

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

**APPLICATION NO. A/HSK/110**

- Applicant** : Ocean First Logistics Ltd.
- Site** : Lots 19, 42 (Part), 44 S.B (Part), 50 (Part), 51 (Part), 146 (Part), 147 (Part), 148 (Part), 167 (Part), 168 (Part), 169 (Part), 171 (Part), 172 (Part), 173 (Part), 174, 175 (Part), 176 (Part), 177, 178, 179, 180 S.A, 180 S.B, 181 (Part), 182, 183 (Part), 184 (Part), 257 (Part) and 258 (Part) in D.D. 125, Ha Tsuen, Yuen Long
- Site Area** : 26,200 m<sup>2</sup>
- 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** : An area shown as ‘Road’ (about 41.1%)  
“Open Space” (“O”) (about 27.3%);  
“Other Specified Uses” annotated “Port Back-up, Storage and Workshop Uses” (“OU(PBSWU)”) (about 19.2%)  
[Restricted to maximum PR of 7 and maximum BH of 110mPD] ; and  
“Other Specified Uses” annotated “Parking and Operational Facilities for Environmentally Friendly Transport Services” (“OU(POFEFTS)”) (about 12.3%)  
[Restricted to maximum PR of 3 and maximum BH of 60mPD] ;
- Application** : Proposed Temporary Logistics Centre and Warehouse for a Period of 3 Years

**1. The Proposal**

- 1.1 The Applicant seeks planning permission to use the application site (the Site) for proposed temporary logistics centre and warehouse for a period of 3 years (**Plan A-1**). The Site straddles over an area partly zoned “O” (27.3%), “OU(PBSWU)” (19.2%) and “OU(POFEFTS)” (12.3%) and partly shown as ‘Road’ (41.1%) on the approved HSK and HT OZP. According to the Notes of the OZP, ‘Warehouse (excluding Dangerous Goods Godown)’ use is always permitted in the “OU(PBSWU)” zone. 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 approved HSK and HT OZP, all uses or developments require planning permission from the Board.

- 1.2 The Site is related to 2 previous applications (No. A/YL-HT/623 and A/HSK/75) submitted by a different Applicant for open storage of containers for a period of 1 year and the same Applicant of the current application for temporary open storage of construction materials for a period of 3 years respectively. No. A/YL-HT/623 was rejected by the Rural and New Town Planning Committee (the Committee) of the Board on 23.10.2009 while No. A/HSK/75 was approved with conditions by the Committee on 6.7.2018 for a period of 3 years to 6.7.2021. However, the proposed use has yet been implemented. The Site is currently partly vacant and partly with site formation in progress.
- 1.3 The Site is accessible from Ping Ha Road via a local track (**Drawing A-1**). According to the layout plan at **Drawing A-2**, ingress/egress point is located at the eastern boundary of the Site. A total of 5 temporary structures with a total floor area of 19,804 m<sup>2</sup> are proposed. They include two single-storey (10m high) warehouses (19217 m<sup>2</sup>) for storage use, two two-storey (6m high) structures (560 m<sup>2</sup>) for offices and a single-storey structure (3m high) for toilet use (27 m<sup>2</sup>) at the eastern and western parts of the Site. 54 loading/unloading spaces (12m x 5m) are proposed. According to the Applicant, the future operation hours are restricted to 8:00a.m. to 8:00p.m. from Mondays to Saturdays. No operation will be held on Sundays and public holidays. The proposed tree preservation and landscape plan and proposed drainage plan are shown at **Drawings A-3** and **A-4** respectively.
- 1.4 The major development parameters of the previously approved application and the current application are summarized as follows:

<b>Major Development Parameters</b>	<b>Previously Approved Application No. A/HSK/75 (approved on 6.7.2018)</b> <b>(a)</b>	<b>Current Application No. A/HSK/110</b> <b>(b)</b>	<b>Difference</b> <b>(b) - (a)</b>
Applied Use	Temporary open storage of construction materials for a period of 3 years	Temporary logistics centre and warehouse for a period of 3 years	---
Site Area	20,200 m <sup>2</sup>	26,200 m <sup>2</sup>	+6,000m (19%)
No. and Height of Structure	No structure	5 - 2 for warehouse use (10m high, 1-storey) - 2 for office use (6m high, 2-storey) - 1 for toilet use (3m high, 1-storey)	+5
Parking Space	4	0	-4

Loading/ Unloading Space	7	54	+47
Operation Hours	8am to 8pm, Mondays to Saturdays, with no operation on Sundays and public holidays		No change

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

- (a) Application Form received on 15.10.2018 **(Appendix I)**
- (b) Supplementary Planning Statement with vehicular access plan, proposed layout plan, proposed tree preservation and landscape plan and proposed drainage 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 proposed use is in line with the planning intention of the “OU(PBSWU)”.
- (b) As the detailed implementation programme with phasing and packaging of works for the Hung Shui Kiu Development Area is still being formulated, the proposed temporary use will not jeopardize the long term planning intention of the area.
- (c) The applied use is compatible with the surrounding land uses since the Ha Tsuen area and the vicinity of the Site have been dominated by open storage and port back-up uses for years.
- (d) The locational advantages and strategic importance of the Ha Tsuen area in this regard remains the same, and the planning application would not have any adverse planning implication.
- (e) The Applicant has submitted landscaping, 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.
- (f) The Applicant would adopt a cooperative and friendly attitude, actively communicate with Government departments, comply with various regulations and make genuine efforts in the 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 owners” and 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 notice on newspapers and at the application 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 entirely falls within Category 4 area under the revised Guidelines. Relevant extracts of the Guidelines are attached at **Appendix II**.

#### **5. Background**

The Site is currently not a subject of any active planning enforcement case.

#### **6. Previous Applications**

- 6.1 The Site is related to 2 previous applications No. A/YL-HT/623 and A/HSK/75. Details of these two applications are summarized at **Appendix III** and their locations are shown on **Plan A-1**.
- 6.2 The previous application No. A/YL-HT/623 for temporary open storage of containers for a period of a year was rejected by the Committee on 23.10.2009 mainly because it was not in line with the planning intention of the "Green Belt" zone at that time.
- 6.3 The last planning application No. A/HSK/75 for temporary open storage of construction materials for a period of 3 year was approved with conditions by the Committee on 7.6.2018. The proposed use has yet been implemented. Compared with the last application, the current application is submitted by the same Applicant for logistic centre and warehouse use on a larger site (+6000 m<sup>2</sup>) falling within different zones.

#### **7. Similar Applications**

There are 3 similar applications (No. A/YL-HT/781 and 932, and A/HSK/9) for various temporary storage uses (open storage, logistic centre and/or warehouse) across the same "O", "OU(POFEFTS)" and "OU(PBUSWU)" zones since the promulgation of the TPB PG-No. 13E on 17.10.2008. All these similar applications were approved with conditions by the Committee between 2012 and 2017. Details of these applications are summarized at **Appendix IV** and their locations are shown on **Plan A-1**.

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

- 8.1 The Site is:
  - (a) accessible from Ping Ha Road via a local track; and
  - (b) currently partly vacant and partly with site formation in progress.
- 8.2 The surrounding areas have the following characteristics:

- (a) predominately occupied by open storage/storage yards, logistics centres, warehouses, residential dwellings and unused lands;
- (b) to its north within the adjoining “Village Type Development” (“V”) zone is a residential area at Fung Kong Tsuen (with the nearest residential structure being 29m to its north); to its further northwest is a marsh/grassland;
- (c) to its immediate east and west are a cluster of temporary storage yards, warehouses and logistic centres operating with valid planning permissions No. A/YL-HT/1000, A/HSK/9, 17, 43 and 90. To its further southwest are some open storage yards of construction and recycling materials; and
- (d) to its immediate south is an open storage yard of vehicles.

## **9. Planning Intentions**

- 9.1 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.
- 9.2 The planning intention of the “OU(PBSWU)” zone is intended primarily to cater for the port back-up facilities and container related uses. Port back-up related development such as container freight station, logistics centre, container vehicle park and container storage, repair yard and rural industry workshop are permitted within this zone.
- 9.3 The planning intention of the “OU(POFEFTS)” zone is primarily for the provision of parking and operational facilities (including ancillary office) for Environmentally Friendly Transport Services serving the area.

## **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) The Site is accessible to Ping Ha Road through both private lots and Government Land (GL). His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site.
  - (c) The Site does not fall within Shek Kong Airfield Height Restriction Area.

- (d) The private lots which are covered by Short Term Waivers (STWs) are listed below:

<b>Lots Nos. (All in D.D. 125)</b>	<b>STW</b>	<b>Purpose</b>
168	4087	Temporary Open Storage of Containers with Ancillary Logistics Uses, Vehicle Repair Workshop, Container Repair Workshop and Parking of Tractors
169	4089	
147	4117	Temporary Open Storage of Construction Materials, Container with Container Vehicle Park, Logistics Yard with Ancillary Workshop (Including Compacting and Unpacking Workshop)
148 & 171	4116	
172	4108	
173	4118	
175	4122	
176	4123	

- (e) Should the application be approved, the STW holders will need to apply to his office for modification of the STW conditions if there are any irregularities on site and the lot owner(s) of the lot without STW will need to apply to his office for permit the structures to be erected or regularize any irregularities on site. Beside, given the proposed use is temporary in nature, only application for regularization or erection of temporary structures will be considered. No construction of New Territories Exempted Buildings will be considered or allowed. Application(s) for any of the above will be considered by the LandsD acting in the capacity of the landlord or lessor at its discretion and there is no guarantee that such applications(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 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 view point.
- (b) Sufficient manoeuvring space shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads.
- (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 to prevent surface water flowing from the Site to nearby public roads/drains.
- (c) HyD shall not be responsible for the maintenance of any access connecting the Site and Ping Ha Road.

### **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 29m 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 shall 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”.

### **Landscape**

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

- (a) The Site, located to the south of Fung Kong Tsuen, lies mainly in an area shown as ‘Road’ and partly in areas of “O”, “OU(PBSWU)” and “OU(POFEFTS)” zones. The Site is the subject of previous Application No. A/HSK/75 for open storage use to which he had no objection to from the landscape planning perspective. The current application seeks planning permission for temporary logistics centre use on a larger site by the same Applicant for a period of 3 years.
- (b) With reference to site photographs and aerial photo of 2018, it is observed that the site is mainly hard paved and with trees generally along the eastern boundary. Significant change to the landscape character arising from the application is not anticipated. Hence, he has no objection to the application from the landscape planning perspective.
- (c) In view of the large size of the Site (larger than 1 ha) and nearby residential uses to the north, in compliance with the “Technical Note on the Submission and Implementation of Landscape Proposals for Compliance with Conditions for Approved Applications for Open Storage and Port Back-up Uses” (TN) published by Planning Department, screen planting in particularly along the northern site boundary should be provided.
- (d) Should the application be approved, it is recommended that the approval condition regarding the submission and implementation of a landscape proposal be stipulated.

- (e) The Applicant is advised that approval of the planning application by the Board does not imply approval of the tree works such as pruning, transplanting and/or felling. Application for tree works should be submitted direct to DLO for approval.
- (f) There shall be no storage or stacking of materials within 1m of any tree.
- (g) Useful information on general tree maintenance is available for reference in 護養樹木的簡易圖解 ([http://www.greening.gov.hk/filemanager/content/pdf/tree\\_care/Pictorial\\_Guide\\_for\\_Tree\\_Maintenance.pdf](http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf)) and the Handbook of Tree Management (Chinese Version: [https://www.greening.gov.hk/tc/tree\\_care/Handbook\\_on\\_Tree\\_Management.html](https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html)) published by the GLTM Section, DEVB.

### **Drainage**

- 10.1.6 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) He suggests that condition should be stipulated requiring the Applicant to submit a revised drainage proposal, to implement and maintain the proposed drainage facilities should the application be approved.
  - (c) The detail comments of the proposed drainage plan are attached at **Appendix VI**.

### **Building Matters**

- 10.1.7 Comments of the Chief Building Surveyor/NTW, Building Department (CBS/NTW, BD):
- (a) Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of BD should be obtained, otherwise they are unauthorised building works (UBW) under the Buildings Ordinance (BO). An Authorised Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
  - (b) For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO.
  - (c) 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.

- (d) 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.

### **Nature Conservation**

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

- (a) It is noted that the Site was involved in land filling between November 2008 and May 2009 when the Site was zoned as “Green Belt”. Nevertheless, given that the Site is currently zoned “O”, “OU(PBSWU)”, “OU(POFEFTS)” and ‘Road’, he has no adverse comment on the subject application from nature conservation point of view.
- (b) Should the application be approved, the Applicant shall be advised to ensure that the proposed development would not affect the nearby marsh/seasonally wet grassland to the northwest of the Site.

### **Fire Safety**

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

- (a) He has no objection to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (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 following points:
  - (i) 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. (**Appendix V**).
  - (ii) 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**

10.1.10 Comments of the 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) 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 Stages 2 and 3 Works stages. 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.

### **Others**

#### 10.1.11 Comments of the Director of Leisure and Cultural Services (DLCS):

- (a) The subject site is zoned “O”, “OU(PBSWU)” and “OU(POFEFTS)” and an area shown as ‘Road’ on the HSK and HT OZP No. A/HSK/2. The portion zoned “O” is not on the priority list for development agreed by the Yuen Long District Council. Her office has no plan to develop the Site into public open space at present.
- (b) Since the application involves private lot only, she has no in principle objection to the application.

### **District Officer’s Comment**

#### 10.1.12 Comments of the District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD):

Her office has not received any local comment and her office has no comment on the application.

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

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

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

- 11.1 On 23.10.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 13.11.2018, no public comment was received.

## **12. Planning Considerations and Assessment**

- 12.1 The Site straddles over an area shown as 'Road' (41.1%) and zoned "O" (27.3%), "OU(PBSWU)" (19.2%) and "OU(POFEFTS)" (12.3%) on the approved HSK and HT OZP. 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; "OU(POFEFTS)" zone is primarily for the provision of parking and operational facilities (including ancillary office) for Environmentally Friendly Transport Services serving the area; and "OU(PBSWU)" zone is intended primarily to cater for the port back-up facilities and container related uses. Port back-up related development such as container freight station, logistics centre, container vehicle park and container storage, repair yard and rural industry workshop are permitted within this zone. According to the Notes of the OZP, "Warehouse (excluding Dangerous Goods Godown)" is a Column 1 use under the "OU(PBSWU)" zone, which is always permitted. Whilst the development is not in line with the planning intentions of the "O" and "OU(POFEFTS)" zones, 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 at 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 the implementation of government projects.
- 12.2 The Site is located in an area predominantly occupied by open storage yards, logistics centres and warehouses. The applied use is not incompatible with the surrounding land uses.
- 12.3 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. A maximum period of 2 years may be allowed upon renewal of planning permission for an Applicant to identify suitable sites for relocation. No further renewal of approval will be given unless under very exceptional circumstances and each application for renewal of approval will be assessed on its individual merit.
- 12.4 Whilst the Site falls within Category 4 areas with the intention to encourage the phasing out of non-conforming uses as mentioned in para. 12.3 above, it should be noted that the planning circumstances of the area has been changed. In this regard, part of the Site is now intended for port back-up, storage and workshop uses. For the portions of the Site falling within "OU(POFEFTS)" and "O" zones and 'Road' area, approval of the application would not jeopardize the long term development of

the area as explained in paragraph 12.1 above. Previous planning application No. A/HSK/75 was approved with conditions for open storage use on 6.7.2018. Concerned Government departments have no objection to the application and their technical concerns could be addressed through the stipulation of approval conditions. As such, sympathetic consideration may be given to the proposed development.

- 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 the vicinity (with the nearest residential dwelling located about 29m 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 any 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 latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize any potential environmental impacts on the nearby sensitive receivers.
- 12.6 The Committee has approved 1 previous application within the site and 3 similar applications for various types of storage use within the same “O”, “OU(POFEFTS)” and/or “OU(PBSWU)” zones since the promulgation of TPB PG-No. 13E on 17.10.2008. Thus, approval of the subject application is in line with the Committee’s previous decisions.

### **13. Planning Department’s Views**

- 13.1 Based on the assessments made in paragraph 12, the Planning Department considers that the proposed temporary logistic centre and warehouse use 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 **7.12.2021**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

#### Approval conditions

- (a) no operation between 8:00 p.m. and 8:00 a.m. on Mondays to Saturdays, as proposed by the Applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the Applicant, is allowed on the Site during the planning approval period;
- (c) no material is allowed to be stored/dumped within 1m of any tree during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from the public road at

any time during the planning approval period;

- (e) the submission of a drainage proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **7.6.2019**;
- (f) in relations to (e) above, the implementation of the proposed drainage proposal for the development within **9** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **7.9.2019**;
- (g) in relations to (f) above, the implemented drainage facilities on Site shall be maintained at all times during the planning approval period;
- (h) the submission of a 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**;
- (i) in relations to (h) above, the implementation of the 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**;
- (j) the submission of fire service installations proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **7.6.2019**;
- (k) in relation to (j) above, the implementation of the fire service installations proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **7.9.2019**;
- (l) if any of the above planning conditions (a), (b), (c), (d), 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; and
- (m) if any of the above planning conditions (e), (f), (h), (i), (j) or (k) is not complied with by the above 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 attached at **Appendix VII**.

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

- (a) the applied use is not in line with the planning intentions of the "O" and "OU(POFEFTS)" zones, which are 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, and the provision of parking and operational facilities respectively. There is no strong planning justification in the submission for a departure 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**

<b>Appendix I</b>	Application Form received on 15.10.2018
<b>Appendix Ia</b>	Supplementary Planning Statement with vehicular access plan, layout plan, proposed tree preservation and landscape plan and proposed drainage plan
<b>Appendix II</b>	Relevant extracts of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E)
<b>Appendix III</b>	Previous Application covering the application site
<b>Appendix IV</b>	Similar Applications within the subject "O", "OU(P&OFEFTS)" and "OU(PBU&SWU)" zones on the draft Hung Shui Kiu and Ha Tsuen Outline Zoning Plan since the promulgation of TPB PG-No. 13E on 17.10.2008
<b>Appendix V</b>	Good Practice Guidelines for Open Storage issued by the Director of Fire Services
<b>Appendix VI</b>	Comments on the Proposed Drainage Plan
<b>Appendix VII</b>	Advisory clauses
<b>Drawing A-1</b>	Vehicular Access Plan
<b>Drawing A-2</b>	Layout Plan
<b>Drawing A-3</b>	Proposed Tree Preservation and Landscape Plan
<b>Drawing A-4</b>	Proposed Drainage Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to 4b</b>	Site Photos

**PLANNING DEPARTMENT  
DECEMBER 2018**