

REVIEW OF APPLICATIONS NO. A/YL-KTN/595 & 596
UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE

**Proposed Temporary Open Storage of Vehicles and Sales of Construction Machinery
Parts for a Period of 3 Years in “Village Type Development” zone,
Lots 473 and 475 in D.D. 109, Kam Tin Road, Kam Tin, Yuen Long**

1. Background

- 1.1 On 7.3.2018, the applicant, Mr. TANG Chieh, sought planning permission to use the application sites (the Sites) for temporary open storage of vehicles and sales of construction machinery parts for a period of 3 years. The Site at Lot 475 in D.D. 109 (Application No. A/YL-KTN/595) is zoned “Village Type Development” (“V”) while the Site at Lot 473 in D.D. 109 (Application No. A/YL-KTN/596) is zoned “Village Type Development” (“V”) (99%) and “Residential (Group C)2” (“R(C)2”) (1%) on the approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/9 (**Plan R-1**). Both Sites are partly fenced, vacant and covered by vegetation (**Plans R-2 and R-4a and R-4c**).
- 1.2 On 4.5.2018, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the both applications and the reasons were:
 - (a) the development is not in line with the planning intention of the “V” zone which is intended to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within the “V” zone is primarily intended for development of Small Houses by indigenous villagers. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
 - (b) the application does not comply with the TPB PG-No. 13E in that the development is not compatible with the surrounding land uses which are predominated by residential structures/dwellings. There is also no previous approval granted at the Site and there is adverse departmental and/or public comment against the development;
 - (c) the applicant fails to demonstrate that the development would not generate environmental nuisance and/ or adverse landscape impact on the surrounding areas; and
 - (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for other similar applications to proliferate into this part of the “V” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

1.3 For Members' reference, the following documents are attached:

- (a) RNTPC Paper No. A/YL-KTN/595 (Annex A-1)
- (b) RNTPC Paper No. A/YL-KTN/596 (Annex A-2)
- (c) Extract of minutes of the RNTPC meeting held on 4.5.2017 (Annex B)
- (d) Secretary of the Board's letter dated 18.5.2018 (Annex C)

1.4 Currently, the Sites are not subject to any active enforcement action.

2. Application for Review

On ~~8.1~~ 5.6.2018, the applicant applied, under section 17(1) of the Town Planning Ordinance, for a review of the RNTPC's decision to reject the applications. In support of the review, the applicant provided a written representation with justifications at **Annex D**.

3. Justifications from the Applicant

The justifications put forth by the applicant in support of the review applications are detailed in the applicant's written representation at **Annex D**. They can be summarized as follows:

- (a) It is well recognized the "V" zone is planned for village type development. However, the two sites have been left vacant for over 60 years, which has caused serious hygiene problem. The proposed development is for temporary use prior to long-term development.
- (b) The Sites are located in the midst of mixed open storage/storage yards, warehouses and unused land and not suitable for village type development.
- (c) The proposed development will only operate during working hours and no employees will stay at night. No disassembling and production activities will be carried to reduce possible noise and pollution problems. 24-hours CCTV will be provided within the Sites and fence walls will be built to address safety concerns. To address traffic concern, truck exit and enter the Sites would avoid in rush hour (e.g. no truck before 9:30am).
- (d) No tree will be removed from the Site and provision of compensation planation will be considered to keep the surrounding greener.

4. The Section 16 Application

The Site and its Surrounding Areas (Plans R-1, R-2, aerial photo on Plan R-3 and photos on Plans R-4a and R-4c)

4.1 The situations of the Site and its surrounding areas at the time of the consideration of the s.16 application by the RNTPC were described in

paragraphs 8.1 and 8.2 of **Annex A**. There has been no material change of the situations since then (**Plan R-2, R-4a to R-4c** refer).

4.2 The Site is:

- (a) partly fenced, vacant and covered by vegetation; and
- (b) accessible via a local track branching off from Kam Tin Road.

4.3 The surrounding area is a mix of residential development namely Season Monarch, Shek Kong Barracks, open storage/storage yards, a warehouse and vacant/unused land. The open storage / storage yards are suspected UD subject to enforcement action by the Planning Authority:

- (a) to its east are open storage/ storage yards, warehouse and vacant/unused land;
- (b) to its south are vacant/unused land and amenity areas. To its further south across Kam Tin Road is Shek Kong Barracks;
- (c) to its west is vacant/unused land; and
- (d) to its north is a residential dwelling/structure (the nearest residential dwelling/structure is about 5m away from application no. A/YL-KTN/596 and about 20m away from application no. A/YL-KTN/595). A residential development namely Season Monarch is located at its further northeast. Across a nullah of its further north, there are some open storage/ storage yards and vacant/unused land.

Planning Intentions

4.4 There has been no change of planning intentions of the “V” and “R(C)2” zone, which is mentioned in paragraph 9 of **Annex A-1** and **Annex A-2**.

4.5 The planning intention of the “V” is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

4.6 The planning intention of the “R(C)2” zone is primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board

Town Planning Board Guidelines

- 4.7 Town Planning Board Guidelines No. 13E for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13E) promulgated by the Board on 17.10.2008 is relevant to the consideration of the s.16 application, is still effective. The relevant assessment criteria of the Guidelines are set out as Appendix II of **Annexes A-1** and **A-2**.

Previous Applications

There is no previous application at the Site at the time of consideration of the s.16 application mentioned in paragraph 6 of **Annexes A-1** and **A-2**.

Similar Applications

There is no similar application for proposed temporary open storage use within the subject “V” and “R(C)2” zone on the OZP at the time of consideration of the s.16 application mentioned in paragraph 7 of **Annexes A-1** and **A-2**. There has been no change to the situation since then.

5. Comments from Relevant Government Departments

- 5.1 Comments on the s.16 application made by relevant Government departments are stated in paragraphs 10.1 and 10.2 of **Annexes A-1** and **A-2**.
- 5.2 For the review application, the relevant Government departments have been further consulted and the comments are summarized as follows:

Environment

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

- (a) A substantiated environmental complaint on waste aspects for dumping of construction waste was received in January 2016 for Application no. A/YL-KTN/595 and no environmental comment received in the past 3 years for Application no. A/YL-KTN/596.
- (b) In accordance with the latest “Code of Practice on Handling the Environmental Aspect of Temporary Uses and Open Storage Sites” (the COP), he does not support the application as there are sensitive receivers nearby (the nearest is at about 20m for Application no. A/YL-KTN/595 and 5m for Application No. A/YL-KTN/596 on the north) (**Plan R-2**) and in the vicinity of the Site, and environmental nuisance is expected.
- (c) Should the application be approved, relevant approval conditions to restrict heavy vehicles as well as dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities should be address the environmental concerns. The applicant is also advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary uses and Open Storage

Sites” issued by DEP to minimize any potential environmental nuisances.

District Officer’s Comments

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

He has not received any comment from the locals upon close of consultation and he has no particular comment on the applications.

5.3 The following Government departments have no further comment on the review application and maintain their previous views on the s.16 application as stated in paragraph 10.1 of **Annex A** and recapitulated below:

Land Administration

5.3.1 The District Lands Officer, Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Sites comprises an 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 Sites are accessible to Kam Tin Road via Government Land (GL) and private land. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way to the Site.
- (c) The Sites fall within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structure shall not exceed the relevant airfield height limit within SKAHRA.
- (d) Should planning approval be given to the planning application, the lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularities on site. Such application(s) will be considered by LandsD acting in the capacity as landlord or lessor at its sole discretion and there is no guarantee that such application 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.
- (e) There is no Small House application approved or under processing within the Sites.

Traffic

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

- (a) He has no comment on the applications from traffic engineering perspective.
- (b) Should the applications be approved, approval condition on no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period should be incorporated.
- (c) The Sites are connected to the public road network via a section of a local access road which is not managed by Transport Department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.

5.3.3 Comments of the Chief Highway Engineer/NT West, Highways Department (CHE/NTW, HyD):

- (a) HyD does not and will not maintain any access connecting the Sites and Kam Tin Road. The applicant should be responsible for his own access arrangement.
- (b) Adequate drainage measures should be provided to prevent surface water running from the Sites to the nearby public roads and drains.

Nature Conservation

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

- (a) As the Sites are located within “V” zone and “R(C)2” zone (for application no. A/YL-KTN/596 only) and is surrounded by temporary structures, he has no adverse comment on the applications from nature conservation point of view.
- (b) Nonetheless, there is an abandoned meander (95CD-6) (**Plan R-2**) located to the north of the Sites. Should the application be approved, the applicant should be advised to adopt appropriate measures to prevent polluting the meander.

Landscape

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

- (a) She has reservations on the applications from the landscape planning perspective.
- (b) The Sites are predominantly in rural character and comprises of tree groups interspersed with village clusters and occasional open storages. Similar land use can be found in close proximity of the Sites. The proposed use is considered not incompatible with the existing landscape context.
- (c) Based on the site inspection in March 2018, the Sites are currently vacant covered with wild groundcovers and tree groups in good to fair condition (for A/YL-KTN/595) and in fair condition (for A/YL-KTN/596). According to the proposed layout plan, the proposed use is in direct conflict with existing trees and tree felling is necessary. However, according to paragraph 8 of the application forms in Appendix I of **Annexes A-1** and **A-2**, the applicant mentioned that no tree felling will be involved in the proposed developments. Although the existing trees are either common or invasive species in Hong Kong, these trees form part of the tree groups in the area which is the major landscape resources in proximity. Moreover, no landscape proposal is provided to alleviate the potential permanent adverse impact to surrounding environment in particular the residential developments to its north due to the proposed temporary development.
- (d) Should the applications be approved, approval condition on submission and implementation of landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the Board should be included.

Drainage

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

- (a) He has no in-principle objection to the proposed developments from the public drainage point of view.
- (b) Should the applications be approved, approval conditions requiring the submission of a drainage proposal and implementation of the drainage proposal for the development to the satisfaction the Director of Drainage Services or of the Board should be included.
- (c) Detailed comments on the drainage proposal are at Appendix III of **Annex A-1** for application no. A/YL-KTN/595 **and** Appendix III of **Annex A-2** for application no. A/YL-KTN/596.

Fire Safety

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

- (a) He has no in-principle objection to the applications subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposals, 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. 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 site in Appendix IV of **Annexes A-1** and **A-2** should be adhered to.
- (c) Having considered the nature of the open storage use, the condition on the provision of fire extinguisher(s) within 6 weeks from the date of the planning approval should be included in the planning permission. To address this condition, the applicant should submit a valid fire certificate (FS251) to his department for approval.
- (d) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Electricity

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

- (a) He has no particular comment on the applications from electricity supply safety aspect.
- (b) In the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

Building Matters

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

- (a) Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (b) If the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of his department, they are unauthorized under the BO and should not be designated for any approved use under the application.
- (c) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.
- (d) 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.
- (e) 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.

5.4 The following Government departments have no further comment on the review application and maintain their previous views of having no comment on the s.16 application below:

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Project Manager/New Territories West, Civil Engineering and Development Department (PM/NTW, CEDD); and (pending 595)
- (c) Commissioner of Police (C of P).

6. Public Comments on the Review Applications Received During Statutory Publication Period

6.1 On 15.6.2018, the review applications were published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 6.7.2018, four commenters including a Yuen Long District Council member, a Kam Tin resident, a resident and a general public objecting

application No. A/YL-KTN/595 (**Annexes E-1 to E-4**) and five commenters from Yuen Long District Council member, a Kam Tin resident, two residents and a general public objecting application No. A/YL-KTN/596 were received (**Annexes E-5, E-2, E-3, E-6 and E-7**). The objection reasons mainly are that the proposed development does not in line with the TPB PG-No. 13E where the Sites are located in Categories 4 areas that would normally be rejected except under exceptional circumstances. No previous approval for open storage use was approved and no similar application within the same “V” zone since the promulgation of the said guideline. Approval of the application even on temporary basis would set undesirable precedent for similar application; the proposed use would generate adverse traffic, environmental and fire safety impacts and create noise nuisance that affect the nearby residents; and the Site is zoned “V” for residential use which is not for commercial activities.

- 6.2 A total of 11 and 9 public comments were received for Applications no. A/YL-KTN/595 and 596 respectively at the s.16 application stage. All of the them object the applications. Details for Applications no. A/YL-KTN/595 and A/YL-KTN/596 are at paragraph 11 of **Annexes A-1 and A-2** respectively.

7. **Planning Considerations and Assessments**

- 7.1 The application is for a review of RNTPC’s decision on 4.5.2018 to reject two applications for proposed temporary open storage of vehicles and sales of construction machinery parts for a period of 3 years. The rejection reasons were that the proposed use was not in line with the planning intention; not comply with TPB PG No. 13E in that no previous approval has been granted at the Sites and there was adverse departmental comment and/or public comments on the applications; failed to demonstrate the development would not generate adverse environmental nuisance and/or landscape impact on the surrounding; setting an undesirable precedent and the cumulative effect of approving such applications would result in general degradation of rural environment of the area. The applicant submitted justifications in support of the review applications mainly on the grounds that the Sites have been left vacant for years which causes illegal activities and hygiene problem; the proposed use is only temporary prior to long-term development; the Sites are located in the midst of open storage/storage yards, warehouses and unused land, and not appropriate for village houses; no dissembling and production activities will be carried to reduce possible noise and pollution problems; and no trees will be removed and provision of compensation planation will be considered to keep the surrounding greener. The planning considerations and assessments are appended below.

- 7.2 According to TPB PG-No. 13E, the Site falls within Category 4 areas. The following guidelines are relevant:

Category 4 areas: these are areas with ponds or wetland or with extensive vegetation or close to environmentally or ecologically sensitive areas, areas which are mostly used for residential purpose or proposed for such purposes, areas near existing major village settlements or areas subject to extremely high flooding risk. Applications for open storage and port back-up uses in Category 4 areas would normally be rejected except under exceptional circumstances. For applications on sites with previous planning approvals, and subject to no adverse departmental comments and local objections, sympathetic

consideration may be given if the applicants have demonstrated genuine efforts in compliance with approval conditions of the previous planning applications and included in the applications relevant technical assessments/proposals, if required, to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. The intention is however to encourage the phasing out of such non-conforming uses as early as possible. Since the planning intention of Category 4 areas is to phase out the open storage and port back-up uses, a maximum period of 2 years may be allowed upon renewal of planning permission for an applicant to identify suitable sites for relocation. No further renewal of approval will be given unless under very exceptional circumstances and each application for renewal of approval will be assessed on its individual merits.

- 7.3 Both Applications No. A/YL-KTN/595 and A/YL-KTN/596 are for the proposed temporary open storage of vehicles and sales of construction machinery parts for a period of 3 years. The former totally falls within the “V” zone while the latter largely falls within the “V” zone (99%). Both proposed developments are not in line with the planning intention of the “V” zone which is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. According to DLO/YL of LandsD, there is no Small House application approved or under processing at the Site. Although the applicant stated that the proposed developments are temporary use, no strong planning justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis.
- 7.4 The applicant stated that the Sites are located in the midst of mixed open storage/ storage yards, warehouses and unused land. However, the Sites are surrounded by residential dwellings/ structures (including the Seasons Monarch) on the north, and vacant/ unused land on the west and south (**Plan R-2**). The open storage yards/ warehouses are located on the east which are suspected unauthorized development subject to enforcement action by the Planning Authority. The proposed developments are considered not compatible with the surrounding land uses including residential developments in the same “V” zone (**Plan R-2**).
- 7.5 The applicant stated that the Sites will only be operated during working hours and no employees will stay overnight, excessive noise impact is not anticipated. No production activity will be take place within the Site and the Site will be paved to prevent possible pollution to the soil. However, DEP does not support the application as there are residential dwellings/structures in the vicinity (i.e. the nearest one is about 5m away from the Site of Application no. A/YL-KTN/596 and 20m away from the Site of Application no. A/YL-KTN/595) (**Plan R-2**), and environmental nuisance is expected. For Application no. A/YL-KTN/595, a substantiated environmental complaint on waste aspects for dumping of construction waste was received in January 2016. The applicant stated that no trees would be removed in the Sites and provision of compensation planation will be considered to keep the surrounding greener. However, CTP/UD&L has reservation on the application as the proposed use is in direct conflict with existing trees and tree felling is necessary but it was not

mentioned in the applicant's proposal. Also, no landscape proposal is provided to alleviate the potential permanent adverse impact to surrounding environment in particular the residential developments to its northeast due to the proposed temporary development.

- 7.6 The development is not in line with the TPB PG-No. 13E in that applications for open storage and port back-up use in Category 4 areas would normally be rejected except under exceptional circumstances. In this regard, there is no exceptional circumstances in the current application that warrant sympathetic consideration in the Category 4 area. Besides, no previous approval for open storage use had been granted at the Site, and there are adverse departmental comment (i.e. DEP and CTP/UD&L of PlanD) and local objection on the application. In this connection, the applicant fails to demonstrate that the development would not generate adverse environmental nuisance and adverse landscape impact on the surrounding areas.
- 7.7 There is no similar application within the same "V" zone since the promulgation of TPB PG-No. 13E on 17.10.2008 on the OZP. Approval of the current application, even on a temporary basis, would set an undesirable precedent for similar applications within the "V" zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.
- 7.8 Four public comments and five public comments for Applications no. A/YL-KTN/595 and 596 respectively were received during the statutory publication period at the s.17 review stage of the application. All of them object to the application mainly on the grounds as stated in paragraph 6 above. In this regard, relevant Government Departments' comments and planning assessments above are relevant.

8. Planning Department's Views

- 8.1 Based on the assessments made in paragraph 7, and having taken into account the public comments mentioned in paragraph 6, and given that there is no major change in the planning circumstances since the consideration of the subject applications by the RNTPC on 4.5.2018, the Planning Department maintains its previous view of not supporting the review applications for the following reasons:
 - (a) the development is not in line with the planning intention of the "V" zone which is intended to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within the "V" zone is primarily intended for development of Small Houses by indigenous villagers. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
 - (b) the application does not comply with the TPB PG-No. 13E in that the development is not compatible with the surrounding land uses which are predominated by residential structures/dwellings. There is also no

previous approval granted at the Site and there is adverse departmental and public comments against the development;

- (c) the applicant fails to demonstrate that the development would not generate environmental nuisance and adverse landscape impact on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for other similar applications to proliferate into this part of the “V” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

8.2 Alternatively, should the Committee decide to approve the application, the permission shall be valid on a temporary basis for a period of 2 years, instead of 3 years period sought, until 24.8.2020 to monitor the situation on the Site. 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 8:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on labour holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the Site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the provision of the boundary fence for the Site within **6** months from the date of the planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 24.2.2019;
- (g) the submission of landscape and tree preservation proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 24.2.2019;
- (h) in relation to (g) above, the implementation of landscape and tree preservation 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 24.5.2019;

- (i) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 24.2.2019;
- (j) in relation to (i) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 24.5.2019;
- (k) the provision of fire extinguisher(s) within 6 weeks with a valid fire certificate (FS 251) from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 5.10.2018;
- (l) the submission of fire services installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 24.2.2019;
- (m) in relation to (l) above, the implementation of fire services installations proposal within 9 months 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;
- (n) if any of the above planning conditions (a), (b), (c), (d) or (e) 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;
- (o) if any of the above planning conditions (f), (g), (h), (i), (j), (k), (l) or (m) 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
- (p) upon expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are attached at **Annex F**.

8. Decision Sought

- 8.1 The Board is invited to consider the application for review of the RNTPC's decision and decide whether to accede to the application.
- 8.2 Should the Board decide to approve the review 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.

- 8.3 Alternatively, should the Board decide to reject the review application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

9. Attachments

Annex A-1	RNTPC Paper No. A/YL-KTN/595
Annex A-2	RNTPC Paper No. A/YL-KTN/596
Annex B	Extract of minutes of the RNTPC meeting held on 4.5.2018
Annex C	Secretary of the Board's letters dated 18.5.2018
Annex D	Letter dated 5.6.2018 from the applicant applying for review of the application with justifications
Annexes E-1 to E-7	Public comments on the review application
Annex F	Advisory Clauses
Plan R-1	Location Plan
Plan R-2	Site Plan
Plan R-3	Aerial Photo
Plans R-4a & R-4c	Site Photos

**PLANNING DEPARTMENT
AUGUST 2018**