

**REVIEW OF APPLICATION NO. A/NE-LK/119**  
**UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE**

**Temporary Open Storage of Building Materials and Ancillary Office Use for a Period of 3 Years in “Agriculture” (“AGR”) and “Village Type Development” (“V”) Zones  
Lots 2452 S.B. (Part), 2467 (Part) in D.D. 39 and adjoining Government Land,  
Shek Chung Au, New Territories**

**1. Background**

- 1.1 On 20.3.2019, the applicant, Trade Advisers Company Limited represented by M&D Planning and Surveyors Consultant Ltd. sought planning permission for temporary open storage of building materials and ancillary office use for a period of 3 years at the application site (the Site) under section 16 of the Town Planning Ordinance (the Ordinance). The Site falls within an area mostly zoned “Village Type Development” (“V”) (about 88.6%) with minor portion zoned “Agriculture” (“AGR”) (about 11.4%) on the approved Luk Keng and Wo Hang OZP No. S/NE-LK/11 (**Plan R-1**).
- 1.2 On 17.5.2019, the Rural and New Town Planning Committee (the Committee) 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 “V” zone which is to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also not in line with the planning intention of the “AGR” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;
  - (b) the application does not comply with 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) in that there is no previous planning approval for open storage use granted at the site; there are adverse comments from the relevant government departments and local objections against the application; and the applicant has failed to demonstrate that the development would have no adverse traffic, environmental and drainage impacts on the surrounding areas; and
  - (c) the approval of the application would set an undesirable precedent for other similar applications within the “AGR” and “V” zones. The cumulative

effect of approving such similar applications would result in a general degradation of the environment of the area.

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

- (a) RNTPC Paper No. A/NE-LK/119 (Annex A)
- (b) Extract of minutes of the RNTPC meeting held on 17.5.2019 (Annex B)
- (c) Secretary of Town Planning Board's letter dated 31.5.2019 (Annex C)

## 2. **Application for Review**

On 21.6.2019, the applicant applied, under section 17(1) of the Ordinance, for a review of the Committee's decision to reject the application and provide written justifications in support of the review (**Annex D**).

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

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

- (a) although the planning intention of "V" zone is primarily intended for development of Small Houses by indigenous villagers, the indigenous villagers are unwilling to build houses at the Site due to the flooding problem. The applicant also indicated that the Site is located at a low-lying area and subject to recurring floods. It is not suitable for any agricultural activities;
- (b) the applicant is willing to undertake all the relevant approval conditions imposed to demonstrate the proposed development would not cause traffic, environmental and drainage impact to the surroundings if the application is approved by the Board; and
- (c) the proposed development could maximise the utilisation of land resources, and also meet the increasing needs of land for storage use.

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

*The Site and its Surrounding Area* (**Plans R-1, R-2**, aerial photo on **Plan R-3** and site 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 Committee were described in paragraphs 8.1 and 8.2 of **Annex A**. There has not been any major change in planning circumstances of the area since then (**Plan R-2**).
- 4.2 The Site is:
  - (a) formed, partly fenced and paved;
  - (b) currently used for open storage of construction materials and parking of vehicles without a valid planning permission; and

- (c) accessible via a local access road from Sha Tau Kok Road – Shek Chung Au Section (**Plan R-2**).

4.3 The surrounding area has the following characteristics:

- (a) to the immediate west are vacant land and village houses in Shek Chung Au Village while to the east are mostly vacant land intermixed with some temporary structures;
- (b) to the immediate north are vegetated knoll and Grade 3 historic buildings – Law Uk and its ancillary block (**Plan R-2**); and
- (c) to the immediate south is an existing streamcourse while to the further south are open storage, parking of vehicles and some vacant lands.

#### Planning Intentions

- 4.4 The planning intention of the “AGR” zone in the Luk Keng and Wo Hang area is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.
- 4.5 The planning intention of the “V” zone in the Luk Keng and Wo Hang area is primarily to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services.

#### Background

- 4.6 According to the Chief Town Planner/Central Enforcement and Prosecution, Planning Department, the Site is the subject of an active enforcement case. An Enforcement Notice (EN) (E/NE-LK/98) was served on 27.8.2018 requiring the concerned parties to discontinue the unauthorized development of storage use (including deposit of containers) on or before 27.11.2018. According to her site inspection on 15.3.2019, the unauthorized development still continued upon expiry of the notice, prosecution action is being considered by the Planning Authority.

#### Town Planning Board Guidelines

- 4.7 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) are relevant to the application. Majority of the Site (88.6%) falls within Category 4 area with a minor portion (11.4%) within Category 3 area under the TPB PG-No. 13E promulgated on 17.10.2008. Relevant extract of the Guidelines is at Appendix II of **Annex A**.

#### Previous Application

- 4.8 There is no previous application for the Site.

### Similar Application

- 4.9 There is one similar application No. A/NE-LK/81 for proposed temporary open storage (leasing containers for storage use) falling within/partly within “AGR” / “V” zone in the vicinity of the Site on the Luk Keng and Wo Hang area (**Plan R-1**). The application was rejected by the Committee on 13.12.2013 mainly on the grounds that the application was not in line with the planning intention of “AGR” and “V” zones; the proposed development did not comply with the TPB PG-No. 13E in that no previous planning approval had been granted to the application site; there were adverse comments from the relevant government departments and local objections against the application; the applicant had failed to demonstrate that the proposed development would have no adverse traffic, environmental and landscape impact on the surrounding areas; the development was incompatible with the surrounding land uses which were predominantly rural in character with a mixture of residential dwellings/structures and fallow agricultural land; and the application would set an undesirable precedent for other similar applications.
- 4.10 Details of the above similar application are summarized in **Annex E** and their locations are shown on **Plan R-1**.

## **5. Comments from Relevant Government Departments**

- 5.1 Comments on the s.16 application made by relevant Government departments are stated in paragraph 10 of **Annex A**.
- 5.2 For the review application, relevant Government departments have been further consulted and their views on the review application are summarized as follows:

### Agriculture and Nature Conservation

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

- (a) regarding the suitability of agricultural activities at the subject site, in general, low-lying area can be used for cultivation of aquatic crops such as water spinach, watercress, etc. As such, his previous comments are still valid and applicable to this review application;
- (b) he maintains his other previous views on the s.16 application which are recapitulated below:
  - (i) he does not support the application from agricultural point of view as the Site possesses potential for agricultural rehabilitation. Agricultural infrastructures such as road access and water source are available. The Site can be used for agricultural activities such as greenhouses, plant nurseries etc; and
  - (ii) he has no adverse comment on the application from nature conservation point of view as the Site is paved. Regarding the watercourse to the south and southeast of the Site, good site

practices should be implemented in order not to pollute the watercourse nearby.

District Officer's Comments

5.2.2 Comments of the District Officer (North), Home Affairs Department (DO(N), HAD):

he has consulted the locals regarding the application. The Chairman of Sha Tau Kok District Rural Committee supported the said proposal. The incumbent North District Council (NDC) member of the subject constituency and the Resident Representative of Shek Chung Au have no comment on the application.

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

Land Administration

5.3.1 Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) the Site comprises private lots and adjoining Government land. The lots are Old Schedule lot held under the Block Government lease (demised for agricultural use) without any guarantee of right of access. The applicant should make its own arrangement for acquiring access. The Government shall accept no responsibility in such arrangement, and there is no guarantee that any adjoining Government land will be allowed for the vehicle access of the proposed use;
- (b) the actual occupation area does not tally with the one under application;
- (c) the Government land adjacent to the Site is being occupied without approval from his office. Some portions of the adjoining Government land were fenced off by hoardings without approval. It was not acceptable and the applicant should cease the illegal occupation and remove those hoardings at its own cost. This office reserves the right to take land control actions against the unauthorised occupation of Government land;
- (d) the existing structures on the Site were erected without approval from his office. The aforesaid structures are not acceptable under the Leases concerned. His office reserves the rights to take enforcement actions against the aforesaid structures;
- (e) the total built-over area and numbers of the aforesaid structures do not tally with the proposed ones as mentioned in the planning parameters;
- (f) the Site falls within the limits of "Sha Tau Kok Shek Kiu Tau Site of Archaeological Interest" (**Plan R-2**);
- (g) a Letter of Approval No. L4401 (L of A) was issued to allow the erection

of temporary structures on Lot No. 2467 in D.D. 39 for duck raising purpose. Nevertheless, duck raising activities were not found at the time of site inspection. Further, the dimensions of the existing structures do not tally with the ones permitted under the L of A concerned;

- (h) he has no comment on the application from Small House Policy point of view and there is no Small House applications relating to the Site has been received; and
- (i) should the application is approved, the owner(s) of the lots concerned shall apply to his office for a Short Term Waiver (STW) and Short Term Tenancy (STT) to cover all the actual occupation area. The applications will be considered by Government in its landlord's capacity and there is no guarantee that they will be approved. If the applications are approved, their commencement date will be backdated to the first date of occupation and they will be subject to such terms and conditions to be imposed including payment of waiver fee/rent and administrative fees as considered appropriate by his office.

### Traffic

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

- (a) unless the applicant could satisfactorily address her following comments, she cannot render support to the application from the traffic engineering perspective:
  - (i) the applicant should advise the type and the estimated amount of building material to be stored in the subject site;
  - (ii) the applicant should advise the traffic generation and attraction from and to the site and the traffic impact to the nearby road links and junctions;
  - (iii) the applicant shall advise the number of car parking spaces and loading/unloading spaces to be provided and justify the adequacy of the parking spaces so provided by relating to the number of vehicles visiting the subject site;
  - (iv) the vehicular access should be no less than 7.3m wide;
  - (v) the applicant shall demonstrate the satisfactory manoeuvring of vehicles entering to and exiting from the subject site and manoeuvring within the subject site, preferably using the swept path analysis;
  - (vi) the applicant shall advise the management/control measures to be implemented for the proposed car park to ensure no queuing of vehicles outside the subject site;
  - (vii) adequate traffic signs should be provide to alert the public that there will be vehicles entering to and exiting from the subject site;

- (viii) it is noted that the subject site is not directly connected to Sha Tau Kok Road. The applicant shall advise the provision and management of pedestrian facilities to ensure pedestrian safety; and
- (ix) the vehicular access between the site and Sha Tau Kok Road are not managed by TD. The applicant should seek comment from the responsible party. The applicant should also demonstrate the satisfactory manoeuvring along this vehicular access, preferably using the swept path analysis.

### Environment

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

- (a) he does not support the application as there are domestic structures in the vicinity of the Site, the closest ones are located to the east at a distance of about 5m (**Plan R-2**); and
- (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 Environmental Aspects of Open Storage and Temporary Uses” and observe the Water Pollution Control Ordinance to avoid any pollution to the existing watercourse to the immediate south of the Site.

### Landscape

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

- (a) she has no objection to the application from the landscape planning perspective;
- (b) according to the latest aerial photo of 2017, the Site is situated in an area of rural landscape character surrounded by clustered tree groups and some village houses. Majority of the Site is hard paved with no significant vegetation observed;
- (c) according to the layout plan in the submission, no direct conflict is observed between the proposed development and existing vegetation within and surrounding the Site. Hence, no significant adverse impact on existing landscape resources arising from the proposed development is anticipated; and
- (d) should the application be approved by the Board, it is considered not necessary to impose a landscape condition, as clustered tree groups are found in close proximity of the Site, the effect of additional landscaping on enhancing the quality of public realm is not apparent.

Drainage

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

- (a) he does not support the application since the Site encroaches upon an existing streamcourse (**Plan R-2**), and there is insufficient information provided by the applicant to demonstrate that there would be adequate measures provided at the resources of the applicant to avoid the Site from being eroded and flooded and to ensure capacity of streamcourse and flooding susceptibility of the adjoining areas would not be adversely affected by the proposed development;
- (b) the applicant shall be required to place all the proposed works 3m away from the top of the bank of the streamcourse. All the proposed works in the vicinity of the streamcourse should not create any adverse drainage impacts, both during and after construction. Proposed flooding mitigation measures if necessary shall be provided at the resources of the applicant to his satisfaction;
- (c) the applicant should be reminded to minimize the possible adverse environmental impacts on the existing streamcourse in his design and during construction; and
- (d) the Site is in an area where no public sewerage connection is available.

Water Supply

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

- (a) he has no objection to the application; and
- (b) for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

Building Matters

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

- (a) he has no objection to the application;
- (b) there is no record of submission of the proposed temporary buildings / structures to the Building Authority (BA) for approval. The proposed temporary structures are subject to the control of Part VII of the Building (Planning) Regulations and require prior approval and consent under the Buildings Ordinance (BO));



- (c) before any new building works are to be carried out on the Site, the prior approval and consent of the BA should be obtained, otherwise they are Unauthorized Buildings Works (UBW). An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO;
- (d) for UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO;
- (e) the Site shall be provided with means of obtaining access thereto from a street under the Building (Planning) Regulations 5 and emergency vehicular access shall be provided under the Building (Planning) Regulation 41D;
- (f) if the Site does not abut a specified street having a width not less than 4.5m wide, the development intensity shall be determined under the Building (Planning) Regulations 19(3) at the building plan submission stage; and
- (g) detailed consideration will be made at building plan submission stage.

#### Fire Safety

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

- (a) he has no in-principle objection to the application subject to fire service installations and water supplies for firefighting being provided to his satisfaction; and
- (b) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.

#### Archaeology & Built Heritage

##### 5.3.9 Comments of the Executive Secretary (Antiquities & Monuments), Antiquities and Monuments Office (ES(A&M), AMO):

- (a) the Site falls within the Sha Tau Kok Shek Kiu Tau Site of Archaeological Interest. In view of the location, scope of works and findings of previous archaeological survey, she has no objection to the application; however, the applicant should inform her office immediately in case of the discovery of antiquities or supposed antiquities in the course of construction; and
- (b) it is noted that the subject site is located in close proximity to Law Uk and its Ancillary Block in Shek Chung Au, both Grade 3 historic buildings. The applicant should ensure that no damage(s) / disturbance(s) will be made to the graded buildings if any works to be carried out arising from

the proposed development.

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

- (a) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD); and
- (b) Project Manager (North), North Development Office, Civil Engineering and Development Department (PM(N), CEDD).

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

- 6.1 On 28.6.2019, the review application was published for public inspection. During the statutory public inspection period, three public comments were received (**Annex F**). The Chairman of Sheung Shui District Rural Committee (**Annex F-1**) indicated no comment on the application. The Hong Kong Bird Watching Society (**Annex F-2**) and Kadoorie Farm and Botanic Garden Corporation (**Annex F-3**) object to the application mainly on the grounds that the proposed development does not in line with the planning intention of the “AGR” zone; approval of the application would set an undesirable precedent for other similar applications; and ‘destroy first, build later’ should not be tolerated as it would further legitimize the current misuse of the “AGR” zone.
- 6.2 Six public comments were received at the s.16 application stage. Of them, 4 object to the application. Details are set out in paragraph 11 of **Annex A**.

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

- 7.1 The applicant sought planning permission for temporary open storage of building materials and ancillary office use for a period of 3 years at the Site. The application was rejected by the Committee on 17.5.2019 mainly on the grounds that the development is not in line with the planning intention of “V” and “AGR” zones; the proposed development does not comply with the TPB PG-No.13E in that there is no previous planning approval for open storage use granted at the site; there are adverse comments from the relevant government departments and local objections against the application; and the applicant has failed to demonstrate that the development would have no adverse traffic, environmental and drainage impacts on the surrounding areas and the approval of application will set an undesirable precedent for similar applications.
- 7.2 To support the review application, the applicant has provided written representation (**Annex D**) mainly stating that although the planning intention of “V” zone is primarily intended for development of Small Houses by indigenous villagers, the indigenous villagers are unwilling to build houses at the Site due to the flooding problem. He indicated that the Site is located at a low-lying area and subject to recurring floods. It is not suitable for any agricultural activities. Moreover, the applicant is willing to undertake all the relevant approval conditions to demonstrate the proposed development would not cause traffic, environmental and drainage impact if the application is approved by the Board. The proposed development could also

maximise the utilisation of land resources and meet the increasing needs of land for storage use.

- 7.3 Majority of the Site falls within “V” zone with a minor portion encroaching onto the “AGR” zone (**Plan R-1**). The temporary open storage use under application is not in line with the planning intention of the “V” zone which is to designate both existing recognized villages and areas of land considered suitable for village expansion, and also not in line with the planning intention of the “AGR” zone which is to primarily retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes as well as to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DLO/N of LandsD maintains his view that he has no comment on the review application from Small House Policy point of view and advises that no Small House application relating to the Site has been received. DAFC maintains her view of not supporting the review application as the Site possesses potential for agricultural rehabilitation. Moreover, regarding the suitability of agricultural activities at the subject site, DAFC states that low-lying area can be used for cultivation of aquatic crops such as water spinach and watercress etc. No strong planning justification has been given in the submission to justify for a departure from the planning intention of the “V” and “AGR” zones, even on a temporary basis.
- 7.4 The temporary open storage use is considered not entirely incompatible with the surrounding land uses which are mainly village houses, vacant land, temporary structures and some open storages uses. CTP/UD&L, PlanD maintains her view of no objection to the review application as no direct conflict is observed between the development and existing vegetation within and surrounding the Site. Nevertheless, DEP maintains his view of not supporting the application as there are sensitive receivers (i.e. domestic structures) in the vicinity of the Site and the closest one is located to the immediate northeast at distance of about 5 m (**Plan R-2**). From traffic engineering viewpoint, C for T maintains her view of not supporting the review application as there is insufficient information to demonstrate that the temporary development would not induce significant traffic impact to the surrounding. Moreover, CE/MN of DSD maintains his view of not supporting the review application as the Site encroaches upon an existing stream, and there is insufficient information to demonstrate that there would be adequate measures provided to avoid the Site from being eroded and flooded and to ensure capacity of stream course (**Plan R-2**) and flooding susceptibility of the surroundings would not be adversely affected by the development. The Site is subject to an active enforcement case for unauthorized storage use. As the unauthorized development has not been discontinued after the expiry date of the Enforcement Notice on 27.11.2018, prosecution action is being considered by the Planning Authority. Other relevant Government departments consulted, including D of FS and CE/C of WSD, have no adverse comment on / no objection to the review application.
- 7.5 According to TPB PG-No.13E, majority of the Site falls within Category 4 where application would normally be rejected except under exceptional circumstances, and minor portion of the Site falls within Category 3 areas where applications would normally not be favourably considered unless the applications are on sites with previous planning approvals. The review application does not comply with the TPB PG-No.13E in that there are no exceptional circumstances to justify sympathetic consideration to the application; the Site is not the subject of any previous planning permission; there are adverse departmental comments received in relation to the

application; and the applicant fails to demonstrate that the development would have no adverse traffic, drainage and environmental impacts on the surrounding areas.

- 7.6 There is one similar application No. A/NE-LK/81 for proposed temporary open storage (leasing containers for storage use) falling within/partly within “AGR” and “V” zone in the vicinity of the Site on the Luk Keng and Wo Hang area (**Plan R-1**). The planning application was rejected by the Committee in December 2013 mainly on the grounds that the application was not in line with the planning intention of “AGR” and “V” zones; the proposed development did not comply with the TPB PG-No. 13E in that no previous planning approval had been granted to the application site; there were adverse comments from the relevant government departments and local objections against the application; the applicant had failed to demonstrate that the proposed development would have no adverse traffic, environmental and landscape impact on the surrounding areas; the development was incompatible with the surrounding land uses which were predominantly rural in character with a mixture of residential dwellings/structures and fallow agricultural land; and the application would set an undesirable precedent for other similar applications in the “V” and “AGR” zones resulting in a general degradation of the environment of the area. The circumstances of the current review application are similar to the rejected similar application.
- 7.7 One supporting comment from the Chairman of Sha Tau Kok District Rural Committee as conveyed by DO(N), HAD is noted. Regarding the public comments objecting to the review application as mentioned in paragraph 6 above, Government departments’ comments and the planning assessments above are relevant.

## **8. Planning Department’s Views**

- 8.1 Based on the assessments made in paragraph 7, having taken into account the public comments mentioned in paragraph 6 and given that there is no change in the planning circumstances since the consideration of the subject application by the RNTPC, 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 “V” zone which is to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also not in line with the planning intention of the “AGR” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;
  - (b) the application does not comply with 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) in that there is no previous planning approval for open storage use granted at the site; there are adverse comments from the relevant government departments and local objections against the application; and the applicant has failed to demonstrate that the development

would have no adverse traffic, environmental and drainage impacts on the surrounding areas; and

- (c) the approval of the application would set an undesirable precedent for other similar applications within the “AGR” and “V” zones. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

8.2 Alternatively, should the Board decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years until **13.9.2022**. 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 public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no workshop activities shall be carried out on the Site at any time during the planning approval period;
- (d) the provision of boundary fencing on the Site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 13.3.2020;
- (e) 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 13.3.2020;
- (f) in relation to (e) above, the implementation of drainage proposal within 9 months to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 13.6.2020;
- (g) the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 25.10.2019;
- (h) the submission of proposals for fire service installations and water supplies for firefighting 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 13.3.2020;
- (i) in relation to (h) above, the implementation of proposals for fire service installations and water supplies for firefighting 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 13.6.2020;
- (j) if any of the above planning conditions (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to

have effect and shall be revoked immediately without further notice; and

- (k) if any of the above planning conditions (d), (e), (f), (g), (h) or (i) 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.

#### Advisory Clauses

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

### **9. Decision Sought**

- 9.1 The Board is invited to consider the application for a review of the Committee's decision and decide whether to accede to the application.
- 9.2 Should the Board decide to reject the review application, Members are invited to advise what reasons for rejection should be given to the applicant.
- 9.3 Alternatively, should the Board decide to approve the review application, Members are invited to consider the approval conditions and advisory clauses, if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.

### **10. Attachments**

<b>Drawing R-1</b>	Layout Plan
<b>Plan R-1</b>	Location Plan
<b>Plan R-2</b>	Site Plan
<b>Plan R-3</b>	Aerial Photo
<b>Plans R-4a and R-4b</b>	Site Photos
<b>Annex A</b>	RNTPC Paper No. A/NE-LK/119
<b>Annex B</b>	Extract of minutes of the RNTPC meeting held on 17.5.2019
<b>Annex C</b>	Secretary of Town Planning Board's letter dated 31.5.2019
<b>Annex D</b>	Letter received on 21.6.2018 from the applicant applying for a review of the RNTPC's decision
<b>Annex E</b>	Similar s.16 Application for Temporary Open Storage in the vicinity of the application site within/partly within the "Agriculture" or the "Village Type Development" zone in the Luk Keng and Wo Hang Area
<b>Annex F</b>	Public Comments
<b>Annex G</b>	Recommended Advisory Clauses

**PLANNING DEPARTMENT  
SEPTEMBER 2019**

**TPB PAPER NO. 10577**  
**FOR CONSIDERATION BY**  
**THE TOWN PLANNING BOARD**  
**ON 13.9.2019**

**REVIEW OF APPLICATION NO. A/NE-LK/119**  
**UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE**

**Temporary Open Storage of Building Materials and Ancillary Office Use for a Period of 3  
Years in “Agriculture” (“AGR”) and “Village Type Development” (“V”) Zones  
Lots 2452 S.B. (Part), 2467 (Part) in D.D. 39 and adjoining Government Land,  
Shek Chung Au, New Territories**