

RNTPC Paper No. A/YL-KTS/776  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 16.3.2018

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

**APPLICATION NO. A/YL-KTS/776**

- Applicant** : Mr. TANG Luen Kwong
- Site** : Lots 703, 704 S.B RP and 705 S.B RP in D.D. 106 Kam Tin, Yuen Long
- Site Area** : About 1,463.95m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/14
- Zoning** : “Residential (Group D)” (“R(D)”) (maximum plot ratio of 0.2 and building height of 2 storeys (6m))
- Application** : Renewal of Planning Approval for Temporary Open Storage of Vehicle and Vehicle Parts with Ancillary Office for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning permission to use the application site (the Site) for temporary open storage of vehicle and vehicle parts with ancillary office for a period of 3 years. The Site is currently used for the applied use with valid planning permission.
- 1.2 The Site is the subject of eight previous applications for various temporary open storage uses. All applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) from 1999 to 2015. The last application No. A/YL-KTS/665 for the same applied use and submitted by the same applicant as the current application was approved with conditions by the Committee on 22.5.2015 for a period of 3 years. All approval conditions of the last application have been complied with. The planning permission is valid until 22.5.2018.

- 1.3 According to the information provided by the applicant, there is no change to the applied use, floor area and number of structures approved under the last application No. A/YL-KTS/665. Five structures with a total floor area of about 158.99m<sup>2</sup> and building heights ranging from 2.62m to 5.4m (1-2 storeys) are provided on-site for storage and office uses. The ingress/egress is located at the eastern boundary of the Site abutting Shek Kong Airfield Road. Two car parking spaces and two loading/unloading cum parking spaces are provided within the Site. The operation hours are between 9 a.m. and 6 p.m. from Mondays to Saturdays. There is no operation on Sundays and public holidays. The layout plan as submitted by the applicant is in **Drawing A-1**.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application form with supplementary planning statement and plans received on 2.2.2018. **(Appendix I)**
  - (b) Further Information (FI) received on 8.3.2018 in response to the comments of the Commissioner for Transport (C for T) **(Appendix Ia)**  
*(accepted and 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 in the supplementary planning statement in **Appendix I**. They can be summarized as follows:

- (a) The application is not in conflict with the planning intention as it is temporary in nature. The “R(D)” zone could still be implemented should it be desired by any interested parties.
- (b) The development will take full advantage of the location. The applied use provides a short-term solution for the much demanding open storage space. The temporary nature of the proposed use allows flexibility without pre-empting the long-term development potential and permanent land use of the Site.
- (c) The applied use is in line with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13E). The Site falls within Category 3 areas where favourable consideration from the Town Planning Board (the Board) will be given if the application on-site is subject to previous planning approvals. In this regard, the current application is the same as the previously approved applications in terms of applied use. The re-granting of planning permission will not cause problem on land use compatibility.
- (d) The applied use is compatible with the surrounding land uses including open storage of the construction materials and vehicle parts. Moreover, landscaping,

drainage facilities, site paving and fencing have been implemented on the Site to the satisfaction of the relevant Government departments.

- (e) The operation has not caused any nuisance to the nearby residents/occupants in the past three years. The applied use would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas and will not create undesirable precedent. Also, the applicant would endeavour to minimise any disturbance to the surrounding.

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

The applicant is not a “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. 31) by posting notice near entrance of the Site and sending notice to Pat Heung Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Town Planning Board Guidelines**

The Town Planning Board Guideline for “Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development” (TPB PG-No. 34B) is relevant to this application. The relevant assessment criteria are attached at **Appendix II**.

The Site falls within Category 3 areas under the Town Planning Board Guideline No. 13E for "Application for Open Storage and Port Back-up Uses" (TPB PG-No.13E) promulgated by the Town Planning Board on 17.10.2008. The relevant extract of the Guideline is attached at **Appendix III**.

### **5. Background**

The Site was granted with planning permission on 22.5.2015 for open storage of vehicles and vehicle parts with ancillary office for a period of 3 years. Should the application for the same use is not granted, and the current open storage use on site continues after the expiry of the current planning approval (i.e. the use continues but without a valid planning permission), such use will be considered as an unauthorized development under the Town Planning Ordinance and enforcement action would be taken against it.

### **6. Previous Applications**

- 6.1 The Site was involved in eight previous applications (No. A/YL-KTS/160, 205, 273, 316, 369, 463, 563 and 665) for similar temporary open storage uses

covering different site areas/boundaries. Details of the applications are summarized in **Appendix III** and their locations are shown on **Plan A-1b**.

- 6.2 Applications No. A/YL-KTS/160, 205 and 273 were approved with conditions by the Committee on 12.3.1999, 17.3.2000 and 31.5.2002 respectively mainly on the consideration that the developments were not incompatible with the surrounding areas and there was no adverse comment from relevant Government departments. However, applications No. A/YL-KTS/205 and 273 were revoked on 17.9.2001 and 31.5.2003 respectively due to non-compliance with approval conditions related to the implementation of landscape proposal and submission/implementation of drainage proposals and environmental mitigation measures.
- 6.3 Application No. A/YL-KTS/316 for temporary open storage of vehicles and vehicle parts was approved with conditions by the Board on review on 3.9.2004 for a period of 18 months up to 3.3.2006 on the consideration that similar approval was granted in the vicinity and no local objection had been received. A shorter approval period of 18 months was given to closely monitor the development and fulfilment of approval conditions and no workshop was allowed on the site. Approval conditions related to the submission and implementation of landscape and drainage proposals and environmental mitigation measures have been complied with.
- 6.4 Application No. A/YL-KTS/369, 463 and 563 for temporary open storage of vehicles and vehicle parts for a period of 3 years covering the same site were approved with conditions by the Committee on 28.4.2006, 8.5.2009 and 18.5.2012 respectively on the consideration that the development complied with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses”; it was not incompatible with the surrounding areas, no local objection was received, the comments from concerned Government departments could be addressed by imposing appropriate approval conditions and all approval conditions under the previous approval have been complied with. Approval condition related to provision of fire safety, drainage and landscape aspects had been complied with.
- 6.5 The last application No. A/YL-KTS/665 for temporary open storage of vehicles and vehicle parts with ancillary office submitted by the same applicant as the current application was approved with conditions by the Committee for a period of 3 years on 22.5.2015 on similar consideration as stated in paragraph 6.4 above. All approval conditions related to drainage and fire safety aspects were complied with and the planning permission is valid until 22.5.2018. When compared with the last approved application No. A/YL-KTS/665, the current application is the same in terms of applied use, site area, number of structures and total floor area.

## 7. Similar Applications

- 7.1 There are a total of 13 similar applications (No. A/YL-KTS/461, 482, 528, 536, 584, 594, 599, 611, 637, 655, 684, 730 and 763) for various temporary open storage and workshop uses in the vicinity of the Site within the same and adjoining “R(D)” zones on the OZP since the promulgation of TPB PG-No.13E on 17.10.2008. All the similar applications, except two applications (No. A/YL-KTS/536 and 599), were approved with conditions by the Committee. Details of these applications are summarized in **Appendix IV** whilst the locations of the application sites are shown on **Plan A-1a**.
- 7.2 Applications No. A/YL-KTS/461, 594 and 684 for temporary open storage of vehicles and modification workshop for vans and lorries for a period of 3 years covering the same application site were approved with conditions by the Committee on 27.3.2009, 8.2.2013 and 18.12.2015 respectively on similar considerations that the developments were located in an area mixed with warehouses, workshops, open storage yards, cultivated agricultural land as well as residential structures/proposed residential development and approval of the application on a temporary basis would not frustrate the planning intention since there was no known programme for the implementation of the zoned use at the application site. The developments were also generally in line with TPB PG-No. 13E in that the relevant departments had no adverse comment and Director of Environmental Protection’s concern could be addressed by appropriate approval conditions.
- 7.3 Application No. A/YL-KTS/528, 637 and 730 for temporary open storage of used motor vehicles for export, used electrical appliances and children’s toys and temporary open storage of construction materials with ancillary site office and staff restrooms were approved with conditions by the Committee on 1.4.2011, 4.4.2014 and 3.3.2017 respectively for a period of 3 years on the consideration that the developments would not frustrate the planning intention of the “R(D)” zone, the developments were not incompatible with the surrounding land uses and the applications were in line with TPB PG-No. 13E in that previous planning approval for similar open storage uses on the site had been granted and departmental concerns could be addressed by appropriate approval conditions.
- 7.4 Applications No. A/YL-KTS/482, 584 and 611 for temporary open storage/renewal of planning approval of vehicle parts for a period of 3 years covering the same application site were approved with conditions by the Committee on 18.12.2009, 7.12.2012 and 25.10.2013 respectively on similar considerations that planning approvals for the same use had previously been granted and the approval conditions had been complied with; the developments were not incompatible with the surrounding areas which were mixed with open storage yards, workshops and works area; and there was no adverse departmental comment and DEP’s concerns could be addressed by appropriate approval conditions.

- 7.5 Applications No. A/YL-KTS/655 and 763 for temporary open storage of vehicle parts and temporary open storage of metal and construction materials with ancillary office covering the same site were approved with conditions by the Committee on 2.1.2015 and 22.12.2017 respectively on the consideration that the developments were considered not incompatible with the surrounding areas. The developments were in line with TPB PG-No. 13E in that previous planning approvals for similar open storage uses had been granted since 1994 and 1999 respectively. There was no adverse departmental and public comment and DEP's concerns could be addressed by appropriate approval conditions.
- 7.6 Applications No. A/YL-KTS/536 and 599 for temporary car breaking workshop and open storage of vehicles and vehicles parts with ancillary office and temporary warehouse and ancillary office and open storage (power generator, machinery and parts) use respectively were rejected by the Committee on 20.5.2011 and 24.5.2013 respectively on the same grounds that the developments were not in line with the planning intention of the "R(D)" zone. The applications did not comply with the Town Planning Board PG-No. 13E in that there was no previous approval for workshop and open storage use granted at the application sites and there were adverse departmental comment and local objections against the applications. The approvals of the applications would also set an undesirable precedent.

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

- 8.1 The Site is:
- (a) currently used for the applied use with valid planning permission; and
  - (b) abutting Shek Kong Airfield Road to the east.
- 8.2 The surrounding areas are rural in character, mixed with open storages yards, parking of vehicles, residential structures/dwellings, unused land and barracks:
- (a) to its immediate north is an open storage of metals and construction materials with ancillary office under approved application No. A/YL-KTS/763. To the further north are parking of vehicles, open storage yards and residential structures/dwellings (about 30m away)
  - (b) Shek Kong Barracks is located to the north and northeast across Shek Kong Airfield Road;
  - (c) to its immediate south is vacant land and further south across Kam Shui North Road and the Kam Tin River are unused land, and a residential structure/dwelling; and
  - (d) to its west are residential structures/dwellings (the nearest about 30m away) and unused land.

## **9. Planning Intention**

The planning intention of the “R(D)” zone is intended 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 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 Scheduled 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) Lot No. 703 and 704 S.B RP both in D.D. 106 is covered by Short Term Waiver (STW) Nos. 4233 and 4234 respectively to permit structures erected thereon for the purpose of “temporary open storage of vehicles and vehicle parts with ancillary office”.
- (c) The Site is accessible to Shek Kong Airfield Road via Government Land (GL). His office provides no maintenance work for the GL involved and does not guarantee any right-of-way to the Site.
- (d) The Site falls within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structures shall not exceed the relevant airfield height limit within SKAHRA.
- (e) Should planning approval be given to the planning application, the STW holder(s) will need to apply to his office for modification of the STW conditions to regularize any irregularities (if any) on site. The owner(s) of the lot without STW will need to apply to his office to permit the structures to be erected or regularize any irregularities on site. Such application(s) will be considered by LandsD acting in the capacity as the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) 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):

He has no comment from the traffic engineering perspective on the application. The following approval condition should be incorporate:

- (i) 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 Engineer, New Territories West, Highways Department (CHE/NTW, HyD):.

- (a) If the proposed access is agreed by TD, the applicant should construct a run in/out at the access point at Shek Kong Airfield Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement.
- (b) HyD is/shall not be responsible for the maintenance of vehicular access connecting the Site and Shek Kong Airfield Road.
- (c) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

### **Nature Conservation**

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

- (a) The Site has been paved and used as open storage for some years. He has no comment on the application from the nature conservation perspective.
- (b) There is an ecological mitigation planting area (**Plan A-2**) between the Site and Kam Shui North Road. Should the application be approved, the applicant should be advised to adopt necessary measures to prevent damaging the trees and understory vegetation adjacent to the southwestern boundary of the Site.



### **Environment**

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

- (a) There was no environmental complaint received in the past three years. However, in accordance with the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (“COP”), he does not support the application as there are sensitive receivers, i.e. residential dwellings, located in the vicinity (the nearest about 30m away to its west and north) (**Plan A-2**), and environmental nuisance is expected.
- (b) Should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirement in the latest COP issued by DEP.

### **Landscape**

#### 10.1.5 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 point of view
- (b) The Site was involved in 8 previous applications to which he had no objection to the previous application (No. A/YL-KTS/665) for the same use from landscape planning perspective.
- (c) Compared with the aerial photo taken in 2015 and 2017, there is no significant change to the surrounding landscape since the last approved application. Further significant impact on existing landscape arising from the applied use is not anticipated.
- (d) Should the application be approved, approval condition on the proper maintenance of all landscape plantings within the Site at all times during the planning approval period should be included in the planning approval.

### **Drainage**

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

- (a) He has no in-principle objection to the development.
- (b) Based on the application, the applicant would maintain the existing drainage facilities.

- (c) Should the application be approved, approval conditions on the maintenance of the existing drainage facilities and submission of the records of the existing drainage facilities on site to his satisfaction should be included in the planning approval.

### **Fire Safety**

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

- (a) He has no objection in principle to the application 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. 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 applicant should observe the “Good Practice Guidelines for Open Storage Sites” in **Appendix VI**.
- (c) Having considered the nature of the open storage, the approval condition on “the provision of fire extinguisher(s) within 6 weeks from the date of planning approval” should be included in the planning permission. To address this approval condition, the applicant should submit a valid fire certificate (FS 251) to his department for approval.
- (d) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

### **Building Matters**

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

- (a) If the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorized under the BO and should not be designated for any use under application.
- (b) Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior

approval and consent of the BD should be obtained. Otherwise, they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.

- (c) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.
- (d) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations respectively.
- (e) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulation at the building plan submission stage.

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

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

He has not received any comment from locals upon close of the consultation period and he has no particular comments on the application.

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

- (a) Project Manager/New Territories West, Civil Engineering and Development Department (PM/W, CEDD);
- (b) Director of Electrical and Mechanical Services (DEMS);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (d) Commissioner of Police (C of P).

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

On 9.2.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 2.3.2018, no public comment was received.

## 12. Planning Considerations and Assessments

- 12.1 The Site falls within Category 3 areas under the TPB PG-No. 13E. The following considerations in the Guidelines are relevant.

Category 3 areas: Within these area, “existing” and approved open storage and port back-up uses are to be contained and further proliferation of such uses is not acceptable. Applications within these areas would normally not be favourably considered unless the applications are on sites with previous planning approvals. Sympathetic consideration may be given if the applicants have demonstrated genuine efforts in compliance with approval conditions of the previous planning application and included in the fresh applications relevant technical assessments/proposals, if required, to demonstrate that the proposed uses would not generate 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 a temporary basis up to a maximum period of 3 years.

- 12.2 The application is for renewal of the planning permission for temporary open storage of vehicles and vehicle parts with ancillary offices in the “R(D)” zone. The planning intention of the “R(D)” zone is primarily for improvement and upgrading existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low density residential development subject to planning permission from the Board. The applied use is not in line with the planning intention of the “R(D)” zone. Nevertheless, as there is no known programme for residential development for the “R(D)” zone, it is considered that the temporary planning permission for 3 years would not frustrate the long-term planning intention of the “R(D)” zone.
- 12.3 The development is considered not incompatible with the surrounding areas which are mixed with open storages yards, parking of vehicles, residential structures/dwellings, vacant/unused land and barracks. There are 11 similar applications for various temporary open storage uses located in the same and adjoining “R(D)” zone approved with conditions by the Committee from 2009 to 2017 as mentioned in paragraphs 7 above (**Plan A-1a**). Approval of the current application is in line with the Committee’s previous decisions on similar applications.
- 12.4 The current application is generally in line with TPB PG-No.34B and 13E in that previous approval (Application No. A/YL-KTS/665) for the same applied use was granted on 22.5.2015 and all the approval conditions under the last application have been complied with. There is no adverse comment from the departments consulted, except DEP, and there has been no major change in planning circumstances since the last planning approval. In this regard, sympathetic consideration could be given to the current application.

12.5 While DEP raised concern on potential environmental nuisance, there was no environmental complaint received in the last three years. To mitigate any potential environmental impacts, approval conditions restricting the operation hours and types of vehicles, and prohibiting dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities have been proposed in paragraph 13.2 (a) to (d) below. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorized development on site would be subject to enforcement action by the Planning Authority. Besides, the applicant will be advised to adopt the environmental mitigation measures as set out in the latest COP issued by DEP to alleviate any potential impact. The technical requirements of C for T, CTP/UD&L of PlanD, CE/MN of DSD and D of FS could be addressed by approval conditions in paragraph 13.2 (e) to (k) below.

12.6 No public comment was received during the statutory publication period.

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

13.1 Based on the assessment made in paragraph 12 above, the Planning Department considers that the temporary open storage of vehicles and vehicle parts with ancillary office 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, and be renewed from 23.5.2018 until 22.5.2021. The following approval conditions and advisory clauses are also suggested for Members' reference:

#### Approval Conditions

- (a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on 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 maintenance of all landscape plantings within the Site at all times during the planning approval period;
- (g) the existing drainage facilities on site shall be maintained at all times during the planning approval period;
- (h) the submission of the records of the existing drainage facilities on Site within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 23.8.2018;
- (i) the provision of fire extinguisher(s) within a valid fire certificate (FS 251) within **6** weeks from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 4.7.2018;
- (j) the submission of fire service installations proposal within **6** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 23.11.2018;
- (k) in relation to (j) above, the provision of fire service installations within **9** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 23.2.2019;
- (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 application 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 at **Appendix VII**.

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

The development is not in line with the planning intention of the “R(D)” zone which is intended 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 Town Planning Board. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary bases.

**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 with supplementary planning statement and plans received on 2.2.2018
- Appendix Ia** FI received on 8.3.2018 in response to the comments of the Commissioner for Transport (C for T)
- Appendix II** Relevant Extracts of Town Planning Board Guidelines for Renewal of Planning Approval and Extension of Time for Compliance with Planning Condition for Temporary Use or Development (TPB PG-No. 34B)
- Appendix III** Relevant extract of Town Planning Board Guideline for “Application for Open Storage and Port Back-up uses” No. 13E
- Appendix IV** Previous applications covering the application site
- Appendix V** Similar applications within the same and nearby “R(D)” zones on the Kam Tin South OZP
- Appendix VI** Good Practice Guidelines for Open Storage Sites
- Appendix VII** Advisory Clause

<b>Drawing A-1</b>	Layout 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-4</b>	Site Photos

**PLANNING DEPARTMENT  
MARCH 2018**