

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/223

- Applicant** : Container System Ltd. represented by Mr. KWOK Chi Man
- 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 S.A (Part), 261 RP (Part), 262, 263, 264, 265 (Part), 266, 267 (Part), 268 (Part), 270 (Part), 271, 272 (Part), 273, 274, 275, 276 (Part), 277, 278 (Part), 279 (Part), 281 (Part) and 681 (Part) in D.D.125, Ha Tsuen, Yuen Long, New Territories
- Site Area** : about 30,330m²
- 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”) (55.5%);
[Restricted to a maximum plot ratio (PR) of 6 and maximum building height (BH) of 140mPD]
- “Government, Institution or Community” (“G/IC”) (9.7%);
[Restricted to maximum BH of 8 storeys]
- “Open Space” (“O”)(4.3%);
- “Other Specified Uses” annotated “Parking and Operational Facilities for Environmentally Friendly Transport Services” (“OU(POFEFTS)”) (0.9%) ;
and
[Restricted to maximum PR of 3 and maximum BH of 60mPD]
- an area shown as ‘Road’ (about 29.6%)
- 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-1a**). The Site is mainly zoned “R(A)2” (55.5%) and “G/IC” (9.7%) and an area shown as ‘Road’ (29.6%) with minor encroachment onto the “O” (4.3%)

and “OU(POFEFTS)” (0.9%) 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. In any area shown as ‘Road’ on the OZP, all uses or developments require planning permission from the Board. The Site is currently used for the applied use with a valid planning permission covering a major portion of the Site (**Plans A-4a to 4d**).

- 1.2 The Site is involved in 10 previous applications (No. A/YL-HT/43, 80, 136, 289, 430, 595, 665, 826 and 1000 and A/HSK/146) for various open storage, logistics, workshop and vehicle parking uses (**Plan A-1b**). The last application No. A/HSK/146 for the same applied use was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 3.5.2019 for a period of 3 years. Except the submission and implementation of fire service installations (FSIs) proposal, all approval conditions have been complied with. The current application is submitted by a different applicant for the same use at a larger site with similar layout.
- 1.3 The Site is accessible from Ping Ha Road via a local track and the ingress/egress point is at the northern part of the Site (**Drawing A-1, Plans A-2 and A-3**). As shown on the proposed 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 (6-8m 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). Eight areas designated for open storage of containers and logistics uses (total area of 8,840m²) and two areas designated for parking of tractors use (total area of 2,400 m²) 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 stored within 5m of the periphery of the Site shall not exceed the height of the boundary fence and overall height would not exceed eight units on the Site. The operation hours are from 8:00 am to 8:00 pm from Mondays to Saturdays and there will be no operation on Sundays and public holidays. The proposed drainage plan submitted by the applicant is at **Drawing A-3**.
- 1.4 A comparison of the major development parameters of the current application and the last approved application is given in the following table:

Major Development Parameters	Last Approved Application (A/HSK/146) (a) (Valid till 3.5.2022)	Current Application (A/HSK/223) (b)	Difference (b) - (a)
Applied Use	Temporary Open Storage of Containers with Ancillary Logistics Uses, Vehicle Repair Workshop, Container Repair Workshop and Parking of Tractors (3 years)		Same
Site Area	28,730m ²	30,330m ²	+1,600m ² (+5.6%)
No. of Structures	3		Same
Total Floor Area	1,317.5m ²		Same
No. of Parking Spaces	12 for private cars		Same

Operation Hours	8:00 a.m. to 8:00 p.m., Mondays to Saturdays, with no operation on Sundays and public holidays	Same
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1.5 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with planning justification, proposed vehicular access, layout plan and drainage plan received on 21.4.2020. **(Appendix I)**
- (b) Further Information (FI) received on 29.4.2020 clarifying the planning justifications and traffic justifications *[accepted and exempted from publication and recounting requirements]* **(Appendix Ia)**
- (c) FI received on 1.6.2020 clarifying the stacking height of containers within the Site *[accepted and exempted from publication and recounting requirements]* **(Appendix Ib)**

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are attached to the Application Form at **Appendix I** and supplemented in FI at **Appendix Ia**. They can be summarized as follows:

- (a) While previous approvals have been granted for the Site, the current fresh application was submitted to rationalise the current situation on site. While the site area of the current application is 1,600m² larger than the last approved application No. A/HSK/146, it is however much smaller (3,300 m² reduction) than the second last application No. A/YL-HT/1000.
- (b) The Site is subject to a number of previous planning permissions for open storage and port back-up use. The Site has been in such use for 20 years and tolerated by the Government. There are no significant change of planning circumstances in the area.
- (c) The proposed development is temporary in nature and it would not jeopardize the long term planning intention of the area.
- (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 Board has approved similar port back-up activities in the vicinity of the Site.
- (f) The applicant would appoint experienced contractor to implement the drainage and FSIs proposals and maintain the Site properly.
- (g) Sufficient mitigation measures will be carried out and the impact to the environment is insignificant. Vehicle waiting and manoeuvring spaces have been allowed within the Site and vehicles will not queue back to public roads.

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 publishing on local newspapers. 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

A major portion of the Site is currently covered by a valid planning permission No. A/HSK/146 for temporary open storage of containers with ancillary logistics uses, vehicle repair workshop, container repair workshop and parking of tractors. As such, the use is not subject to planning enforcement action. However, the storage use at the south-eastern part of site, which is not covered by valid planning permission, would be subject to enforcement action.

6. Previous Applications

- 6.1 The Site is the subject of 10 previous applications (No. A/YL-HT/43, 80, 136, 289, 430, 595, 665, 826 and 1000 and A/HSK/146) for various temporary open storage, logistics centre, vehicle park and workshop uses. Details of these applications are summarized at **Appendix III** and their locations are shown on **Plan A-1b**.
- 6.2 All of these applications were approved with conditions by the Committee/Board between 1998 and 2019 on the considerations that the applied uses are not incompatible with the surrounding areas, generally in line with the then Town Planning Board Guidelines TPB PG-No. 13E and no major adverse comments from concerned Government departments. Amongst these, one of the applications No. A/YL-HT/595 was subsequently revoked due to non-compliance with time-specific approval conditions.
- 6.3 The last application No. A/HSK/146 for temporary open storage of containers with ancillary logistics uses, vehicle repair workshop, container repair workshop and parking of tractors was approved by the Committee on 3.5.2019 for a period of 3 years. All conditions have been complied with except for the submission and implementation of the FSIs proposal. Comparing with the last approved application, the current application is submitted by a different applicant for the same use at a larger site (+1,600m²) with similar layout.

7. Similar Applications

There are 13 similar applications (No. A/YL-HT/616, 645, 731, 781, 814, 831, 904, 981, 997 and 1052 and A/HSK/4, 9 and 81) for various open storage, warehouse, vehicle park and workshop uses within the same “R(A)2” and “G/IC” zones on the approved HSK and HT OZP. All of these similar applications were approved with conditions by the Committee between 2009 to 2018 on similar considerations as mentioned in paragraph 6.2 above. However, the permissions under applications No. A/YL-HT/616, 981, 997 and 1052 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-1a to A-4d)

8.1 The Site is:

- (a) being used for the applied use with a valid planning permission (Application No. A/HSK/146) covering a major portion of the Site; and
- (b) accessible from Ping Ha Road via a local track.

8.2 The surrounding areas have the following characteristics:

- (a) to its north and northwest are a number of logistics centres with three of them under valid planning permissions (Application No. A/HSK/9, 43 and 110);
- (b) to its northeast and east are several open storage yards of construction materials or machinery and logistics centre under valid planning permissions (Application No. A/HSK/3, 99 and 121). Some vehicle parks, a temple and a cluster of residential dwellings at San Wai (the nearest one about 47m away) are at its southeast (**Plan A-2**);
- (c) to its south are a number of open storage yards under valid planning permissions (Application No. A/HSK/71 and 132) and two warehouses; and
- (d) to its west and southwest are a number of open storage of containers, recycling and construction materials with valid planning permissions (Application No. A/HSK/4, 89 and 166).

9. Planning Intentions

9.1 The Site is mainly zoned “R(A)2” and “G/IC” and an area shown as ‘Road’ with minor encroachment onto the “O” and “OU(POFEFTS)” 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 On the other hand, the planning intention of the “G/IC” zone is primarily for provision of Government, institution or community facilities serving the needs of the local residents and/or wider district, region or territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organization providing social services to meet community needs, and other institutional establishment.

10. Comments from Relevant Government Departments

10.1 The following Government departments have been consulted and their views on the application received 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 Scheduled 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 covered by Short Term Waivers (STWs) are listed below:

Lot 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, Vehicle Repair Workshops, Container Repair Workshop and Parking of Tractors
166	4091	
260 S.A	4093	
261 (now divided into 261 S.A and 261 RP)	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	
258	5036	Temporary Logistics Centre and Warehouse
257	5043	

- (c) 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 regularize any irregularities on 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 rent 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 comments on the application from traffic engineering view point.
- (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 flowing from the Site to nearby public roads/drains.
- (c) HyD shall not be responsible for the maintenance of any access connecting the Site and Ping Ha Road.

Environment

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

- (a) He does not support the application as there are sensitive uses in the vicinity of the Site (the nearest residential dwelling about 47m 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 was implemented under an approved application No. A/HSK/146 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 is 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 House) 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 BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.
- (d) Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, prior approval and consent of 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 application subject to 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 him 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 applicant should adhere to the 'Good Practice Guidelines for Open Storage' at **Appendix V**.
- (d) Having considered the nature of the open storage, an additional approval condition requiring "the provision of fire extinguisher(s) within 6 weeks from the date of planning approval" should be stipulated. To address this approval condition, the applicant is advised to submit a valid fire certificate (FS 251) to his department for approval.
- (e) The applicant is reminded that if the proposed structure(s) is required to comply with the BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Long-Term Development

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

- (a) He has no objection to the application for temporary use for 3 years, which should be considered in accordance with the provisions of the existing OZP and infrastructure capacities.
- (b) The Site falls within the boundary of 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 2 and Stage 3 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(A)2", "G/IC", "O" and "OU(POFEFTS)" and an area shown as 'Road' 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.

Other Aspects

10.1.10 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

He has no objection to the application subject to the proposed water mains shown on the plan (**Plan A-2**) intersecting the application area will not have any interfacing issue from CEDD' view as the proposed water mains will be designed and implemented under consultancies and contracts of CEDD's HSK/HT NDA project.

District Officer's Comments

10.1.11 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); and
- (b) Director of Agriculture, Fisheries and Conservation (DAFC).

11. Public Comments Received During Statutory Publication Period

On 28.4.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one public comment from an individual was received. The commenter is of the view that the planned developments in the HSK/HT NDA should be implemented according to specified timelines instead of continual approving temporary developments (**Appendix VI**).

12. Planning Considerations and Assessment

12.1 The application is 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 at a site straddling 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. The planning intention of the "R(A)2" zone is primarily for high-density residential developments while that for the "G/IC" zone is intended for the provision of Government, institution or community facilities. 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 open storage of containers, workshops and parking of tractors under application is not incompatible with the surrounding land uses which are predominantly used for open storage yards, warehouses and logistics centres (**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 under the previous OZPs. The current application is for the same use with similar layout of the last application (No. A/HSK/146). While the planning permission under the last approved application (No. A/HSK/146) is still valid and that all conditions have been complied with except for the submission and implementation of the FSIs proposal, it is noted that the current application is submitted by a different applicant at a slightly larger site (about +5.6%) and concerned departments have no adverse comments on the application. As such, sympathetic consideration may be given to the application.

12.5 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 (the nearest residential dwelling being about 47m away), and environmental nuisance is expected (**Plan A-2**). However, there was 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 There are 10 previously approved planning applications for open storage, logistics centre, vehicle park and workshop uses at the Site and 13 similar applications approved for open storage, warehouse, vehicle park and workshop uses in the same “R(A)2” and “G/IC” zones on the approved HSK and HT OZP (**Plan A-1a**). Approval of the subject application is in line with the Committee’s previous decisions.
- 12.7 There is one public comment 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 assessments made in paragraph 12 above and having taken into account the public comment mentioned in paragraph 11, 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 for a period of 3 years until **12.6.2023**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation from 8:00 p.m. to 8:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) 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 on the Site shall not exceed 8 units at all times, as proposed by the applicant, during the planning approval period;
- (e) no vehicle is allowed queue back to or reverse onto/from the public road at any time during the planning approval period;
- (f) the existing trees and landscape planting on the Site shall be maintained at all times during the planning approval period;
- (g) the existing drainage facilities on the Site should be maintained at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities 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 **12.9.2020**;

- (i) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) 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 **24.7.2020**;
- (j) the submission of a fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **12.12.2020**;
- (k) in relation to (j) above, the implementation of the fire service installations proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **12.3.2021**;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (m) if any of the above planning conditions (h), (i), (j) or (k) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

Advisory clauses

The recommended advisory clauses are attached at **Appendix VII**.

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

the development is not in line with the planning intentions of the "R(A)2" and "G/IC" zones, which are intended primarily for high-density residential developments and the provision of Government, institution or community facilities. There is no strong planning justification in the submission for a departure from the 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 reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix I	Application Form with planning justification, location plan with proposed vehicular access, proposed layout plan and proposed drainage plan received on 21.4.2020
Appendix Ia	FI received on 29.4.2020 clarifying the planning justifications and traffic justifications
Appendix Ib	FI received on 1.6.2020 clarifying the stacking height of containers within the Site
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(A)2” and “G/IC” Zones on the approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2
Appendix V	Good Practice Guidelines for Open Storage issued by the Director of Fire Services
Appendix VI	Public Comment
Appendix VII	Advisory Clauses
Drawing A-1	Proposed Vehicular Access
Drawing A-2	Proposed Layout Plan
Drawing A-3	Proposed Drainage Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4d	Site Photos

**PLANNING DEPARTMENT
JUNE 2020**