

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-LK/119

- Applicant** : Trade Advisers Company Limited represented by M&D Planning and Surveyors Consultant Ltd.
- Site** : Lots 2452 S.B. (Part), 2467 (Part) and adjoining Government Land in D.D. 39, Shek Chung Au, New Territories
- Site Area** : 3,412 m² (about) (including about 14 m² of Government land)
- Land Status**: (a) Block Government Lease (demised for agricultural use)
(b) Government Land
(c) Letter of Approval No. L4401
- Plan** : Approved Luk Keng and Wo Hang Outline Zoning Plan (OZP) No. S/NE-LK/11
- Zonings** : “Village Type Development” (“V”) (about 3,023 m² or 88.6% of the Site)
“Agriculture” (“AGR”) (about 389 m² or 11.4% of the Site)
- Application** : Temporary Open Storage of Building Materials and Ancillary Office 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 open storage of building materials and ancillary office for a period of 3 years (**Plan A-1**). The Site falls within an area mostly zoned “V” (about 88.6%) with minor portion zoned “AGR” (about 11.4%) on the approved Luk Keng and Wo Hang OZP No. S/NE-LK/11. According to the Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years within “V” and “AGR” zones requires planning permission from the Town Planning Board (the Board) notwithstanding that the use is not provided for under the Notes of the OZP. The Site is currently used for the applied use without a valid planning permission.
- 1.2 According to the applicant (**Appendices I and Ia**), the temporary development comprises four 1-storey temporary structures with a total floor area of about 664.71 m² for storage use and an ancillary office (**Drawing A-1**). The uncovered area mainly used for open storage of building materials and manoeuvring of vehicles within the Site. No parking of vehicles and loading/unloading spaces are proposed by the applicant. The Site is accessible via a local access road from Sha Tau Kok Road – Shek Chung Au. The ingress / egress is located at the eastern portion of the Site abutting the local access road.

The operation hours are from 9:00 a.m. to 6:00 p.m. from Mondays to Saturdays and no operation on Sundays and public holidays. The site layout plan submitted by the applicant is at **Drawing A-1**.

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

- (a) Application Form with Attachment received on 20.3.2019 **(Appendix I)**
- (b) Supplementary Information received on 26.3.2019 **(Appendix Ia)**

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in part 5 of the planning statement at **Appendix I**. They can be summarised as follows:

- (a) the temporary development could meet the demand of open storage facilities;
- (b) the approval of the application will not frustrate the planning intention of “V” zone;
- (c) the temporary development is compatible with surrounding land use;
- (d) the temporary development would not generate adverse drainage, traffic and environmental impacts on surrounding area; and
- (e) the approval of this application will not result in undesirable precedent effects.

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

The applicant is the sole “current land owner”. 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 subject to an active enforcement case (**Plan A-2**) for storage use (including deposit of containers). Enforcement Notice was issued on 27.8.2018 requiring the concerned owners to discontinue the unauthorised development by 27.11.2018. According to the site inspection on 15.3.2019, the unauthorized development still continued at the Site upon the expiry of the notice. Prosecution action is being considered by the Planning Authority.

5. Town Planning Board Guidelines

Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13E) are relevant to the application. Majority of the Site (88.6%) falls within Category 4 area with a minor portion (11.4%) within Category 3 area under the TPB PG-No. 13E promulgated on 17.10.2008. Relevant extract of the Guidelines is at **Appendix II**.

6. Previous Application

6.1 There is no previous application for the Site.

7. Similar Application

7.1 There is one similar application No. A/NE-LK/81 for proposed temporary open storage (leasing containers for storage use) falling within/partly within “AGR” / “V” zone in the vicinity of the Site on the Luk Keng and Wo Hang area (**Plan A-1**). The application was rejected by the Committee on 13.12.2013 mainly on the grounds that the application was not in line with the planning intention of “AGR” and “V” zones; the proposed development did not comply with the TPB PG-No. 13E in that no previous planning approval had been granted to the application site; there were adverse comments from the relevant government departments and local objections against the application; the applicant had failed to demonstrate that the proposed development would have no adverse traffic, environmental and landscape impact on the surrounding areas; the development was incompatible with the surrounding land uses which were predominantly rural in character with a mixture of residential dwellings/structures and fallow agricultural land; and the application would set an undesirable precedent for other similar applications.

7.2 Details of these applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) formed, partly fenced and paved;
- (b) currently used for open storage of construction materials and parking of vehicles without a valid planning permission; and
- (c) accessible via a local access road from Sha Tau Kok Road – Shek Chung Au Section (**Plan A-2**).

8.2 The surrounding areas have the following characteristics:

- (a) to the immediate west are vacant land and village houses in Shek Chung Au Village while to the east are mostly vacant land intermixed with some temporary structures;
- (b) to the immediate north are vegetated knoll and Grade 3 historic buildings – Law Uk and its ancillary block (**Plan A-2**); and
- (c) to the immediate south is an existing streamcourse while to the further south are open storage, parking of vehicles and some vacant lands.

9. Planning Intentions

- 9.1 The planning intention of the “AGR” zone in the Luk Keng and Wo Hang area is primarily 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.
- 9.2 The planning intention of the “V” zone in the Luk Keng and Wo Hang area is primarily to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services.

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 Comment of the District Lands Officer/North, Lands Department (DLO/N, LandsD):
- (a) the Site comprises private lots and adjoining Government land. The lots are Old Schedule lot held under the Block Government lease (demised for agricultural use) without any guarantee of right of access. The applicant should make its own arrangement for acquiring access. The Government shall accept no responsibility in such arrangement, and there is no guarantee that any adjoining Government land will be allowed for the vehicle access of the proposed use;
 - (b) the actual occupation area does not tally with the one under application;
 - (c) the Government land adjacent to the Site is being occupied without approval from his office. Some portions of the adjoining Government land were fenced off by hoardings without approval. It was not acceptable and the applicant should cease the illegal occupation and remove those hoardings at its own cost. This office reserves the right to take land control actions against the unauthorised occupation of Government land;
 - (d) the existing structures on the Site were erected without approval from his office. The aforesaid structures are not acceptable under the Leases concerned. His office reserves the rights to take enforcement actions against the aforesaid structures;
 - (e) the total built-over area and numbers of the aforesaid structures do not tally with the proposed ones as mentioned in the planning parameters;
 - (f) the Site falls within the limits of “Sha Tau Kok Shek Kiu Tau Site of

Archaeological Interest” (**Plan A-2**);

- (g) a Letter of Approval No. L4401 (L of A) was issued to allow the erection of temporary structures on Lot No. 2467 in D.D. 39 for duck raising purpose. Nevertheless, duck raising activities were not found at the time of site inspection. Further, the dimensions of the existing structures do not tally with the ones permitted under the L of A concerned;
- (h) he has no comment on the application from Small House Policy point of view and there is no Small House applications relating to the Site has been received; and
- (i) should the application is approved, the owner(s) of the lots concerned shall apply to his office for a Short Term Waiver (STW) and Short Term Tenancy (STT) to cover all the actual occupation area. The applications will be considered by Government in its landlord’s capacity and there is no guarantee that they will be approved. If the applications are approved, their commencement date will be backdated to the first date of occupation and they will be subject to such terms and conditions to be imposed including payment of waiver fee/rent and administrative fees as considered appropriate by his office.

Traffic

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

- (a) unless the applicant could satisfactorily address her following comments, she cannot render support to the application from the traffic engineering perspective:
 - (i) the applicant should advise the type and the estimated amount of building material to be stored in the subject site;
 - (ii) the applicant should advise the traffic generation and attraction from and to the site and the traffic impact to the nearby road links and junctions;
 - (iii) the applicant shall advise the number of car parking spaces and loading/unloading spaces to be provided and justify the adequacy of the parking spaces so provided by relating to the number of vehicles visiting the subject site;
 - (iv) the vehicular access should be no less than 7.3m wide;
 - (v) the applicant shall demonstrate the satisfactory manoeuvring of vehicles entering to and exiting from the subject site and manoeuvring within the subject site, preferably using the swept path analysis;
 - (vi) the applicant shall advise the management/control measures to be implemented for the proposed car park to ensure no queuing of

vehicles outside the subject site;

- (vii) adequate traffic signs should be provide to alert the public that there will be vehicles entering to and exiting from the subject site;
- (viii) it is noted that the subject site is not directly connected to Sha Tau Kok Road. The applicant shall advise the provision and management of pedestrian facilities to ensure pedestrian safety; and
- (ix) the vehicular access between the site and Sha Tau Kok Road are not managed by TD. The applicant should seek comment from the responsible party. The applicant should also demonstrate the satisfactory manoeuvring along this vehicular access, preferably using the swept path analysis.

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 ones are located to the east at a distance of about 5m (**Plan A-2**);
- (b) there was one substantiated environmental complaint against the Site during 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” and observe the Water Pollution Control Ordinance to avoid any pollution to the existing watercourse to the immediate south of the Site.

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 perspective;
- (b) according to the latest aerial photo of 2017, the Site is situated in an area of rural landscape character surrounded by clustered tree groups and some village houses. Majority of the Site is hard paved with no significant vegetation observed;
- (c) according to the layout plan in the submission, no direct conflict is observed between the proposed development and existing vegetation within and surrounding the Site. Hence, no significant adverse impact on existing landscape resources arising from the proposed development is

anticipated; and

- (d) should the application be approved by the Board, it is considered not necessary to impose a landscape condition, as clustered tree groups are found in close proximity of the Site, the effect of additional landscaping on enhancing the quality of public realm is not apparent.

Drainage

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

- (a) he does not support the application since the Site encroaches upon an existing streamcourse (**Plan A-2**), and there is insufficient information provided by the applicant to demonstrate that there would be adequate measures provided at the resources of the applicant to avoid the Site from being eroded and flooded and to ensure capacity of streamcourse and flooding susceptibility of the adjoining areas would not be adversely affected by the proposed development;
- (b) the applicant shall be required to place all the proposed works 3m away from the top of the bank of the streamcourse. All the proposed works in the vicinity of the streamcourse should not create any adverse drainage impacts, both during and after construction. Proposed flooding mitigation measures if necessary shall be provided at the resources of the applicant to his satisfaction;
- (c) the applicant should be reminded to minimize the possible adverse environmental impacts on the existing streamcourse in his design and during construction; and
- (d) 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) he has no objection to the application;
- (b) there is no record of submission of the proposed temporary buildings / structures to the Building Authority (BA) for approval. The proposed temporary structures are subject to the control of Part VII of the Building (Planning) Regulations and require prior approval and consent under the Buildings Ordinance (BO));
- (c) before any new building works are to be carried out on the Site, the prior approval and consent of the BA should be obtained, otherwise they are Unauthorized Buildings Works (UBW). An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO;

- (d) for UBW erected on leased land, enforcement action may be taken by BA 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 Site shall be provided with means of obtaining access thereto from a street under the Building (Planning) Regulations 5 and emergency vehicular access shall be provided under the Building (Planning) Regulation 41D;
- (f) if the Site does not abut a specified street having a width not less than 4.5m wide, the development intensity shall be determined under the Building (Planning) Regulations 19(3) at the building plan submission stage; and
- (g) detailed consideration will be made at building plan submission stage.

Fire Safety

10.1.7 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 firefighting being provided to his satisfaction; and
- (b) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.

Water Supply

10.1.8 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 his/her 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.

Agriculture and Nature Conservation

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

- (a) she does not support the application from agricultural point of view as the Site possesses potential for agricultural rehabilitation. Agricultural infrastructures such as road access and water source are available. The Site can be used for agricultural activities such as greenhouses, plant

nurseries, etc; and

- (b) she has no adverse comment on the application from nature conservation point of view as the Site is paved. Regarding the watercourse to the south and southeast of the Site, good site practices should be implemented in order not to pollute the watercourse nearby.

Archaeology & Built Heritage

10.1.10 Comments of the Executive Secretary (Antiquities & Monuments), Antiquities and Monuments Office (ES(A&M), AMO):

- (a) the Site falls within the Sha Tau Kok Shek Kiu Tau Site of Archaeological Interest. In view of the location, scope of works and findings of previous archaeological survey, she has no objection to the application; however, the applicant should inform her office immediately in case of the discovery of antiquities or supposed antiquities in the course of construction; and
- (b) it is noted that the subject site is located in close proximity to Law Uk and its Ancillary Block in Shek Chung Au, both Grade 3 historic buildings. The applicant should ensure that no damage(s) / disturbance(s) will be made to the graded buildings if any works to be carried out arising from the proposed development.

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 Fanling District Rural Committee, the incumbent North District Council (NDC) member of the subject constituency and the Resident Representative of Shek Chung Au have no comment on the application.

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

- (a) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD); and
- (b) Project Manager (North), North Development Office, Civil Engineering and Development Department (PM(N), CEDD).

11. Public Comments Received During Statutory Publication Period

On 29.3.2019, the application was published for public inspection. During the statutory public inspection period, 6 public comments, including 2 no comment and 4 objections, were received (**Appendix IV**). A NDC member and the Chairman of Sheung Shui District Rural Committee indicate no comment on the application. The World Wide Fund For Nature Hong

Kong, Kadoorie Farm and Botanic Garden, The Hong Kong Bird Watching Society and one individual object the application mainly on the grounds that the proposed development is not in line with the planning intention of “AGR” zone; ‘development first, application later’ should not be tolerated as it would further legitimize the current misuse of the “AGR” zone; the proposed development would cause environmental nuisances to the area; the proposed development is not compatible with the surroundings where rehabilitation of agricultural land is possible; and the proposed development would set an undesirable precedent for similar uses in the surrounding.

12. Planning Considerations and Assessments

12.1 Majority of the Site (88.6%) falls within Category 4 area with a minor portion (11.4%) within Category 3 area under the TPB PG-No. 13E promulgated on 17.10.2008. The following considerations in the Guidelines are relevant:

12.1.1 Category 3 areas: Applications would normally not be favourably considered unless the applications are on sites with previous planning approvals. In that connection, 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 on a temporary basis up to a maximum period of 3 years;

12.1.2 Category 4 areas: Applications for open storage and port back-up uses would normally be rejected except under exceptional circumstances. For applications on sites with previous planning approvals, and subject to no adverse departmental comments and local objections, 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 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. The intention is however to encourage the phasing out of such non-conforming uses as early as possible. A maximum period of 2 years may be allowed upon renewal of planning permission for an applicant to identify suitable sites for relocation. No further renewal of approval will be given unless under very exceptional circumstances and each application for renewal of approval will be assessed on its individual merits.

12.2 Majority of the Site falls within “V” zone with a minor portion encroaching onto the “AGR” zone (**Plan A-1**). The temporary open storage use under application is not in line with the planning intention of the “V” zone which is to designate both existing recognized villages and areas of land considered suitable for village expansion, and also not in line with the planning intention of the “AGR” zone which is to primarily retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes as

well as to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DLO/N of LandsD has no comment on the application from Small House Policy point of view and advises that no Small House application relating to the Site has been received. DAFC does not support the application from agriculture point of view since the Site possesses potential for agricultural rehabilitation. The applicant has not provided strong planning justifications in the submission to merit a departure from the planning intention of the “V” and “AGR” zones, even on a temporary basis.

- 12.3 The temporary open storage use is considered not entirely incompatible with the surrounding land uses which are mainly village houses, vacant land, temporary structures and some open storages uses. CTP/UD&L, PlanD has no objection to the application as no direct conflict is observed between the development and existing vegetation within and surrounding the Site. Nevertheless, DEP does not support the application as there are sensitive receivers (i.e. domestic structures) in the vicinity of the Site and the closest one is located to the immediate northeast at distance of about 5 m (**Plan A-2**). There is one substantial environmental complaint relating to suspected landfilling in respect of the Site received in 2017. According to his inspection, no on-going landfilling activity was spotted. Nevertheless, the temporary development is likely to have adverse environmental impact on the surrounding areas. From traffic engineering viewpoint, C for T does not support the application as there is insufficient information to demonstrate that the temporary development would not induce significant traffic impact to the surrounding. Moreover, CE/MN of DSD does not support the application as there is insufficient information to demonstrate that there would be adequate measures provided to avoid the Site from being eroded and flooded and to ensure capacity of stream course (**Plan A-2**) and flooding susceptibility of the surroundings would not be adversely affected by the development. The Site is subject to an active enforcement case for unauthorized storage use. As the unauthorized development has not been discontinued after the expiry date of the Enforcement Notice on 27.11.2018, prosecution action is being considered by the Planning Authority. Other relevant Government departments consulted, including D of FS and CE/C of WSD, have no adverse comment on / no objection to the application.
- 12.4 According to TPB PG-No.13E, majority of the Site falls within Category 4 where application would normally be rejected except under exceptional circumstances, and minor portion of the Site falls within Category 3 areas where applications would normally not be favourably considered unless the applications are on sites with previous planning approvals. The application does not comply with the TPB PG-No.13E in that there are no exceptional circumstances to justify sympathetic consideration to the application; the Site is not the subject of any previous planning permission; there are adverse departmental comments and local objection received in relation to the application; and the applicant fails to demonstrate that the development would have no adverse traffic, drainage and environmental impacts on the surrounding areas.
- 12.5 There is one similar application No. A/NE-LK/81 for proposed temporary open storage (leasing containers for storage use) falling within/partly within “AGR” and “V” zone in the vicinity of the Site on the Luk Keng and Wo Hang area (**Plan A-1**). The planning application was rejected by the Committee in December 2013 mainly on the grounds that the application was not in line with the planning intention of “AGR” and “V” zones; the proposed development did not comply with the TPB PG-No. 13E in that no previous planning approval had been granted to the application site; there were adverse

comments from the relevant government departments and local objections against the application; the applicant had failed to demonstrate that the proposed development would have no adverse traffic, environmental and landscape impact on the surrounding areas; the development was incompatible with the surrounding land uses which were predominantly rural in character with a mixture of residential dwellings/structures and fallow agricultural land; and the application would set an undesirable precedent for other similar applications. Approval of the application would set an undesirable precedent for similar applications in the “V” and “AGR” zones. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area. The circumstances of the current application are similar to the rejected similar application.

12.6 Regarding the adverse public comments as detailed in paragraph 11 and the local objections conveyed by DO(N) in paragraph 10.1.11 above, the Government department’s comments and the planning assessment above are relevant.

13. Planning Department’s Views

13.1 Based on the assessments made in paragraph 12 and having taken into the public comments summarized in paragraph 11 above, the Planning Department does not support the application for the following reasons:

- (a) the development is not in line with the planning intention of “V” zone which is to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also not in line with the planning intention of the “AGR” zone which is primarily 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. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the application does not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No.13E) in that there is no previous planning approval for open storage use granted at the site; there are adverse comments from the relevant government departments and local objections against the application; and the applicant has failed to demonstrate that the development would have no adverse traffic, environmental and drainage impacts on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for other similar applications within the “AGR” and “V” zones. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

13.2 Alternatively, 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 17.5.2022. The following conditions of approval 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 workshop activities shall be carried out on the Site at any time during the planning approval period;
- (d) the provision of boundary fencing on the Site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 17.11.2019;
- (e) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 17.11.2019;
- (f) in relation to (e) above, the implementation of drainage proposal within 9 months to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 17.2.2020;
- (g) 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 28.6.2019;
- (h) the submission of proposals for fire service installations and water supplies for firefighting 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 17.11.2019;
- (i) in relation to (h) above, the implementation of proposals for fire service installations and water supplies for firefighting 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 17.2.2020;
- (j) if any of the above planning conditions (a), (b) or (c) 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
- (k) if any of the above planning conditions (d), (e), (f), (g), (h) or (i) 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 at **Appendix V**.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the 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 Attachments received on 20.3.2019
Appendix Ia	Supplementary Information received on 26.3.2019
Appendix II	Relevant Extract of TPB Guidelines No. TPB PG-No. 13E for Application for Open Storage and Port Back-up Uses
Appendix III	Similar s.16 Application for Temporary Open Storage in the vicinity of the application site within/partly within the “Agriculture” or the “Village Type Development” zone in the Luk Keng and Wo Hang Area
Appendix IV	Public Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a & A-4b	Site Photos

**PLANNING DEPARTMENT
MAY 2019**