not incompatible with the surrounding land uses, in particular that the sites were located next to the Shek Kong Stabling Slidings of the XRL and landscape impact would not be significant; and/or complied with the TPB PG-No. 13E in that there were previous planning approvals and requirement of concerned departments could be addressed by approval conditions. However, planning permissions for Applications No. A/YL-PH/635, 659 and 667 were revoked on 20.4.2013, 8.11.2013 and 5.10.2013 respectively due to non-compliance with approval conditions.
- 7.4 Applications No. A/YL-PH/603, 658, 680 and 724 on the same site located to the further north of the Site adjoining Kam Tin Road for temporary open storage of private cars and lorries (or renewal of planning approval for the same use) for a period of 3 years were approved with conditions by the Committee on 29.1.2010, 25.1.2013, 13.12.2013 and 22.1.2016 respectively for the reasons that the use was not incompatible with the surrounding area; the applications were in line with the TPB PG-No. 13E and TPB PG-No. 34B in that previous approvals had been granted, there was no adverse departmental comment and the departmental concern could be addressed by appropriate approval conditions. However, planning permissions for Applications No. A/YL-PH/658, 680 and 724 were revoked on 29.7.2013, 13.11.2015 and 22.12.2017 due to non-compliance with approval conditions.

Rejected Applications (6)

- 7.5 Applications No. A/YL-PH/645, 678 and 687 located on about the same site, A/YL-PH/698 (partly on “V” zone) and 752 for various temporary open storage uses were rejected by the Committee on 24.8.2012, 8.11.2013, 25.4.2014, 12.9.2014 and 11.8.2017 respectively on similar grounds that the proposed developments were not in line with the planning intention of the “AGR” zone; the application did not comply with the TPB PG-No.13E in that the proposed developments were not compatible with the surrounding land uses which were predominated by residential structures/dwellings and agricultural land, there was no previous approval granted at the site, and there were adverse departmental comments and local objections against the application; the applicant failed to demonstrate that the proposed development would not generate adverse environmental/drainage impacts on the surrounding areas; and the approval of the application would set an undesirable precedent. Application No. A/YL-PH/770

for open storage uses was rejected by the Committee on 16.3.2018 mainly on the grounds of repeated non-compliance of approval conditions.

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

8.1 The Site is:

- (a) fenced off and paved with some existing structures. The northern part is currently used for parking of vehicles without valid planning permission and a structure for storage use, and its southern part is occupied by a structure for storage use; and
- (b) accessible via a local track branching off Kam Tin Road to the northeast.

8.2 The surrounding areas are rural in character, mixed with open storage/storage yards, a warehouse, parking of vehicles, Shek Kong Stabling Sidings of the XRL, a residential dwelling/structure and vacant/unused land;

- (a) to its east, northeast, south and southeast are open storage/storage yards and a warehouse. Three of open storage sites are covered by valid planning permissions for open storage uses under Applications No. A/YL-PH/733, 740 and 782 whilst the other open storage yards and the warehouse are suspected unauthorised developments subject to enforcement action by the Planning Authority;
- (b) to its further south is a residential dwelling/structure (about 50m);
- (c) to its north are storage yards, parking of vehicles and vacant land; and
- (d) to its immediate west is the Shek Kong Stabling Sidings of the XRL.

9. Planning Intention

The planning intention of the “AGR” zone is to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

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) Within the Site, the following private lots are currently covered by Short Term Waivers (STWs):

STW No.	Lot(s) No(s). in D.D. 111	Permitted Use
STW 3769	1831 RP	Temporary Open Storage of Backdrop Screens, Advertising Aluminium Frames and Construction Materials
STW 4047	1870	
STW 4048	1871 & 1874 RP	
STW 4046	1832 RP	Temporary Open Storage of Backdrop Screens, Advertising Aluminium Frames and Construction Materials & Temporary Open Storage of Building Materials, Second-hand Vehicles and Automotive Parts with Ancillary Staff Canteen

- (c) The Site is accessible from Kam Tin Road via Government Land (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.
- (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 the application be approved, the STW holder(s) will need to apply to his office for modifications of the STW(s) conditions where appropriate. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications for any of the above will be considered by LandsD acting in the capacity as landlord or lessor at its sole discretion and there is no guarantee that such application 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.
- (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 section of a local access road which is not managed by Transport Department (TD). The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.

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

- (a) His department does not and will not maintain the accesses connecting the Site and Kam Tin Road.
- (b) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

Environment

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

- (a) There was no environmental complaint received for the Site 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” (“COP”), he does not support the application as there are sensitive receivers, i.e. residential dwelling/structure located to the south (about 50m away) and along the access to the Site (**Plan A-2**), and environmental nuisances are 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) She has no objection to the application from the landscape planning perspective.
- (b) The Site is subject to five previous applications for various open storage uses and she had no objection to the last approved application (No. A/YL-PH/756) from the landscape planning perspective.
- (c) According to the aerial photo of 2018, the Site is situated in an area of rural landscape character comprising scattered of tree groups and open storages. The applied use is not incompatible to the surrounding environment.
- (d) According to the site visit dated 8.3.2019, the Site is hard paved and in operation as open storage. Approximately 72 nos. of existing trees are in good to poor condition along the site boundary. There is no significant change to the surrounding landscape setting since the application was last approved. Further adverse landscape impact due to the applied use is not anticipated.
- (e) Should the application be approved, condition on maintenance of the existing trees within the Site satisfactorily at all times during the approval period should be included in the planning permission.
- (f) Her detailed comments are at **Appendix V**.

Agriculture

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

The Site falls within an area zoned as “Agriculture”. However, as the Site has been hard-paved and its potential for agriculture rehabilitation is low, he has no comment on the application from the agricultural point of view.

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.
- (b) Based on the drainage proposal/planning statement enclosed in the application, the applicant would maintain the same drainage facilities as those maintained under previous Application No. A/YL-PH/756.
- (c) Should the application be approved, approval conditions on the maintenance of the existing drainage facilities implemented under Application No. A/YL-PH/756 and submission of records of the existing drainage facilities on site to his satisfaction or of the Board should be included in the planning approval.

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 applicant should be advised to adhere to the good practice guidelines for open storage in **Appendix VI**.
- (c) 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 to his satisfaction should be included in the planning permission. To address this condition, the applicant should submit a valid fire certificate (FS251) to his department for approval.
- (d) Regarding the submitted FSIs proposal, separation distance(s) between the structures should be provided and indicated on plan for his further consideration.
- (e) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit revised layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans.

- (f) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Building Matters

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

- (a) There is no record of approval by the Building Authority for the existing structures at the Site. He is not in a position to offer comments on their suitability for the use proposed in the application.
- (b) The applicant's attention is drawn to the following points:
 - (i) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are unauthorized building works (UBW) under the BO and should not be designated for any proposed use under the application.
 - (ii) 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.
 - (iii) Before any new building works (including containers/open sheds as temporary buildings 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. The development intensity of the separated sites shall be considered separately. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
 - (iv) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively.
 - (v) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

District Officer's Comments

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

His office has not received any comment from locals upon close of consultation and he 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) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Project Manager/West, Civil Engineering and Development Department (PM/W, CEDD); and
- (d) Commissioner of Police (C of P).

11. Public Comment Received During Statutory Publication Period

On 26.2.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 19.3.2019, one comment from an individual was received (**Appendix VII**). The commenter objects to the application mainly on the grounds that the business has been operating for decades; the district is occupied by brownfield operations and the sites/activities should be amalgamate in dedicated compound with appropriate facilities; and roll over temporary uses will inhibit investments and upgrading in the area.

12. Planning Considerations and Assessments

12.1 The application is for temporary open storage of backdrop screens, advertising aluminium frames and construction materials for a period of 3 years at "AGR" zone. The planning intention of the "AGR" zone is to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. The applied use is not in line with the planning intention of the "AGR" zone. Nevertheless, DAFC has no comment on the application from the agriculture point of view as the potential for agricultural rehabilitation of the Site is low. It is considered that approval of the application on a temporary basis would not frustrate the long-term planning intention of the "AGR" zone.

12.2 The development is considered not incompatible with the surrounding areas which are predominated by open storage/storage yards, a warehouse, parking of vehicles, vacant land and a residential dwelling/structure to its further south (**Plans A-2**). The area to the further east is zoned "OS" and is 'Category 1 areas' under the TPB PG-No. 13E (**Plan A-1**) where there are various existing open storage uses. Moreover, the Site is located in the immediate east of the Shek Kong Stabling Sidings of the XRL (**Plans A-2 and A-3**). Hence, significant

impact on existing landscapes is not anticipated and CTP/UD&L of PlanD has no objection to the application.

- 12.3 According to TPB PG-No. 13E, the Site falls within Category 3 areas. The following 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, if required, to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. 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, planning permission could be granted a temporary basis up to a maximum period of 3 years.

- 12.4 The application is considered generally in line with TPB PG-No.13E in that there were previous planning approvals for the same open storage use under Applications No. A/YL-PH/616, 686, 701 and 756 approved on 28.1.2011, 4.4.2014, 26.9.2014 and 22.9.2017 respectively. Compared with the last approved application (the planning permission is valid until 22.9.2020), the current application mainly involves changes in layout with increase in number (+4/+57.1%) and total floor area (+864m²/+76.5%) of structures. Concerned departments consulted including C for T, CE/MN of DSD and D of FS (except DEP) have no objection to or adverse comment on the application. The applicant has also submitted landscape, drainage and FSIs proposals in support of the application. As there is no major change in the planning circumstances since the last approval, sympathetic consideration could be given to the current application.

- 12.5 While DEP does not support the application as there is a residential structure/dwelling located about 50m to the south and along the access to the Site (**Plan A-2**) and environmental nuisance is expected, there was no environmental complaint for the Site received by DEP in the past three years. To address the concern of the DEP on the possible environmental nuisance, approval conditions restricting the operation hours, types of vehicles and prohibiting workshop-related activity are recommended in paragraph 13.2 (a) to (d). Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorized development on-site will be subject to enforcement action by the Planning Authority. Besides, the applicant will be advised to adopt the environmental mitigation measures as set out in the COP. 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 paragraphs 13.2 (e) to (k).

- 12.6 One public comment was received during the statutory public inspection period objecting to the application mainly on the grounds that the Site and the surrounding area are occupied by brownfield operation. In this regard, temporary approval would not frustrate the long-term planning intention. The planning assessments and considerations above are also relevant.

13. Planning Department's Views

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comment in paragraph 11, the Planning Department considers that the temporary open storage of backdrop screens, advertising aluminium frames and construction materials could be tolerated for a period of 3 years.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years until 12.4.2022. 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 on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the Site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 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) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) all existing trees on the Site shall be maintained at all times during the planning approval period;
- (g) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) the submission of the record of the existing drainage facilities on the Site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 12.7.2019;

- (i) the provision of fire extinguisher(s) with a valid fire certificate (FS 251) within **6** weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 24.5.2019;
- (j) the submission of fire services 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 12.10.2019;
- (k) in relation to (j) 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 12.1.2020;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) upon expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

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

- 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 "AGR" zone which is to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. This zone is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. 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 with planning statement and plans received on 18.2.2019
Appendix Ia	FI received on 15.3.2019 and 18.3.2019
Appendix Ib	FI received on 20.3.2019
Appendix II	Relevant extract of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E)
Appendix III	Previous s.16 applications covering the application site
Appendix IV	Similar applications within the same “AGR” zone on the approved Pat Heung OZP
Appendix V	Detailed comments of the CTP/UD&L, PlanD
Appendix VI	Good Practice Guidelines for Open Storage Sites
Appendix VII	Public Comment received during the statutory publication period
Appendix VIII	Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Landscape Plan
Drawing A-3	Drainage Plan
Drawing A-4	FSIs Proposal
Drawing A-5	Site Access 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
Plan A-4a to 4b	Site Photos

**PLANNING DEPARTMENT
APRIL 2019**