

RNTPC Paper No. A/YL-PH/760
For Consideration by
the Rural and New Town
Planning Committee
on 8.12.2017

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/760

<u>Applicant</u>	: Mr. TANG Kwan represented by Mr. CHENG Ka Cheung and Mr. CHONG Kim Wah
<u>Site</u>	: Lot 139 RP (Part) in D.D.108, Ta Shek Wu, Pat Heung, Yuen Long
<u>Site Area</u>	: About 1,405m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
<u>Zoning</u>	: "Residential (Group D)" ("R(D)") [maximum plot ratio of 0.2 and maximum building height of 2 storeys (6m)]
<u>Application</u>	: Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary open storage of construction materials for a period of 3 years. The Site is currently paved and vacant (Plans A-2 to A-4).
- 1.2 The Site was involved in five previous Applications Nos. A/YL-PH/240, 491, 515, 684 and 704 for various temporary open storage uses and were rejected by the Rural and New Town Planning Committee (the Committee) or the Town Planning Board (the Board) on review on 13.11.1998, 16.9.2005, 25.8.2006, 4.4.2014 and 31.10.2014 respectively.
- 1.3 According to the applicant, a one-storey container with an area of 15m² for office use and three light goods vehicles parking spaces will be provided within the Site. The operation hours are from 9 a.m. to 6 p.m. Monday to Saturday. There is no operation on Sundays and public holidays. No dismantling,

maintenance, repairing, cleansing, activities will be carried out on the Site. No vehicles exceeding 5.5 tonnes will be parked on the Site. The Site can be accessed via Fan Kam Road. The layout plan as submitted by the applicant is in Drawing A-1.

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

- (a) Application form dated 9.10.2017 (Appendix I)
- (b) Further Information (FI) received on 1.12.2017 in response to departmental comments on traffic arrangement (Appendix Ia)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Section 9 of the application form in Appendix I. They can be summarized as follows:

- (a) The proposed use is temporary in nature which will not jeopardize the long term planning intention of the "R(D)" zone and will not set undesirable precedent.
- (b) The layout of the proposed use is in accordance with the requirements under Town Planning Board Guidelines No. 13E for 'Application for Open Storage and Port Back-up Uses' (TPB PG-No.13E). The Site is located near Fan Kam Road with direct access to the Site. No additional vehicular access is needed.
- (c) An application No. A/YL-PH/720 in 2015 for public vehicle park (excluding container vehicles) has obtained support of 34 locals.

3. Compliance with the "Owner's Consent/Notification" Requirements

The applicant is not a "current land owner" but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the "Owner's Consent/Notification" Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31) by posting site notice and sending notice to the Pat Heung Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members' inspection.

4. Town Planning Board Guidelines

The Site falls within Category 3 areas under 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 (the Board) on 17.10.2008. The relevant extract of the Guidelines is attached at **Appendix II**.

5. Background

The Site is currently not the subject of any active planning enforcement case.

6. Previous Applications

- 6.1 The Site was involved in five previous Applications No. A/YL-PH/240, 491, 515, 684 and 704 for various temporary open storage uses. Details of the applications are summarized in **Appendix III** and their locations are shown on **Plan A-1b**.
- 6.2 Application No. A/YL-PH/240 for temporary open storage of construction materials (iron frames) covering a much larger site (10,000m²) for a period of 12 months was rejected by the Committee on 13.11.1998 for reasons that the proposed development was not in line with the planning intention of the "R(D)" zone; it was not compatible with the nearby village houses; there was insufficient information to demonstrate that the development have no adverse drainage impact on the surrounding areas, and a proper vehicular access could be provided; and setting undesirable precedent.
- 6.3 Applications No. A/YL-PH/491 and 515 covering a larger site area for temporary open storage of excavators and loaders / bulldozers for a period of 2 years were rejected by the Board on review on 16.9.2005 and 25.8.2006 respectively for reasons that the application was not in line with the planning intention for "R(D)" zone (for A/YL-PH/515 only); the applications did not comply with the TPB Guidelines for "Application for Open Storage and Port Back-up Uses" in that they were not compatible with the surrounding land uses and the residential structures in the vicinity; and there was insufficient information to demonstrate that the developments would not have adverse environmental and drainage impacts on the surrounding areas.
- 6.4 Application No. A/YL-PH/684 and the last Application No. A/YL-PH/704 covering the same site for temporary open storage of vehicles for sale for a period of 3 years and temporary open storage of plastic barriers and pipes for public utility purposes for a period of 2 years were rejected by the Committee on 4.4.2014 and 31.10.2014 respectively for reasons that the application was not in line with the planning intention for "R(D)" zone; the applications did not comply with the TPB Guidelines for "Application for Open Storage and Port Back-up Uses" in that no previous approval has been granted, there were adverse departmental comments and not compatible with surrounding land uses; the applicant failed to demonstrate that the development would not generate adverse

environmental and drainage impacts on the surrounding areas; and approving the applications would set undesirable precedents.

7. Similar Applications

- 7.1 There are 9 similar applications (No. A/YL-PH/602, 623, 662, 664, 681, 691, 695, 722 and 731) for various temporary open storage uses within the same "R(D)" zone on the OZP since the promulgation of the TPB PG-No. 13E on 17.10.2008. Applications No. A/YL-PH/623, 662, 681, 691, 695 and 722 were rejected by the Committee or the Board on review while Applications No. A/YL-PH/602, 664 and 731 were approved by the Committee. Details of these applications are summarized in Appendix IV and their locations are shown on Plan A-1a.

Approved Applications – three applications

- 7.2 Applications No. A/YL-PH/602, 664 and 731 covering the same site to the south of the Site for temporary open storage of excavators, loaders and / or construction materials were approved with conditions by the Committee on 29.1.2010, 19.4.2013 and 22.4.2016 respectively on similar considerations that there was no known permanent development at that part of the "R(D)" zone and the applications would not frustrate the planning intention of the "R(D)" zone; the developments were generally in line with the TPB Guidelines for 'Application for Open Storage and Port Back-up Uses' in that previous approvals had been granted since 2002; and the environmental concern could be addressed by appropriate approval conditions. The original approval of A/YL-PH/404 was granted in 2002 on review as the concerned applicant had demonstrated that the concerned open storage use would cause minimal noise impact and appropriate measures would be taken to minimize the noise impact.

Rejected Applications – six applications

- 7.3 The applications located to the north of the Site (No. A/YL-PH/623, 662 and 691) on the same site, Application No. A/YL-PH/681 on another site, and Applications No. A/YL-PH/695 and 722 on the same site, all for various temporary open storage uses for a period of 3 years were rejected by the Board on review or the Committee on 23.12.2011, 15.3.2013, 27.6.2014, 17.1.2014; and on 8.8.2014 and 8.1.2016 respectively on similar grounds that the developments were not in line with the planning intention of the "R(D)" zone; the applications did not comply with the TPB PG-No. 13E in that no previous approval had been granted; the applicants failed to demonstrate that there would not be adverse environmental, landscape and drainage impacts on the surrounding areas; there were adverse departmental comments and local objection against the applications; the developments were not compatible with

the surrounding land uses; and approval of the applications would set an undesirable precedent.

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

8.1 The Site is:

- (a) paved and currently vacant and surrounded by mature trees; and
- (b) accessible via a local track and a bridge branching off Fan Kam Road to the west at a distance of about 20m.

8.2 The surrounding areas are rural and natural in character mixed with open storage/storage yards, residential dwellings/structures, bee farm, a factory and vacant/unused land. Most of the open storage yards are suspected unauthorized development subject planning enforcement action :

- (a) to its south and west across Fan Kam Road are densely vegetated slope zoned "Conservation Area". To the further northwest is a bee farm and residential dwellings/structures;
- (b) to its immediate east is vegetated land. To its further east and north are unused land; residential dwellings/structure, parking of vehicles, open storage/storage yards and cultivated agricultural land; and
- (c) to its further southeast is an open storage of construction machinery with planning permission under Application No. A/YL-PH/731 (Plan A-2).

9. Planning Intention

The planning intention of the "R(D)" zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

10. Comments from Relevant Government Departments

- 10.1 The following Government departments have been consulted and their views on the application are summarized as follows:

Land Administration

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

- (a) The Site comprises 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 Site is accessible to Fan Kam Road via Government land (GL). His office provides no maintenance work for the GL involved and does not guarantee any right-of-way.
- (c) The Site does not fall within any Airfield Height Restriction Area.
- (d) Should the application be approved, the lot owner(s) will need to apply to his office if any structure to be erected on site. Such application(s) will be considered by Lands Department acting in the capacity as the landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as imposed by LandsD.

Traffic

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

He has no comment on the application from traffic engineering perspective. The following clauses should be incorporated into approval condition and advisory clause respectively:

- (a) No vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period.
- (b) The Site is 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 authorized accordingly.

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

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

Environment

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

- (a) There was no environmental complaint received in the past three years. However, he does not support the application as sensitive receivers, i.e. residential structures are found to the northeast (the nearest is about 90m from to its northeast (Plan A-2) and in the vicinity of the Site, and environmental nuisance is expected.
- (b) 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

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

- (a) He has no in-principle objection to the application from the landscape planning perspective.
- (b) The Site was the subject of five previous applications for which he had no in-principle objection to the last application (No. A/YL-PH/704). According to the aerial photo in April 2017 and site photos in October 2017, the Site is fenced off and situated in an area of rural landscape character comprising of small houses, tree groups and open storage in its vicinity. The proposed use is considered not incompatible to the surrounding environment. The Site is undeveloped and no trees were found within site boundary. Further significant impact on landscape resources due to the proposed use is not anticipated.

- (c) Should the application be approved by the Board, approval conditions on the submission and implementation of landscape proposal should be included.
- (d) The applicant is also advised that the Site is not far from the adjacent "Conservation Area" zone, a strong buffer along the southern site boundary with two rows of trees in zigzag form planted at-grade and shrubs mixed planting is highly recommended.

Nature Conservation

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

- (a) Noting that the Site has been paved, he has no comment on the application.
- (b) Nevertheless, there are some trees within and around the Site. Should the application be approved, the applicant is advised to prevent interfering the trees during operation as far as practicable.

Drainage

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

- (a) He has no in-principle objection to the application from the public drainage point of view.
- (b) Should the application be approved, approval conditions requiring the submission and implementation of a drainage proposal for the development should be included in the planning permission.

Fire Safety

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

- (a) He has no in-principle objection 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 plans 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. Besides, the good practice guidelines for open storage (Appendix V) should be adhered to.

- (c) Having considered the nature of the open storage use, approval condition on provision of fire extinguisher(s) within 6 weeks from the date of planning approval is recommended for inclusion in the planning permission. To address this condition, the applicant should submit a valid fire certificate (FS 251) 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.

Water Supplies

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

- (a) He has no objection to the application.
- (b) Should the application be approved, the applicant is required to submit an inspection report and maintenance arrangement of the existing steel bridge adjoining the Site within 3 months from the date of planning approval to his satisfaction.
- (c) Existing 10m waterworks reserve for the 48" raw water mains will be affected (Plan A-2). No structure shall be erected over this waterworks reserve and such area shall not be used for storage or car-parking purposes. No traffic loadings shall be imposed on the existing 48" raw water main. The Water Authority and his officer and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of construction, inspection, operation, maintenance and repair works. All other services across, through or under the waterworks reserve are required to seek authorization from the Water Authority. No trees or shrubs with penetrating roots may be planted within the waterworks reserve or in the vicinity of the water main shown on Plan A-2. Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site.

Building Matters

10.1.10 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.

District Officer's Comments

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

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

10.2 The following Government departments have no comment on the application:

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

11. Public Comments Received During Statutory Publication Period

On 17.10.2017, the application was published for public inspection. During the three weeks of the statutory public inspection period, which ended on 7.11.2017, one comment from a general public was received (Appendix VI). The commenter objects the application on the grounds that the Site has a history of rejected applications for storage and illegal land use to legitimize illegal brownfield use; the application should be rejected to encourage the land owners to develop the Site in accordance with the "R(D)" zone for residential use.

12. Planning Considerations and Assessments

12.1 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 within these areas, 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, if required, to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. 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, planning permission could be granted a temporary basis up to a maximum period of 3 years.

12.2 The proposed development is for temporary open storage of construction materials for a period of 3 years in "R(D)" zone. It is not in line with the planning intention of the "R(D)" zone which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential developments subject to planning permission from the Board. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

- 12.3 The proposed development is not compatible with the surrounding land uses which are rural and natural in character with dense vegetation / mature trees surrounding the Site. Extensive land with dense vegetation in the "CA" zone is located to the south and west of the Site (Plans A-1a and A-3). Further east and northeast of the Site comprise residential structures/dwellings, agricultural land and vacant/unused land (Plan A-2). While there are open storage yards in the area, most of them are suspected unauthorized development subject to enforcement actions by the Planning Authority.
- 12.4 The application does not comply with the TPB PG-No. 13E in that there is no previous approval 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 use is not acceptable. Moreover, DEP does not support the application as there are residential structures/dwellings located to the northeast (the nearest one is about 90m away) and in the vicinity of the Site (Plan A-2) and environmental nuisance is expected. Hence, the current application does not warrant sympathetic consideration.
- 12.5 Previous applications (No. A/YL-PH/240, 491, 515, 684 and 704) and similar applications (No. A/YL-PH/623, 662, 681, 691, 695 and 722) for various temporary open storage uses in the area were rejected by the Committee or the Board on review (paragraphs 6 and 7 and Plans A-1a and A-1b refer). Although Applications No. A/YL-PH/602, 664 and 731 covering the same site located to the southeast of the Site were approved with conditions by the Committee on 29.1.2010, 19.4.2013 and 22.4.2016 respectively (paragraph 7.2 and Plan A-1a refer), they were subject to previous approvals since 2002. While the applicant indicates that application No. A/YL-PH/720 for temporary public car park (excluding lorry car parking) was supported by 34 local residents in June 2015, the application was subsequently withdrawn by the applicant. Approval of the current application, even on a temporary basis, would set an undesirable precedent for similar applications within this part of the "R(D)" zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.
- 12.6 A public comment objecting the application was received as stated in paragraph 11 above. In this regard, the planning assessments and considerations above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comment in paragraph 11, the Planning Department does not support the application for the following reasons:

- (a) the development is not in line with the planning intention of the "R(D)" zone which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential developments subject to planning permission from the Board. 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 is adverse departmental comment on the application. The development is also not compatible with the surrounding land uses which are rural and natural in character with residential structures/dwellings and agricultural land;
- (c) the applicant fails to demonstrate that the development would not generate adverse environmental impact on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within this part of the "R(D)" zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

13.2 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 year until 8.12.2020. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and statutory 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 are allowed 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 boundary fencing within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 8.6.2018;
- (g) the submission of landscaping 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 8.6.2018;
- (h) in relation to (g) above, the implementation of landscaping 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 8.9.2018;
- (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 8.6.2018;
- (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 8.9.2018;
- (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 19.1.2018;
- (l) the submission of fire service 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 8.6.2017;
- (m) 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 8.9.2018;
- (n) the submission of an inspection report and maintenance arrangement of the existing steel bridge adjoining the site within 3 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the Town Planning Board by 8.3.2018;
- (o) 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;

- (p) if any of the above planning conditions (f), (g), (h), (i), (j), (k), (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 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

The recommended advisory clauses are attached at Appendix VII.

14. Decision Sought

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

15. Attachments

- Appendix I Application form dated 9.10.2017
- Appendix Ia FI received on 1.12.2017 in response to departmental comments on traffic arrangement
- Appendix II Relevant extract of Town Planning Board Guideline for “Application for Open Storage and Port Back-up uses” No. 13E
- Appendix III Previous applications covering the application site
- Appendix IV Similar applications within the same “R(D)” zone
- Appendix V Good Practice Guidelines for Open Storage Sites

Appendices VI	Public comment received during the statutory publication period
Appendix VII	Advisory Clauses
Drawing A-1	Site Layout Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications\ Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a & 4b	Site Photos

PLANNING DEPARTMENT
DECEMBER 2017

**Relevant Extracts of Town Planning Board Guidelines on
Application for Open Storage and Port Back-up Uses
(TPB PG-No.13E)**

1. On 17.10.2008, the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13E) were promulgated, which set out the following criteria for the various categories of area:
 - (a) Category 1 areas: favourable consideration will normally be given to applications within these areas, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments should be submitted if the proposed uses may cause significant environmental and traffic concerns;
 - (b) Category 2 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. Technical assessments, where appropriate, should be submitted to demonstrate that the proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas;
 - (c) Category 3 areas: applications would normally not be favourably considered unless the applications are on sites with previous planning approvals. Sympathetic consideration may be given if the applicants have demonstrated genuine efforts in compliance with approval conditions of the previous planning applications and included in the fresh applications relevant technical assessments/proposals to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. Planning permission could be granted on a temporary basis up to a maximum period of 3 years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions; and
 - (d) Category 4 areas: 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 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. 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 merit.

2. In assessing applications for open storage and port back-up uses, the other major relevant assessment criteria are also summarized as follows:
- (a) there will be a general presumption against development on sites of less than 1,000m² for open storage uses and 2,000m² for port back-up uses in rural areas, other than sites located in major corridors, industrial/godown/workshop areas, quarrying activities or where it is demonstrated that optimum use is made of the site. This is to prevent the further proliferation of small sites in rural areas, minimizing sprawl over countryside areas and reducing travel trips;
 - (b) port back-up sites and those types of open storage uses generating adverse noise, air pollution and visual intrusion and frequent heavy vehicle traffic should not be located adjacent to sensitive receivers such as residential dwellings, hospitals, schools and other community facilities;
 - (c) port back-up uses are major generators of traffic, with container trailer/tractor parks generating the highest traffic per unit area. In general, port back-up sites should have good access to the strategic road network, or be accessed by means of purpose built roads;
 - (d) adequate screening of the sites through landscaping and/or fencing should be provided where sites are located adjacent to public roads or are visible from surrounding residential areas;
 - (e) there is a general presumption against conversion of agricultural land and fish ponds to other uses on an ad hoc basis, particularly in flood prone areas or sites which would obstruct natural drainage channels and overland flow; and
 - (f) for applications involving sites with previous planning approvals, should there be no evidence to demonstrate that the applicants have made any genuine effort to comply with the approval conditions of the previous planning applications, planning permission may be refused, or a shorter compliance period for the approval conditions may be imposed, notwithstanding other criteria set out in the Guidelines are complied with.

**Appendix III of RNTPC
Paper No. A/YL-PH/760**

Previous Applications Covering the Application Site

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reasons</u>
1	A/YL-PH/240	Temporary open storage of construction materials (iron frames) for a period of 12 months	13.11.1998	(1), (2), (4), (5), (6)
2	A/YL-PH/491	Temporary open storage of excavators and loaders for a period of 2 years	16.9.2005 (on review)	(3), (5)
3	A/YL-PH/515	Temporary open storage of excavators and bulldozers for sale for a period of 2 years	25.8.2006 (on review)	(1), (3), (5)
4	A/YL-PH/684	Temporary open storage of vehicles for sale for a period of 3 years	4.4.2014	(1), (3), (4), (5)
5	A/YL-PH/704	Temporary open storage of plastic barriers and pipes for public utility purposes for a period of 2 years	31.10.2014	(1), (3), (4), (5)

Rejection Reasons

- (1) The development was not in line with the planning intention of the "R(D)" zone. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis.
- (2) The development was not compatible with the nearby village houses.
- (3) The application did not comply with the TPB Guidelines No. 13E for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13E) in that no previous approval had been granted at the site, and there were adverse departmental comments and/or the development was not compatible with the surrounding land uses which were predominated by residential structures/dwellings and agricultural land.
- (4) The approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the "R(D)" zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.
- (5) The applicant fails to demonstrate that the development would not generate adverse environmental and/or drainage impacts on the surrounding areas.
- (6) There is insufficient information to demonstrate that a proper vehicular access road could be provided to connect the site with Fan Kam Road.

Similar Applications within "R(D)" Zone on the Pat Heung Outline Zoning Plan

Approved Applications

	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (TPB/RNTPC)</u>	<u>Approval Conditions</u>
1	A/YL-PH/602	Temporary open storage of excavators and loaders for a period of 3 years	29.1.2010	(3), (4), (5), (6), (7), (8), (9), (10)
2	A/YL-PH/664	Temporary open storage of excavators and loaders and construction material for a period of 3 years	19.4.2013	(3), (4), (5), (6), (7), (8), (9), (10)
3	A/YL-PH/731	Temporary Open Storage of excavators loaders for a Period of 3 Years	8.1.2016	(1), (2), (3), (4)

Approval Conditions

- (1) Submission/implementation of landscaping/ tree preservation proposals within a specified date.
- (2) Submission/implementation of drainage proposals within a specified date.
- (3) Maintenance of the landscape planting on the site.
- (4) Restriction on operation hours.
- (5) Submission/provision of fire fighting and fire service installations within a specified time limit/should be maintained at all times during the approval period.
- (6) If any of the planning conditions is not complied with during the approval period/by the specified dates, the approval given shall cease to have effect and shall immediately/on the same date be revoked without further notice.
- (7) Reinstatement of the application site to amenity area upon the expiry of the planning permission.
- (8) No repairing, maintenance, dismantling, cleansing, paint spraying or other workshop activities.
- (9) Maintenance of the drainage facilities implemented on-site.
- (10) Provision of boundary fencing.

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reasons</u>
1	A/YL-PH/623	Temporary Open Storage of Sand and Bricks for 3 Years	23.12.2011 (on review)	(1), (2), (3)
2	A/YL-PH/662	Temporary Open Storage of Construction Machinery and Second-hand Private Vehicles and Lorries for 3 Years	15.3.2013	(1), (2), (3), (4)
3	A/YL-PH/681	Temporary Open Storage of Construction Machinery for 3 Years	17.1.2014	(1), (2), (3), (4)

4	A/YL-PH/691	Temporary Open Storage of Construction Machinery and Second-hand Private Vehicles and Lorries for 3 Years	27.6.2014	(1), (2), (3), (4)
5	A/YL-PH/695	Temporary Open Storage of Metals with Ancillary Office for a period of 3 years	8.8.2014	(1), (2), (3), (4)
6	A/YL-PH/722	Temporary Open Storage of Scrap Metal for a Period of 3 Years	8.1.2016	(1), (2), (3), (4)

Rejection Reasons

- (1) The development was not in line with the planning intention of the "R(D)" zone. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis.
- (2) The application did not comply with the TPB Guidelines No. 13E for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13E) in that no previous approval had been granted at the site, no technical assessments had been included in the submission/the applicant failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas, and there were adverse departmental comments and local objection against the application. The development was also not compatible with the surrounding land uses which were predominated by residential structures/dwellings and agricultural land/orchards.
- (3) The approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the "R(D)" zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.
- (4) The applicant fails to demonstrate that the development would not generate adverse environmental and drainage impacts on the surrounding areas.

Appendix V of RNTPC
Paper No. A/YL-PH/760

Good Practice Guidelines for Open Storage Sites

		Internal access for fire appliances	Lot boundaries (clear width)	Distance between storage cluster and temporary structure	Cluster size	Storage height
1.	Open Storage of Containers		2m	4.5m		
2.	Open Storage of non-combustibles or limited combustibles	4.5m	2m	4.5m		
3.	Open Storage of combustibles	4.5m	2m	4.5m	40m x 40m	3m

Remarks: Smoking and naked flame activities shall not be allowed within the open storage/recycling site.

- (a) To address the approval condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS 251) to his department for approval.
- (b) Should the applicant wish to apply for exemption from the provision of certain FSIs as prescribed, the applicant is required to provide justifications to his department for consideration.

Advisory Clauses

- (a) resolve any land issues relating to the development with the concerned owners of the site;
- (b) the Site should be kept in a clean and tidy condition at all times;
- (c) note DLO/YL, LandsD's comments that the Site 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. The Site is accessible to Fan Kam Road via Government land (GL). His office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The lot owner(s) will need to apply to his office if any structure to be erected on site. Such application(s) will be considered by Lands Department acting in the capacity as the landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as imposed by LandsD;
- (d) note C for T's comments that the Site is 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 authorized accordingly;
- (e) note CHE/NTW, HyD's comments that his department is not and shall not be responsible for the maintenance of the existing vehicular access connecting the Site and Fan Kam Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (f) 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;
- (g) note CTP/UD&L of PlanD's comments that the Site is not far from the adjacent "Conservation Area" zone, a strong buffer along the southern site boundary with two rows of trees in zigzag form planted at-grade and shrubs mixed planting is highly recommended;
- (h) note DAFC's comments that there are some trees within and around the Site, and the applicant is advised to prevent interfering the trees during operation as far as practicable;
- (i) note D of FS's comments that 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 plans 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. Besides, the good practice guidelines for open storage (Appendix V of the RNTPC paper) should be adhered to. Having considered the nature of the open storage use, approval condition on provision of fire extinguisher(s) within 6 weeks from the date of planning approval is recommended for inclusion in the planning permission. To address this condition, the applicant should submit a valid fire certificate (FS 251) to his department for approval. 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;

- (j) note CE/C, WSD's comments that existing 10m waterworks reserve for the 48" raw water mains will be affected (Plan A-2 of the RNTPC paper). No structure shall be erected over this waterworks reserve and such area shall not be used for storage or car-parking purposes. No traffic loadings shall be imposed on the existing 48" raw water main. The Water Authority and his officer and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of construction, inspection, operation, maintenance and repair works. All other services across, through or under the waterworks reserve are required to seek authorization from the Water Authority. No trees or shrubs with penetrating roots may be planted within the waterworks reserve or in the vicinity of the water main shown on Plan A-2 of the RNTPC paper. Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site; and
- (k) note CBS/NTW, BD's comments that if the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of the BD, they are UBW under the Buildings Ordinance (BO) and should not be designated for any use under the application. 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. 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. 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. 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.

TOWN PLANNING BOARD

Minutes of 593rd Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 8.12.2017

Present

Director of Planning
Mr Raymond K.W. Lee

Chairman

Mr H.W. Cheung

Vice-chairman

Professor K.C. Chau

Ms Janice W.M. Lai

Ms Christina M. Lee

Mr H.F. Leung

Dr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Dr C.H. Hau

Mr Alex T.H. Lai

Mr Stephen L.H. Liu

Miss Winnie W.M. Ng

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/760 Proposed Temporary Open Storage of Construction Materials for a
Period of 3 Years in "Residential (Group D)" Zone, Lot 139 RP (Part)
in D.D. 108, Ta Shek Wu, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/760)

91. The Secretary reported that the application site was located in Pat Heung and Ms Janice W.M. Lai had declared interest on the item as her family member owned property at Leung Uk Tsuen, Pat Heung. The Committee agreed that Ms Janice W.M. Lai could stay in the meeting as the property of her family member did not have a direct view on the application site.

Presentation and Question Sessions

92. Ms Carmen S.Y. Chan, TP/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed temporary open storage of construction materials for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential use in the vicinity of the application site and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one public comment objecting to the application was received from an individual. Major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The applied use was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone and there was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis. The applied use was not compatible with the surrounding land uses which were rural and natural in character with dense vegetation / mature trees, residential structures/dwellings and agricultural land. The applied use was not in line with the Town Planning Board Guidelines No. 13E in that no previous approval had been granted at the application site and that existing and approved open storage use should be contained within the Category 3 areas and further proliferation of such use was not acceptable. DEP did not support the application and the subject application did not warrant sympathetic consideration. Previous applications and similar applications for various temporary open storage uses in the area were rejected. Although three similar applications covering the same site located to the south-east of the application site were approved by the Committee from 2010 to 2016, they were subject to previous approvals since 2002. Approval of the application would set an undesirable precedent for similar applications within the “R(D)” zone, and cumulative effect of approving such applications would result in a general degradation of the rural environment of the area. Regarding the adverse public comment, the comments of government departments and planning assessments above were relevant.

93. Members had no question on the application.

Deliberation Session

94. After deliberation, the Committee decided to reject the application. The reasons were:

- “(a) the proposed development is not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential developments subject to planning permission from the Town Planning Board. 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 Town Planning Board Guidelines No. 13E in that no previous approval has been granted at the site and there is adverse departmental comment on the application. The proposed development is also not compatible with the surrounding land uses which are rural and natural in character with residential structures/dwellings and agricultural land;
- (c) the applicant fails to demonstrate that the development would not generate adverse environmental impact on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within this part of the “R(D)” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.”

城市規劃委員會

香港北角渣華道三百三十三號
北角政府合署十五樓

TOWN PLANNING BOARD

15/F., North Point Government Offices
333 Java Road, North Point,
Hong Kong.

傳 真 Fax: 2877 0245 / 2522 8426

電 話 Tel: 2231 4810

來函檔號 Your Reference:

覆函請註明本會檔號

In reply please quote this ref.: TPB/A/YL-PH/760

By Registered Post & Fax (

Annex C of

TPB Paper No. 10406

22 December 2017

Cheng Ka Cheung & Chong Kim Wah

Yuen Long, New Territories

Dear Sir/Madam,

**Proposed Temporary Open Storage of Construction Materials
for a Period of 3 Years in "Residential (Group D)" Zone,
Lot 139 RP (Part) in D.D. 108, Ta Shek Wu, Pat Heung, Yuen Long**

I refer to my letter to you dated 5.12.2017.

After giving consideration to the application, the Town Planning Board (TPB) decided to reject the application and the reasons are :

- (a) the proposed development is not in line with the planning intention of the "Residential (Group D)" ("R(D)") zone which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential developments subject to planning permission from the TPB. 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 Guidelines No. 13E in that no previous approval has been granted at the site and there is adverse departmental comment on the application. The proposed development is also not compatible with the surrounding land uses which are rural and natural in character with residential structures/dwellings and agricultural land;
- (c) you fail to demonstrate that the development would not generate adverse environmental impact on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within this part of the "R(D)" zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

A copy of the TPB Paper in respect of the application (except the supplementary planning statement/technical report(s), if any) and the relevant extract of minutes of the TPB meeting held on 8.12.2017, in both English and Chinese, are enclosed herewith for your reference.

Under section 17(1) of the Town Planning Ordinance, an applicant aggrieved by a decision of the TPB may apply to the TPB for a review of the decision. If you wish to seek a review, you should inform me within 21 days from the date of this letter (on or before 12.1.2018). I will then contact you to arrange a hearing before the TPB which you and/or your authorized representative will be invited to attend. The TPB is required to consider a review application within three months of receipt of the application for review. Please note that any review application will be published for three weeks for public comments.

Under the Town Planning Ordinance, the TPB can only reconsider at the review hearing the original application in the light of further written and/or oral representations. Should you decide at this stage to materially modify the original proposal, such proposal should be submitted to the TPB in the form of a fresh application under section 16 of the Town Planning Ordinance.

If you wish to seek further clarifications/information on matters relating to the above decision, please feel free to contact Ms. Ivy Wong of Fanling, Sheung Shui & Yuen Long East District Planning Office at 2158 6297.

Yours faithfully,



(Raymond KAN)
for Secretary, Town Planning Board

(With Chinese Translation)

Advisory Clauses

- (a) resolve any land issues relating to the development with the concerned owners of the site;
- (b) the Site should be kept in a clean and tidy condition at all times;
- (c) note DLO/YL, LandsD's comments that the Site 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. The Site is accessible to Fan Kam Road via Government land (GL). His office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The lot owner(s) will need to apply to his office if any structure to be erected on site. Such application(s) will be considered by Lands Department acting in the capacity as the landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as imposed by LandsD;
- (d) note C for T's comments that the Site is 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 authorized accordingly;
- (e) note CHE/NTW, HyD's comments that his department is not and shall not be responsible for the maintenance of the existing vehicular access connecting the Site and Fan Kam Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (f) 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;
- (g) note CTP/UD&L of PlanD's comments that the Site is not far from the adjacent "Conservation Area" zone, a strong buffer along the southern site boundary with two rows of trees in zigzag form planted at-grade and shrubs mixed planting is highly recommended;
- (h) note DAFC's comments that there are some trees within and around the Site, and the applicant is advised to prevent interfering the trees during operation as far as practicable;
- (i) note D of FS's comments that 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 plans 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. Besides, the good practice guidelines for open storage (**Appendix V of Annex A of the TPB paper**) should be adhered to. Having considered the nature of the open storage use, approval condition on provision of fire extinguisher(s) within 6 weeks from the date of planning approval is recommended for inclusion in the planning permission. To address this condition, the applicant should submit a valid fire certificate (FS 251) to his department for approval. 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;

- (j) note CE/C, WSD's comments that existing 10m waterworks reserve for the 48" raw water mains will be affected (**Plan R-2 of the TPB paper**). No structure shall be erected over this waterworks reserve and such area shall not be used for storage or car-parking purposes. No traffic loadings shall be imposed on the existing 48" raw water main. The Water Authority and his officer and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of construction, inspection, operation, maintenance and repair works. All other services across, through or under the waterworks reserve are required to seek authorization from the Water Authority. No trees or shrubs with penetrating roots may be planted within the waterworks reserve or in the vicinity of the water main shown on **Plan R-2 of the TPB paper**. Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site; and
- (k) note CBS/NTW, BD's comments that if the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of the BD, they are UBW under the Buildings Ordinance (BO) and should not be designated for any use under the application. 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. 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. 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. 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.