

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-HTF/1133**

- Applicant** : First Champion Limited represented by Aikon Development Consultancy Limited
- Site** : Various Lots in D.D. 128 and adjoining Government Land (GL), Ha Tsuen, Yuen Long, New Territories
- Site Area** : 83,668 m<sup>2</sup> (about) (including GL of about 4,070m<sup>2</sup> or 4.8%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ha Tsuen Fringe Outline Zoning Plan (OZP) No. S/YL-HTF/12
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Open Storage of New Vehicles (Private Cars), Construction Materials, Machineries, Equipment and Storage of Tools and Parts with Ancillary Site Office for a Period of 3 Years and Filling of Land and Pond

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary open storage of new vehicles (private cars), construction materials, machineries, equipment and storage of tools and parts with ancillary site office for a period of 3 years and filling of land and pond at the application site (the Site). The Site falls within an area zoned “Agriculture” (“AGR”) on the approved Ha Tsuen Fringe Outline Zoning Plan (OZP) No. S/YL-HTF/12 (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of 3 years within the zone requires planning permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for under the Notes of the OZP. According to the Notes of the OZP for the “AGR” zone, filling of land and pond requires planning permission from the Board. The Site is currently mostly vacant with a few temporary structures located at the western part of the Site, occupied by a few dried ponds at the eastern part of the Site and largely covered with vegetation (**Plans A-2 and A-4a to 4c**).
- 1.2 The Site involves six previous applications (No. A/YL-HT/414, 506, 730, A/YL-HTF/1083, 1091 and 1106) (details at paragraph 6 below).

- 1.3 According to the applicant, the current application is to facilitate relocation of existing operations affected by second phase development of the Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA). There are five concerned operations involving temporary open storage of new vehicles (private cars), construction materials, machineries and equipment and/or storage of tools and parts with ancillary site office currently in the HSK/HT NDA (**Drawings A-10 and A-11**). The proposed areas for relocation of the five operators (i.e. 83,668m<sup>2</sup>) are of similar scale when comparing with the existing areas occupied by the concerned operations (i.e.89,301m<sup>2</sup>).
- 1.4 The major development parameters of the current application are summarized as follows:

Site Area	About 83,668m <sup>2</sup> (including GL of about 4,070m <sup>2</sup> or 4.8%)
Area of Land Filling	About 48,235m <sup>2</sup> (Filling depth of 0.1m to 2.5m)
Area of Pond Filling	About 15,398 m <sup>2</sup> (Filling depth of 0.1m to 2.5m)
Total Floor Area (Non-domestic)	About 1,352.1m <sup>2</sup>
No. and Height of Structures	36 • for storage, site office, electricity room, staff rest area, security control room, guard kiosk and toilet uses (2.4m -7.2m, 1-3 storeys)
No. of Parking Spaces	8 for private car 2 for heavy goods vehicles (HGV)
No. of Loading and Unloading Spaces	6 for HGV
Operation Hours	7:00 a.m. to 11 p.m. (Mondays to Saturdays) No operation on Sundays and Public Holidays

- 1.5 In view of the existing sloping topographic profile of the Site (site level at 3.75mPD at the northeast to 16.52mPD at the southeast), the applicant proposes to perform site formation works at the Site (**Drawing A-2**). The eastern portion of the Site (about 6,464m<sup>2</sup> or 7.7% of the Site) will be excavated from the highest level at 16.52mPD to a level ranging from 14mPD to 16.5mPD. The majority of the Site (about 48,235m<sup>2</sup> or 57.7% of the Site) and the dried ponds within the Site (about 15,398m<sup>2</sup> or 18.4% of the Site) will be filled with soil of 0.1m to 2.5m in depth. The northern part of the Site will be filled from the lowest level at 3.75mPD to 5.5mPD while the southern part will be filled from 9.11mPD to 11.5mPD.
- 1.6 The Site will be accessible via ingress/egress at the eastern boundary of the Site to a local track to Kai Pak Ling Road (**Drawing A-3 and Plans A-2 and A-3**). The traffic from the proposed development will follow the proposed access route and no traffic will pass through Deep Bay Road (**Drawing A-1**). The concerned operations will mainly involve HGV (including 11m-long trucks) to travel to/from the Site via the proposed access route and container trailers will not be used. The applicant has conducted a traffic impact assessment and proposes to undertake road improvement works at Kai Pak Ling Road and the local track, including standardization/upgrading of sub-standard passing bay, provision of additional

passing bays and modification of road gradient (**Drawings A-4 to A-6**). The applicant is willing to take up the proposed road improvement works and will further liaise with relevant authorities on the implementation and maintenance of the proposed improvement works at Kai Pak Ling Road and the local track upon approval of the application by the Board.

- 1.7 In order to mitigate the landscape impact, the applicant proposes a landscape buffer area with a width ranging from 5m to 25m along the site boundary for retention of the existing trees and provision of new trees (**Drawing A-7**). 175 out of total 285 existing trees are proposed to be felled while the remaining 110 existing trees are proposed to be retained. The applicant proposed to plant 319 new heavy standard size trees and grass within the Site. A noise barrier of 3m tall is proposed along the eastern, northern and western boundaries of the Site to mitigate the noise impact (**Drawing A-8**).
- 1.8 The site access plan, proposed formation level plan, layout plan, road improvement works plan, landscape plan, environmental mitigation measure plan, drainage plan and location plans of the existing operations are shown at **Drawings A-1 to A-11** respectively.
- 1.9 In support of the application, the applicant has submitted the followings:
  - (a) Application Form received on 21.4.2022 (**Appendix I**)
  - (b) Supplementary Planning Statement (**Appendix Ia**)
  - (c) Further Information (FI) received on 27.5.2022 (**Appendix Ib**)  
[Exempted from publication requirements]

(FI received on 23.5.2022 is superseded and not attached.)

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the supplementary planning statement and FI (**Appendices Ia and Ib**). They can be summarized as follows:

- (a) the current application aims to relocate existing operations affected by the second phase development of the HSK/HT NDA;
- (b) the Site is situated in a location suitable for reprovisioning of the concerned operations. The proposed use could help realize the strategic economic development potential in the northwest New Territories under the strategic planning intention of “Hong Kong 2030+: Towards a Planning Vision and Strategy Transcending 2030”;
- (c) the applicant has conducted a comprehensive site search to identify a suitable site for the relocation of the affected operations. The applicant had reviewed sites in Yuen Long District as well as other districts. Identifying a suitable relocation site was found to be challenging since all identified prospective sites falling within Categories 1 and 2 areas of TPB PG-No. 13F were considered not suitable for relocation, having regard to various criteria and considerations including a large site

requirement of the affected operations, current land use status, surrounding land uses, land ownership concerns, site configuration, geographical constraints, and other technical concerns including traffic issues raised by the locals, etc. Taking into account the above criteria and considerations, and upon detailed examination of all the identified prospective relocation sites, it was later concluded by the operators of the affected operations that the Site would be the most suitable site for relocation;

- (d) the Site is located in close proximity to the HSK/HT NDA and the proposed area for each affected operations is similar to the existing area of each affected operations. The relocation would pose minimal adverse impact on the affected operations;
- (e) the proposed use is considered not incompatible with the surrounding land uses and will not bring adverse visual impacts on the surroundings;
- (f) the proposed use is temporary in nature. Approval of the current application would not jeopardise the long-term planning intention of the “AGR” zone or any planned infrastructural developments at the Site and its surroundings; and
- (g) no adverse traffic, environmental, drainage and landscape impacts arising from the proposed use are anticipated.

### **3. Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is not the “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. 31A) by publishing notices in local newspaper and posting site notice. For the adjoining GL, TPB PG-No.31A is not applicable. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Background**

The Site is not subject to any planning enforcement action.

### **5. Town Planning Board Guidelines**

On 27.3.2020, the Board promulgated the revised TPB PG-No. 13F. The Site falls within Category 3 areas under the revised Guidelines. Relevant extracts of the Guidelines are at **Appendix II**.

### **6. Previous Applications**

- 6.1 The Site involves six previous applications (No. A/YL-HT/414, 506, 730 and A/YL-HTF/1083, 1091 and 1106) for various uses. Details of the previous applications are summarized at **Appendix III** and the locations are shown on **Plan A-1**.

### Approved Applications

- 6.2 Application No. A/YL-HTF/1091 (covering a site of about 2,200m<sup>2</sup>) for temporary hobby farm for a period of 3 years was approved by the Rural and New Town Planning Committee (the Committee) in 2018 on the considerations that the agriculture use is in line with the planning intention of the “AGR” zone, not incompatible with the surrounding areas, and no adverse landscape, ecological, environmental, traffic and drainage impacts. The application was revoked in 2019 due to non-compliance with approval conditions.
- 6.3 Application No. A/YL-HTF/1106 (covering a site of about 8,324m<sup>2</sup>) for temporary hobby farm for a period of 5 years and land filling was approved by the Committee in 2020 on the considerations similar to those of Application No. A/YL-HTF/1091 as mentioned in paragraph 6.2.

### Rejected Applications

- 6.4 Application No. A/YL-HT/414 covering a much larger site of about 52 hectares for a temporary racing circuit for a period of 3 years was rejected by the Committee in 2005 on the grounds that the proposed development was not in line with the planning intention of the “AGR” and “Green Belt” (“GB”) zones; there was insufficient information in the submission to demonstrate that the proposed development would not have adverse environmental, ecological, traffic, drainage, geotechnical, landscape and visual impacts; and approval of the application would set an undesirable precedent for similar applications in the “GB” and “AGR” zones.
- 6.5 Application No. A/YL-HT/506 (covering a site of about 9,880m<sup>2</sup>) for proposed land filling for agricultural use was rejected by the Committee in 2007 on the grounds that the existing topography and condition of the site rendered the proposed land filling for agricultural use unjustifiable; the existing materials used to fill the site were construction wastes which were not suitable for cultivation; there was no information in the submission to demonstrate that the land filling would not have adverse drainage and landscape impacts on the surrounding areas; and approval of the application would set an undesirable precedent for similar applications within the “AGR” zone and the cumulative effect of which would result in a general degradation of the quality of agricultural land in the “AGR” zone and a proliferation of similar uses in the area.
- 6.6 Applications No. A/YL-HT/730 (covering a site of about 2.49 ha) and A/YL-HTF/1083 (covering a site of about 2,100m<sup>2</sup>) for proposed temporary open storage of construction materials and equipment for a period of 3 years were rejected by the Committee in 2011 and 2017 respectively on the grounds, inter alias, of not in line with the planning intention of the “AGR” zone; not compatible with the surrounding areas; not in line with the then Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ in that no previous approval had been granted, and the development would have adverse traffic, ecological, drainage, landscape and/or environmental impacts on the surrounding areas; and setting an undesirable precedent.

## **7. Similar Application**

There is no similar application within the same “AGR” zone.

## **8. The Site and Its Surrounding Areas (Plan A-2 to Plans A-4a to 4c)**

### **8.1 The Site is:**

- (a) currently mostly vacant with a few temporary structures located at the western part of the Site;
- (b) occupied by a few dried ponds at the eastern part of the Site;
- (c) largely covered with vegetation; and
- (d) accessible via a local track from Kai Pak Ling Road (**Drawings A-1 and Plans A-2 and A-3**).

### **8.2 The surrounding areas have the following characteristics (Plan A-2):**

- (a) to the east are some graves, scrubland, and open storage of container which is a suspected unauthorized development (UD). To the further east is the Kong Sham Western Highway;
- (b) to the south is scrubland;
- (c) to the west are some residential dwellings (the closest at the immediate west of the Site), gardening and an open storage yard which is a suspected UD; and
- (d) to the north are some ponds and open storage yards. To the further north across Deep Bay Road are some ponds, residential dwellings and the coastal mangrove of Deep Bay.

## **9. Planning Intention**

The planning intention of the “AGR” zone is 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.

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

10.1 Apart from the government bureau/departments as set out in paragraphs 10.2 and 10.3 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices IV and V** respectively.

10.2 The following government bureau supports the application:

### **Policy Support**

10.2.1 Comments of the Secretary for Development (SDEV):

The application is submitted by First Champion Limited to facilitate relocation of five existing operations which will be displaced by the Second Phase development of HSK/HT NDA project. According to the

applicant, the proposed relocation areas for the concerned operations are of similar scale as the existing ones to be cleared by the Government. According to the concerned departments, the proposed use is not incompatible with the existing landscape character of the surrounding areas and would not create insurmountable impacts in technical terms subject to the imposition of appropriate approval conditions. In view of the above, from the perspectives of facilitating smooth clearance for the NDA project and providing operating space for displaced brownfield operations still needed by the community, the application is supported.

10.3 The following government departments do not support the application:

**Agriculture**

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

The agricultural activities are active in the vicinity and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as greenhouses and plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, the application is not supported from agricultural point of view.

**Environment**

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

- (a) It is noted that 2 parking spaces for HGV and 6 loading and unloading bays for HGV will be provided within the Site. According to Table 2-3 of the Environmental Assessment, representative air sensitive receivers (ASRs) are identified in the vicinity of the Site, and several village houses are located at about 3m to 14m away from the site boundary.
- (b) Since there will be heavy vehicles operated in close proximity to village houses, based on the requirement set out in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites', he does not support the application.
- (c) Nonetheless, should the planning application be approved, the applicant is required to provide noise barrier on the Site.

**11. Public Comments Received During Statutory Publication Period**

11.1 On 29.4.2022, the application was published for public inspection. During the statutory public inspection period, 111 public comments were received from the Conservancy Association, Kadoorie Farm and Botanic Garden (KFBG) and individuals (**Appendix VI**). 105 individuals support the application, the Conservancy Association, KFBG and two individuals object to the application and two individuals provided comments on the application.

***Supporting Comments (105 comments)***

11.2 105 individuals support the application on the following grounds:

- (a) the development is temporary in nature and would not jeopardize the long-term development of the Site;
- (b) the application would not have adverse environmental and traffic impacts on the surroundings;
- (c) the development will improve local infrastructure and provide local employment opportunities;
- (d) the Site is abandoned farmland and underutilized. The proposed development will better utilize the Site for economic development; and
- (e) the development will facilitate the relocation of open storage facilities from the HSK/HT NDA to facilitate the development of the Northern Metropolis.

***Objecting Comments (4 comments)***

11.3 The Conservancy Association, KFBC and two individuals object to the application on the following grounds:

- (a) the development is not in line with the planning intention of the “AGR” zone;
- (b) the development is not in line with the TPB PG-No. 13F in that there is no similar application approved in the same “AGR” zone;
- (c) the Site is subject to land formation and vegetation clearance. It is an undesirable precedent of ‘destroy first, build later’; and
- (d) the proposed development will cause adverse traffic, environmental and fire safety impacts to the surroundings.

***Providing Comments (2 comments)***

11.4 Two individuals provided the following comments on the application:

- (a) the Government should ensure the applicant to provide the landscape buffer measures as mentioned in the planning statement; and
- (b) the Government should ensure the applicant would not cause adverse noise and other pollutions to the surroundings during the construction work period.

**12. Planning Considerations and Assessments**

12.1 The application is for proposed temporary open storage of new vehicles (private cars), construction materials, machineries, equipment and storage of tools and parts with ancillary site office for a period of 3 years and filling of land and pond at the Site zoned “AGR” on the OZP. The application is to facilitate relocation of business operations affected by the HSK/HT NDA development. SDEV noted that the proposed use is not incompatible with the existing landscape character of the surrounding areas and would not create insurmountable impacts in technical terms



subject to the imposition of appropriate approval conditions. With the policy objective of facilitating smooth clearance for the NDA project and providing operating space for displaced brownfield operations still needed by the community, SDEV supports the application.

- 12.2 Although the proposed use is not in line with the planning intention of the “AGR” zone, which is to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes, and DAFC does not support the application from the agricultural perspective mainly on the consideration that the Site possesses potential for agricultural rehabilitation as agricultural activities are active in the vicinity and agricultural infrastructures such as road access and water source are available, approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “AGR” zone. Besides, as filling of land and pond may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, planning permission is required from the Board. In this regard, Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) and DAFC have no adverse comment on the application from drainage and nature conservation points of view.
- 12.3 The Site is situated in area of rural landscape predominated by open storage yard, temporary structures, village houses, vacant land, ponds and scattered tree groups (**Plan A-2**). Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) considers that the proposed development is not incompatible with the existing landscape character of the surrounding areas.
- 12.4 DEP does not support the application as there are sensitive receivers of residential use in the vicinity of the Site (with the nearest one surrounded by the Site at the south-western part of the Site) (**Plan A-2**), and the proposed use will cause traffic of heavy vehicles hence environmental nuisance is expected. In response, the applicant proposes a landscape buffer area with a width ranging from 5m to 25m along the site boundary for retention of the existing trees and provision of new trees, erection of noise barriers of 3m tall to mitigate the noise impacts, and the operation would be restricted from 7:00 a.m. to 11:00 p.m. with no operation on Sundays and public holidays so as to minimise potential environmental impacts on the surrounding area. In addition, the applicant is willing to take up the road improvement works at Kai Pak Ling Road, including standardization/upgrading of sub-standard passing bay, provision of additional passing bays and modification of road gradient. In this regard, Commissioner for Transport (C for T) has no adverse comment on the application from traffic engineering point of view. Relevant approval conditions are recommended in paragraph 13.2 below to minimise any potential environmental nuisances or to address the technical requirements of other concerned government departments. Any non-compliance with the approval conditions will result in revocation of the planning permission and UD on the Site will be subject to enforcement action by the Planning Authority. Should the planning application be approved, the applicant will also be advised to follow the latest Code of Practice to minimise any potential environmental impact on the surrounding areas.
- 12.5 Other relevant departments, including Director of Fire Services, have no adverse comment on/no objection to the application.

- 12.6 The Site falls within Category 3 areas under the TPB PG-No. 13F. The following considerations in the Guidelines are relevant:
- (a) Category 3 areas: applications would normally not be favourably considered unless the applications are on sites with previous planning approvals (irrespective of whether the application is submitted by the applicant of previous approval or a different applicant). Sympathetic consideration may be given if genuine efforts have been demonstrated in compliance with approval conditions of the previous planning applications and relevant technical assessments/proposals have been included in the fresh applications, if required, 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.
  - (b) Having considered that the open storage and port back-up uses have a role to play in Hong Kong's economy and provide considerable employment opportunities, and the operators/uses affected by resumption and clearance operations of the Government to make way for developments may face difficulties in finding a replacement site, sympathetic consideration could be given to such type of applications, except those involving land in Category 4 area (only minor encroachment may be allowed), if the following criteria are met:
    - (i) policy support is given by the relevant bureau(x) to the application for relocation of the affected uses/operations to the concerned sites; and
    - (ii) no adverse departmental comments and local objections, or the concerns could be addressed by approval conditions.
- 12.7 The application is considered in line with the TPB PG-No. 13F in that policy support is given by SDEV to the application for relocation of the affected uses/operations to the Site and the concerns of relevant departments and local objections could be addressed by approval conditions.
- 12.8 The Site involves two previous rejected applications (No. A/YL-HT/730 and A/YL-HTF/1083) submitted by different applicants for temporary open storage use. The applications were rejected by the Committee in 2011 and 2017 respectively on the grounds, inter alia, of not in line with the planning intention of the "AGR" zone; not compatible with the surrounding areas; not in line with the then Town Planning Board Guidelines No. 13E for 'Application for Open Storage and Port Back-up Uses' in that no previous approval had been granted, and the development would have adverse traffic, ecological, drainage, landscape and/or environmental impacts on the surrounding areas; and setting an undesirable precedent. Given that DEP's views have been considered in paragraph 12.4 above and there are no adverse comments from C for T, CE/MN of DSD and CTP/UD&L of PlanD, and taking into consideration the justifications provided by the applicant and the policy support from SDEV as stipulated in the TPB PG-No. 13F, the circumstances of the current application may be considered as unique and sympathetic consideration can be given.

- 12.9 There were 105 supporting public comments, four objecting comments and two providing views to the application mainly on grounds stated in paragraph 11. The planning considerations and assessments in paragraphs 12.1 to 12.8 are relevant.

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

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11, the Planning Department considers that the proposed temporary open storage of new vehicles (private cars), construction materials, machineries, equipment and storage of tools and parts with ancillary site office for a period of 3 years and filling of land and pond could be tolerated for a period of 3 years.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years until **10.6.2025**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### **Approval Conditions**

- (a) no operation between 11:00 p.m. and 7:00 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 container trailer is allowed to enter / exit or to be parked / stored on the Site, as proposed by the applicant, at any time during the planning approval period;
- (d) the provision of landscape buffer area, as proposed by the applicant, at any time during the planning approval period;
- (e) 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 **10.12.2022**;
- (f) the provision of noise barrier, as proposed by the applicant, on the Site within **6 months** from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by **10.12.2022**;
- (g) the submission of a revised drainage impact assessment 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 **10.12.2022**;
- (h) in relation to (g) above, the implementation of the mitigation measures identified in the drainage impact assessment 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 **10.3.2023**;
- (i) in relation to (h) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;

- (j) the submission of a detailed road improvement proposal and associated engineering drawings within **6 months** from the date of planning approval to the satisfaction of the Commissioner for Transport, Director of Highways and Head of Geotechnical Engineering Office of Civil Engineering and Development Department or of the Town Planning Board by **10.12.2022**;
- (k) in relation to (j) above, the implementation of the detailed road improvement proposal and associated engineering works within **9 months** from the date of planning approval to the satisfaction of the Commissioner for Transport, Director of Highways and Head of Geotechnical Engineering Office of Civil Engineering and Development Department or of the Town Planning Board by **10.3.2023**;
- (l) in relation to (k) above, the implemented road improvement works shall be maintained at all times during the planning approval period;
- (m) no operation of the proposed development before the implementation of the road improvement works;
- (n) the provision of fire extinguisher(s) within **6 weeks** from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by **22.7.2022**;
- (o) the submission of a fire service installations proposal within **6 months** from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by **10.12.2022**;
- (p) in relation to (o) above, the implementation of the fire service installations proposal within **9 months** from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by **10.3.2023**;
- (q) the submission of the archaeological impact assessment within **6 months** from the date of planning approval to the satisfaction of the Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office or of the Town Planning Board by **10.12.2022**;
- (r) in relation to (q) above, the implementation of the mitigation measures identified in the archaeological impact assessment within **9 months** from the date of planning approval to the satisfaction of the Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office or of the Town Planning Board by **10.3.2023**;
- (s) if any of the above planning condition (a), (b), (c), (d), (i), (l) or (m) 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
- (t) if any of the above planning condition (e), (f), (g), (h), (j), (k), (n), (o), (p), (q) or (r) 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

The recommended advisory clauses are attached at **Appendix V**.

13.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:

- (a) the proposed use and filling of land and pond are 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. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis; and
- (b) the applicant fails to demonstrate that the proposed use would not generate adverse environmental impact on the surrounding area.

### **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**

<b>Appendix I</b>	Application Form with attachments received on 21.4.2022
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix Ib</b>	FI received on 27.5.2022
<b>Appendix II</b>	Extract of TPB PG-No.13F
<b>Appendix III</b>	Previous applications covering the Site
<b>Appendix IV</b>	Government departments' general comments
<b>Appendix V</b>	Recommended advisory clauses
<b>Appendix VI</b>	Public Comments
<b>Appendix VII</b>	Good Practice Guidelines for Open Storage Sites
<b>Drawing A-1</b>	Site Access Plan
<b>Drawing A-2</b>	Proposed Formation Level Plan
<b>Drawing A-3</b>	Proposed Layout Plan
<b>Drawings A-4 to A-6</b>	Proposed Road Improvement Works Plan
<b>Drawing A-7</b>	Proposed Landscape Plan
<b>Drawing A-8</b>	Proposed Environmental Mitigation Measure Plan
<b>Drawing A-9</b>	Proposed Drainage Plan
<b>Drawings A-10 and A-11</b>	Existing Location Plans of the Concerned Operations
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo

**Plans A-4a to 4c**

Site Photos

**PLANNING DEPARTMENT  
JUNE 2022**