

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL  
FOR TEMPORARY USE  
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

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

- Applicant** : Chief Force Limited
- Site** : Lots 2901 (Part), 2902 (Part), 2904 (Part), 2905 (Part), 2909 (Part) and 2911 (Part) in D.D. 111 and Adjoining Government Land, Pat Heung, Yuen Long
- Site Area** : 2,162.31m<sup>2</sup> (about) (including about 298.5m<sup>2</sup> Government Land)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
- Zoning** : “Residential (Group D)” (“R(D)”) [restricted to a maximum plot ratio of 0.2 and a maximum building height of 2 storeys (6m)]
- Application** : Renewal of Planning Approval for Temporary Open Storage of Construction Materials and Vehicle Parts 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 construction materials and vehicle parts for a period of 3 years. The Site is currently used for the applied use with valid planning permission (**Plans A-2 to A-4b**).
- 1.2 The Site was involved in 8 previous planning applications (No. A/YL-PH/161, 302, 382, 440, 560, 613, 641 and 716) for various open storage uses (with workshop use for A/YL-PH/161). Except Application No. A/YL-PH/161 which was rejected by the Rural and New Town Planning Committee (the Committee) on 16.1.1998, all the applications were approved with conditions by the Committee or the Town Planning Board (the Board) on review on between 1999 and 2015. The planning permission for the last application no. A/YL-PH/716 is valid until 19.6.2018 and all the approval conditions including the submission of drainage record and submission / provision of fire service installations (FSIs) and fire extinguisher(s) have been complied with.

- 1.3 According to the applicant, three structures with a total floor area of about 420m<sup>2</sup> and building height of 2.5m and 6m respectively (1 to 2 storeys) are erected within the Site for staff quarters, office, staff common room and service box. A loading/unloading space for light goods vehicles is provided within the Site. The Site is accessible from Kam Tin Road via a local track. The operation hours are between 9 a.m. and 6 p.m. from Mondays to Saturdays, and there is no operation on Sundays and public holidays. No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop-related activities will be carried out on-site. No goods vehicle exceeding 5.5 tonnes will enter/exit the Site. The site layout, landscape proposal, drainage proposal, and fire service installations proposal as submitted by the applicant are at **Drawings A-1 to A-4**.
- 1.4 When compared with the last approved application No. A/YL-PH/716, the current application is subject to same site area, applied use and similar layout.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 2.3.2018 **(Appendix I)**
  - (b) Supplementary Information (SI) received on 8.3.2018 **(Appendix Ia)**
  - (c) Further Information (FI) submitted on 10.4.2018 and 11.4.2018 in response to departmental comments **(Appendix Ib)**  
*(accepted and exempted from publication and recounting requirements)*
  - (d) FI submitted on 13.4.2018 revising the site layout, landscape proposal, drainage proposal and fire service installations proposal **(Appendix Ic)**  
*(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 Ia**. They can be summarized as follows:

The current application is a renewal application to the last approved Application No. A/YL-PH/716 with no major change in the applied use. There was no adverse departmental comment and public concern/objection from nearby residents. The Site is properly used and all approval conditions under the last application have been complied with. The existing plantings, drainage facilities and fire service installations facilities on site will be well maintained and preserved.

**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 site notice and sending notice to the Pat Heung Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

**4. Town Planning Board Guidelines**

- 4.1 The Town Planning Board Guidelines for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34B) are relevant to this application. The relevant assessment criteria are attached at **Appendix II**.
- 4.2 The Site falls within Category 3 areas under 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. The relevant extract of the Guidelines is attached at **Appendix III**.

**5. Background**

- 5.1 The Site is not subject of any active enforcement cases and there is currently no enforcement action against it.
- 5.2 The Site was granted with planning permission on 19.6.2015 for the same use for a period of 3 years which will be expiring soon. Should the application for planning approval is not granted, and the current storage use on site constitutes after the expiry of the current planning approval (i.e. the use continues but without a valid planning permission), such use would be considered as an unauthorized development and enforcement action would be taken against it.

**6. Previous Applications**

- 6.1 The Site was involved in 8 previous planning applications (No. A/YL-PH/161, 302, 382, 440, 560, 613, 641 and 716) for various open storage and workshop uses. Details of the applications are summarized in **Appendix IV** and the locations of the sites are shown on **Plan A-1b**.
- 6.2 Application No. A/YL-PH/161 for temporary open storage of goods vehicles and goods vehicle repairing workshop for 12 months was rejected by the Committee on 16.1.1998 mainly on the grounds that the proposed development was not in line with the planning intention of the “R(D)” zone, and there was no strong justification for a departure from the planning intention, even on a temporary basis; there was no information to demonstrate that the development would not have adverse drainage impact on the

surrounding areas; “Open Storage” (“OS”) zones had been reserved on the Pat Heung OZP for the rational development of open storage of goods which could not be accommodated in conventional godown premises, there was no justification to allow such open storage uses to proliferate in the “R(D)” zone; and the approval of the application would set an undesirable precedent.

- 6.3 Application No. A/YL-PH/302 for temporary open storage of vehicle parts and construction materials for 3 years was approved with conditions by the Committee on 5.11.1999 mainly for the reasons that most of the “R(D)” zone was occupied by open storage and vacant land as indicated in a land-use review carried out for the “R(D)” zone. Applications for such temporary uses should be considered on a case-by-case basis having regard to the possible impacts of the development on the area. Similar applications were approved by the Committee taking into account that the developments would not generate significant adverse traffic and environmental impacts on the surrounding areas. The proposed development was not incompatible with the surrounding open storage and workshop uses. The Site was accessible via an existing local track leading from Kam Tin Road to its south and would not route through major village settlement in the area; and in order to relieve the shortage of sites for open storage activities, favourable consideration might be given to the application as an interim arrangement to alleviate the acute shortage of open storage land in the area. However, the planning permission was revoked on 5.8.2000 for non-compliance with planning conditions on submission and implementation of landscaping proposals and provision of drainage facilities.
- 6.4 Applications No. A/YL-PH/382 and 440 for temporary open storage of construction materials for 3 years and temporary open storage of construction materials with ancillary container office for 2 years were approved by the Board on review on 18.1.2002 and by the Committee on 15.8.2003 respectively. Application No. A/YL-PH/382 was approved mainly for the reasons that previous approval had been granted for temporary open storage of vehicle parts and construction materials on-site with a larger area; the applicant had submitted landscaping and drainage proposals in support of the application; imposition of relevant conditions could address Government departments’ concerns; the development was not incompatible with the surrounding areas which were mixed with open storage yards, workshop and scattered residential dwellings; there was no local objection to the application and similar applications in the same “R(D)” zone had also been approved by the Board on review; approval of the application would not cause a general degradation of the surrounding environment.
- 6.5 Application No. A/YL-PH/440 was an extension of Application No. A/YL-PH/382. The application was approved for 17 months up to 18.1.2005 to tally with the approval period of Application No. A/YL-PH/382 mainly for the reasons that the development was not incompatible with the surrounding areas; the access road leading to the site would not pass by residential structures; the development was generally in line with the then TPB PG No. 13 on Application for Open Storage and Port Back-up Uses in that the applicant had submitted landscape and drainage proposals; relevant

Government departments consulted generally had no adverse comment and no local objection had been received.

- 6.6 Applications No. A/YL-PH/560, 613 and 641 for the same use as the current application for 3 years were approved with conditions by the Committee on 18.4.2008, 24.9.2010 and 6.7.2012 respectively mainly for the reasons that the developments were not incompatible with the surrounding areas; the approval of the applications on a temporary basis would not frustrate the long-term planning intention of the “R(D)” zone; the access road leading to the site would not pass by residential structures; the environmental concerns could be addressed by appropriate approval conditions; the developments generally complied with the TPB PG No. 13 on Application for Open Storage and Port Back-up Uses in that there were previous approvals for similar uses on-site; all of the approval conditions under the previous approvals of similar nature had been complied with; and drainage and landscape proposals had been submitted for the current application and no local objection had been received against the application. Furthermore, similar applications in the vicinity of the site had been approved by the Committee. However, the planning permissions of applications No. A/YL-PH/566 and 613 were revoked on 18.10.2008 and 24.9.2011 respectively for non-compliance with the planning condition on the provision of fire extinguishers. All approval conditions under application No. A/YL-PH/641 have been complied with
- 6.7 The last application No. A/YL-PH/716 submitted by the same applicant for the same use as the current application for 3 years was approved with conditions by the Committee on 19.6.2015 on similar considerations as mentioned in paragraph 6.6 above. All approval conditions under the last application have been complied with and the planning permission is valid until 19.6.2018.
- 6.8 Compared with the last application, the current application is subject to same site area, applied use and similar layout.

## **7. Similar Applications**

- 7.1 There are 16 similar applications (No. A/YL-PH/585, 589, 597, 610, 627, 636, 655, 656, 660, 677, 685, 699, 710, 729, 741 and 765) for various temporary open storage uses within the same “R(D)” zone or straddle partly within the adjoining “Agriculture” (“AGR”) zone on the Pat Heung OZP since the promulgation of the TPB PG-No. 13E on 17.10.2008. Details of these applications are summarized in **Appendix V** while the locations of the sites are shown on **Plan A-1a**.
- 7.2 Amongst the 16 similar applications, 14 applications (No. A/YL-PH/589, 597, 610, 627, 655, 656, 660, 677, 685, 699, 710, 729, 741 and 765) falling within the same “R(D)” zone or with minor portion in the adjoining “AGR” zone were approved with conditions by the Committee on 7.8.2009, 23.10.2009, 27.8.2010, 21.10.2011, 21.12.2012 (for both A/YL-PH/655 and 656), 3.5.2013, 8.11.2013, 4.4.2014, 26.9.2014, 27.3.2015, 10.6.2016,

3.3.2017 and 6.4.2018 respectively mainly on consideration that the development would not frustrate the planning intention of the “R(D)” zone; the development was not incompatible with the surrounding land uses, and the application generally complied with TPB PG-No. 13E. However, Applications No. A/YL-PH/610, 627, 655, 656 and 677 were revoked on 14.9.2011, 21.9.2013, 21.6.2013, 21.3.2013 and 20.12.2013 respectively due to non-compliance with the approval conditions.

- 7.3 The other two applications No. A/YL-PH/585 (for temporary open storage of tiles) and 636 (for temporary open storage of construction materials fall mostly within the “AGR” zone) were rejected by the Committee on 24.7.2009 and 24.2.2012 respectively mainly on the grounds that the developments did not comply with TPB PG-No. 13E; there was insufficient information to demonstrate that the developments would not have adverse drainage and/or environmental impacts on the surrounding areas; and the development was not in line with the planning intention of the “AGR” zone (for Application No. A/YL-PH/636 only).

**8. The Site and Its Surrounding Areas (Plans A-1a to A-2 and Photos on Plans A-4a to A-4b)**

8.1 The Site is:

- (a) paved and fenced off ;
- (b) currently used for the applied use with planning permission with validity up to 19.6.2018; and
- (c) accessible via a local track leading from Kam Tin Road .

8.2 The surrounding areas are generally predominated by various open storage/storage yards, warehouses, workshop, residential structures/dwellings and unused land (**Plan A-2**). Some of the open storage yards and warehouses are suspected unauthorized development subject to enforcement action by the Planning Authority:

- (a) to its north are open storage yards (one with planning permission under application No. A/YL-PH/741) and a warehouse;
- (b) to its immediate west is an open storage yard for construction materials. The area to the further west is an area zoned “Village Type Development” (“V”) on the OZP with some open storage yards, a warehouse and a few residential structures/dwellings (the nearest is about 30m away); and
- (c) to its east and south are open storage yards, a workshop and a large piece of unused land with graves and urns.

**9. Planning Intention**

The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

**10. Comments from Relevant Government Departments**

10.1 The following Government departments have been consulted and their views 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. 2901 in D.D. 111 is covered by a Short Term Waiver (STW) No. 3931 to permit structures erected thereon for the purpose of “temporary open storage of construction materials, machinery (electricity generator), vehicle parts, temporary transit shipment particles and containers for storage of plastic barriers”. Lot No. 2902 (Portion) in D.D. 111 is covered by a STW No. 2916 to permit structures erected thereon for the purpose of “storage of construction materials”.
- (c) The concerned Government Land (GL) within the Site is covered by Short Term Tenancy (STT) No. 3033 to permit structures erected thereon for the purpose of “temporary open storage of construction materials and vehicle parts”.
- (d) The Site is accessible to Kam Tin Road via GL and private land. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way to the Site.
- (e) 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.
- (f) Should planning approval be given to the application, the STW and STT holder(s) will need to apply to his office for modification of the STW/STT conditions if there is 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 the LandsD.

### **Traffic**

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

- (a) He has no comment to the application from traffic engineering perspective.
- (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 should be incorporated.
- (c) The Site is connected to the public road network via a section of a local access road which is not managed by Transport Department. The land status of the local access road should be checked with the 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/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) HyD is not/shall not be responsible for the maintenance of any existing vehicular access connecting the Site and Kam Tin Road.
- (b) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

### **Environment**

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

- (a) There was no environmental complaint received for the Site in the past three years. However, he does not support the application as there are sensitive receivers, i.e. residential dwellings located to the west (about 30m away) (**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 requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary uses and Open Storage Sites” issued by DEP.

### **Landscape**

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

- (a) She has no objection to the application from the landscape planning point of view.
- (b) Open storages are found at the north, east and south within “R(D)” zone, while small houses are concentrated to the west of the Site within “V” zone. The Site is connected to Kam Tin Road via driveway at the south. The Site is the subject of eight previously approved applications for the same use and she had no objection to the last application (No. A/YL-PH/716).
- (c) Based on the aerial photo taken in January 2018, the Site is situated in an area of rural landscape character comprising of scattered tree groups, open storages and small houses. Although the applied use is not in line with the planning intention of "R(D)" zone, it is not incompatible to the surrounding environment. No significant change is observed in the adjacent area and within the application boundary since the last application. The existing landscape implemented for the previous applications were in good condition. Adverse impact on landscape character and existing landscape resources arising from the continual use of temporary open storage is not anticipated.
- (d) The applicant should provide updated photos of the existing trees for record and make reference to the below document promulgated by the Development Bureau regarding good practice for tree management: Pictorial Guide for Tree Maintenance (護養樹木的簡易圖解) at [https://www.greening.gov.hk/filemanager/content/pdf/tree\\_care/Pictorial\\_Guide\\_for\\_Tree\\_Maintenance.pdf](https://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf).
- (e) Should the application be approved, the condition to maintain the existing trees and vegetation on the Site satisfactory at all times during the planning approval period should be included in the planning permission.

### **Nature Conservation**

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

- (a) Nothing that the Site has been paved and used for similar purposes for some years, he has no comment on the application for renewal of planning approval from nature conservation point of view.
- (b) Should the application be approved, the applicant should be advised to preserve the trees surrounding the Site as far as practicable during operation.

### **Drainage**

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

- (a) He has no in-principle objection to the proposed development.
- (b) It is noted that the applicant would maintain the same drainage facilities as those constructed under previous application. However, the drainage details shown on the drainage plan do not tally with that of the cross sections in the submission, e.g. two u-channels shown in the cross-sections A-A1 do not appear on plan. The applicant should clarify it and provide photographs to shown the existence of these surface channels and the watercourse.
- (c) Should the application be approved, conditions requiring the applicant to submit the latest drainage arrangement of the Site, taking into accounts the comments in (b) above and to submit records of the existing drainage facilities on site should be included in the planning permission.

### **Fire Safety**

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

- (a) He has no in-principle objection to the application subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposed structures, 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 FSI to be installed should be clearly marked on the layout plans. Good practice guidelines for open storage should be adhered to (**Appendix VI**).

- (c) Having considered the nature of the open storage, the approval condition regarding the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to his satisfaction shall be added. The applicant should be advised to submit a valid fire certificate (FS 251) to his office for approval.
- (d) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

### **Building Matters**

#### 10.1.9 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 structures existing at the Site and BD is not in a position to offer comments on their suitability for the applied use.
- (b) The applicant's attention is drawn to the following points:
  - (i) If the existing structures are erected on leased land without approval of the BD (not being New Territories Exempted Houses), they are unauthorized under the BO and should not be designated for any use under the application.
  - (ii) 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 BD should be obtained. Otherwise, they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO. 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.
  - (iii) 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.

- (iv) If the Site does not abut on a specified street of not less than 4.5m wide, their permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

### **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 comment from the locals upon close of consultation and has no particular comment on the application.

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

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

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

On 13.3.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 3.4.2018, no public comment was received.

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

12.1 According to TPB PG-No. 13E, the Site falls within Category 3 areas. The following 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 within Category 3 areas would normally not be favourably considered unless the applications are on sites with previous planning approvals. In that connection, 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.

- 12.2 The applied use is a renewal application for temporary open storage of construction materials and vehicle parts in “R(D)” zone. The applied use is not 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. Nevertheless, there is no known development proposal at this part of the “R(D)” zone, the approval of the application on temporary basis would not frustrate the planning intention of the “R(D)” zone.
- 12.3 The applied use is considered not incompatible with the surrounding areas which are predominated by various open storage/storage yards, warehouses, a workshop, residential structures/dwellings and unused land (**Plan A-2**). Similar applications for various temporary open storage uses were approved in the vicinity of the Site (**Plan A-1a**). The Site is also subject of seven previous approved applications for the similar open storage uses which were approved by the Committee or by the Board on review from 1999 to 2015 (paragraph 6 and **Plan A-1b**). Approval of the application is in line with the Committee’s previous decisions.
- 12.4 The application is generally in line with the TPB PG-No. 13E and TPB PG-No. 34B in that previous approvals for the same applied use have been granted and all the approval conditions under the last approval (Application No. A/YL-PH/716) including the submission of drainage record and submission / provision of FSIs and fire extinguisher(s) have been complied with. There is also no adverse comment from the relevant departments except DEP and no major change in planning circumstances since the last approval. Comparing to the last approved application No. A/YL-PH/716, the current application is submitted by the same applicant for the same use with the similar layout. In this regard, sympathetic consideration could be given to the current application.
- 12.5 Concerned departments, except DEP, have no objection to the application. DEP does not support the application as there are sensitive receivers, i.e. residential dwellings located to the west (about 30m away) (**Plan A-2**), and environmental nuisance is expected. However, no environmental complaint was received for the Site in the past three years and no local objection received during the statutory publication period. In order to address potential environmental concerns, approval conditions restricting the operation hours, prohibiting medium or heavy goods vehicles and workshop activities at the Site are recommended in paragraph 13.2 (a) to (c) and (e) below. Any non-compliance with the approval conditions 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 adopt the environmental mitigation measures as set out in the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” in order to alleviate any potential impact. The technical requirements of CTP/UD&L of PlanD, CE/MN of DSD and D of FS on landscape, drainage and fire safety aspects could be addressed by approval conditions in paragraph 13.2 (g) to (l) below.

- 12.6 There is no public comment received during the statutory publication period against the application.

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

- 13.1 Based on the assessments made in paragraph 12, the Planning Department considers that the temporary open storage of construction materials and vehicle parts 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 20.6.2018 until 19.6.2021. The following conditions of approval 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 dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities, as proposed by the applicant, shall be carried out on the Site at any time during the planning approval period;
- (d) the stacking height of construction materials stored within 5 metres of the periphery of the Site should not exceed the height of the boundary fence of the Site at any time during the planning approval period;
- (e) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (f) the existing boundary fencing on the Site should be maintained at all times during the planning approval period;
- (g) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (h) the existing trees and vegetation on the Site shall be maintained at all times during the planning approval period;

- (i) the submission of the drainage arrangement and the record of the existing drainage facilities on the 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 20.9.2018;
- (j) the provision of fire extinguisher(s) within **6** weeks with a valid fire certificate (FS 251) 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 1.8.2018;
- (k) 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 20.12.2018;
- (l) in relation to (k) 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 20.3.2019;
- (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;
- (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; and
- (o) upon the expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

*[The above approval conditions are the same as the previous approved application No. A/YL-PH/716 , except an additional condition (g) according to C for T's comment and revised of condition (i) according to CE/MN, DSD's comment.]*

#### 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' reference:

the development is not in line with the planning intention of the "R(D)" zone which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary

structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board. There is no strong planning justification given in the submission for the 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**

- Appendix I** Application form received on 2.3.2018
- Appendix Ia** SI received on 8.3.2018
- Appendix Ib** FI submitted on 10.4.2018 and 11.4.2018
- Appendix Ic** FI submitted on 13.4.2018
- Appendix II** Relevant Extracts of Town Planning Board Guidelines for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34B)
- Appendix III** Relevant extract of Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No. 13E)
- Appendix IV** Previous applications covering the application site
- Appendix V** Similar applications for various open storage uses within the same “R(D)” zone or straddling “R(D)” and the adjoining “AGR” zone on the Pat Heung OZP
- Appendix VI** Good practice guidelines for open storage sites
- Appendix VII** Advisory clauses
- Drawing A-1** Site Layout Plan



<b>Drawing A-2</b>	Landscape Proposal Plan
<b>Drawing A-3</b>	Drainage Proposal Plan
<b>Drawing A-4</b>	Fire Service Installations 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 &amp; A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
APRIL 2018**