

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-LYT/646

- Applicant** : Mr. CHUI Kwok On represented by Mr. TSUI Kwok Fai
- Site** : Lots 869 S.E (Part), 869 S.F, 870 RP (Part), 871 and 2141 RP (Part) in D.D. 83, Fanling, New Territories
- Site Area** : About 2,910 m²
- Leases** : (a) Block Government lease (demised for agricultural use) for Lots 869 S.E (Part), 869 S.F, 870 RP (Part) and 871 in D.D. 83
(b) New Grant lot (demised for agricultural use) for Lot 2141 RP in D.D. 83
(c) Modification of Tenancy (MOT) No. 33669 for erection of watchman sheds for Lot 869 S.E in D.D. 83
- Plan** : Approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP) No. S/NE-LYT/17
- Zonings** : “Agriculture” (“AGR”) (67.7% of the Site) and
“Residential (Group C)” (“R(C)”) (32.3% of the Site)
- Application** : Temporary Open Storage of Recyclable Products and Ancillary Workshop for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary open storage of recyclable products and ancillary workshop for a period of three years at the application site (the Site) (**Plan A-1**). The Site falls within an area largely zoned “AGR” with a minor portion zoned “R(C)” on the approved Lung Yeuk Tau and Kwan Tei South OZP No. S/NE-LYT/17. According to the Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years within “AGR” and “R(C)” 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 by the applied use without a valid planning permission.
- 1.2 According to the information submitted by the applicant, there are two shelters for workshop use and three converted containers for washroom, first-aid room and site office. The total floor area of the development is about 568.2 m², with the maximum height of 5m. Four lorry parking spaces and one loading/unloading space are provided within the Site. The Site is accessible via Hai Wing Road to Sha Tau Kok Road – Lung Yeuk Tau (**Plan**

A-2). The number of vehicular trips to/from the Site will be 8 daily. The operation hours of the Site are between 9:00 a.m. and 6:30 p.m. Mondays to Sundays. A layout plan and road access plan are shown on **Drawings A-1 and A-2** respectively.

1.3 Part of the Site is involved in a previous application (No. A/NE-LYT/444) for temporary private vehicle park for coaches with ancillary staff rest room and storage of repair equipment for coaches and miscellaneous items. The application was rejected by the Board on review on 17.2.2012 mainly on the grounds that the development was not in line with the planning intention of “AGR” and “R(C)” zones and failed to demonstrate that the development would not generate adverse environmental and traffic impacts on the surrounding areas.

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

- (a) Application form with Attachments received on 19.3.2018 (Appendix I)
- (b) Supplementary Information received on 21.3.2018 (Appendix Ia)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Part 9 of the application form and supplementary information at **Appendices I and Ia** respectively. They can be summarized as follows:

- (a) the Site is abutting Hai Wing Road and the number of vehicular trips to/from the Site will be 8 daily. Four lorry parking spaces for small scale goods delivery and one loading/unloading space are provided within the Site. A circulation path is proposed within the Site for vehicle manoeuvring purpose. The development under application would not cause adverse traffic impact on the surrounding areas;
- (b) there is an existing 300 mm U channel for drainage purpose and spaces along the site boundary will be reserved for greenery and provision of fire services facilities; and
- (c) the approval of the application will better utilise the land resources for providing more economic activities and employment opportunities in the New Territories.

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

The applicant is not the “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 sending notice to the owner. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Chief Town Planner/Central Enforcement and Prosecution, Planning Department (CTP/CEP, PlanD) states that the Site is involved in an active enforcement case (**Plan A-2**). Enforcement Notice against workshop use, storage use and parking of vehicles was issued to the

concerned land owner on 2.3.2018 requiring the unauthorised development to be discontinued on or before 2.6.2018.

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) is relevant to the application. The Site falls largely within Category 3 area with a small portion within Category 4 area under TPB PG-No. 13E promulgated on 17.10.2008. Relevant extract of the Guidelines is attached in **Appendix II**.

6. Previous Application

- 6.1 The Site is involved in one previous application (No. A/NE-LYT/444), submitted by different applicant, for temporary private vehicle park for coaches with ancillary staff rest room and storage of repair equipment for coaches and miscellaneous items. The application was rejected by the Board on review on 17.2.2012 mainly on the grounds of being not in line with the planning intention of “AGR” and “R(C)” zones and failed to demonstrate that the development would not generate adverse environmental and traffic impacts on the surrounding areas.
- 6.2 Details of the previous application are summarised at **Appendix III** and its location is shown on **Plan A-1**.

7. Similar Applications

- 7.1 There are 3 similar applications within or partly within the “AGR” or “R(C)” zones in the vicinity of the Site in the Lung Yeuk Tau and Kwan Tei South area.
- 7.2 All of them (applications No. A/NE-LYT/361, 387 and 546) for various temporary open storage uses were rejected by the Rural and New Town Planning Committee (the Committee) or by the Board on review between January 2008 and September 2014 mainly on the considerations that the developments were not in line with the planning intentions of the “AGR” and “R(C)” zones; the developments did not comply with the relevant Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’; the applicants failed to demonstrate that the developments would not have adverse environmental, traffic and landscape impacts on the surrounding areas; and the approval of the applications would set undesirable precedents for other similar applications.
- 7.3 Details of these previous applications are summarised 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, A-3b and A-4a to A-4c)

- 8.1 The Site is:
 - (a) formed, paved and fenced off;

- (b) occupied by structures for the applied use without valid planning permission; and
- (c) abutting Hai Wing Road (**Plan A-2**).

8.2 The surrounding areas have the following characteristics:

- (a) mainly a mixed rural landscape character dominated by low-rise residential buildings, active/fallow agricultural land, car repairing workshops and warehouses;
- (b) to the east and west along Hai Wing Road are low-rise residential buildings and car repairing workshops in “R(C)” zone;
- (c) to the north across Hai Wing Road are low-rise residential buildings and vacant land in “R(C)” zone; and
- (d) to the south and east are active/fallow agricultural land, domestic structures and warehouse in “AGR” zone; to further southwest are village houses in “Village Type Development” zone.

9. Planning Intentions

9.1 The planning intention of the “AGR” zone in the Lung Yeuk Tau and Kwan Tei South 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 “R(C)” zone in the Lung Yeuk Tau and Kwan Tei South area is primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

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 private lots. Lots 869 S.E (Part), 869 S.F, 870 RP (Part) and 871 in D.D. 83 are Old Schedule Lots held under the Block Government lease (demised for agricultural use) without any guaranteed right of access. Lot 2141 RP in D.D. 83 is a New Grant lot demised for agricultural use. MOT No. 33669 was issued for erection of watchman sheds on Lot 869 S.E in D.D. 83 within the Site;
- (b) the authorised agent of the application was approached to arrange site inspection. However, the request for site inspection was rejected. The staff of his office visited the Site but entry could not be successfully gained.

In this circumstance, his office reserves rights to take appropriate enforcement actions against the irregularities on the Site, if any;

- (c) according to the development schedule as proposed by the applicant, structures will be erected within the Site. If the planning application is approved, the owner(s) of the lots concerned shall apply to this office for a Short Term Waiver (STW) to cover the proposed structures on the Site. The application for STW will be considered by Government in its landlord's capacity and there is no guarantee that it will be approved. If the STW is approved, it will be subject to such terms and conditions to be imposed including payment of waiver fee and administrative fee as considered appropriate by this office; and
- (d) the Lot 2141 RP and portion of Lot 871 in D.D. 83 are within the village 'environs' of Ma Liu San Tsuen (**Plan A-2**). No valid Small House application is received at the moment. He has no comment on the application from Small House Policy perspective. If Small House application on the subject lot(s) is approved, the STWs/MOTs on the lot(s) concerned will be cancelled, and the Small House applicant is required to remove the affected structure(s).

Traffic

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

- (a) in view of the recent traffic condition at Sha Tau Kok Road, the applicant should:
 - (i) carry out a traffic impact assessment of the application upon Sha Tau Kok Road and road network of Sheung Shui/Fanling area;
 - (ii) advise the number of car parking spaces and loading/unloading spaces to be provided and demonstrate the satisfactory manoeuvring of vehicles entering and exiting the Site, preferably using the swept path analysis;
 - (iii) advise the traffic management plan to ensure traffic safety and to avoid possible traffic impact to the nearby area in view that the existing Hai Wing Road/Dao Yang Road connecting the Site and the public roads are not managed by his department; and
 - (iv) advise and justify the adequacy of parking spaces to be provided in the Site by advising the number of vehicles visiting the Site; and
- (b) without such information, he cannot render support to the application.

Environment

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

- (a) she does not support the application as there are domestic structures in the vicinity of the Site, the closest one is located to the immediate east and

west of the Site (**Plan A-2**); and

- (b) there was no environmental complaint against the Site during 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 reservations on the application from the landscape planning perspective;
- (b) with reference to aerial photo, the Site is located in the rural landscape character area comprising open storages, warehouses, village houses, tree groups and patches of active and fallow farmlands. According to her site record, the Site is fenced off and hard paved with a few temporary canopy structures, container offices, lorries/machineries and stockpile of recycled materials. The northern portion, surrounded by temporary open storages, has been already hard paved as shown in aerial photo in the 1990s. While the southern portion, surrounded by both active and fallow farmlands with village houses and domestic structures not far away, was once vegetated and had been converted into hard paved area since 2013 (**Plans A-3a and A-3b**). Apparently vegetation clearance has been taken place prior to obtaining permission. Yet there is no landscape proposal to provide buffer and screening to the temporary open storage use and for the environmental enhancement;
- (c) while the temporary development under application is not entirely incompatible with the landscape character of the surrounding area, approval of the application may set an undesirable precedent to encourage similar vegetation clearance prior to permission. The cumulative effect will cause potential loss of vegetation that lead to further degradation on the landscape character in the area; and
- (d) should the application be approved, an approval condition on the submission and implementation of landscape proposal is recommended.

Drainage

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

- (a) he has no objection in-principle 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 and implement a drainage proposal for the Site to ensure that the applied use 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) he has no objection to the application;
- (b) if the existing structures are erected on leased land without approval of the BD, they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;
- (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 Unauthorised Building Works (UBW). An Authorised 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 the 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 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 B(P)Rs respectively;
- (g) if the Site is not abutting on a specified street having a width not less than 4.5m, the development intensity shall be determined under Regulation 19(3) of the B(P)Rs at the building plan submission stage; and
- (h) formal submission under the BO is required for any proposed new works, including any temporary structures. Detailed comments under BO will be provided 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 (FSIs) and water supplies for firefighting being provided to the satisfaction of his department;
- (b) having considered the nature of the use, an 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 circumstances, except where building plan will be circulated to his department via the Centralized 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;
- (e) detailed fire safety requirements will be formulated upon receipt of formal submission of the aforesaid plans. The applicant will need to subsequently provide such FSIs according to the approved proposal; and
- (f) emergency vehicular access arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by BD.

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 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.

Agriculture

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

the Site is currently occupied as open storage, however, active agricultural activities could be found in its vicinity. Agricultural infrastructure such as road access is available. The Site could be used as greenhouse cultivation or plant nursery. It possesses high potential for agricultural rehabilitation. As such, he does not support the application from the agricultural development point of view.

District Officer's Comments

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

he has consulted the locals regarding the application. The Chairman of Fanling District Rural Committee (FDRC) and the incumbent North District Council (NDC) member of the subject constituency have no comment on the application, whereas the Indigenous Inhabitant Representative of Ma Niu Shui San Tsuen objects to the application as the temporary open storage use generates noise and odour nuisances (in particular at night) to the villagers.

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

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

11. Public Comments Received During Statutory Publication Period

On 6.4.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, four public comments were received (**Appendix V**). The NDC member and the Chairmen of FDRC and Sheung Shui District Rural Committee indicate no comment on the application whereas an individual objects to the application on the considerations that the Site is the subject of a previous application rejected by the Board on review; and the portion of the Site within "R(C)" zone should be used for residential development.

12. Planning Considerations and Assessments

12.1 The Site falls largely within Category 3 area (about 67.7% or 1,970 m²) with a small portion within Category 4 area (about 32.3% or 940 m²) under the TPB PG-No. 13E promulgated by the Board on 17.10.2008. The following considerations in the Guidelines are relevant:

- (a) 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.
- (b) Category 4 areas: applications 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 merit.

- 12.2 The Site is largely zoned “AGR” with a small portion zoned “R(C)” on the OZP (**Plan A-1**). The development is not in line with the planning intentions of the “AGR” and “R(C)” zones which are to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes; and primarily for low-rise, low-density residential developments respectively. No strong planning justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis.
- 12.3 The Site is situated in an area of rural landscape character comprising open storages, warehouses, low-rise domestic structures, village houses, tree groups and patches of active and fallow farmlands (**Plan A-2**). The southern portion of the Site with the “AGR” zone, surrounded by both active and fallow farmlands with village houses and domestic structures in the vicinity, was once vegetated and had been converted into hard paved area since 2013 (**Plans A-3a and A-3b**). Vegetation clearance has been taken place prior to obtaining planning permission. Approval of the application may set an undesirable precedent to encourage similar vegetation clearance prior to permission, the cumulative effect will cause potential loss of vegetation that lead to further degradation on the landscape character in the area. CTP/UD&L, PlanD, in this regard, has reservation on the application from the landscape planning point of view. Moreover, DAFC does not support the application from the agricultural development point of view as the Site can be used for agricultural uses such as greenhouse or plant nursery.
- 12.4 C for T does not support the application from the traffic engineering viewpoint and states that the applicant should carry out a traffic impact assessment and provide relevant information to demonstrate the satisfactory manoeuvring of vehicles entering and exiting the Site, to provide traffic management plan to ensure traffic safety and to advise and justify the adequacy of car parking spaces provided in the Site. Approval of the application would thus result in adverse traffic impact on the surrounding area. Besides, DEP does not support the application as there are sensitive receivers, i.e. domestic structures, in the vicinity of the Site, the closest one is located to immediate east and west of the Site (**Plan A-2**) and environmental nuisance is expected. Other Government departments consulted, including D of FS, CE/C of WSD and CE/MN of DSD, have no objection to or no adverse comment on the application.
- 12.5 The application does not comply with the TPB PG-No.13E (**Appendix II**) in that the majority portion of the Site falls within Category 3 area (about 67.7%) where applications would normally not be favourably considered unless the applications are on sites with previous planning approvals, and a small portion of the Site falls within Category 4 area (about 32.3%) where applications would normally be rejected except under exceptional

circumstances. The Site is not the subject of any previous planning approval for similar open storage uses and there is no special circumstance in the application that justify sympathetic consideration; there are adverse departmental comments and local objections to the application; and the applicant has failed to demonstrate that the development would not cause adverse landscape, traffic and environmental impacts on the surrounding areas. Approval of the application would set an undesirable precedent for similar applications in the “AGR” and “R(C)” zones. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

- 12.6 The Site is the subject of one previous application (No. A/NE-LYT/444) for temporary private vehicle park for coaches with ancillary staff rest room and storage of repair equipment for coaches and miscellaneous items. The application was rejected by the Board on review on 17.2.2012 mainly on the grounds of being not in line with the planning intention of “AGR” and “R(C)” zones and failed to demonstrate that the development would not generate adverse environmental and traffic impacts on the surrounding areas. There are three similar applications (No. A/NE-LYT/361, 387 and 546) for various temporary open storage uses in the vicinity of the Site were rejected by the Committee or by the Board on review between January 2008 and September 2014 mainly on the considerations that developments were not in line with the planning intentions of the “AGR” and “R(C)” zones; the developments did not comply with the relevant Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’; the applicants failed to demonstrate that the developments would not have adverse environmental, traffic and landscape impacts on the surrounding areas; and the approval of the applications would set undesirable precedents for other similar applications. The circumstance of the current application is similar to those rejected applications.
- 12.7 There are adverse public comment and local objection conveyed by DO(N), HAD mainly on the Site is the subject of a previous application rejected by the Board on review; part of the Site within “R(C)” zone should be used for residential development; and the temporary open storage use generates nuisances to the local villagers. In this regard, Government departments’ comments and 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 does not support the application for the following reasons:
- (a) the development under application is not in line with the planning intentions of the “AGR” and “R(C)” zones for the Lung Yeuk Tau and Kwan Tei South area, which are primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes; and for low-rise, low-density residential developments. There is no strong planning justification in the submission for a departure from the planning intentions, 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’ in that no previous approval has been granted at the Site and there are adverse departmental comments on the application;

- (c) there is no information in the submission to demonstrate that the development would not cause adverse landscape, traffic and environmental impacts on the surrounding areas; and
- (d) the approval of the application would set an undesirable precedent for similar applications within the “AGR” and “R(C)” 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 18.5.2021. The following conditions of approval and advisory clauses are suggested for Members’ reference:

Approval Conditions

- (a) no operation between 6:30 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 is allowed on the Site during the planning approval period;
- (c) no container tractor/trailer is allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (d) the peripheral fencing and paving of the Site shall be maintained at all times during the planning approval period;
- (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 18.11.2018;
- (f) in relation to (e) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 18.2.2019;
- (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 29.6.2018;
- (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 18.11.2018;
- (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 18.2.2019;
- (j) the submission of traffic impact assessment within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 18.11.2018;

- (k) in relation to (j) above, the implementation of traffic improvement measures identified therein within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 18.2.2019;
- (l) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 18.11.2018;
- (m) in relation to (l) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 18.2.2019;
- (n) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (e), (f), (g), (h), (i), (j), (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (p) upon expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of Director of Planning or of the Town Planning Board.

Advisory Clauses

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

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 19.3.2018
Appendix Ia	Supplementary Information received on 21.3.2018
Appendix II	Relevant Extract of TPB PG-No. 13E for Application for Open Storage and Port Back-up Uses
Appendix III	Previous Application
Appendix IV	Similar s.16 Applications within or partly within the “AGR” or “R(C)” zones in the vicinity of the Site in the Lung Yeuk Tau and Kwan Tei South area
Appendix V	Public Comments

Appendix VI	Recommended Advisory Clauses
Drawing A-1	Site Layout Plan
Drawing A-2	Road Access Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3a to A-3c	Aerial Photos taken in 2011, 2013 and 2017
Plans A-4a to A-4c	Site Photos

**PLANNING DEPARTMENT
MAY 2018**