

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

**APPLICATION NO. A/YL-KTS/823**

<b><u>Applicant</u></b>	: Mr. KOK Yun Kuen represented by PlanArch Consultants Limited
<b><u>Site</u></b>	: Lots 391 RP (Part) and 392 RP in D.D.106, Shek Wu Tong, Kam Tin, Yuen Long
<b><u>Site Area</u></b>	: About 3,333 m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
<b><u>Zoning</u></b>	: “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) [Maximum plot ratio of 0.4 and maximum building height of 3 storeys (9m)]
<b><u>Application</u></b>	: Temporary Open Storage of Electricity Generators and Compressors 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 open storage of electricity generators and compressors for a period of 3 years. The Site is currently used for the applied use under application No. A/YL-KTS/787 with validity up to 3.7.2019 (**Plans A-2 to A-4b**).
- 1.2 The Site is the subject of 15 previous planning applications for the same applied use with or without maintenance work. The last application (No. A/YL-KTS/787) for the same applied use with maintenance work and submitted by the same applicant as the current application was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 15.6.2018 for a period of 1 year until 3.7.2019. All approval conditions have been complied with.
- 1.3 According to the applicant, the site area and site layout are the same as the last approved application (No. A/YL-KTS/787), but the current application does

not include the previously approved maintenance work in view of the changes in operational need. The Site is occupied by 6 structures with a total floor area of about 517 m<sup>2</sup> and building height ranging from 2.1 m to 4.8 m (1 to 2 storeys high) for ancillary offices and shelters for storage uses. Four private car parking spaces and four medium/heavy goods vehicles loading/unloading spaces are provided within the Site. The Site is accessible from Kam Sheung Road to its east. The operation hours of the development are from 7:00 a.m. to 11:00 p.m. on Mondays to Saturdays and no operation on Sundays and statutory holidays. The site layout and landscaping plan and drainage plan submitted by the applicant are at **Drawings A-1** and **A-2**.

- 1.4 When compared with the last approved application, the current application is the same in terms of site area, layout and development parameters, except for deletion of maintenance work in the applied use, and applies for approval for 3 years instead of 1 year.
- 1.5 In support of the application, the applicant has submitted the following documents:
  - (a) Application form with supplementary information (**Appendix I**) received on 15.5.2019
  - (b) Further Information (FI) received on 20.6.2019 in (**Appendix Ia**) response to departmental comments

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

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

- (a) The Site has been used for open storage use under previous applications approved by the Committee since 1995. The Site is well-maintained and all approval conditions of previous application have been complied with. There is no change in planning circumstance and sympathetic consideration should be given by the Town Planning Board (the Board).
- (b) The applied use is temporary in nature and approval of the application will not jeopardize the long-term planning intention of the area zoned “OU(RU)” on the OZP.
- (c) The applicant has been undertaking the environmental mitigation measures in accordance with the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (COP). These measures include provision of paved access to avoid fugitive dust impact, no paint spraying activity at the open area of the Site, provision of a washroom, peripheral fencing and planting and restriction on operation hours. As the

workshop is no longer needed, no environmental nuisance to the surrounding is anticipated.

- (d) The development has been well managed and has not caused any adverse environmental, landscape, drainage and traffic impacts. Existing trees and landscaping, and drainage facilities are well-maintained. The operation of the applied use is clean and tidy, and is compatible with the open storage yards and workshop uses in the surroundings. The Site is properly fenced and periphery planting is provided to enhance the amenity.
- (e) Approval of the application will not set an undesirable precedent. Since 2012, the previous approval was granted for 1 year for close monitoring of the Site for possible nuisance to the Small House development under construction at that time. No complaint was received throughout the years and the previous maintenance use of the operation is no longer needed in the current application. In view of the above, the application for 3 years should be favourably considered.

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

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

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

- 4.1 The Town Planning Board Guidelines No. 38 for “Designation of “OU(RU)” Zone and Application For Development Within “OU(RU)” Zone under Section 16 of the Town Planning Ordinance” (TPB PG-No.38) is relevant to the application. The relevant assessment criteria are summarized as follows:

Application for development within “OU(RU)” zone would need to demonstrate that the proposed development is in line with the planning intention of the zone and will not adversely affect the rural environment, the conservation of the rural landscape and the maintenance of the rural character of the area and its surroundings and will not overstrain the capacity of existing and planned infrastructure such as transport, drainage, sewerage and water supply in the area. Each development proposal will be assessed on its individual merits, with particular reference to its sustainability in ecological, environmental and infrastructural terms.

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

## 5. **Background**

The Site is not the subject of active enforcement case and there is currently no enforcement action against it.

## 6. **Previous Applications**

- 6.1 The Site is the subject of 15 previous planning applications (No. A/YL-KTS/19, 37, 54, 132, 219, 297, 383, 467, 567, 602, 641, 669, 708, 740 and 787) for the same applied use (with/without maintenance work) submitted by the same applicant as the current application<sup>1</sup>. All applications were approved with conditions by the Committee except Application No. A/YL-KTS/19. Details of the applications are summarized in **Appendix III** and the locations of the sites are shown on **Plan A-1b** respectively.
- 6.2 Application No. A/YL-KTS/19 (without maintenance work and on permanent basis) was rejected by the Board on review on 16.6.1995 on the grounds that the proposed development was not in line with the Town Planning Guidelines for “Application for Open Storage and Port Back-up Uses”; the site fell within an area where Government had put conscious efforts in eradicating open storage uses; the development was incompatible with the surrounding area; there was insufficient information to demonstrate the proposed development would not cause adverse traffic and visual impacts on the surrounding areas; the proposed development might frustrate the planning of the alignment of the Western Corridor Railway and approval of the application would set an undesirable precedent.
- 6.3 Applications No. A/YL-KTS/37 and 54 were approved with conditions by the Committee on 1.12.1995 and 12.7.1996 respectively for a period of 2 years. Approvals were granted for the reasons that the applications were on temporary basis that would not pre-empt the long-term land use of the application sites; the proposed uses were considered not incompatible with the adjoining land uses as the application sites were sandwiched by an open storage of scrap metal and a car repair workshop; the departments consulted had no objection; the proposed open storage uses were non-polluting and approvals of these applications would not set a precedent for similar application as the application sites were surrounded by existing open storages.
- 6.4 Applications No. A/YL-KTS/132, 219, 297, 383 and 467 were approved with conditions by the Committee between 1998 and 2009 for a period of 2 or 3 years for similar reasons that the applied uses were not incompatible with surrounding land uses; previous approvals had been granted and all the approval conditions under the previous approvals had been complied with; in line with the Town Planning Guidelines for “Application for Open

---

<sup>1</sup> Applications No. A/YL-KTS/19, 37, 54, 132, 219, 297 and 383 were submitted under the then “Undetermined” (“U”) zone on the Kam Tin South OZP. The zoning of the sites has been amended to “OU(RU)” on the draft Kam Tin South OZP No. S/YL-KTS/10 which was gazetted on 22.9.2006.

Storage and Port Back-up Uses” in that concerned departments had no adverse comment and/or the departmental concerns could be addressed by appropriate approval conditions.

- 6.5 Applications No. A/YL-KTS/567, 602, 641, 669, 708, 740 and the last Application No. A/YL-KTS/787 were approved with conditions by the Committee between 2012 and 2018 for similar reasons as mentioned in paragraph 6.4 above. Applications No. A/YL-KTS/567, 602, 641, 669 were applied for 3 years but a shorter approval period of 1 year were granted to monitor the situation on the Site given a Small House development (comprising six Small Houses) under construction or partly occupied was located close to the sites on the south (**Plan A-2**). The remaining applications (No. A/YL-KTS/708, 740 and 787) were renewal of the previous approval for 1 year. All the approval conditions under the last application (No. A/YL-KTS/787) had been complied with and the planning permission is valid until 3.7.2019.

## 7. **Similar Applications**

- 7.1 There are 30 similar applications (No. A/YL-KTS/444, 470, 479, 485, 493, 496, 501, 503, 525, 527, 531, 541, 558, 569, 572, 575, 586, 589, 603, 616, 630, 635, 653, 664, 706, 719, 731, 751, 757 and 822) for various temporary open storage uses within the same “OU(RU)” zone on the OZP since the promulgation of TPB PG-No. 13E on 17.10.2008. Details of these applications are summarized in **Appendix IV** and their locations are shown on **Plan A-1a**.
- 7.2 All the similar applications (except applications No. A/YL-KTS/525, 572, 589, 616 and 664) were approved with conditions by the Committee or the Board on review between 2008 and 2019 for similar reasons that the developments were generally in line with the TPG PG-No. 13E in that previous approvals were granted for the application sites and the uses were not incompatible with the surrounding land uses; there was no adverse comment from relevant departments; and the departmental or public concerns could be addressed by appropriate approval conditions. However, applications No. A/YL-KTS/444, 470, 479, 485, 493, 501, 503, 531, 541, 558, 569, 586 and 630 were revoked due to non-compliance with approval conditions.
- 7.3 Applications No. A/YL-KTS/525, 572, 589, 616 and 664 were rejected by the Committee or the Board on review between 2011 and 2015. They were rejected mainly on the grounds that the development would jeopardize the planning intention of the “OU(RU)” zone as a proposed residential development near the site had been approved and/or there are agricultural activities near and in the vicinity of the site; not compatible with the existing and future residential land uses in the vicinity; the applicant failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas;

did not comply with TPB PG-No. 13E in that there was no previous approval for open storage use granted at the site; there were adverse departmental comment and public objections; and the approval of application would set an undesirable precedent for similar applications.

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

### 8.1 The Site is:

- (a) paved and fenced off, and currently used for the applied use with valid planning permission under Application No. A/YL-KTS/787 until 3.7.2019; and
- (b) located on the western side of Kam Sheung Road with direct access from the road.

### 8.2 The surrounding areas are mainly rural in character predominated by open storage/storage yards, workshop, residential dwellings/structures, parking of vehicles, shops and services and vacant/unused land. Some of the open storage/storage yards and parking of vehicles are suspected unauthorized development subject to enforcement action by the Planning Authority:

- (a) to its north are open storage/storage yards and vacant/unused land;
- (b) to its immediate west and northwest are residential structures/dwellings (the nearest about 10m), vacant land and open storage yards/workshop covered by approved applications (No. A/YL-KTS/719 and 751);
- (c) to its south across a local road are small house development (including a row of six Small Houses with most of them being occupied), some residential dwellings/structures, parking of vehicles, an open storage yard and vacant/unused land within the “Village Type Development” (“V”) zone; and
- (d) to its east across Kam Sheung Road are open storage yards, shop and services (covered by approved application No. A/YL-KTS/ 796) and unused/vacant land.

## **9. Planning Intention**

The planning intention of the “OU(RU)” zone is primarily for the preservation of the character of the rural area. Uses or developments compatible with the rural landscape, such as passive recreation uses and a selected range of rural uses, may be allowed on application to the Board, with a view to upgrading or improving the area or providing support to the local communities.

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

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

### **Land Administration**

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

- (a) The Site comprises Old Schedule Agricultural Lots 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. 391 RP and Lot No. 392 RP in D.D.106 are covered by Short Term Waiver (STW) No. 2504 to permit structures erected thereon for the purpose of “an office and a workshop ancillary to open storage of electricity generators and compressors”.
- (c) The Site is accessible from Kam Sheung Road via Government Land (GL). His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site.
- (d) The Site falls within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structure shall not exceed the relevant airfield height limit within SKAHRA.
- (e) Should planning approval be given to the application, the STW holder(s) will need to apply to his office for modification of the STW conditions, where appropriate. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications for any of the above 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):

- (a) He has no comment on the application from the traffic engineering point of view.
- (b) Should the application be approved, approval condition on no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period should be included.
- (c) The Site is connected to the public road network via a section of a local access road which is not managed by the Transport Department (TD). The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.

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

- (a) His department shall not be responsible for the maintenance of any access connecting the Site and Kam Sheung Road.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.

## **Environment**

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

- (a) In accordance with the latest “COP”, he does not support the application as there are sensitive receivers, i.e. residential dwellings/structures located to the immediate west and south (the nearest about 10 m away) (**Plan A-2**) and in the vicinity of the Site and the development involved the use of heavy vehicles, environmental nuisance is expected.
- (b) Should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the latest COP issued by DEP.



- (c) There was no environmental complaint concerning the Site received in the past three years<sup>2</sup>.

### **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 involved 15 previous applications and he has no objection to the last application No. A/YL-KTS/787.
- (c) Based on the aerial photo of 2018, the surrounding area of the Site is comprised of storage sites, car park, temporary structures and scattered tree groups. The applied use is considered not incompatible with the landscape setting in proximity.
- (d) According to the site visit conducted on 18.5.2018, existing trees in good to very good conditions were found within the Site. With reference to the planning statement, the applicant would continue to carry out regular horticultural maintenance including watering, weeding, pest control, litter removal and fertilizing etc. in order to enhance the landscape amenity. Further significant adverse landscape impact arising from the development is not anticipated.
- (e) In view that existing trees are observed along Kam Sheung Road outside the Site, which act as landscape buffer to the adjacent roads, landscape condition is not recommended should the application be approved by the Board.

### **Drainage**

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

- (a) Based on the drainage proposal/planning statement enclosed in the application, apparently the applicant would maintain the same drainage facilities as those maintained under previous Application No. A/YL-KTS/787.

---

<sup>2</sup> According to Environmental Protection Department's record, there was no environmental complaint concerning the Site since the development of the Small Houses south of the Site (i.e. 2012).

- (b) He has no objection in principle to the development. Should the application be approved, approval conditions requiring maintenance of the drainage facilities implemented under Application No.A/YL-KTS/787 and submission of records of the existing drainage facilities on site to the satisfaction of the Director of Drainage Services or of the Board should be included.

### **Building Matters**

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

- (a) Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO).
- (b) If the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of his department, they are unauthorized under the 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 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 (B(P)R) 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 B(P)R at the building plan submission stage.

### **Nature Conservation**

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

Noting that the Site is a paved area and the application seeks to continue the existing approved use, he has no adverse comment on the application from the nature conservation point of view. Nevertheless, should the application be approved, the applicant is reminded to adopt good site practice and implement necessary measures as far as practicable to prevent polluting the adjacent watercourse which would connect to a nearby channel with gabion linings as ecological mitigations measures.

### **Fire Safety**

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

- (a) He has no objection in-principle to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. 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. Also, good practice guidelines for open storage (**Appendix V**) should be adhered to.
- (c) Having considered the nature of the open storage use, approval condition on provision of fire extinguisher(s) within 6 weeks from the date of planning approval is recommended for inclusion in the planning permission. To address this 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 BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

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

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

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

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

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

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

On 24.5.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 14.6.2019, one public comment was received from an individual (**Appendix VI**). The commenter considers a more permanent use should be identified at the Site to provide modern and environmentally friendly facilities; and sites should be amalgamated to develop custom-built facilities for industrial use.

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

12.1 The application is for temporary open storage of electricity generators and compressors for a period of 3 years within "OU(RU)" zone. The planning intention of the "OU(RU)" zone is primarily for the preservation of the character of the rural area, and uses or developments compatible with the rural landscape, such as passive recreation uses and a selected range of rural uses, may be allowed on application to the Board, with a view to upgrading or improving the area or providing support to the local communities. The applied use is not in line with the planning intention of the "OU(RU)" zone. Nevertheless, there is no known programme for long-term development at the Site. Hence, it is considered that approval of the application on temporary basis for a period of 3 years would not jeopardize the long-term planning intention of the "OU(RU)" zone.

12.2 The development is considered not incompatible with the surrounding areas which are predominated by open storage yards, residential dwellings/structures, parking of vehicles, shop and services and vacant/unused land.

- 12.3 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 areas, “existing” and approved open storage and port back-up uses are to be contained and further proliferation of such uses is not acceptable. Applications 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 applications and included in the fresh applications relevant technical assessments/proposals to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. Planning permission could be granted on a temporary basis up to a maximum period of 3 years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions.

- 12.4 The current application is generally in line with TPB PG-No. 13E in that previous applications for the same open storage use (with/without maintenance workshop) have been granted since 1995 and all approval conditions under the last Application No. A/YL-KTS/787 have been complied with. Also, relevant departments consulted, including C for T, CTP/UD&L of PlanD, CE/MN of DSD and D of FS have no adverse comment on the application except DEP. Compared with the last approved application No. A/YL-KTS/787, the current application submitted by the same applicant is the same in terms of the site area/boundary, site layout and development parameters, except for deletion of maintenance work and applies for approval for 3 years instead of 1 year. As there is no major change in planning circumstances since the last approval, sympathetic consideration could be given to the current application.

- 12.5 DEP does not support the application as there are sensitive receivers, i.e. residential structures/dwellings located to the immediate west and south and in the vicinity of the Site (the nearest about 10m away) (**Plan A-2**) and the development involved the use of heavy vehicles, environmental nuisance is expected. Nevertheless, the Site is not subject to environmental complaint received by DEP since 2012. Also, the Site abuts Kam Sheung Road and vehicles accessing the Site do not need to pass through residential dwellings/structures. Applications No. A/YL-KTS/567, 602, 641 and 669 (approved between 2012 and 2015) were applied for 3 years but a shorter approval period of 1 year were granted to monitor the situation on the sites given a Small House development (comprising six Small Houses) under construction or partly occupied was located closed to the sites. Noting that there was no environmental complaint concerning the Site received since 2012 and no maintenance work is proposed in the current application, it is considered a longer approval period of 3 years could be allowed. To address the possible environmental nuisance, approval conditions restricting the operation hour and stacking height, prohibiting workshop activities and

maintenance of fencing are recommended in paragraph 13.2 below. Any non-compliance with the approval condition will result in revocation of the planning permission and unauthorized development on site will be subject to enforcement action by the Planning Authority. The applicant will also be advised to undertake the environmental mitigation measures as set out in the latest “COP”. In addition, the technical requirements of C for T, CE/MN of DSD and D of FS could be addressed by approval conditions in paragraph 13.2 (f) to (l).

- 12.6 14 previous planning applications for the same applied use (with/without maintenance work) at the Site submitted by the same applicant were approved with conditions by the Committee between 1995 and 2018 (paragraph 6 and **Plan A-1** refer). There are also 25 similar applications for various temporary open storage uses within the same “OU(RU)” zone approved by the Committee since the promulgation of TPB PG-No. 13E on 17.10.2008 (paragraph 7 and **Plan A-1** refer). Approval of the current application is in line with the Committee’s previous decision on previous and similar applications.
- 12.7 One public comment providing views on the application was received during the statutory publication period as stated in paragraph 11 above. In this regard, the departmental comments and planning considerations and assessments as stated 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 comment as mentioned in paragraph 11 above, the Planning Department considers that the temporary open storage of electricity generators and compressors 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 5.7.2022. The following conditions of approval and advisory clauses are also suggested for Members’ reference.

#### Approval Conditions

- (a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and statutory holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) 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;

- (d) the stacking height of the materials stored within 5 metres of the periphery of the Site should not exceed the height of the boundary fence at all times during the planning approval period;
- (e) the peripheral fence wall of 2.5 metres high shall be maintained at all times during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the vehicular access/run-in/out between the Site and Kam Sheung Road shall be maintained at all times during the planning approval period;
- (h) the existing drainage facilities within the Site shall be maintained at all times during the planning approval period;
- (i) the submission of a record of the existing drainage facilities on 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 5.10.2019;
- (j) The provision of fire extinguisher(s) within **6** weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 16.8.2019;
- (k) the submission of fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 5.1.2020;
- (l) in relation to (k) above, the provision of fire service installations 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 5.4.2020;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (n) if any of the above planning conditions (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

#### Advisory Clauses

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

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

the development is not in line with the planning intention of the "OU(RU)" zone, which is for the preservation of the character of the rural area. Uses or developments compatible with the rural landscape, such as passive recreation uses and a selected range of rural uses, may be allowed on application to the Board, with a view to upgrading or improving the area or providing support to the local communities. No strong planning justification has been given in the submission for a departure from the 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**

- |                     |  |
|---------------------|--|
| <b>Appendix I</b>   | Application form with supplementary information received on 15.5.2019  |
| <b>Appendix Ia</b>  | FI received on 20.6.2019 in response to departmental comments  |
| <b>Appendix II</b>  | Relevant extract of Town Planning Board Guidelines for 'Application for Open Storage and Port Back-up Uses' (TPB PG-No. 13E) |
| <b>Appendix III</b> | Previous applications covering the Site  |
| <b>Appendix IV</b>  | Similar applications in the same "OU(RU)" zone on approved Kam Tin South OZP   |
| <b>Appendix V</b>   | Good practice guidelines for open storage  |
| <b>Appendix VI</b>  | Public comment received during the statutory publication period  |



<b>Appendix VII</b>	Advisory Clauses
<b>Drawing A-1</b>	Site Layout and Landscaping Plan
<b>Drawing A-2</b>	Drainage Proposal Plan
<b>Plan A-1a</b>	Location Plan with Similar Applications
<b>Plan A-1b</b>	Previous Application Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and b</b>	Site Photos

**PLANNING DEPARTMENT  
JULY 2019**