

RNTPC Paper No. A/HSK/96  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 5.10.2018

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**APPLICATION FOR RENEWAL OF PLANNING APPROVAL  
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/HSK/96**

- Applicants** : Team Harvest Limited represented by Aikon Development Consultancy Limited
- Site** : Lots 1630 RP (Part), 1631 RP (Part), 1633 RP (Part), 1634, 1635 S.A RP, 1635 RP, 1636 RP (Part), 1712 RP (Part), 3206 RP, 3225 RP, 3226 RP, 3228 RP, 3230, 3231, 3232, 3233, 3234, 3235, 3236 RP (Part), 3237 (Part), 3239 (Part), 3240, 3241 (Part), 3244 (Part), 3246 (Part), 3247 (Part), 3339 (Part), 3340, 3341, 3342, 3343, 3344, 3345, 3346, 3347, 3348, 3349, 3350, 3351 RP, 3352 RP, 3370, 3371, 3372, 3373, 3374, 3375 and 3376 (Part) in D.D. 124
- Site Area** : About 42,580 m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Hung Shui Kiu and Ha Tsuen Outline Zoning Plan No. S/HSK/1
- Zoning** : (i) “Commercial (1)” (“C(1)”) (38%);  
[Restricted to maximum plot ratio 9.5 and maximum building height 200mPD]
- (ii) “Open Space” (“O”) (32%);
- (iii) “Open Space (1)” (“O(1)”) (14%); and  
[Restricted to maximum non-domestic GFA 2,350m<sup>2</sup> and maximum building height 20mPD]
- (iv) ‘Road’ (16%)
- Application** : Renewal of Planning Approval for Temporary Open Storage of Construction Materials and Machineries and Storage of Tools and Parts with Ancillary Site Office for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning approval to continue using the application site (the Site) for open storage of construction materials and machineries and storage of tools and parts with ancillary site office for a period of 3 years (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years

within the zones requires planning permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for under the Notes of the OZP. The Site is currently being used for the applied use with a valid planning permission.

1.2 The Site is the subject of 6 previous applications (Nos. A/YL-PS/157, 217, 264, 314, 389 and 494) involving similar or same uses. The last application No. A/YL-PS/494 for the same development submitted by the same applicant was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 9.10.2015 for a period of 3 year. All the time-specific approval conditions including the submission of drainage condition record, submission and implementation of FSIs proposals and provision of boundary fencing have been complied with. The permission will expire on 9.10.2018.

1.3 The major development parameters of the current application are the same as the last approved application (No. A/YL-PS/494) and as follows:

Site Area	About 42,580 m <sup>2</sup>
Total Floor Area	1,194.16 m <sup>2</sup>
No. of Structures	24
Building Height	2.4m to 7.2m
Parking Spaces for Private Cars	6
Loading/Unloading Spaces for Heavy Goods Vehicles	3
Operation Hours	9:00 a.m. to 7:00 p.m. (Mondays to Saturdays only)

1.4 In support of the application, the applicants have submitted the following documents:

- (a) Application form received on 10.8.2018 (Appendix I)
- (b) Planning Statement (attached to Appendix I) (Appendix Ia)

1.5 According to the applicant, the Site is accessible from Yick Yuen Road. The existing trees, drainage facilities and boundary fencing provided under previous applications will be properly maintained.

1.6 The lot index plan, vehicular access plan and indicative layout plan are at Drawings A1 to A3 respectively.

## 2. Justifications from the Applicant

The justifications put forth by the applicants in support of the application are detailed at Appendix Ia. They can be summarised as follows:

- (a) Lengthy and complicating processes including land resumption, construction and approvals/consents from Government departments would be required to put forth the planning intention of “C(1)”, “O” and “O(1)” zones prior to the

commencement of the permanent development and it is unlikely that the aforesaid will be completed within the next 3 years.

- (b) There is an imperative need for storage of construction materials and machineries due to the fast-growing demands on construction and civil engineering works being initiated by the Government in recent years. However, it is essential for construction materials and machineries to temporarily store within an interim place with certain size before being transported to a new construction site.
- (c) The current application is temporary in nature which should not jeopardise nor pre-empt the future land use(s) of the “C(1)”, “O” and “O(1)” zones should the Site be resumed by the Government for any work commencement in accordance with Hung Shui Kiu New Development Area (HSK NDA) from the Board and/or relevant government departments in future, which normally require a lengthy process. In addition, as the year of population intake in HSK NDA is expected to be 2024, the proposed uses within the Site will become an optimum use before the intake of population.
- (d) The proposed use will not be contrary to the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E).
- (e) There will be no substantial changes in planning circumstances by allowing the current application and the applicant has demonstrated his full compliance of approval planning conditions of previous planning approval.
- (f) No adverse infrastructural nor environmental impacts are anticipated since there will be no changes in terms of nature of the proposed use, no. of trips involved and more importantly, the existing drainage provision and landscape treatment would be continued to be properly maintained all the time.

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

The applicant is not a “current land owner” 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. 31) by publishing a notice of the application in two Chinese and one English local newspapers and posting site notice. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Background**

Since the use currently on site is still covered by a valid planning permission (No. A/YL-PS/494), follow up investigation will be taken upon expiry of the current planning permission if the application is not approved by the Board.

### **5. Town Planning Board Guidelines**

- 5.1 The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use

or Development (TPB PG-No. 34B) are relevant to the application. The relevant assessment criteria are at **Appendix II**.

- 5.2 On 17.10.2008, the Board promulgated the TPB PG-No. 13E. The Site falls within Category 2 areas under the Guidelines. Relevant extracts of the Guidelines are attached at **Appendix III**.

## **6. Previous Applications**

- 6.1 The Site was involved in eight previous planning applications (Nos. A/DPA/YL-PS/12, A/YL-PS/157, 217, 227, 264, 314, 389 and 494). Details of the previous applications are summarised at **Appendix IV** and their locations are shown on **Plan A-1a**.
- 6.2 Application No. A/DPA/YL-PS/12 for proposed open storage of containers was rejected by the Committee on 18.3.1994. The major reasons were the proposed development was not in line with the planning intention, not compatible with the surrounding land uses and no information to demonstrate that the development would not have adverse traffic, environmental, sewerage, visual and drainage impacts on the surroundings.
- 6.3 Application No. A/YL-PS/157 for proposed temporary open storage of construction materials and machineries for 3 years was approved with conditions on review by the Board on 5.3.2004. The major considerations were that sympathetic consideration was given as it was a replacement site affected by the Deep Bay Link project and the proposed development was not incompatible with the surrounding. The permission was revoked on 5.2.2006 due to non-compliance with conditions on implementation of landscape proposal, provision of flood mitigation measures or drainage facilities, and provision of paving and fencing.
- 6.4 Application Nos. A/YL-PS/217, 264 and 314 for temporary open storage of construction materials and machineries for 3 years were approved with conditions by the Committee on 24.6.2005, 2.2.2007 and 29.1.2010 respectively. The major considerations were that the developments were not anticipated to cause adverse traffic, drainage, landscape and visual impacts on the surrounding areas, the applicant had shown efforts to comply with approval conditions, there had been no change in planning circumstances, proposed developments were not incompatible with the surroundings. However, the permission under application No. A/YL-PS/314 was revoked on 29.5.2012 due to non-compliance with approval condition on provision of fencing.
- 6.5 Application No. A/YL-PS/227 for proposed residential development cum retail facilities, public transport terminus and kindergarten was rejected by the Committee on 4.9.2009. The major reasons were that the proposed development was considered piecemeal and premature, existing and planned infrastructures was inadequate to cater for a proposed development of such scale and intensity, proposed development was considered out of keeping with the surrounding low-rise and low-density rural setting, and approval of the application would set an undesirable precedent for similar applications.

- 6.6 Application Nos. A/YL-PS/389 and 494 for temporary open storage of construction materials and machineries and storage of tools and parts with ancillary site office were approved with conditions by the Committee on 7.9.2012 and 9.10.2015 respectively. The major considerations were that the developments were not incompatible with the surrounding land uses, approval of the application on a temporary basis would not pre-empt the future land use, the applications were in line with TPB PG-No. 13E, and there were no major adverse departmental comments and no local objections on the applications.
- 6.7 Comparing with the last application No. A/YL-PS/494, the current application is submitted by the same applicant for the same use on the same site with a similar layout.

## **7. Similar Applications**

There are three similar applications (Nos. A/YL-PS/350 and 460 and A/HSK/21) within the same "C(1)" zone on the OZP since the promulgation of the TPB PG-No. 13E on 17.10.2008. Application No. A/YL-PS/350 for temporary open storage and workshop (dismantling and storage of reusable/disused computers) for a period of 3 years was rejected by the Board on review on 22.6.2012. Application No. A/YL-PS/460 for temporary open storage of construction materials and construction equipment for a period of 3 years and its renewal application No. A/HSK/21 were approved with conditions by the Committee on 22.9.2014 and 10.11.2017 respectively. Details of the similar applications are summarised at **Appendix V** and their locations are shown on **Plan A-1a**.

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

8.1 The Site is:

- (a) currently being used for the applied use with valid planning permission No. A/YL-PS/494; and
- (b) accessible via Yick Yuen Road at the south of the Site.

8.2 The surrounding areas have the following characteristics:

- (a) to the north are residential dwellings, vacant land, a nullah, unused land and fallow agricultural land. The nearest residential dwelling is about 0.3m to the north of the Site;
- (b) to the east are a nullah and an open storage yard of construction materials which is suspected unauthorised development (UD);
- (c) to the south are open storage yard of construction materials, vehicle parks and container vehicles and trailers parking which are suspected UD. To the southwest is a temporary open storage yard of construction materials and equipment covered by an approved application (No. A/HSK/21);
- (d) to the west are vehicle parks which are suspected UD, vacant land and unused land.

## 9. Planning Intentions

- 9.1 The “C(1)” zone is intended primarily for commercial developments, which may include uses such as office, shop, services, place of entertainment, eating place and hotel, functioning as territorial business/financial centre and regional or district commercial/shopping centre. These areas are usually major employment nodes.
- 9.2 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 “O(1)” zone is the open space area provided in the form of a Regional Plaza. To serve the community and enhance the vibrancy of the Regional Plaza, it is intended that commercial uses such as shop and services and eating places would be provided in the area adjacent to the railway station subject to the approval of the Board by way of a planning application under s.16 of the Town Planning Ordinance (TPO).

## 10. Comments from Relevant Government Departments

- 10.1 The following government departments have been consulted and their views on the application are summarised as follows:

### Land Administration

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

- (a) The Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government.
- (b) The Site adjoins Gazetted Railway Reserve of Railway Protection Plan Boundary – West Rail Protection Boundary and falls partly within the Approved Railway Reserve of RDS2014 Hung Shui Kiu Station Limit of Area of Influence (HyDTC No. 3/2015).
- (c) The Site is accessible from Yick Yuen Road through government land (GL) and private lots. His office provides no maintenance works to the GL involved and does not guarantee any right-of-way over the GL to the Site.
- (d) The private lots which are covered by Short Term Waivers (STWs) are listed below:

Lot No. in D.D. 124	STW	Purposes
3371	3278	Ancillary Use to Open Storage of Construction Materials and Machineries
3373	3279	

3228 RP	4576	Temporary Open Storage of Construction Materials and Machineries and Storage of Tools and Parts with Ancillary Site Office
3206 RP, 3226 RP, 3231, 3233, 3339 & 3375	4577	
3340 & 3341	4578	
3374	4579	

- (e) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (f) According to his record, there is no lease modification/land exchange application nor building plan submission in relation to commercial development at the Site approved/under processing.
- (g) Should planning approval be given to the planning application, 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 permit the structures to be erected or regularise 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. No construction of New Territories Exempted Building(s) will be considered or allowed. Application(s) for any of the above will be considered by the LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fees, as may be imposed by the LandsD.

10.1.2 Comments of the Chief Estate Surveyor/Acquisition (CES/A), LandsD:

Subject to the Civil Engineering and Development Department (CEDD)'s confirmation, the Site shall fall within Stage 2 Works of HSK NDA Project. Its resumption programme is yet to be finalised.

10.1.3 Comments of the Chief Estate Surveyor/Railway Development (CES/RD), LandsD:

The Site falls partly within the RDS2014 Area of Influence of the proposed Hung Shui Kiu Station. As the concerned project, i.e. Hung Shui Kiu Station is at preliminary stage, he does not have detailed information and he has no comment on the subject matter.

**Building Matters**

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

- (a) There is no record of approval by the Building Authority for the

structures existing at the Site and BD is not in a position to offer comments on their suitability for the use related to the application.

- (b) If the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application.
- (c) Before any new building works (including container converted structures) are to be carried out on the leased land in the Site, the prior approval and consent of the BD should be obtained, otherwise they are unauthorised building works (UBW). An Authorised Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (d) 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.
- (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.

### **Traffic**

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

- (a) He has no comment on the application from traffic engineering point of view.
- (b) Sufficient manoeuvring spaces shall be provided within the Site. No vehicle is 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.



10.1.6 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 Yick Yuen Road.

10.1.7 Comments of the Chief Engineer/Railway Development 2-2 (CE/RD 2-2), HyD:

- (a) Part of the Site falls within the area of influence of the proposed Hung Shui Kiu Station. However considering the nature of the application, he has no comment from railway development viewpoint.
- (b) The Site is also close to the railway protection boundary of West Rail Line. MTR Corporation Limited (MTRCL) should be consulted with respect to operation, maintenance, safety and future construction of the West Rail.

10.1.8 Comments from the MTRCL:

- (a) The Site falls within the West Rail protection boundary, all works shall comply with the requirements as stated in the Environment, Transport and Works Bureau Technical Circular (Works) No. 33/2003 or PNAP APP-24 whichever is applicable for MTR protection.
- (b) For any works that involve lifting appliances adopted on site, they shall be positioned as far as possible away from the West Rail tracks/structures. MTR's prior agreement on the locations of these lifting appliances before their operation on site shall be sought.

**Drainage**

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

- (a) According to the planning statement submitted by the applicant, the existing drainage facilities which was implemented under an approved application No. A/YL-PS/494 will be maintained for the subject development. He has no objection in principle to the proposed development from a drainage point of view.
- (b) Should the Board consider that the application is acceptable from

the planning point of view, he would suggest that 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.

### **Water Supply**

10.1.10 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 (**Plan A-2**). A Waterworks Reserve (WWR) within 1.5m from the centreline of the water mains shall be provided to WSD.
- (c) No structure shall be built or materials stored within this WWR. Free access shall be made available at all times for staff of the Director of Water Supplies or their contractors to carry out construction, inspection, operation, maintenance and repair works.
- (d) No trees or shrubs with penetrating roots may be planted within WWR or in the vicinity of the water mains (**Plan A-2**).
- (e) The 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.

### **Environment**

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

- (a) DEP does not support the application because the development will cause traffic of heavy vehicles and the site boundary is within 100m from the nearest residential building (the nearest residential building being about 0.3m away to the north of the Site).
- (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 relevant mitigation measures and requirements in the latest "Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses" ("COP").

### **Fire Safety**

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

- (a) He has no objection in principle to the proposal subject to fire

service installations (FSIs) being provided to his satisfaction.

- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval.
- (c) The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Good practice guidelines for open storage in **Appendix VI** should be adhered to.
- (d) Moreover, having considered the nature of open storage, the approval condition on the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of D of FS. 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 (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

### **Landscape**

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

With reference to the aerial photo of 2018, it is observed that the Site is hard paved with existing trees generally along the site boundary. The applied use is observed to be already in operation. Significant change to the landscape character arising from the continued use of the application is not envisaged.

### **Long Term Development**

#### 10.1.14 Comments of the Project Manager (West) (PM(W)), CEDD:

He has no objection to the temporary use for 3 years, which should be considered in accordance with the provisions of the existing OZP and infrastructure capacities. However, the Site falls within the boundary of HSK NDA. According to the Planning and Engineering Study (P&E Study) for the HSK NDA, to ensure timely and orderly implementation, the development of HSK NDA and relevant site formation and infrastructure works would be implemented in five stages, viz. Advance Works and Stage 1 to Stage 4. The lot(s) concerned falls within a site under Stage 2 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.

### **Others**

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

- (a) The Site is zoned “C(1)”, “O”, “O(1)” and ‘Road’ on the OZP. The portion zoned “O” and “O(1)” is not on the priority list for development agreed by the Yuen Long District Council. His office 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.

10.1.16 Comments of the Director of Food and Environmental Hygiene (DFEH);:

- (a) No Food and Environmental Hygiene Department (FEHD)’s facilities will be affected and such work and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding.
- (b) For any waste generated from such activity/operation, the applicants should arrange disposal properly at their own expenses.
- (c) Proper license/permit issued by FEHD is required if there is any catering service/activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public.

### **District Officer’s Comments**

10.1.17 Comments of the District Officer (Yuen Long), HAD (DO(YL), HAD):

His office has not received any comment from local on the application.

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

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Antiquities and Monuments Office (AMO);
- (c) Director of Electrical and Mechanical Services (DEMS); and
- (d) Commissioner of Police (C of P).

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

On 17.8.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 7.9.2018, no public comment was received.

## 12. Planning Considerations and Assessments

- 12.1 The Site falls within Category 2 areas under the TPB PG-No. 13E. The following considerations in the Guidelines are relevant:

Category 2 areas: Permission could be granted on 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 now falls within “C(1)”, “O” and “O(1)” zones and an area shown as ‘Road’ on the OZP currently in force. The “C(1)” zone is intended for commercial developments, which may include uses such as office, shop, services, place of entertainment, eating place and hotel, functioning as territorial business/financial centre and regional or district commercial/shopping centre. 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. The “O(1)” zone is the open space area provided in the form of a Reginal Plaza. Commercial uses would be provided in the area adjacent to the railway station subject to the approval of the Board by way of a planning application under s.16 of the TPO. Whilst the applied use is not in line with the planning intention of the zones, the implementation programme for this part of HSK NDA is still being formulated, and PM(W), CEDD has no objection to the applied temporary use for 3 years on the Site. In this regard, approval of the application on a temporary basis 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 not incompatible with the surrounding uses which mainly comprise open storage yards, vehicle parks and vacant land (**Plan A-2**).

- 12.4 The current application is a renewal application of the last approved application (No. A/YL-PS/494) for three more years. Other than the change in OZP zoning, there has been no other major change in planning circumstances of the Site and the surrounding areas since the previous temporary approval. As explained above, the approval of the application on a temporary basis would not jeopardise the implementation of the zoned uses. Furthermore, there would be no adverse planning implications arising from the renewal of the temporary planning approval and that the applicant has complied with all the approval conditions under previous approval. In view of the above, the renewal application is considered generally in line with TPB PG-No. 34B.

- 12.5 The Site falls within Category 2 areas under the TPB PG-No. 13E. The development is in line with the TPB PG-No. 13E in that there is no adverse

departmental comment from concerned government departments, except DEP and the technical concerns raised by relevant departments could be addressed by approval conditions as recommended in paragraphs 13.2 below.

- 12.6 DEP does not support the application because there are sensitive uses in the vicinity of the Site (the nearest residential dwelling is about 0.3m away) and environmental nuisance is expected. However, there has been no environmental complaint pertaining to 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 unauthorised 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 COP in order to minimise any potential environmental impact.
- 12.7 Whilst the Site is zoned “C(1)”, “O” and “O(1)” and area shown as ‘Road’ on the OZP currently in force, the Committee has approved 6 previous applications (Nos. A/YL-PS/157, 217, 264, 314, 389 and 494) for similar open storage uses at the Site and 2 similar applications (Nos. A/YL-PS/460 and A/HSK/21) involving the same site approved in vicinity since the promulgation of TPB PG-NO. 13E on 17.10.2008 (**Plan A-1a**). Approval of the current application is in line with the previous decisions of the Committee.
- 12.8 There is no public comment received on the application during the statutory publication period.

### **13. Planning Department’s Views**

- 13.1 Based on the assessment made in paragraph 12 above, the Planning Department considers that the temporary open storage of construction materials and machineries and storage of tools and parts with ancillary site office could be tolerated for a further 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 10.10.2018 until 9.10.2021. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

#### Approval conditions

- (a) no operation between 7:00 p.m. and 9:00 a.m. from 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 dismantling, repairing or other workshop activity is allowed at the Site at any time during the planning approval period;

- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the provision of waterworks reserve within 1.5m from the centreline on both sides of the existing water mains within the Site at all times during the planning approval period;
- (f) all existing screen planting including trees and shrubs within the Site shall be maintained in good condition at all times during the planning approval period;
- (g) the existing boundary fencing shall be maintained at all times 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 condition record of the existing drainage facilities within **3** months from the date of commencement of the renewal planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **9.1.2019**;
- (j) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS 251) within **6 weeks** from the date of commencement of the renewal planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **20.11.2018**;
- (k) the submission of a fire service installations proposal within **6** months from the date of commencement of the renewal planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **9.4.2019**;
- (l) in relation to (k) above, the implementation of the fire service installations proposal within **9** months from the date of commencement of the renewal planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **9.7.2019**;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon the 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.

*[Conditions (a), (b), (c), (d), (e), (h), (i), (j), (k), (l), (m), (n) and (o) are the same as the previous application No. A/YL-PS/494 and conditions (f) and (g) have been revised to accord with the latest departmental comments.]*

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 continual occupation of the Site for the development is not in line with the planning intention of the "C(1)", "O" and "O(1)" zones which are intended for commercial developments, 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 as the open space area provided in the form of a Reginal Plaza. There is no strong planning justification in the submission for a departure from the planning intention, 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**

<b>Appendix I</b>	Application form received on 10.8.2018
<b>Appendix Ia</b>	Planning Statement (attached to <b>Appendix I</b> )
<b>Appendix II</b>	Relevant extracts of Town Planning Board Guidelines for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34B)
<b>Appendix III</b>	Relevant extracts of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E)
<b>Appendix IV</b>	Previous s.16 applications covering the Site
<b>Appendix V</b>	Similar s.16 applications within the same "C(1)", "O" and "O(1)" zones
<b>Appendix VI</b>	Good practice guidelines for open storage sites issued by the Fire Services Department
<b>Appendix VII</b>	Advisory Clauses



<b>Drawing A-1</b>	Lot Index Plan
<b>Drawing A-2</b>	Vehicular Access Plan
<b>Drawing A-3</b>	Proposed Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-1a</b>	Location Plan of Previous and Similar Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to 4d</b>	Site Photos

**PLANNING DEPARTMENT  
OCTOBER 2018**