

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

**APPLICATION NO. A/NE-TKL/602**

- Applicant** : Great Rise Development Limited represented by Metro Planning and Development Company Limited
- Site** : Lots 783 and 784 in D.D. 77 and adjoining Government Land, Ping Che, New Territories
- Site Area** : 3,577 m<sup>2</sup> (about) (including about 210 m<sup>2</sup> of Government land)
- Land Status**: (a) Block Government Lease (demised for agricultural use)  
Short Term Waiver No. 1242  
- Restricted to workshop and open storage of building materials and construction machine accessories  
(b) Government land
- Plan** : Approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP) No. S/NE-TKL/14
- Zonings** : “Open Storage” (“OS”) (about 3,012 m<sup>2</sup> or 84.2% of the Site) and “Agriculture” (“AGR”) (about 565 m<sup>2</sup> or 15.8% of the Site)
- Application** : Temporary Vehicle Repair Workshop for Lorry, Coach and Container Vehicle with Ancillary Office and Electricity Transformer Station 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 vehicle repair workshop for lorry, coach and container vehicle with ancillary office and electricity transformer station for a period of three years (**Plan A-1**). The Site falls within an area largely zoned “OS” with minor portion zoned “AGR” on the approved Ping Che and Ta Kwu Ling OZP No. S/NE-TKL/14. According to the Notes of the OZP, ‘Vehicle Repair Workshop’ is always permitted in the “OS” zone, whereas ‘Container Vehicle Repair Yard’ requires planning permission from the Town Planning Board (the Board). Also, temporary uses not exceeding a period of three years within “AGR” zone require planning permission from the Board notwithstanding that the uses are not provided for in terms of the Plan.

- 1.2 According to the applicant, the development under application comprises nine 1-2 storey structures (about 3m to 6.5m in height) with a total floor area of about 1,998 m<sup>2</sup> for vehicle repair workshop, site offices, guard room, store room, toilet, electricity transformer station and pump room & water tank. All vehicle repair activities are carried out within the temporary structure (i.e. structure No. 8 as shown on **Drawing A-1**) which allows 3 lorries/coaches and 3 container tractors to be repaired at the same time. The structure for pump room and water tank being part of fire service installations is located at the western part of the Site. The remaining structures for guard rooms, site office and toilet are erected along the eastern boundary of the Site near the ingress/egress. Six private car parking spaces (measuring 5 m x 2.5 m each) and the ingress/egress are located at the northern part of the Site. The uncovered area is mainly for the manoeuvring of vehicles. The Site is accessible via a local track branching off from Ping Che Road. The proposed operation hours are from 9:00 a.m. to 6:15 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 The Site is the subject of nine previous applications (**Plan A-1**) (No. A/NE-TKL/46, 89, 127, 149, 242, 293, 345, 376 and 481) for various open storage and workshop uses submitted by the same applicant of current application. All applications were approved by the Rural and New Town Planning Committee (the Committee). Details of these previous applications are summarised in paragraph 6 below. When compared with the last approved application No. A/NE-TKL/481 submitted by the same applicant of the current application, the current application is for the same use with the following minor changes:
- (a) an increase in the total floor area of about 320 m<sup>2</sup> (from about 1,678 m<sup>2</sup> to 1,998m<sup>2</sup>) mainly due to the additional floor area for storeroom i.e. Structure No. 6 as shown on **Drawing A-1**;
  - (b) deletion of a toilet;
  - (c) provision of a 2-storey store room;
  - (d) provision of six private car parking spaces; and
  - (e) provision of 2 waiting spaces for lorry, coach and container vehicle
- 1.4 Due to the non-compliance with approval condition in relation to the provision of water supplies for firefighting and fire service installations, the planning application granted under application No. A/NE-TKL/481 was revoked on 17.1.2017. The Site is currently used for applied use without valid planning permission.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with Attachments received on 23.8.2018 (**Appendix I**)
  - (b) Planning Statement (**Appendix Ia**)
  - (c) Traffic Impact Assessment (**Appendix Ib**)

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

The justifications put forth by the applicant in support of the application are detailed in part 3 of the planning statement at **Appendix Ia**. They can be summarised as follows:

- (a) the development under application fulfils the requirements in 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 which the Site is largely zoned “OS” falling within Category 1 area and the applied use would not generate adverse impacts to the surrounding areas. The Board should give favourable consideration to the application;

- (b) the applicant has paid effort to comply with the outstanding approval condition of the previous planning application (No. A/NE-TKL/481) by providing water supplies for firefighting and fire service installations at the Site;
- (c) the proposed development would not jeopardize the planning intention of “AGR” zone as only small portion of the Site is within “AGR” zone;
- (d) the applied use could not be accommodated in conventional warehouse due to the economic infeasibility and the physical constraints of the conventional godowns and industrial buildings;
- (e) the Site is located in an area with warehouses and intermixed with open storage yards and vehicle repairing workshops in the “OS” zone. There is approved similar application in the vicinity of the Site. As such, the proposed development is compatible with the surrounding areas;
- (f) the vehicle repair activities are carried out within an enclosed structure, the operation hours are restricted to 9:00 a.m. – 6:15 p.m. from Mondays to Saturdays and no operation on Sundays and public holidays, and no frequent traffic would be generated by the vehicle repair workshop. As such, the development under application would not generate significant environmental impacts; and
- (g) the development under application would not cause significant traffic and drainage impacts to the surrounding areas.

### **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. For the Government land within the Site, the “owner’s consent/notification” 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) is not applicable to the application.

### **4. Background**

The Chief Town Planner/Central Enforcement and Prosecution, Planning Department (CTP/CEP, PlanD) states that the Site is not subject to any active enforcement action.

### **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 1 area (84.2%) with a minor portion 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 Applications**

- 6.1 The Site is the subject of nine previous applications (**Plan A-1**) (No. A/NE-TKL/46, 89, 127, 149, 242, 293, 345, 376 and 481) for various open storage and workshops uses submitted by the same applicant of current application. All the applications were approved by the Committee between August 1997 and October 2014 mainly on the considerations that the proposed developments were in line with the planning intention of “OS” zone and complied with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses; the proposed developments were not incompatible with the surrounding land uses and were not expected to have adverse environmental, drainage and traffic impacts; the application sites were the subjects of previous planning approvals; and the approval conditions had been complied with.
- 6.2 The last approved application (No. A/NE-TKL/481) for the same use submitted by the same applicant was approved with conditions by the Committee on 17.10.2014. Due to the non-compliance with approval condition in relation to the provision of water supplies for firefighting and fire service installations, the planning application granted under application No. A/NE-TKL/481 was revoked on 17.1.2017. The Site is currently used for applied use without valid planning permission.
- 6.3 Details of these previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

## **7. Similar Applications**

- 7.1 There are four similar applications for temporary warehouse / container vehicle repair yard / curtain wall testing centre / open storage uses which fall partly within “AGR” zones in the vicinity of the Site in the Ping Che and Ta Kwu Ling area (**Plan A-1**).
- 7.2 Application Nos. A/NE-TKL/321, 387 and 584 involving the same site as well as Application No. A/NE-TKL/567 were approved with conditions by the Committee between August 2009 and May 2018 mainly on the considerations that the sites only fell a minor portion within “AGR” zone; the applications were generally in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses; the proposed developments were compatible with the surrounding areas; and the developments would unlikely cause adverse impacts on the surrounding area.
- 7.3 Details of these similar 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 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) flat, formed, fenced off and accessible via a local track leading to Ping Che Road; and
- (b) currently occupied by a vehicle repair workshop without a valid planning permission (**Plans A-4a and A-4b**).

8.2 The surrounding areas have the following characteristics:

- (a) to the east, northeast, northwest and west are warehouses, vehicle repairing workshops, parking of vehicles, a religious use and temporary structures for domestic and storage purposes within “OS” zone, while to the further north is a wooded area zoned “Green Belt” (“GB”); and
- (b) to the south and further west are fallow agricultural land, vacant land, an open storage yard and a religious institute (Pu-ti Ching Shea 菩提精舍).

## **9. Planning Intentions**

- 9.1 The planning intention of the “OS” zone in Ping Che and Ta Kwu Ling area is primarily for the provision of land for appropriate open storage uses and to regularize the already haphazard proliferation of open storage uses. It provides for the orderly development of land for open storage uses which cannot be accommodated in conventional godown premises.
- 9.2 The planning intention of the “AGR” zone in Ping Che and Ta Kwu Ling area is to primarily retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

## **10. Comments from Relevant Government Departments**

- 10.1 The following Government departments have been consulted and their views on the application are 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 lots held under the Block Government Lease (demised for agricultural use) without any guaranteed right of vehicular access and covered by Short Term Waiver (STW) No. 1242 for the purpose of workshop and open storage of building materials and construction machine accessories. The total site coverage of the structures erected on the lots shall not exceed 595 m<sup>2</sup> on Lot 783 and 415m<sup>2</sup> on Lot 784;
- (b) the occupation boundary and application boundary of the application site

does not tally. Portions of the adjoining lots have also been occupied. There are unauthorised structures erected on Lots 783 and 784 in D.D. 77 and their total built-over area exceeds those permitted on each lot under the STW No. 1242. The total built-over areas of the structures erected on site are not acceptable under the STW No. 1242. His office reserves the right to take necessary lease enforcement actions against the unauthorized structures;

- (c) the existing vehicular access on-site routes through a gate, the non-exclusive right-of-way of STW No. 1085 (**Plan A-1**) and the nearby Government land. The applicant should make his own arrangements for acquiring access. The Government shall accept no responsibility in such arrangements; and
- (d) if the application is approved, the applicant shall apply to his office for modification of STW No. 1242 and a Short Term Tenancy to cover the vehicle repair workshop for lorry, coach and container vehicle with ancillary office and electricity transformer station and regularize the aforesaid irregularities. 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):

he has no comment on the application from the traffic engineering perspective after reviewing the TIA (**Appendix Ib**) submitted by the applicant.

### **Environment**

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

- (a) she does not support the application as there are domestic structures within 100m from the site boundary, and traffic of heavy vehicles is expected (**Plan A-2**);
- (b) there was no substantiated environmental complaints 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". Besides, design and construction of the septic tank and soakaway system, if required, must follow the ProPECC PN 5/93 requirements.

## **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) Compared with aerial photo of 2015 (under previous application) and latest photo of 2017, there is no significant change in the landscape character of the area which consists of open storage, farmlands (mostly abandoned), tree groups and village houses. The continuous use is not incompatible with the surrounding environment;
- (c) According to her site record, the Site is fenced off, hard paved with temporary structure. The Site is connected to Ping Che Road via a local track. Within the Site, the tree planting works implemented for compliance with previous approval condition are generally kept in good condition. The applicant also indicated that he will undertake the tree maintenance if permission is granted. As there is no significant change in the layout plan, the existing trees will not be affected by the proposed continuous use. It is also observed that a manmade water channel of low landscape value running outside the fence but within the southern boundary; and
- (d) should the application be approved by the Board, she recommended “to maintain all existing trees in good condition at all time throughout the approval period” as approval condition.

## **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 the public drainage point of view; and
- (b) should the application be approved, approval conditions should be included to request the applicant to submit :
  - (i) submit a condition record of the existing drainage facilities implemented on the same site (in the last planning application No. A/TKL/481) and the downstream water course up to Lot 737 RP. The condition record shall include photos clearly showing the current conditions of the existing drainage facilities including those downstream of the site; and
  - (ii) maintain these existing drainage facilities properly and rectify those facilities if they are found inadequate / ineffective.

### **Building Matters**

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

- (a) if the existing structures are erected on lease land without approval of the BD (not being a New Territories Exempted House), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;
- (b) 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 the BD 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;
- (c) 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;
- (d) if the proposed use under application is subject to the issue of a licence, please be reminded that any existing structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
- (e) the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)Rs) respectively; and
- (f) if the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)Rs at the building plan submission stage.

### **Agriculture**

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

the Site is a well-established open storage which possess low potential for agricultural rehabilitation. She has no strong view against the subject application from agriculture point of view.

### **Fire Safety**

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

- (a) he has no in-principle objection to the application subject to fire service installations (FSIs) and water supplies for firefighting being provided to the



satisfaction of his department;

- (b) 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; and
- (c) detailed fire safety requirements will be formulated upon receipt of formal submission of the general building plans.

### **Water Supply**

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

- (a) he has no objection to the application;
- (b) there is an existing water mains inside the proposed lot and will be affected (**Plan A-2**). The applicant is required to either divert or protect the water mains found on site; and
- (c) the general requirements in the water supply proposal are appended in **Appendix VI**.

### **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 incumbent North District Council (NDC) member of the subject constituency, the Indigenous Inhabitant Representative and Resident Representative of Ping Che have no comment on the application whereas the Vice-Chairman of Ta Kwu Ling District Rural Committee objects to the application as existing roads are overloaded and road improvement works should be carried out first.

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);
- (b) Project Manager (North), North Development Office, Civil Engineering and Development Department (PM(N), CEDD); and
- (c) Director of Electrical and Mechanical Services (DEMS).

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

On 31.8.2018, the application was published for public inspection. During the statutory public inspection periods, two public comments were received (**Appendix V**). A NDC member and the Chairman of Sheung Shui District Rural Committee indicate no comment on the application.

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

- 12.1 The Site falls largely within Category 1 area (84.2%) with a minor portion within Category 3 area (15.8%) under the TPB PG-No. 13E promulgated by the Board on 17.10.2008. The following considerations in the Guidelines are relevant:
- 12.1.1 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; and
- 12.1.2 Category 3 areas: applications would normally not be favourably considered unless the applications are on sites with previous planning approvals. Sympathetic consideration may be given if the applicants have demonstrated genuine efforts in compliance with approval conditions of the previous planning applications and included in the fresh applications relevant technical assessments/proposals to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. Planning permission could be granted on a temporary basis up to a maximum period of 3 years, 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.
- 12.2 The Site falls largely within the “OS” zone (about 84.2% of the Site) in which vehicle repair workshop for lorry and coach is always permitted, whereas container vehicle repair workshop requires planning permission from the Board. A minor portion of the Site falls within the “AGR” zone (about 15.8% of the Site), which is occupied by a permanent structure of pump room & water tank as fire service installation (i.e. with an area of 60m<sup>2</sup>) as well as used as circulation space. The temporary vehicle repair workshop is not in line with the planning intention of “AGR” zone which is 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. Nevertheless, DAFC has no strong view against the subject application from agriculture point of view as the Site is a well-established open storage which possesses low potential for agricultural rehabilitation.
- 12.3 The temporary vehicle repair workshop is not incompatible with the surrounding environment which are mainly warehouses, vehicle repair workshop and parking of vehicles. As there is no significant change in the layout plan as compared with the previously approved application No. A/NE-TKL/481, the existing trees will not be affected by the temporary use. In this connection, CTP/UD&L of PlanD has no objection to the application. Concerned Government departments including C for T and CE/MN, DSD have no objection to or no adverse comment on the application.
- 12.4 The temporary development under the application generally complies with the TPB PG-No. 13E in that majority of the Site falls within Category 1 area (about 84.2%) where favourable consideration will normally be given to applications. For the minor

portion of the Site falls within the Category 3 area (about 15.8%), there is no major impact or adverse departmental comments or the concerns of relevant department could be addressed through the stipulation of approval condition and there are previous approval.

- 12.5 The Site is the subject of nine previous applications for various open storage and workshop uses (**Appendix III**). They were approved mainly on the grounds of in line with the planning intention of “OS” zone and complied with the TPB PG-No. 13E; not incompatible with the surrounding land uses; unlikely to have adverse environmental, drainage and traffic impacts; subject of previous planning approvals; and the approval conditions had been complied with. The last approved application (No. A/NE-TKL/481) was revoked on 17.1.2017 due to the non-compliance with the approval condition in relation to the provision of water supplies for firefighting and fire service installations. For the current application, the applicant has implemented fire service installations proposal by providing pump room and water tank (i.e. Structure 9 as shown on **Drawing A-1**) at the western part of the Site. In this regard, D of FS has no in-principle objection to the application. Should the Committee decide to approve the application, shorter compliance periods on the approval conditions are proposed to monitor the progress of compliance. Moreover, the applicant will be advised that should he fail to comply with any of the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration will not be given to any further application.
- 12.6 There are four similar applications for temporary warehouse / container vehicle repair yard / curtain wall testing centre / open storage uses which fall partly within “AGR” zones in the vicinity of the Site in the Ping Che and Ta Kwu Ling area. Application Nos. A/NE-TKL/321, 387 and 584 involving the same site as well as Application No. A/NE-TKL/567 were approved with conditions by the Committee between August 2009 and May 2018 mainly on the considerations that the sites only fell a minor portion within “AGR” zone; the applications were generally in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses; the proposed developments were compatible with the surrounding areas; and the developments would unlikely cause adverse impacts on the surrounding area.
- 12.7 DEP does not support the application as there are sensitive receivers (i.e. temporary domestic structures) within 100m from the site boundary (**Plan A-2**) and environmental nuisance is expected. Nevertheless, there is no environmental complaint for the Site in the past three years. To address DEP’s concerns, approval conditions restricting the operation hours of the Site would be imposed (paragraph 13.2 below). Moreover, the applicant will be advised to follow the environmental mitigation measures as set out in the revised ‘Code of Practice on handling the Environmental Aspects of Temporary Uses and Open Storage Sites’.
- 12.8 Regarding the local objection conveyed by DO(N), HAD mainly on the considerations of existing roads are overloaded and road improvement works should be carried out first, the departmental comments and planning assessments above are relevant.

### 13. Planning Department's Views

13.1 Based on the assessments made in paragraph 12 and public comments in paragraph 11 above, 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 **19.10.2021**. The following conditions of approval with shorter compliance periods and advisory clauses are also suggested for Members' reference:

#### Approval Conditions

- (a) no operation between 6:15 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) the peripheral fencing shall be maintained on Site at all times during the planning approval period;
- (d) the existing drainage facilities should be maintained properly and those facilities if found inadequate/ineffective should be rectified during the planning approval period;
- (e) all existing trees shall be maintained in good condition 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 the Town Planning Board by 19.1.2019;
- (g) the submission of proposals for fire service installations and water supplies for firefighting 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 19.1.2019;
- (h) in relation to (g) above, the implementation 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 19.4.2019;
- (i) the implementation of traffic improvement measures identified in the 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 19.4.2019;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (e) 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;

- (k) if any of the above planning conditions (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; and
- (l) upon expiry of the planning permission, the reinstatement of the “Agriculture” portion 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**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Member’s reference:

the development is not in line with the planning intention of the “Agriculture” zone in the Ping Che and Ta Kwu Ling area 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 the planning intention, even on a temporary basis.

#### **14. Decision Sought**

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

<b>Appendix I</b>	Application Form with Attachments received on 23.8.2018
<b>Appendix Ia</b>	Planning Statement
<b>Appendix Ib</b>	Traffic Impact Assessment
<b>Appendix II</b>	Relevant Extract of TPB Guidelines No. TPB PG-No. 13E for Application for Open Storage and Port Back-up Uses
<b>Appendix III</b>	Previous s.16 Applications
<b>Appendix IV</b>	Similar s.16 Applications for Temporary Workshop in the vicinity of the application site within/partly within the “Agriculture” or “Open Storage” zones in the Ping Che and Ta Kwu Ling Area
<b>Appendix V</b>	Public Comments
<b>Appendix VI</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Site Layout Plan
<b>Drawing A-2</b>	Proposed Landscape and Tree Preservation Plan

<b>Drawing A-3</b>	As-built Drainage 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 &amp; A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
OCTOBER 2018**