

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-ST/594

<u>Applicant</u>	: Ocean First (Hong Kong) Limited
<u>Site</u>	: Lots 764 RP (Part) and 768 RP (Part) in D.D. 99, Lots 199 S.C (Part), 200 S.B (Part), 204 RP (Part) and 215 RP (Part) in D.D. 105 and Adjoining Government Land (GL), San Tin, Yuen Long
<u>Site Area</u>	: 20,692m ² (about) (including about 610m ² of GL)
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved San Tin Outline Zoning Plan (OZP) No. S/YL-ST/8
<u>Zoning</u>	: “Residential (Group D)” (“R(D)”)
<u>Application</u>	: Temporary Logistic Centre with Ancillary Container Vehicle Park and Car Repair Workshop, Warehouse for Cold Storage and Car Beauty Service for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary logistic centre with ancillary container vehicle park and car repair workshop, warehouse for cold storage and car beauty service for a period of 3 years (**Plan A-1**). The Site falls within the area zoned “R(D)” on the OZP. According to the Notes of the OZP, temporary use not exceeding a period of 3 years requires planning 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 is currently used for the applied use.
- 1.2 The Site (in whole or in part) is the subject of 12 previously approved applications (No. A/YL-ST/37, 39, 72, 75, 121, 123, 233, 305, 360, 404, 455 and 512) (**Plan A-1**). The first 7 applications were submitted by other applicants for uses including temporary open storage of containers, container vehicle/trailer park (some with ancillary trailer/vehicle repairing area/workshop and diesel oil tank) and cargo handling and forwarding facilities. The last 5 applications were submitted by the current applicant, 3 of them approved between 2006 and 2011

were for temporary open storage of containers and container trailer park and one with cargo handling and forwarding facilities and vehicle repair workshop. The remaining 2 which were approved on 12.12.2014 and 8.12.2017 were for temporary logistics centre with ancillary container vehicle park, vehicle repair workshop and car beauty service with similar site area. However, the planning permission of the last application (No. A/YL-ST/512) was revoked on 13.3.2020 due to non-compliance with the approval conditions on submission and implementation of fire service installations (FSIs) proposal by the applicant.

- 1.3 As shown on the layout plan at **Drawing A-1** and **Plan A-2**, the Site is accessible from Castle Peak Road – San Tin. The proposed development comprises a total of 29 structures of 1 to 2 storeys (2.5m to 10m), including 11 main structures (No. 1-11) and 18 minor structures (A to R) with a total gross floor area (GFA) of about 14,555.2m² to accommodate the applied uses, 6 parking spaces for container vehicles, 6 loading and unloading (L/UL) bays and 4 private car parking spaces for the visitors and site staff as shown in **Drawing A-1**. The operation hours are from 8:00am to 8:00pm from Monday to Saturday with no operation on Sundays and public holidays.
- 1.4 As compared to the last approved application No. A/YL-ST/512, there is no change to the main use of the Site for logistic centre and operation hours. The current proposal has a similar site layout with the size of various structures adjusted, one of the main structures is specified as cold storage, 18 minor ancillary structures added, and increase in GFA by about 2,341.2m² (from 12,214m² to about 14,555.2m² / about 19.2%).
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with replacement pages received on 29.6.2021 **(Appendix I)**
 - (b) Planning Statement **(Appendix Ia)**
 - (c) Further Information (FI) received on 29.7.2021 rectifying the application site boundary with revised drawings on site location, site layout and drainage proposal # **(Appendix Ib)**
 - (d) FI received on 13.9.2021 and 30.9.2021 providing responses to departmental comments with site trip generation, reduction of vehicle parking spaces, revised site layout, revised landscape plan and replacement page of Application Form # **(Appendix Ic)**
- 1.6 On 27.8.2021, the Rural and New Town Planning Committee (the Committee) of the Board decided to defer a decision on the application for a period of two months as requested by the applicant to allow time for the applicant to address departmental comments. The applicant subsequently submitted FI as detailed in paragraph 1.5 above. The application is scheduled for consideration by the Committee at this meeting.

exempted from the publication requirement

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Planning Statement and FI at **Appendices Ia to Ic**, and are summarised as follows:

- (a) The Site was the subject of previously approved applications and has been used for temporary open storage of yards/container vehicle parks since 1997. The approved use and major development parameters of the current application are essentially the same as that of the last approved Application No. A/YL-ST/512 with a slightly smaller site area and addition of cold storage warehouse in the current application.
- (b) Most of the approval conditions for the last application No. A/YL-ST/512 were completed. The planning permission, however, was revoked owing to non-compliance with the condition relating to the FSIs, which had been affected by the covid-19 pandemic. The applicant will submit FSIs proposal via authorised contractor and comply with the approval conditions to be imposed under current application.
- (c) The application is in line with Town Planning Board Guidelines No. 13F for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13F) in that the Site falls within the Category 2 area where a number of open storage yards and logistic park are in the vicinity and there is no immediate permanent development proposal for the Site; the Site is the subject of previous planning approvals. The applied use is compatible with the surrounding areas and the temporary nature of the applied use will not frustrate the long term planning intention of the “R(D)” zone.
- (d) A 40m x 50m buffer zone area (about 200m²) and a manoeuvring circle with 27m diameter are provided near the entrance of the Site to avoid waiting of vehicles outside Castle Peak Road. No night time operation will be carried out at the Site. Container vehicles will enter the Site with designated parking lot via advance booking and guidance by the site staff. No vehicle queuing or loading/ unloading activities outside the Site on the public road are allowed.
- (e) As loading and unloading of containers will only be carried out at Structure No. 1, which could handle a maximum of 5 containers per hour, the Site will generate a maximum of 6 container vehicle trips per hour and there will be about 2-4 container vehicle trips per hour on average. As for the trip generation by private cars, it is estimated that there will be about 12 trips per day for the site staff (3 trips to the Site in the morning, 6 trips during lunch and 3 off-work trips leaving the Site), and 5 trips per day for the visitors. The traffic generation by the applied use is not significant and will not increase the existing traffic volume in the area, therefore, no adverse traffic impact is anticipated.
- (f) The applicant will continue to maintain the existing drainage facilities and enhance the landscape and visual amenities of the area (**Drawing A-2**) and undertake measures to avoid air and noise nuisance. The proposed development will not generate nuisances to the surroundings or adverse drainage impact.

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

The applicant is not a “current land owner” of the Site 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 notice in the local newspaper and posting site notice. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion of the Site, the “Owner’s Consent/Notification” requirements are not applicable.

4. Town Planning Board Guidelines

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)

- 4.1 According to TPB PG-No. 13F, the Site falls within Category 2 areas which are areas mostly without clear planning intention or fixed development programme; areas to be affected by major upcoming infrastructural projects; areas within or close to clusters of open storage, port back-up or other types of brownfield sites which are regarded as “existing uses” under the Town Planning Ordinance and/or subject of previous planning approvals. In addition, the areas should not be subject to high flooding risk.
- 4.2 For Category 2 areas, technical assessments, where appropriate, should be submitted to demonstrate that the proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. Subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions, planning permission could be granted on a temporary basis up to a maximum period of 3 years.

Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C)

- 4.3 According to TPB PG-No. 12C, the Site falls within the Wetland Buffer Area (WBA). The relevant assessment criteria are summarised as follows:
- (a) the intention of the WBA is to protect the ecological integrity of the fish ponds and wetland within the Wetland Conservation Area (WCA) and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds;
 - (b) within the WBA, for development or redevelopment which requires planning permission, an ecological impact assessment (EcoIA) would need to be submitted. Some local and minor uses (including temporary uses) are however exempted from the requirement of EcoIA; and

- (c) open storage or container back-up uses located close to the Lok Ma Chau crossing and without involving pond filling might be sympathetically considered by the Board in view of the genuine need to facilitate cross-boundary movements of goods in the area.

5. **Background**

The Site is not subject to active planning enforcement action.

6. **Previous Application**

- 6.1 The Site is subject of 13 previous applications (Application No. A/YL-ST/27, 37, 39, 72, 75, 121, 123, 233, 305, 360, 404, 455 and 512). The first application was rejected, and the other 12 applications were approved (**Plan A-1**).

Rejected Application

- 6.2 Application No. A/YL-ST/27 for temporary open storage of containers was rejected by the Board upon review in 1997 for the reasons of not in line with the planning intention of “R(D)” zone, no information to demonstrate that mitigation or improvement measures required could be implemented and approval of the application would set an undesirable precedent for similar applications.

Approved Applications

- 6.3 Applications No. A/YL-ST/37, 39, 72, 75, 121, 123 and 233, which were submitted by other applicants, and Applications No. A/YL-ST/305, 360 and 404 which were submitted by the current applicant, were for temporary open storage of containers, container vehicle/trailer park (some with ancillary trailer/vehicle repairing area/workshop and diesel oil tank) and cargo handling and forwarding facilities which were approved by the Committee from 1997 to 2009 mainly on the considerations that the developments could alleviate the acute shortage of port back-up land in the San Tin area, they were not incompatible with the surrounding land uses and the concerns of Government departments could be addressed by imposing approval conditions.
- 6.4 Applications No. A/YL-ST/455 and 512 were submitted by the current applicant for temporary logistics centre with ancillary container vehicle park, vehicle repair workshop and car beauty service uses. They were approved by the Committee on 12.12.2014 and 8.12.2017 respectively, mainly on the considerations that the development would not frustrate the long-term planning intention of the “R(D)” zone, not incompatible with the surrounding land uses, the site fell within the Category 2 areas under TPB PG-No.13E with previous approvals and no objection/adverse comment from concerned government departments. While all approval conditions for Application No. A/YL-ST/455 have been complied with, the planning permission for Application No. A/YL-ST/512 was revoked on 13.3.2020 due to non-compliance with the approval conditions on submission and implementation of FSIs proposal.
- 6.5 Details of these applications are summarised at **Appendix II**.

7. Similar Applications

Since the promulgation of TPB PG-No. 13E in 2008, there were 3 similar applications (No. A/YL-ST/414, 465 and 525) for temporary cargo handling and forwarding facilities with or without open storage of containers, ancillary container trailer park and vehicle repair workshop/tyre repair workshop within the same “R(D)” zone on the OZP (**Plan A-1**). They were approved by the Committee between 2012 and 2018 mainly on the considerations that approval on a temporary basis would not frustrate the long-term planning intention of the “R(D)” zone, the developments were not incompatible with the surrounding land uses and were in line with TPB PG-No. 13E. Details of these applications are summarized at **Appendix III**.

8. The Site and its Surrounding Areas (Plans A-1 to A-4d)

8.1 The Site is:

- (a) accessible at the south off Castle Peak Road – San Tin; and
- (b) currently used for the applied use.

8.2 The surrounding areas are predominated by open storage and port back-up uses, vehicle parks with scattered residential dwellings and ponds (**Plan A-2 and A-3**)

- (a) to its north and northeast are San Tin Western Main Drainage Channel, and ponds;
- (b) to its immediate east and southeast are cargo handling and forwarding facilities and open storage of containers with vehicle repair workshop and open storage yard for construction materials and vehicle parks, also with temporary approval for retail shop for container tractors, medium goods vehicles, vehicle parts and building materials under Application No. A/YL-ST/538;
- (c) to its southwest is a domestic structure; to the further south across Castle Peak Road – San Tin are a site for parking of lorry cranes for sale with ancillary maintenance workshop approved under Application No. A/YL-ST/535, a public vehicle park (including container vehicles and heavy goods vehicles) approved under Application No. A/YL-ST/590, a warehouse and parking of container vehicles and goods vehicles, amenity area, vacant land and an open storage of vehicles; and
- (d) to its west across a nullah are ponds, an open storage of construction machinery, parking of vehicles, a vehicle repair workshop, domestic structures, vacant land.

9. Planning Intention

The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing

temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

10. Comments from Relevant Government Departments

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

Land Administration

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

- (a) The Site comprises GL and Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) The private land of Lot No. 768 RP (Portion) in D.D.99 and Lot No. 204 RP (Portion) in D.D.105 are covered by Short Term Waivers (STWs) No. 3652 and 3653 respectively to permit structures for the purpose of “Temporary Open Storage of Containers and Cargo Handling and Forwarding Facilities with Ancillary Container Vehicle Park with Ancillary Vehicle Repair Workshop”.
- (c) 3 portions of the GL (about 518m²) of the Site are covered by a Short Term Tenancy (STT) No. 2647 for the purpose of “Open Storage of Containers and Cargo Handling and Forwarding Facilities with Ancillary Container Vehicle Park with Ancillary Vehicle Repair Workshop”.
- (d) No permission is given for occupation of the remaining GL of about 92m² in area (subject to verification) included in the Site. The act of occupation of the remaining GL without Government’s prior approval is not allowed.
- (e) Should planning approval be given to the subject planning application, the STT/STW holders will need to immediately apply to this office for modification of the STT/STW conditions where appropriate. The applicant has to either exclude the remaining GL from the Site or apply for a formal approval prior to the actual occupation of the remaining GL. Moreover, the lot owner(s) of the lot(s) without STW will need to apply to this office for permitting the structures to be erected or regularise any irregularity on-site. Besides, given the applied use is temporary in nature, only application for regularisation 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

applications will be approved. If such applications are approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by LandsD.

Traffic

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

Having considered the application including the FI provided by the applicant, he has no adverse comment on the application from the traffic engineering perspective. Should the application be approved, a condition should be incorporated that no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period.

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

- (a) The proposed access arrangement of the Site from Castle Peak Road – San Tin should be approved by TD.
- (b) HyD shall not be responsible for the maintenance of any access connecting the Site and Castle Peak Road – San Tin.
- (c) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

Environment

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

- (a) The application includes 10 parking spaces and 6 L/UL spaces for container vehicles and the use of heavy vehicles is expected under the context of the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (“the COP”). She does not support the application as the applied use will generate traffic of heavy vehicles and there are sensitive uses in the vicinity of the Site (i.e. a residential dwelling is located to its immediate southwest) and environmental nuisance is expected (**Plan A-2**). If the application is approved, the applicant is advised to follow the relevant mitigation measures and requirements in the COP to minimise potential environmental impacts on the surrounding areas.
- (b) There was no environmental complaint related to the site in the past 3 years.

Landscape

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

- (a) Compared with aerial photos taken in 2017 and 2020, there is no significant change to the surrounding landscape setting since the last application No. A/YL-ST/512 was approved. In view of the fact that the Site is not located in landscape sensitive zoning and there is no substantial change in the layout of the development, further significant impact on existing landscape resources within the Site arising from the applied use in the current application is not anticipated.
- (b) In view that there are existing trees along the site boundary for screening and significant adverse impact arising from the proposed development is not anticipated, it is considered not necessary to impose a landscape condition should the Board approve the application.
- (c) Her advisory comments to the applicant are at **Appendix V**.

Fire Safety

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

- (a) He has no objection in principle to the application subject to FSIs being provided to his satisfaction.
- (b) FSIs are anticipated to be required in consideration of the design/nature of the proposal. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of the proposed FSI should be clearly marked on the layout plans.
- (c) The applicant is reminded that if any proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans. Licensing requirements, if any, will be formulated upon receipt of formal application via the Licensing Authority.

Drainage

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

- (a) He has no objection in principle to the application from the drainage operation and maintenance point of view.

- (b) The applicant shall make a drainage submission to demonstrate how he will collect, convey and discharge rain water falling onto or flowing to the Site. The drainage proposal submitted by the applicant is not acceptable. The applicant should re-submit the proposal to address his comments as detailed in **Appendix V**. The applicant is reminded that approval of the drainage proposal must be sought prior to the implementation of drainage works on the Site.
- (c) The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas.
- (d) No public sewerage maintained by CE/MN, DSD is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained.
- (e) The applicant should consult DLO/YL, LandsD regarding all the proposed drainage works outside the site boundary in order to ensure unobstructed discharge from the Site in future.
- (f) All the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage facilities on the Site under proper maintenance at all times.

Building Matters

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

- (a) There is no record of approval by the Building Authority (BA) for the structures existing at the Site.
- (b) If the existing structures (not being New Territories Exempted Houses) are erected on leased land without approval of the BA, they are unauthorised under BO and should not be designated for any approved use under the application.
- (c) For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with the prevailing 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 BO.
- (d) Before any new building works (including containers and open sheds as temporary buildings, demolition and land filling etc.) are to be carried out on the Site, prior approval and consent of BA should be obtained, otherwise they are unauthorised building works (UBW)

under BO. An Authorised Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with BO.

- (e) His detailed comments are at **Appendix V**.

10.2 The following government departments have no comment on or no objection to the application:

- (a) Director of Agriculture, Fisheries and Conservation;
- (b) Commissioner of Police;
- (c) Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department;
- (d) Project Manager (West), Civil Engineering and Development Department;
- (e) Chief Engineer/Construction, Water Supplies Department; and
- (f) District Officer (Yuen Long), Home Affairs Department.

11. Public Comments Received During Statutory Publication Period

On 9.7.2021, the application was published for public comments. During the first 3 weeks of the statutory publication period which ended on 30.7.2021, 2 public comments were received from a local resident and an individual raising objection to or concerns on the grounds that the development will result in traffic congestion, environmental pollution, fire risk and affect the living environment and safety of the villagers; and the applied use has been in operation for a long time (**Appendix IV**).

12. Planning Considerations and Assessments

12.1 The applicant seeks permission for a temporary logistic centre with ancillary container vehicle park and car repair workshop, warehouse for cold storage and car beauty service at the Site for a period of 3 years. The Site falls within the “R(D)” zone which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board. The applied use is not in line with the planning intention of the “R(D)” zone. However, approval of the application on a temporary basis for a period of 3 years would not frustrate the long term planning intention of the “R(D)” zone as there is no immediate development proposal for the Site and similar use as the current proposal has previously been approved and under operation on a temporary basis at the Site. The proposed use is also not incompatible with the surrounding open storage and port back-up uses, vehicle parks, warehouse and workshop (**Plan A-2**).

12.2 Although the Site falls within the WBA, it is specified in TPB PG-No. 12C that planning applications for temporary uses are exempted from the requirement of EcoIA. It is also stated in the guidelines that open storage or container back-up uses located close to the Lok Ma Chau crossing and without involving pond

filling might be sympathetically considered by the Board in view of the genuine need to facilitate cross-boundary movements of goods in the area. DAFC has no comment on the application.

- 12.3 The Site falls within Category 2 area under TPB-PG No. 13F. The application is in line with the guidelines in that there were previous approvals for temporary open storage and port back-up uses at the Site with the last applications No. A/YL-ST/455 and 512 submitted by the current applicant for similar use (without the cold storage warehouse in the current application) approved in 2014 and 2017. Although the latest approval was revoked on 20.3.2020 due to non-compliance with the FSIs condition, the applicant has explained that the work progress of the FSIs was affected by the covid-19 pandemic. The applicant has committed to comply with all the approval conditions including FSIs upon approval of the current application. D of FS has no objection to the current application. While DEP does not support the application as there are sensitive receivers in the vicinity of the Site (i.e. residential structures located to its immediate southwest), no environmental complaint related to the Site was received by DEP in the past 3 years. Other government departments including C for T, CE/MN of DSD and CTP/UD&L of PlanD have no adverse comments on the traffic, drainage and landscape aspects. Should the application be approved, approval conditions restricting the operation hours and requiring maintenance of paving and boundary fencing are recommended in paragraph 13.2 (a) to (c) below to mitigate potential environmental impacts on the surrounding areas. Besides, the applicant should be advised to follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”. Technical requirements of C for T, D of FS and CE/MN of DSD are imposed through approval conditions in paragraphs 13.2 (e) to (i) below. Shorter compliance periods are recommended to closely monitor the progress of compliance with the approval conditions. Moreover, the applicant will be advised that should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 12.4 The Committee has approved 3 similar applications for temporary cargo handling and forwarding facilities and with or without open storage of containers, ancillary container trailer park or vehicle repair workshop/tyre repair workshop within the same “R(D)” zone as detailed in paragraph 7 above. Approval of the current application is in line with the previous decisions of the Committee.
- 12.5 There are 2 public comments raising objection/concerns on the proposed development as detailed in paragraph 11. The planning considerations and departmental comments above are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11, the Planning Department considered that the temporary logistic centre with ancillary container vehicle park

and car repair workshop, warehouse for cold storage and car beauty service 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 12.11.2024. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 8:00p.m. and 8:00a.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) the paving and boundary fencing on the Site shall be maintained at all times during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the submission of fire service installations proposal within **3** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **12.2.2022**;
- (f) in relation to (e) above, the implementation of fire service installations 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 **12.5.2022**;
- (g) the submission of the drainage proposal 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 **12.2.2022**;
- (h) in relation to (g) above, the implementation 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 **12.5.2022**;
- (i) in relation to (h) above, the implemented drainage proposal at the Site shall be maintained at all times during the planning approval period;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (i) 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;
- (k) if any of the above planning conditions (e), (f), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and

- (l) upon the expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory clauses

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

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed development is not in line with the planning intention of the "R(D)" zone, which is for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings for low-rise, low-density residential development. No strong planning justification has been given in the submission for a departure from such planning intention, even on a temporary basis.

14. Decision Sought

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

15. Attachments

Appendix I	Application Form and replacement pages received on 29.6.2021
Appendix Ia	Planning Statement
Appendix Ib	FI received on 29.7.2021
Appendix Ic	FI received on 13.9.2021 and 30.9.2021
Appendix II	Previous s.16 applications
Appendix III	Similar s.16 applications
Appendix IV	Public comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Site Layout Plan
Drawing A-2	Landscape Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan

Plan A-3 Aerial Photo
Plans A-4a to A-4d Site Photos

PLANNING DEPARTMENT
NOVEMBER 2021