

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/216

- Applicant** : Mr. Wong Kwok Wing represented by Metro Planning and Development Company Limited
- Site** : Lots 2427 (Part), 2430 (Part), 2431 (Part), 2432 (Part), 2433 (Part), 2434, 2435, 2436 (Part), 2437 (Part), 2438 S.A RP (Part), 2438 S.B (Part), 2439 (Part), 2447 (Part), 2455 S.B ss.1 S.A (Part), 2455 S.B ss.1 S.C (Part), 2455 S.B ss.1 RP (Part), 2958 (Part), 2961 S.A ss.1 (Part), 2961 S.A RP (Part), 2961 RP (Part), 2962 (Part), 2976 (Part), 2977 S.A (Part), 2977 S.B (Part), 2978, 2979 (Part) and 2980 (Part) in D.D. 129, Ha Tsuen, Yuen Long
- Site Area** : 8,326m² (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 B)2” (“R(B)2”)(63.8%);
[restricted to a maximum plot ratio of 2.5 and maximum building height (BH) of 60mPD]
“Open Space” (“O”)(35.5%);
“Government, Institution or Community” (“G/IC”)(0.1%); and
[Restricted to maximum BH of 8 storeys]
“Village Type Development” (“V”) (0.6%)
[Restricted to maximum BH of 3 storeys (8.23m)]
- Application** : Temporary Logistics Centre for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for a temporary logistics centre for a period of 3 years (**Plan A-1a**). The Site is mainly zoned “R(B)2” (about 63.8%) and “O” (35.5%) with minor encroachment onto the “G/IC” (0.1%) and “V” zones (0.6%) 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 used for the applied use without a valid planning permission (**Plans A-4a and 4c**).

- 1.2 The Site is related to 8 previous planning applications No. A/YL-HT/468, 612, 657, 785, 953 and 970, A/HSK/5 and 50 for temporary open storage or logistics centre uses (**Plan A-1b**). The last application No. A/HSK/50 for temporary logistics centre covering the north-western portion of the Site was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 2.3.2018 for a period of 3 years. However, the application was subsequently revoked on 2.12.2019 due to non-compliance with time-limit approval condition on the implementation of the fire service installations (FSIs) proposal.
- 1.3 The Site comprises two portions linked by a strip of land, and is accessible from Lau Fau Shan Road via two local tracks, with the two ingress/egress points located at the north-eastern and south-eastern corners of the Site (**Plan A-2** and **Drawing A-1**). As shown on the proposed layout plan at **Drawing A-2**, 6 structures with a total floor area of 7,255m² are proposed (including a 13m high single-storey structure with floor area of 5,770m² occupying almost the whole of the north-western portion of the Site and another 11m high single-storey structure with floor area of 1,200m² occupying the south-eastern portion of the Site both for logistics centre use, a 8.5m high 2-storey structure with floor area of 200m² for pump room, water tank and site office uses, a 6m high 2-storey structure with floor area of 40m² for another site office, a 3m high single-storey structure with floor area of 20m² for toilet use, and a 4.5m high single-storey structure with floor area of 25m² for electricity meter room. Two loading/unloading bays for medium/heavy goods vehicle at the south-eastern portion of the Site are proposed. Two loading/unloading bays for container trailer and a manoeuvring circle within the logistics centre structure at the north-western portion of the Site are proposed. According to the applicant, the operation hours are from 7:00 a.m. to 11:00 p.m. from Mondays to Saturdays and there will be no operation on Sundays and public holidays. The proposed tree preservation plan, as-built drainage plan and FSIs proposal are at **Drawings A-3 to A-5**.
- 1.4 A comparison of the major development parameters of the last approved application and the current application is given in the following table:

Major Development Parameters	Last Approved Application (A/HSK/50) (a) (Revoked on 2.12.2019)	Current Application (A/HSK/216) (b)	Difference (b) – (a)
Applied Use	Temporary Logistics Centre for a Period of 3 Years	Temporary Logistics Centre for a Period of 3 Years	same
Site Area	6,324m ²	8,326m ²	+2,002m ² (+32%)
No. of Structures	2	6	+4
Total Floor area	6,050m ²	7,255m ²	+1,205m ² (+20%)
No. of parking spaces	Nil	Nil	same
No. of loading/unloading bay	2 for container trailers	2 for medium/heavy goods vehicles 2 for container trailers	+2
Operation hours	7:00a.m. to 11:00p.m., Mondays to Saturdays, with no operation on Sundays and public holidays		same

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

- (a) Application Form received on 31.3.2020 with proposed vehicular access plan, layout plan, tree preservation plan and as-built drainage plan **(Appendix I)**
- (b) Further Information (FI) from the applicant received on 19.5.2020 clarifying the traffic generation by the applied use **(Appendix Ia)**
[accepted and exempted from publication and recounting requirements]
- (b) FI from the applicant received on 19.5.2020 providing the FSIs proposal **(Appendix Ib)**
[accepted and exempted from publication and recounting requirements]

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Part 7 of the Application Form at **Appendix I**. They can be summarized as follows:

- (a) The Site falls within “Category 1 Areas” in accordance with the previous Town Planning Board Guidelines TPB PG-No. 13E which are considered suitable for open storage and port back-up uses.
- (b) The proposed development is temporary in nature and it would not jeopardize the long term planning intention of the area.
- (c) The proposed development could help to solve the shortage of land for logistics use in Ha Tsuen which is close to Western Corridor.
- (d) The proposed development is close to logistics centre and port back-up activities in the vicinity and is compatible with the surrounding environment.
- (e) The Site is subject to previous planning permissions for logistics centre use. The planning circumstance pertaining to the Site is similar to those nearby open storage yards and port back-up uses approved by the Board.
- (f) The logistics centre will be housed in two temporary structures so that the impact to the environment is insignificant. The impact of the proposed operation to traffic, visual, drainage and environmental aspects is minimal.
- (g) The Board has approved similar port back-up activities in the vicinity of the Site.

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

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

4. Town Planning Board Guidelines

On 27.3.2020, the Board promulgated the revised Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F). The Site falls within Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA) under the revised Guidelines. Relevant extracts of the Guidelines are attached at **Appendix II**.

5. Background

The Site is being used as the applied use. Subject to the collection of sufficient evidence, appropriate enforcement action under the Town Planning Ordinance would be taken in due course.

6. Previous Applications

6.1 The Site is related to 8 previous planning applications No. A/YL-HT/468, 612, 657, 785, 953 and 970, A/HSK/5 and 50 for temporary open storage or logistics centre uses. All these applications were approved with conditions by the Committee/the Board on review between 2006 and 2018. However, the permissions under the last five applications No. A/YL-HT/785, 953 and 970, A/HSK/5 and 50 were subsequently revoked due to non-compliance with the time-specific approval conditions. Details of these applications are at **Appendix III** and their locations are shown on **Plan A-1b**.

6.2 The second last application No. A/HSK/5 basically covering the south-eastern portion of the Site for temporary logistics centre was approved by the Committee on 11.8.2017 for a period of 3 years but the permission was subsequently revoked on 11.11.2019 due to non-compliance with time-specific approval condition on the implementation of FSIs proposal. The last application No. A/HSK/50 covering the north-western portion of the Site for temporary logistics centre was approved by the Committee on 2.3.2018 for a period of 3 years but the permission was subsequently revoked on 2.12.2019 due to non-compliance with the same time-specific approval condition on the implementation of FSIs proposal. The two previous applications had an overlapping area (**Plan A-1b**) between the two sites for sharing of water tank and pump room in the FSIs provision (structure 2 of the current proposal in **Drawing A-2**).

6.3 Compared with the last two applications No. A/HSK/5 and 50, the current application is submitted by the same applicant for the same logistics centre use on a combined site of the two applications with same number of structures and floor area in total except the overlapping area as mentioned in paragraph 6.2 above.

7. Similar Applications

There are 8 similar applications for temporary logistics centre use within the same “R(B)2”, “O”, “G/IC” and “V” zones on the approved HSK & HT OZP. All of these similar applications were approved with conditions by the Committee between 2016 and 2019. However, the permissions under applications No. A/YL-HT/1058 and A/HSK/7 were subsequently revoked due to non-compliance with the time-specific approval conditions. Details of the above applications are summarized at **Appendix IV** and their locations are shown on **Plan A-1a**.

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

8.1 The Site is:

- (a) being used for the applied use without a valid planning permission; and
- (b) accessible from Lau Fau Shan Road via two local tracks.

8.2 The surrounding areas have the following characteristics:

- (a) to its north is a logistics centre;
- (b) to its east and north-east are another logistics centre, a vehicle repair workshop, some residential dwellings (the nearest one is about 6m away), two storage areas and a vehicle service centre, while to its further east is Lau Fau Shan Road (**Plan A-2**);
- (c) to its south is an open storage of containers under a valid planning permission (Application No. A/HSK/160) while to its further south is another logistic centre under a valid planning permission (Application No. A/HSK/59); and
- (d) to its northwest and west is an open storage of containers under a valid planning permission (Application No. A/HSK/161).

9. Planning Intention

9.1 The Site is mainly zoned “R(B)2” and “O” with minor encroachment onto the “G/IC” and “V” zones on the approved HSK and HT OZP. The planning intention of the “R(B)2” zone is primarily for medium-density residential developments where commercial uses serving the residential neighbourhood may be permitted with or without application to the Board.

9.2 On the other hand, the planning intention of the “O” zone is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

10. Comments from Relevant Government Departments

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

Land Administration

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

- (a) The Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) The lots within the Site which are covered by licences are listed below:

Lot No(s). in D.D.129	Licences Type and Nos.	Purposes
2455 S.B ss.1 (Later divided into 2455 S.B ss.1 S.A, 2455 S.B ss.1 S.B, 2455 S.B ss.1 S.C, 2455 S.B ss.1 RP while 2455 S.B ss.1 S.B is outside the Site)	Letter of Approval (LoA) with No. MT/LM12679	Watchman Shed, Chicken Sheds, Agricultural Store-rooms, Porches, Agricultural Kitchen
2961 RP	Modification of Tenancy (MoT) and LoA with No. M22185	Private Residential, Chicken Sheds, Agricultural Kitchen, Watchman Shed, Agricultural Store-room, Pigeon Sheds

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

Lot No(s). in D.D.129	STW No.	Purposes
2427	2982	Office Ancillary to Storage of Containers
2430	4262	Temporary Logistics Centre
2431	4263	
2432	4264	
2433	4265	
2436		
2434	4266	
2435	4267	
2978		
2437	4268	
2439		
2438 S.B	4269	
2447	4742	
2455 S.B ss.1 S.A	4744	
2961 RP	4745	
2961 S.A RP	4746	
2961 S.A ss.1	4747	
2977 S.A	4270	
2977 S.B	4271	
2979	4272	
2980	4273	

- (d) Should the application be approved, the STW holders will need to apply to his office for modification of the STW conditions where appropriate. Also, the lot owners of the lot(s) without STW will need to apply to his office for permitting the structures to be erected or to regularize 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. 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, TD):

- (a) He has no adverse comment on the application from traffic engineering point of view.
- (b) Sufficient manoeuvring spaces shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads.
- (c) The local track leading to the subject 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. The details of the proposed vehicular access arrangement connecting to Lau Fau Shan Road should be marked on the drawing for perusal of TD and HyD.
- (b) Adequate drainage measures should be provided at the site access 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 Lau Fau Shan Road.

Environment

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

- (a) DEP does not support the application because there are sensitive uses in the vicinity of the Site (the nearest being about 6m away) (**Plan A-2**) and environmental nuisance is expected.
- (b) There was no environmental complaint pertaining to the Site received in the past 3 years.
- (c) Should the application be approved, the applicant is advised to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' ('COP').

Drainage

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

- (a) According to the applicant's submission, the existing drainage facilities which were implemented under approved applications No. A/HSK/5 and 50 will be maintained for the subject development. He has no objection in principle to the development from a drainage point of view.

- (b) Should the application be approved, he would suggest a condition should be stipulated in the approval letter requiring the applicant to maintain the existing drainage facilities and submit condition record of the existing drainage facilities to the satisfaction of his Division.
- (c) The applicant should be reminded that the required condition record should include coloured photos showing the current condition of the drainage facilities and a layout plan indicating the locations of the photos taken. The submitted photos should cover all internal surface channels, catch pits, sand traps, manholes, terminal catch pits/manholes and the downstream discharge path as indicated on the submitted drainage proposal.

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 (BA) for the existing structures at the Site.
- (b) If the existing structures (not being a New Territories Exempted Houses) are erected on leased land without approval of the BA, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application.
- (c) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with the prevailing 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, demolition and land filling) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO.
- (e) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (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 services installation (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.
- (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. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans.
- (d) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123) or license is required under the Dangerous Goods Ordinance (Cap. 295), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority respectively.

Long Term Development

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

- (a) He has no objection to the temporary use for 3 years, which should be considered in accordance with the provisions of the existing OZP and infrastructure capacities.
- (b) The Site falls within the boundary of Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA). According to the Planning and Engineering Study for the HSK/HT NDA and the latest plan, to ensure timely and orderly implementation, the development of HSK/HT 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 4 works in the latest programme of the HSK/HT NDA. While the detailed implementation programme for the project is still being formulated, it is envisaged that clearance of the Site will not be arranged before the first population intake of the HSK/HT NDA expected in 2024.

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

- (a) The Site is zoned “R(B)2”, “O”, “G/IC” and “V” on the approved HSK & 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 lots only, he has no in-principle objection to the application.

District Officer's Comments

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

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

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

- (a) Commissioner of Police (C of P);
- (b) Director of Agriculture, Fisheries and Conservation (DAFC); and
- (c) Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD).

11. Public Comments Received During Statutory Publication Period

On 7.4.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, 40 public comments from local villagers and an individual were received. 39 public comments from the local villagers are of the same content and have concerns on the traffic congestion and safety hazard generated and the possible environmental impact (sample of these public comments in standard format is at **Appendix V-1**). The remaining comment from an individual advised that the previous applications were revoked and the adjoining use may be part of the same operation and they should not hinder the planned developments in the area (**Appendix V-2**). All the public comments received are deposited at the Board's Secretariat for Members' inspection.

12. Planning Considerations and Assessment

12.1 The application is for temporary logistics centre for a period of 3 years at a site mainly zoned "R(B)2" and "O" with minor encroachment onto the "G/IC" and "V" zones on the approved HSK and HT OZP. The planning intention of the "R(B)2" zone is primarily for medium-density residential developments, whereas the that of the "O" zone is 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. Whilst the applied use is not in line with the planning intentions, the implementation programme for this part of NDA is still being formulated, and PM/W of CEDD and DLCS have no objection to the 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 which is predominantly occupied by logistics centre and open storage uses. The applied use is not incompatible with the major surrounding land uses (**Plan A-2**).

12.3 The Site falls within the HSK/HT NDA. For applications in NDAs, the following considerations under the TPB PG-No. 13F are relevant:

For existing open storage and port back-up uses with previous planning approval(s) and/or permitted under the previous OZPs, sympathetic consideration may be given to the application (irrespective of whether the application is submitted by the applicant of previous approval or a different applicant) until the concerned site is required for implementation of NDA development, provided that the relevant approval conditions, if any, have been complied with. Technical assessments, where appropriate, should be submitted to demonstrate that the continued operation of the current uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas and the concerns of the departments and local residents, if any, can be addressed through the implementation of the approval conditions. In view of the impending implementation of NDAs, new open storage and port back-up uses are generally not encouraged to infiltrate into the NDAs. There is a general presumption against such uses at greenfield areas and/or at sites with land use compatibility issue, e.g. in close proximity to existing residential dwellings which may be subject to environmental nuisances caused by the open storage and port back-up uses.

- 12.4 The applied use is generally in line with the TPB PG-No. 13F in that the Site falls within HSK/HT NDA and previous planning approvals have been given. The current application is basically a combination of the two previous approved applications (No. A/HSK/5 & 50) both for logistics centre use. While the planning permissions under the two approved applications were revoked due to non-compliance with approval condition on the implementation of FSIs proposals, the applicant has included a FSI proposal in the current submission (**Appendix Ib**). Moreover, relevant proposals have been included to demonstrate that the proposed use would not generate adverse impacts on the surrounding areas and concerned departments (except DEP as explained in para. 12.5 below) have no adverse comments on the application. As such, sympathetic consideration may be given to the application. However, shorter compliance periods are recommended in order to closely monitor the progress of compliance with approval conditions. Should the application be approved, the applicant should be advised that should the applicant fail to comply with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration would not be given to any further application.
- 12.5 There is no major adverse comment from concerned Government departments, except DEP. DEP does not support the application because there are sensitive uses in the vicinity (the nearest residential dwelling being about 6m away), and environmental nuisance is expected (**Plan A-2**). However, there is no environmental complaint pertaining to the Site in the past three years. Furthermore, relevant approval conditions have been recommended in paragraph 13.2 to address the concerns on the possible environmental nuisances or the technical requirements of the other concerned Government departments. Any non-compliance with these approval conditions would result in revocation of the planning permission and any unauthorized development on the Site would 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 The Committee has approved 8 previous applications for open storage and logistics centre uses at the Site (**Plan A-1b**) and 8 similar logistics centre use within the subject “R(B)2”, “O”, “G/IC” and “V” zones on the OZP (**Plan A-1a**). Approval of the application is in line with the Committee’s previous decisions.
- 12.7 There are 40 public comments received on the application during statutory publication period as summarised in paragraph 11. The planning considerations and assessments 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 comments in paragraph 11 above, the Planning Department considers that the temporary logistics centre 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 of 3 years until **29.5.2023**. The following conditions of approval with shorter compliance periods and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no vehicle is allowed queue back to or reverse onto/from the public road at any time during the planning approval period;
- (d) the existing landscape planting on the Site shall be maintained at all times during the planning approval period;
- (e) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) 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 **29.8.2020**;
- (g) the submission of a fire service installations proposal within **3** months to the satisfaction of the Director of Fire Services or of the Town Planning Board by **29.8.2020**;
- (h) in relation to (g) above, the implementation of the fire service installations proposal within **6** months to the satisfaction of the Director of Fire Services or of the Town Planning Board by **29.11.2020**;
- (i) if any of the above planning conditions (a), (b), (c), (d) or (e) 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

- (j) if any of the above planning conditions (f), (g) or (h) 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 VI**.

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

- (a) the applied development is not in line with the planning intentions of the "R(B)2" and "O" zones which are intended primarily for medium-density residential developments, and for provision of outdoor open-air public space for active and/or passive recreational uses. There is no strong justification to deviate from the planning intentions even on a temporary basis; and
- (b) the applicant fails to demonstrate that the applied development would not have adverse environmental impact on the surrounding areas.

14. Decision Sought

14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.

14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.

14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reasons for rejection should be given to the applicant.

15. Attachments

Appendix I	Application Form received on 31.3.2020 with proposed vehicular access plan, layout plan, tree preservation plan and as-built drainage plan
Appendix Ia	FI from the applicant received on 19.5.2020 clarifying the traffic generation by the applied use
Appendix Ib	FI from the applicant received on 19.5.2020 providing the FSIs proposal
Appendix II	Relevant Extracts of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F)
Appendix III	Previous applications covering the Site
Appendix IV	Similar applications within the same "R(B)2", "O", "G/IC" and "V" zones on the Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2
Appendices V-1 and 2	Public Comments
Appendix VI	Advisory clauses

Drawing A-1	Proposed Vehicular Access Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	Proposed Tree preservation Plan
Drawing A-4	As-built Drainage Plan
Drawing A-5	Fire Service Installations Proposal
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4c	Site Photos

**PLANNING DEPARTMENT
MAY 2020**