

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

**APPLICATION NO. A/NE-FTA/166**

- Applicant** : Mr. LIU Chun On represented by Lanbase Surveyors Limited
- Site** : Lot 147 in D.D. 52, Fu Tei Au, Sheung Shui, New Territories
- Site Area** : 794 m<sup>2</sup> (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plans** : (i) Approved Fu Tei Au and Sha Ling Outline Zoning Plan (OZP) No. S/NE-FTA/14 (when the application is submitted)  
Approved Fu Tei Au and Sha Ling OZP No. S/NE-FTA/16 (currently in force)  
(ii) Approved Fanling North OZP No. S/FLN/2
- Zonings** : (i) “Other Specified Uses” annotated “Port Back-up Uses” (“OU(PBU)”) on the approved Fu Tei Au and Sha Ling OZP No. S/NE-FTA/16 (about 519 m<sup>2</sup> or 65.3% of the Site)  
(ii) Area shown as ‘Road’ on the approved Fanling North OZP No. S/FLN/2 (about 234 m<sup>2</sup> or 29.5% of the Site)  
(iii) “Government, Institution or Community” (“G/IC”) on the approved Fanling North OZP No. S/FLN/2 (about 41 m<sup>2</sup> or 5.2% of the Site)
- Application** : Proposed Temporary Open Storage of Recycling 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 the proposed temporary open storage of recycling materials for a period of three years. The Site is partly zoned “OU(PBU)” on the approved Fu Tei Au and Sha Ling OZP No. S/NE-FTA/15 and partly zoned “G/IC” and an area shown as ‘Road’ on the approved Fanling North OZP No. S/FLN/2 (**Plan A-1**). According to the Notes of the OZPs, temporary uses or development of any land or buildings not exceeding a period of three years within “OU(PBU)” and “G/IC” zones requires planning permission from the Town Planning Board (the Board) notwithstanding that the use is not provided for under the Notes of the OZPs. For area shown as ‘Road’ on the approved Fanling North OZP No. S/FLN/2, all uses or developments require planning permission from the Board.

- 1.2 According to the information submitted by the applicant, the Site has an area of about 794m<sup>2</sup> with a total floor area of 311m<sup>2</sup> and a maximum height of about 5.2m (2-storey). There are four container structures (19m x 11m each) on the ground floor with total floor area of 209m<sup>2</sup> mainly for storage and office use. Five container structures (four with 9.1m x 2.4m each and one with 6.1m x 2.4m) with total floor area of 102m<sup>2</sup> are proposed on the first floor for office use. All the container structures are under a metal cover of 209m<sup>2</sup> (19m x 11m) (**Drawing A-1**). The Site is accessible from Man Kam To Road via a local track to its southeast. One loading/unloading space for light goods vehicle is provided. The operation hours of the Site are between 7:00a.m. and 11:00p.m. from Mondays to Saturdays and all vehicular traffic is restricted to be carried out within the non-peak hours (i.e. 10:00 a.m. to 4:00 p.m.). There will be no operation on Sundays and public holidays.
- 1.3 The Site is involved in six previous applications. The last application No. A/NE-FTA/104, submitted by the same applicant, for renewal of planning approval for the temporary public vehicle park (including container vehicle) and goods distribution and storage use for three years was approved with conditions by the Committee on 17.6.2011. All the approval conditions have been complied with. The planning permission has expired on 19.7.2014. The scheme submitted under the current application is different from the previous application No. A/NE-FTA/104 in terms of the applied use, development parameters and site layout. A plan showing the site layout plan is at **Drawing A-1**.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application form with attachments received on 30.12.2016 (**Appendix I**)
  - (b) Planning Statement received on 30.12.2016 (**Appendix Ia**)
  - (c) Letter dated 26.1.2017 requesting for deferment of consideration of the application (**Appendix Ib**)
  - (d) Further Information (FI) received on 11.4.2017 (**Appendix Ic**)
  - (e) Letter dated 24.5.2017 requesting for deferment of consideration of the application (**Appendix Id**)
  - (f) FI received on 24.7.2017 (**Appendix Ie**)
  - (g) Letter dated 7.9.2017 requesting for deferment of consideration of the application (**Appendix If**)
  - (h) FI received on 22.11.2017 (**Appendix Ig**)
  - (i) Letter dated 21.12.2017 requesting for deferment of consideration of the application (**Appendix Ih**)
  - (j) FI received on 15.3.2018 (**Appendix Ii**)
  - (k) FI received on 20.4.2018 (**Appendix Ij**)
- 1.5 At the request of the applicant (**Appendices Ib, Id, If and Ih**), the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months each pending the preparation of FI to address the departmental comments. The applicant submitted FI on 20.4.2018 (**Appendix Ij**). The application is re-scheduled for consideration by the Committee on 4.5.2018.

## 2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Planning Statement at **Appendix Ia**. They can be summarised as follows:

- (a) the Site is the subject of previous planning applications for temporary public vehicle park (including container vehicle) and goods distribution and storage use under planning application No. A/NE-FTA/69, 87 and 104 approved by the Committee from 2005 to 2011. Although the proposed use for temporary open storage of recycling materials is not exactly the same as the previously approved planning application, the nature and site condition remain similar;
- (b) similar planning applications within the “OU(PBU)” and “G/IC” zones for open storage use, goods distribution and storage use, warehouse uses were approved by the Committee in vicinity of the Site. The development under application is not incompatible with the surrounding development;
- (c) the Site falls within Category 1 under the Town Planning Board Guidelines No. 13E (TPB PG-No. 13E) for Application for Open Storage and Port Back-up Uses. Favourable consideration would normally be given to application within these areas, subject to no major adverse departmental comments and local objection; and
- (d) there is no adverse drainage, environmental and traffic impacts arising from the proposed development under application since all the approval conditions under the previous planning application No. A/NE-FTA/104 have been complied with and only light goods vehicle would be used for the Site and only one vehicular trip to/from the Site per day is estimated.

### **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 taking reasonable steps to obtain the consent of or give notification to the owner including sending notice at the Sheung Shui District Rural Committee and posting notice at the Site. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Background**

According to the Chief Town Planner/Central Enforcement and Prosecution, Planning Department (CTP/CEP, PlanD), the Site is not involved in any active enforcement action.

### **5. Town Planning Board Guidelines**

Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No. 13E) promulgated by the Board on 17.10.2008 are relevant to the application. The Site falls within Category 1 area under the Guidelines. Relevant extract of the Guidelines is attached at **Appendix II**.

### **6. Previous Applications**

- 6.1 The Site is involved in six previous planning applications No. A/NE-FTA/20, 28, 67, 69, 87 and 104 (**Appendix III and Plans A-1 and A-2b**).

- 6.2 Applications No. A/NE-FTA/20, 28 and 67 were for temporary open storage of container tractors/trailers which were approved by the Committee with conditions between 1998 and 2004. Application No. A/NE-FTA/67 was revoked on 3.12.2005 as the applicant had not complied with approval conditions on the submission of tree preservation and landscaping proposals and parking layout. Application No. A/NE-FTA/69 for temporary container tractor/trailer park and goods distribution and storage uses for three years was approved by the Committee with conditions on 29.7.2005. Application No. A/NE-FTA/87 for temporary public vehicle park (including container vehicle) and goods distribution and storage use for three years was approved with conditions on 18.7.2008 while application No. A/NE-FTA/104 for the renewal of the previous planning approval (applications No. A/NE-FTA/87) was approved by the Committee with conditions on 17.6.2011. All the approval conditions for the last planning application No. A/NE-FTA/104 had been complied with and the permission of the application was expired on 19.7.2014.
- 6.3 These applications were approved by the Committee mainly on conditions that it is in line with the planning intention of the “OU(PBU)” zone, the development was generally compatible with the surrounding land uses and the technical concerns on traffic and environmental could be addressed by the inclusion of appropriate approval conditions.
- 6.4 Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1** and **Plan A-2b**.

## 7. Similar Applications

- 7.1 There are six similar applications (No. A/NE-FTA/84, 93, 96, 143, 146 and 167) which fall within/ partly in the “OU(PBU)” zone on the Fu Tei Au and Sha Ling OZP in the vicinity of the Site.
- 7.2 Five of them (Application No. A/NE-FTA/84, 93, 96, 143 and 167) involving four sites for various temporary open storage uses were approved by the Committee from 2008 to 2018 (**Plan A-1**). These applications were approved mainly on consideration that the uses under the applications were in line with the planning intention of the “OU(PBU)” zone, they were compatible with the surrounding land uses; and were in line with the Town Planning Board Guideline TPB PG-No. 13E in that the potential environmental impacts on the surrounding domestic structures could be addressed by providing environmental mitigation measures.
- 7.3 The application No. A/NE-FTA/146 for temporary open storage of metals was rejected by the Committee on 12.9.2014 on the ground that the applicant failed to demonstrate that the proposed development would not pose interference to the 132kV overhead electricity supply line which traversed the Site and jeopardised the provision of electricity supply and causing electrical hazards; and the applicant failed to demonstrate that the development would have no adverse environmental and traffic impacts on the surrounding area.
- 7.4 Details of the similar applications are at **Appendix IV** and their locations are shown on **Plan A-1**.

**8. The Site and Its Surrounding Areas (Plans A-1, A-2a and A-2b, aerial photo at Plan A-3 and site photos on Plans A-4a and A-4b)**

8.1 The Site is:

- (a) currently formed, hard-paved and occupied by vacant structures/converted containers; and
- (b) accessible by a local track via the adjacent site for goods distribution and storage leading to Man Kam To Road.

8.2 The surrounding areas have the following characteristics:

- (a) to the north are some vacant structures, some temporary structures for domestic use, vacant/unused land and open storage of construction materials;
- (b) to the east are some domestic structures, storage of recycling materials and to further northeast is a knoll scattered with graves;
- (c) to the west of the Site are some temporary structures for domestic use, fallow/active agricultural land, vacant land and open storage of recycling materials; and
- (d) to the southeast, south and southwest are parking of tractors and storage of containers (for goods distribution and storage use), temporary structures for storage use, vacant temporary structures, warehouse, fallow agriculture land and to further southeast are some car repairing workshop and an area for parking of vehicles.

**9. Planning Intentions**

9.1 The planning intention of the “OU(PBU)” zone in the Fu Tei Au and Sha Ling area is primarily for accommodating the anticipated increasing cross-boundary freight traffic, especially the parking of container vehicle, including container trailer and tractors and other port back-up uses.

9.2 The planning intention of the “G/IC” zone in Fanling North area is primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government organisations providing social services to meet community needs and other institutional establishments.

**10. Comments from Relevant Government Departments**

10.1 The following government departments have been consulted and their views on the application are summarised as follows:

**Land Administration**

10.1.1 Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) the Site comprises a private lot in D.D. 52. The lot is Old Schedule lot under Block Government Lease (demised for agricultural use) without any guaranteed right of vehicular access;
- (b) the actual occupation area does not tally with the Site. There are unauthorised structures erected on Lot 147 in D.D. 52 within the Site and Lots 148 and 149 both in D.D. 52 and the nearby Government land without prior approval from his office. It is also noted that total built-over area of the structure is larger than the one mentioned in the planning application. The structures are not acceptable under the lease concerned. Moreover, a portion of Government land adjoining the eastern boundary of the Site and a portion of Government land adjoining the southern boundary of Lot 149 in D. D. 52 both outside the Site have been illegally occupied. Besides there is an unauthorised gate erected on the occupied Government land. He reserves the right to take necessary lease enforcement and land control actions against the unauthorised structures and the illegal occupation of Government land.
- (c) the existing vehicular access on Site routes through the gate, Government Land Licence (GLL) No. T4017, private Lots 164, 167 RP and 176 RP all in D.D. 52 and the nearby Government land (**Plan A-2a**). The user of GLL No. T4017 is 'temporary structure' and the structure permitted is a watchman shed. The applicant should make his own arrangements for acquiring access. The Government shall accept no responsibility in such arrangements. The applicant should not construe that his office would grant the access right to him if GLL No. T4017 is terminated; and
- (d) if the planning application is approved, the owners of the lots concerned shall apply to his office for a Short Term Waiver (STW). The application for STW will be considered by Government in its landlord's capacity and there is no guarantee that they will be approved. If the STW is approved, its commencement date will be backdated to the first date of occupation and it will be subject to such terms and conditions to be imposed including payment of waiver fee and administrative fee as considered appropriate by his office.

### **Traffic**

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

- (a) in view of the proposal the applicant that the operation of the proposed development would be restricted to be between 10:00 a.m. to 4:00 p.m. daily (**Appendix Ij**), he has no further comment on the application from traffic engineering view point; and
- (b) the Site connects Man Kam To Road via local village track, which is not under his department's management. In this regard, the land status of the access leading to the Site should be checked with the lands authority. The management and maintenance responsibilities of the same access should also be clarified with the relevant lands and maintenance authorities accordingly.

## **Environment**

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

- (a) he does not support the application as there are domestic structures in the vicinity of the Site; the closest one is located to the east of the Site (**Plan A-2**) at a distance of less than 10m;
- (b) there was no substantiated environmental complaint received in the past three years; and
- (c) should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses”.

## **Landscape**

### 10.1.4 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 point of view;
- (b) according to her record, the Site is within a fence off hard paved area with some temporary structures. Existing trees are found along the northern boundary behind the temporary structure, at the southern corner near the entrance gate and surrounding the site further away from the site boundary. These trees are generally of healthy condition except the one among these behind the temporary structure which requires maintenance attention.. It has been stated in the submission that the applicant would continue to properly maintain the existing landscape and trees;
- (c) should approval be given by the Board, she suggests to impose an approval condition to stipulated that “All existing trees shall be properly maintained in healthy conditions during the approval period of the application” and
- (d) for tree protection measures, technical reference should be referred to TPB’s “Technical Notes on Submission and Implementation of Landscape Proposal for Compliance with Conditions for Approved Applications for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance”.

## **Drainage**

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

- (a) he has no objection to the application from the public drainage viewpoint;
- (b) should the application be approved, a condition should be included to request the applicant to submit drainage condition records for the Site to ensure that it will not cause adverse impact to the adjacent area; and

- (c) the Site is in an area where no public sewerage connection is available.

### **Building Matters**

#### 10.1.6 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 structures existing as the Site and BD is not in a position to offer comments on their suitability for the use related to the application;
- (b) the applicant's attention is drawn to the following points:
  - (i) before any new building works (including containers/metal cover as temporary buildings) are to be carried out on the Site, prior approval and consent from the BD should be obtained, otherwise they are unauthorised building works (UBW). An authorized person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO);
  - (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) the temporary converted containers for site office/storage are considered as temporary buildings and are subject to control under the Building (Planning) Regulations (B(P)Rs) Pt. VII;
  - (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 B(P)Rs;
  - (v) if the Site does not abut 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)Rs at the building plan submission stage; and
  - (vi) detailed comments under the BO will be provided at the building plan submission stage.

### **Nature Conservation and Agriculture Development**

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

As the subject site is paved and disturbed, she has no comment on the application from nature conservation point of view.



### **Fire Safety**

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

- (a) he has no in-principle objection to the application subject to fire service installations (FSIs) and water supplies for firefighting being provided to his satisfaction;
- (b) having considered the nature of the open storage use at the Site, approval condition on provision of fire extinguisher(s) within 6 weeks from the date of planning approval is recommended for inclusion in the planning permission. To address this condition, the applicant should submit certificate(s) under Regulation 9(1) of the Fire Service (Installations and Equipment) Regulations (Chapter 95B) to his department for compliance of condition;
- (c) if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) are erected within the Site, FSIs will need to be installed;
- (d) in such circumstance, except where building plan will be circulated to his department via the Centralised Processing System of BD, the applicant is required to send the relevant layout plans to his department incorporated with the proposed FSIs for approval. In preparing the submission, the applicant is advised on the following points:
  - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
  - (ii) the locations of the proposed FSIs to be installed and the access for emergency vehicles should be clearly indicated on the layout plans; and
- (e) detailed fire safety requirements will be formulated upon receipt of formal submission of the aforesaid plans.

### **Water Supply**

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

- (a) he has no objection to the application; and
- (b) for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

### **Infrastructure**

#### 10.1.10 Comments of the Project Manager (North), Civil Engineering and Development

Department (PM(N), CEDD):

The site falls partly within the Fanling North New Development Area (NDA) under his department's First Stage Works Project for Kwu Tung North and Fanling North NDAs and encroaches on part of the proposed Fanling Bypass Western Section and its associated works. In view of the current progress of above NDA projects, he has no comment on the application for a period of three years.

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

10.1.11 Comments of the District Officer (North), Home Affairs Department (DO(N), HAD):

he has consulted the locals regarding the application. The Chairman of the Sheung Shui District Rural Committee (SSDRC) and the Indigenous Inhabitant Representative and Resident Representative of Sheung Shui Heung and Wa Shan Tsuen have no comment on the application.

10.2 The Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD) has no comment on the application:

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

On 6.1.2017 and 21.4.2017, the application was published for public inspection. During the first three weeks of the statutory public inspection periods, five public comments were received (**Appendix V**). A North District Council (NDC) member and the Chairman of SSDRC indicate no comment on the application. The remaining public comment submitted by another NDC member raises concern on traffic congestion in the North District as a result of increasing traffic demand from similar facilities.

## **12. Planning Considerations and Assessment**

12.1 The Site falls within Category 1 area under the TPB PG-No. 13E on 'Application for Open Storage and Port Back-up Uses' promulgated by the Board on 17.10.2008. 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 proposed development falls mainly within an area zoned "OU(PBU)" (65.3% of the Site) on the approved Fu Tei Au and Sha Ling OZP No. S/NE-FTA/16. Although the open storage use for recycling materials is not entirely in line with the planning intention of "OU(PBU)" zone which is intended primarily to accommodate the anticipated increasing cross-boundary freight traffic, especially the parking of container vehicle, including container trailer and tractors and other port back-up uses, it is not incompatible with the surrounding warehouse, open storage use and workshop uses.

- 12.3 The Site also falls partly within an area shown as 'Road' (29.5% of the Site) and a minor portion falls within an area zoned "G/IC" (5.2% of the Site) on the approved Fanling North OZP No. S/FLN/2. According to PM(NTE), CEDD, the area is required for the proposed First Stage Works Project for Kwu Tung North and of Fanling North NDAs and encroaches on part of the proposed Fanling Bypass Western Section and its associated works. In view of the current progress of above NDA projects, PM(N), CEDD has no comment on the temporary planning application for a period of three years from project interface point of view. Approval of the application for a temporary period of three years would not jeopardise the proposed road works for the NDA development.
- 12.4 The Site is hard paved and situated in a rural landscape setting comprising temporary structures for storage uses, car repair workshops, open storage yards, warehouses, and fallow and active agricultural land. Some trees are found at the northern boundary behind the temporary structures. CTP/UD&L, PlanD has no objection to the application and approval condition is recommended to request the applicant to properly maintain all existing trees during the approval period. DAFC has no comment on the application from nature conservation point of view.
- 12.5 From transport perspective, the Site is accessible by a local track via the adjacent site for goods distribution and storage use leading to Man Kam To Road (**Plan A-1**). The applicant has submitted the traffic impact assessment (TIA) for consideration by C for T. After reviewing the TIA submitted by the applicant (**Appendices Ic, Ie, Ig, Ii and Ij**), C for T has no further comment on the application. Other Government departments consulted, including D of FS, CE/MN of DSD and CE/C of WSD, have no objection to or no adverse comment on the application.
- 12.6 DEP does not support the application as there is domestic structure to the east of the Site. Nevertheless, it should be noted that the activities within the Site would mainly involve the open storage of recycling materials and only light goods vehicles would be used for the proposed development. Besides, there has not been any substantiated environmental complaint in the past three years. To address the concern of DEP on possible environmental nuisance to be generated by the temporary use under application, approval conditions restricting the operation hours, no operation on Sundays and public holidays, and prohibiting vehicle repairing, dismantling or workshop activities at the Site are recommended. The applicant would also be advised to follow the environmental mitigation measures as set out in the revised 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites'.
- 12.7 The use under application generally complies with the TPB Guideline PG-No. 13E in that there are previous approvals for similar use on the Site, there are no major adverse departmental comments / no local objection have been received on the application, or the concern of relevant department could be addressed through the implementation of relevant approval conditions as stated in paragraph 13.2 below.
- 12.8 The Site is involved in six previous applications for temporary open storage of containers/trailers or public vehicle park uses (**Plan A-1**). The last two applications (No. A/NE-FTA/87 and 104) for temporary public vehicle park (including container vehicle) and goods distribution and storage use for a period of three years and renewal of the planning approval of the same use were approved by the Committee with conditions in 2005 and 2011 respectively mainly on the considerations that it is in line with the planning intention of the "OU(PBU)" zone; the development was generally compatible

with the surrounding land uses; and the technical concerns on traffic and environmental could be addressed by the inclusion of appropriate approval conditions. All the approval conditions for the last planning application No. A/NE-FTA/104 have been complied with and the permission of the application was expired on 19.7.2014. There is no major change of the planning circumstances since the approval of these applications.

12.9 There are six similar applications in which five of them (Application No. A/NE-FTA/84, 93, 96, 143 and 167) involving four sites for various temporary open storage uses were approved by the Committee from 2008 to 2018. They were approved mainly on consideration that the uses under the applications were in line with the planning intention of the “OU(PBU)” zone, they were compatible with the surrounding land uses; and were in line with the TPB Guideline PG-No. 13E in that the potential environmental impacts on the surrounding domestic structures could be addressed by providing environmental mitigation measures. One of the applications (No. A/NE-FTA/146) for temporary open storage of metals was rejected by the Committee on 12.9.2014 on the ground that the applicant failed to demonstrate that the proposed development would not pose interference to the 132kV overhead electricity supply line which traversed the Site and jeopardised the provision of electricity supply and causing electrical hazards; and the applicant failed to demonstrate that the development would have no adverse environmental and traffic impacts on the surrounding area. The circumstances of the subject application are similar to those approved similar applications.

12.10 Regarding the adverse public comment mainly on traffic congestion in the North District as a result of increasing traffic demand from similar facilities, government departments’ comments and planning assessment above are relevant.

### **13. Planning Department’s Views**

13.1 Based on the assessment made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11, the Planning Department considers that the proposed temporary use under application 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 suggested for Members’ reference:

#### Approval Conditions

- (a) no operation between 11:00 p.m. and 7:00 a.m. on Mondays to Saturdays, 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 medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (d) 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;

- (e) all vehicles entering and exiting the Site during the planning approval period shall be restricted to non-peak hours (i.e. 10:00 a.m. to 4:00 p.m.), as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (f) the maintenance of peripheral fencing on Site at all times during the planning approval period;
- (g) the maintenance of all existing trees within the Site at all times during the planning approval period;
- (h) the maintenance of the existing drainage facilities at the Site at all times during the approval period;
- (i) the submission of a record of the existing drainage facilities on the Site within 6 months from date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 4.11.2018;
- (j) the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 15.6.2018;
- (k) the submission of proposals for fire service installations and water supplies for fire-fighting 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;
- (l) in relation to (k) above, the implementation of proposals for fire service installations and water supplies for fire-fighting 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;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) 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
- (n) if any of the above planning conditions (i), (j), (k) or (l) 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.

#### Advisory Clauses

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

13.3 There is no strong planning reason to recommend rejection of the application.

## **14. Decision Sought**

14.1 The Committee is invited to consider the application and decide whether to grant or

refuse to grant permission.

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

## **15. Attachments**

<b>Appendix I</b>	Application form with attachments received on 30.12.2016
<b>Appendix Ia</b>	Planning statement received on 30.12.2016
<b>Appendix Ib</b>	Letter dated 26.1.2017 requesting for deferment of consideration of the application
<b>Appendix Ic</b>	Further information received on 11.4.2017
<b>Appendix Id</b>	Letter dated 24.5.2017 requesting for deferment of consideration of the application
<b>Appendix Ie</b>	Further information received on 24.7.2017
<b>Appendix If</b>	Letter dated 7.9.2017 requesting for deferment of consideration of the application
<b>Appendix Ig</b>	Further information received on 22.11.2017
<b>Appendix Ih</b>	Letter dated 21.12.2017 requesting for deferment of consideration of the application
<b>Appendix Ii</b>	Further information received on 15.3.2018
<b>Appendix Ij</b>	Further information received on 20.4.2018
<b>Appendix II</b>	Relevant extract of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E)
<b>Appendix III</b>	Previous Applications
<b>Appendix IV</b>	Similar s.16 Applications in the vicinity of the Site within/partly within "OU(PBU)" zone in the Fu Tei Au and Sha Ling area
<b>Appendix V</b>	Public Comments
<b>Appendix VI</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Site Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2a</b>	Site Plan
<b>Plan A-2b</b>	Previous Planning Application Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to A-4b</b>	Site Photos