

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

**APPLICATION NO. A/HSK/121**

- Applicant** : Kam Ho Trading Company Limited represented by Grandmax Surveyors Limited
- Site** : Lots 111 (Part), 112 (Part), 113 (Part), 114 (Part), 132 (Part), 133 (Part) and 134 (Part) in D.D. 125, Ha Tsuen, Yuen Long
- Site Area** : 2,863 m<sup>2</sup> (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Shui Kiu and Ha Tsuen Outline Zoning Plan (OZP) No. S/HSK/2
- Zoning** : “Residential (Group A) 2” (“R(A)2”) (about 50.2%);  
[Restricted to maximum plot ratio of 6 and maximum building height of 140mPD]  
  
“Open Space” (“O”) (about 49.8%); and
- Application** : Proposed Temporary Open Storage of Construction Machinery and Construction Material 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 open storage of construction machinery and construction material for a period of 3 years (**Plan A-1a**). The Site straddles over “R(A)2” (50.2%) and “O” (49.8%) zones 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. The Site is currently vacant.
- 1.2 The Site is related to 5 previous planning applications No. A/YL-HT/334, 388, 682, 787 and 954. The last application (No. A/YL-HT/954) for temporary open storage of construction machinery, construction material and marble for a period of 3 years was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 22.5.2015. The applicant had failed to comply with the condition of implementing the accepted tree preservation and landscape proposal, the planning permission was revoked on 22.11.2015. Compared with the last application, the

present application is for the slightly different open storage use, submitted by a different applicant on a smaller site.

- 1.3 The Site is accessible from Ping Ha Road via a local track with ingress/egress at northeastern corner of the Site (**Plan A-2 and Drawing A-1**). As shown on the site layout at **Drawing A-2**, three temporary structures with a total floor area of 160m<sup>2</sup> (including two 2-storey stacked up converted container for site office located under a 6.5m high open shed (10m x 9m) with a total floor area of 130m<sup>2</sup>, a single-storey converted container (3m high) with a floor area of 20m<sup>2</sup> for storage use and a single-storey toilet (3m high) with a floor area of 10m<sup>2</sup> at the south western part of the site are proposed. Two parking spaces for private car/light goods vehicle are also proposed. The remaining area is used for open storage purpose. According to the applicant, the operation hours are from 9:00 a.m. to 7:00 p.m. and no operation on Sundays and public holidays.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with supplementary Planning Statement, (**Appendix I**) with vehicular access and site plan with layout and existing tree and drainage facilities received on 3.12.2018
  - (b) Further Information received by the applicant on 28.12.2018 (**Appendix Ia**) *[accepted and exempted from publication and recounting requirements]*
- 1.5 A comparison of the major development parameters of the current application and the last approved application is given in the following table:

<b>Major Development Parameters</b>	<b>Last Approved Application (A/YL-HT/954) (a)</b>	<b>Current Application (A/HSK/121) (b)</b>	<b>Difference (b) - (a)</b>
<b>Site Area</b>	About 3,080 m <sup>2</sup>	About 2,863 m <sup>2</sup>	-217m <sup>2</sup> (-7%)
<b>Applied Use</b>	Temporary Open Storage of Construction Machinery, Construction Material and Marble for a Period of 3 Years	Temporary Open Storage of Construction Machinery and Construction Material for a Period of 3 Years	open storage of marble excluded
<b>No. of Structures</b>	4	3	-1
<b>Total Floor Area</b>	About 180 m <sup>2</sup>	About 160 m <sup>2</sup>	-20m <sup>2</sup> (-11%)
<b>Uses of Structures</b>	Site office, storage and toilet uses	Site office, storage and toilet uses	same
<b>No. of Parking Spaces</b>	2 (for private car and light goods vehicles)	2 (for private car and light goods vehicles)	same

## **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 Site is subject to three previous planning applications since 2010. The surroundings of the Site are all open storage/workshop/vehicles parking uses which are commonly found in Ha Tsuen.

- (b) The Site is currently paved and fenced off with corrugated sheets. The applicant commits to provide a number of mitigation measures, including restriction of the operation hours to 9:00 a.m. to 7:00 p.m. with no operation on Sundays and public holidays and no cutting, dismantling, cleansing, melting or any other workshop activity would be carried out on the Site.
- (c) The proposed open storage will not cause adverse noise impact. There are existing implemented drainage/peripheral planted trees to mitigate the drainage/visual impact. The applicant will provide updated record of the existing drainage and trees as necessary and conduct improvements as appropriate.
- (d) The site falls within the “Category 1 Areas” in accordance with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E), which is considered suitable for open storage and port back-up uses. The Site also falls within Stage 2 implementation of the Hung Shui Kiu New Development Area (HSK NDA) according to the phasing plan, the approval of the application on a temporary basis would not frustrate the long-term planning intention of the OZP. The Board has also approved a number of similar applications in the vicinity of the Site.

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

The applicant is not a “current land owner” 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. 31) by posting site notice and sending notice to the Ha Tsuen Rural Committee by registered mail. 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**

The Site is subject to planning enforcement action (No. E/YL-HSK/27) against an unauthorised development (UD) involving parking of vehicles. Enforcement Notice (EN) was issued on 22.8.2018 requiring discontinuation of the UD. Subsequently, the site inspection revealed that the UD was discontinued upon the expiry of the EN. The Site would be kept under close monitoring for further action, if necessary.

### **6. Previous Applications**

6.1 The site is related to five previous applications No. A/YL-HT/334, 388, 682, 787 and 954 for various open storage uses. Among them, 3 applications No. A/YL-HT/682, 787 and 954 were approved with conditions by the Committee since 2010. The other two applications No. A/YL-HT/334 and 388 were rejected by the Committee/Board upon review on 20.8.2004 and 19.8.2005 respectively mainly on

the grounds of not in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses and insufficient information to demonstrate no adverse traffic, environmental and drainage impacts on the surrounding areas.

- 6.2 The last application No. A/YL-HT/954 for temporary open storage of construction machinery, construction material and marble was approved with conditions by the Committee on 22.5.2015. However, the permission was subsequently revoked on 22.11.2015 due to non-compliance of approval condition regarding the implementation of the tree preservation and landscape proposal. Details of these applications are summarized at **Appendix III** and their locations are shown on **Plan A-1b**.
- 6.3 As compared to the last application No. A/YL-HT/954, the current application is submitted by a different applicant on a smaller site for slightly different open storage use with a reduction in site area (-217m<sup>2</sup>), number of structures (-1) and total floor area (-20m<sup>2</sup>).

## 7. **Similar Applications**

- 7.1 There are 12 similar applications No. A/YL-HT/583, 618, 620, 637, 672, 731, 861, 904, and 981 and A/HSK/4, 9 and 66 for various temporary open storage/port-back up uses and/or workshop uses within the same “R(A)2” and “O” zones on the approved HSK and HT OZP No. S/HSK/2 since the promulgation of TPB PG-No. 13E on 17.10.2008. 11 of these similar applications were approved with conditions by the Committee taking into consideration that the applied uses were not incompatible with the surrounding uses, minimal adverse traffic impact and the acute shortage of open storage/port back-up sites. Amongst these, 2 applications No. A/YL-HT/583 and 981 were subsequently revoked due to non-compliance with approval conditions.
- 7.2 The remaining application No. A/YL-HT/620 was rejected mainly on grounds of not in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses due to insufficient information to demonstrate that there would be no adverse landscape, environmental and nature conservation impacts on the surrounding areas. Particulars of these applications and the decisions of the Committee are summarized at **Appendix IV**. The locations of these application sites are shown on **Plan A-1a**.

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

- 8.1 The Site is:
  - (a) currently vacant; and
  - (b) accessible from Ping Ha Road via a local track.
- 8.2 The surrounding areas have the following characteristics:
  - (a) to the north are warehouse and godown under valid planning permissions No. A/HSK/1 and 3. To the further north and northeast are a warehouse and a logistic centre under valid planning permissions No. A/HSK/99 and 85;

- (b) to the immediate northeast is an isolated residential dwelling (nearly adjoining the Site) while to its further east and northeast are open storages of construction machinery, marble and a vehicle repair workshop and a temporary structure for residential use;
- (c) to the south and southeast are various open storages of construction machinery, construction materials and recycling scrap metal and a residential dwelling; while to the further south are temporary structures used for site offices and parking of vehicles; and
- (d) to its west is an open storage of containers while to the southwest is vacant.

## 9. **Planning Intention**

- 9.1 The Site straddles over “R(A)2” (50.2%) and “O” (49.8%) zones on the approved HSK and HT OZP. The planning intention of the “R(A)2” zone is primarily for high-density residential developments. Commercial uses are always permitted on the lowest two floors of a building excluding basements, or in a free-standing purpose-designed non-domestic building up to five storeys.
- 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 summarised 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 private lots which are covered by Short Term Waivers (STWs) are listed below:

<b>Lot No(s). in D.D. 125</b>	<b>STW No.</b>	<b>Purposes</b>
132	3924	Temporary Logistics Centre
133	3925	

- (c) The Site is accessible from Ping Ha Road through both Government Land (GL) and private lot(s). His office provides no maintenance works to the GL involved and does not guarantee any right-of-way over the GL to the Site.

- (d) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (e) Should the application be approved, the STW holders will need to apply to his office for modification of the STW conditions where appropriate and 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 to regularise any irregularities on the Site, if any. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Buildings(s) will be considered or allowed. Application(s) for any of the above will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD.

### **Traffic**

#### 10.1.2 Comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT):

- (a) He has no adverse comment to 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 the public roads.
- (c) The local track leading to the Site is not under his 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 to prevent surface water flowing from the Site to the nearby public road and 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) DEP does not support the application because there are sensitive users immediately adjoining the Site (**Plan A-2**) to the northeast and environmental nuisance is expected.

- (b) No environmental complaint pertaining to the site has been received in the past three years.
- (c) 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 existing drainage facilities which was implemented under an approved application No. A/YL-HT/954 will be maintained for the subject development. Should the application be approved, he would suggest imposing planning conditions requiring the applicant to maintain the existing drainage facilities and submit condition record of the existing drainage facilities to the satisfaction of his Division.

### **Landscaping**

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

- (a) With reference to the aerial photo of 2018, the Site is hard paved and the applied use is already in operation. Existing trees are observed generally along the Site boundary. 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 envisaged.
- (b) The applicant is advised that approval of the application by the Board does not imply approval of the tree works such as pruning, transplanting and/or felling under lease. The applicant is reminded to approach relevant authority/government department(s) direct to obtain the necessary approval on tree works.
- (c) There should be no storage or stacking of materials within 1 m of any tree.
- (d) The applicant is reminded of the importance of undertaking proper tree care for existing trees within the Site. Details comments on the undertaking proper tree care for existing trees within the Site are attached at **Appendix VII**.
  - 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)

- 樹木管理手冊:  
[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)
- 樹木風險評估及管理安排:  
[https://www.greening.gov.hk/tc/tree\\_care/tra\\_arrangements.html](https://www.greening.gov.hk/tc/tree_care/tra_arrangements.html)
- 護養樹木 保障安全:  
[http://www.greening.gov.hk/filemanager/content/pdf/tree\\_care/Chinese\\_Leaflet\\_Big\\_font\\_size\\_v1\\_2012\\_03\\_29.pdf](http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Chinese_Leaflet_Big_font_size_v1_2012_03_29.pdf)
- 減低樹木風險的樹木護養簡易圖解 :  
[http://www.greening.gov.hk/filemanager/content/pdf/tree\\_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk\(eng\).pdf](http://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk(eng).pdf)

### **Building Matters**

10.1.7 Comments of the Chief Building Surveyor/New Territories West, Buildings 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 the BD should be obtained, otherwise they are Unauthorized Building Works (UBW) under the Buildings Ordinance (BO). An Authorized 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 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.
- (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 (B(P)R) 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 B(P)R at the building plan submission stage.

### **Fire Safety**

10.1.8 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 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.



- (c) The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. Attached good practice guidelines for open storage should be adhered to (**Appendix V**).
- (d) Having considered the nature of 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 Director of Fire Services”
- (e) The applicant is advised to submit a valid fire certificate (FS251) to his Department for approval.
- (f) 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**

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

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. The Site falls within the boundary of Hung Shui Kiu New Development Area (HSK NDA). According to the Planning and Engineering Study (P&E Study) for the HSK NDA, to ensure timely and orderly implementation, the development of HSK NDA and relevant site formation and infrastructure works would be implemented in five stages, viz. Advance Works and Stage 1 to Stage 4. The lot(s) concerned falls within a site under Stage 3 Work 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 will not be arranged before the first population intake of the HSK NDA expected in 2024.

#### 10.1.10 Comments of the Director of Housing (D of H):

- (a) The applied use falls within part of the planned public housing site (Area 52B) under the approved HSK and HT OZP.
- (b) He has no objection to the proposal under application provided that it would not affect the development programme of Public Rental Housing/Subsidized Sale Flats (PRH/SSF) development under the implementation of HSK NDA.

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

- (a) The Site is zoned “R(A)2” and “O” on the approved 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.

- (b) Since the application involves private lot only, he has no in-principle objection to the application.

### **District Officer's Comments**

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

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

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

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

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

On 11.12.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 2.1.2019, one public comment was received from a private individual (**Appendix VI**). The commenter objects to the application mainly on the grounds that the previous application No. A/YL-HT/954 has been revoked and the open storage use should be grouped in industrial centres under the HSK NDA project.

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

12.1 The Site straddles over “R(A)2” and “O” zones on the approved HSK and HT OZP, with their planning intentions for high-density residential developments and provision of outdoor open-air public space for active and/or passive recreation uses respectively. Whilst the development is not in line with the planning intentions, the implementation programme for this part of NDA is still being formulated, and PM/NTW of CEDD, D of H 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 the implementation of government projects.

12.2 The proposed open storage of construction machinery and construction materials is not incompatible with the surrounding land uses which are predominantly used for open storages, logistics centre and workshops (**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 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 the concerned Government departments, except DEP. DEP does not support the application because there are sensitive uses in the vicinity (the nearest residential dwelling adjoins the Site), and environmental nuisance is expected (**Plan A-2**). However, there was no substantive environmental complaint pertaining to the Site 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 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.
- 12.6 Compared with the last approved application No. A/YL-HT/954 which was subsequently revoked due to non-compliance of approval condition regarding the implementation of tree preservation and landscape proposal, it is noted that the current application is submitted by a different applicant and that tree planting at the periphery of the Site has already been provided in which CTP/UD&L has no adverse comment on.
- 12.7 The Committee has approved 3 previous applications for the temporary open storage uses at the Site since 2010 (**Plan A-1b**) and 11 similar applications within the same "R(A)2" and "O" zones 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 Committee's previous decisions.
- 12.8 There is one public comment received with concern stated in paragraph 11 above. The planning considerations and assessment in the above paragraphs are relevant.

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

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comment mentioned in paragraph 11, the Planning Department considers that the temporary open storage of construction machinery and construction material 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 **1.2.2022**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 7:00 p.m. and 9:00 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 cutting, dismantling, cleansing, melting or any other workshop activity, as proposed by the applicant, is allowed on site at any time during the planning approval period;
- (d) no vehicle is allowed queue back to public road or reverse onto/from the public road at all times 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 existing trees and landscape plants on the Site shall be maintained at all times during the planning approval period;
- (g) no storage or stacking of materials within 1m of any tree at all times during the planning approval period;
- (h) the submission of a condition record of existing drainage facilities within 3 months to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **1.5.2019**;
- (i) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (j) the provision of the fire extinguisher(s) and the submission of a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **15.3.2019**;
- (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 **1.8.2019**;
- (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 **1.11.2019**;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (i) 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 (h), (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 VII**.

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

the development is not in line with the planning intentions of the "R(A)2" and "O" zones, which are intended primarily for high-density residential developments and provision of outdoor public space for recreation uses serving the needs of local residents as well as the general public. There is no strong justification given in the submission to deviate from such planning intentions, even on a temporary basis.

### **14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reasons for rejection should be given to the applicant.

### **15. Attachments**

<b>Appendix I</b>	Application Form with supplementary Planning Statement, with vehicular access and site plan with layout and existing tree and drainage facilities received on 3.12.2018
<b>Appendix Ia</b>	Further Information received by the applicant on 28.12.2018
<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 applications covering the site
<b>Appendix IV</b>	Similar applications within the same "R(A)2" and "O" zones on the approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2 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 Fire Services Department
<b>Appendix VI</b>	Public comment
<b>Appendix VII</b>	Advisory Clauses
<b>Drawing A-1</b>	Location Plan
<b>Drawing A-2</b>	Site Plan with layout and existing tree and drainage facilities

<b>Plan A-1a</b>	Location Plan with Similar Applications
<b>Plan A-1b</b>	Previous Applications Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4a &amp; 4b</b>	Site Photo

**PLANNING DEPARTMENT  
FEBRUARY 2019**