

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

**APPLICATION NO. A/YL-LFS/399**

**Applicant** : Mr. LAM Ping Ki

**Site** : Lots 2093 (Part), 2094 (Part), 2095 (Part), 2096 RP (Part), 2097, 2102 S.A (Part), 2215 S.A RP (Part), 2216 (Part), 2217, 2218 RP(Part), 2219 RP (Part), 2231 RP (Part), 2233 (Part), 2234, 2235, 2236 (Part) and 2237 (Part) in D.D.129 and Adjoining Government Land (GL), Lau Fau Shan, Yuen Long, New Territories

**Site Area** : About 4,400m<sup>2</sup> (including GL of about 90 m<sup>2</sup> or 2%)

**Lease** : Block Government Lease (demised for agricultural use)

**Plan** : Draft Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/10 currently in force

Approved Lau Fau Shan and Tsim Bei Tsui OZP No. S/YL-LFS/9 at the time of submission

**Zoning** : “Recreation” (“REC”)  
*[No change to the zoning under the current OZP]*

**Application** : Temporary Open Storage of Marble and Construction Materials with Ancillary Workshop, Vehicle/Cargo Compartments Assembly Workshop with Ancillary Parking Spaces and Loading/Unloading Spaces for Light Goods Vehicles for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary open storage of marble and construction materials with ancillary workshop, vehicle/cargo compartments assembly workshop with ancillary parking spaces and loading and unloading spaces for light goods vehicles for a period of 3 years at the application site (the Site) (**Plan A-1a**). The Site falls within the “REC” zone on the OZP. According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for in terms of the OZP. The Site comprises two separate portions (i.e. the northern portion and the southern portion) (**Plan A-2**). The Site is currently fenced-off, hard-paved and occupied by the applied use without valid planning permission (**Plans A-4a to A-4c**).

- 1.2 The Site involves 22 previous planning applications (No. A/YL-LFS/28, 34, 45, 52, 67, 68, 82, 96, 109, 110, 111, 112, 161, 162, 163, 164, 206, 207, 208, 209, 257 and 308) for temporary open storage of marble and/or construction materials with or without workshop. The last application (No. A/YL-LFS/308) for same use on the same site submitted by the same applicant was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 9.2.2018 for a period of 3 years. The planning permission lapsed on 10.2.2021. The applicant had complied with all the approval conditions of the last application.
- 1.3 As shown on the layout plans at **Drawings A-1 and A-2**, 17 temporary structures in various sizes (not more than 2 storeys and 6 m high) are provided for storage, workshop, office, resting room and electricity meter room uses. The total gross floor area is about 1,684 m<sup>2</sup>. Remaining part of the Site is for open storage use. Four ingress/egress points are located at the southern and southeastern sides of the Site and the Site is accessible via a local track leading from Deep Bay Road (**Drawing A-2, Plans A-2 and A-3**). There are 6 parking spaces for private cars or light goods vehicles and 10 loading/unloading spaces for light goods vehicles. According to the applicant, the operation hours are from 8 a.m. to 8 p.m. from Mondays to Saturdays but no operation on Sundays and public holidays. The applicant states that since the goods turnover rate is not high, it is expected 1 to 2 trucks per hour entering/exiting the Site during peak hours while about 1 truck per hour during the non-peak hours. The proposed layout plans with vehicular access, proposed landscape plan, proposed drainage plan and proposed fire service installations plan are at **Drawings A-1 to A-5** respectively.
- 1.4 Compared with the previous approved application (No. A/YL-LFS/308), the current application was submitted by the same applicant for same use on the same site with same development parameters and similar layout.
- 1.5 In support of the application, the applicant has submitted the following documents:
  - (a) Application Form with attachment received on 3.5.2021 (**Appendix I**)
  - (b) Further Information (FI) received on 16.6.2021 (**Appendix Ia**)  
responding to the comments of Transport Department (TD) and Environmental Protection Department (EPD) and clarifying the planning justification with a new fire service installations proposal  
*(exempted from publication and recounting requirements)*

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

The justifications put forth by the applicant in support of the application are detailed at **Appendices I and Ia**. They can be summarized as follows:

- (a) The Site is subject to a previous planning permission (No. A/YL-LFS/308) for the same use. All approval conditions under the previous application have been complied with.
- (b) If the application is approved, the applicant will strictly follow and comply with the approval conditions in order to protect the environment.

- (c) The applicant has made effort to search land to relocate the applied use in the past two years. However, it was unsuccessful as the low marginal benefit of the applied use could not support the high rental price. So the applicant hopes the application could be approved prior to any known development programme of the Site. Should there be any development programme in future, he would vacate the Site in 6 months' notice.

### **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 posting site notice and sending notice to the Ping Shan Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, TPB PG-No. 31A is not applicable.

### **4. Background**

The Site would be subject to planning enforcement action.

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

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. 13F) are relevant to this application. According to the said Guidelines promulgated by the Board on 27.3.2020, the Site falls within Category 4 areas. Relevant extracts of the Guidelines are attached at **Appendix II**.

### **6. Previous Applications**

- 6.1 The Site involves 22 previous planning applications (No. A/YL-LFS/28, 34, 45, 52, 67, 68, 82, 96, 109, 110, 111, 112, 161, 162, 163, 164, 206, 207, 208, 209, 257 and 308) for temporary open storage of marble and/or construction materials with or without workshop. They were approved with conditions by the Committee/the Board upon review between 1998 and 2018. Details of these applications are summarized at **Appendix III** and their locations are shown on **Plan A-1b**.
- 6.2 Applications No. A/YL-LFS/28, 34, 45, 52, 67, 68 and 82 (covering part of the Site) for temporary open storage of marble were approved by the Committee/the Board upon review with conditions for a period of 12 months or 3 years between 1998 and 2002 mainly on the considerations that there were no heavy vehicles involved and no sensitive receivers nearby. Applications No. A/YL-LFS/96, 109, 110, 111 and 112 (covering part of the Site) for temporary open storage of marble with or without workshop were approved by the Committee with conditions for a period of 3 years in 2003 mainly on the considerations of in line with the then TPB PG-No. 13B/C in that previous approvals had been granted and there were no adverse departmental comments and local objection.

- 6.3 The subject “REC” zone was re-classified from Category 3 area to Category 4 area since TPB PG-No. 13D promulgated in 2005 to reflect the Board’s intention to phase out non-conforming uses in the less disturbed areas near the coast to the northwest of Deep Bay Road.
- 6.4 Applications No. A/YL-LFS/161, 162, 163 and 164 (covering part of the Site) for temporary open storage of marble/construction materials with or without workshop were approved by the Committee with conditions for a period of 2 years instead of 3 years sought in 2007. The shorter approval period of 2 years was to monitor the site condition and to allow time for the applicant to relocate the use on the site to other suitable locations.
- 6.5 Applications No. A/YL-LFS/206, 207, 208 and 209 (covering part of the Site) for temporary open storage of marble with workshop were approved by the Board upon review with conditions for a period of 2 years, instead of 3 years sought in 2011 mainly on the considerations that the applied use on the site could be tolerated in the then TPB PG-No.13E and sympathetic consideration could be given as the planning intention of the “REC” zone would be difficult to be implemented under private ownership.
- 6.6 The last two applications No. A/YL-LFS/257 (covering almost the same site as the current application) and 308 (covering the Site) for temporary open storage of marble and/or construction materials with workshops and loading/unloading spaces and/ or vehicle/cargo compartments assembly workshop were submitted by the same applicant with same/similar development parameters and similar layout. They were approved with conditions by the Committee in 2014 for a period of 2 years instead of 3 years sought and in 2018 for a period of 3 years respectively mainly on the similar considerations as mentioned in paragraph 6.5. All the approval conditions had been complied with and the planning permission lapsed on 5.4.2016 and 10.2.2021 respectively.

## **7. Similar Applications**

Within the same “REC” zone, there are 2 similar applications (No. A/YL-LFS/26 and 123) for temporary open storage of construction materials/recycling plastic materials with workshop. They were rejected by the Board upon review in 1998 and the Committee in 2005 respectively, mainly on the grounds that the applied uses were not in line with the planning intention of “REC” and/or “CPA” zones and/or the then TPB-PG No. 13C; the development was not compatible with the surrounding land uses; the approval of the application would set an undesirable precedent and/or there was insufficient information in the submission to demonstrate that the development would not have adverse environmental, traffic, drainage and landscape impacts on the surrounding areas. Details of these applications are summarized at **Appendix IV** and their locations are shown on **Plan A-1a**.

## **8. The Site and Its Surrounding Areas (Plans A-1a to A-4c)**

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

- (a) currently fenced-off, hard-paved and occupied by the applied use without valid planning permission; and

- (b) accessible via a local track leading from Deep Bay Road (**Drawing A-2, Plans A-2 and A-3**).

8.2 The surrounding areas have the following characteristics:

- (a) to its north are open storage of construction materials and/or machinery, parking of vehicles/trailers which are suspected unauthorised developments (UDs) and vacant land. To its northeast is temporary warehouse for storage of animal feed with valid planning permission (Application No. A/YL-LFS/361);
- (b) to its east are vehicle repair workshop and open storage of recycling materials which are suspected UD and residential dwellings (the closest residential dwelling is about 26 m away);
- (c) to its west are vacant land and a restaurant. To its southwest is gardening which is suspected UD; and
- (d) to its south and southeast across Deep Bay Road are vacant land, open storage yards of machinery and parking of trailers and container vehicles which are suspected UD.

## **9. Planning Intention**

The planning intention of the “REC” zone is primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.

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

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

### **Land Administration**

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

- (a) The Site comprises Old Schedule Agricultural Lots (OSALs) and GL. The OSALs are held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) No permission is given for the occupation of the GL (about 90 m<sup>2</sup> subject to verification) included in the Site. The act of occupation of GL without Government’s prior approval is not allowed.
- (c) The private lots covered by Short Term Waivers (STW) in the Site are listed below:

<b><u>Lots Nos. in D.D. 129</u></b>	<b><u>STWs Nos.</u></b>	<b><u>Purposes</u></b>
2095	3562	Ancillary Use to Open Storage of Marble
2096 RP	3557	
2216	3175	Storage, Workshop and Ancillary Use
2217	3176	
2219 RP	3944	Temporary Open Storage (Marbles, Construction Material, Aluminium Cans and Frames, Small-scale Machinery, Cars and Lorries for Export, Mini Raising Platforms and Ancillary Workshop and Loading/Unloading spaces)
2234	2481	Workshop Ancillary to Open Storage of Marble
2235	4353	Temporary Open Storage of Marble with Ancillary Workshop and 9 Loading and Unloading Spaces for Goods Vehicles

- (d) Should planning approval be given to the application, the STW holder(s) will need to immediately apply to his office for modification of the STW conditions where appropriate. The owner(s) of the lots without STW will need to immediately apply to his office for permitting the structures to be erected or to regularize any irregularities on site, if any. Also, the applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the above GL. Besides, given the applied use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD.

### **Traffic**

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

- (a) He has no adverse comment on the application from traffic engineering viewpoint.
- (b) Sufficient manoeuvring spaces shall be provided within the Site. No vehicle is allowed to queue back to the public road or reverse onto/from the public road.
- (c) The local track leading to the Site is not under TD's purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site.

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

- (a) The access arrangement should be commented by TD.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (c) HyD shall not be responsible for the maintenance of any access connecting the Site and Deep Bay Road.

**Environment**

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

- (a) He does not support the application given the applied use involves open storage of marble which may cause significant dust nuisance. There are also sensitive receivers in the vicinity and environmental nuisance is expected.
- (b) There was no substantiated environmental complaint concerning the Site received by DEP in the past three years.
- (c) 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" ("COP").

**Drainage**

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

- (a) According to the applicant's submission, the existing drainage facilities which was implemented under an approved application (No. A/YL-LFS/308) will be maintained for the applied use.
- (b) He has no objection in principle to the application from drainage point of view. Should the Board consider that the application is acceptable from the planning point of view, he would suggest that a condition

should be stipulated in the approval letter requiring the applicant to maintain the existing drainage facilities and submit condition record of the existing drainage facilities on site to the satisfaction of his department.

- (c) The applicant should be reminded of the detailed comments in **Appendix VI**.

### **Building Matters**

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

- (a) As there is no record of approval granted by the Building Authority (BA) for the existing structures at the Site, he is not in a position to offer comments on their stability for the use proposed in the application.
- (b) The applicant should be reminded of the detailed comments in **Appendix VI**.

### **Landscape**

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

- (a) With reference to the aerial photo of 2020, the Site is located in an area of rural coastal plains landscape character predominated by scattered tree groups, open storage areas, warehouses and temporary structures in the proximity. According to the site photos (**Plans A-4a and A-4c**), the Site is hard paved with existing temporary structures and storage materials. Around 45 existing trees of common species including *Ficus microcarpa* (細葉榕), *Macaranga tanarius* (血桐), *Celtis sinensis* (朴樹) and *Leucaena leucocephala* (銀合歡) are found within the Site. Significant change to the landscape character and impact on the landscape resources arising from the applied use is not anticipated. As such, she has no objection to the application from landscape planning perspective.
- (b) The applicant should be reminded of the detailed comments in **Appendix VI**.

### **Fire Safety**

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

- (a) He has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to 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.

- (c) The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The good practice guideline for open storage should be adhered to (**Appendix VII**).
- (d) Having considered the nature of the open storage use, 'the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of the D of FS' shall be added and the applicant shall submit a valid fire certificate (FS 251) to his department for approval.
- (e) The applicant should be reminded of the detailed comments in **Appendix VI**.

### **District Officer's Comments**

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

His office has not received any comment from the locals on the application.

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

- (a) Director of Agriculture, Fisheries and Conservation;
- (b) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (c) Head of the Geotechnical Engineering Office, CEDD (H(GEO), CEDD); and
- (d) Commissioner of Police (C of P).

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

On 11.5.2021, the application was published for public inspection. During the statutory public inspection period, 2 public comments were received from individuals (**Appendices V-1 and V-2**) objecting to the application. Major reasons of objection to the application are:

- (a) the applied use will generate possible adverse traffic and environmental impacts, as well as fire and personal safety problems and lead to poor quality of life for the nearby residents; and
- (b) the applied use has occupied the Site for many years. The Board should consider whether 'sympathetic consideration' should be given for the applicant as the Site has potential for rehabilitation.

## **12. Planning Considerations and Assessments**

12.1 The application is for temporary open storage of marble and construction materials with ancillary workshop, vehicle/cargo compartments assembly workshop with

ancillary parking spaces and loading/unloading spaces for light goods vehicles for a period of 3 years in the “REC” zone. The planning intention of the “REC” zone is primarily for recreational developments for the use of the general public and encourages the development of active and/or passive recreation and tourism/eco-tourism. Although the applied use is not in line with the planning intention of the “REC” zone, there is no known development program and approval of the application on a temporary basis would not jeopardize the long-term planning intention of the “REC” zone.

- 12.2 The Site is situated in an area of rural coastal plains landscape character predominated by scattered tree groups, open storage areas, warehouses and temporary structures in the proximity. The applied use is not incompatible with the surrounding environment.
- 12.3 The Site falls within Category 4 areas under the TPB PG-No. 13F. The following considerations in the Guidelines are relevant:

Category 4 areas: applications would normally be rejected except under exceptional circumstances. For applications on sites with previous planning approvals (irrespective of whether the application is submitted by the applicant of previous approval or a different applicant), and subject to no adverse departmental comments and local objections, sympathetic consideration may be given if the applicant has demonstrated genuine efforts 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. The intention is however to encourage the phasing out of such non-conforming uses as early as possible. A maximum period of 2 years may be allowed upon renewal of planning permission for an applicant to identify suitable sites for relocation. No further renewal of approval will be given unless under very exceptional circumstances and each application for renewal of approval will be assessed on its individual merit.

- 12.4 There is no adverse comment from concerned Government departments including C for T, DSD, CTP/UD&L, PlanD and D of FS except DEP. The applied use will unlikely create significant adverse traffic, drainage, landscape and fire safety impacts to the surrounding areas. While DEP does not support the application because the applied use may cause dust nuisance and there are sensitive receivers in the vicinity of the Site (nearest residential dwelling is about 26 m away), there is no substantiated environmental complaint against the Site in the past 3 years. Furthermore, relevant approval conditions have been recommended in paragraph 13.2 to minimize any possible nuisances or to fulfill the technical requirements of the concerned Government departments. Any non-compliance with these approval conditions would result in revocation of the planning permission and UD on the Site would be subject to enforcement action by the Planning Authority. Should the planning application be approved, the applicant will be advised to follow the latest ‘COP’ in order to minimize the possible environmental nuisance to the surrounding area and on the nearby sensitive receivers.
- 12.5 There were 22 previous approvals for temporary open storage of marble and/or construction materials with or without workshop uses on the Site. The Committee approved the last application No. A/YL-LFS/308 in 2018 for the same use on a temporary basis for 3 years mainly on the considerations that the applied use on the

Site is not incompatible with the surrounding areas and could be tolerated under the then TPB PG-No.13E and sympathetic consideration could be given. However, the applicant has been advised to expedite the site search to relocate the applied use to other suitable locations. In this regard, the applicant in the current application claims that he has made effort to search for a relocation site but in vain in view of the low profit margin of the applied use and it is difficult for the operators to find alternative sites with comparable low rent. He requests for sympathetic consideration to allow the temporary use under application to stay until there is concrete plan for the implementation of the “REC” zone. As there has been no material change in the planning circumstances since the last approval and the applicant had complied with the approval conditions of the last application, approval of the current application is generally in line with the Committee’s previous decisions. However, since the Site remains within the Category 4 areas under the TPB PG-No. 13F promulgated on 27.3.2020 after the last approval, a shorter approval period of 2 years is recommended for the applicant to expedite the site search to relocate the applied use on the Site to other suitable locations.

- 12.6 Two similar applications (No. A/YL-LFS/26 and 123) for temporary open storage of construction/recycling plastic materials with or without workshop were rejected by the Committee mainly on the grounds of no previous approval, local objections and adverse comments from Government departments. The current application is different in that the Site involves previous approvals since 1998 and the departmental concerns could be addressed through approval conditions.
- 12.7 There are 2 public comments received objecting to the application mainly on the grounds as summarized in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.6 are relevant.

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

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comments mentioned in paragraph 11 above, the Planning Department considers that the temporary open storage of marble and construction materials with ancillary workshop, vehicle/cargo compartments assembly workshop with ancillary parking spaces and loading/unloading spaces for light goods vehicles could be tolerated for a period of 2 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 2 years until 25.6.2023. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

#### *Approval Conditions*

- (a) no operation between 8:00 p.m. and 8:00 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 medium and heavy goods vehicle exceeding 5.5 tonnes, including

container trailer/tractor, as defined in the Roads Traffic Ordinance, as proposed by the applicant, is allowed to enter/exit or to be parked/stored on the Site at any time during the planning approval period;

- (d) no vehicle over 10 m long is allowed to enter/ exit or to be parked/stored on the Site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (f) the existing fencing on the Site shall be maintained at all times during the planning approval period;
- (g) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities within **3 months** from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **25.9.2021**;
- (i) 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 **6.8.2021**;
- (j) the submission of a revised 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 **25.12.2021**;
- (k) in relation to (j) above, the implementation of the revised fire service installations proposal 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 **25.3.2022**;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (m) if any of the above planning conditions (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

#### Advisory Clauses

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

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

- (a) the applied use is not in line with the planning intention of the "REC" zone which is primarily for recreational developments for the use of the general public and encourages the development of active and/or passive recreation

and tourism/eco-tourism. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis; and

- (b) the applied use is not in line with the Town Planning Board Guidelines No. 13F for Application for Open Storage and Port Back-up Uses in that there is no exceptional circumstance to justify the development in Category 4 areas in which the intention is to encourage the phasing out of non-conforming uses as early as possible.

#### **14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse the planning 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 received on 3.5.2021
<b>Appendix Ia</b>	Further Information received on 16.6.2021
<b>Appendix II</b>	Relevant extracts of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F)
<b>Appendix III</b>	Previous Applications covering the Site
<b>Appendix IV</b>	Similar Applications within the same “REC” Zone
<b>Appendices V-1 and V-2</b>	Public Comments
<b>Appendix VI</b>	Advisory Clauses
<b>Appendix VII</b>	‘Good Practice for Open Storage’ issued by D of FS
<b>Drawings A-1 and A-2</b>	Proposed Layout Plans with Vehicular Access
<b>Drawing A-3</b>	Proposed Landscape Plan
<b>Drawing A-4</b>	Proposed Drainage Plan
<b>Drawing A-5</b>	Proposed Fire Service Installations Plan
<b>Plan A-1a</b>	Location Plan with Similar Applications
<b>Plan A-1b</b>	Location Plan with Previous Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to A-4c</b>	Site Photos

**PLANNING DEPARTMENT  
JUNE 2021**