

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

APPLICATION NO. A/HSK/63

- Applicant** : Wah Tung Development Co. Ltd.
- Site** : Lots 57 (Part), 66 (Part), 67 (Part), 68, 69, 70 (Part), 73 (Part), 74 (Part), 75 (Part), 76 S.A (Part), 76 S.B, 77 (Part), 78, 79, 80 (Part), 84 (Part), 85, 86, 87, 88, 89 (Part), 91 (Part), 781 S.B RP, 782 S.B RP, 783 S.B RP, 784 S.B RP, 785, 786, 787, 788, 789, 790, 791, 792 and 793 in D.D. 125, Lots 3212 RP (Part), 3234 (Part), 3235 (Part), 3237 (Part), 3238, 3239 (Part), 3240 (Part), 3241 (Part), 3251 RP (Part), 3281 (Part), 3282 (Part), 3283 (Part), 3284 (Part), 3285 (Part), 3286 (Part), 3287 RP (Part), 3288 RP (Part), 3289 S.B RP (Part) and 3442 (Part) in D.D.129 and Adjoining Government Land, Ha Tsuen, Yuen Long
- Site Area** : 33,300m² (about) (including about 1,450 m² of Government land (GL))
- Lease** : New Grant Agricultural Lot and Block Government Lease (demised for agricultural use)
- Plan** : Draft Hung Shui Kiu and Ha Tsuen (HSK and HT) Outline Zoning Plan (OZP) No. S/HSK/1
- Zoning** : "Government, Institution or Community"("G/IC") (78.2%), "Residential (Group A) 3"("R(A)3") (10.4%) and an area shown as "Road"(11.4%)
- Application** : Temporary Logistics Yard, Open Storage of Containers, Container Vehicle Park with Ancillary Workshop (For Works Including Compacting and Dismantling, and Repairing of Tyre) and Canteen 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 logistics yard, open storage of containers, container vehicle park with ancillary workshop (for works including compacting and dismantling, and repairing of tyre) and canteen for a period of 3 years (**Plan A-1**). The Site straddles over "G/IC"(78.2%), "R(A)3"(10.4%) zones and an area shown as "Road"(11.4%). According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years within the zones requires planning permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for under the Notes of

the OZP. In any area shown as ‘Road’ on the draft HSK and HT OZP, all uses or developments require planning permission from the Board.

- 1.2 The Site is related to 4 previous applications (Application Nos. A/YL-HT/616, 689, 871 and 946) for the similar uses submitted by the same applicant. The last application No. A/YL-HT/946 was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) with conditions for 3 years on 27.3.2015. All the approval conditions have been complied with. The planning permission lapsed on 28.3.2018. The Site is currently being used for the applied use without valid planning permission.
- 1.3 According to the layout plan at **Drawings A-1 and A-2**, the Site is accessible from Ping Ha Road via an ingress/egress point at the north-eastern corner of the Site. A total of 14 structures with a total floor area of 4,060m² between one storey and two storeys (5.2m to 6m in height), including staff resting room with an ancillary canteen and guard room, office, store room and logistic/workshops/packing areas, are proposed at various parts of the Site. A total of 21 visitor parking spaces are proposed at the Site. A queuing and container parking area for 24 containers of about 1,450m² is located near the north-eastern ingress/egress point of the Site. The remaining areas are for container storage/logistics use and circulation purposes. According to the applicant, the operation hours is from 8:00 a.m. to 8:00 p.m. from Monday to Saturday and no operation on Sunday and public holidays. The stacking height of containers would not exceed eight units and no storage within 5m from the site boundary.
- 1.4 A comparison of the major development parameters of the current application and the last application is given in the following table:

Major Development Parameters	Previously Approved Application (A/YL-HY/946) (a)	Current Application (A/HSK/63) (b)	Difference (b) – (a)
Site Area	about 35,200m ²	about 33,300m ²	-1,900m ²
Applied Use	Temporary Logistics Yard, Open Storage of Containers, Container Vehicle Park with Ancillary Workshop (For Works Including Compacting and Dismantling, and Repairing of Tyre) and Canteen for a Period of 3 Years	Temporary Logistics Yard, Open Storage of Containers, Container Vehicle Park with Ancillary Workshop (For Works Including Compacting and Dismantling, and Repairing of Tyre) and Canteen for a Period of 3 Years	No change
No. of Structures	14	14	No change, but with similar layout and different configurations
Total Floor Area	7,197m ²	5,068m ²	-2,129m ²

No. of Parking Spaces for private car	25	21	-4
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1.5 In support of the application, the applicant has submitted the following documents:

- (a) Application Form received on 13.3.2018 (Appendix I)
- (b) Planning statement with location plan, layout plan, proposed tree preservation and landscape plan and proposed drainage plan (Appendix Ia)
- (c) Letter from the applicant received on 27.3.2018 to respond to Transport Department's comment (Appendix Ib)
- (d) Letter from the applicant received on 27.4.2018 to clarify the tree on Site will remain the same with the previous application (Appendix Ic)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Supplementary Planning Statement at **Appendix Ia** and are summarized as follows:

- (a) The Site falls within the "Category 1 areas" of the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The site is suitable for open storage use.
- (b) About half of the Site has been in such use before 1990 and tolerated by the Government. The present application is submitted to regularize the entire development.
- (c) All approval conditions of the last application No. A/YL-HT/946 for the same applied use have been complied with.
- (d) The applicant has submitted landscaping and tree preservation, drainage, and environmental mitigation proposals to ensure that the development would not generate any adverse impacts to the surrounding areas. The applicant would appoint experienced contractor to implement the proposals and maintain the site properly.
- (e) The applicant has notified the land owner through newspaper regarding the proposed development at the Site; and the applicant has consulted the local community before applying and no objection has been received.
- (f) The applicant claimed that the tree preservation and landscape proposal is the same with the previous application and all the trees on site will remain the same and be well-maintained.
- (g) The applicant would adopt a cooperative and friendly attitude, actively

communicate with Government departments, comply with various regulations and make genuine efforts in implementation of environmental mitigation works to ensure that the development would not generate any adverse impacts to the surrounding areas.

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

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31) by posting site notice and publishing on three local newspapers. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is currently not a subject of any active planning enforcement case. Notwithstanding, as the previous planning permission (A/YL-HT/946) on the Site has expired, investigation is underway to ascertain whether the current use of the Site constitutes an unauthorized development. If confirmed, the Planning Authority will instigate enforcement action under the Town Planning Ordinance.

5. Town Planning Board Guidelines

The Board’s Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) promulgated on 17.10.2008 is relevant. The Site falls within Category 1 areas under the revised Guidelines. Relevant extracts of the Guidelines are attached at **Appendix II**.

6. Previous Applications

6.1 The Site is the subject of 4 previous applications (Application Nos. A/YL-HT/616, 689, 871 and 946) for similar uses since 2009. Details of these applications are summarized at **Appendix III** and their location is shown on **Plan A-1**.

6.2 Application No. A/YL-HT/616 for temporary open storage of containers, container vehicle park and logistics yard was approved by the Committee with conditions for a period of three years on 5.6.2009. However, the permission was revoked on 13.4.2010 due to non-compliance with the approval condition on the prohibition of workshop activities on-site.

6.3 Application No. A/YL-HT/689 for temporary logistics yard, open storage of containers, container vehicle park with ancillary workshop (tyre repair, compacting and unpacking) was approved by the Committee with conditions for a period of three years on 28.1.2011. However, the permission was revoked on 28.4.2013 due to non-compliance with the approval condition on the

implementation of the FSI proposal.

- 6.4 Application No. A/YL-HT/871 for temporary logistics yard, open storage of containers, container vehicle park with ancillary workshop (for works including compacting and dismantling, and repairing of tyre) and canteen was approved by the Committee with conditions for one year on 17.1.2014 to closely monitor the compliance of approval conditions for the Site. All the approval conditions have been complied with.
- 6.5 The last approved application No. A/YL-HT/946 for the same applied use was approved by the Committee with conditions for three years on 27.3.2015. All the approval conditions have been complied with. The planning permission lapsed on 28.3.2018.
- 6.6 Comparing with the last application No. A/YL-HT/946, the current application is submitted by the same applicant for the same use on the same Site with smaller site area (-1,900 m²), same number of temporary structures with smaller total floor area (-2,129 m²) and lesser parking spaces (-4).

7. **Similar Applications**

There are 12 similar applications for temporary open storage/port-back up uses and workshop uses within the same “G/IC”, “R(A)3” zones and an area shown as “Road” on the HT and HT OZP since the promulgation of TPB PG-No. 13E on 17.10.2008. All of them were approved by the Committee. Particulars of these applications and the decisions of the Committee are summarized at **Appendix IV**. The locations of these application sites are shown on **Plan A-1**.

8. **The Site and Its Surrounding Areas** (Plan A-1 to Plan A-4a to 4d)

8.1 The Site is:

- (a) being used for the applied use without valid planning permission; and
- (b) accessible from Ping Ha Road via an ingress/egress point at the north-eastern corner of the Site.

8.2 The surrounding areas have the following characteristics:

- (a) to its immediate east across Ping Ha Road is a vehicle repair workshop which is a suspected unauthorized development (UD). To its north-east across Ping Ha road are three Logistics Centres under the permission of Application Nos. A/YL-HT/962, 958 and 1043 respectively and an open storage yard of crane trucks with workshop which is a suspected UD;
- (b) to its south are a vacant factory, a warehouse and an open storage yard for construction machinery and workshop which are suspected UD's, a yard for parking of vehicles and container trailer under the permission of

Application No. A/HSK/35, a yard for open storage of containers under the permission of Application No. A/YL-HT/994, a logistics centre under the permission of Application No. A/YL-HT/997 and a logistics centre under the permission of Application No. A/HSK/9;

- (c) to its immediate west is a logistics centre under the permission of Application No. A/HSK/43; and
- (d) to its north are mainly suspected UD, including some residential dwellings (the nearest is about 3m away), three warehouses, three storage yards, a yard for open storage of construction machinery, a yard for parking of vehicles, a logistics centre under the permission of Application No. A/YL-HT/1049, and two vehicle repair workshops which are existing uses (EUs) tolerated under the Ordinance. To its further north across Fung Kong Tsuen Road at the adjoining “O” zone are a vehicle repair workshop which is a suspected UD and a logistics centre under the permission of Application No. A/YL-HT/1062.

9. Planning Intentions

- 9.1 The Site straddles over “G/IC”, “R(A)3” zones and an area shown as “Road” on the Draft Hung Shui Kiu and Ha Tsuen OZP. The “G/IC” zone is intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organisations providing social services to meet community needs, and other institutional establishments.
- 9.2 The “R(A)3” zone is intended primarily for high-density residential developments. Commercial uses are always permitted on the lowest two floors of a building excluding basements, or in a free-standing purpose-designed non-domestic building up to five storeys.

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/Yuen Long, Lands Department (DLO/YL, LandsD):
 - (a) Lot No. 3442 in D.D. 129 is a New Grant Agricultural Lot which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
 - (b) The remaining lots in the Site are Old Schedule Agricultural Lots

held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government.

- (c) A portion of the Government Land (GL) (about 1,443 m²) in the Site is covered by a Short Term Tenancy (STT) No. 2820 for the purpose of “Temporary Logistics Yard, Open Storage of Containers, Container Vehicle Park with Ancillary Workshop (For Works Including Compacting and Dismantling, and Repairing of Tyre) and Canteen”.
- (d) No permission is given for the occupation of the remaining GL (“the remaining GL”) (about 7 m² subject to verification) in included in the Site. Attention should be drawn to the fact that the act of occupation of the remaining GL without Government’s prior approval is not allowed.
- (e) The private lots which are covered by Short Term Waivers (STWs) are listed in **Appendix V**.
- (f) The Site is accessible to Ping Ha Road through GL. Her office provides no maintenance works to the GL involved and does not guarantee any right-of-way.
- (g) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (h) Should the application be approved, the STT/STW holders will need to apply to her office for modification of the STT/STW conditions if there are any irregularities on Site and the lot owner(s) of the lots without STW will need to apply to her office for permit the structures to be erected or regularize any irregularities on Site. Such application(s) will be considered by the Lands Department acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by the Lands Department.

Traffic

- 10.1.2 Comments of the Assistant Commissioner for Transport/NT, Transport Department (AC for T/NTW, TD):

Sufficient manoeuvring spaces shall be provided within the Site. No vehicles are allowed to queue back to public road or reverse onto/from the public roads.

- 10.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) The access arrangement should be commented by Transport Department (TD).
- (b) Adequate drainage measures should be provided at the Site access to prevent surface water running from the Site to nearby public roads/drain.

Environment

10.1.4 Comment of the Director of Environmental Protection (DEP):

- (a) He does not support the application as there are sensitive receivers of residential use in the vicinity (with the nearest one about 3m to its north) (**Plan A-2**) and environmental nuisance is expected.
- (b) There was no substantiated environmental complaint concerning the Site received in the past 3 years.
- (c) Should the planning application be approved, the applicant will be 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”.

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 proposed application from a drainage point of view.
- (b) According to the applicant’s submission, the existing drainage facilities which was implemented under an approved application no. A/YL-HT/946 will be maintained for the subject development.
- (c) Should the application be approved, he would suggest imposing a planning condition requiring the applicant to maintain the existing drainage facilities and submit condition record of the existing drainage facilities to the satisfaction of his Division.

Building Matters

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

- (a) There is no record of approval by the Building Authority for the structures existing at the Site and Buildings Department (BD) is not in a position to offer comments on their suitability for the use

related to the application.

- (b) If the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorized under the BO and should not be designated for any approved use under the captioned application.
- (c) Before any new building works (including containers/ open sheds as temporary buildings) are to be carried out on the application site, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person 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) If the proposed use under application is subject to the issue of a licence, the applicant is 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.
- (f) In connection with (c) above, 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 respectively.
- (g) 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 Building (Planning) Regulation at the building plan submission stage.

Fire Safety

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

- (a) He has no objection in principle to the proposal subject to FSIs being provided to the satisfaction of Director of Fire Services.
- (b) In consideration of the design/nature of the structures, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In addition, the applicant should also be advised on the followings points:

- (c) The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. Attached good practice guidelines for open storage should be adhered to (**Appendix V**).
- (d) Moreover, having considered the nature of the open storage, following approval condition shall be added:
“The provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of D of FS.”
- (e) To address this additional approval condition, the applicant is advised to submit a valid fire certificate (FS 251) to his Department for approval.
- (f) However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123) or relevant licensing requirements, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority.

Long Term Development

10.1.8 Comments of Project Manager (New Territories West), Civil Engineering and Development Department (PM/NTW, CEDD):

- (a) He has no objection to the application for temporary use for 3 years, which should be considered in accordance with the provisions of the existing OZP and infrastructure capacities.
- (b) However, the Site falls within the boundary of Hung Shui Kiu New Development Area (HSK NDA). According to the Planning and Engineering Study (P&E Study) for the HSK NDA, to ensure timely and orderly implementation, the development of HSK NDA and relevant site formation and infrastructure works would be implemented in five stages, viz. Advance Works and Stage 1 to Stage 4. The lot(s) concerned falls within a site under Stage 3 Works stage. While the detailed implementation programme for the project is still being formulated, based on the P&E Study, it is envisaged that clearance of the Site in question will not be arranged before the first population intake of the HSK NDA expected in 2024.

10.1.9 Comments of the Director of Housing (D of Housing):

He noted that the proposed temporary use falls within part of the planned public housing site (Area 52A) under the draft HSK and HT OZP No. S/HSK/1. He has no objection to the proposal under application provided that it would not affect the development programme of Public Rental Housing/Subsidised Sale Flats (PRH/SSF) development under the

implementation of HSK NDA.

Others

10.1.10 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) No Food and Environmental Hygiene Department's (FEHD) facilities will be affected and such work / operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding.
- (b) For any waste generated from such operation / work, the applicant should arrange disposal properly at her own expenses.
- (c) Proper licence / permit issued by FEHD is required if there is any catering service / activities regulated by the Director of Food and Environmental Hygiene under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public. Detailed comments are in **Appendix V**.

District Officer's Comments

10.1.11 Comment of District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD):

His office has not received any comment from the locals on the application.

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

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Commissioner of Police (C of P);
- (c) Chief Engineer/Sewerage Projects, Drainage Services Department (CE/SP, DSD);
- (d) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
and
- (e) Director of Electrical and Mechanical Services (DEMS)

11. Public Comments Received During Statutory Publication Period

On 20.3.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 10.4.2018, no public comment was received.

12. Planning Considerations and Assessment

12.1 The Site falls within Category 1 areas under the TPB PG-No. 13E. The following

considerations in the Guidelines are relevant:

Category 1 areas: favourable consideration will normally be given to applications within these areas, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments should be submitted if the proposed uses may cause significant environmental and traffic concerns.

- 12.2 The Site falls within “G/IC” and “R(A)3” zones. “G/IC” zone is intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organisations providing social services to meet community needs, and other institutional establishments. “R(A)3” is intended primarily for high-density residential developments. Whilst the applied development is not in line with the planning intentions of the “G/IC” and “R(A)3” zones, the implementation programme for this part of NDA is still being formulated, and PM/NTW of CEDD and D of housing have no objection to the applied use for 3 years on the Site. In this regard, approval of the application on a temporary basis of 3 years would not jeopardize the long-term development of the Site. However, should the application be approved, it is suggested to include an advisory clause stating that the Site may be resumed by the Government at any time during the planning approval period for implementation of government projects.
- 12.3 The applied uses are not incompatible with the surrounding uses which are predominately occupied for open storage yards, logistics centre and warehouse.
- 12.4 The proposed development is generally in line with the TPB PG-No. 13E in that the Site falls within Category 1 area which are considered suitable for open storage and port back-up uses; relevant proposals have been submitted to demonstrate that the proposed use would not generate adverse impacts; and technical concerns of relevant Government departments could be addressed through the implementation of approval conditions.
- 12.5 There is no adverse comment on the application from concerned Government departments, except DEP. DEP does not support the application as there are sensitive uses in vicinity (with the nearest residential dwelling is about 3m to the north of the Site (**Plan A-2**)), and environmental nuisance is expected. However, there has been no substantial environmental complaint concerning the Site received in the past 3 years. To address the concerns on environmental aspect and the technical requirements of other concerned government departments, relevant approval conditions are recommended in paragraph 13.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorized development on the Site will be subject to enforcement action by the Planning Authority. Should the planning application be approved, the applicant will also be advised to follow the relevant mitigation measures and requirements in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize any

potential environmental impact, and to keep the Site clean and tidy at all times.

12.6 The Committee has approved 4 previous applications for similar uses covering the Site and 12 similar applications in the same “G/IC” and “R(A)3” zones. Approval of the subject application is in line with the Committee’s previous decisions.

12.7 There is no public comment received on the application during the statutory publication period.

13. Planning Department’s Views

13.1 Based on the assessment made in paragraph 12 above, the Planning Department considers that the temporary logistics yard, open storage of containers, container vehicle park with ancillary workshop (for works including compacting and dismantling, and repairing of tyre) and canteen 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 of 3 years, until **4.5.2021**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation between 8:00 p.m. to 8:00 a.m., as proposed by the applicant, is allowed on the Site during the 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 other than tyre repairing, compacting and dismantling is allowed on the Site at any time during the planning approval period;
- (d) no storage of container within 5m of the periphery of the Site, as proposed by the applicant, is allowed at any time during the planning approval period;
- (e) the stacking height of containers stored within the Site shall not exceed eight units, as proposed by the applicant, at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from the public roads at any time during the planning approval period;
- (g) the existing fencing on Site shall be maintained at all times during the approval period;
- (h) the existing drainage facilities on Site shall be maintained at all times

during the approval period;

- (i) the submission of the condition record of the existing drainage facilities on Site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **4.8.2018**;
- (j) the landscape planting on the Site shall be maintained at all time during the approval period;
- (k) the provision of the fire extinguisher(s) and the submission of a valid fire certificate (FS 251) 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 **15.6.2018**;
- (l) the submission of a fire service installations proposal within **6** months from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by **4.11.2018**;
- (m) in relation to (m) above, the implementation of the fire service installations proposal within **9** months from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by **4.2.2019**;
- (n) if any of the above planning conditions (a), (b), (c), (d) (e), (f), (g), (h) or (j) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (i), (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 application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

The applied use is not in line with the planning intentions of the "G/IC" and "R(A)3" zones, which are intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory and for high-density residential development respectively. There is no strong planning justification in the submission for a departure from the planning intentions, 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 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 reasons for rejection should be given to the applicant.

15. Attachments

Appendix I	Application Form received on 13.3.2018
Appendix Ia	Planning statement with location plan, layout plan, proposed tree preservation and landscape plan and proposed drainage plan
Appendix Ib	Letter from the applicant received on 27.3.2018 to respond to Transport Department's comment
Appendix Ic	Letter from the applicant received on 27.4.2018 to clarify the tree on Site will remain the same with the previous application
Appendix II	Relevant extracts of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E)
Appendix III	Previous applications covering the Application Site
Appendix IV	Similar applications within the subject "G/IC" and "R(A)3" zones on the Ha Tsuen OZP on the Draft Hung Shui Kiu and Ha Tsuen Outline Zoning Plan No. S/HSK/1
Appendix V	Detailed Comments of DLO/YL, LandsD and DFEH
Appendix VI	Good practice guidelines for open storage issued by the Director of Fire Services
Appendix VII	Advisory Clauses
Drawing A-1	Location Plan
Drawing A-2	Layout Plan
Drawing A-3	Proposed Tree Preservation and Landscape Plan
Drawing A-4	Proposed Drainage Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4d	Site Photos

**PLANNING DEPARTMENT
MAY 2018**