

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

**APPLICATION NO. A/HSK/99**

- Applicant** : Luen Bong Property Development Limited represented by Metro Planning and Development Company Limited
- Site** : Lots 89 (Part), 90 (Part), 93 RP (Part), 94 (Part), 95 (Part), 96 (Part), 98 (Part), 100 (Part), 101 (Part), 103, 104 (Part), 106 (Part), 107 (Part), 116 (Part), 117 (Part), 118, 119, 120 (Part), 121 (Part), 123 (Part), 129 (Part), 130, 131, 132 (Part) and 133 (Part) in D.D.125 and Adjoining Government Land, Ha Tsuen, Yuen Long
- Site Area** : 15,000m<sup>2</sup> (about) (including about 400m<sup>2</sup> Government Land (GL))
- 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** : “Residential (Group A)2” (“R(A)2”) (about 67%),  
[Restricted to maximum plot ratio (PR) of 6 and maximum building height (BH) of 140mPD];
- “Residential (Group A)3” (“R(A)3”) (about 25.3%)  
[Restricted to maximum PR of 5.5 and maximum BH of 140mPD]; and
- an area shown as ‘Road’ (about 7.7%)
- Application** : Temporary Logistics Centre with Storage of Recyclable Materials (Plastic, Metal and Paper) 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 logistics centre with storage of recyclable materials (plastic, metal and paper) for a period of 3 years (**Plan A-1a**). The Site straddles over “R(A)2” (67%), “R(A)3” (25.3%) and an area shown as ‘Road’ (7.7%) on the Draft HSK and HT OZP. According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years within the zones requires planning permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for under the Notes of the OZP.

- 1.2 The Site is related to 6 previous applications Nos. A/YL-HT/645, 720, 814, 891, 997 and A/HSK/1 for temporary open storage/storage and/or logistics centre uses (**Plan A-1b**), with Nos. A/YL-HT/645, 814 and 991 covered the northern portion of the Site and Nos. A/YL-HT/720, 891 and A/HSK/1 covered the southern portion of the Site. The last applications Nos. A/YL-HT/997 and A/HSK/1 for temporary open storage/storage and logistics centre were approved by the Rural and New Town Planning Committee (the Committee) of the Board with conditions for a period of 3 years on 8.1.2016 and 11.8.2017 respectively. Application No. A/YL-HT/997 was subsequently revoked due to non-compliance with a time-specific approval condition regarding the implementation of the Fire Services Installations (FSIs) proposal on 8.6.2018, while the planning permission of No. A/HSK/1 is valid until 11.8.2020. The Site is currently being used for the applied use.
- 1.3 The Site is accessible to Ping Ha Road via a local track (**Drawing A-1**). As shown on the layout plan at **Drawing A-2 and Plans A-2 & A-3**, the ingress/egress is at the southeastern boundary of the Site. Eight structures with a total floor area of 10,045m<sup>2</sup> including three 11m high single-storey structures for logistic centre use, a 3.5m high single-storey structure as site office, a 3.5m high single-storey structure as site office and toilet, a 7.5m high two-storey structure as site office, a 5m high single-storey structure for water tank use and a 3.5m high toilet are proposed. 2 loading/unloading spaces for container trailer and 4 loading/unloading spaces for medium/heavy goods vehicle will be provided. According to the applicant, the operation hours are from 8:00 a.m. to 8:00 p.m. from Mondays to Saturdays. There would be no operation on Sundays and public holidays. The proposed landscape and tree preservation plan and the as-built drainage plan are 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 29.8.2018 **(Appendix I)**
  - (b) Supplementary planning statement with proposed landscape and tree preservation plan and as-built 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 Site falls within the Category 1 areas of the Town Planning Board's Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E), where there is a conglomeration of logistics yards and container yards. The proposed development has fulfilled the assessments of the guidelines and the applicant has committed to provide a series of ameliorative measures to maintain the surrounding environmental quality. Therefore, favourable consideration should be given to the application;
- (b) The Site is zoned "R(A)2" and "R(A)3" on the OZP. While the planning intention could be hardly achieved in the near future, alternative temporary use which generates no significant nuisance should be encouraged in the interim to make

economic use of scarce land resource;

- (c) With regards to the sustaining growth of boundary trades and the opening of the Shenzhen Bay Bridge and Kong Sham Western Highway, open storage yards and off-Site port back-up activities are common across Northwest New Territories. There is a pressing demand for open storage and port back-up facilities in proximity to the western port and Ha Tsuen is considered suitable for such uses;
- (d) Similar uses are found in close proximity to the Site which makes the proposed development compatible with the surrounding landscape. Almost all of the open storage and port back-up uses surrounding the Site are granted with planning permission by the Board;
- (e) There are minimal traffic impact, insignificant environmental and drainage impacts from the development. The applicant will provide fencing and paving for the Site. He has also submitted landscaping proposal to ensure that the proposed development would not generate any adverse impacts to the surrounding areas; and
- (f) The operation hours are from 8:00 a.m. to 8:00 p.m. from Monday to Saturday and there will be no operation on Sunday and public holidays. No workshop activities will be carried out at the Site and a 2.5m high peripheral fencing will be provided for screening purpose.

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

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting Site notice and sending notice to the 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 revised Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The Site falls within Category 1 areas under the revised Guidelines. Relevant extracts of the Guidelines are attached at **Appendix II**.

### **5. Background**

- 5.1 The northern portion of the Site is currently not a subject of any active planning enforcement case. Notwithstanding, as the previous planning permission (No. A/YL-HT/997) on this Site was revoked on 8.6.2018, investigation is underway to ascertain whether the current use of the Site constitutes an unauthorized development. If confirmed, the Planning Authority will instigate enforcement action under the Town Planning Ordinance.
- 5.2 As the remaining portion of the Site is still covered by valid planning approval (No. A/HSK/1), it is not subject to any active enforcement case.

## 6. Previous Applications

- 6.1 The Site is related to 6 previous applications Nos. A/YL-HT/645, 720, 814, 891, 997 and A/HSK/1, with Nos. A/YL-HT/645, 814 and 997 covered the northern portion of the Site and Nos. A/YL-HT/720, 891 and A/HSK/1 covered the southern portion of the Site. Details of these applications are summarized at **Appendix III** and their locations are shown on **Plan A-1b**.
- 6.2 The current application is submitted by the same applicant of No. A/YL-HT/997 for the same logistics centre and storage uses. Compared with the previous scheme and the adjoining approved case under No. A/HSK/1 (previously submitted by a different applicant) combining together, the current proposed scheme has a slightly larger site area (+80m<sup>2</sup>) but with a slightly lower total floor area (-402m<sup>2</sup>).
- 6.3 For the northern portion, applications Nos. A/YL-HT/645, 814 and 997 for temporary open storage and logistics centre with/without ancillary open storage of recyclable materials were approved with conditions by the Committee between 2009 and 2016 for a period of 3 years each respectively. All the approval conditions under Nos. A/YL-HT/645 and 814 had been complied with. However, No. A/YL-HT/997 was subsequently revoked on 8.6.2018 due to non-compliance with a time-specific approval condition regarding the implementation of the Fire Services Installations (FSIs) proposal.
- 6.4 For the southern portion, applications Nos. A/YL-HT/720 and 891 for temporary logistics centre use and No. A/HSK/1 for temporary storage of recyclable materials use were approved with conditions by the Committee in 2011 and 2017 for a period of 3 years each respectively. All the approval conditions under the planning permissions Nos. A/YL-HT/720 and 891 had been complied with. On the other hand, the planning permission No. A/HSK/1 is valid until 11.8.2020 and its compliance of a time-specific approval condition on the implementation of the FSIs proposal is in progress. Other time-specific approval conditions have been complied with.

## 7. Similar Applications

There are 11 similar applications for temporary logistics centre and open storage uses within areas covered by the same “R(A)2” and “R(A)3” zones in the draft HSK&HT OZP since the promulgation of TPB PG-No. 13E on 17.10.2008. All of these similar applications were approved with conditions by the Committee between 2008 and 2018. Among them, 3 applications Nos. A/YL-HT/935, 939 and 1014 were subsequently revoked due to non-compliance with approval conditions. Details of these applications are summarized at **Appendix IV** and their locations are shown on **Plan A-1a**.

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

- 8.1 The Site is:
- (a) being used for storage use, except the structure at its western portion was vacant; and

- (b) accessible from Ping Ha Road via a local track.
- 8.2 The surrounding areas have the following characteristics:
- (a) predominately occupied by open storage/storage yards, logistics centres, warehouses, vehicle repair workshops and parking of vehicles uses;
  - (b) scattered residential structures are found in the vicinity of the Site with the nearest one located 31m away to its south;
  - (c) there are open storage yards, logistics centres and warehouses in the vicinity of the Site under valid planning application Nos. A/YL-HT/994 and 1000 and A/HSK/3, 9, 35, 63 and 85 (**Plan A-2**);
  - (d) other open storage/storage yards, parking of vehicles and vehicle repair workshops in the vicinity are suspected unauthorized developments (UDs) which may be subject to enforcement action taken by the Planning Authority.

## **9. Planning Intentions**

The Site straddles over “R(A)2” and “R(A)3” zones and an area shown as ‘Road’ on the draft HSK and HT OZP. The “R(A)2” and “R(A)3” zones are intended primarily for high-density residential developments. Commercial uses are always permitted on the lowest two floors of a building excluding basements, or in a free-standing purpose-designed non-domestic building up to five storeys.

## **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 GL (about 400m<sup>2</sup>) in the Site is covered by Short Term Tenancy (STT) No. 2846 for the purpose of “Temporary Open Storage of Containers and Logistics Centre with Ancillary Open Storage of Recyclable Materials”.
- (c) The Site is accessible from Ping Ha Road through GL and private lot(s). 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:

<b>Lot No(s). in D.D. 125</b>	<b>STW</b>	<b>Purpose</b>
93 RP	3040	Ancillary Use to Open Storage
95	3886	Temporary Logistics Centre and Ancillary Parking of Vehicle
116	3922	Temporary Logistics Centre
117	3923	
132	3924	
133	3925	
94 & 103	4097	<i>Temporary Logistic Centre &amp; Ancillary Parking of Vehicle</i>
121 & 130	4098	
100	4099	<i>Temporary Open Storage of Containers and Logistics Centre with Ancillary Open Storage of Recyclable Materials</i>
101	4100	
104	4101	
119	4102	
118	4103	
120	4104	
131	4105	
106 & 107	4531	Temporary Logistics Centre & Ancillary Parking of Vehicle
90	4594	Temporary Open Storage Container & Logistic Centre of Vehicle

- (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 where appropriate and the lot owner(s) of the lot(s) without STW will need to apply to his office for permitting the structures to be erected or regularize any irregularities on Site. Besides, given the proposed use is temporary in nature, only application for regularization 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 fee, as may be imposed by the LandsD.

### Traffic

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

- (a) He has no adverse comment on the application from traffic engineering point of view.

- (b) Sufficient manoeuvring spaces shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads.
  - (c) The local track leading to the Site is not under TD's purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site.
- 10.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):
- (a) The access arrangement should be commented by TD.
  - (b) Adequate drainage measures should be provided at the Site access to prevent surface water flowing from the Site to nearby public roads/drains.
  - (c) HyD shall not be responsible for the maintenance of any access connecting the Site and Ping Ha Road.

### **Environment**

- 10.1.4 Comments of the Director of Environmental Protection (DEP):
- (a) DEP does not support the application because there are sensitive uses in the vicinity of the Site (the nearest one being about 31m away to the south of the Site) (**Plan A-2**) and environmental nuisance is expected.
  - (b) There was no environmental complaint pertaining to the Site received in the past 3 years.
  - (c) Should the application be approved, the applicant is advised to follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' ('COP').

### **Drainage**

- 10.1.5 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):
- (a) According to the applicant's submission, the existing drainage facilities which was implemented under approved applications Nos. A/YL-HT/997 and A/HSK/1 will be maintained for the subject development. He has no objection in principle to the development from a drainage point of view.
  - (b) Should the application be approved, he would suggest a condition should be stipulated in the approval letter requiring the applicant to maintain the existing drainage facilities and submit condition record of the existing drainage facilities to the satisfaction of his Division.

### **Building Matters**

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

- (a) As there is no record of approval by the Building Authority (BA) for the existing structures at the Site, 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 Houses) 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 captioned 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 the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the proposal subject to fire services installation (FSIs) being provided to the satisfaction of D of FS.
- (b) In consideration of the design/nature of the structures, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval.
- (c) The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the

proposed FSIs are to be installed should be clearly marked on the layout plans. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans.

- (d) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), 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), Civil Engineering and Development Department (PM/NTW, CEDD):

- (a) He has no objection to the temporary use for 3 years, which should be considered in accordance with the provisions of the existing OZP and infrastructure capacities.
- (b) However, the Site falls within the boundary of the 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 concerned lot(s) falls within a Site under Stage 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.

10.1.9 Comments of the Director of Housing (D of H):

He has no objection to the proposal under the application provided that the development programme of Public Rental Housing/ Subsidized Sale Flats (PRH/SSF) development under the implementation of HSK NDA would not be affected.

### **District Officer's Comments**

10.1.10 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) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Director of Electrical and Mechanical Services (DEMS);
- (c) Commissioner of Police (C of P);
- (d) Chief Engineer/Sewerage Projects, DSD (CE/SP, DSD); and
- (e) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

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

On 7.9.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 28.9.2018, no public comment was received.

## **12. Planning Considerations and Assessments**

12.1 The Site falls within Category 1 areas under the TPB PG-No. 13E “Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance”. 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.

12.2 The proposed development is generally in line with the TPB PG-No. 13E in that the Site falls within Category 1 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.

12.3 The Site straddles over “R(A)2” and “R(A)3” zones and an area shown as ‘Road’ on the OZP. The planning intentions of the “R(A)2” and “R(A)3” zones are intended primarily for high-density residential developments. Whilst the development is not in line with their planning intentions, the implementation programme for this part of NDA is still being formulated, and PM/NTW of CEDD and D of H have no objection to the proposed temporary use for a period of 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.

12.4 The Site is located in an area which is predominantly occupied by open storage/storage yards, logistics centres, warehouses, vehicle repair workshops and parking of vehicles uses. The applied use is not incompatible with the surrounding land uses (**Plan A-2**).

12.5 There is no major adverse comment from concerned Government departments, except DEP who does not support the application because there are sensitive uses in the vicinity (the nearest residential dwelling being about 31m away), and environmental nuisance is expected (**Plan A-2**). However, DEP also advised that there is no environmental complaint pertaining to the Site in the past three years. Furthermore, relevant approval conditions have been recommended in paragraph 13.2 to address the concerns on the possible environmental nuisances or the technical requirements of the other concerned Government departments. Any non-compliance with these approval conditions would result in revocation of the

planning permission and UD on Site would thus be subject to enforcement action by the Planning Authority. Should the application be approved, the applicant will also be advised to follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the possible environmental impacts on the nearby sensitive receivers.

- 12.6 The Committee has approved 6 previous applications for open storage and logistics centre uses at the Site (**Plan A-1b**) and 11 similar applications within areas covered by the same "R(A)2" and "R(A)3" zones on the OZP 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.
- 12.7 In line with the previous approval schemes under applications Nos. A/YL-HT/997 and A/HSK/1, approval conditions regarding the submission and implementation of the tree preservation and landscape proposal have been recommended in paragraph 13.2.
- 12.8 It is noted that the structures under application are already completed and BD has indicated that there is no record of approval by the BA for the structure existing at the Site. Should the application be approved, the applicant should be reminded that the planning permission granted is only to the use under application and should not be construed as an acceptance or condonation of any UBWs. Any UBWs on the Site may be subject to enforcement action by BA.
- 12.9 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, the Planning Department considers that the temporary logistics centre with storage of recyclable materials (plastic, metal and paper) at the Site could be tolerated for a period of 3 years.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis of 3 years until **19.10.2021**. 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., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no cutting, dismantling, cleansing, repairing, compaction, tyre repair, vehicle repair, container repair and workshop activity, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (d) no vehicle is allowed queue back to or reverse onto/from the public road at any

time during the planning approval period;

- (e) the submission of a condition record of existing drainage facilities within **3** months to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **19.1.2019**;
- (f) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (g) the submission of a tree preservation and 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 **19.4.2019**;
- (h) in relations to (g) above, the implementation of the tree preservation and 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 **19.7.2019**;
- (i) the submission of a fire service installations proposal within **6** months to the satisfaction of the Director of Fire Services or of the Town Planning Board by **19.4.2019**;
- (j) in relation to (i) above, the implementation of the fire service installations proposal within **9** months to the satisfaction of the Director of Fire Services or of the Town Planning Board by **19.7.2019**;
- (k) the provision of fencing of the Site within **6** months from the date of planning approval to the satisfaction of Director of Planning or of the Town Planning Board by **19.4.2019**;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (f) 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;
- (m) if any of the above planning conditions (e), (g), (h), (i), (j) or (k) 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
- (n) upon expiry of planning permission, the reinstatement of the application 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 at **Appendix V**.

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

- (a) the applied use is not in line with the planning intentions of the "R(A)2" and "R(A)3" zones which are intended primarily for medium-density residential development. There is no strong justification to deviate from the planning intention even on a temporary basis; and

- (b) the applicant fails to demonstrate that the applied development would not have adverse environmental impact on the surrounding areas.

**14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reasons for rejection should be given to the applicant.

**15. Attachments**

<b>Appendix I</b>	Application Form received on 29.8.2018
<b>Appendix Ia</b>	Supplementary planning statement with proposed landscape and tree preservation plan and as-built drainage plan
<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 s.16 applications covering the Application Site
<b>Appendix IV</b>	Similar s.16 Applications within areas covered by the same "R(A)2" and "R(A)3" 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
<b>Appendix V</b>	Advisory clauses
<b>Drawing A-1</b>	Vehicular Access Plan
<b>Drawing A-2</b>	Proposed Layout Plan
<b>Drawing A-3</b>	Proposed Landscape and Tree Preservation Plan
<b>Drawing A-4</b>	As-built Drainage Plan
<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 4d</b>	Site Photos

**PLANNING DEPARTMENT  
OCTOBER 2018**