

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

**APPLICATION NO. A/HSK/65**

- Applicant** : Luen Bong Property Development Ltd. represented by Kenneth To and Associates Ltd.
- Site** : Lots No. 395 (Part), 396 (Part), 399 (Part), 400 (Part), 401 (Part), 402 (Part), 406 (Part), 407 (Part), 427 (Part), 428 (Part), 429, 430 (Part), 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443 S.A, 443 S.B, 445, 446, 447 (Part), 448, 450 (Part), 451 (Part), 453 (Part), 454 (Part), 457 (Part), 546 S.B (Part), 547 (Part), 548 (Part), 549, 550 (Part), 551 (Part), 552 (Part), 553 (Part), 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574 (Part), 575 (Part), 576 (Part), 577 (Part), 578 (Part) and 579 (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
- Site Area** : 35,594 m<sup>2</sup> (about) (including about 2,010.3 m<sup>2</sup> of Government land)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Hung Shui Kiu and Ha Tsuen (HSK and HT) Outline Zoning Plan (OZP) No. S/HSK/1
- Zoning** : “Other Specified Uses” annotated “Port Back-up, Storage and Workshop Uses” (“OU(PBU & SWU)”) (77.1%) and “Other Specified Uses” annotated “Logistics Facility” (“OU(LF)”) (16.2%) and an area shown as ‘Road’ (about 6.7%)
- Application** : Temporary Open Storage of Containers and Container Repairing Area 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 and container repairing area for a period of 3 years (**Plan A-1a**). The Site straddles over “OU(PSW)” (77.1%) and “OU(LF)” (16.2%) zones and an area shown as ‘Road’ (6.7%) on the draft HSK and HT OZP. According to the Notes of the OZP, ‘Container Storage/Repair Yard’ is a Column 1 use, which is always permitted in the “OU(PBU & SWU)” and “OU(LF)” zones. In any area shown as ‘Road’ on the draft HSK and HT OZP, all uses or developments require planning permission from the Board.

- 1.2 The Site (in part or in whole) is related to 14 previous applications for various temporary open storage uses submitted by different applicants. The last application (No. A/YL-HT/947) submitted by the same applicant for the same use and layout was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 27.3.2015 for a period of 3 years. The applicant has complied with all the approval conditions. The planning permission lapsed on 28.3.2018. The Site is being used for the applied use without a valid planning permission.
- 1.3 The Site is located to the north of San Wai Sewage Treatment Plant and accessible from Kong Sham Western Highway (KSWH) via a local track and Ha Tsuen Road (**Plans A-1a** and **A-2**). According to the layout plan at **Drawing A-2**, separate ingress and egress points are located at the southwestern corner of the Site. Two structures with a total floor area of about 1,103 m<sup>2</sup> (including a 6.3m high, two storey site office with a floor area of about 400 m<sup>2</sup> and a 7.8m high non-enclosed structure with a floor area of about 703m<sup>2</sup> for storage of transportation machinery). A container vehicle queuing area of 3,200 m<sup>2</sup> (with about 30 spaces) and 10 private car parking spaces are located along the western boundary. A repairing area of about 925 m<sup>2</sup> is located at the northern boundary of the Site. The remaining area is divided into 4 zones for open storage of containers.
- 1.4 According to the applicant, the operation hours are restricted to 9:00a.m. to 6:00p.m. from Mondays to Fridays, 9:00a.m. to 2:00p.m. on Saturdays, and there is no operation on Sundays and public holidays. As proposed by the applicant, no left turning of vehicles leaving the site onto Ha Tsuen Road is allowed and a “Turn Right” traffic sign at the junction of the access road with Ha Tsuen Road is in place to ensure that all outgoing traffic from the access road will not use Ha Tsuen Road, Ping Ha Road and Tin Ha Road.
- 1.5 The major development parameters of the current application are the same as the previous application and are given in the following table:

Applied Use	Temporary Open Storage of Containers and Container Repairing Area for a Period of 3 Years
Site Area	about 35,594 m <sup>2</sup>
No. of Structures	2
Total Gross Floor Area	1,103m <sup>2</sup>
No. of Car Parking Spaces	10 private car parking spaces
Loading/unloading spaces/Waiting area	30 spaces for container vehicle queuing

- 1.6 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 19.3.2018 and supplementary planning statement with vehicular access plan and schematic site layout **(Appendix I)**
  - (b) Applicant’s letter dated 29.3.2018 clarifying that the use and scale of the proposed development is the same as the previous approved application and would not induce additional traffic flow **(Appendix Ia)**

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the supplementary planning statement at **Appendix I**. They can be summarized as follows:

- (a) The proposed 'Container Storage' use is in line with the planning intention of the two "OU" zones. The only reason for submission of this application is that part of the Site falls within area shown as 'Road' on the OZP.
- (b) As the detailed implementation programme with phasing and packaging of works for the Hung Shui Kiu Development Area is still being formulated, the proposed temporary use will not jeopardize the long term planning intention of the area.
- (c) The Ha Tsuen area, particularly areas along Ha Tsuen Road, has been dominated by open storage and port back-up uses for years. The locational advantages and strategic importance of the Ha Tsuen area in this regard remains the same, and the planning application would not have any adverse planning implication.
- (d) The approval conditions of the previous application No. A/YL-HT/947 have been complied with and the applicant would maintain and manage the existing conditions of the Site to ensure that no adverse impact on the surrounding areas would be resulted from the applied use.
- (e) The approval period sought for the current application i.e. 3 years is the same as the validity period of the previous application.

## **3. Compliance with the "Owner's Consent/Notification" Requirements**

The applicant is one of the "current land owners" and has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the "Owner's Consent/Notification" Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting notice on 3 newspapers and sending notice to the Ha Tsuen Rural Committee by registered post. Detailed information would be deposited at the meeting for Members' inspection.

## **4. Town Planning Board Guidelines**

On 17.10.2008, the Board promulgated the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The site entirely falls mainly within Category 2 areas with a small portion within Category 1 areas under the Guidelines. Relevant extracts of the Guidelines are attached at **Appendix II**.

## **5. Background**

The Site is currently not a subject of any active planning enforcement case. Notwithstanding, as the previous planning permission (A/YL-HT/947) on the Site has expired, investigation is underway to ascertain whether the current use of the Site constitute an unauthorized development (UD). If confirmed, the Planning Authority will instigate enforcement action under the Town Planning Ordinance.

## **6. Previous Applications**

- 6.1 The Site is related to 14 previous applications No. A/YL-HT/224, 250, 269, 276, 279, 296, 325, 330, 358, 364, 487, 599, 771 and 947 for various temporary open storage uses submitted by different applicants. Details of these applications are summarized at **Appendix III** and their location is shown on **Plan A-1b**.
- 6.2 The earlier 11 applications No. A/YL-HT/224, 250, 269, 276, 279, 296, 325, 330, 358, 364 and 487 were all rejected by the Committee/Board. The main reasons for rejection of earlier applications were that the development was not in line with either the Board's Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13C/D) or the planning intention of the "REC" zone, the proposed use was incompatible with the rural character of the adjacent "Green Belt" zone, there was insufficient information in the submission to demonstrate that the development would not have adverse traffic, landscape, visual, environmental and drainage impacts on the surrounding areas and approval of the application would set an undesirable precedent for similar applications in the area the cumulative effect of which would result in a degradation of the rural environment.
- 6.3 Considering the infrastructure improvement, and the consequential reduction in traffic volume on Ha Tsuen Road, Tin Ha Road and Ping Ha Road associated with the opening up of the slip road between Ha Tsuen Road and KSWH to container vehicle traffic in 2008, and the applicant's proposal to rationalize the configuration of the private access road at its junction with Ha Tsuen Road to ensure that container vehicles would not turn left into Ha Tsuen Road upon leaving the site, the subsequent applications No. A/YL-HT/599, 771 and 947 for the same use submitted by the same applicant was approved with conditions by the Committee for a period of 3 years. The applicant has complied with all the approval conditions under the last Application (No. A/YL-HT/947). The planning permission lapsed on 28.3.2018.
- 6.4 Compare with the last application Planning Application No. A/YL-HT/947, the current application is submitted by the same applicant for the same use on the same site with the same schematic layout and same development parameters.

## **7. Similar Applications**

There are 7 similar applications (No. A/YL-HT/658, 836, 855, 906, 969, 981 and 1042) for temporary open storage/port-backup use within the same "OU(PBU & SWU)" and "OU(LF)" zones since the promulgation of the TPB PG-No. 13E on 17.10.2008. All these similar applications were approved by the Committee taking into consideration that the applied uses were not incompatible with the surrounding uses. Amongst these approved applications, 3 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-1a to Plan A-4b)**

- 8.1 The site is:
  - (a) accessible from KSWH via a local track and Ha Tsuen Road via ingress and egress at the south-western boundary of the Site (**Plan A-2**); and

- (b) currently being used for the applied use without valid planning permission.
- 8.2 The surrounding areas have the following characteristics:
- (a) predominately open storage of container, logistics centre, container repairing workshop, general storage uses, warehouse and parking of vehicles;
  - (b) there are open storage of containers with ancillary logistics uses and container repairing area in the vicinity of the Site operating under valid the planning permissions No. A/YL-HT/969 and A/YL-HT/1042;
  - (c) most other open storage/storage yards, logistics centre, warehouse are operated and are always permitted within the “OU(PBU & SWU)” and “OU(LF)” zones; and
  - (d) a yard for parking of vehicles within an area designated as ‘Road’ is a suspected unauthorized development (UD), unused land and graves within adjoining the “Green Belt” zone

## **9. Planning Intention**

- 9.1 The Site straddles over “OU(PBU & SWU)” and “OU(LF)” zones and an area shown as ‘Road’ on the draft HSK and HT OZP. The planning intention of the “OU(PBU & SWU)” zone is primarily to cater for the port back-up facilities and container related uses. Port back-up related development such as container freight station, logistics centre, container vehicle park and container storage, repair yard and rural industry workshop are permitted within this zone.
- 9.2 The planning intention of the “OU(LF)” zone is intended primarily for development of modern logistic facilities to complement the development of Hong Kong as a Regional Distribution Centre and Logistic Hub. This zone is located just next to KSWH to capture the advantage of being easily accessible by strategic highways linking the Hong Kong International Airport, Shenzhen, and other parts of the territories.

## **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 Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval from the Government.
  - (b) The Government Land (GL) in the Site is covered by Short Term Tenancy (STT) No. 2838 for the purpose of “Temporary Open Storage of Containers and Container Repairing Area”.

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

<b>Lot Nos. (in D.D. 125)</b>	<b>STW</b>	<b>Purpose</b>
406 & 429	4074	Temporary Open Storage of Containers and Container Repairing Area
428 & 431	4075	
430	4076	
447	4077	
457	4078	

- (d) The Site is accessible to Ha Tsuen Road through private lots and GL. His office provides no maintenance works to the GL involved and does not guarantee any right-of-way.
- (e) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (f) Should the application be approved, the STT/STW holders will need to apply to his office for modification of the STT/STW conditions if there are any irregularities on Site and the lot owner(s) of the lots without STW will need to apply to his office for permit the structures to be erected or regularize any irregularities on Site. Such application(s) 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 the LandsD.

### **Traffic**

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

- (a) He has no adverse comment on the application from traffic engineering view point.
- (b) Sufficient manoeuvring spaces shall be provided within the Site. No vehicle is allowed to queue back to public roads or reverse onto/from the public roads.
- (c) The local track leading to the Site is not under TD's purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site.

#### 10.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) The access arrangement should be commented by TD.
- (b) Adequate drainage measures should be provided at the Site to prevent surface water flowing from the Site to the nearby public roads/drains.

- (c) HyD shall not be responsible for the maintenance of any access connecting the Site and Ha Tsuen Road.

### **Environment**

#### 10.1.4 Comment of the Director of Environmental Protection (DEP):

- (a) No pollution complaint pertaining to the site has been received in the past 3 years.
- (b) Should the planning application be approved, the applicant is advised to follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' (COP).

### **Drainage**

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

- (a) He has no objection in principle to the proposed development from a drainage point of view.
- (b) According to the planning statement submitted by the applicant, the existing drainage facilities which was implemented under an approved application No. A/YL-HT/947 will be maintained for the subject development.
- (c) Should the Town Planning Board consider that the application is acceptable from the planning point of view, he would suggest requiring the applicant to maintain the existing drainage facilities and submit condition record of the existing drainage facilities to the satisfaction of his Division.

### **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 and Buildings Department (BD) is not in a position to offer comments on their suitability for the use proposed in 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 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 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 Site, prior approval and consent of the BD 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 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 Building (Planning) Regulations at the building plan submission stage.

### **Fire Safety**

#### 10.1.7 Comments of Director of Fire Services (D of FS):

- (a) He has no objection to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the structures, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In addition, the applicant should also be advised on the following points:
- (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. Attached good practice guidelines for open storage should be adhered to (**Appendix V**).
- (d) Having considered the nature of the open storage, the following approval condition shall be added:

“The provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of D of FS.”
- (e) 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), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.



### **Long Term Development**

10.1.8 Comments of Project Manager (New Territories West), CEDD (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 Stages 1, 2 and 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.

### **Water Supply**

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

- (a) He has no objection to the application.
- (b) Existing water mains will be affected. A Waterworks Reserve within 1.5 metres from the centreline of the water mains shown on the attached plan (**Plan A-2**) shall be provided to WSD.
- (c) No structure shall be built or materials stored within this Waterworks Reserve. Free access shall be made available at all times for staff of the DWS or their contractor to carry out construction, inspection, operation, maintenance and repair works.
- (d) No trees or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water mains.
- (e) Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site.

### **Others**

10.1.10 Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) He has no particular comment on the application from electricity supply safety aspect.
- (b) However, in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or

overhead line under the mentioned application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the concerned site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

### **District Officer’s Comment**

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

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) Chief Engineer/Land Works, Civil Engineering and Development Department (CE/LW, CEDD);
- (c) Chief Engineer/Sewerage Projects, DSD (CE/SP, DSD); and
- (d) Director of Agriculture, Fisheries and Conservation (DAFC).

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

On 27.3.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 17.4.2018, no public comment was received.

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

12.1 The site falls mainly within Category 2 with a small portion (4%) within Category 1 areas under the TPB PG-No. 13E. The following considerations in the Guidelines are relevant:

Category 1 areas: favourable consideration will normally be given to applications within these areas, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments should be submitted if the proposed uses may cause significant environmental and traffic concerns.

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.

- 12.2 The Site straddles over “OU(PBU & SWU)” (77.1%) and “OU(LF)” (16.2%) zones and an area shown as ‘Road’ (6.7%) on the draft HSK and HT OZP. According to the Notes of the OZP, ‘Container Storage/Repair Yard’ is a Column 1 use, which is always permitted in the “OU(PBU & SWU)” and “OU(LF)” zones. Whilst a minor portion of the development fall within an area shown as ‘Road’, the implementation programme for this part of NDA is still being formulated and PM/NTW of CEDD has no objection to the proposed temporary 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.
- 12.3 The Site is located in an area which is predominantly occupied by logistics centres, workshops, warehouse, open storage yards of containers, trailer and construction materials. The applied use is not incompatible with the surrounding land uses (**Plan A-2**).
- 12.4 The proposed development is generally in line with the TPB PG-No. 13E in that the Site falls within Category 1 and Category 2 areas which are considered suitable for open storage and port back-up uses; relevant proposals have been submitted to demonstrate that the proposed use would not generate adverse impacts; and technical concerns of relevant Government departments could be addressed through the implementation of approval conditions.
- 12.5 There is no adverse comment on the application from concerned Government departments. In addition, there has been no substantial environmental complaint concerning the Site received in the past 3 years. To address the concerns on environmental aspect and the technical requirements of other concerned government departments, relevant approval conditions are recommended in paragraph 13.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorized development on the Site will be subject to enforcement action by the Planning Authority. Should the planning application be approved, the applicant will also be advised to follow the relevant mitigation measures and requirements in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize any potential environmental impact, and to keep the Site clean and tidy at all times.
- 12.6 The Committee has approved three previous applications for the Site and seven similar applications within the same “OU(PBU & SWU)” and “OU(LF)” zones and ‘Road’ area since the promulgation of TPB PG-No. 13E on 17.10.2008 (**Plan A-1a**).
- 12.7 There is no public comment received for the application.

### **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 and container repairing area 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 **18.5.2021**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 6:00 p.m. and 9:00 a.m. on Mondays to Saturdays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) In relation to (a) above, no operation on Saturdays between 2:00 p.m. and 6:00 p.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (d) no left turn of container vehicles into Ha Tsuen Road upon leaving the Site during the planning approval period;
- (e) the erection of a 'Turn Right' traffic sign at the junction of the access road with Ha Tsuen Road to the satisfaction of the Commissioner for Transport or of the Town Planning Board during the planning approval period;
- (f) other than container repairs as applied for and minor ancillary tyre-repair workshop, no vehicle dismantling, repairing or workshop activity is allowed on the Site at any time during the planning approval period;
- (g) no vehicle queuing is allowed back to or reverse onto/from the public road at any time during the planning approval period;
- (h) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (i) the submission of a condition record of the existing drainage facilities on Site within **3** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **18.8.2018**;
- (j) the existing trees on Site shall be maintained at all times during the planning approval period;
- (k) no material is allowed to be stored/dumped within 1m of any tree during the planning approval period;
- (l) the stacking height of containers stored on the Site shall not exceed 7 units during the planning approval period;
- (m) the existing fencing shall be maintained at all times during the planning approval period;
- (n) the provision of 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 **29.6.2018**;

- (o) the submission of a fire service installations proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **18.11.2018**;
- (p) in relation to (o) above, the implementation of the fire service installations proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **18.2.2019**;
- (q) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h), (j), (k) (l) or (m) 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;
- (r) if any of the above planning conditions (i), (n), (o) or (p) 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; and
- (s) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory clauses

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

- 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 intention for area designated as 'Road' on the Outline Zoning Plan and the approval of the application would jeopardize the long term development of the road.

**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 19.3.2018 and supplementary planning statement with vehicular access plan and schematic site layout
- Appendix Ia** Applicant's letter dated 29.3.2018 clarifying that the use and scale of the proposed development is the same as the previous approved application and would not induce additional traffic flow

<b>Appendix II</b>	Relevant extracts of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E)
<b>Appendix III</b>	Previous applications covering the site
<b>Appendix IV</b>	Similar applications within the same “OU(PBU & SWU)” and “OU(LF)” zones and ‘Road’ on the Hung Shui Kiu and Ha Tsuen OZP
<b>Appendix V</b>	Good Practice Guidelines for Open Storage issued by the Director of Fire Services
<b>Appendix VI</b>	Advisory clauses
<b>Drawing A-1</b>	Site Location Plan
<b>Drawing A-2</b>	Schematic Site Layout
<b>Plan A-1a</b>	Location Plan with Similar Applications
<b>Plan A-1b</b>	Previous Applications Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to 4c</b>	Site Photos

**PLANNING DEPARTMENT  
MAY 2018**