

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/336

- Applicant** : Great Mount Development Limited
- Site** : Lot 2227 (Part) in D.D.129, Lau Fau Shan, Yuen Long
- Site Area** : About 432 m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/9
- Zoning** : “Recreation” (“REC”)
- Application** : Temporary Open Storage of Construction Materials, Aluminum Pipes/Frames, Elevating Platforms, Small-scale Machinery with Ancillary Workshop and 2 Loading and Unloading Spaces for Goods Vehicles for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary open storage of construction materials, aluminum pipes/frames, elevating platforms and small-scale machinery with ancillary workshop and 2 loading and unloading spaces for goods vehicles for a period of 3 years (**Plan A-1a**). The Site falls within an area zoned “REC”. According to the covering Notes of the OZP, temporary use of development of any land or building not exceeding a period of three years requires permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for in terms of the OZP. The Site is being used for the open storage of marbles, construction materials, aluminium cans and small-scale machinery with ancillary workshop with valid planning permission under Application No. A/YL-LFS/293 until 25.4.2020.
- 1.2 The Site involves 8 previous applications (No. A/YL-LFS/57, 78, 125, 183, 187, 225, 260 and 293) for open storage uses with ancillary workshop (**Plan A-1b**). The last application (No. A/YL-LFS/293) for renewal of planning approval under Application No. A/YL-LFS/260 for temporary open storage of marbles, construction materials, aluminium cans and small-scale machinery with ancillary workshop uses submitted by the same applicant was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 7.4.2017 for the period from 26.4.2017 to 25.4.2020. All the time-limited approval conditions

have been complied with. Details of the previous applications are at paragraph 6 and **Appendix III**. Compared with the last application, the current application is submitted by the same applicant on the same site for similar open storage use with similar development parameters.

1.3 A comparison of the major development parameters of the current application and the last approved application is as follows:

Major Development Parameters	Last Approved Application (A/YL-LFS/293) (a)	Current Application (A/YL-LFS/336) (b)	Difference (b) – (a)
Applied Use	Temporary Open Storage of Marbles, Construction Materials, Aluminium Cans, Small-scale Machinery with Ancillary Workshop and 2 Loading and Unloading Spaces for Goods Vehicles	Temporary Open Storage of Construction Materials, Aluminum Pipes/Frames, Elevating Platforms, Small-scale Machinery with Ancillary Workshop and 2 Loading and Unloading Spaces for Goods Vehicles	Storage of different goods
Site Area	about 432 m ²		No change
Total Gross Floor Area	About 350 m ² (Non-domestic)	About 365 m ² (Non-domestic)	+15 m ²
No. and Height of Structure(s)	1 (one-storey) • 1 temporary shelter for storage of marbles, construction materials and small-scale machinery with ancillary workshop of 5m height	2 (one-storey) • 1 temporary shelter for storage of construction materials, aluminum pipes/frames, elevating platforms and small-scale machinery with ancillary workshop of 5m height • 1 converted container for storage use of 2.4m height	+1 structure
No. of Loading/unloading Space	2 for goods vehicle (not exceeding 24 tonnes)		No change
No. of Trip Generation	1-2 per hour (peak hour) 0-1 per hour (non-peak hour)		No change
Operating Hours	7:30a.m. to 8:30p.m. (no operation on Sundays and public holidays)	8:00a.m. to 8:30p.m. (no operation on Sundays and public holidays)	Different operating hours

1.4 The Site is accessible from Deep Bay Road via a local track (**Plan A-2**). The ingress/egress is located at the northern boundary of the Site (**Drawing A-2**). According to the applicant, 2 temporary structures about 2.4-5m in height are proposed on the Site with a total floor area of 365m², including 1 temporary shelter for storage of construction materials, aluminum pipes/frames, elevating platforms and small-scale machinery with ancillary workshop and 1 converted container for storage use. The applicant indicates that 2 loading/unloading spaces for goods vehicle (not exceeding 24 tonnes) will be provided at the northern part of the Site. The operation hours of the Site are from 8:00a.m. to 8:30p.m. from Mondays to Saturdays with no operation on Sundays and public holidays. The applicant indicates that no painting and paint spraying activities will be carried out at the Site.

1.5 In support of the application, the applicant has submitted the following documents:

- (a) Application Form received on 26.2.2019 (Appendix I)
- (b) Letters dated 14.3.2019 and 29.3.2019 in response to (Appendix Ia) Transport Department's comments [accepted and exempted from publication and recounting requirements]

1.6 The location plan, proposed layout plan, as-built landscape plan and as-built drainage plan submitted by the applicant are at **Drawings A-1 to A-4**.

2. Justifications from the Applicant

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

- (a) The Site is subject to a previous planning permission No. A/YL-LFS/293 for the same site and similar applied use. All the time-limited approval conditions under the previous application (No. A/YL-LFS/293) have been complied with.
- (b) The Site is not large and the goods turnover rate is not high. It is expected 1-2 and 0-1 lorries to move in/out of the Site during peak hour and non-peak hour respectively, which would not create traffic impact to the surrounding environment.
- (c) There would be no operation on-site from 8:30p.m. to 8:00a.m. and on Sundays and public holidays.
- (d) No heavy goods vehicles exceeding 24 tonnes would be allowed to enter the Site.

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. 31) by posting site notice and sending notification letter to the Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members' inspection.

4. Background

The Site is still covered by a valid planning permission (Application No. A/YL-LFS/293). It is not subject to any active enforcement case.

5. Town Planning Board Guidelines

The Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13E)

promulgated by the Board on 17.10.2008 are relevant to the application. The Site falls within Category 3 area under the Guidelines. Relevant extract of the Guidelines is at **Appendix II**.

6. Previous Applications

- 6.1 The Site is the subject of 8 previous applications No. A/YL-LFS/57, 78, 125, 183, 187, 225, 260 and 293 for temporary open storage uses with ancillary workshop since 2000. All the previous applications, except Application No. A/YL-LFS/187, were approved by the Committee. Details of these previous applications are summarized at **Appendix III** and their locations are shown on **Plan A-1b**.
- 6.2 Application No. A/YL-LFS/187 (covering the Site and the land at its north in a larger site extent) for temporary open storage of marble with ancillary workshop was rejected by the Committee on 9.1.2009 mainly on grounds that the development was not in line with the planning intention of the "REC" zone and the TPB PG-No. 13E in that there was no previous planning approval granted for the northern part of the concerned site and there were adverse departmental comments.
- 6.3 Applications No. A/YL-LFS/57, 78, 125 (covering the Site and a strip of land at its south in a slightly larger site extent), 183 and 225 (covering the same site as the current application) for temporary open storage of marble with ancillary workshop were approved by the Committee from 2000 to 2011 for a period of 3 years on the considerations that there was no immediate development proposal for the "REC" zone, the applied use was not incompatible with the surrounding uses, the approval of the application on a temporary basis would not frustrate the planning intention of the "REC" zone on the OZP and there were no adverse departmental comments. However, application No. A/YL-LFS/57 was revoked on 11.8.2001 due to non-compliance with approval conditions requiring the submission and implementation of the landscape and drainage proposals.
- 6.4 The last two applications (No. A/YL-LFS/260 and 293) covering the same site as the current application for temporary use of open storage of marbles, construction materials, aluminium cans and small-scale machinery with ancillary workshop were approved with conditions by the Committee for a period of 3 years on 25.4.2014 and 7.4.2017 respectively. All the time-limited approval conditions under the last application (No. A/YL-LFS/293) have been complied with. As compared to the last application No. A/YL-LFS/293, the current application is submitted by the same applicant on the same site for similar open storage use with similar development parameters (i.e. addition of a converted container of 15m² GFA for storage use).

7. Similar Applications

- 7.1 Within the same "REC" zone and/or straddling the adjoining "Residential (Group E)" ("R(E)") zone, there are 13 similar applications (No. A/YL-LFS/182, 186, 211, 229, 230, 232, 236, 250, 255, 272, 283, 326 and 329) for temporary open storage use for a period of 3 years since the promulgation of the TPB PG-No. 13E

on 17.10.2008. 7 of these similar applications were approved with conditions for a period of 12 months or 3 years and the other 6 applications were rejected by the Committee. Details of these applications and the Committee's decision are summarized at **Appendix IV** while the locations are shown on **Plan A-1a**.

- 7.2 Applications No. A/YL-LFS/186, 211, 232, 250, 255, 272 and 283 for temporary open storage of marbles, construction materials, small-scale construction machinery and tools, elevating platforms, aluminium cans and/or lorries and motorcycles falling within the subject "REC" zone and its adjoining "R(E)" zone were approved with conditions by the Committee for a period of 12 months or 3 years on the considerations that the approval of the application on a temporary basis would not jeopardize the long-term development of the concerned sites, the applied use was not incompatible with the surrounding uses, the proposed temporary open storage use was in line with the TPB PG-No. 13E in that the concerned sites were involved in previous planning approvals and there were no adverse departmental comments. Amongst these approved applications, 2 of which (Applications No. A/YL-LFS/186 and 211) were subsequently revoked due to non-compliance with the approval conditions on the provision of fencing and not allowing heavy good vehicles over 24 tonnes to be stored/parked at or enter/exit the concerned site respectively.
- 7.3 The other 6 similar applications (Applications No. A/YL-LFS/182, 229, 230, 236, 326 and 329) falling within the subject "REC" zone were rejected mainly on grounds that the applied use was not in line with the planning intention of "REC" zone and the TPB-PG No. 13E, the applied use was not compatible with the surrounding land uses, the approval of the application would set an undesirable precedent and encourage other similar applications for similar development within the "REC" zone and there was insufficient information in the submission to demonstrate that the applied use would not have adverse environmental, traffic, drainage and landscape impacts on the surrounding areas.

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

8.1 The Site is:

- (a) currently being used for the open storage of marbles, construction materials, aluminium cans, small-scale machinery with ancillary workshop with a valid planning permission under Application No. A/YL-LFS/293; and
- (b) accessible from Deep Bay Road via a local track.

8.2 The surrounding areas have the following characteristics:

- (a) to its immediate north within the same "REC" zone is an open storage yard of recycling materials and workshop. To its further north and northwest across the Deep Bay Road are open storage yards for marble with workshop or construction materials, vehicle repair workshop and vehicles park and residential dwellings (the closest residential dwelling is about 43m away) (**Plan A-2**);
- (b) to its east within the same "REC" zone is a container vehicle and trailer

park and open storage yards for construction materials and scattered residential dwellings;

- (c) to its immediate south are areas zoned “R(E)” which comprise open storage yards for construction materials and parking of container vehicles. To its further south is a logistics centre under an approved application (No. A/YL-LFS/334); and
- (d) to its immediate west is the parking of vehicles and lorries. To its further southwest are areas zoned “R(E)” which comprise open storage yards for construction materials and elevating platforms, agricultural land and scattered residential dwellings.

9. Planning Intention

The planning intention of the “REC” zone is primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.

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 land (PL) of Lot No. 2227 in D.D. 129 is covered by Short Term Waiver (STW) No. 2576 to permit structures for the purpose of “Open Storage of Marble with Ancillary Workshop”.
- (c) The Site is accessible from Deep Bay Road through PL. Her office does not guarantee any right-of-way.
- (d) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (e) Should the application be approved, the STW holder will need to apply to her office for modification of the STW conditions if there is any irregularity on site. Such application will be considered by LandsD acting in the capacity of the landlord at its sole discretion and there is no guarantee that such application will be approved. If such application 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 LandsD. 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.

Traffic

10.1.2 Comments of the Commissioner for Transport (C for T):

- (a) On the basis that the applied use would not generate additional traffic flow to Deep Bay Road as compared to the previous approved application No. A/YL-LFS/293, 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 the public roads.
- (c) The local track leading to the Site is not under Transport Department (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 the nearby public roads/drains.
- (c) HyD shall not be responsible for the maintenance of any access connecting the Site and Deep Bay 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 in the vicinity of the Site (the closest one being about 43m away to its northeast) and environmental nuisance is expected.
- (b) No substantiated environmental complaint pertaining to the Site has been received in the past three 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 (COP) on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites".

Drainage

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

He has no objection in principle to the proposed development from drainage point of view. Should the Board consider that the application is acceptable from 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 department.

Fire Safety

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

- (a) He has no objection in principle to the proposal subject to fire services installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, 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 to be installed should be clearly marked on the layout plans. The “Good Practice Guidelines for Open Storage Sites” issued by his department at **Appendix V** should be adhered to.
- (d) Should the Board consider that the application is acceptable from planning point of view, he would suggest that the conditions should be stipulated in the approval letter requiring the applicant to provide fire extinguisher(s) and to submit the valid fire certificate (FS 251) to the satisfaction of his department.
- (e) 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.

Landscape

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

- (a) The Site abuts Deep Bay Road and falls within an area of “REC” zone. The Site is subject to the previous approved application A/YL-LFS/293 for temporary open storage use to which he had no objection from the landscape planning perspective. The current

application is seeking planning permission for similar use with the similar layout by the same applicant for a period of 3 years.

- (b) With reference to the site photos in 2019 and the aerial photo of 2018, existing trees are observed adjoining the eastern, southern and western boundary. The Site is situated in an area of rural landscape character disturbed by open storage yards and temporary structures. Given that similar use is already in operation, significant change to the landscape character arising from the application is not anticipated. Therefore, he has no objection to the application from the landscape planning perspective.
- (c) In view that there are existing trees screening the Site and that the Site is not facing any prominent public frontage, the condition to maintain all existing trees within the Site is considered adequate and appropriate.
- (d) The applicant is reminded that approval of the application does not imply approval of the tree works (such as felling/transplanting or pruning) and/or requirements under lease. Tree works applications should be submitted direct to LandsD for approval.

Building Matters

10.1.8 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 existing structures at the Site and 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 New Territories Exempted Houses) are erected on leased land without the 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 subject 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 co-ordinator 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.

Others

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

- (a) No Food and Environmental Hygiene Department's (FEHD) 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 the work / operation, the applicant should arrange disposal properly at her own expenses.
- (c) Proper licence / 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

10.1.10 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) Project Manager (West)/West Development Office, Civil Engineering and Development Department (PM(W)/WDO, CEDD);
- (c) Chief Engineer/Sewerage Projects, DSD (CE/SP, DSD);
- (d) Director of Electrical and Mechanical Services (DEMS);
- (e) Director of Leisure and Cultural Services (DLCS);
- (f) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (g) Commissioner of Police (C of P).

11. Public Comment Received During Statutory Publication Period

On 5.3.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 26.3.2019, no public comment was received.

12. Planning Considerations and Assessments

- 12.1 The application is for temporary open storage of construction materials, aluminum pipes/frames, elevating platforms and small-scale machinery with ancillary workshop and 2 loading and unloading spaces for goods vehicles at the Site zoned “REC”. The “REC” zone is intended primarily for recreational developments for the use of the general public and encourages the development of active and/or passive recreation and tourism/eco-tourism. Whilst the applied use is not in line with the planning intention of the “REC” zone, there is yet to have any known programme to implement the zoned use on the OZP. In this regard, approval of the application on temporary basis of 3 years would not frustrate the long-term planning intention of the “REC” zone.
- 12.2 The Site is located at the area predominantly occupied by open storage yards, workshops and vehicles parks (**Plan A-2**). The applied use is not incompatible with the surrounding uses of the area.
- 12.3 The Site falls within Category 3 areas under the TPB PG-No. 13E. The following considerations in the Guidelines are relevant:

Category 3 areas: applications would normally not be favourably considered unless the applications are on sites with previous planning approvals. 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 fresh 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. Planning permission could be granted on a temporary basis up to a maximum period of 3 years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions.

- 12.4 The Site falls within Category 3 areas under the TPB PG-No. 13E. The development is in line with the TPB PG-No. 13E in that there were previous planning approvals at the Site and there is no adverse comment from concerned Government departments, except DEP. DEP does not support the application as there are sensitive receivers in the vicinity (the closest one being about 43m away to its northeast) and along the access road (Deep Bay Road), and environmental nuisance is expected. However, there is no substantiated environmental complaint pertaining to the Site in the past three years. To minimize any possible environmental impacts and nuisance on the surrounding developments, and to address the technical requirements of the concerned Government departments, relevant approval conditions are recommended in paragraph 13.2 below. Any non-compliance with these 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 be advised to follow the latest “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.
- 12.5 Given that 7 previous applications for temporary open storage uses with ancillary workshop have been granted to the Site (Applications No. A/YL-LFS/57, 78, 125,

183, 225, 260 and 293) (**Plan A-1b**) and 7 similar applications have been approved within the same “REC” zone (Applications No. A/YL-LFS/186, 211, 232, 250, 255, 272 and 283) (**Plan A-1a**), approval of the current application is in line with the Committee’s previous decisions. For the rejected previous and similar applications, they were rejected mainly on the grounds of adverse departmental comments, incompatible with the surrounding areas and with no previous approval.

12.6 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, aluminum pipes/frames, elevating platforms, small-scale machinery with ancillary workshop and 2 loading and unloading spaces for goods vehicles could be tolerated for a period of 3 years.

13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years until 12.4.2022. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation between 8:30 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 and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no painting and paint spraying activities, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (d) no vehicle exceeding 24 tonnes, including container trailer/tractor, as defined in the Roads (Traffic) Ordinance, as proposed by the applicant, is allowed to enter/exit or to be parked/stored on the Site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from the public roads at any time during the planning approval period;
- (f) the existing fencing on the Site shall be maintained at all times during the planning approval period;
- (g) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities within **3** months from the date of planning approval to the satisfaction of

the Director of Drainage Services or of the Town Planning Board by **12.7.2019**;

- (i) the existing trees on the Site shall be maintained in good condition at all times during the planning approval period;
- (j) 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 **24.5.2019**;
- (k) the submission of a fire service installations proposal within **6** months from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by **12.10.2019**;
- (l) in relation to (k) above, the implementation of the fire service installations proposal within **9** months from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by **12.1.2020**;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (i) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (n) if any of the above planning conditions (h), (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.

Advisory clauses

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

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

- (a) the proposed development is not in line with the planning intention of the "REC" zone which is intended primarily for recreational developments for the use of the general public and encourages the development of active and/or passive recreation and tourism/eco-tourism. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis; and
- (b) the proposed development is not in line with the TPB PG-No. 13E for Application for Open Storage and Port Back-up Uses in that the applicant fails to demonstrate that the proposed development would not have adverse environmental impacts 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 reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix I	Application Form received on 26.2.2019
Appendix Ia	Letters dated 14.3.2019 and 29.3.2019 in response to Transport Department's comments
Appendix II	Extract of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No.13E)
Appendix III	Previous s.16 Applications covering the Site
Appendix IV	Similar s.16 Applications within the same "REC" zone
Appendix V	Good Practice Guidelines for Open Storage Sites issued by the Fire Services Department
Appendix VI	Advisory Clauses
Drawing A-1	Location Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	As-built Landscape Plan
Drawing A-4	As-built Drainage Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Location Plan with Previous Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4a to 4b	Site Photos

**PLANNING DEPARTMENT
APRIL 2019**