

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKL/624

- Applicant** : Team Rich Inc Limited represented by Glister Engineering Consultants Company
- Site** : Lots 1831 S.B RP (Part) and 1834 S.C RP (Part) in D.D. 76, Ma Mei Ha, Fanling, N.T.
- Site Area** : 2,925 m² (about)
- Land Status**: (a) Block Government Lease (demised for agricultural use)
(b) Modification of Tenancy No. 36569 (the MOT) at Lot 1834 S.C RP in D.D.76
- Plan** : Approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP) No. S/NE-TKL/14
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Open Storage of Construction Material for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary open storage of construction material for a period of 3 years at the application site (the Site) (**Plan A-1**). The Site falls within an area zoned “AGR” on the approved Ping Che and Ta Kwu Ling OZP No. S/NE-TKL/14. 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” zone requires planning permission from the Town Planning Board (the Board) notwithstanding that the use is not provided for under the Notes of the OZP. The Site is currently vacant.
- 1.2 The Site is accessible from Sha Tau Kok Road –Ma Mei Ha Section (**Plan A-2**). According to the applicant, the proposed temporary development comprises one 1-storey temporary structure for ancillary office use, two security booths and two portable toilets with a total floor area of about 80.4 m² (**Drawing A-1**). The uncovered area will be mainly used for open storage of construction material (i.e. tiles) and loading/ unloading area within the Site. There are 5 private car park spaces (i.e. 4.8m X 2.4m) and 3 loading/unloading bays (i.e. 7.5m x 3m) for light goods vehicles provided within the Site (**Drawing A-1**). The ingress and egress are located at the southeastern and southwestern parts of the Site respectively abutting the local access road (**Drawing A-2 and Plan A-2**). The operation hours are from 9:00 a.m. to 6:00 p.m. from

Mondays to Fridays, from 9:00 a.m. to 12:00 p.m. on Saturdays and no operation on Sundays and public holidays. The layout plan, vehicular access plan, landscape plan and drainage proposal submitted by the applicant are at **Drawing A-1 to A-4**.

- 1.3 In support of the application, the applicant has submitted the application form with attachments received on 26.7.2019 at **Appendix I**.

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 at **Appendix I**. They can be summarised as follows:

- (a) there are similar approved planning applications in the vicinity of the Site;
- (b) the development is on temporary basis only;
- (c) there will be no operation during public holidays;
- (d) the applicant is willing to undertake all the approval conditions imposed; and
- (e) the remaining areas will be used for storage of tiles and daily operation.

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

The Chief Town Planner/Central Enforcement and Prosecution, Planning Department (CTP/CEP, PlanD) advises 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) are relevant to the application. The Site falls 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

There is no previous application for the Site.

7. Similar Applications

- 7.1 There are 6 similar applications (No. A/NE-TKL/328, 377, 490, 585, 539 and 418) involving four sites for proposed temporary open storage of construction materials within/partly within “AGR” zone in the vicinity of the Site (**Plan A-1**). Four applications (No. A/NE-TKL/377, 490, 539 and 585) involving two sites were approved with considerations by the Committee between 2011 and 2018. These two sites fell within Category 2 area where planning permission could be granted on temporary basis subject to no adverse departmental comments or the comments can be addressed by approval conditions. They were approved mainly on the consideration that the proposed development generally complied with the TPB PG-No. 13E in that there were no major adverse departmental comments and the technical concerns and local objections on environmental and traffic aspects could be addressed through implementation of approval conditions, and there were previous planning approvals. Application No. A/NE-TKL/539 was revoked on 28.9.2018 due to non-compliance with approval conditions.
- 7.2 Applications No. A/NE-TKL/328 and 418 were rejected by the Board on review or the Committee in 2010 and 2013 respectively mainly on the grounds that the application was not in line with the planning intention of “AGR” zone; 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; the proposed development would generate adverse environmental, landscape and traffic impacts on the surrounding areas; there were adverse departmental comments and local objections against the application; the applicant had failed to demonstrate that the developments would not generate adverse landscape, drainage and environmental impacts on the surrounding areas; and the application would set an undesirable precedent for other similar applications.
- 7.3 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 **Plan A-4**)

- 8.1 The Site is:
- (a) flat and mainly covered by grass and fenced off, mostly vacant with a small structure located at the centre of the Site (**Plans A-3 and A-4**); and
 - (b) accessible from Sha Tau Kok Road – Ma Mei Ha Section (**Plan A-2**).
- 8.2 The surrounding areas have the following characteristics:
- (a) to the immediate west are village proper of Leng Tsai Village (**Plan A-2**);
 - (b) to the south across the Sha Tau Kok Road – Ma Mei Ha Section are predominated by domestic structures, some retail shops and active/fallow agricultural land;
 - (c) to the immediate north are active/fallow agricultural land intermixed with vacant land and some domestic structures; and

- (d) to the immediate southwest is a site of open storage and temporary domestic structure.

9. Planning Intention

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 which are Old Schedule lot held under the Block Government lease (demised for agriculture use) without any guaranteed 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 vehicular access of the proposed use;
- (b) a MOT was issued in the early 1970 to allow the erection of temporary structures on Lot No. 1834 S.C in D.D. 76 (now designated as 1834 S.C. RP) (**Plan A-2**). The users of the MOT structures include domestic, kitchen and shade. The MOT structures were found deserted at the time of site inspection. Further, the dimensions of the existing structures do not tally with the ones permitted under the MOT concerned. The locations of the MOT structures, however, fall outside the Site;
- (c) apart from the concerned MOT structures, temporary structure was also erected on the part of Lot No. 1834 S.C RP in D.D. 76 that falls within the Site. This existing structure was erected without approval from his office. The aforesaid structure is not acceptable under the Lease concerned. Her office reserves the right to take enforcement actions against the aforesaid structure;
- (d) only part of Lot No. 1831 S.B RP in D.D. 76 (the Lot) falls within the Site. The other part of the Lot, which is situated on the opposite side of the Site (separated by Sha Tau Kok Road), has not been included in the Site, and is overgrown with weeds at the time of site inspection (**Plans A-2 and A-3**); and

- (e) should the application be approved, the applicant shall apply to her office for Short Term Wavier (STW) to cover all the actual occupation area. 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, their commencement date would be backdated to the first date of occupation and it will be subject to such terms and conditions to be imposed including payment of waiver fee and administrative fees as considered appropriate by her 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 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 width of the vehicular ingress and egress and confirm if one-way arrangement of the access road would be adopted within the Site according to the submitted application. If one-way arrangement is adopted, the applicant shall provide the necessary road marking and traffic signs accordingly;
 - (iv) the ingress to the Site would be in conflict with the existing bus lay-by. The applicant should review the access arrangement and assess the impact to the operation of the public transport (**Drawing A-2** and **Plan A-2**);
 - (v) the applicant shall justify the adequacy of the parking spaces and loading/unloading spaces so provided by relating to the number of vehicles visiting the subject site;
 - (vi) the applicant shall confirm if any medium / heavy goods vehicles (MGVs/HGVs) would visit the Site and advise the loading / unloading arrangement for MGVs/HGVs;
 - (vii) the applicant shall advise the dimension of vehicles used in the swept path analysis as shown in the submitted application. The applicant shall also demonstrate the satisfactory manoeuvring of vehicles into and out of the car parking spaces, preferably using the swept path analysis;
 - (viii) the applicant shall advise the management/control measures to be implemented for the proposed parking spaces to ensure no queuing of vehicles outside the subject site; and

- (ix) adequate traffic signs should be provided to alert the public that there will be vehicles entering to and exiting from the subject site.

10.1.3 Comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD):

- (a) the section of Sha Tau Kok Road – Ma Mei Ha adjacent to the Site is under his maintenance purview (**Plan A-2**). However, it appears that the area forming the future ingress and egress between Sha Tau Kok Road – Ma Mei Ha Section and the Site falls on unallocated Government land which is outside his maintenance purview. The applicant is required to sort out the land issues with relevant land authority;
- (b) the u-channel proposed along the site boundary should be so designed that no surface runoff will flow from the Site onto the adjacent public road (**Drawing A-4**); and
- (c) should the application be approved, the applicant is required to construct a proper ingress and egress for the Site according to HyD’s Standard Drawings. Upon termination of the application, the applicant is required to reinstate the ingress and egress to their original state to his satisfaction at his own cost.

Environment

10.1.4 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 south at a distance of about 5m (**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 Temporary Uses and Open Storage Sites”.

Landscape

10.1.5 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) based on the aerial photo of 2018, the site is situated in an area of rural landscape character comprises of village houses, temporary structures and clustered tree groups. According to her site record, the Site is covered by wild grass with no existing trees within the site. Significant

adverse impact arising from the proposed use under the application on existing landscape resources is not anticipated; and

- (c) the Site is set back from public frontage with existing trees in between Sha Tau Kok Road - Ma Mei Ha Section. Hence, should the application be approved, it is considered not necessary to impose a landscape condition as the effect of additional landscaping on enhancing the quality of public realm is not apparent.

Drainage

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

- (a) having reviewed the drainage proposal as submitted by the applicant (**Appendix I**), he does not support the application since the drainage proposal is considered unacceptable as the stormwater drains from the Site is proposed to be connected to the existing public sewerage system. The applicant is advised to identify the available drainage outlet, seek the relevant departments' / parties' consent / comments for making a drainage connection and revise the drainage proposal accordingly; and
- (b) there is public sewerage system in the vicinity.

Building Matters

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

- (a) there is no record of submission of the proposed temporary buildings / structures to the BD for approval;
- (b) 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). The proposed drainage works shall comply with Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations. Both the building works and drainage works require prior approval and consent under the BO;
- (c) before any new building works (including containers/open sheds/shelters 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 unauthorised building works (UBW). An Authorised 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 BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO;

- (e) the Site shall be provided with means of obtaining access thereto from a street under the Building (Planning) Regulation 5 and emergency vehicular access shall be provided under the Building (Planning) Regulation 41D;
- (f) if the Site is not abutting on a specified street having a width not less than 4.5m, the development intensity shall be determined by BD under Building (Planning) Regulation 19(3) at building plan submission stage; and
- (g) detailed comments will be formulated at building plan submission stage.

Fire Safety

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

- (a) in consideration of the design/ nature of the proposed use, the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his satisfaction;
- (b) the applicant should be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSI to be installed should be clearly marked on the layout plans;
- (c) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and
- (d) to address the approval condition regarding the provision of fire extinguisher, the applicant is advised to submit a valid fire certificate (FS 251) to his office for approval;

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. The Site is currently fallow land overgrown with weeds. Agricultural activities are active in the vicinity and agricultural infrastructures such as road access and water source are available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc.; and
- (b) she has no comment on the application from nature conservation point of view as the Site is covered with herbs and weeds of common species.

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 1st Vice-chairman and 2nd Vice-chairman of Fanling District Rural Committee, the Indigenous Inhabitants

Representative (IIR) and Resident Representative (RR) of Leng Tsai, the RR of Kan Tau Tsuen and RR of Leng Tsui object to the application mainly on the grounds that the proposed development locates closely to the neighbourhood and would generate heavy traffic flow which cause traffic and environmental impact and hence threaten the safety and health of the local residents; the proposed vehicular access located closely to the existing bus lay-by which would cause pedestrian safety issue; and the proposed development would affect the local fung shui. The IIR of Kan Tau Tsuen has no comment on the application.

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

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); 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 2.8.2019, the application was published for public inspection. During the statutory public inspection period, 10 public comments were received (**Appendix IV**). The Chairman of Sheung Shui District Rural Committee indicates no comment on the application. The remaining 9 public comments submitted by the 1st Vice Chairman and Vice Chairman of Fanling District Rural Committee, RR of Leng Tsai, Kadoorie Farm and Botanic Garden, The Hong Kong Bird Watching Society, villagers from Ma Mei Ha, Leng Tsui and Leng Tsai Villages (with 12 signatures) and 3 individuals object to the application mainly on the grounds that the proposed development is not in line with the planning intention of “AGR” zone; the proposed development locates closely to the neighbourhood and would generate heavy traffic flow which cause traffic and environmental impact and hence threaten the safety and health of the local residents; the proposed vehicular access located closely to the existing bus lay-by which would cause pedestrian safety issue; the proposed development would cause flooding problem and would cause insurmountable environmental impact to the area; the proposed development is not compatible with the surroundings where rehabilitation of agricultural land is possible; the proposed development would affect the local fung shui; and the proposed development would set an undesirable precedent for similar uses in the surrounding.

12. Planning Considerations and Assessments

12.1 The Site falls within Category 3 area under the TPB PG-No. 13E promulgated by the Board on 17.10.2008. The following considerations in the Guidelines are relevant:

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.

- 12.2 The Site falls entirely within an area zoned “AGR” on the OZP (**Plan A-1**). The proposed temporary use under application is 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, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC does not support the application from the agricultural development point of view as the Site has potential for agricultural rehabilitation. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.
- 12.3 The proposed temporary open storage use is considered not entirely incompatible with the surrounding land uses which are mainly village houses, active/fallow agricultural land, vacant land, temporary structures and some open storages uses (**Plans A-2 and A-3**). CTP/UD&L, PlanD has no objection to the application as significant adverse impact arising from the proposed use under the application on existing landscape resources is not anticipated. 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 south at distance of about 5m (**Plan A-2**). From traffic engineering viewpoint, C for T does not support the application as there is insufficient information to demonstrate that the proposed temporary development would not induce significant traffic impact to the surrounding. In particular, the ingress to the Site would be in conflict with the existing bus lay-by. Moreover, CE/MN of DSD does not support the application as the drainage proposal submitted by the applicant is considered unacceptable as the stormwater drains from the Site is proposed to be connected to the existing public sewerage system (**Drawing A-4**). Other relevant Government departments consulted, including D of FS, PM(N) of CEDD and CE/C of WSD, have no adverse comment on / no objection to the application.
- 12.4 According to the TPB PG-No.13E, the Site falls within Category 3 areas (**Appendix II**) 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 the Site is not the subject of any previous planning permission; there are adverse departmental comments on the application; and the applicant fails to demonstrate that the development would have no adverse traffic, environmental and drainage impacts on the surrounding areas.
- 12.5 Among the 6 similar applications in the vicinity of the Site (**Plan A-1**), 4 applications involving 2 sites were approved by the Committee between 2011 and 2018. These two sites fell within Category 2 area where planning permission could be granted on temporary basis subject to no adverse departmental comments or the comments can be addressed by approval conditions. They were mainly on the consideration that the proposed development generally complied with the TPB PG-No. 13E in that there were no major adverse departmental comments and the technical concerns and local objections on environmental and traffic aspects could be addressed through implementation of approval conditions, and there are previous planning approvals. The 2 remaining similar cases were rejected in 2010 and 2013 respectively mainly on the grounds that the application was not in line with the planning intention of “AGR” zone; the proposed development would generate adverse environmental, landscape and traffic impacts on the surrounding areas; 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 departmental comments and local objections against the application; the applicant had failed to demonstrate that the developments would not generate adverse landscape, drainage and environmental impacts on the surrounding areas; and/or the application would set an undesirable precedent for other similar applications. The circumstances of the current application are similar to those of the rejected cases.

12.6 Regarding the adverse public comments against the application as detailed in paragraph 11 and local objections conveyed by DO(N) in paragraph 10.1.10 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 proposed development under application is not in line with the planning intention of the "AGR" zone for 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 and 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; and
- (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
- (c) the applicant fails to demonstrate that the development would have no adverse traffic, environmental and drainage impacts on the surrounding areas.

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 20.9.2022. 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. from Mondays to Fridays, and between 12 p.m. to 9 a.m. on Saturdays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no workshop activities shall be carried out on the Site at any time during the

planning approval period;

- (d) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (e) 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 20.3.2020;
- (f) 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 20.3.2020;
- (g) in relation to (f) 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 20.6.2020;
- (h) 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 1.11.2019;
- (i) 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 20.3.2020;
- (j) in relation to (i) 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 20.6.2020;
- (k) the submission of a run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 20.3.2020;
- (l) in relation to (k) above, the implementation of the run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 20.6.2020;
- (m) 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;
- (n) if any of the above planning conditions (e), (f), (g), (h), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) 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 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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 14.3 Alternatively, 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.

15. Attachments

Appendix I	Application Form with Attachments received on 26.7.2019
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 Applications for Temporary Open Storage in the vicinity of the application site within/mainly within the “Agriculture” zone in the Ping Che and Ta Kwu Ling Area
Appendix IV	Public Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Vehicular Access Plan
Drawing A-3	Landscape Proposal
Drawing A-4	Drainage Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2019**