

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

**APPLICATION NO. A/NE-FTA/167**

- Applicant** : Mr. SIU Chi Hung represented by Metro Planning and Development Company Limited
- Site** : Lots 182 RP (Part) and 183 RP (Part) in D.D. 52, Fu Tei Au, Sheung Shui, New Territories
- Site Area** : 1,893 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 at the time of submission (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 1,779 m<sup>2</sup> or 94% of the Site)  
(ii) Area shown as ‘Road’ on the approved Fanling North OZP No. S/FLN/2 (about 114 m<sup>2</sup> or 6% of the Site)
- Application** : Temporary Goods Distribution and Storage Use 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 goods distribution and storage use for a period of three years. The Site falls mostly within an area zoned “OU(PBU)” (about 94%) on the approved Fu Tei Au and Sha Ling OZP No. S/NE-FTA/14 at the time of submission with a minor portion on an area shown as ‘Road’ (about 4%) on the approved Fanling North OZP No. S/FLN/2 (**Plan A-1**). The zonings of the Site remain unchanged on the prevailing OZPs. According to the Notes of the Fu Tei Au and Sha Ling OZP, temporary uses or development of any land or buildings not exceeding a period of three years within “OU(PBU)” zone requires planning permission from the Town Planning Board (the Board) notwithstanding that the use is not provided for under the Notes of the OZP. For area shown as ‘Road’ on the Fanling North OZP, such uses also require planning permission from the Board.
- 1.2 According to the information submitted by the applicant, there are four structures, with a total floor area of about 591m<sup>2</sup>, within the Site (**Drawing A-2**). Two single storey roof-top structures (each with a floor area of about 228m<sup>2</sup> and about 6.8m in height) are used for

goods distribution and storage use. One-storey converted container structure (with floor area of about 15m<sup>2</sup> and about 2.6m in height) is used for ancillary kitchen and washroom uses. The remaining two-storey converted container structure (with floor area of about 120m<sup>2</sup> and about 5.2m in height) is for ancillary office and staff rest room uses. Two loading/unloading bays (7m x 3.5m each) for private car and light goods vehicle (under 5.5 tonnes) are provided within the Site. The Site is connected to Man Kam To Road via a vehicular access to the south of the Site. The Site is mainly used for unpacking the bulk of goods from Mainland China and distribution to different companies in Hong Kong, and no dangerous goods will be stored within the Site. The operation hours of the Site are between 10:00 a.m. to 4:00 p.m. from Mondays to Saturdays and there is no operation on Sundays and public holidays. Plans showing the vehicular access leading to the Site and the site layout plan are at **Drawings A-1 and A-2** respectively.

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

- (a) Application Form with attachments received on 20.1.2017 (**Appendix I**)
- (b) Supplementary Planning Statement (**Appendix Ia**)
- (c) Letter dated 28.2.2017 requesting for deferment of consideration of the application (**Appendix Ib**)
- (d) FI received on 8.5.2017 (**Appendix Ic**)
- (e) Letter dated 8.6.2017 requesting for deferment of consideration of the application (**Appendix Id**)
- (f) FI received on 29.8.2017 (**Appendix Ie**)
- (g) Letter dated 12.10.2017 requesting for deferment of consideration of the application (**Appendix If**)
- (h) FI received on 17.11.2017 (**Appendix Ig**)
- (i) Letter dated 21.12.2017 requesting for deferment of consideration of the application (**Appendix Ih**)
- (j) FI received on 7.2.2018 (**Appendix Ii**)

1.4 At the request of the applicant (**Appendices Ib, Id, If and Ih**), the Rural and New Town Planning Committee (the Committee) agreed to defer making a decision on the application for four times each for two months pending the preparation of further information (FI) to address the departmental comments. The applicant submitted FI on 8.5.2017, 29.8.2017, 17.11.2017 and 7.2.2018 (**Appendices Ic, Ie, Ig and Ii**). The application is re-scheduled for consideration by the Committee on 6.4.2018.

1.5 The Site is the subject of seven previous approved planning applications (No. A/NE-FTA/29, 44, 80, 99, 108, 113 and 154) for container trailer park/goods distribution and storage use. The last application No. A/NE-FTA/154 for the same use as the current application, submitted by the same applicant, was approved by the Committee on 9.10.2015 for a period of three years until 9.10.2018. The planning application, however, was revoked on 9.1.2018 due to the non-compliance with an approval condition in relation to the provision of water supplies for fire-fighting and fire service installations. Compared with the last approved application (No. A/NE-FTA/154), the current application is basically the same in terms of the applied use and site area except there are some changes in the site layout and development parameters, including the increase of number of structures from three to four, the reduction of the total floor area by 504m<sup>2</sup> (i.e. from 1,095m<sup>2</sup> to 591m<sup>2</sup>), the provision of two concrete platforms under the open-sided structures at the north-eastern and western parts of the Site respectively, and the increase of the dimension of the loading/unloading bays from 5m x 2.5m to 7m x 3.5m each with the site area remains unchanged (**Drawing A-2**).

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are in the Supplementary Planning Statement, and FIs at **Appendices Ia, Ic, Ie, Ig and Ii**. They can be summarised as follows:

- (a) a large portion of the Site falls within the “OU(PBU)” zone on the OZP and the temporary goods distribution and storage use under application is in line with the planning intention for port back-up uses of this zone;
- (b) the Site falls largely within Category 1 area under the Town Planning Board Guidelines No. 13E. Favourable consideration should be given to this application;
- (c) the development is compatible with the surrounding land uses as the Site is surrounded by some port back-up activities and there is not significant changes in the planning circumstances since the last planning application was approved;
- (d) similar applications for temporary freight forwarding uses and container vehicle park use within the “OU(PBU)” zone were approved by the Committee mainly on the grounds that the developments would not generate significant adverse impacts on surrounding area;
- (e) the development would not have significant adverse environmental impact on the surroundings. Nevertheless, the applicant undertakes to carry out mitigation measures including restricting the operation hours, no operation on Sundays and public holidays, provision of peripheral fencing for screening purpose with a view to further minimizing the possible impacts on the surrounding area;
- (f) the proposed use would not generate new traffic to the adjacent road network as the Site is the subject of seven previous planning applications since 1999 for the same use and adequate space for manoeuvring of vehicle would be provided within the Site. The development would not have adverse traffic impact on the surroundings; and
- (g) drainage facilities have been provided at the Site for compliance with the previous planning permission and as such the development would not have significant drainage impact. A smaller covered area is also proposed under current application for implementing the fire service installations proposal from previous planning permission.

## **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 give notification to the owner including sending notice to 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 advice of the Chief Town Planner/Central Enforcement and Prosecution, Planning Department (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 the subject of seven previous planning applications. Five previous planning applications (No. A/NE-FTA/29, 44, 80, 99 and 108) for temporary container trailer park were approved with conditions between 1999 and 2011 mainly on considerations that the uses under application were in line with the planning intention of the "OU(PBU)" zone; the applied uses were not incompatible with the surrounding land uses; the applications were in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses; and previous applications for similar uses had been approved.
- 6.2 The last two applications No. A/NE-FTA/113 and 154 for the same use as the current application was approved with conditions by the Committee in July 2012 and October 2015 respectively for a period of three years. The applications were approved by the Committee on similar grounds of the previous planning applications as mentioned in paragraph 6.1 above.
- 6.3 Compared with the last previous application (No. A/NE-FTA/154) submitted by the same applicant, the current application is basically the same in terms of the applied use and site area except for some changes in the site layout and development parameters, including the increase of number of structures from three to four, the reduction of the total floor area by 504m<sup>2</sup> (i.e. from 1,095m<sup>2</sup> to 591m<sup>2</sup>), the provision of two concrete platforms under the open-sided structures at the north-eastern and western parts of the Site, and the increase of the dimension of the loading/unloading bays from 5m x 2.5m to 7m x 3.5m each (**Drawing A-2**). As the applicant intends to revise the site layout slightly for the applied use and the application was revoked on 9.1.2018 due to non-compliance of approval condition on the provision of water supplies for fire-fighting and fire service installations (FSIs) proposal, a fresh planning application is submitted.
- 6.4 Details of the previous applications are at **Appendix III** and the location is shown on **Plan A-1**.

## 7. Similar Applications

- 7.1 There are seven similar applications (No. A/NE-FTA/86, 87, 101, 104, 109, 112, 114) for temporary public vehicle park / loading and unloading of goods / goods distribution / storage uses in the vicinity of the Site (**Plan A-1**). All the applications were approved with conditions by the Committee between 2008 and 2012 mainly on considerations that the developments were in line with the planning intention of "OU(PBU)" zone; the uses under application were not incompatible with the surrounding land uses; and the developments were generally in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses.
- 7.2 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 to A-2, aerial photo at Plan A-3 and site photos on Plan A-4a to 4c)**

8.1 The Site is:

- (a) hard-paved, fenced off and currently used for goods distribution and storage use;
- (b) occupied with some temporary open-sided structures and container-converted structures;
- (c) being used as the applied use without valid planning permission; and
- (d) accessible from a local track to its south leading to Man Kam To Road.

8.2 The surrounding areas have the following characteristics:

- (a) to the immediate north is vegetated hillslopes scattered with some graves (**Plan A-2**);
- (b) to the east are open storage yards and warehouses;
- (c) to the immediate west is a warehouse, parking of vehicles and active agricultural land; and
- (d) to the immediate south is a local track, across which is the abandoned meander of Ng Tung River (**Plan A-1**), and to the south-east, there are open storage of construction materials, warehouse and domestic structures and works area.

**9. Planning Intentions**

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

9.2 The area shown as ‘Road’ on the approved Fanling North OZP No. S/FLN/2 is primarily reserved for the proposed road works for Fanling Bypass Western Section providing a linkage between Man Kam To Road and the Fanling Bypass Eastern Section.

**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 lots under application are Old Schedule lots held under the Block Government Lease (demised for agricultural use) without any guaranteed

right of vehicular access. The lots are also covered by Short Term Waiver (STW) No. 1292 for “container trailer park and ancillary office and storage” uses. The owner of the lots/waiver may erect on the STW site a structure provided that its site coverage and height shall not exceed 37.16m<sup>2</sup> and 4.8m respectively, and no building or structure may be erected on the non-building area of the STW site;

- (b) the actual occupation area does not tally with the Site. It is noted that total built-over area of the structures erected on Lots 182 RP and 183 RP in D.D. 52 is larger than the permitted site coverage and the one mentioned in the planning application. Moreover, the total number of structures outnumbers both the permitted one and the one mentioned in the planning application. Heights of two of the said structures also exceed the permitted height. Besides, a portion of one of the structures has been erected on the non-building area of the STW site. These are not acceptable under the Lease concerned and the conditions of STW No. 1292. His office reserves the right to take necessary enforcement action against the irregularities;
- (c) the existing vehicular access on-site routes through a gate, STLA No. GLA-TDN 3062 and the nearby Government land. STLA No. GLA-TDN 3062 has been allocated to Water Supplies Department (WSD) for the “Implementation of Construction Works of Improvement of Water Supply to Sheung Shui and Fanling” and any ancillary works in connection with the project. The applicant should make his own arrangements for acquiring access. The Government shall accept no responsibility in such arrangements; and
- (d) should planning approval be granted, the owners of the lots/waiver concerned shall apply to his office for modification of STW No. 1292 to regularize the irregularities on-site. The application will be considered by Government in its landlord’s capacity and there is no guarantee that it will be approved. If the application is approved, its commencement date will be backdated to the first date of existence of the irregularities and it will be subject to such terms and conditions to be imposed including payment of revised 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) having reviewed the FIs on the traffic impact assessment (TIA) report submitted (**Appendices Ic, Ie, Ig and Ii**), he has the following comments on the application:
  - (i) in view of the proposal from the applicant that the operation of the proposed development would be restricted to be between 10:00 a.m. and 4:00 p.m. from Mondays to Saturdays only, she has no further comment on the application from traffic engineering view point; and
  - (ii) the Site connects Man Kam To Road via a non-standard local track, which is not managed by the Transport Department. The land status of the access leading to the Site should be checked with the lands authority.

The management and maintenance responsibilities of the 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) the Site is outside the Sheung Shui Water Treatment Works consultation zone;
- (b) the applicant is advised to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by DEP to minimize the potential environmental impacts on the surrounding areas; and
- (c) there was no environmental complaint regarding the Site for the past three years.

### **Landscape Aspect**

#### 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 the aerial photo of 2015, the surrounding environment remains unchanged, i.e. surrounded by open storages and car parks. The development is not incompatible with the surroundings and additional adverse landscape impact arising from the continued use of the Site for the applied use is not anticipated. According to her site record in February 2017, the existing vegetation within the Site are in reasonable condition; and
- (c) should approval be given by the Board, an approval condition requiring the maintenance of all existing trees and landscape plantings on-site at all times during the planning approval period is recommended.

### **Drainage**

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

- (a) he has no in-principle objection to the application from public drainage viewpoint;
- (b) the Site is in an area where no public sewerage connection is available; and
- (c) should the application be approved, approval conditions should be included to request the applicant to:
  - (i) submit a condition record of the existing drainage facilities within three months from the date of the planning approval to his

satisfaction; and

- (ii) maintain the existing drainage facilities properly at all times during the planning approval period.

### **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 at the Site and BD is not in a position to offer comments on their suitability for the use related to the application;
- (b) if the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of BD, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application;
- (c) 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 BD should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
- (d) for UBW erected on leased land, enforcement action may be taken by 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;
- (e) the temporary converted containers for site office / storage are considered as temporary buildings are subject to control under the Building (Planning) Regulations (B(P)Rs) Pt. VII;
- (f) 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 respectively;
- (g) 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
- (h) detailed comments under the BO will be provided at the building plan submission stage.

### **Nature Conservation**

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

the Site is located to the north of an abandoned meander currently maintained by his department for ecological purposes under the "Main Drainage Channel for Fanling, Sheung Shui and Hinterland" project. Should the application be



approved, the applicant should be advised to adopt good site practices and implement necessary environmental measures, including but not limited to provision of screen planting/hoarding and control of surface runoff to avoid disturbance to the abandoned meander.

### **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 and water supplies for fire-fighting being provided to his satisfaction;
- (b) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and
- (c) the arrangement of emergency vehicular access should comply with Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 administered by the BD.

### **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;
- (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;
- (c) part of the lots concerned is within the waterworks reserve of WSD's 1,200mm diameter water mains (**Plan A-2**). No structure or support for any structure, except boundary fences, shall be placed or erected and no motor vehicle is allowed to park or remain for any purposes including for display within the waterworks reserve. Free access shall be made available at all times for staff of the WSD or his authorised contractor to carry out construction, inspection, operation, maintenance and repair works to the water mains within the waterworks reserve; and
- (d) the Site is located within the flood pumping gathering ground.

### **Project Interface**

#### 10.1.10 Comments of Project Manager (New Territories East), Civil Engineering and Development Department (PM(NTE), CEDD):

- (a) he has no comment on the application from the project interface point of view; and

- (b) a portion of the Site falls within the Remaining Packages of Fanling North New Development Area (NDA) project planned to be commenced in 2023 the earliest.

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

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

- (a) he has consulted the locals regarding the application on both the application and the FI submitted. The North District Council (NDC) member of the subject constituency cum Indigenous Inhabitant Representative (IIR) of Sheung Shui Heung has no comment on / supports the application and provides views that concerned department should improve the road surface in the vicinity of the Site so to alleviate the drainage problem of the local track leading to Man Kam To Road; and
- (b) the Chairman of Sheung Shui District Rural Committee (SSDRC), the remaining two IIRs and Resident Representative (RR) of Sheung Shui Heung, and the IIR and RR of Wa Shan Tsuen have no comment on the application during both two rounds of consultation.

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

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

On 27.1.2017 and 5.9.2017, the application was published for public inspection. During the first three weeks of the statutory public inspection periods, six public comments from four parties were received (**Appendix V**). While a NDC member and the Chairman of SSDRC have no comment on the application, another NDC member suggests that assessment on the traffic volume of the section of local track and affected roads in the vicinity should be carried out and consultation with the local villagers should be undertaken. An individual has no objection to the application but raises the concern that the applicant should ensure that proper drainage facilities would be provided to avoid affecting the nearby watercourses.

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

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 temporary goods distribution and storage use under application is considered generally in line with the planning intention of the "OU(PBU)" zone on the Fu Tei Au and

Sha Ling OZP which is primarily for accommodating the anticipated increasing cross-boundary freight traffic, especially the parking of container vehicles, including container trailers and tractors, and other port back-up uses.

- 12.3 The Site also falls partly within an area shown as 'Road' on the approved Fanling North OZP No. S/FLN/2. According to PM(NTE), CEDD, the area is required for the proposed Remaining Packages of Development of Fanling NDA. Nevertheless, given that the NDA project is anticipated to be commenced not earlier than 2023, he has no objection to the application from the project interface point of view. Approval of the application for a temporary period of three years would not jeopardise the long-term planning intention for the NDA development.
- 12.4 The Site is located in an area comprising mainly open storage yards, loading/unloading, and storage use, warehouses and vacant land (**Plan A-2**). The development is considered not incompatible with the surrounding environment and adverse landscape impact arising from the continuing of the temporary use under application is not anticipated. In this regard, CTP/UD&L, PlanD has no objection to the application from the landscape planning point of view. After reviewing the TIA submitted from the applicant, C for T has no further comment on the application. DEP has no adverse comment on the application as no substantiated environmental complaint has been received in the past three years. Other Government departments consulted, including D of FS, CE/MN of DSD and CE/C of WSD, have no adverse comment on or no objection to the application. The development would not have significant adverse traffic, drainage, environmental and landscape impacts on the surrounding area. As previous approval has been granted and no major change in the planning circumstances since the last approval, sympathetic considerations could be given to the current application.
- 12.5 The use under application is considered in line with the TPB Guidelines No. 13E in that the Site falls within Category 1 area and favourable consideration will normally be given and no major adverse departmental comments and no local objection have been received on the application.
- 12.6 The Site is the subject of seven previously approved applications for temporary container trailer park, and goods distribution and storage use. The last planning application (No. A/NE-FTA/154) submitted by the same applicant for the same use as the current application was approved by the Committee in 9.10.2015 for a period of three years mainly on the grounds that the use under application was in line with the planning intention of the "OU(PBU)" zone; the applied use was not incompatible with the surrounding land uses; and the application was in line with the TPB Guidelines No. 13E; and previous applications for similar/ same use had been approved by the Committee. All the approval conditions in respect of this application have been complied with except the provision of water supplies for firefighting and fire service installations. As the last approval was revoked due to non-compliance with the approval condition, shorter compliance periods are recommended to closely monitor the progress of compliance should the Committee decide to approve the current application. Moreover, the applicant would also be advised that should he fails to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given to any further application.
- 12.7 There are seven similar applications for temporary public vehicle park/loading and unloading of goods/ goods distribution / storage use in the vicinity of the Site (**Plan A-1**). All the applications were approved with conditions by the Committee between 2008 and 2012 mainly on the considerations that the developments were in line with the planning

intention of “OU(PBU)” zone; the uses under application were not incompatible with the surrounding land uses; and the uses were in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses.

- 12.8 While there is no adverse public comment received against the application, there are public comments raising concerns on the traffic and drainage impacts of the application on the surrounding area. In this regard, Government departments’ comments and the planning assessments above are relevant.

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

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11, the Planning Department considers that the 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 6.4.2021. The following conditions of approval with shorter compliance periods and advisory clauses are also suggested for Members’ reference:

#### Approval Conditions

- (a) no operation between 4:00 p.m. and 10:00 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, as defined in the Road Traffic Ordinance, is allowed for the operation of the Site at any time during the planning approval period;
- (d) the maintenance of all existing trees and landscape plantings at the Site at all times during the planning approval period;
- (e) the maintenance of the existing drainage facilities at the Site at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities 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 6.7.2018;
- (g) the submission of proposals for water supplies for fire-fighting and fire service installations within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 6.7.2018;
- (h) in relation to (g) above, the provision of water supplies for fire-fighting and fire service installations 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 6.10.2018;

- (i) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (j) if any of the above planning conditions (f), (g) or (h) 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 20.1.2017
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix Ib</b>	Letter dated 28.2.2017 requesting for deferment of consideration of the application
<b>Appendix Ic</b>	Further Information received on 8.5.2017
<b>Appendix Id</b>	Letter dated 8.6.2017 requesting for deferment of consideration of the application
<b>Appendix Ie</b>	Further Information received on 29.8.2017
<b>Appendix If</b>	Letter dated 12.10.2017 requesting for deferment of consideration of the application
<b>Appendix Ig</b>	Further Information received on 17.11.2017
<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 7.2.2018
<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 the "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 Location Plan
<b>Drawing A-2</b>	Layout Plan

<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to 4c</b>	Site Photos

**PLANNING DEPARTMENT  
APRIL 2018**