

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

**APPLICATION NO. A/NE-KTS/452**

- Applicants** : Mr. WONG Chun Hung and Ms. TO Nu
- Site** : Lots 1618 (Part), 1619 and 1620 (Part) in D.D. 100 and adjoining Government Land, Ying Pun, Kwu Tung South, New Territories
- Site Area** : 1,568m<sup>2</sup> (including 39m<sup>2</sup> of Government land)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kwu Tung South Outline Zoning Plan (OZP) No. S/NE-KTS/16  
(*currently in force*)  
Draft Kwu Tung South OZP No. S/NE-KTS/15  
(*at the time of submission of application*)
- Zoning** : “Recreation” (“REC”) on both OZPs
- Application** : Proposed Temporary Storage (Cosmetic Products, Beverages and Construction Materials) with Ancillary Office for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicants seek planning permission for a temporary storage (cosmetic products, beverages and construction materials) with ancillary office for a period of 3 years at the application Site (the Site) (**Plan A-1**). According to the Notes of the OZP, temporary use not exceeding a period of three 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 without valid planning permission.
- 1.2 The Site, in part or in whole, is involved in 12 previous applications. The last application No. A/NE-KTS/367 for temporary storage of metal ware with ancillary office for a period of 3 years submitted by the same applicants was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 25.7.2014 for 3 years until 25.7.2017. The applicants had complied with all the approval conditions.

- 1.3 According to the submission, the applied development comprises a one-storey temporary structure with an area of 950 m<sup>2</sup> (**Drawing A-1**) with ancillary office and toilet and a shelter of 9.5m<sup>2</sup>. The Site is accessible via a track and a village road leading to Fan Kam Road and the ingress/egress is at the south side of the Site. A loading/unloading area for light goods vehicle (LGV) is provided within the Site (**Drawing A-1**). 3.3-tonne LGV or seven-seat private vehicle would be used for transportation. The daily traffic flow to/from the Site will be 2 LGVs (i.e. 2-way traffic of 4 passenger car units (pcu) per hour in the a.m. and p.m. peak hours respectively). According to the applicants, vehicles to/from the Site are arranged in 2 time frames, i.e. 10:30a.m. to 11:30a.m. and 2:30p.m. to 4:00p.m., which are not in peak hours. A Traffic Impact Assessment (TIA) (**Appendix If**) submitted by the applicant indicates that the applied development is not anticipated to impose adverse impact to the local road network. A ‘Stop’ road marking and ‘Stop’ traffic sign at the access track is proposed to enhance pedestrian safety (**Drawing A-2**). The operation hours are from 9a.m. to 5p.m. on Mondays to Saturdays and there will be no operation on Sundays and public holidays. Existing drainage facility and trees are shown on **Drawing A-1**.
- 1.4 As compared with the previously approved application No. A/NE-KTS/367, the current application involves a change in storage materials. There is no major change to the development parameters. A comparison are as follows:

Development parameters	Approved under previous application No. A/NE-KTS/367 (a)	Current application (b)	Difference (b)- (a)
Site Area	1,568 m <sup>2</sup>	1,568 m <sup>2</sup> (about)	0
Total floor area/covered area	950 m <sup>2</sup>	959.5 m <sup>2</sup>	+9.5 m <sup>2</sup>
Height	1 storey, not exceeding 6m	1 storey, not exceeding 6m	0
Number of loading/unloading space for LGV	1	1	0

- 1.5 In support of the application, the applicants have submitted the following documents:
- (a) Application Form with plans received on 25.4.2017 **(Appendix I)**
  - (b) Supplementary Information dated 26.4.2017 **(Appendix Ia)**
  - (c) FI dated 3.7.2017 providing responses to the comments of Transport Department (TD) **(Appendix Ib)**  
*(accepted and exempted from publication and recounting requirements)*
  - (d) FI dated 9.8.2017 clarifying site boundary **(Appendix Ic)**  
*(accepted and exempted from publication and recounting requirements)*
  - (e) FI dated 25.9.2017 providing responses to the comments of TD **(Appendix Id)**  
*(accepted and exempted from publication and recounting requirements)*

- (f) FI dated 27.12.2017 providing a TIA (TIA superseded by revised TIA of 29.1.2018) (Appendix Ie)  
*(accepted but not exempted from publication and recounting requirements)*
- (g) FI dated 29.1.2018 providing responses to the comments of TD with a revised TIA (Appendix If)  
*(accepted but not exempted from publication and recounting requirements)*
- (h) FI dated 1.3.2018 providing clarification on the information in TIA (Appendix Ig)  
*(accepted and exempted from publication and recounting requirements)*
- (i) FI dated 7.3.2018 providing revised layout plan and landscape and drainage Plan (Appendix Ih)  
*(accepted and exempted from publication and recounting requirements)*

1.6 The application was originally scheduled for consideration by the Committee on 23.6.2017. On 23.6.2017, 25.8.2017 and 10.11.2017, the Committee agreed to defer a decision on the application as requested by the applicants to allow time for the applicants to prepare FI to address departmental comments. Upon receipt of the FI by the applicants on 29.1.2018, the application is rescheduled for consideration by the Committee at this meeting on 16.3.2018.

## 2. **Justifications from the Applicants**

The justifications put forth by the applicants in support of the application are detailed in Part 9 of the Application Form at **Appendices I, Ia, Ib, Id, If and Ig**. The applicants state that a previous planning approval for the Site under Application No. A/NE-KTS/367 was granted by the Board and approval conditions in relation to landscape, drainage, traffic and fire installations have been complied with. Adverse traffic impact is not anticipated.

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

The applicants are two of the “current land owners” (i.e. Lots 1618 and 1620 in D.D. 100) and have complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the ‘Owner’s Consent/Notification’ Requirements under Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting a site notice within the Site and sending notification letter to the Sheung Shui District Rural Committee by local registered post. Detailed information would be deposited at the meeting for Member’s inspection. The remaining of the Site (about 2.5% of the Site) is Government land and the “owner’s consent/notification” requirements as set out in TPB PG-No. 31A is not applicable.

#### 4. **Background**

The Site is not involved in any active enforcement case. The current use of the Site is subject to investigation and if there is sufficient evidence to confirm that the use on the Site is an unauthorized development defined under the Town Planning Ordinance, further enforcement and/or prosecution action would be taken on the responsible person(s) of the Site.

#### 5. **Previous Applications**

- 5.1 The Site, in part or in whole, is involved in 12 previous applications, and amongst which, 7 applications were submitted by the same applicants of the subject application. 9 applications were approved with conditions by the Committee or by the Board on review and 3 applications were rejected by the Committee or by the Board on review. Details of the previous applications are summarized at **Appendix II** and their locations are shown on **Plans A-1 and A-2b**.
- 5.2 Application No. A/IDPA/NE-KTS/16 for a proposed storage of metals and construction materials was rejected on 11.7.1991 on the grounds of not in line with the planning intention for the area, and narrow vehicular access which was in poor condition.
- 5.3 Application No. A/DPA/NE-KTS/28 for a proposed residential development was rejected on 8.5.1992 on the grounds of not in line with the planning intention for the area, excessive development intensity, and no details on sewage treatment and disposal facilities, and drainage facilities.
- 5.4 Application No. A/DPA/NE-KTS/131 for a temporary open storage of left-hand drive vehicles, stationery and metal ware was approved on 13.5.1994 for a period of 3 years mainly on the considerations that there were workshops and temporary uses surrounding the site and a temporary approval for 3 years would be acceptable pending implementation of the “REC” zone in the long-term.
- 5.5 Application No. A/NE-KTS/64 for a temporary open storage of private vehicles/lorry truck and car repairing and metal ware workshop for a period of 12 months was approved on 20.6.1997 mainly on the considerations that the applied use was similar to that under previous approved application (No. A/DPA/NE-KTS/131); the use was generally compatible with the surrounding uses and would not have adverse impacts on the surrounding areas. Applications Nos. A/NE-KTS/108, 127 and 166 for temporary open storage of cars and/or metal wares, etc. for a period of 3 years were approved on 17.12.1999, 15.6.2001 and 7.3.2003 respectively based on the similar considerations. However, these applications were subsequently revoked on 17.9.2000, 15.9.2001 and 7.12.2003 respectively due to non-compliance with approval conditions. Application No. A/NE-KTS/185 for a temporary open storage of metal ware for a period of 3 years was rejected on 29.10.2004 as the previous approval conditions had not been complied with and no proposals on the outstanding approval conditions were submitted.
- 5.6 Application No. A/NE-KTS/215 for the same use as the previous application No.

A/NE-KTS/185 was approved on 24.6.2005 for a period of 3 years mainly on the considerations that the applicants had submitted drainage, traffic and landscaping proposals and relevant departments had no adverse comments on the proposals; the applied use was not incompatible with the surrounding uses; and the storage of metal ware would unlikely have adverse environmental impacts or adverse traffic and drainage impacts on the surrounding areas. Subsequently, the applicants had complied with all the approval conditions.

- 5.7 Application No. A/NE-KTS/264 for a temporary open storage of metal ware was approved on 18.7.2008 on the grounds that there was no change in planning circumstances since the last planning permission; the use was not incompatible with the surrounding land uses; the temporary approval would not frustrate the planning intention of the “REC” zone; and concerns of the Director of Environmental Protection (DEP) and locals could be addressed by imposition of approval condition restricting the operation hours. Application No. A/NE-KTS/311 for renewal of planning approval of temporary open storage of metal ware for a period of 3 years was approved on 8.7.2011 on the similar grounds. The applicants had complied with all the approval conditions in both applications.
- 5.8 The last application No. A/NE-KTS/367 for a temporary storage of metal ware with ancillary office was approved on 25.7.2014 mainly on similar considerations of previous applications. The applicants had complied with all the approval conditions. The planning permission lapsed on 26.7.2017.

## 6. Similar Application

- 6.1 There are 8 similar applications involving 2 sites for storage/godown use within the same “REC” zone which were approved by the Committee. 6 applications mainly involve one site for the same use (i.e. temporary godown use with ancillary office for a period of 3 years) while 2 applications involve another site for storage use. Details of the similar applications are summarized at **Appendix III** and their locations are shown on **Plan A-1**.
- 6.2 6 applications No. A/NE-KTS/225, 240, 261, 305, 362 and 449 involving almost the same site for similar temporary godown were approved between 2006 and 2017. Applications No. A/NE-KTS/225 was approved on 3.2.2006 on the grounds that the godown use was not incompatible with the surroundings uses and would unlikely have adverse environmental impacts; and the traffic concerns about the capacity of access road and its associated footpath could be addressed by imposing relevant approval conditions. However, the application was revoked on 3.8.2006 due to non-compliance with the approval conditions. Application No. A/NE-KTS/240 approved on 15.12.2006 was revoked on 15.9.2007 due to non-compliance with the approval conditions. Application No. A/NE-KTS/261 was approved on 9.5.2008 as the applicant had demonstrated efforts in complying with the outstanding conditions of the previous application; and there was no local objection to the application. Applications No. A/NE-KTS/305, 362 and 449 for renewal of the planning approval were approved on 6.5.2011, 21.3.2014 and 28.4.2017 respectively on the considerations that the concerned site has been occupied by godown

use since 2006; the applicant had complied with all the approval conditions of the previous planning approvals; there had been no material change in planning circumstances and change in the land uses of the surrounding areas since the previous temporary planning approvals were granted; approval of the applications would not jeopardize the long-term planning intention of the “REC” zone; and the development was considered not incompatible with the surrounding land uses.

- 6.3 2 applications No. A/NE-KTS/340 and 415 involving another site for storage use were approved on 5.7.2013 and 15.7.2016 respectively. Application No. A/NE-KTS/340 for temporary storage of metal ware with ancillary office was approved on the considerations that the concerned site had been formed and used as open storage and workshop uses since 2004, and the approval of the temporary use would not jeopardize the planning intention of the “REC” zone; the development was considered not incompatible with the surrounding land uses; the temporary use would unlikely cause significant adverse drainage and landscape impacts on the surrounding areas and concerned Government departments had no adverse comment nor objection to the application. The planning permission was revoked on 5.10.2015 due to non-compliance with an approval condition. Application No. A/NE-KTS/415 for temporary storage of pet supplies and beverage with ancillary office was approved on 15.7.2016 on the similar considerations as for application No. A/NE-KTS/340 and the applicants have demonstrated effort to comply with previous approval conditions.

7. **The Site and Its Surrounding Areas** (Plans A-1 and A-2a, aerial photo on Plan A-3 and site photos on Plans A-4a to 4b)

7.1 The Site is:

- (a) hard paved, fenced off and currently used for the applied use; and
- (b) accessible via a track and a village road leading to Fan Kam Road.

7.2 The surrounding areas have the following characteristics:

- (a) to the east are domestic structures and a temporary godown with ancillary office and staff quarters approved under Application No. A/NE-KTS/449;
- (b) to the immediate south is a vehicle repair workshop and open storage;
- (c) to the immediate south-west is a temporary warehouse of pet supplies and beverage approved under Application No. A/NE-KTS/415;
- (d) to the further south-west across the village road are vehicle repair workshops and workshop use;
- (e) to the west are an open storage of metal ware and a showroom for building materials; and

(f) to the north and north-west are mainly some domestic use and vacant land.

## **8. 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.

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

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

### **Land Administration**

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

- (a) the Site comprises private lots, namely Lots No. 1618(Part), 1619, 1620(Part) all in D.D. 100 and the adjoining Government land. The lots are Old Schedule agricultural lots held under Block Government Lease and covered by Short Term Waiver (STW) No. 1457 in respect of Lots No. 1618 and 1620 in D.D. 100 for the purpose of storage of metal ware and ancillary facilities;
- (b) a portion of the Government land within the Site is covered by Short Term Tenancy (STT) No. 1609 for the purpose of open storage of metal ware. No built-over area is permitted under the said STT;
- (c) the actual occupation area does not tally with the Site. It was noted that unauthorized structures were also erected on portion of the adjoining Lot No.1617 in D.D. 100 (**Plan A-2a**) within/adjoining the Site without prior approval from his office. Moreover, it is noted that the total built-over area and height of the structures erected on Lots No. 1617, 1618, 1619 and 1620 all in D.D. 100 is larger than the proposed site coverage and height mentioned in the planning application. The unauthorized structures are not acceptable under the Leases concerned and STW No. 1457. Furthermore, a portion of one of the aforesaid structures is found projecting over the adjoining Government land which is covered by STT No. 1609. The applicants should demolish the said portion of the said structures. His office reserves the right to take necessary enforcement actions against the irregularities;

- (d) it was noted that the existing vehicular access routes through GLA-TDN 2081 (Simplified Temporary Land Allocation) which was granted to Water Supplies Department (WSD) for a project namely “Replacement and Rehabilitation of Water Mains, Stage 4 Phase 2 – Dongjiang Mains and Mains Along Fan Kam Road”. The vehicular access also routes through Lot No. 1669 S.A ss 1 RP in D.D. 100. The applicants should make their own arrangement for acquiring access. The Government shall accept no responsibility in such arrangements; and
- (e) an application for modification of STW No. 1457 had been received and is being processed by his office. The application for modification of STW will be considered by the Government in its landlord’s capacity and there is no guarantee that it will be approved. If the planning application is approved, the owner of the lots concerned shall apply to his office a STW to cover all the actual occupation area. If the STW is approved, its commencement date will be backdated to the first date of occupation and it will be subject to such terms and conditions to be imposed including payment of waiver fee/rent and administrative fees as considered appropriate by his office.

### **Traffic**

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

- (a) in view of the low traffic demand and the availability of rural access road, he has no comment on the application from traffic engineering view point. However, since the rural access road, which is not managed by his office, is narrow, should the Board approve the application, he would recommend the inclusion of the following approval condition: no medium goods vehicle / heavy goods vehicle exceeding 5.5 tonnes including container trailer/tractor, as defined in the Road Traffic Ordinance, is allowed to/from the Site at any time during the planning approval period;
- (b) besides, he considers the pedestrian safety measures proposed by the applicants, i.e. a ‘Stop’ road mark and ‘Stop’ traffic sign at the junction of access track and the village road, acceptable and, hence, another approval condition requiring the implementation of the pedestrian safety enhancement measures is appropriate;
- (c) it is understood that the traffic improvement measures to enhance pedestrian safety will be implemented by the applicants at their own cost and all the completed works associated with the improvement measures are not managed by his office; and
- (d) the local access road and private lots connecting Fan Kam Road and the Site are not managed by his office. For any land administration issues and implementation of the proposed improvement works, they should be



referred to the relevant parties.

### **Environment**

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

- (a) he does not support the application as there are sensitive uses in the vicinity of the Site (the nearest domestic structures are in the east, north and northwest of the Site). Environmental nuisance to nearby residents is anticipated;
- (a) there is no environmental complaint case related to the Site since 2015 to January 2018; and
- (c) the applicants are advised to follow the environmental mitigation measures as recommended in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the potential environmental impacts on the adjacent area.

### **Landscape**

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

- (a) he has no objection to the application from the landscape planning perspective;
- (b) the Site is the subject of last approved application No. A/NE-KTS/367 for temporary storage use to which they had no objection from the landscape planning perspective. Landscape works had been implemented and accepted;
- (c) having conducted a site visit on 16.1.2018, it is noted that the Site was hard paved with temporary structure and in use for temporary storage. With reference to the aerial photo of 2017, the Site is situated in an area of rural landscape character dominated by open storages, temporary structures, village houses and scattered trees groups. The applied use is not incompatible with the surrounding environment. Continual of the applied use will not incur significant changes or disturbances to the existing landscape character and landscape resources;
- (d) it was observed that 16 existing trees are in fair condition. Besides, miscellaneous objects were stacked within the tree planting areas. The applicants are required to step up the tree maintenance including irrigation and fertilisation, etc, and keep all tree planting areas free from objects and weeds; and

- (e) in view of the above, should the Board approve this application, he would recommend the inclusion of an approval condition requiring maintenance of all existing trees in healthy condition throughout the approval period.

### **Drainage**

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

- (a) he has no objection to the application from the public drainage viewpoint;
- (b) if the application is accepted by the Board, please impose the following conditions:
  - (i) submit a conditional record of the existing drainage facilities on site as previously implemented on the Site in the planning application No. A/NE-KTS/367 to the satisfaction of DSD within 3 months; and
  - (ii) maintain those existing drainage facilities properly and rectify those facilities if they are inadequate/ineffective during operation.
- (c) The Site is in an area where no public sewerage connection is available.

### **Building Matters**

9.1.6 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 for the buildings/structures existing at the Site and his department is not in a position to offer comments on their suitability for the use related to the application; and
- (b) the advisory comments are at **Appendix V**.

### **Nature Conservation**

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

as the Site has been used for similar purpose for some time, he has no adverse comment on the application from nature conservation point of view. Nevertheless, it is noted that there is a watercourse immediately adjacent to the southern boundary of the Site. Should the application be approved, the applicants should be advised to implement necessary measures to prevent pollution and disturbance to the watercourse as far as possible.

### **Fire Safety**

#### 9.1.8 Comments of the Director of Fire Services (DFS):

- (a) he has no in-principle objection to the application subject to fire service installations and water supplies for fire fighting being provided to the satisfaction of his department. Emergency Vehicular Access arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by BD; and
- (b) detailed fire safety requirements will be formulated upon receipt of formal submission of the general building plans.

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

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

he consulted the locals on the application and applicants' FIs on TIA. The Resident Representative of Ying Pun supports the application as the storage has been in the village for many years; it has not created nuisances to nearby residents and it provides jobs to villagers. The Chairman of Sheung Shui District Rural Committee (SSDRC) objects to the application as the applicants did not consult SSDRC and concerned village representatives on traffic and drainage, etc. aspects, but has no comment on the subsequent FIs. The North District Council member of the subject Constituency has no comment on the application.

#### 9.2 The following Government departments have no objection to/no comment on the application:

- (a) Chief Engineer/Construction, Water Supplies Department;
- (b) Chief Highway Engineer/New Territories East, Highways Department;
- (c) Project Manager (New Territories East), Civil Engineering and Development Department (PM(NTE), CEDD); and
- (d) Director of Leisure and Cultural Services.

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

On 9.5.2017, 5.1.2018 and 6.2.2018, the application and the FIs were published for public inspection each for 3 weeks. During the statutory public inspection periods, a total of 5 public comments (**Appendices IVa to IVe**) were received. 4 commenters have no comment, of which one suggests consulting nearby villagers. Another commenter has reservation on the application as he does not know the details of the application. He suggests that the applicants should communicate with the concerned village representatives.

## 11. Planning Considerations and Assessments

- 11.1 The application is for temporary storage of cosmetic products, beverages, and construction materials at the Site within the “REC” zone for a period of 3 years. Although the use under application is not in line with the planning intention of the “REC” zone, temporary planning permissions for various storage uses have been granted since 1994 and there is not yet any programme or known intention to use the Site for recreational activities. Hence, the approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “REC” zone.
- 11.2 The applied use is considered not incompatible with the surrounding land uses, which are predominantly warehouses, workshops and open storage yards with some domestic structures in the vicinity (**Plan A-2a**). In view of the low traffic demand and the availability of rural access road, C for T has no comment on the application from traffic engineering view point. However, due to narrow access road, C for T suggests an approval condition as stated in paragraph 12.2(d). In addition, another condition as stated in paragraph 12.2(i) relating to the proposed pedestrian safety enhancement measures is also proposed. CTP/UD&L, PlanD has no objection to the application from the landscape planning perspective as the applied use will not incur significant changes or disturbances to the existing landscape character and landscape resources. Although DEP does not support the application as there are sensitive uses near the Site, there is no environmental complaint received in the past 3 years. The concern of DEP on possible environmental nuisance to surrounding areas could be addressed through the incorporation of approval conditions restricting the operating hours of the development and prohibiting workshop activities on the Site and medium goods vehicle / heavy goods vehicle exceeding 5.5 tonnes to/from the Site. Besides, the applicant would be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the DEP in order to minimize any possible environmental nuisances. Other relevant Government departments consulted including CE/MN, DSD and D of FS have no adverse comment on or no objection to the application. Approval conditions are suggested in paragraph 12.2.
- 11.3 The Site is involved in nine previously approved applications for similar use of temporary open storage or storage use (**Appendix II**), which were approved with conditions between 1994 and 2014. As compared with the last application (No. A/NE-KTS/367), the current application is similar (i.e. similar storage use, same site area, similar development parameters, and similar layout) while the storage materials are different. All approval conditions of the last approved application (No. A/NE-KTS/367) have been complied with. Moreover, there are 8 similar applications (Nos. A/NE-KTS/225, 240, 261, 305, 340, 362, 415 and 449) involving 2 sites for storage/godown use within the same “REC” zone (**Plan A-1**) which were approved by the Committee between 2006 and 2017. Approval of the current application is in line with the previous decision of the Board.
- 11.4 There is one local objection as conveyed by DO(N) objecting to the application mainly on the grounds that the applicants did not consult SSDRC and concerned village representatives on traffic, drainage aspects. In this regard, statutory and administrative

public consultations have been conducted. For traffic and other aspects, relevant Government departments' comments and planning considerations set out in paragraphs 11.1 to 11.3 above are relevant.

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

12.1 Based on the assessment made in paragraph 11 and having taken into account the local views and public comments mentioned in paragraphs 9.1.9 and 10, the Planning Department considers that the temporary storage could be tolerated for a period of 3 years.

12.2 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 up to 16.3.2021. The following approval conditions and advisory clauses are also suggested for Members' reference:

### Approval conditions

- (a) no operation between 5:00 p.m. and 9:00 a.m., as proposed by the applicants, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicants, is allowed on the Site during the planning approval period;
- (c) no workshop activities should be carried out on the Site at any time during the planning approval period;
- (d) no medium goods vehicle / heavy goods vehicle exceeding 5.5 tonnes including container trailer/tractor, as defined in the Road Traffic Ordinance, is allowed to/from the Site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the existing trees on the Site should be maintained at all times during the planning approval period;
- (g) the existing drainage facilities shall be maintained and rectified if found inadequate/ineffective during operation at all times during the planning approval period;
- (h) the submission of a conditional record of the existing drainage facilities on the Site 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 16.6.2018;
- (i) the implementation of the pedestrian safety enhancement measures within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 16.9.2018;

- (j) the submission of proposal for fire service installations and water supplies for fire fighting 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 16.9.2018;
- (k) in relation to (j) above, the implementation of proposal for fire service installations and water supplies for fire fighting 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 16.12.2018;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) 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;
- (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; and
- (n) upon 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**.

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

the applicants fail to demonstrate that the development would not generate adverse environmental impact on the surrounding areas.

**13. Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval conditions and advisory clauses, if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reasons for rejection should be given to the applicants.

**14. Attachments**

**Appendix I**

Application Form received on 25.4.2017

**Appendix Ia**

Supplementary Information dated 26.4.2017

<b>Appendix Ib</b>	FI dated 3.7.2017
<b>Appendix Ic</b>	FI dated 9.8.2017
<b>Appendix Id</b>	FI dated 25.9.2017
<b>Appendix Ie</b>	FI dated 27.12.2017
<b>Appendix If</b>	FI dated 29.1.2018
<b>Appendix Ig</b>	FI dated 1.3.2018
<b>Appendix Ih</b>	FI dated 7.3.2018
<b>Appendix II</b>	Previous Applications
<b>Appendix III</b>	Similar Applications
<b>Appendices IVa to IVe</b>	Public Comments
<b>Appendix V</b>	Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Proposed Traffic Improvement Measures
<b>Plan A-1</b>	Location Plan
<b>Plans A-2a and A-2b</b>	Site Plans
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to 4b</b>	Site Photos

**PLANNING DEPARTMENT  
MARCH 2018**