

REVIEW OF APPLICATION NO. A/YL-PH/760
UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE

**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**

1. Background

- 1.1 On 9.10.2017, the applicant, Mr. TANG Kwan represented by Mr. CHENG Ka Cheung and Mr. CHONG Kim Wah, sought 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 zoned “Residential (Group D)” (“R(D)”) on the approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11 (**Plan R-1**). The Site is currently vacant (**Plans R-2 and R-4a and R-4b**).
- 1.2 On 8.12.2017, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the application and the reasons were:
 - (a) the development is not in line with the planning intention of the “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.

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

- (a) RNTPC Paper No. A/YL-PH/760 (Annex A)
- (b) Extract of minutes of the RNTPC meeting held on 8.12.2017 (Annex B)
- (c) Secretary of the Board's letter dated 22.12.2017 (Annex C)

1.4 There is currently no enforcement action against the Site. Notwithstanding, if there are suspected unauthorized development found at the Site, investigation will conduct. Should there be sufficient evidence to prove that the said use is an authorize development under the Town Planning Ordinance (the Ordinance), appropriate enforcement action will be instigated.

2. **Application for Review**

On 8.1.2018, the applicant's representative applied, under section 17(1) of the Town Planning Ordinance, for a review of the RNTPC's decision to reject the application. In support of the review, the applicant submitted the following documents:

- (a) Written representation with justifications received on 8.1.2018 (Annex D)
- (b) Further information received on 12.2.2018 clarifying the type of vehicle and material stored on-site (Annex E)
(*accepted and exempted from publication and recounting requirements*)

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 **Annexes D and E**. They can be summarized as follows:

- (a) The Site does not involve "destroy first, develop later" case and the application is not submitted to address enforcement action.
- (b) Although 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), there are storages of vehicles with ancillary structures in the vicinity which may involve "destroy first, develop later" case. Approval of the application could be a precedent case to encourage the regularization of those unauthorized developments in the vicinity.
- (c) The applicant has not felled any mature trees. On the concern of the Director of Environmental Protection on environmental impact of nearby residents, there are not many residential dwellings in the vicinity. Also, it is expected that the proposed development will not affect the visual/landscape quality of nearby residents as the Site is surrounding by plants of 4 m high.
- (d) It is anticipated that about 70% of the Site will be used for storage, and no materials will be stored more than 4m high with setback of 2m from the site

boundary according to the requirement as stated in TPB PG-No. 13E. No heavy vehicles would enter/exit the Site.

- (e) The nearby residents advised that there has been no flooding problem at the Site in the past. The Site will only be used for open storage of construction materials which will be covered by canvas. No dismantling, repairing, paint spraying or demolition works will take place within the Site and pollution is not expected. Also, it is estimated that only three vehicle trips per day will be generated in the operation hour.
- (f) Should the application be approved, the applicant is willing to comply with the approval conditions stated in RNTPC Paper No. A/YL-PH/760 to alleviate any adverse impact.

4. **The Section 16 Application**

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

- 4.1 The situations of the Site and its surrounding areas at the time of the consideration of the s.16 application by the RNTPC were described in paragraphs 8.1 and 8.2 of **Annex A**. There has been no material change of the situations since then, except the agricultural land to the east of the Site has become vacant (**Plan R-2, R-4a to R-4c** refer).
- 4.2 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.
- 4.3 The surrounding areas are rural and natural in character mixed with open storage/storage yards, residential dwellings/structures, bee farm 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/structures, parking of vehicles and open storage/storage yards; and
 - (c) to its further southeast is an open storage of construction machinery with planning permission under Application No. A/YL-PH/731 (**Plan R-2**).

Planning Intention

- 4.4 There has been no change of planning intention of the “R(D)” zone, which is mentioned in paragraph 9 of **Annex A**.
- 4.5 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.

Town Planning Board Guidelines

- 4.6 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 is relevant to the consideration of the s.16 application, is still effective. The relevant assessment criteria of the Guidelines are set out as Appendix II of **Annex A**.

Previous Applications

- 4.7 The previous applications at the time of the consideration of the s.16 application are mentioned in paragraph 6 of **Annex A**. Since then, no additional previous application is involved. 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 at Appendix III of **Annex A** and their locations are shown on **Plan R-1b**.
- 4.8 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.
- 4.9 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.
- 4.10 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.

Similar Applications

- 4.11 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 at the time of the consideration of the s.16 application as mentioned in paragraph 7 at **Annex A**. Detailed of the applications are summarized at Appendix IV of **Annex A** and their locations are shown on **Plan R-1a**. There is no new similar application since then.

Approved Applications – three applications

- 4.12 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

- 4.13 There are 6 rejected applications covered 3 sites to the north of the Site (Application Nos. 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 another 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.

5. Comments from Relevant Government Departments

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

District Officer's Comments

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

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

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

Land Administration

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

5.3.2 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.

5.3.3 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

5.3.4 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 R-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

5.3.5 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

5.3.6 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

5.3.7 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

5.3.8 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 of **Annex A**) 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

5.3.9 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 R-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 R-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

5.3.10 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.

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

- (a) 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).

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

On 19.1.2018, the review application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 9.2.2018, three comments from general public objecting to the application were received (**Annexes F-1, F2 and F-3**). The objection reasons mainly are that the proposed use would generate adverse traffic impact and affect the originally planned development; the green environment should be protected; and the rejection reasons of the s.16 application are still applicable.

7. Planning Considerations and Assessments

7.1 The application is for a review of RNTPC's decision on 8.12.2017 to reject the application for proposed temporary open storage of construction materials for a period of three years. The rejection reasons were that the proposed use was not in line with the planning intention; not comply with TPB PG No. 13E in that no previous approval has been granted at the Site and there was adverse departmental comment on the application; failed to demonstrate the development would not generate adverse environmental impact on the surrounding; setting an undesirable precedent and the cumulative effect of approving such applications would result in general degradation of rural environment of the area. The applicant submitted justifications and responses to the rejection reasons in support of the review application mainly on the grounds that the Site does not involve "destroy first, develop later" and the application is not intended address enforcement action; there are storages of vehicles with ancillary structures in the vicinity and approval of the application could be a precedent case to encourage the regularization of the unauthorized developments in the vicinity; there are not many residential dwellings in the vicinity and the proposed use will not cause adverse impact on the nearby residents; and the applicant is willing to comply with approval conditions to alleviate any adverse impact. The planning considerations and assessments are appended below.

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

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

- 7.3 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.
- 7.4 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 R-1a and R-3**). Further east and northeast of the Site comprise residential structures/dwellings and vacant/unused land (**Plan R-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.
- 7.5 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 R-2**) and environmental nuisance is expected. Hence, the current application does not warrant sympathetic consideration.
- 7.6 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 of **Annex A** and **Plans R-1a and R-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 of **Annex A** and **Plan R-1a** refer), they were subject to previous approvals since 2002 and in line with TPB PG-No. 13E. However, in the current application, the Site is within Category 3 areas and without previous planning approval. 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.
- 7.7 Three public comments were received during the statutory publication period at the s.17 review stage of the application. All of them object to the application mainly on the grounds that the proposed use would generate adverse traffic impact and affect the originally planned development; the green environment should be protected; and the rejection reasons of the s.16 application are still applicable. In this regard, relevant Government Departments’ comments and planning assessments as state in paragraphs 7.2 to 7.6 above are relevant.

8. **Planning Department's Views**

8.1 Based on the assessments made in paragraph 7, and having taken into account the public comments mentioned in paragraph 6, and given that there is no major change in the planning circumstances since the consideration of the subject application by the RNTPC on 8.12.2017, the Planning Department maintains its previous view of not supporting the review 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;
- (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.

8.2 Alternatively, should the Committee decide to approve the application, the permission shall be valid on a temporary basis for a period of 3 year until 23.3.2021. 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 23.9.2018;
- (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 23.9.2018;
- (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 23.12.2018;
- (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 23.9.2018;
- (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 23.12.2018;
- (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 4.5.2018;
- (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 23.9.2018;
- (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 23.12.2018;
- (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 23.6.2018;
- (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 **Annex G**.

8. Decision Sought

- 8.1 The Board is invited to consider the application for review of the RNTPC's decision and decide whether to accede to the application.
- 8.2 Should the Board decide to approve the review application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 8.3 Alternatively, should the Board decide to reject the review application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

9. Attachments

Annex A	RNTPC Paper No. A/YL-PH/760
Annex B	Extract of minutes of the RNTPC meeting held on 8.12.2017
Annex C	Secretary of the Board's letter dated 22.12.2017
Annex D	Letter dated 8.1.2018 from the applicant's representative applying for review of the application with justifications
Annex E	Further information received on 12.2.2018 clarifying the type of vehicle and material stored on-site
Annexes F-1 to F-3	Public comments on the review application
Annex G	Advisory Clauses
Plan R-1a	Location Plan
Plan R-1b	Previous Applications
Plan R-2	Site Plan
Plan R-3	Aerial Photo
Plans R-4a & R-4b	Site Photos

**PLANNING DEPARTMENT
MARCH 2018**