

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

APPLICATION NO. A/HSK/146

- Applicant** : Wah Tung Development Co. Ltd.
- Site** : Lots 112 (Part), 113 (Part), 133 (Part), 134 (Part), 135 (Part), 136 (Part), 137 (Part), 166 (Part), 256 (Part), 257 (Part), 258 (Part), 259 (Part), 260 S.A, 260 S.B (Part), 261 (Part), 262, 263, 264, 265 (Part), 266, 267 (Part), 268 (Part), 270 (Part), 271,272 (Part), 273, 274, 275 (Part), 277 (Part), 278 (Part), 279 (Part) and 281 (Part) in D.D.125, Ha Tsuen, Yuen Long
- Site Area** : 28,730m² (about)
- 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 A) 2" ("R(A)2") (about 58%)
[Restricted to maximum plot ratio (PR) of 6 and maximum building height (BH) of 140mPD];
- "Government, Institution or Community"("G/IC") (about 10%)
[Restricted to maximum BH of 8 storeys];
- "Open Space" ("O") (about 1%);
- "Other Specified Uses" annotated "Parking and Operational Facilities for Environmentally Friendly Transport Services" ("OU(POFEFTS)") (about 1%)
[Restricted to maximum PR of 3 and maximum BH of 60mPD]; and
- an area shown as 'Road' (about 30%).
- Application** : Temporary Open Storage of Containers with Ancillary Logistics Uses, Vehicle Repair Workshop, Container Repair Workshop and Parking of Tractors for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary open storage of containers with ancillary logistics uses, vehicle repair

workshop, container repair workshop and parking of tractors for a period of 3 years (**Plan A-1**). The Site straddles over “R(A)2” (58%) and “G/IC” (10%) zones and an area shown as ‘Road’ (30%) with minor encroachment onto the “O” (1%) and “OU(POFEFTS)” (1%) zones on the approved HSK and HT OZP No. S/HSK/2. 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. The Site is currently being used for the applied use without a valid planning permission.

- 1.2 The Site is related to 21 previous applications (No. A/YL-HT/24, 25, 41, 43, 78, 80, 103, 136, 203, 232, 289, 334, 388, 389, 430, 443, 590, 595, 665, 826 and 1000) for similar open storage uses. The last application No. A/YL-HT/1000 for the same applied use was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board with conditions for 3 years on 22.1.2016. All the approval conditions had been complied with. However, the planning permission lapsed on 22.1.2019.
- 1.3 The Site is accessible from Ping Ha Road via a local track and the ingress/egress point is located at the northern part of the Site (**Drawings A-1 and A-2**). According to the layout plan at **Drawing A-2**, a total of 3 open sheds with a total floor area of 1,317.5m² are proposed. They include three single-storey (6m to 8m high) open sheds (total area of 1,112.5m²) covering a three-storey (7.8m high) container-converted office (additional floor area of 105m²) and a two-storey (5.2m high) container-converted office (additional floor area of 100m²). Seven areas designated for open storage of containers and logistics use (total area of 8,620 m²) and two areas designated for parking of tractors use (total area of 2,400m²) are also proposed. A queuing area of about 1,480 m² and 12 visitor parking spaces (2.5m x 5m each) are provided at the north-eastern part of the Site. The remaining areas are for circulation purposes. According to the applicant, the stacking height of containers would not exceed eight units and the stacking height of containers stored within 5m of the periphery of the site will not exceed the height of the boundary fence. The operation hours is from 8:00 a.m. to 8:00 p.m. Monday to Saturday and there will be no operation on Sundays and public holidays. The proposed tree preservation and landscape plan and proposed drainage plan submitted by the applicant are at **Drawings A-3 to A-4**.
- 1.4 A comparison of the major development parameters of the current application and the last application is given in the following table:

Major Development Parameters	Previously Approved Application (A/YL-HT/1000) (a)	Current Application (A/HSK/146) (b)	Difference (b) – (a)
Site Area	about 32,030m ²	about 28,730m ²	-3,300m ² (- 11%)
Applied Use	Temporary Open Storage of Containers with Ancillary Logistics Uses, Vehicle Repair Workshop, Container Repair Workshop and Parking of Tractors for a Period of 3 Years	Temporary Open Storage of Containers with Ancillary Logistics Uses, Vehicle Repair Workshop, Container Repair Workshop and Parking of Tractors for a Period of 3 Years	No change
No. and Height of Structures	<p>7</p> <ul style="list-style-type: none"> - 3 single-storey structure for offices (5m, 5m and 7m high respectively) (GFA of 400m², 130m² and 140m² respectively) - 3 structures for logistics use (5m, 5m and 7m high respectively) (GFA of 272m², 900m² and 1500m² respectively) - 1 for storage use (7m high) (GFA of 270m²) 	<p>3</p> <ul style="list-style-type: none"> - 3 open sheds (6m, 6m and 8m high respectively) (GFA of 182m², 568m² and 362.5m² respectively) covering a two-storey and a three-storey container-converted offices (5.2m and 7.8m high respectively) (additional GFA of 100 m² and 105m² respectively)) 	-4
Total Floor Area	4,544m ²	1,317.5m ²	-3,226.5m ² (-245%)
No. of Parking Spaces for private car	12 (2.5m X 5m each)	12 (2.5m X 5m each)	No change
Operation Hours	8:00 a.m. to 8:00 p.m. Monday to Saturday, no operation on Sundays and public holidays	8:00 a.m. to 8:00 p.m. Monday to Saturday, 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 13.3.2019

(Appendix I)

- (b) Planning statement with proposed vehicular access plan, proposed layout plan, proposed tree preservation and landscape plan and proposed drainage plan (Appendix Ia)
- (c) Replacement Page of the application form received on 15.3.2019 (Appendix Ib)

2. **Justifications from the Applicant**

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

- (a) The Site falls within the “Category 1 areas”¹ of the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The Site is suitable for open storage use.
- (b) The Site has been in such use before 1997 and tolerated by the Government. The present application is submitted to regularize the entire development.
- (c) The application is subject to previous planning permission No. A/YL-HT/1000 for the same applied use for a period of 3 years and the applicant managed to comply with all the planning conditions imposed by Board. There has been no significant change in the planning circumstances of the Site since the last planning permission in 2016.
- (d) The adjoining land lots are almost wholly occupied by open storage and warehouse uses, which make the applied use compatible with the surrounding area.
- (e) The applicant has submitted landscaping and tree preservation, drainage, and environmental mitigation proposals to ensure that the development would not generate any adverse impacts to the surrounding areas. The applicant would appoint experienced contractor to implement the proposals and maintain the Site properly.

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

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

¹ According to Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E), the Site falls within the Category 1 Areas, Category 2 Areas and Category 4 Areas, instead of Category 1 Areas as claimed by the applicant.

4. **Background**

As the storage use and parking of vehicles on the Site are not covered by a valid planning permission, they would be subject to planning enforcement action.

5. **Town Planning Board Guidelines**

The Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) promulgated on 17.10.2008 is relevant. The Site falls within Category 1 areas (83.7%), Category 2 areas (13.9%) and Category 4 areas (2.4%) under the revised Guidelines. Relevant extracts of the Guidelines are attached at **Appendix II**.

6. **Previous Applications**

6.1 The Site is the subject of 21 previous applications (No. A/YL-HT/24, 25, 41, 43, 78, 80, 103, 136, 203, 232, 289, 334, 388, 389, 430, 443, 590, 595, 665, 826 and 1000) for the similar temporary open storage uses. Out of the 21 applications, 18 of them were approved with conditions by the Committee/Board between 1997 and 2016. However, planning permissions No. A/YL-HT/103 and 595 were subsequently revoked due to non-compliance with approval conditions.

6.2 The remaining 3 applications (No. A/YL-HT/203, 334 and 388) were rejected by the Committee/Board between 2001 and 2005 mainly on grounds that there was insufficient information to demonstrate that the development would not have adverse traffic, drainage and environmental impacts on the surrounding areas and/or the application did not comply with the Town Planning Board Guidelines for 'Application for Open Storage and Port Back-up Uses' (No. TPB PG-No. 13C). Details of these previous applications are summarized at **Appendix III** and their locations are shown on **Plan A-1b**.

6.3 The last approved application No. A/YL-HT/1000 for the same applied use was approved with conditions by the Committee for three years on 22.1.2016. All the approval conditions had been complied with. However, the planning permission lapsed on 22.1.2019. Comparing with the last application No. A/YL-HT/1000, the current application is submitted by the same applicant for the same use on the same location but with a smaller site area (-3,300m²) and less temporary structures (-4).

7. **Similar Applications**

There are 12 similar applications (No. A/YL-HT/623, 645, 731, 781, 814, 831, 997, 981 and 1052 and A/HSK/4, 89 and 132) for various temporary open storage uses within the same "R(A)2", "G/IC", "O" and "OU(POFEFTS)" zones on the HSK and HT OZP No. S/HSK/2 since the promulgation of TPB PG-No. 13E on 17.10.2008. Whilst one application (No. A/YL-HT/623) was rejected in 2009, the other 11 applications were approved with conditions by the Committee between 2009 and 2017. However, 3 of

them (No. A/YL-HT/997, 981 and 1052) were subsequently revoked due to non-compliance with approval conditions. 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-1 to Plan A-4a to 4b)

8.1 The Site is:

- (a) being used for the applied use without valid planning permission; and
- (b) accessible from Ping Ha Road via a local track.

8.2 The surrounding areas have the following characteristics:

- (a) to its north is an open storage of containers and logistics centre operating under a valid planning permission No. A/HSK/9. To its northeast are some port back-up uses such as open storage yards and logistics centres with valid planning permissions No. A/HSK/1, 85, 99 and 121;
- (b) to its east are some open storage yards of construction materials or machinery. Some car parks and residential dwellings are at its southeast. To its immediate south is a piece of woodland;
- (c) to its southwest are a piece of agricultural land and some open storage yards of containers and recycling materials with valid planning permissions No. A/HSK/4, 71, 89 and 132. To its further southwest are a pond, a number of warehouses and open storage yards.
- (d) To its north west are a warehouse and a tractor/trailer park operating under valid planning permissions No. A/HSK/43 and 110.

9. Planning Intentions

- 9.1 The Site straddles over “R(A)2” and “G/IC” zones and an area shown as ‘Road’ with minor encroachment onto the “O” and “OU(POFEFTS)” zones on the approved HSK and HT OZP No. S/HSK/2.
- 9.2 The planning intention of the “R(A)2” zone is intended primarily for high-density residential developments. Commercial uses are always permitted on the lowest two floors of a building excluding basements, or in a free-standing purpose-designed non-domestic building up to five storeys.
- 9.3 The “G/IC” zone is intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organisations providing social services to meet community needs, and other

institutional establishments.

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 prior approval of the Government.
- (b) The private lots which are covered by Short Term Waivers (STW) are listed below:

Lot(s) No(s) in D.D.125	STW No.	Purposes
133	3925	Temporary Logistics Centre
263, 264, 271 and 273	4087	Open Storage of Containers with Ancillary Logistics Uses, Vehicles Repair Workshops, Container Repair Workshop and Parking of Tractors
166	4091	
260 S.A	4093	
261	4094	
272	4095	
137	4109	Temporary Open Storage of Construction Materials, Container with Container Vehicle Park, Logistics Yard with Ancillary Workshop (Including Compaction and Unpacking Workshop)
136	4113	

- (c) The Site is accessible from Ping Ha Road through private lots. His office does not guarantee any right-of-way to the Site.
- (d) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (e) Should the application be approved, the lot owner(s) of the lot(s) without STW will need to apply to LandsD to permit the structures to be erected or regularize any irregularity on site, if any. The STW holders will need to apply to his office for modification of the STW conditions where appropriate. 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. Application(s) 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 application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by the LandsD.

Traffic

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

- (a) He has no adverse comment on the application from traffic engineering viewpoint.
- (b) Sufficient manoeuvring spaces shall be provided within the Site. No 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 access to prevent surface water running from the Site to nearby public roads/drain.
- (c) HyD shall not responsible for the maintenance of any access connecting the Site and Ping Ha Road.

Drainage

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

- (a) He has no objection in principle to the proposed application from a drainage point of view.
- (b) According to the applicant's submission, the existing drainage facilities which was implemented under an approved application no. A/YL-HT/1000 will be maintained for the subject development.
- (c) Should the application be approved, he would suggest imposing a

planning condition requiring the applicant to maintain the existing drainage facilities and submit condition record of the existing drainage facilities to the satisfaction of his Division.

Environment

10.1.5 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 88m to its south) (**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 application be approved, the applicant is reminded to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize any potential environmental nuisance.

Building Matters

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

- (a) There is no record of approval by the Building Authority for the structures existing at the Site and Buildings Department (BD) is not in a position to offer comments on their suitability for the use related to the application.
- (b) If the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of the BD, they are unauthorized under the BO and should not be designated for any approved use under the captioned application.
- (c) For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.
- (d) Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the application site, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.

- (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 (B(P)R) 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 B(P)R 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 fire service installations (FSIs) being provided to the satisfaction of Director of Fire Services.
- (b) In consideration of the design/nature of the structures, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval.
- (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 and the applicant should adhere to “Good Practice Guidelines for Open Storage” at **Appendix V**.
- (d) The following additional approval condition shall be added:

The provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of D of FS.
- (e) To address this additional approval condition, the applicant is advised to submit a valid fire certificate (FS 251) to his Department for approval.
- (f) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123) or relevant licensing requirements, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority.

Long Term Development

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

- (a) The Site is zoned “R(A)2”, “G/IC”, “O” and “OU(POFEFTS)” and

shown as 'Road' on the approved HSK and HT OZP No. S/HSK/2. 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.

10.1.9 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) However, the Site falls within the boundary of Hung Shui Kiu New Development Area (HSK NDA). According to the Planning and Engineering Study (P&E Study) for the HSK NDA, to ensure timely and orderly implementation, the development of HSK NDA and relevant site formation and infrastructure works would be implemented in five stages, viz. Advance Works and Stage 1 to Stage 4. The lot(s) concerned falls within a site under Stage 3 Works stage. While the detailed implementation programme for the project is still being formulated, based on the P&E Study, it is envisaged that clearance of the Site in question will not be arranged before the first population intake of the HSK NDA expected in 2024.

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

He notes that the proposed temporary use falls within part of the planned public housing site (Area 52B) under the approved HSK and HT OZP No. S/HSK/2. 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 Secretary for Education (S for E):

- (a) He understands that the proposal is effective for 3 years and renewal is subject to further approval.
- (b) The reserved primary/secondary school site is to cater for the population in HSK NDA and the commencement of facilities will tie in with the nearby housing development in HSK NDA.
- (c) Reservation of sites for primary/secondary schools should be made on a district basis. So long as a suitable site can be identified within the district by the Planning Department, Education Bureau would not have specific preference over the exact location of the

school site.

District Officer's Comments

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

- (a) He has not received any comment on the application from the locals.
- (b) He has no comment on the application from his departmental point of view.

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

- (a) Commissioner of Police (C of P);
- (b) Director of Agriculture, Fisheries and Conservation (DAFC); and
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

11. Public Comments Received During Statutory Publication Period

On 22.3.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 12.4.2018, no public comment was received.

12. Planning Considerations and Assessment

12.1 The Site straddles over "R(A)2" and "G/IC" zones and an area shown as 'Road' with minor encroachment onto the "O" and "OU(POFEFTS)" zones on the approved HSK and HT OZP No. S/HSK/2. The planning intention of the "R(A)2" zone is primarily for high-density residential developments whereas the "G/IC" zone is intended for the provision of Government, institution or community facilities. Whilst the applied development is not in line with the planning intentions of the "R(A)2", "G/IC", "O" and "OU(POFEFTS)" zones, the implementation programme for this part of NDA is still being formulated, and PM/NTW of CEDD, D of housing and S for E have no objection to the applied use for 3 years on the Site. In this regard, approval of the application on a temporary basis of 3 years would not jeopardize the long-term development of the Site. However, should the application be approved, it is suggested to include an advisory clause stating that the Site may be resumed by the Government at any time during the planning approval period for implementation of government projects.

12.2 The applied uses are not incompatible with the surrounding areas which are predominately occupied for open storage yards, logistics centres and warehouses.

12.3 The Site falls mainly within Category 2 areas (about 83.7%), partly within Category 1 areas (about 13.9%) and partly within Category 4 areas (about 2.4%)

under the revised 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.

Category 2 areas: permission could be granted on a temporary basis up to a maximum period of 3 years, subject to no 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, where appropriate, should be submitted to demonstrate that the proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas.

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 The development is largely in line with the TPG PG-No. 13E as the majority of the Site falls within Category 1 and 2 areas (about 98%) and that there is no adverse comment from concerned government departments, except DEP. DEP does not support the application because there are sensitive uses in the vicinity of the Site (the nearest dwelling is about 88m away (**Plan A-2**)). However, there has not been any substantiated environmental complaint against the Site over the past 3 years. Relevant approval conditions have been recommended in paragraph 13.2 to minimize any potential environmental impacts, or to address the technical concerns raised by concerned Government departments. Any non-compliance with these approval conditions would result in revocation of the planning permission and any unauthorised development on Site would be subject to enforcement action by the Planning Authority. Besides, the applicant will also be advised to follow the “Code of Practice on Handling Environmental Aspect of Temporary Uses and Open Storage Sites” in order to minimize the possible environmental impacts on the nearby sensitive receivers.

- 12.5 The Committee/Board has approved 18 previous applications on the Site and 11 similar applications within the subject “R(A)2”, “G/IC”, “O” and “OU(POFEFTS)” zones for similar temporary open storage uses since 1997 (**Plans A-1a and A-1b**). Approval of the subject application is in line with the Committee’s previous decisions.
- 12.6 There is no public comment received on the application during the statutory publication period.

13. Planning Department’s Views

- 13.1 Based on the assessment made in paragraph 12 above, the Planning Department considers that the temporary open storage of containers with ancillary logistics uses, vehicle repair workshop, container repair workshop and parking of tractors 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 **3.5.2022**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation between 8:00 p.m. to 8:00 a.m., as proposed by the applicant, is allowed on the Site during the approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) the stacking height of containers stored within 5m of the periphery of the Site shall not exceed the height of the boundary fence, as proposed by the applicant, at any time during the planning approval period;
- (d) the stacking height of containers stored within the Site shall not exceed eight units, as proposed by the applicant, at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from the public roads at any time during the planning approval period;
- (f) the existing trees and landscape plants on the Site shall be maintained at all times during the approval period;
- (g) the existing fencing on the Site shall be maintained at all times during the approval period;

- (h) the submission of the condition record of the existing drainage facilities on the Site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **3.8.2019**;
- (i) the existing drainage facilities on the Site shall be maintained at all times during the 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 **14.6.2019**;
- (k) the submission of a fire service installations proposal within **6** months from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by **3.11.2019**;
- (l) in relation to (k) above, the implementation of the fire service installations proposal within **9** months from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by **3.2.2020**;
- (m) if any of the above planning conditions (a), (b), (c), (d) (e), (f), (g) or (i) 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
- (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.

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 "Residential (Group A)2" and "Government, Institution or Community" zones, which are intended primarily for high-density residential developments and provision of Government, institution or community facilities. There is no strong planning justification given 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

Appendix I	Application Form received on 13.3.2019
Appendix Ia	Planning statement with proposed vehicular access plan, proposed layout plan, proposed tree preservation and landscape plan and proposed drainage plan
Appendix Ib	Replacement Page of the application form received on 15.3.2019
Appendix II	Relevant extracts of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E)
Appendix III	Previous Applications covering the Application Site
Appendix IV	Similar Applications within the Same “R(A)2”, “G/IC”, “O” and “OU(POFEFTS)” Zones on the approved HSK and HT OZP No. S/HSK/2 since the Promulgation of TPB PG-No. 13E on 17.10.2008
Appendix V	“Good Practice Guidelines for Open Storage” issued by the Director of Fire Services
Appendix VI	Advisory Clauses
Drawing A-1	Proposed Vehicular Access Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	Proposed Tree Preservation and Landscape Plan
Drawing A-4	Proposed Drainage Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Location Plan with Previous Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
MAY 2019**