

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/108

- Applicant** : Yik Fung Storage Logistics Limited represented by Metro Planning and Development Company Limited
- Site** : Lots 2999 (Part), 3000 RP (Part), 3010 RP (Part), 3011 RP, 3012 RP (Part), 3035 RP (Part), 3038 RP (Part), 3041 RP, 3042 RP, 3043 (Part), 3044 (Part), 3045 RP, 3046 RP (Part), 3047 RP, 3050 RP (Part), 3051 (Part), 3053 (Part), 3055 (Part), 3056 S.A (Part), 3056 S.B (Part), 3058 (Part), 3062 (Part), 3063 (Part), 3064, 3065, 3066 (Part), 3067, 3068, 3069, 3070, 3071, 3072 (Part), 3073 S.A (Part), 3074, 3076, 3077 (Part), 3078 (Part), 3105 (Part), 3106, 3107, 3108 (Part), 3109, 3110, 3111 RP (Part), 3112 RP (Part), 3113, 3134 RP (Part) and 3135 (Part) in D.D. 129 and Adjoining Government Land, Ha Tsuen, Yuen Long
- Site Area** : 32,734m² (about) (including about 397m² Government Land (GL))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Shui Kiu and Ha Tsuen (HSK and HT) Outline Zoning Plan (OZP) No. S/HSK/2
- Zoning** : “Residential (Group B)1” (“R(B)1”) (about 29.4%),
[Restricted to maximum plot ratio (PR) of 3.5 and maximum building height (BH) of 90mPD];
“Residential (Group B)2” (“R(B)2”) (about 21.9%)
[Restricted to maximum PR of 2.5 and maximum BH of 90mPD]; and
“Open Space” (“O”) (31.2%)
an area shown as ‘Road’ (about 17.5%)
- Application** : Temporary Logistics Centre 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 centre for a period of 3 years (**Plan A-1a**). The Site straddles over “R(B)1” (29.4%), “R(B)2” (21.9%) & “O” (31.2%) zones and an area shown as ‘Road’ (17.5%) on the Approved HSK and HT OZP. 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.

- 1.2 The Site is related to 13 previous Applications No. A/YL-HT/12, 54, 123, 185, 235, 273, 383, 383-1, 533, 727, 897, 934 and 1058 for temporary open storage of containers and/or temporary logistics centre. The last application No. A/YL-HT/1058 for temporary logistics centre was approved by the Rural and New Town Planning Committee (the Committee) with conditions for a period of 3 years on 9.12.2016 and valid until 9.12.2019. The Site is currently being used for the applied use.
- 1.3 The Site is accessible from Lau Fau Shan Road via an ingress/egress point at the eastern corner of the Site (**Drawing A-1 and Plan A-2**). According to the proposed layout plan at **Drawing A-1**, 8 structures with a total floor area not exceeding 25,197m² (including two 12m high single-storey structures with GFA of 22,000m² and 2,500m² for logistic centre use, a 9m high two-storey structure with GFA of 540m² as site office, a 5m high single-storey structure with GFA of 50m² for water tank for fire-fighting, a 3.5m high single-storey structure with GFA of 35m² for pump room, a 3m high single-storey structure with GFA of 2m² for ancillary water tank use and three 3.5m high single-storey structures each with GFA of 20m² for toilet) are proposed. 6 loading/unloading bays for container trailers/tractors and 2 loading/unloading bays for medium and heavy goods vehicles will be provided. According to the applicant, the operation hours are from 7:00 a.m. to 11:00 p.m. from Mondays to Saturdays. There would be no operation on Sundays and public holidays. The proposed landscape and tree preservation plan and the proposed drainage plan are at **Drawings A-2 and A-3** respectively.
- 1.4 A comparison of the major development parameters of the last approved application and the current application is given in the following table:

Major Development Parameters	Last Approved Application (A/YL-HT/1058) (a)	Current Application (A/HSK/108) (b)	Difference (b) – (a)
Site Area	About 32,722m ²	About 32,734m ²	+12m ²
Applied Use	Temporary Logistics Centre	Temporary Logistics Centre	Same
No. of Structures	5	8	+3 (for office and toilet use)
Total Floor area	Not exceeding 24,637m ²	Not exceeding 25,197m ²	+560m ²
No. of Loading/unloading Bays for Containers Trailers/Tractors	6	6	No change
No. of Loading/unloading Bays for Medium/Heavy Goods Vehicles	2	2	No change

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

- (a) Application Form received on 10.10.2018 **(Appendix I)**
- (b) Supplementary planning statement with proposed layout plan, landscape and tree preservation plan, proposed drainage plan and catchment plan **(Appendix Ia)**

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**. They can be summarized as follows:

- (a) The planning intentions of the “R(B)1”, “R(B)2” & “O” zones and ‘Road’ area could not be realized within the coming 3 years because land resumption for the development of Hung Shui Kiu new town is yet to commence.
- (b) The Site is subject to previous planning approvals. The planning circumstance pertaining to the Site is similar to that of the last planning permission. As temporary structures have been built at the Site, a fresh application is submitted for consideration by the Board.
- (c) The Site falls within the Category 1 areas of the Town Planning Board’s Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) which are considered suitable for open storage and port back-up uses.
- (d) There are shortage of land for logistics use in Ha Tsuen. As there is a pressing demand for logistics facilities in proximity to the Kong Sham Western Highway, Ha Tsuen is considered in general satisfaction for open storage use and port back-up activities as reviewed by the Government study.
- (e) Container depots and similar logistics centre were found in close proximity to the Site and the proposed development is compatible with the surrounding landscape. Almost all of the open storage yards and port back-up uses surrounding the Site were granted with planning permission by the Board on transient basis. As such, favourable consideration should be given to the application.
- (f) Preliminary technical proposals demonstrated that the actual traffic impact, insignificant environmental and drainage impacts from the development would be insignificant. Environmental mitigation measures such as restriction of operation hours outside sensitive hours have been recommended to minimize potential environmental impact. No repairing, recycling, cleaning dismantling works and workshop activity will be held. All existing trees at the Site will be preserved and screen planting will be provided along the site periphery.

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. 31A) by posting notices on newspaper and at the Site. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

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

5. Background

As the use currently on the Site is still covered by a valid planning permission (No. A/YL-HT/1058), it is not subject to any active enforcement action.

6. Previous Applications

6.1 The Site is related to 13 previous Applications No. A/ YL-HT/12, 54, 123, 185, 235, 273, 383, 383-1, 533, 727, 897, 934 and 1058 for temporary logistics centre and open storage of containers and parking of vehicles/workshop uses. All of these applications except one (No. A/YL-HT/12) were approved by the Committee between 1996 and 2016. Application No. A/YL-HT/12 was rejected by the Committee on 26.4.1996 on grounds of not in line with the planning intention, road safety, adverse drainage impact and setting of undesirable precedent. Applications No. A/YL-HT/185, 727, 897 and 934 were subsequently revoked due to non-compliance with approval condition(s). Details of these applications are summarized at **Appendix III** and their locations are shown on **Plan A-1b**.

6.2 The last application No. A/YL-HT/1058 for temporary logistics centre was approved by the Committee with conditions for a period of 3 years on 9.12.2016 and valid until 9.12.2019. All the time-limit approval conditions except the implementation of drainage proposal, run-in/out proposal, fire service installations (FSIs) proposal, and tree preservation and landscape proposal have been complied with. Compared with the last application, the current application is submitted by the same applicant for the same logistics centre use. The current proposed scheme has a slightly larger site area (+12m²) with additional structures for office and toilets (+3) and a slightly increase in total floor area (+560m²).

7. Similar Applications

There are 8 similar applications for temporary logistics centres within areas covered by the same “R(B)1”, “R(B)2” & “O” zones and ‘Road’ area in the approved HSK&HT OZP since the promulgation of TPB PG-No. 13E on 17.10.2008. All of these similar applications were approved with conditions by the Committee. Among them, applications No. A/YL-HT/1016 and A/HSK/7 were subsequently revoked due to non-compliance with approval conditions. Details of these applications are summarized at **Appendix IV** and their locations are shown on **Plan A-1a**.

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

8.1 The Site is:

- (a) being used for the applied use under a valid planning permission; and
- (b) directly abutting Lau Fau Shan Road.

8.2 The surrounding areas have the following characteristics:

- (a) predominately occupied by open storage/storage yards, logistics centres, parking of vehicles, vehicle service centres, repair workshops and warehouses;
- (b) scattered residential structures are found in the vicinity of the Site with the nearest one located 69m away at the opposite side of Lau Fau Shan Road;
- (c) there are open storage yards, logistics centres, vehicle service centres & workshop, and warehouses in the vicinity of the Site under valid planning application Nos. A/YL-HT/1017, 1025, 1054, 1061, 1062 & 1063 and A/HSK/28, 59 & 95 (**Plan A-2**); and
- (d) other open storage/storage yards, parking of vehicles, and vehicle repair workshops and warehouse in the vicinity are suspected unauthorized developments (UDs) subject to enforcement action taken by the Planning Authority.

9. Planning Intentions

- 9.1 The Site straddles over “R(B)1”, “R(B)2” & “O” zones and an area shown as ‘Road’ on the approved HSK and HT OZP. The planning intention of the “R(B)1” and “R(B)2” zones are primarily for medium-density residential developments where commercial uses serving the residential neighbourhood may be permitted with or without application to the Board.
- 9.2 The planning intention of the “O” zone is intended primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

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 Site comprises Old Schedule Agricultural Lots 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) Two portions of GL of the Site are covered by the following Short Term Tenancy (STT):
 - STT No. 2850 for the purpose of “Temporary Open Storage of Container with Ancillary Workshop, Warehouse with Ancillary Freight Forwarding Facility, Open Storage of Recyclable Materials, Tyre Repair Workshop and Ancillary Canteen”; and

- STT No. 3148 for the purpose of ‘Temporary Logistics Centre with Ancillary Office and Parking of Vehicle’.
- (c) No permission is given for occupation of the remaining GL (“the remaining GL”) with an area of about 83m² (subject to verification) included in the Site. Attention is drawn to the fact that the act of occupation of remaining GL without Government’s prior approval is not allowed.
- (d) The private land of the following lots are covered by Short Term Waivers (STWs) as below table:

STW No.	Lot No. in D.D. 129	Purpose
4147	3010RP	Temporary Open Storage of Container with Ancillary Workshop, Warehouse with Ancillary Freight Forwarding Facility, Open Storage of Recyclable Material, and Ancillary Tyre Repair Workshop and Canteen
4833	2998 & 3078	Temporary Logistics Centre with Ancillary Office and Parking of Vehicle
4834	2999	
4835	3000RP	
4836	3073 S.A, 3073RP & 3084	
4907	3035RP	Temporary Logistic Centre

- (e) The Site is accessible from Lau Fau Shan Road through GL. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way.
- (f) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (g) Should the application be approved, the STT/STW holders will need to apply to his office for modification of the STT/STW conditions where appropriate. The lot owner(s) of the lot(s) without STW will need to apply to his office for permitting the structures to be erected or regularizing any irregularities on Site. The applicant has to either exclude the remaining GL from the Site or apply for a formal approval prior to the actual occupation of the remaining GL. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications for any of the above will be considered by the LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such applications will be approved. If such applications are 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 LandsD.

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 point of view.
- (b) Sufficient manoeuvring spaces shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from 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 TD.
- (b) If the proposed run-in/out is agreed by TD, the applicant should construct a run-in/out at Lau Fau Shan Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement.
- (c) Adequate drainage measures should be provided at the Site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (d) HyD shall not be responsible for the maintenance of any access connecting the Site and Lau Fau Shan Road.

Environment

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

- (a) DEP does not support the application because there are sensitive uses in the vicinity of the Site (the nearest one being about 69m away to the north of the Site) (**Plan A-2**) and environmental nuisance is expected.
- (b) There was no substantive environmental complaint pertaining to the applied use received in the past 3 years.
- (c) Should the application be approved, the applicant is advised to follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' ('COP').

Drainage

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

- (a) He has no objection in principle to the application from a drainage point of view.

- (b) According to the information submitted by the applicant, the drainage proposal is identical to the one submitted under the previous application No. A/YL-HT/1058 on which he has no adverse comment. However, there are some details missing on the proposed drainage plan (**Drawing A-3**), such as the cross sections of the ground profile, cover and invert levels of the catchpits, location of sand traps, etc.
- (c) Should the application be approved, he would suggest imposing planning conditions requiring the applicant to submit a revised drainage proposal, to implement and maintain the proposed 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) As there is no record of approval by the Building Authority (BA) for the existing structures at the Site, Buildings Department (BD) 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 a New Territories Exempted Houses) are erected on leased land without approval of the BD, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the 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 coordinator for the proposed building works in accordance with the BO.
- (e) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations respectively.
- (f) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulations 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 D of FS.
- (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.
- (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.
- (d) 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.

Long Term Development

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

- (a) He has no objection to the 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 the 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 concerned lot(s) falls within a Site under Stage 4 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 Leisure and Cultural Services (DLCS):

- (a) He notes the application period is only three years and has no in-principle objection to the application.
- (b) The Site is zoned “R(B)1, “R(B)2” and “O” on the HSK & HT OZP. The portion zoned “O” is not on the priority list for development agreed by the Yuen Long District Council. He has no plan to develop the Site into public open space at present.

Nature Conservation

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

- (a) As the Site is paved and disturbed, he has no strong view on the application from nature conservation point of view.
- (b) Should the application be approved, please advise the applicant to adopt good site practices and implement water pollution control measures as necessary to avoid affecting the nearby watercourse.

District Officer's Comments

10.1.11 Comments of the 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 Electrical and Mechanical Services (DEMS);
- (b) Commissioner of Police (C of P);
- (c) Chief Engineer/Sewerage Projects, DSD (CE/SP, DSD); and
- (d) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

11. Public Comments Received During Statutory Publication Period

On 19.10.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 9.11.2018, no public comment was received.

12. Planning Considerations and Assessments

12.1 The Site straddles over "R(B)1", "R(B)2" and "O" zones and an area shown as 'Road' on the OZP. The planning intention of the "R(B)1" and "R(B)2" zones are intended primarily for medium-density residential developments while the planning intention of "O" zone is for the provision of outdoor open-air public space for active and/or passive recreational uses. Whilst the development is not in line with their planning intentions, the implementation programme for this part of NDA is still being formulated, and PM/NTW of CEDD and DLCS have no objection to the proposed temporary use for a period of 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.

12.2 The current logistics centre use on Site is subject to application No. A/YL-HT/1058 which is still valid until 9.12.2019. As deliberated in para. 6.2 above, the current proposed scheme has only a slightly larger site area with 3 additional structures for office and toilet with slightly increase in total floor area. The Site is located in an

area which is predominantly occupied by open storage/storage yards, logistics centres, parking of vehicles, vehicle service centres, repair workshops and warehouses. The applied use is not incompatible with the surrounding land uses (**Plan A-2**).

- 12.3 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.

- 12.4 The proposed development is generally in line with the TPB PG-No. 13E in that the Site falls within Category 1 areas 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 major adverse comment from concerned Government departments, except DEP. DEP does not support the application because there are sensitive uses in the vicinity (the nearest residential dwelling being about 69m away), and environmental nuisance is expected (**Plan A-2**). However, there was no substantive environmental complaint pertaining to the applied use in the past three years. To address the concerns on the possible environmental nuisances or the technical requirements of the other concerned Government departments, relevant approval conditions are recommended in paragraph 13.2 below. Any non-compliance with these approval conditions would result in revocation of the planning permission and any unauthorized development on Site will be subject to enforcement action by the Planning Authority. Should the application be approved, the applicant will also 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.

- 12.6 The Committee has approved with conditions 12 previous applications for logistics centre and open storage uses at the Site (**Plan A-1b**) and 8 similar applications within areas covered by the same "R(B)1", "R(B)2" and "O" zones on the OZP since the promulgation of TPB PG-No. 13E on 17.10.2008 (**Plan A-1a**). Approval of the current application is in line with the previous decisions of the Committee.

- 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, the Planning Department considers that the temporary logistics centre at the Site 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 **7.12.2021**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no repairing, recycling, cleansing, dismantling and workshop activity, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (d) no vehicle is allowed queue back to or reverse onto/from the public road at any time during the planning approval period;
- (e) the existing fencing on the Site shall be maintained at all times during the planning approval period;
- (f) the submission of a revised drainage proposal within **6** months to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **7.6.2019**;
- (g) in relation to (f) above, the implementation of the drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **7.9.2019**;
- (h) in relation to (g) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (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 **7.6.2019**;
- (j) in relations to (i) above, the implementation of the 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 **7.9.2019**;
- (k) the submission of a fire service installations proposal within **6** months to the satisfaction of the Director of Fire Services or of the Town Planning Board by **7.6.2019**;
- (l) in relation to (k) above, the implementation of the fire service installations proposal within **9** months to the satisfaction of the Director of Fire Services or of the Town Planning Board by **7.9.2019**;

- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (h) 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; and
- (n) if any of the above planning conditions (f), (g), (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.

Advisory clauses

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

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

- (a) the applied use is not in line with the planning intentions of the "R(B)1", "R(B)2" and "O" zones which are intended primarily for medium-density residential development and provision of outdoor open-air public space for active and/or passive recreational uses. There is no strong justification to deviate from the planning intentions even on a temporary basis; and
- (b) the applicant fails to demonstrate that the applied development would not have adverse environmental impact on the surrounding 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 10.10.2018
Appendix Ia	Supplementary planning statement with proposed layout plan, landscape and tree preservation plan, drainage plan and catchment plan
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 s.16 applications covering the Application Site

Appendix IV	Similar s.16 Applications within areas covered by the same “R(B)1”, “R(B)2” and “O” Zones on the approved Hung Shui Kiu and Ha Tsuen Outline Zoning Plan since the promulgation of TPB PG-No. 13E on 17.10.2008
Appendix V	Advisory clauses
Drawing A-1	Proposed Layout Plan
Drawing A-2	Proposed Landscape and Tree Preservation Plan
Drawing A-3	Proposed Drainage Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4c	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2018**