

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/75

- Applicant** : Ocean First Logistics Ltd.
- Site** : Lots 44 S.B (Part), 50 (Part), 51 (Part), 167 (Part), 168 (Part), 169 (Part), 171 (Part), 172 (Part), 173 (Part), 174 (Part), 175 (Part), 176 (Part), 177, 178, 179, 180 S.A, 180 S.B, 181 (Part), 182, 183 (Part), 184 (Part), 257 (Part), 258 (Part) and 259 (Part) in D.D. 125, Ha Tsuen, Yuen Long
- Site Area** : 20,200 m²
- 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** : An area shown as ‘Road’ (about 44.5%), “Open Space” (“O”) (about 28.4%), "Other Specified Uses" annotated "Parking and Operational Facilities for Environmentally Friendly Transport Services" (“OU(POFEFTS)”) (about 16.8%) and “Other Specified Uses” annotated “Port Back-up, Storage and Workshop Uses” (“OU(PBSWU)”) (about 10.3%)
- Application** : Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary open storage of construction materials for a period of 3 years (**Plan A-1**). The Site straddles over an area shown as ‘Road’ (44.5%), “O” (28.4%), “OU(POFEFTS)” (16.8%) and “OU(PBSWU)” (10.3%) zones on the draft HSK and HT OZP. According to the Notes of the OZP, ‘Open Storage (not elsewhere specified)’ is a Column 1 use, which is always permitted in the “OU(PBSWU)” zone. 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 Part of the Site is related to 1 previous application (No. A/YL-HT/623) submitted by a different applicant for open storage of containers for a period of 1 year was rejected by the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) on 23.10.2009.

- 1.3 The Site is accessible from Ping Ha Road via a local track (**Drawing A-1**). According to the layout plan at **Drawing A-2**, ingress/egress point is located at the eastern boundary of the Site. No structure is proposed. 7 loading/unloading spaces (12m x 5m) and 4 private car parking spaces are proposed along the eastern boundary adjacent to the ingress/egress point. According to the applicant, the operation hours are restricted to 8:00a.m. to 8:00p.m. from Mondays to Saturdays. No operation will be held on Sundays and public holidays. The proposed tree preservation and landscape plan and proposed drainage plan are shown at **Drawings A-3** and **A-4** respectively.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 7.5.2018 **(Appendix I)**
 - (b) Supplementary Planning Statement with vehicular access plan, layout plan, proposed tree preservation and landscape plan and proposed drainage plan **(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 Ia**. They can be summarized as follows:

- (a) The proposed use is in line with the planning intention of the “OU(PBSWU)” zone.
- (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 applied use is not incompatible with the surrounding uses. The Ha Tsuen area and the vicinity of the Site have 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 applicant has submitted landscaping and tree preservation, drainage, and environmental mitigation proposals to ensure that the development would not generate any adverse impacts to the surrounding areas. The applicant would appoint experienced contractor to implement the proposals and maintain the site properly.
- (e) The applicant would adopt a cooperative and friendly attitude, actively communicate with Government departments, comply with various regulations and make genuine efforts in implementation of environmental mitigation works to ensure that the development would not generate any adverse impacts to the surrounding areas.

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 within Category 4 area 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.

6. Previous Application

6.1 The Site is related to 1 previous application No. A/YL-HT/623. Details of this application are summarized at **Appendix III** and its location is shown on **Plan A-1**.

6.2 The last planning application No. A/YL-HT/623 for open storage of containers for a period of 1 year was rejected by the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) on 23.10.2009 on the grounds of not in line with the planning intention; not in line with the Town Planning Board Guidelines No. 13E; and undesirable precedent.

6.3 Compare with the last Planning Application No. A/YL-HT/623, the current application is submitted by a different applicant for open storage use with different items on a larger site falling within different zones.

7. Similar Applications

There are 8 similar applications (Nos. A/YL-HT/590, 781, 826, 831 and 904, and A/HSK/9, 14 and 57) for temporary various open storage uses within the same “O”, “OU(P&OFEFTS)” and “OU(PBU&SWU)” zones since the promulgation of the TPB PG-No. 13E on 17.10.2008. All these similar applications were approved with conditions by the Committee between 2009 and 2018. Details of these applications are summarized at **Appendix IV** and their locations are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) accessible from Ping Ha Road via a local track; and
- (b) currently being partly vacant and partly used for tree nursery.

8.2 The surrounding areas have the following characteristics:

- (a) predominately open storage/storage yards, logistics centres, warehouses, residential area, fallow agricultural lands and unused lands;
- (b) there are temporary warehouse, open storage yards and logistics centres in the vicinity of the Site operating under valid the planning permissions Nos. A/YL-HT/1000, A/HSK/9, 17, 43 and 57;
- (c) most other open storage/storage yards and warehouses are always permitted within the “OU(PBSWU)” zone; and
- (d) a residential area of Fung Kong Tsuen (with the nearest residential structure 35m to its north) within the adjoining “Village Development” zone.

9. Planning Intentions

- 9.1 The Site straddles over “O”, “OU(POFEFTS)” and ”OU(PBSWU)” zones and an area shown as ‘Road’ on the draft HSK and HT OZP.
- 9.2 The planning intention of the “O” zone is intended primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.
- 9.3 The planning intention of the “OU(POFEFTS)” zone is primarily for the provision of parking and operational facilities (including ancillary office) for Environmentally Friendly Transport Services serving the area.
- 9.4 The planning intention of the “OU(PBSWU)” zone is intended 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.

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

Lots Nos. (All in D.D. 125)	STW	Purpose
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168	4087	Temporary Open Storage of Containers with Ancillary Logistics Uses, Vehicle Repair Workshop, Container Repair Workshop and Parking of Tractors
169	4089	
171	4116	Temporary Open Storage of Construction Materials, Container with Container Vehicle Park, Logistics Yard with Ancillary Workshop (Including Compacting and Unpacking Workshop)
172	4108	
173	4118	
175	4122	
176	4123	

- (c) The Site is accessible to Ping Ha Road through both private lots and Government Land (GL). His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site.
- (d) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (e) Should the application be approved, the STW holders will need to apply to his office for modification of the STW conditions if there are any irregularities on site and the lot owner(s) of the lot 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 the LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by the LandsD.

Traffic

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

- (a) He has no adverse comment on the application from traffic engineering view point.
- (b) Sufficient manoeuvring space 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 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 Comment of the Director of Environmental Protection (DEP):

- (a) He does not support the application as there are sensitive receivers of residential use in the vicinity (with the nearest one about 35m to its north) (**Plan A-2**), and environmental nuisance is expected.
- (b) There was no substantiated environmental complaint concerning the Site received in the past 3 years.
- (c) Should the planning application be approved, the applicant will be advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites”.

Landscape

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

- (a) The Site, located to the south of Fung Kong Tsuen, lies in mainly in an area shown as ‘Road’ (about 46%) and partly in areas of “Open Space”, “Other Specified Uses” annotated “Port Back-up, Storage and Workshop Uses” and “Other Specified Uses” annotated “Parking and Operational Facilities for Environmentally Friendly Transport Services” zones. The current application seeks planning permission for temporary open storage of construction material use for a period of 3 years.
- (b) With reference to the aerial photo of 2018, it is observed that the site is vegetated with trees and shrubs. The Site is situated in an area of rural landscape character disturbed by open storage yards. Significant change to the landscape character arising from the application is not anticipated. He has no objection to the application from landscape planning perspective.
- (c) In view of the large size of the Site (larger than 1ha) and nearby residential uses to the north, in compliance with the “Technical Note on the Submission and Implementation of Landscape Proposals for Compliance with Conditions for Approved Applications for Open Storage and Port Back-up Uses” (TN) published by PlanD, double rows of trees should be planted in particularly along the northern site boundary
- (d) Should the application be approved, in view of the above we would recommend the following approval condition to be included in the permission:

The submission and implementation of a tree preservation and

landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board.

- (e) The applicant is advised that approval of the S.16 application by the Board does not imply approval of the tree works such as pruning, transplanting and /or felling. Application for tree works should be submitted direct to DLO for approval.
- (f) With reference to the aforementioned TN, a wider planting area (3m) should be provided for double row tree planting. Other precautions measures such as kerbs and bollards should be proposed to prevent damage to the trees.
- (g) There shall be no storage or stacking of materials within 1m of any tree.
- (h) Useful information on general tree maintenance is available for reference in 護養樹木的簡易圖解 (http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf) and the Handbook of Tree Management (Chinese Version: https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html) published by the GLTM Section, DEVB.

Drainage

10.1.6 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) Since the Site area is large, the applicant is required to carried out Drainage Impact Assessment (DIA) and to provide and maintain the flood mitigation measures proposed in the DIA to the satisfaction of his Division. The applicant should refer to DSD publications – “Technical note to prepare Drainage Submission (Nov 2001) and Advise Note No. 1 – Application of the Drainage Impact Assessment Process to Private Sector Projects (Sep 2010) which are free to download from DSD’s website www.dsd.gov.hk.
- (c) Should the application be approved, he would suggest that a condition should be stipulated in the approval letter requiring the applicant to carry out a Drainage Impact Assessment, to implement and maintain the proposed mitigation measures for the development to the satisfaction of his Division.
- (d) However, the existing overland flow and the flow of existing drainage facilities/watercourses in the vicinity shall not be obstructed before the implementation of proposed flood mitigation measures as recommended in the DIA.

Nature Conservation

10.1.7 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) He noted that the Site was involved in land filling between November 2008 and May 2009 when the Site was zoned as “Green Belt”. Nevertheless, given that the Site is currently zoned as “O” (26% of the Site), “OU(PBSWU)”, “OU(POFEFTS)” and ‘Road’, he has no adverse comment on the subject application from nature conservation point of view.
- (b) Should the application be approved, the applicant is advised to ensure that the proposed development would not affect the nearby marsh/seasonally wet grassland to the northwest of the Site.

Fire Safety

10.1.8 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the 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

10.1.9 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 2 and 3 Works stages. 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.

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 received 1 comment from the locals on the application, which has also been submitted to the Board (**Appendix VI-a**) and be included in paragraph 11 below.

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

- (a) Commissioner of Police (C of P);
- (b) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (c) Chief Engineer/Sewerage Projects, Drainage Services Department (CE/SP, DSD);
- (d) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and

(e) Director of Leisure and Cultural Services (DLCS)

11. Public Comments Received During Statutory Publication Period

- 11.1 On 15.5.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 5.6.2018, 4 public comments were received.
- 11.2 The 4 comments from the village representatives and villagers (**Appendix VI-a**), a group of villagers (**Appendix VI-b**) and two individuals (**Appendix VI-c & -d**) object to the application mainly on grounds of not in line with the planning intentions of the 'Road' and "O" zone, drainage problems, undesirable precedent, and environmental impacts.

12. Planning Considerations and Assessment

- 12.1 The Site falls within Category 4 areas under the TPB PG-No. 13E. The following considerations in the Guidelines are relevant:

Category 4 areas: applications would normally be rejected except under exceptional circumstances. For applications on sites with previous planning approvals, and subject to no adverse departmental comments and local objections, sympathetic consideration may be given if the applicants have demonstrated genuine efforts in compliance with approval conditions of the previous planning applications and included in the applications relevant technical assessments/proposals to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. The intention is however to encourage the phasing out of such non-conforming uses as early as possible. A maximum period of 2 years may be allowed upon renewal of planning permission for an applicant to identify suitable sites for relocation. No further renewal of approval will be given unless under very exceptional circumstances and each application for renewal of approval will be assessed on its individual merit.

- 12.2 The Site straddles over an area shown as 'Road' (44.5%), "O" (28.4%), "OU(POFEFTS)" (16.8%) and "OU(PBSWU)" (10.3%) zones on the draft HSK and HT OZP. The planning intention of the "O" zone which is intended primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public; "OU(POFEFTS)" zone which is primarily for the provision of parking and operational facilities (including ancillary office) for Environmentally Friendly Transport Services serving the area; and "OU(PBSWU)" zone which is intended 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. According to the Notes of the OZP, 'Open Storage (not elsewhere specified)' is a Column 1 use, which is always permitted in the "OU(PBSWU)" zone. Whilst the development is not in line with the planning intentions of the "O" and "OU(POFEFTS)" zones, the Site falls within area partly shown as 'Road', the implementation programme for this part of NDA is still being formulated and PM/NTW of CEDD and DLCS have 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 applied use is not incompatible with the surrounding uses which are predominantly occupied for warehouse, logistics centre and open storage uses.
- 12.4 The proposed development is generally not in line with the TPB PG-No. 13E in that the Site falls within Category 4 areas which is intended to be rejected except under exceptional circumstances as mentioned in paragraph 12.1 above. Whilst the Site falls within Category 4 areas, it should be noted that the planning circumstances of the area has been changed and similar applications were approved adjacent to the Site within the same zones. In this regard, this part of the Site is in line with the Committee's previous decision and is now intended for pork back-up, transport and open space uses. Concerned Government departments have no objection to the application or their technical concerns could be addressed by implementation of approval conditions. Taking into account the specific circumstances pertaining to the case, sympathetic consideration may be given to the current application.
- 12.5 There is no adverse comment on the application from concerned Government departments, except DEP. DEP does not support the application as there are sensitive uses in vicinity (with the nearest residential dwelling is about 35m to the north of the Site (**Plan A-2**)), and environmental nuisance is expected. However, 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 8 similar applications within the same "O", "OU(POFEFTS)" and "OU(PBSWU)" zones since the promulgation of TPB PG-No. 13E on 17.10.2008. Approval of the subject application is in line with the Committee's previous decisions.
- 12.7 4 public comments were received objecting to the application mainly on grounds as summarized in paragraph 11.2. To address the concern of drainage problems, submission of a DIA and implementation of proposed mitigation measures in the DIA have been included in the approval conditions. For other concerns, 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 and having taken into account the

public comments mentioned in paragraph 11 above, the Planning Department considers that the proposed temporary open storage of construction materials 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 **6.7.2021**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 8:00 p.m. and 8:00 a.m. on Mondays to Saturdays, 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) no cutting, dismantling, cleansing, compacting or other workshop activity is allowed on the Site at any time during the planning approval period;
- (d) no material is allowed to be stored/dumped within 1m of any tree during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (f) the submission of a Drainage Impact Assessment (DIA) within **6** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **6.1.2019**;
- (g) in relations to (f) above, the implementation of the proposed mitigation measures in the DIA for the development within **9** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **6.4.2019**;
- (h) in relations to (g) above, the implemented drainage facilities on Site shall be maintained at all times during the planning approval period;
- (i) the submission of a landscape proposal within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **6.1.2019**;
- (j) in relations to (i) above, the implementation of the landscape proposal within **9** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **6.4.2019**;
- (k) 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 **17.8.2018**;
- (l) 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 **6.1.2019**;

- (m) in relation to (l) 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 **6.4.2019**;
- (n) the provision of fencing within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **6.1.2019**;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e) or (h) 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;
- (p) if any of the above planning conditions (f), (g), (i), (j), (k), (l), (m) or (n) 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
- (q) 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 VII**.

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

- (a) 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;
- (b) the applied use is not in line with the planning intentions of the "O" and "OU(POFEFTS)" zones, which are intended primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public, and the provision of parking and operational facilities respectively. There is no strong planning justification in the submission for a departure from the planning intentions, even on a temporary basis; and
- (c) 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 7.5.2018
Appendix Ia	Supplementary Planning Statement with vehicular access plan, layout plan, proposed tree preservation and landscape plan and proposed drainage plan
Appendix II	Relevant extracts of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E)
Appendix III	Previous Application covering the application site
Appendix IV	Similar Applications within the subject “O”, “OU(P&OFEFTS)” and “OU(PBU&SWU)” zones on the draft Hung Shui Kiu and Ha Tsuen Outline Zoning Plan since the promulgation of TPB PG-No. 13E on 17.10.2008
Appendix V	Good Practice Guidelines for Open Storage issued by the Director of Fire Services
Appendix VIa to d	Public Comments received during statutory publication period
Appendix VII	Advisory clauses
Drawing A-1	Vehicular Access Plan
Drawing A-2	Layout Plan
Drawing A-3	Proposed Tree Preservation and Landscape Plan
Drawing A-4	Proposed Drainage Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4c	Site Photos

**PLANNING DEPARTMENT
JULY 2018**