

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/308

- Applicant** : Mr. LAM Ping Ki
- Site** : Lots 2093 (Part), 2094 (Part), 2095 (Part), 2096 RP (Part), 2097, 2102 S.A (Part), 2215 S.A RP (Part), 2216 (Part), 2217, 2218 RP (Part), 2219 RP (Part), 2231 RP (Part), 2233 (Part), 2234, 2235, 2236 (Part) and 2237 (Part) in D.D.129 and Adjoining Government Land, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : 4,400 m²(about) (Includes Government Land of about 79 m²)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan No. S/YL-LFS/8
- Zonings** : “Recreation” (“REC”)
- Application** : Temporary Open Storage of Marble and Construction Materials with Ancillary Workshop, Vehicle/Cargo Compartments Assembly Workshop with Ancillary Vehicle Parking Spaces and 10 Loading and Unloading Spaces for Goods Vehicle for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary open storage of marble and construction materials with ancillary workshop, vehicle/cargo compartments assembly workshop with ancillary vehicle parking spaces and 10 loading and unloading spaces for goods vehicles for a period of 3 years (**Plan A-1a**). The Site is related to 21 previous applications (No. A/YL-LFS/28, 34, 45, 52, 67, 68, 82, 96, 109, 110, 111, 112, 161, 162, 163, 164, 206, 207, 208, 209 and 257) for temporary open storage of marble and construction materials with or without workshop. The last application No. A/YL-LFS/257) for open storage of marble with ancillary workshop on the same site was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) on 4.4.2014 for 2 years until 4.4.2016. The applicant had complied with all the approval conditions. The Site is currently being used for the applied use without a valid planning permission.
- 1.2 The Site is accessible from Deep Bay Road. There are four ingress/egress points which are located at the southern and southeastern sides of the Site connecting to Deep Bay Road via a local track respectively (**Plan A-2**). According to the site layout at **Drawing A-1**, the proposed temporary open storage will provide 6

parking spaces for goods vehicles (not exceeding 5.5 tonnes) and 10 loading/unloading spaces for goods vehicles (not exceeding 5.5 tonnes). The workshop structures are largely located at the western and eastern sides of the Site while the remaining areas are for open storage of marbles and construction materials. There are totally 17 structures mainly for storage, office, resting area and workshop uses with a total floor area of 1,684 m². The Site is hard paved and entirely fenced off by metal sheets. According to the applicant, there will be no operation on-site from 8:00 pm to 8:00 am and on Sunday and public holidays. The proposed landscape plan and drainage plan are at **Drawings A-2 to A-3** respectively.

- 1.3 A comparison of the major development parameters of the current application and the last approved application is given in the following table:

Major Development Parameters	Last Approved Application (A/YL-LFS/257)(a)	Current Application (A/YL-LFS/308) (b)	Difference (b) - (a)
Applied Use	Temporary Open Storage of Marble with Ancillary Workshop and 9 Loading and Unloading Spaces for Goods Vehicle	Temporary Open Storage of Marble and Construction Materials with Ancillary Workshop, Vehicle/Cargo Compartments Assembly Workshop with Ancillary Vehicle Parking Spaces and 10 Loading and Unloading Spaces for Goods Vehicle	+ Temporary Open Storage of Construction Materials, Vehicle/Cargo Compartments Assembly Workshop
Total Site Area	about 4,400 m ²	about 4,400 m ²	-
Total No. of Structures	17	17	-
Total Gross Floor Area	1,684 m ²	1,684 m ²	-
Total Parking Spaces	0	6	+6
Total No, of loading/unloading Spaces	9	10	+1

- 1.4 Compared with the previous approved application (No. A/YL-LFS/257), the current application is submitted by the same applicant for similar uses on the same site.

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

- (a) Application Form with a site layout plan, location plan, landscape plan and drainage plan received on 22.12.2017 **(Appendix I)**

- (b) Clarification from the applicant on the use of goods vehicles not exceeding 5.5 tonnes for the Site received on 24.1.2018 **(Appendix Ia)**
- (c) Further information providing further justifications to substantiate the application dated 30.1.2018 **(Appendix Ib)**

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 summarized as follows:

- (a) The Site is subject to a previous planning permission No. A/YL-LFS/257, for the similar applied uses. All approval conditions under the previous application (No. A/YL-LFS/257) have been complied with.
- (b) The goods turnover rate is not high. It is expected 1-2 and 0-1 lorries to move in/out of the Site during peak hour and non-peak hour respectively.
- (c) There would be no operation on-site from 8:00 pm to 8:00 am and on Sunday and public holidays.
- (d) The applicant has made effort to implement the environmental protection measures in accordance with the approval conditions of the previous planning permission No. A/YL-LFS/257 to maintain the environmental condition of the surrounding area.
- (e) The applicant has made effort to search land to relocate the application use in the past two years. However, it was unsuccessful as the low marginal benefit of the application use could not support the high rental price. So the applicant hopes the application could be approved prior to any known development programme of the Site. Should there be any development programme in future, they would vacate the Site in 6 month's notice.

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 sending notification letter to the Ping Shan Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The application site is subject of active enforcement cases. Enforcement notices (ENs) were issued and the ENs required UDs be discontinued on or before 11.2.2018. Subject to the collection of sufficient evidence, appropriate enforcement action under the Town Planning Ordinance would be taken in due course.

5. Town Planning Board Guidelines

On 17.10.2008, the Board promulgated the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The Site falls within Category 4 areas under the Guidelines. Relevant extracts of the Guidelines are attached at **Appendix II**.

6. Previous Applications

- 6.1 The site is the subject of 21 previous applications Nos. A/YL-LFS/28, 34, 45, 52, 67, 68, 82, 96, 109, 110, 111, 112, 161, 162, 163, 164, 206, 207, 208, 209 and 257 for temporary open storage uses, which were approved by the Committee. Details of these applications are summarized at **Appendix III** and their location is shown on **Plan A-1b**.
- 6.2 Applications No. A/YL-LFS/28, 34, 45, 52, 67, 68 and 82 for temporary storage of marble, which were approved by the Committee with conditions for a period of 1 year between 1998 and 2002. Applications No. A/YL-LFS/96, 109, 110, 111 and 112 for temporary open storage of marble and construction materials with or without workshop, which were approved by the Committee with conditions for a period of 3 years between 3.1.2003 and 11.7.2003 respectively.
- 6.3 The subject "REC" zone were re-classified from Category 3 area to Category 4 area since TPB PG-No. 13D promulgated in 2005 to reflect the Board's intention to phase out non-conforming uses in the less disturbed areas near the coast to the northwest of Deep Bay Road.
- 6.4 Applications No. A/YL-LFS/161, 162, 163 and 164 for temporary open storage of marble and construction materials with or without workshop, which were approved by the Committee with conditions for a period of 2 years instead of 3 years sought on 24.8.2007 and 14.9.2007 respectively. The shorter approval period of 2 years was to monitor the Site condition and to allow time for the applicant to relocate the current use on the site to other suitable locations.
- 6.5 Applications No. A/YL-LFS/206, 207, 208 and 209 for temporary open storage of marble and construction materials with or without workshop, were approved by the Board upon review with conditions for a period of 2 years, instead of 3 years sought, on 8.4.2011 mainly on grounds that the applied use on the site could be tolerated in the TPB PG-No.13E and sympathetic consideration could be given as the planning intention of the "REC" zone would be difficult to be implemented under private ownership.
- 6.6 The last application No. A/YL-LFS/257 was approved with condition by the Committee for a period of 2 years, instead of 3 years sought, on 4.4.2014. All the approval conditions had been complied with and the approval lapsed on 5.4.2016.
- 6.7 As compared to the last application No. A/YL-LFS/257, the current application is submitted by the same applicant for similar uses on a similar site with 6 more parking spaces and 1 more loading/loading space.

7. Similar Applications

- 7.1 There are 5 similar applications for temporary open storage uses within the same “REC” zone on the OZP since the promulgation of TPB PG-No. 13E on 17.10.2008. Particulars of these applications and the decisions of the Board are summarized at **Appendix IV**. The locations of these application sites are shown on **Plan A-1a**.
- 7.2 All these applications were rejected mainly on grounds that the applied uses were not in line with the planning intention of “REC” zone and the TPB-PG No. 13E for Application for Open Storage and Port Bank-up Uses; the development was not compatible with the surrounding land uses and/or there was insufficient information in the submission to demonstrate that the development would not have adverse environmental, traffic, drainage and landscape impacts on the surrounding areas.

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

8.1 The Site is:

- (a) currently fenced and being used for the applied use without a valid planning permission; and
- (b) accessible via a local track connecting to Deep Bay Road.

8.2 The surrounding areas have the following characteristics:

- (a) to its immediate north and northwest are mainly fallow agricultural land and vacant land with some open storage of plastic material, store room and meter room which are suspected UD;
- (b) to its further north are open storage yard of recycling materials/bamboo/sand which are suspected UDs and a warehouse for storage of animal feed which is an ‘existing use’ (EU) tolerated under the Town Planning Ordinance;
- (c) to its immediate east is open storage of construction material which is a suspected UD and residential dwellings (closest around 10m); and
- (d) to its west is mainly vacant land and a restaurant which is an EU. There is also an open storage of construction machinery which is suspected UD; and
- (e) to its south and south across Deep Bay Road are open storage of scrap metal, recycling and construction materials, parking of vehicle, trailers and container vehicles which are suspected UDs.

9. Planning Intention

The planning intention of the “REC” zone is primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.

10. Comments from Relevant Government Departments

10.1 The following Government departments have been consulted and their views on the application are summarized as follows:

Land Administration

10.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The application Site comprises Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) No permission is given for occupation of Government Land (GL) of about 79m² in area (subject to verification) included in the application site. The act of occupation of GL without Government’s prior approval is not allowed.
- (c) The private land (PL) of the following lots are covered by Short Term Waiver (STW) as below table:

STW No.	Lot No. (in D.D. 129)	Purposes
2481	2234	Workshop Ancillary to Open Storage of Marble
3175	2216	Storage, Workshop and Ancillary Use
3176	2217	
3557	2096 RP	Ancillary Use to Open Storage of Marble
3562	2095	
3944	2219 RP	Open Storage (Marbles, Construction Materials, Aluminum Cans and Frames, Small-scale Machinery, Cars and Lorries for Export, Mini Raising Platforms and Ancillary Workshop and Loading/Unloading Spaces
4353	2235	Temporary Open Storage of Marble with Ancillary Workshop and 9 Loading and Unloading Spaces for Goods Vehicles

- (d) The Site is accessible to Deep Bay Road through both GL and PL. She provides no maintenance work for the GL involved and does not guarantee right-of-way.
- (e) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (f) Should the application be approved, the lot owners will need to apply to her office to permit the structures to be erected or regularize any irregularity on site. Besides, the applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Furthermore, the STW holders will need to apply to her office for modification of the STW conditions if there is any irregularity on site. Such application 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 will be approved. If such application 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 /New Territories, Transport Department (AC for T/NT, TD):

- (a) He has no adverse comment on the application from traffic engineering viewpoint.
- (b) Sufficient manoeuvring spaces shall be provided within the Site. No vehicle is allowed to queue back to the public road or reverse onto/from the public road.
- (c) The local track leading to the Site is not under TD's purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site.

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 TD.
- (b) Adequate drainage measures should be provided at the Site access to prevent surface water flowing from the Site to the nearby public roads and drains.
- (c) HyD shall not be responsible for the maintenance of any access connecting the application Site and Deep Bay Road.

Environment

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

- (a) She does not support the application as there are sensitive uses (residential dwellings) in the vicinity of the Site (the closest being around 10m away). Environmental nuisance is expected.
- (b) No substantiated environmental complaint pertaining to the Site has been received in the past three years.
- (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" ("COP").

Landscape

10.1.5 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) The Site abuts to Deep Bay Road and falls within "REC" zone. The Site is subject of the last approved application No. A/YL-LFS/257 for temporary open storage of marble with ancillary workshop use which approved with conditions including the landscape condition. The current application is seeking planning permission for similar uses for a period of 3 years by the same applicant.
- (b) With reference to the site visit by his office on 25.10.2017, the Site is observed to be hard paved with trees of common species observed within the Site and generally along the Site boundary. An existing large mature tree (approx.. 20m crown spread) is observed at the western portion of the Site. The Site is situated in an area of rural landscape character disturbed by open storage yards and temporary structures. Significant change to the landscape character arising from the application is not anticipated. Hence, he has no objection from the landscape planning perspective.
- (c) His detailed comments are summarized in **Appendix V**.

Drainage

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

He has no objection in principle to the application from drainage point of view. Should the Board consider that the application is acceptable from the planning point of view, he would suggest that a condition should be stipulated in the approval letter requiring the applicant to maintain the existing drainage facilities and submit condition record of the existing drainage facilities on site to the satisfaction of his Division.

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 fire services installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, 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:
 - i. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy.
 - ii. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans.
 - iii. Attached good practice guidelines for open storage should be adhered to (**Appendix VI**).
- (c) Moreover, having considered the nature of the open storage, the 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.”
- (d) To address this approval condition, the applicant is advised to submit a valid fire certificate (FS 251) to his Department for approval.
- (e) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Building Matters

10.1.8 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 existing structures at the Site and Buildings Department is not in a position to offer comments on their suitability for the use proposed in the application.
- (b) If the existing structures (not being New Territories Exempted Houses) are erected on leased land without the approval of the Buildings Department (BD), they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the subject application.

- (c) For UBW erected on leased land, enforcement action may be taken by the 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) Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (e) 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) Regulations at the building plan submission stage.

Others

10.1.9 Comments of the Director of Leisure and Cultural Services (DLCS);

She has no comment on the application as the Site is not reserved for LCSD to use and LCSD has no plan to acquire the Site for any development.

District Officer's Comments

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

She has not received any comment from 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) Project Manager, NT North and West, CEDD (PM/NTN&W, CEDD);
- (c) Chief Engineer/Land Works, Civil Engineering and Development Department (CE/LW, CEDD);
- (d) Chief Engineer/Sewerage Projects, DSD (CE/SP, DSD);
- (e) Director of Electrical and Mechanical Services (DEMS);
- (f) Commissioner of Police (C of P); and
- (g) Chief Engineer/Construction, Water Supplies Department (CE/Construction, WSD).

11. Public Comments Received During Statutory Publication Period

On 29.12.2017, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 19.1.2018, one public comment from an individual was received (**Appendix VII**). The objection reasons are that the applied use has created a lot of environmental hygiene problems

such as refuse disposal on the pavement, pedestrian safety, mosquito and rodent infestation problem, flooding, as well as possible air pollution and fire safety problems.

12. Planning Considerations and Assessment

12.1 The Site falls within Category 4 areas under the TPB PG-No. 13E. The following considerations in the Guidelines are relevant:

Category 4 areas: applications would normally be rejected except under exceptional circumstances. For applications on sites with previous planning approvals, and subject to no adverse departmental comments and local objections, sympathetic consideration may be given if the applicants have demonstrated genuine efforts in compliance with approval conditions of the previous planning applications and included in the applications relevant technical assessments/proposals to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. The intention is however to encourage the phasing out of such non-conforming uses as early as possible.

12.2 Although the applied use is not in line with the planning intention of “REC” zone which is primarily for recreational developments for the use of the general public, there is yet to have any known programme to implement the zoned use on the OZP. Therefore, it is considered that approval of the application on temporary basis would not frustrate the planning intention of the “REC” zone.

12.3 The applied use is not incompatible with the surrounding areas which are predominantly occupied by open storage yards and vehicle parks (**Plan A-2**).

12.4 The site had been re-classified from Category 3 areas under TPB PG-No. 13C to Category 4 areas under TPB PG-No. 13D in 2005 to reflect the Board’s intention to phase out non-conforming uses in the less disturbed areas near the coast to the northwest of Deep Bay Road. It remains within Category 4 areas under TPB PG-No. 13E since then.

12.5 There were 21 previous approvals for open storage uses on the Site, and that the Committee had approved the last application No. A/YL-LFS/257 in 2014 for similar uses on a temporary basis for 2 years mainly on grounds that the applied use on the site could be tolerated under the TPB PG-No.13E and sympathetic consideration could be given as the planning intention of the “REC” zone would be difficult to be implemented under private ownership. The applicant had also complied with the approval conditions of the last application. The applicant claims that he has made effort to search for a relocation site but in vain in view of the low profit margin of the applied use and it is difficult for the operators to find alternative sites with comparable low rent. He requests for sympathetic consideration to allow the temporary uses under application to stay until there is concrete plan for the implementation of the “REC” zone.

12.6 There is no adverse comment from concerned Government departments except DEP. While DEP does not support the application because there are sensitive receivers within the vicinity of the Site (nearest residential dwellings is about 10m away), there is no substantiated environmental complaint against the Site over the past 3 years. Furthermore, relevant approval conditions have been recommended

in paragraph 13.2 to minimize any possible nuisances or the technical requirements of the other concerned Government departments. Any non-compliance with these approval conditions would result in revocation of the planning permission and UD on Site would be subject to enforcement action by the Planning Authority. Should the application be approved, the applicant will be advised to follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the possible environmental impacts on the nearby sensitive receivers.

12.7 In view of the case background and circumstance as set out in para. 12.2 to 12.6 above, it is considered that there are exceptional circumstances to justify the current application. Should the application be approved, the applicant will also be advised to expedite the site search to relocate the applied uses on the Site to other suitable locations.

12.8 There is one public comment received objecting to the application mainly on the grounds as summarized in paragraph 11 above. The planning assessments and considerations in paragraph 12.1 to 12.7 above are relevant.

13. Planning Department's Views

13.1 Based on the assessment made in paragraph 12 and the public comment in paragraph 11, the Planning Department considers that the temporary open storage of marbles and construction materials with ancillary workshop, vehicle/cargo compartments assembly workshop with ancillary vehicle parking spaces and 10 loading and unloading spaces for goods vehicles 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 9.2.2021. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 8:00 pm and 8:00 am, 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 vehicle exceeding 5.5 tonnes, including container trailer/tractor, as defined in the Roads (Traffic) Ordinance and proposed by the applicant, is allowed to enter/exit or to be parked/stored on the Site at any time during the planning approval period;
- (d) no vehicle over 10m long is allowed to enter/ exit or to be parked/stored on the Site at any time during the planning approval period;
- (e) no vehicle queuing back to or reverse onto/from the public road is allowed at any time during the planning approval period;

- (f) the existing fencing on the Site shall be maintained at all times during the planning approval period;
- (g) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (h) 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 of the Town Planning Board by **9.5.2018**.
- (i) the submission of a tree preservation and landscape proposal within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **9.8.2018**;
- (j) in relation to (i) above, the implementation of a tree preservation and landscape proposal within **9** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **9.11.2018**;
- (k) the provision of 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 **23.3.2018**;
- (l) the submission of a fire service installations proposal 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 **9.8.2018**;
- (m) in relation to (l) above, the implementation of the fire service installations proposal 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 **9.11.2018**;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) 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 (h), (i), (j), (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (p) upon expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory clauses

The recommended advisory clauses are attached at **Appendix VIII**.

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

- (a) continuous occupation of the site for open storage and workshop uses is not in line with the planning intention of the "Recreation" zone, which is primarily for recreational developments for the use of the general public. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis; and
- (b) the development is not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that there is no exceptional circumstance to justify the development in the Category 4 areas.

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 22.12.2017
Appendix Ia	Clarification from the applicant on the use of goods vehicles not exceeding 5.5 tonnes for the Site received on 24.1.2018
Appendix Ib	Further information providing further justifications to substantiate the application dated 30.1.2018
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 same "REC" zone on the Approved Lau Fau Shan and Tsim Bei Tsui OZP since the Promulgation of TPB PG-No. 13E on 17.10.2008
Appendix V	Detailed comments from the CTP/UD&L, Plan D
Appendix VI	Good Practice Guidelines for Open Storage issued by the Fire Services Department
Appendix VII	Public Comment
Appendix VIII	Advisory Clauses
Drawing A-1	Proposed Layout Plan
Drawing A-2	Proposed Landscape Plan
Drawing A-3	Proposed Drainage Plan
Plan A-1a	Location Plan
Plan A-1b	Previous Applications Plan

Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4a to 4c	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2018**