

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

**APPLICATION NO. A/NE-KLH/561**

|                           |   |
|---------------------------|---|
| <b><u>Applicant</u></b>   | Mr. MAN King Chuen  |
| <b><u>Site</u></b>        | Lots 143 RP (Part) and 145 RP (Part) in D.D. 7, Tai Hang, Tai Po, New Territories   |
| <b><u>Site Area</u></b>   | About 2,708m <sup>2</sup>   |
| <b><u>Lease</u></b>       | Block Government Lease (demised for agricultural use)   |
| <b><u>Plan</u></b>        | Approved Kau Lung Hang Outline Zoning Plan (OZP) No. S/NE-KLH/11  |
| <b><u>Zonings</u></b>     | “Agriculture” (“AGR”) (about 73%) and<br>“Village Type Development” (“V”) (about 27%)   |
| <b><u>Application</u></b> | Temporary Open Storage of Construction Materials, Machinery and Containers with Vehicle Park (Private Cars and Light Goods Vehicles only) for a Period of 18 months |

**1. The Proposal**

- 1.1 The applicant, the manager of “tso” (文湛泉祖), seeks planning permission for temporary open storage of construction materials, machinery and containers with vehicle park (private cars and light goods vehicles only) for a period of 18 months at the application site (the Site). The Site falls within an area zoned “AGR” (about 73%) and “V” (about 27%) on the approved Kau Lung Hang OZP No. S/NE-KLH/11. According to the Notes of OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board), notwithstanding that the use or development is not provided for in terms of the OZP. The Site is currently used for open storage use with vehicle park without valid planning permission.
- 1.2 According to the information submitted by the applicant, 10 single-storey containers (3.3m(W) x 6.6m(L) x 3.3m(H)) with a total floor area of 217.8m<sup>2</sup> for storage use will be provided within the Site. The Site will also be used for the parking of private cars and light goods vehicles (a total of 10 “non-designated” parking spaces) related to the temporary open storage use. The layout plan submitted by the applicant is at **Drawing A-1**. The Site is served by an access road branching off from Tai Wo Service Road West. According to the applicant, the operation hours of the applied use are 24 hours daily including public holidays.

- 1.3 In support of the application, the applicant has submitted an application form with attachment on 18.1.2019 (**Appendix I**).

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

The justifications put forth by the applicant in support of the application are detailed in Part 9 of the application form and the attachment at **Appendix I**. They can be summarized as follows:

- (a) to facilitate the carrying out of various works projects along Tai Wo Service Road West, including the laying of fibre-optic cable for six villages (i.e. Nam Wa Po, Tai Hang, Wai Tau, Tai Wo, Kau Lung Hang and Yuen Leng), and public sewerage system for Tai Hang Village, the Site was leased to Winter Company Limited by the “tso tong” for the storage of construction materials and machinery;
- (b) the Site is accessible by an access road branching off from the adjoining Tai Wo Service Road West, which is convenient for the transportation of construction materials; and
- (c) minimal nuisance would be brought to villagers as only vehicles related to the temporary open storage use will be allowed to enter the Site.

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

The applicant is one of the “current land owners”. In respect of the other “current land owner(s)”, the applicant has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting site notice and sending notice to Tai Po Rural Committee on 11.1.2019. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Background**

According to the Chief Town Planner/Central Enforcement and Prosecution, Planning Department (CTP/CEP, PlanD), major part of the Site is the subject of two enforcement cases against unauthorized storage use (including deposit of containers) and parking of vehicles (**Plan A-2**). Enforcement Notices (EN) were issued to the concerned landowners on 4.9.2018 requiring the unauthorized developments to be discontinued on or before 4.12.2018. Site inspection carried out on 30.1.2019 found that some leftovers and debris were still left at the Site of the unauthorized development of storage use (including deposit of containers) (EN No. E/NE-KLH/123), whereas the unauthorized development of storage use (including deposit of containers) and parking of vehicles (EN No. E/NE-KLH/124) was not discontinued. CTP/CEP, PlanD will consider further enforcement actions on these two cases.

**5. Town Planning Board Guidelines**

Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13E) is relevant to this application. The Site falls mainly within Category 3 area with a small portion within Category 4 area under TPB PG-No. 13E promulgated on 17.10.2008. Relevant extract of the Guidelines is at **Appendix II**.

**6. Previous Application**

There is no previous application covering the Site.

**7. Similar Applications**

7.1 There are nine similar applications (No. A/NE-KLH/280, 285, 295, 306, 320, 327, 342, 353 and 396) covering seven sites for temporary open storage use within the same “AGR” or “V” zones in the vicinity of the Site.

7.2 All the similar applications were rejected by the Rural and New Town Planning Committee (the Committee) or the Board on review between 2001 and 2010 mainly on considerations that the developments were not in line with planning intentions; the developments did not comply with Town Planning Board Guidelines No. 13E; the applicants failed to demonstrate that the developments would not have adverse environmental, traffic, water quality, noise and landscape impacts, and not increase flooding risks on the surrounding areas; the developments were not compatible with the residential developments in the vicinity; and approval of the applications would set undesirable precedents for other similar applications. Applications No. A/NE-KLH/285 and 353 were also rejected as the application sites encroached upon the land resumption limit of the project "Widening of Tolo/Fanling Highway between Island House and Fanling" and the no blasting zone of Tau Pass Culvert respectively.

7.3 Details of these similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) flat, hard-paved and partly fenced;
- (b) currently used for storage of construction machinery, materials and containers, and parking of vehicles without valid planning permission; and
- (c) connected to Tai Wo Service Road West via an access road.

- 8.2 The surrounding areas are predominantly rural in character with scattered tree groups, active farmland and village houses. Village houses are concentrated within “V” zone to the north of the Site and unauthorized open storage yards are in proximity of the Site within the “AGR” zone (**Plans A-2 and A-3a**).

## **9. Planning Intentions**

- 9.1 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.
- 9.2 The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services.

## **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/Tai Po, Lands Department (DLO/TP, LandsD):

- (a) no objection to the application;
- (b) the Site consists of two private lots, namely Lots 143 RP and 145 RP in D.D. 7 in Tai Hang Village, which are held under Block Government Lease demised for agricultural purpose. No structure shall be erected on the lots without the prior approval from LandsD;
- (c) there is no guarantee to the grant of a right of way to the Site or approval of the emergency vehicular access (EVA) thereto;
- (d) Lot 145 RP in D.D. 7 is subject to a Modification of Tenancy No. 37098 for dwelling, kitchen, storeroom and agriculture storage purposes, and a Letter of Approval for agriculture storage;
- (e) no Small House application has been received in respect of the Site;
- (f) a recent inspection revealed 13 containers on the Site that exceeded the number of 10 stated under Part 7 of the

application form (**Appendix I**); and

- (g) the lot owners are required to submit an application for Short Term Waiver (STW) to LandsD should they wish to erect any structure on the Site. However, there is no guarantee at this stage that the STW application would be approved. If the STW application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD including the payment of waiver fee and administrative fees as considered appropriate.

## **Traffic**

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

- (a) does not support the application as the following information is not provided in the submission:
  - (i) the estimated traffic flow of the applied use with justifications;
  - (ii) information to demonstrate the satisfactory maneuvering of vehicles entering to and exiting from the Site and maneuvering within the Site, preferably using swept path analysis;
  - (iii) the number of car parking spaces and loading/unloading spaces to be provided and justify the adequacy of the parking spaces so provided by relating to the number of vehicles visiting the Site;
  - (iv) the proposed vehicular ingress/egress should be of no less than 7.3m in width;
  - (v) the management/control measures to be implemented to ensure no queuing of vehicles outside the Site; and
  - (vi) the provision and management of pedestrian facilities to ensure pedestrian safety; and
- (b) the vehicular access between Tai Wo Service Road West and the Site is not managed by Transport Department (TD). The applicant shall seek agreement/comment from the responsible party for the management and maintenance measures to be implemented for the vehicular access.

### **Agriculture**

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

- (a) does not support the application from the agricultural development point of view; and
- (b) the Site is paved. Nevertheless, agricultural infrastructure such as water source and road access is available. The Site possesses potential for agricultural rehabilitation.

### **Environment**

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

- (a) does not support the application as there are domestic structures in the vicinity of the Site, the closest ones are located to the immediate northwest and northeast of the Site at a distance of less than 50m and 30m respectively (**Plan A-2**). Close juxtaposition of open storage uses and sensitive receivers may cause environmental nuisances and should be avoided where possible;
- (b) Should the application be approved, relevant conditions should be imposed restricting the operation hours from 7:00 am to 11:00 pm and no operation is allowed on Sundays and public holidays, which follow the requirements in the 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses'. Moreover, the environmental measures recommended in the 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' should also be used to minimize any possible environmental nuisance; and
- (c) there is no environmental complaint related to the Site in the past three years.

### **Landscape**

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

- (a) has reservation on the application from the landscape planning perspective;
- (b) the Site is situated in an area of rural landscape character comprising scattered tree groups and village houses are concentrated within "V" zone to the north of the Site. Active farmland can be found in the adjacent lots to the northwest.

Unauthorized open storage yards are in proximity of the Site within the “AGR” zone. The proposed use is not compatible with the surrounding environment;

- (c) the Site is hard paved and in operation as carpark and open storage. Existing trees in fair to good condition are observed along the northern and western boundaries. Since there is no fixed location for construction materials, machinery and containers and private car park, the applicant should take necessary measures to prevent any disturbance to the existing trees within the Site; and
- (d) comparing the aerial photos taken in 2015 and 2017 (**Plan A-3b**), it is noted that vegetation has been cleared within the Site since 2015 prior to submission of the application. The applied use, if approved, would encourage similar site modification prior to approval and would further attract similar developments into the “AGR” zone. The cumulative effect of approving similar applications would result in degradation of landscape character and cause adverse landscape impact to the area.

### **Drainage**

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

- (a) no in-principle objection to the application from public drainage viewpoint;
- (b) if the application is approved, an approval condition on submission and implementation of drainage proposal for the Site is recommended to ensure that it will not cause adverse drainage impact to the adjacent areas;
- (c) public sewers are available for connection in the vicinity of the Site. The applicant should be reminded to follow the established procedures and requirements for connecting sewers from the Site to the public sewerage systems. A connection proposal should be submitted for approval beforehand. Moreover, the sewerage connection will be subject to DSD’s technical audit, for which an audit fee will be charged; and
- (d) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant private lot owners should be sought.

10.1.7 Comments of the Chief Engineer/Consultant Management, Drainage Services Department (CE/CM, DSD):

- (a) no comment on the application; and
- (b) the Site is in proximity to the works limit of Contract No. DC/2012/04 – Sewerage in Kau Lung Hang San Wai, Kau Lung Hang Lo Wai and Tai Hang. The sewer laying works have been completed.

**Fire Safety**

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

- (a) no in-principle objection to the application subject to fire service installations (FSIs) and water supplies for firefighting being provided to the satisfaction of the Fire Services Department (FSD);
- (b) in consideration of the nature of the open storage, an approval condition on the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of D of FS or of the Board should be added;
- (c) to address the above additional approval condition, the applicant is advised to submit certificate(s) under Regulation 9(1) of the Fire Service (Installations and Equipment) Regulations (Chapter 95B) to FSD for compliance of condition;
- (d) if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) are erected within the Site, FSIs will need to be installed;
- (e) except where building plan is circulated under the Centralized Processing System of Buildings Department, the applicant is required to send the relevant layout plans to FSD incorporated with proposed FSIs for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and the locations of the proposed FSIs and the access for emergency vehicles should be clearly marked on the layout plans; and
- (f) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. The applicant will need to subsequently provide such FSIs according to the approved proposal.

## **Water Supply**

### 10.1.9 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) does not support the temporary open storage of construction materials, machinery and containers as leaching, erosion, storage of construction materials, heavy vehicular/machinery activities and storage of containers are considered high risks of pollution to WGG;
- (b) regarding the vehicle park (private cars and light goods vehicles only), the applicant should prove and demonstrate to the satisfaction of WSD that there is no overall material increase in pollution or erosion by conducting a risk assessment, in particular meeting the following requirements:
  - (i) oil tankers and vehicles for transporting chemicals should not be allowed to park inside the vehicle park. Besides the applied use, other activities such as on-site vehicle inspection, maintenance, repairing and washing activities shall not be allowed in the applied use;
  - (ii) fencing shall be erected on the sides facing the nearest stream course to trap all wind-blown litters such as paper, plastic bags, bottles and boxes within the vehicle park;
  - (iii) the vehicle park shall be surrounded by kerbs and drains. Drainage traps such as grease traps and petrol interceptors shall be installed at each of the drainage outlets and shall be under proper maintenance. All such drainage traps shall have sufficient capacity to ensure the proper collection and disposal of fuel and lubricants; and
  - (iv) the applied use should be located as far away from the water course as possible. No discharge of effluent or foul water into adjoining land, stormwater drain, channel, stream or river course is allowed. All solid waste and sludge arising from the operation of the applied use shall be disposed of properly outside the WGG. Control measures should be implemented to prevent oil leakage or chemical spillage within the WGG. Oil and grease decontamination kit such as absorbent pads shall be made available by the applicant to decontaminate any oil leakage or spillage in the course of operation. No chemicals including laticidal oil, rodenticide and fertilizers shall be used without prior approval from Water Authority. The use and storage of pesticides, toxicants, flammable solvents, tar and petroleum oil are strictly prohibited within the WGG; and

- (c) should the application be approved by the Board, approval conditions should be included requiring that the development should not cause any water pollution to the upper indirect WGG; and the submission and implementation of a risk assessment proposal to the satisfaction of WSD.

### **Town Gas Safety**

#### 10.1.10 Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) no comment on the application;
- (b) there are high pressure and immediate pressure underground town gas transmission pipelines (running along Tai Wo Service Road West) in the vicinity of the Site. The applicant shall liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/gas installations in the vicinity of the Site and any required minimum set back distance away from them during the design and construction stages of development; and
- (c) the applicant is required to observe the Electrical and Mechanical Services Department (EMSD)'s requirements on the 'Avoidance of Damage to Gas Pipes 2<sup>nd</sup> Edition'.

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

- (a) Chief Highway Engineer/New Territories East, Highways Department;
- (b) Commissioner of Police;
- (c) Head of Geotechnical Engineering Office, Civil Engineering and Development Department;
- (d) Project Manager/North, Civil Engineering and Development Department; and
- (e) District Officer/Tai Po, Home Affairs Department.

## **11. Public Comments Received During Statutory Publication Period (Appendix IV)**

On 25.1.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, four public comments were received from World Wide Fund for Nature Hong Kong, local groups from villages and an individual raising concerns and objection to the application mainly on the grounds of being associated with illegal developments; extensive clearance of vegetation on the Site which would encourage "destroy first, build later"; being in proximity to the cultivated land; imposing safety risks to villagers in view of potential increase of traffic flow at the only access to the village; and causing adverse air quality, landscape, noise and environmental impacts.

## 12. Planning Considerations and Assessments

- 12.1 The Site mainly falls within Category 3 area (about 73%) with a small portion within Category 4 area (about 27%) under the TPB PG-No. 13E promulgated by the Board on 17.10.2008 (**Appendix II**). The following considerations in the Guidelines are relevant:
- (a) Category 3 areas (on “AGR” portion): applications 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, 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 on a temporary basis up to a maximum period of 3 years; and
  - (b) Category 4 areas (on “V” portion): applications would normally be rejected except under exceptional circumstances. For applications on sites with previous planning approvals, and subject to no adverse departmental comments and local objections, 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 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. The intention is however to encourage the phasing out of such non-conforming uses as early as possible. A maximum period of 2 years may be allowed upon renewal of planning permission for an applicant to identify suitable sites for relocation. No further renewal of approval will be given unless under very exceptional circumstances and each application for renewal of approval will be assessed on its individual merit.
- 12.2 The Site is largely zoned “AGR” (about 73%) with a small portion zoned “V” (about 27%) on the OZP (**Plan A-1**). The temporary open storage use with vehicle parking is not in line with the planning intention of the “AGR” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC does not support the application as agricultural infrastructure such as water source and road access are available and the Site possesses potential for agricultural rehabilitation. The application is also not in line with the planning intention of the “V” zone for designating both existing recognised villages and areas of land considered suitable for village expansion, and land within this zone is primarily intended for development of Small Houses by indigenous villagers. No strong planning justification has been given in the submission to justify for a departure from the planning intentions, even on a temporary basis.

- 12.3 The Site is flat, hard-paved and partly fenced, and currently used as open storage with vehicle parking. The surrounding area is predominantly rural in character comprising scattered tree groups, active farmland and village houses. The applied use is not compatible with the surrounding environment. CTP/UD&L of PlanD has reservation on the application and advises that vegetation has been cleared within the Site since 2015 prior to submission of the application (**Plan A-3b**). The applied use, if approved, would encourage similar site modification prior to approval and would further attract similar developments into the “AGR” zone. The cumulative effect of approving similar applications would result in degradation of landscape character and cause adverse landscape impact to the area.
- 12.4 C for T does not support the application as no information is provided by the applicant regarding the estimated traffic flow, maneuvering of vehicles to and from the Site and within the Site, the number of car parking and loading/unloading spaces and their adequacy relating to the number of vehicles visiting the Site, the width of the proposed vehicular ingress/egress and the provision and management of pedestrian facilities. Besides, DEP does not support the application as there are sensitive receivers, i.e. domestic structures, in the vicinity of the Site with the closest one located to the immediate northwest and northeast of the Site at a distance of less than 50m and 30m respectively (**Plan A-2**) and environmental nuisance is expected. If the application is approved by the Board, relevant conditions should be imposed restricting the operation hours from 7:00 am to 11:00 pm and no operation is allowed on Sundays and public holidays, which follow the requirements in the ‘Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses’. CE/C of WSD does not support the temporary open storage use as leaching, erosion, storage of construction materials, heavy vehicular/ machinery activities and storage of containers are considered high risks of pollution to WGG; and advises that, for the vehicle park under application, the applicant should prove and demonstrate to the satisfaction of WSD that there is no overall material increase in pollution or erosion by conducting a risk assessment. Should the application be approved, an approval condition on the submission and implementation of a risk assessment proposal should be included. Other Government departments consulted, including D of FS and CE/MN of DSD, have no objection to or no adverse comment on the application.
- 12.5 The application does not comply with the TPB PG-No. 13E (**Appendix II**) in that the Site largely falling within Category 3 area (about 73%) where applications would normally not be favourably considered unless the applications are on sites with previous planning approvals, and that a small portion of the Site falls within Category 4 area (about 27%) where applications would normally be rejected except under exceptional circumstances. The Site is not the subject of any previous planning approval for similar open storage uses with vehicle parking and there is no special circumstances in the application that justify sympathetic consideration; there are adverse departmental comments and local objections to the application; and the applicant fail to demonstrate that the applied use would not cause adverse traffic, water quality, landscape and environmental impacts on the surrounding areas. Approval of the application would set an undesirable precedent for similar applications in the “AGR” and “V” zones. The cumulative effect of

approving such applications would result in a general degradation of the environment and landscape quality of the area.

- 12.6 There are nine similar applications (No. A/NE-KLH/280, 285, 295, 306, 320, 327, 342, 353 and 396) within the same “AGR” or “V” zones in the vicinity of the Site for various temporary open storage uses. All of them were rejected by the Committee or the Board on review between 2001 and 2010 mainly on the considerations of being not in line with the planning intentions; not complying with the relevant Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’; failing to demonstrate that the developments would not have adverse environmental, traffic, water quality, noise and landscape impacts, and not increase flooding risks on the surrounding areas; being not compatible with the residential developments in the vicinity; and setting of undesirable precedent. The circumstances of the current application are similar to these rejected applications.
- 12.7 Regarding the public comments raising concerns and local objections to the application mainly on the grounds of being associated with illegal developments; extensive clearance of vegetation on the Site which would encourage “destroy first, build later”; being in proximity to the cultivated land; imposing safety risks to villagers in view of potential increase of traffic flow at the only access to the village; and causing adverse air quality, landscape, noise and environmental impacts, Government departments’ comments and assessments above are relevant.

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

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11, the Planning Department does not support the application for the following reasons:
- (a) the development is not in line with the planning intentions of the “AGR” and “V” zones which are primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes; and to designate both existing recognized villages and areas of land considered suitable for village expansion, primarily intended for development of Small Houses by indigenous villagers. There is no strong planning justification in the submission for a departure from the planning intentions, even on a temporary basis;
  - (b) the application does not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB-PG No. 13E) in that the proposed development is not compatible with the surrounding land uses which are predominantly rural in character; there is no previous planning approval of open storage use granted for the Site; and there are adverse departmental comments on the application;

- (c) there is no information in the submission to demonstrate that the applied use would not cause adverse traffic, water quality, landscape and environmental impacts on the surrounding areas; and
- (d) the approval of the application will set an undesirable precedent for similar applications within the same “AGR” and “V” zones. The cumulative effect of approving such similar applications would result in a general degradation of the environment in the area.

13.2 Alternatively, 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 18 months until 8.9.2020. As the planning permission granted is only for 18 months, shorter compliance periods are recommended. 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. is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays is allowed on the Site during the planning approval period;
- (c) no vehicles other than private cars and light goods vehicles, as proposed by the applicant, are allowed to be parked/stored on the site at any time during the planning approval period;
- (d) no vehicle dismantling, inspection, 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) the development should not cause any water pollution to the upper indirect water gathering ground at any time during the planning approval period;
- (f) the provision of boundary fencing on the Site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 8.6.2019;
- (g) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 8.6.2019;
- (h) in relation to (g) above, the implementation of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 8.9.2019;
- (i) the submission of a risk assessment proposal within 3 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the Town Planning Board by 8.6.2019;

- (j) in relation to (i) above, the implementation of the risk assessment proposal within 6 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the Town Planning Board by 8.9.2019;
- (k) 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 19.4.2019;
- (l) the submission of fire service installations and water supplies for fire-fighting proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 8.6.2019;
- (m) in relation to (l) above, the implementation of fire service installations and water supplies for fire-fighting 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 8.9.2019;
- (n) the submission of a traffic proposal including vehicular ingress/egress, space for maneuvering of vehicles, car parking and loading/unloading spaces and pedestrian facilities within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 8.6.2019;
- (o) in relation to (n) above, the implementation of the traffic proposal within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 8.9.2019;
- (p) if any of the above planning conditions (a), (b), (c), (d) or (e) 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;
- (q) if any of the above planning conditions (f), (g), (h), (i), (j), (k), (l), (m), (n) or (o) 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
- (r) upon expiry of the planning permission, the reinstatement of the “AGR” portion 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 attached at **Appendix V**.

**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 conditions and advisory clauses to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

**15. Attachments**

|                   |  |
|-------------------|--|
| Appendix I        | Application form and attachments received on 18.1.2019   |
| Appendix II       | Relevant extract of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) |
| Appendix III      | Similar applications   |
| Appendix IV       | Public comments  |
| Appendix V        | Recommended advisory clauses   |
| Drawing A-1       | Layout plan submitted by the applicant   |
| Plan A-1          | Location plan  |
| Plan A-2          | Site plan  |
| Plans A-3a & A-3b | Aerial photos  |
| Plans A-4a & A-4b | Site photos  |

**PLANNING DEPARTMENT  
MARCH 2019**