

# **TOWN PLANNING BOARD**

**TPB Paper No. 10454  
for Consideration by  
the Town Planning Board  
on 27.7.2018**

**REVIEW OF APPLICATION NO. A/YL-MP/268  
UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE**

**Proposed Temporary Open Storage of Construction Machinery and Equipment with  
Ancillary Converted Container Office and Staff Common Room for a Period of 3 Years in  
“Open Space” and “Village Type Development” Zones**

**Lots 22, 23, 24, 25, 29, 30, 31, 33, 34 and 38 in D.D. 101 and Adjoining Government Land  
(GL), San Tin, Yuen Long**

**REVIEW OF APPLICATION NO. A/YL-MP/268**  
**UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE**

**Proposed Temporary Open Storage of Construction Machinery and Equipment with  
Ancillary Converted Container Office and Staff Common Room for a Period of 3 Years in  
“Open Space” and “Village Type Development” Zones**

**Lots 22, 23, 24, 25, 29, 30, 31, 33, 34 and 38 in D.D. 101 and Adjoining Government Land  
(GL), San Tin, Yuen Long**

**1. Background**

- 1.1 On 14.2.2018, the applicant, Chief Force Limited, sought planning permission for a proposed temporary open storage of construction machinery and equipment with ancillary converted container office and staff common room for a period of 3 years at the application site (the Site) under s.16 of the Town Planning Ordinance (the Ordinance). The Site falls within an area partly zoned “Open Space” (“O”) and partly zoned “Village Type Development” (“V”) on the approved Mai Po and Fairview Park Outline Zoning Plan (OZP) No. S/YL-MP/6 (**Plan R-1**). The Site is currently vacant and accessible from the north via a local track leading from Castle Peak Road - Mai Po (**Plans R-4a to R-4c**).
- 1.2 On 6.4.2018, 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 proposed development is not in line with the planning intention of “Open Space” (“O”) and “Village Type Development” (“V”) zones. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;
  - (b) the proposed development is not in line with the Town Planning Board Guidelines for Application for Temporary Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that no previous approval has been granted for the site, there are adverse department comments on environmental and landscape aspects and local objection; and
  - (c) the approval of the application would set an undesirable precedent for similar applications within the “O” and “V” zones. The cumulative effect of approving such application would result in general degradation of the environment of the area.
- 1.3 For Members’ reference, the following documents are attached:
  - (a) RNTPC Paper No. A/YL-MP/268 (Annex A)
  - (b) Extract of minutes of the RNTPC Meeting held on 6.4.2018 (Annex B)

(c) Secretary of the Board's letter dated 20.4.2018

(Annex C)

1.4 The Site is not a subject of any active enforcement case.

## 2. **Application for Review**

On 30.4.2016, the applicant applied, under section 17(1) of the Ordinance, for a review of the RNTPC's decision to reject the application. In support of the review, the applicant submitted a written representation on 30.4.2018 (**Annex D**).

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

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

- (a) The application is for relocation of the applicant's open storage use from a brownfield site so as to continue the business operation. Given the increasing shortage of open storage sites, the Site is the only land the applicant could find for relocating his business. The applicant has no intention of setting any undesirable precedent or proliferate open storage use to the surrounding areas.
- (b) The applicant intends to optimize the use of the Site which has been left unused for many years. The applied use is temporary in nature and will not compromise the long term planning intentions of the "O" and "V" zones. Besides, the land owner has no timetable for development of the "O" and "V" zones.
- (c) According to Town Planning Board Guideline No. 13E for "Application for Open Storage and Port Back-up Uses" (TPB PG-No. 13E), the Site falls within Category 3 and 4 areas. Nevertheless, the Site has been hard paved and used previously for temporary open storage of construction machinery and construction materials. The Site does not have vegetation and is paved with gravel. There is no possibility of agricultural land rehabilitation.
- (d) The existing access of the Site, which is connected to Castle Peak Road - Mai Po, has been used by heavy vehicles servicing the nearby works site. To the applicant's knowledge, there is no complaint received from the adjacent villagers regarding any noise nuisance to them.
- (e) Should the application be approved, the applicant is willing to comply with the approval conditions (a) to (n) stated in paragraph 13.2 of the RNTPC paper for mitigation of any adverse environmental impact on the surrounding areas.

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

*The Site and Its Surrounding Areas* (**Plans R-1, R-2**, aerial photo at **Plans R-3** and site photos at **Plan R-4a to 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 paragraph 8 of **Annex A**. There

has been no material change of the situations since then.

#### Planning Intention

- 4.2 There has been no change of planning intention of the concerned “O” and “V” zones, which is mentioned in paragraph 9 of **Annex A**.

#### Town Planning Board Guidelines

- 4.3 The Town Planning Board Guidelines No. 13E for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13E) promulgated by the Town Planning Board on 17.10.2008 is relevant to the application. The Site falls within the Category 3 and 4 areas under the TPB PG-No. 13E. The relevant extract of the Guidelines is attached at Appendix II of **Annex A**.
- 4.4 The Town Planning Board Guidelines No. 12C for “Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C) promulgated by the Town Planning Board on 16.5.2014 is relevant to the application. The Site falls within the Wetland Buffer Area under TPB PG-No. 12C. The relevant extract of the Guidelines is attached at Appendix III of **Annex A**.

#### Previous and Similar Applications

- 4.5 The previous and similar applications at the time of the consideration of the s.16 application are mentioned in paragraphs 6 to 7 of **Annex A**. Since then, no additional applications are involved.

### **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 following Government departments have been further consulted and their comments are summarized as follows:

#### **Drainage**

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

He has no objection to the application. The drainage proposal should be prepared according to the “Guideline on preparation of the drainage proposal” available in DSD homepage at [https://www.dsd.gov.hk/EN/Files/Technical\\_Manual/dsd\\_guideline/Drainage\\_Submission.pdf](https://www.dsd.gov.hk/EN/Files/Technical_Manual/dsd_guideline/Drainage_Submission.pdf). In particular, the drainage proposal should be prepared and signed by a Registered Professional Engineer in the civil engineering discipline before it is submitted to DSD for comment. His comments on the s.16 application as stated in paragraph 10.1.9 of **Annex A** are still valid.

## **Environment**

### 5.2.2 Comments of the Director of Environmental Protection (DEP):

He does not support the application. He notes that the proposed use will generate traffic of heavy vehicles and the nearest residential dwellings is at about 4m from the Site. There are no mitigation measures provided to demonstrate that the environmental nuisance could be addressed.

## **Environmental Hygiene**

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

If any provision of cleansing service for new roads, streets, cycle tracks, footpaths, paved areas etc, is required, the Food and Environmental Hygiene Department (FEHD) should be separately consulted. Prior consent from FEHD must be obtained and sufficient amount of recurrent cost must be provided to FEHD. His comments on the s.16 application as stated in paragraph 10.1.12 of **Annex A** are still valid.

- 5.3 The following government departments have no further views/comments on the review application and maintain their previous views on the s.16 application as stated in paragraph 10.1 and 10.2 of **Annex A** and recapitulated below:

## **Land Administration**

### 5.3.1 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) No permission is given for occupation of Government land (GL) of about 405m<sup>2</sup> in area (subject to verification) included in the Site. Applicant's attention is drawn to the fact that the act of occupation of GL without Government's prior approval is not allowed.
- (c) The Site is accessible to Castle Peak Road – Mai Po through both GL and private land. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way.
- (d) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (e) According to LandsD's records, there is no Small House (SH) application currently under processing or approved within the Site. No SH applications are currently under processing and 2 SH applications have been approved in the vicinity (i.e. 30m from the Site).
- (f) Should planning approval be given to the application, the lot owners will need to apply to his office to permit the structures to be erected or

regularize any irregularity on site. Besides, the applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Such application will be considered by LandsD acting in the capacity of the landlord or lessor 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.

### **Nature Conservation**

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

Noting that the Site is paved and disturbed, he has no comment on the application from nature conservation point of view.

### **Traffic**

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

- (a) The applicant should indicate the clear width of ingress and egress point as well as the access road within the Site.
- (b) The Site is connected to the public road network via a section of local road which is not managed by Transport Department (TD). The land status of the local access road should be clarified with LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.

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

- (a) The proposed access arrangement of the Site should be commented and approved by TD;
- (b) HyD does not and will not maintain any access connecting the Site and Castle Peak Road - Mai Po; and
- (c) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

#### **5.3.5 Comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD 2-2, RDO, HyD):**

The Site falls within the gazetted railway schemes of the Northern Link. Although the programme and the alignment of the railway schemes are still under review, those areas within the gazetted area may be required to be vacated at the time during railway construction. The applicant shall be reminded of the above when planning its land use application.

## **Fire Safety**

### 5.3.6 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 the satisfaction of the D of FS.
- (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 the Fire Services Department (FSD) for approval. The applicant should also be advised on the following points:
  - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy;
  - (ii) the location of where the proposed FSI to be installed should be clearly marked on the layout plans; and
  - (iii) the 'Good practice guidelines for open storage' should be adhered to (Appendix V of **Annex A**).
- (c) Having considered the nature of the open storage, the following approval conditions shall be added:

The provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of D of FS.

To address this additional approval condition, the applicant should be advised to submit a valid fire certificate (FS 251) to FSD for approval.
- (d) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

## **Building Matters**

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

- (a) Before any new building works (including containers and open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of the Building Authority (BA) 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 Building Ordinance (BO).
- (b) For UBW erected on leased land, enforcement action may be taken by the BA 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) 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.
- (d) 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.

### **Open Space Provision**

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

- (a) He notes the application period is only for three years and has no in-principle objection to the application.
- (b) The Site is partly zoned “O” and partly zoned “V” on the OZP. It is not on the priority list for development agreed by the Yuen Long District Council (YLDC). DLCS has no plan to develop the site into public open space at present.

### **Landscape**

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

- (a) He has some reservation on the application from the landscape planning perspective.
- (b) The Site was the subject of a previously rejected application of temporary use in which he had reservations from landscape planning perspective. The surrounding is rural fringe character occupied by open storage yards, low-rise residential sites and village houses. The proposed use is considered not incompatible with existing landscape setting.
- (c) According to series of aerial photos since 1995, the Site has been used as open storage yards without planning approval since then.
- (d) With reference to site inspection photos taken on 2.3.2018, existing trees of common species, including weed tree *Leucaena leucocephala* (銀合歡), in good to fair condition are found along the site boundary. There is no information on the proposed landscape treatment in the submission for the proposed use in a site area of 7,711m<sup>2</sup>. Moreover, it is not certain if the proposed use will cause contamination to the soil that will have impact on the future use of the Site as open space.
- (e) Should the application be approved by the Board, the following approval condition is recommended to be included in the planning permission:

Submission and implementation of tree preservation and landscape proposal to the satisfaction of the Director of Planning or of the Board.



- (f) Groups of *Leucaena leucocephala* are found along the site boundary. *Leucaena leucocephala* is an invasive, exotic small tree that grows vigorously and forms dense thickets that prevent natural succession of native species. Its brittle branches and poorly developed root system also makes the tree susceptible to fall under strong wind. As such, the applicant should remove all *Leucaena* within the Site and provide compensatory tree planting.

### **Others**

#### 5.3.10 Comments of the Commissioner of Police (C of P):

He has no objection in principle subject to there being no activities in any form, whatsoever associated with Parallel Trading/ General Merchandise Operations (GMO) activities.

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

- (a) He has no particular comment on the application 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, organising 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.

### **District Officer’s Comment**

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

He has no comment on the application and local comment should be submitted to the Board directly, if any.

#### 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 as below:

- (a) Project Manager (West), Civil Engineering and Development Department (PM (W), CEDD);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (c) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD).

## **6. Public Comments received during Statutory Publication Periods**

- 6.1 A total of 6 public comments were received at the s.16 application stage with 5 objecting and 1 supporting the application. The objecting comments mainly raised concern on the adverse impacts on visual, environmental and traffic impacts, that the proposed open storage use would affect local property values, and legitimize a long time brownfield use located near residential dwellings. The supporting comment was of the view that the proposed development would not generate adverse impacts and would create local employment opportunities. Details are at paragraph 11 of **Annex A**.
- 6.2 The review application was published for public inspection on 11.5.2018. During the first three weeks of the statutory public inspection period, which ended on 1.6.2018, 3 public comments were received from the Owner's Committee of Royal Palms, nearby resident and member of the public (**Annex E**) objecting to the application as it would disturb Royal Palms' environs and the residents' livelihood; exacerbate existing problems associated with fragmented and chaotic land uses; endanger the local residents if storage of polluting/dangerous/ flammable goods was involved at the Site; pollute the environment and that no further justification were provided to justify the review application.

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

- 7.1 The application is for review of RNTPC's decision on 6.4.2018 to reject the application for proposed temporary open storage of construction machinery and equipment with ancillary converted container office and staff common room for a period of three years. The rejection reasons were that the proposed temporary open storage was not in line with the planning intention of the "O" and "V" zones, not in line with TPB PG-No. 13E in that no previous approval had been granted for the Site and there were adverse department comments on environmental and landscape aspects and local objection; and setting of an undesirable precedent for similar applications, the cumulative effect of approving such application would result in general degradation of the environment of the area.
- 7.2 The applicant submitted responses to the rejection reasons in support of the review application mainly on the grounds that (a) the Site is required for relocation of the applicant's open storage use from its existing brownfield site so as to continue the business operation as no other open storage sites could be identified; (b) the applied use is to optimize the Site's utilization which would otherwise be left unused, and is temporary in nature and will not compromise the long term planning intention of the "O" and "V" zones; (c) although the Site falls within Category 3 and 4 areas under TPB PG-No. 13E, it has been used previously for similar open storage use; and (d) the existing access of the Site has been used by heavy vehicles and there are no noise complaints from nearby villagers. Details are set out in paragraph 3 above. The planning considerations and assessments are appended below.
- 7.3 According to TPB PG-No. 13E, the Site falls within Category 3 and 4 areas. The following criteria are relevant:
- (a) 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. In that connection, 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, if required, to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on surrounding areas. Subject to no adverse departmental comments and local objections, or the concerns of the developments and local residents can be addressed through the implementation of approval conditions, planning permission could be granted on a temporary basis up to a maximum period of 3 years.

- (b) Category 4 areas: These areas include, amongst others, areas which are mostly used for residential purpose or proposed for such purposes and areas near existing major village settlements. Applications 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.

- 7.4 The proposed temporary open storage of construction machinery and equipment with ancillary converted container office and staff common room for a period of 3 years is not in line with the planning intention of the “O” and “V” zones. The planning intention for “O” zone is to allow for the provision of outdoor air-space for active and/or passive recreational uses serving the needs of local residents as well as the general public; while the “V” zone is primarily intended for development of small houses by indigenous villagers, to reflect the existing recognized and other villages and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Although the applicant stated that the Site has been left unused for many years and the proposed use is to optimize the use of the Site without affecting the long term planning intention for the Site, no strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.
- 7.5 The proposed use is not in line with TPB PG-No. 13E. For Category 3 areas, only “existing” and approved open storage use should be contained and further proliferation of such use is not accepted (Appendix II of **Annex A**). For Category 4 areas, application would normally be rejected except under exceptional circumstances, including on sites with previous planning approvals and subject to no adverse

departmental comments and local objection (Appendix III of **Annex A**). No previous approval had ever been granted at the Site and there are adverse departmental comments on environmental and landscape aspects and public objection against the application. Although the applicant stated that the Site has previously been used for similar open storage uses, they are unauthorized developments and no approval has ever been given to any application for temporary open storage use within “O” and “V” zones on the OZP (paragraph 7.6 below is relevant). The proposed open storage use is not compatible with the surrounding areas which are predominantly residential areas with village houses, domestic dwellings and some scattered storage yards which are suspected unauthorized developments.

- 7.6 Regarding DEP’s concerns on environmental nuisance generated by the proposed development, although the applicant states that the existing access of the Site has already been used by heavy vehicles and there is no noise complaint from nearby villagers, DEP maintains his objection to the application as the proposed use will generate traffic of heavy vehicles and there are sensitive uses in the vicinity of the Site (i.e. nearest residential dwelling at about 4m to its east) and environmental nuisance is expected (**Plan R-2**). There are no mitigation measures provided to demonstrate the environmental nuisance could be addressed and the applicant fails to demonstrate that the proposed development would not generate adverse environmental impacts. In view of the circumstances, the current application does not warrant sympathetic consideration. While the applicant stated that land for open storage use is limited and the Site is the only land they could find for relocation of the use, there are about 95 ha of land in total which is zoned “Open Storage” on the Mai Po & Fairview Park and the adjacent Ngau Tam Mei OZPs. The approval of the current application would set an undesirable precedent for similar applications within this part of the “O” and “V” zones. The cumulative effect of approving such applications would result in general degradation of the environment of the area.
- 7.7 The previous application at the Site (part) for temporary godown / open storage use was rejected on consideration that the proposed use was not in line with the planning intention of the “V” zone, being incompatible with surrounding uses and setting of undesirable precedence. There are also five applications for similar temporary open storage uses within the “O” and “V” zones which were rejected by the RNTPC and/or the Board. The current application is comparable to the rejected applications mainly on the consideration, amongst others, that the proposed uses were not in line with the planning intention of the zones; not compatible with surrounding land uses; having failed to demonstrate the development would not cause adverse environmental/landscape impacts; and setting of undesirable precedent leading to general degradation of the area. Rejection of the current application is in line with the previous decisions of the RNTPC.
- 7.8 Three objecting public comments were received during the statutory period at the s.17 review stage of the application raising concern that the proposed use would adversely impact /endanger local residents livelihood; storage of construction materials would pollute the environment; and no further justification has been provided to justify the review application. In this regard, relevant Government departments’ comments and planning assessments as stated in paragraphs 7.2 to 7.6 above are of relevance.

## **8. Planning Department's Views**

- 8.1 Based on the assessment made in paragraph 7, and having taken into account the public comments mentioned in paragraph 6, and given that there is no change in the planning circumstances since the consideration of the subject application by the RNTPC on 6.4.2018, the Planning Department maintains its previous view of not supporting the review application for the following reasons:
- (a) the proposed development is not in line with the planning intention of “Open Space” (“O”) and “Village Type Development” (“V”) zones. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;
  - (b) the proposed development is not in line with the Town Planning Board Guidelines for Application for Temporary Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that no previous approval has been granted for the site, there are adverse department comments on environmental and landscape aspects and local objection; and
  - (c) the approval of the application would set an undesirable precedent for similar applications within the “O” and “V” zones. The cumulative effect of approving such application would result in general degradation of the environment of the area.
- 8.2 Alternatively, should the RNTPC decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 2 years, instead of the applied 3 years, until 27.7.2020. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### **Approval conditions**

- (a) no operation between 7:00p.m. and 8:00a.m. from Monday to Saturday, 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 car washing, vehicle repair, dismantling, paint spraying or other workshop activities are allowed on the site at any time during the planning approval period;
- (d) the submission of drainage proposal within **6** months to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 27.1.2019;
- (e) in relation to (d) above, the implementation of drainage proposal within **9** months to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 27.4.2019;
- (f) the provision of fire extinguisher(s) within **6** weeks to the satisfaction of the Director of Fire Services or of the Town Planning Board by 7.9.2018;
- (g) the submission of fire service installations proposal within **6** months to the

satisfaction of the Director of Fire Services or of the Town Planning Board by 27.1.2019;

- (h) in relation to (g) above, the implementation of fire service installations proposal within **9** months to the satisfaction of the Director of Fire Services or of the Town Planning Board by 27.4.2019;
- (i) the submission of tree preservation and landscape proposal within **6** months to the satisfaction of the Director of Planning or of the Town Planning Board by 27.1.2019;
- (j) in relation to (i) above, the implementation of tree preservation and landscape proposal within **9** months to the satisfaction of the Director of Planning or of the Town Planning Board by 27.4.2019;
- (k) the provision of boundary fencing on the Site, within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 27.1.2019;
- (l) if any of the above planning conditions (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (d), (e), (f), (g), (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

#### **Advisory clauses**

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

### **9. Decision Sought**

- 9.1 The Board is invited to consider the application for a 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-MP/268  |
| <b>Annex B</b>            | Extract of Minutes of the RNTPC Meeting held on 6.4.2018   |
| <b>Annex C</b>            | Secretary of the Town Planning Board's letter dated 20.4.2018  |
| <b>Annex D</b>            | Letter dated 30.4.2018 from the applicant applying for review of the application with justifications |
| <b>Annex E</b>            | Public comments on the review application  |
| <b>Annex F</b>            | Recommended Advisory Clauses   |
| <b>Plan R-1</b>           | Location Plan with Similar and Previous Applications   |
| <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  
JULY 2018**