

**REVIEW OF APPLICATION NO. A/YL-KTS/781**  
**UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE**

**Temporary Open Storage of Construction Materials and Machineries for a Period of 3  
Years in “Agriculture” Zone, Lot 1595 (Part) in D.D. 113,  
Ma On Kong, Kam Tin, Yuen Long**

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**1. Background**

- 1.1 On 27.3.2018, the applicant, Mr. CHOI Ying Sang, sought planning permission to use the application site (the Site) for temporary open storage of construction materials and machineries for a period of 3 years under s.16 of the Town Planning Ordinance (the Ordinance). The Site falls within an area zoned “Agriculture” (“AGR”) on the draft Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/14 at the time of s.16 submission and currently in force (**Plan R-1**). The Site is currently paved and being used for the applied use without planning permission (**Plans R-2 and R-4a to 4b**).
- 1.2 On 18.5.2018, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the application and the reasons were:
  - (a) the development is not in line with the planning intention of the “AGR” zone which is to retain and safeguard good agricultural land for agricultural purposes. This zone is also intended to retain fallow arable land with good potential for rehabilitation. 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 there is no previous approval granted at the Site and there are adverse departmental comments and local objections on the application;
  - (c) the applicant fails to demonstrate that the development would not generate environmental nuisance and adverse landscape impacts on the surrounding area; and
  - (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” 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-KTS/781 (Annex A)
- (b) Extract of minutes of the RNTPC meeting held on 18.5.2018 (Annex B)
- (c) Secretary of the Board's letter dated 1.6.2018 (Annex C)

1.4 The Site and its adjoining Government land are the subject of current planning enforcement action (No. E/YL-KTS/397) involving storage use. Enforcement Notice (EN) was issued to the responsible person on 14.3.2018 under s.23(1) of the Town Planning Ordinance (TPO). According to the recent site inspection, it was noted that the requirements of the EN had not been complied with. Further enforcement/prosecution action against the responsible persons would be considered.

## 2. **Application for Review**

On 15.6.2018, the applicant applied, under section 17(1) of the Ordinance, for a review of the RNTPC's decision to reject the application (Annex D). In support of the review, the applicant submitted the following:

- (a) Written representation received on 15.6.2018 (Annex D)
- (b) Further Information (FI) with justification received on 20.8.2018 (Annex E)

## 3. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the review application are detailed in the application's FI at Annex E. They can be summarized as follows:

- (a) The applied use will not affect the "Conservation Area" ("CA") zone as the "CA" zone is located at some distance from the Site, and there is an access separating the Site and the "CA" zone.
- (b) The Site has no potential for agricultural rehabilitation and there is no agricultural activity in the vicinity. Since the completion of Tai Lam Chung Reservoir, the water resource of the area has been cut off and redirect to the reservoir and no water supply could be found in the vicinity to support agricultural activity. Also, there are two ingress/egresses located next to the Tai Lam Tunnel which is foreseen that the area may be planned for large-scale residential development. Also, farming cannot support living nowadays.
- (c) The applied use is supported by the local residents including village representatives and the Rural Committee. The objecting comments received at the s.16 application were mainly from green groups/organizations not from local and they did not understand the situation and condition of the Site.

- (d) The Site is located in the fringe of Ma On Kong Village and Ho Pui Village, hence no environmental nuisance to the villagers is caused by the applied use.
- (e) Regarding the concern on setting undesirable precedent, the Board would consider each application on individual merits and will not be affected by precedent cases.

#### 4. **The Section 16 Application**

*The Sites and its Surrounding Area* (**Plans R-1, R-2**, aerial photo on **Plan R-3** and photos on **Plans R-4a to 4c**)

- 4.1 The situation of the Site and its surrounding areas at the time of the consideration of the s.16 application by the RNTPC were described in paragraph 8 of **Annex A**. There has been no material change of the situation since then (**Plan R-2**).
- 4.2 The Site is:
  - (a) paved and used for the applied use without valid planning permission; and
  - (b) accessible via a local track from Kam Ho Road.
- 4.3 The surrounding areas are rural in character mixed with open storage/storage yards, residential structures/dwellings and vacant/unused land. The open storages/storage yards are mostly suspected unauthorized development subject to enforcement action by the Planning Authority (**Plan R-2**):
  - (a) to its immediate east, northeast and south is an area of unused land and vegetated slope zoned “CA”; and
  - (b) to its southwest and northwest are open storage/storage yards, residential dwellings/structures (the nearest about 40m to the northwest), cultivated agricultural land, a farm and vacant/unused land. A streamcourse is located on the west of the Site (**Plans R-2 and R-4c**).

#### *Planning Intention*

- 4.4 There has been no change of planning intention of the “AGR” zone, which is mentioned in paragraph 9 of **Annex A**.

#### *Town Planning Board Guideline*

- 4.5 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, and is still

effective. The relevant assessment criteria of the Guidelines are set out as Appendix II of **Annex A**.

#### Previous Application

- 4.6 The previous application at the time of consideration of the s.16 application is mentioned in paragraph 6 of **Annex A**. Details of the application are summarized in Appendix III of **Annex A** and the location of the site is shown on **Plan R-1**. Since then, no additional previous application is involved.
- 4.7 Application No. A/YL-KTS/421 for temporary open storage of construction materials and machinery for a period of 3 years was rejected by the Board upon review on 12.9.2008 on the grounds that the development was not in line with the planning intention of the “AGR” zone; the application did not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Use’ in that the development was not compatible with the surrounding land uses, no previous approval granted at the site and there were adverse departmental comments; insufficient information to demonstrate that the proposed development would not generate adverse environmental, landscape and drainage impacts; the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications.

#### Similar Applications

- 4.8 At the time of consideration of the s.16 application, there are three similar applications (No. A/YL-KTS/529, 710 and 732) within the same “AGR” zone since the promulgation of the TPB PG-No. 13E on 17.10.2008 as mentioned in paragraph 7 of **Annex A**. Since then, there is no new similar application.
- 4.9 Applications No. A/YL-KTS/529 (for temporary open storage of recyclable materials (metals and plastics) for 3 years), 710 (for temporary open storage of construction machinery for 1 year) and 732 (for temporary open storage of construction tools, machinery and materials for 3 years) were rejected by the Committee on 15.4.2011 and 30.9.2016 (Application nos. A/YL-KTS/529 and 710 respectively) and by the Board upon review on 15.12.2017 (Application no. A/YL-KTS/732) mainly on the grounds that the development was not in line with the planning intention of the “AGR” zone; the application did not comply with the TPB PG-No. 13E in that there was no previous approval granted at the site and there were adverse departmental comments; the applicant failed to demonstrate that the development would not generate adverse environmental, drainage and/or landscape impacts; and approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications.

### **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 **Annex A**.

- 5.2 For the review application, the relevant Government departments have been further consulted and their updated comments are summarized as follows:

**District Officer's Comments**

- 5.2.1 The District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

- (a) He has no particular comments on the application.
- (b) He has received one comment from the Indigenous Inhabitant Representative (IIR) of Ma On Kong Tsuen supporting the application on the grounds that the applied use had been existed at the Site for over 10 years; the Site has been used for work site during the construction of Ho Pui Reservoir in the 1960s; the Site is not suitable for agricultural activities due to the lack of water supply and has not been used for agricultural activities; the applied use is a small and medium enterprise which should be supported.

**Land Administration**

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

- (a) The Site comprises an Old Schedule Agricultural Lot 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 Site is accessible to Kam Ho 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 Site does not fall within Shek Kong Airfield Height Restriction Area (SKAHRA).
- (d) Should planning approval be given to the 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, if any. 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. Applications for any of the above 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.\

## **Nature Conservation and Agriculture**

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

- (a) The Site is zoned as “AGR” but is abutting an area zoned as “CA” in the east. Upon site visit, the Site was apparently used for open storage of construction machineries and vehicles. The “CA” zone at the east of the Site was covered by common shrubs and herbaceous plants, as well as young native trees and fruit trees.
- (b) The “CA” zone separates the Tai Lam Country Park from the subject “AGR” zone. According to aerial photos and site visit, the storage activities may have encroached on the abutting “CA” zone. In view of such, he has concerns about encroachment and disturbance on the “CA” zone from the applied use. As such, he has reservation on the application from nature conservation point of view.
- (c) The earlier inspection in April 2018 revealed that agricultural activities were found in the vicinity of the Site. In addition, a streamcourse is also found near the Site (**Plans R-2 and R-4c**) which could be a potential irrigation source. Although the Site is paved, it possesses potentiality of agricultural rehabilitation and can still be used for greenhouse cultivation or plant nursery. As such, the application is not supported from agriculture point of view.

### 5.3 The following Government departments have no further comments 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:

#### **Traffic**

##### 5.3.1

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

- (a) He has no comment on the application from traffic engineering perspective.
- (b) Should the application 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 included.
- (c) The Site is connected to the public road network via a section of a local access road which is not managed by Transport Department (TD). 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.

5.3.2 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) His department is not and shall not be responsible for the maintenance of any existing vehicular access connecting the Site and Kam Ho Road.
- (b) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

**Environment**

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

- (a) There was no environmental complaint received in the past three years. However, in accordance with the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”, he does not support the application as there are sensitive receivers, i.e. residential dwellings/structures in the vicinity of the Site (the nearest about 40m to northwest), and environmental nuisance is expected.
- (b) The applicant is reminded that effluent discharges from the applied use are subject to control under the Water Pollution Control Ordinance (WPCO) and the applicant should obtain a discharge licence under the WPCO before a new discharge is commenced. It is the obligation of the applicant to meet the statutory requirements under relevant pollution control ordinances and provide necessary mitigation measures to prevent polluting the watercourse adjacent to the Site. If septic tank and soakaway system will be used, its design and construction shall follow the requirements of Environmental Protection Department (EPD)’s Practice Note for Professional (ProPECC) PN 5/93 “Drainage Plans subject to Comment by the Environmental Protection Department”.
- (c) Should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP.

### **Landscape**

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

- (a) He has reservations on the application from the landscape planning perspective.
- (b) The Site is located within a low-lying plain to the northwest of the Tai Lam Country Park. An area zone “CA” is located to the immediate east of the Site. The landscape in the surrounding area is predominately rural fringe in character consisting of natural streams and nullah, vacant land, and tree groups. Despite no planning permission has been granted, the area zoned “AGR” is dominated by open storage yards and temporary structures. The Site is the subject of a previous application for same temporary open storage of construction materials and machineries (application No. A/YL-KTS/421) rejected by the Board on review on 12.9.2008.
- (c) According to the aerial photo in 2005, the Site has been used as an open storage yard since then. With reference to the site inspection taken on 13.4.2018, no vegetation is found within the Site. Although further adverse impact on landscape resources due to the applied use is not expected, approval of the application may encourage other similar development first application later, resulting in irreversible changes to the existing landscape character in the area and potential risk of encroachment into the nearby “CA” zone.
- (d) Should the application be approved, approval condition on submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the Board should be included.

### **Drainage**

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

- (a) He has no objection in principle to the application.
- (b) Should the application be approved, approval conditions requiring the submission of a drainage proposal and implementation and maintenance of the drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board should be included in the planning permission.



### **Water Supply**

#### 5.3.6 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD)

He has no objection to the application. The Site is outside existing fresh water supply zone.

### **Fire Safety**

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

- (a) He has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. The good practice guidelines for open storage (Appendix V of **Annex A**) should be adhered to.
- (c) Having considered the nature of the open storage, an approval condition on provision of fire extinguisher(s) within 6 weeks from the date of 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.

### **Building Matters**

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

- (a) If the existing structures are erected on leased land without the approval of his department (not being a New Territories Exempted House), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application.
- (b) For unauthorized building work (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.

- (c) 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 UBW. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with 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:

- (a) Director of Electrical and Mechanical Services (DEMS);
- (b) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD); and
- (c) Commissioner of Police (C of P).

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

- 6.1 On 29.6.2018 and 30.8.2018, the review application and the FI were published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 20.7.2018 and 21.9.2018 respectively, a total of 8 public comments were received (**Annexes F-1 to F-8**).
- 6.2 Among them, seven public comments objecting the application were received from World Wide Fund for Nature Hong Kong (**Annexes F-2 and F-5**), The Hong Kong Bird Watching Society (**Annexes F-3 and F-4**), Designing Hong Kong Limited (**Annex F-6**), a Yuen Long District Council member (**Annex F-7**) and a member of the public (**Annex F-1**). The commenters object to the application mainly on the grounds that the applied use is not in line with the planning intention of "AGR" zone; the Site is subject to an enforcement case and approval of the application may encourage the "destroy first, build later" practice; the applied use encroaches onto the "CA" zone; and approval of the application would set an undesirable precedent for similar applications within

the “AGR” zone; the application is subject to adverse departmental comments; not in line with TPB PG-No. 13E; the Site is subject to previous rejected application; and there are similar rejected applications in the same “AGR” zone.

- 6.3 The remaining comment from the Pat Heung Rural Committee (**Annex F-8**) supports the application mainly on the grounds that the village representative of Ho Pui Tsuen considers that the applied use will not have adverse traffic and environmental impact on the village; the applied use has been operated for over 10 years; and small and medium enterprise should be supported.

## **7. Planning Considerations and Assessments**

- 7.1 The application is for a review of the RNTPC’s decision on 18.5.2018 to reject the application for temporary open storage of construction materials and machineries for a period of 3 years. The rejection reasons were that the development is not in line with the planning intention of the “AGR” zone; the application does not comply with TPB PG-No. 13E in that no previous approval has been granted at the Site and there are adverse departmental and local objection; the applicant fails to demonstrate that the development would not generate environmental nuisance and adverse landscape impacts on the surrounding area; and the approval of the application would set an undesirable precedent for similar applications. The applicant has submitted responses to the rejection reasons in support of the review mainly on the grounds that the applied use will not affect the “CA” zone; the Site is not suitable for agricultural rehabilitation due to lack of water resources; the applied use is supported by local residents and does not cause environmental nuisance to the villages; and approval of the application will not set an undesirable precedent. Planning considerations and assessments on the review application are appended below.

- 7.2 According to TPB PG-No. 13E, the Site falls within Category 3 areas. The following guidelines are relevant:

Category 3 areas: within these areas, “existing” and approved open storage and port back-up uses are to be contained and further proliferation of such uses is not acceptable. 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.

- 7.3 The development is for temporary open storage of construction materials and machineries for a period of 3 years in “AGR” zone. It is not in line with the

planning intention of the “AGR” zone which is to retain and safeguard good agricultural land for agricultural purposes and also to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC does not support the application from agricultural point of view as the Site possesses potential for agricultural rehabilitation and can be used for greenhouse cultivation or plant nursery. Although the applicant claimed that there is no water source at the vicinity of the Site, DAFC advised that a streamcourse is found near the Site (**Plans R-2 and R-4c**) and agricultural activities were found in the vicinity of the Site. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

- 7.4 The Site is adjoining a ‘CA’ zone to its east. The surrounding land uses are a mixture of open storage/storage yards, residential structures/dwellings, cultivated agricultural land, and vacant/unused land. While there are some open storage/storage yards in the vicinity of the Site (**Plan R-2**), it is noted that most of them are suspected unauthorized developments subject to enforcement action by the Planning Authority. The applicant stated that the applied use will not affect the “CA” zone. However, DAFC has reservation on the application from nature conservation point of view due to possible encroachment and disturbance on the nearby “CA” zone from the applied use. Also, CTP/UD&L, PlanD has reservation on the application from landscape planning perspective as approval of the application may encourage other similar development first application later, resulting in irreversible changes to the existing landscape character in the area and potential risk of encroachment into the nearby “CA” zone.
- 7.5 The development is not in line with the TPB PG-No. 13E in that there is no previous approval for open storage use granted at the Site and that “existing” and approved open storage use should be contained within the Category 3 areas and further proliferation of such uses is not acceptable. Besides, there are adverse departmental comments on the application. Apart from DAFC and CTP/UD&L of PlanD, DEP does not support the application as there are sensitive receivers i.e. residential dwellings/structures in the vicinity of the Site (the nearest about 40m to its northwest) and environmental nuisance is expected. There is no information in the submission to demonstrate that the applied use would not have adverse landscape impact and environmental nuisance. Hence, the current application does not warrant sympathetic consideration.
- 7.6 The Site is the subject of a previous application No. A/YL-KTS/421 for open storage use which was rejected by the Board on review on 12.9.2008. Also, there are three similar applications (Nos. A/YL-KTS/529, 710 and 732) within the same “AGR” zone which were rejected by Committee or by the Board on review on 15.4.2011, 30.9.2016 and 15.12.2017 respectively on similar considerations that the development was not in line with the planning intention of the “AGR” zone; the application did not comply with the TPB PG-No. 13E in that there was no previous approval granted at the site and there were adverse comments from the relevant government departments; the applicant failed to demonstrate that the development would not generate adverse environmental, drainage and/or landscape impacts; and approval of the application, even on a

temporary basis, would set an undesirable precedent for similar applications. Rejection of the current application is in line with the previous decision of the Committee/the Board on previous and similar applications.

- 7.7 A total of 6 public comments were received at the s.16 application stage, four of them objected and 2 of them supported the application. In the s.17 review application, a total of 7 comments object and 1 comment support the application as mentioned in paragraph 6 above. There was also one comment as conveyed by DO(YL) of HAD providing supporting comment on the application (paragraph 5.2.1). In this regards, the planning considerations and assessments as stated 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 application by the RNTPC on 18.5.2018, the Planning Department maintains its previous view of not supporting the review application for the following reason:
- (a) the development is not in line with the planning intention of the “AGR” zone which is to retain and safeguard good quality agricultural land for agricultural purposes. This zone is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. 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 no previous approval has been granted at the Site and there are adverse departmental comments on the application;
  - (c) the applicant fails to demonstrate that the development would not generate environmental nuisance and adverse landscape impacts on the surrounding area; and
  - (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” 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, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years until 9.11.2021. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval Conditions

- (a) no operation between 5:00 p.m. to 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation between noon to 5:00 p.m. on Saturdays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (d) 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;
- (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 planning approval to the satisfaction of the Director of Planning or of the TPB by 9.5.2019;
- (g) the submission of 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 9.5.2019;
- (h) in relation to (g) above, the implementation of 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 9.8.2019;
- (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 9.5.2019;
- (j) in relation to (i) above, the implementation of 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 9.8.2019;
- (k) in relation to (j) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (l) the provision of fire extinguisher(s) with a valid fire certificate (FS251) 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 21.12.2018;
- (m) the submission of fire service installation 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 9.5.2019;

- (n) in relation to (m) above, the provision of fire service installations 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 9.8.2019;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e) or (k) 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;
- (p) if any of the above planning conditions (f), (g), (h), (i), (j), (l), (m) or (n) 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
- (q) upon the expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

#### Advisory Clauses

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

### **9. Decision Sought**

- 9.1 The Board is invited to consider the application for review of the RNTPC's decision and decide whether to accede to the application.
- 9.2 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.
- 9.3 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.

### **10. Attachments**

<b>Annex A</b>	RNTPC Paper No. A/YL-KTS/781
<b>Annex B</b>	Extract of minutes of the RNTPC meeting held on 18.5.2018
<b>Annex C</b>	Secretary of the Board's letter dated 1.6.2018
<b>Annex D</b>	Letter dated 14.6.2018 from the applicant applying for review of the application
<b>Annex E</b>	FI with further justification received on 20.8.2018

<b>Annexes F-1 to F-8</b>	Public comments received during the statutory publication period
<b>Annex G</b>	Advisory clauses
<b>Plan R-1</b>	Location Plan
<b>Plan R-2</b>	Site Plan
<b>Plan R-3</b>	Aerial Photo
<b>Plans R-4a to R-4c</b>	Site Photos

**PLANNING DEPARTMENT  
NOVEMBER 2018**





**TPB Paper No.10488**  
**for Consideration by**  
**the Town Planning Board on 9.11.2018**

**REVIEW OF APPLICATIONS NO. A/YL-KTS/781**  
**UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE**

**Temporary Open Storage of Construction Materials and Machineries  
for a Period of 3 Years in “Agriculture” Zone, Lot 1595 (Part) in D.D. 113,  
Ma On Kong, Kam Tin, Yuen Long**