

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-KLH/584

<u>Applicant</u>	Tung Tak Investment (HK) Limited represented by Goldrich Planners & Surveyors Limited
<u>Site</u>	Lots 617 S.B RP, 618 S.B ss.1, 622 S.B RP (part) in D.D. 9, Nam Wa Po, Kau Lung Hang, Tai Po, New Territories
<u>Site Area</u>	About 1,226m ²
<u>Lease</u>	Block Government Lease (demised for agricultural use)
<u>Plan</u>	Approved Kau Lung Hang Outline Zoning Plan (OZP) No. S/NE-KLH/11
<u>Zoning</u>	“Green Belt” (“GB”)
<u>Application</u>	Temporary Warehouse with Ancillary Office for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary warehouse with ancillary office for a period of three years at the application site (the Site) (**Plan A-1**). The Site falls within an area zoned “GB” on the approved Kau Lung Hang OZP No. S/NE-KLH/11. According to the Notes of the 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.
- 1.2 The applied use is for storage of construction materials such as ceramic pipes and metal. It operates from 8:00 a.m. to 6:00 p.m. from Mondays to Saturdays, with no operation during Sundays and public holidays. It comprises 11 structures with a total floor area of about 686.7m² and building height of one or two storeys (ranging from 2.6m to 5.5m) for use as warehouse, office, open sheds, open platform, container-converted storage and staff lounge. Two private car parking spaces are also provided (**Drawing A-2**). Vehicular access is from the south-east via a 10m-wide track crossing the adjoining open storage site leading from Tai Wo Service Road West (**Drawing A-1**). A tree preservation and landscape plan, drainage plan and swept path analysis are also submitted (**Drawings A-3 to A-6**). The Site is currently used for the applied use without valid planning permission.

- 1.3 The Site is part of the subject of ten previous applications which covered a larger area including the land to the south under the “Open Storage” (“OS”) zone. They were for temporary open vehicle park with ancillary on-site vehicle checking use approved between 2001 and 2017 for a period of one to three years. The last previous application (No. A/NE-KLH/532), submitted by the same applicant under the current application, was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 11.8.2017 for a period of three years. This planning permission was subsequently revoked on 23.1.2020 due to non-compliance with approval conditions related to implementation of landscape and tree preservation proposal and fire services installations (FSIs) proposal. Nevertheless, the approved use under that previous application has been discontinued and replaced partly by the applied use under the current application (under “GB” zone) and partly by an open storage use (a use always permitted under “OS” zone). Both uses are under the same land ownership and share common areas for loading/unloading activities and access.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) application form and attachments received on **(Appendix I)** 9.3.2020
 - (b) further information (FI) received on 6.4.2020 **(Appendix Ia)** providing responses to the Environmental Protection Department’s comments and minor clarification on the proposal ^
 - (c) FI received on 29.5.2020 providing responses to the **(Appendix Ib)** comments of Drainage Services Department and Water Supplies Department ^
 - (d) FI received on 26.6.2020 providing responses to the **(Appendix Ic)** Water Supplies Department’s comments ^
- ^ accepted and exempted from publication requirement*
- 1.5 On 24.4.2020, the Committee agreed to defer a decision as requested by the applicant. After the deferral, the applicant submitted further information on 29.5.2020 and 26.6.2020. In light of the special work arrangement for Government departments due to the novel coronavirus infection, the meeting originally scheduled for 24.7.2020 for consideration of the application has been rescheduled, and the Board has agreed to defer consideration of the application. The application is now scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed

in Appendix I of the application form and FI at **Appendices I, Ia, Ib** and **Ic**. They can be summarized as follows:

- (a) the Site is the subject of previous planning approvals. The applied use and structures are similar to the previous applications except that some more storage containers and a staff lounge are added;
- (b) the applicant has submitted a risk assessment report to evaluate the potential risks to the water quality in the water gathering grounds (WGG). Mitigation measures are proposed to avoid pollution or contamination of water in the WGG;
- (c) no repair works or works that will generate pollution will be carried out in the Site and no heavy goods vehicles will be allowed to enter the Site. Although the Site is located immediately next to a village house, the owner of the house has signed a no-objection letter for the application;
- (d) the proposed structures are of 1-2 storeys, open sheds and container-converted structures, which are compatible with the surrounding environment and will not have adverse visual impact;
- (e) the materials stored in the warehouses are related to construction, which will not be eroded or washed away;
- (f) no materials will be stored in the open area. A notice will be placed on site to prohibit storage in the open area;
- (g) there will be no construction activity, generation and storage of construction wastes nor machinery repairing on site;
- (h) the Site is surrounded by U-channels. Iron bar screen will be placed before the catch-pits to trap all wind-blown litters;
- (i) no fertilizers, chemicals, pesticides, larvicidal oil, rodenticide, toxicants, flammable solvents, tar, detergents and petroleum oil are allowed on site. No oil tanker will be allowed to enter the Site. A notice will be posted to indicate such prohibition;
- (j) no vehicle inspection, maintenance, washing or other activities that will generate pollution will be allowed on the Site. Parking spaces will be surrounded by U-channels. Oil absorbent pads will be placed in the catch-pit nearby to absorb possible oil or grease. A grease trap will be installed before the last catch-pit to filter possible oil and sediments;
- (k) the applicant undertakes to take immediate remedial actions to mitigate any pollution detected in the future due to the applied use;
- (l) the existing trees in the Site will continue to be maintained in good condition, following the guidelines from the Tree Management Office. No fertilizer or other materials which may contaminate the water shall be used;

- (m) only private cars are allowed to enter the Site. Loading/unloading activities will be carried out outside the Site on the adjacent land which is in “OS” zone and owned by the applicant. Medium and heavy goods vehicle will park outside the Site;
- (n) sufficient space for manoeuvring of vehicles is provided within the Site and the adjacent land;
- (o) the applied warehouse is for storage of construction materials, the movement of which is infrequent. The daily trip generation and attraction rate is about six per day for private cars. No significant adverse impact on the local road networks is anticipated; and
- (p) the last approved Application No. A/NE-KLH/532 was revoked due to a change of tenant of the Site who overlooked the procedures of applying for independent water and electricity meters for FSIs and therefore failed to implement the approved FSIs proposal. It was also due to the destruction of trees by typhoon Mangkhut in late 2018 which led to a need to revise the approved landscape and tree preservation proposal and therefore a delay in its implementation. Should this current application be approved, the applicant will duly comply with the approval conditions to be imposed.

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

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

4. Background

The Site is the subject of an active planning enforcement case. Enforcement Notice (ref. No. E/NE-KLH/137) against storage use (including deposit of containers) at the Site was issued on 30.7.2019. Since the unauthorized development has not yet been discontinued, further enforcement action including prosecution would be carried out.

5. Town Planning Board Guidelines

The Town Planning Board Guidelines No. 10 (TPB-PG No. 10) for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ are relevant to this application. The relevant assessment criteria are listed at **Appendix II**.

6. Previous Applications

- 6.1 The Site is part of the subject of ten previous applications (No. A/NE-KLH/233, 305, 318, 325, 364, 377, 393, 423, 480 and 532) which covered a larger area including the land to the south under the “OS” zone. They were for temporary open vehicle park with ancillary on-site vehicle checking use

approved between 2001 and 2017 for a period of one to three years mainly on considerations that there were previous approvals for the applied use and the concerns on adverse traffic, drainage and environmental impacts on the surrounding area were addressed. The last previous application (No. A/NE-KLH/532), submitted by the same applicant under the current application, was approved with conditions by the Committee on 11.8.2017 for a period of three years. This planning permission was subsequently revoked on 23.1.2020 due to non-compliance with approval conditions related to implementation of landscape and tree preservation proposal and FSIs proposal.

- 6.2 Details of the above previous applications are summarized at **Appendix III** and the location is shown on **Plans A-1** and **A-2**.

7. **Similar Applications**

7.1 There are five similar applications (No. A/NE-KLH/313, 373, 420, 447 and 525) covering the same site for temporary warehouse use within the same “GB” zone in the vicinity of the Site. All of them were approved with conditions by the Committee or the Board upon review between 2003 and 2017, on the considerations that the concern on adverse environmental impacts on the surrounding areas was addressed and there were previous approvals for the applied use.

7.2 Details of these similar applications are summarised at **Appendix IV** and the location is shown on **Plans A-1** and **A-2**.

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

8.1 The Site is:

- (a) flat, hard-paved and occupied by a warehouse and associated structures without valid planning permission;
- (b) fenced off along the western, northern and eastern boundary, and adjoins an open storage site to the south;
- (c) accessible from the south-east via a track crossing the adjoining open storage site (which is also under the land ownership of the applicant) leading from Tai Wo Service Road West; and
- (d) located within the upper indirect WGG and encroaching upon the 120m no blasting limit and the 30m Waterworks Reserve of Plover Cove Tau Pass Culvert.

8.2 The surrounding areas are predominantly rural in character and comprise fallow agricultural land and vacant land intermixed with open storage uses. Warehouses are located to its north and various open storage uses and vehicle parks are located to its south. Fanling Highway is located to its further east,

and the further west across a drainage channel is the village proper of Nam Wa Po Village.

9. Planning Intention

The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

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 three lots held under the Block Government Lease demised for agricultural purpose. No structure shall be erected on the lots without the prior approval from LandsD. The Site is not covered by Short Term Waiver (STW) issued by LandsD. The applicant is required to clear existing structures immediately unless they are covered by valid approval. Otherwise, appropriate lease enforcement action will be taken in due course;
- (c) a recent inspection revealed that structures were found on the Site without the prior approval from LandsD;
- (d) an application for STW concerning the three subject lots and the adjoining Lot No. 626 RP in D.D. 9 has been submitted to LandsD. Should the Board approve the application, LandsD would continue to process the STW application. 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 fee as considered appropriate; and
- (e) there is no guarantee to the grant of a right of way to the Site or approval of the emergency vehicular access thereto.

Traffic

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

- (a) no in-principle objection to the application from traffic engineering point of view; and
- (b) the vehicular access between Tai Wo Service Road West and the Site is not managed by Transport Department. The applicant shall seek agreement/ comment from the responsible party for the management and maintenance measures to be implemented for the vehicular access.

Nature Conservation

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

- the Site is mostly hard paved and occupied by existing structures. He has no strong view on the application from the nature conservation point of view.

Environment

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

- (a) The 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' (COP) is applicable to the application. In view of the presence of residential buildings within 100m of the application site boundary, including a village house located to the immediate east of the Site, and the application will generate traffic of heavy vehicles, he does not support the application in accordance with the COP; and
- (b) 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) no objection to the application from landscape planning perspective;
- (b) the Site is situated in an area of settled valleys landscape character surrounded by open storage to its immediate south,

temporary structures and clusters of trees. It is paved and in operation as warehouse. Some existing trees of common species in Hong Kong are observed along the northern and western site boundary;

- (c) according to the layout plan provided by the applicant, direct conflict between the applied use and the existing landscape resources is not anticipated. Therefore, significant adverse impact on existing landscape resources arising from the applied use is not anticipated. Furthermore, planning approvals were granted for an area to the immediate north of the Site for similar use within the same “GB” zone. The applied use under the current application is considered not entirely incompatible with the surrounding environment of the Site; and
- (d) the Site is set back from Tai Wo Service Road West and existing vegetation is found within and surrounding the Site. Should the Board approve the application, it is considered not necessary to impose a landscape condition as the effect of additional landscaping on enhancing the quality of public realm is not apparent.

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 maintenance of existing stormwater drainage facilities on the Site at all times during the planning approval period and an approval condition on submission and implementation of sewerage connection proposal for the Site are recommended to ensure that it will not cause adverse drainage impact to the adjacent areas;
- (c) while there are DSD’s public stormwater drains in this area, the use should have its own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from the surrounding of the Site, e.g. surface channel of sufficient size along the perimeter of the Site; sufficient openings should be provided at the bottom of the boundary wall/ fence to allow surface runoff to pass through Site if any boundary wall/ fence are to be erected. Any existing flow path affected should be re-provided. The use should neither obstruct overland flow nor adversely affect the existing natural streams, village drains, ditches and the adjacent areas. The applicant is required to maintain the drainage systems

properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;

- (d) there are existing public sewers in the vicinity of the Site; and
- (e) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant private lot owners should be sought.

Fire Safety

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

- (a) no in-principle objection to the application subject to FSIs being provided to his satisfaction;
- (b) in consideration of the design/nature of the application, FSIs are anticipated to be required. Therefore, the applicant shall submit relevant layout plans incorporated with the proposed FSIs for his approval. The applicant should also be advised that:
 - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans; and
- (c) if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap.123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Water Supply

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

- (a) the Site is located within upper indirect WGG. There are risks of contamination to the WGG due to material leaching, soil erosion and oil leakage arisen from the applied use. It is noted that the applicant has submitted a risk assessment report to prove and demonstrate that there is no material increase in pollution effect resulting from the applied use (**Appendix Ic**). Noting the applicant's undertakings that no materials will be stored in the open area of the Site and measures to safeguard the raw water quality in WGG (**Appendix V**) will be carried out, he

has no comment on the report;

- (b) the applicant should closely observe his undertaking of no use and storage of pesticides, toxicants, flammable solvents, laticidal oil, rodenticide, tar, petroleum oil, chemicals including fertilizers and detergents on site. The applicant should also be reminded to follow and implement the mitigation or improvement measures stated in the risk assessment report. Additional mitigation measures may be required when the actual situation renders the initial risk assessment report inviable. Should pollution be detected in future due to the applied use, immediate remedial action to clear the pollution must be taken by the applicant;
- (c) the western part of the Site encroaches upon the 30m waterworks reserve for the tunnel of Plover Cove Tau Pass Culvert (**Plan A-2**). As no permanent structure is involved, it is foreseen that no extensive excavation would be involved in the application. The measures as set out in **Appendix V** shall be complied with by the applicant to safeguard the integrity of the tunnel; and
- (d) for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

Building Matters

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

- (a) no objection to the application; and
- (b) detailed comments under Buildings Ordinance are at **Appendix V**.

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 intermediate pressure underground town gas transmission pipelines (running along Tai Wo Service

Road West) in the vicinity of the Site. The applicant shall therefore 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's requirements on the 'Avoidance of Damage to Gas Pipes 2nd Edition'.

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

- (a) Chief Highway Engineer/New Territories East, Highways Department;
- (b) Chief Engineer 5/Major Works, Major Works Project Management Office, Highways Department;
- (c) Commissioner of Police;
- (d) Head of Geotechnical Engineering Office, Civil Engineering and Development Department;
- (e) Project Manager/North, Civil Engineering and Development Department; and
- (f) District Officer/Tai Po, Home Affairs Department.

11. Public Comments Received During Statutory Publication Period (Appendix VI)

On 17.3.2020, the application was published for public inspection. During the statutory public inspection period, three public comments were received. One of them was received from Nam Wa Po Village Committee objecting to the application mainly on the grounds of being not in line with the planning intention of "GB" zone; adverse noise impact; availability of land in the adjacent "OS" zone for warehouse use; difficulty to prohibit abuse for storage of construction machinery and workshop activities on the Site; adverse impact on local road network and pedestrian safety; and adverse landscape impact. It also suggests that should the application be approved, storage of dangerous and obnoxious goods should be prohibited, operation hours should be restricted, and measures should be imposed to avoid affecting road widening works in future and to improve the arrangement of rainwater disposal from the Site. Another comment, from Designing Hong Kong, objects to the application because it is not in line with the planning intention of "GB" zone; and approving it would set an undesirable precedent for other similar applications. The remaining comment was made by an individual who considers that the Site should either be converted into a modern industrial estate or otherwise the existing temporary operation should be relocated and the land should be reinstated as a genuine "GB".

12. Planning Considerations and Assessments

12.1 The application is for a temporary warehouse and ancillary office use on the Site zoned "GB" on the OZP (**Plan A-1**). The applied use is not in line with the planning intention of the "GB" zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain

urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

- 12.2 The Site is flat and has been hard-paved for use as part of a temporary open car park with ancillary on-site vehicle checking with previous planning approvals. It is currently used as a warehouse with associated structures, with fences along the western, northern and eastern boundary. To the south, it adjoins an existing open storage site (also part of the above-said previous temporary open vehicle park site under planning approvals), sharing common areas for loading/unloading activities and a common access from Tai Wo Service Road West. The land under both sites are owned by the applicant.
- 12.3 The surrounding areas of the Site are predominantly rural in character, and comprise fallow agricultural land and vacant land intermixed with open storage and warehouse uses. Warehouses are located to its north and various open storage uses and vehicle parks are located to its south. The applied use is considered not incompatible with the surrounding uses. As the Site is hard-paved and occupied by existing structures, DAFC has no strong view on the application from nature conservation point of view.
- 12.4 According to the TPB-PG No. 10, development in the “GB” zone should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, or cause any adverse visual impact on the surrounding environment. While there are existing trees along the western and northern boundary at the Site, CTP/UD&L of PlanD advises that they are of common species in Hong Kong and according to the layout plan submitted by the applicant, direct conflict between the applied use and existing landscape resources is not anticipated. As such, he has no objection to the application.
- 12.5 DEP does not support the application in view of the presence of residential buildings within 100m from the Site, including a village house located immediately adjacent, and the applied use will generate traffic of heavy vehicles. In this regard, the applicant indicates that heavy goods vehicles will not be allowed to enter or park on the Site and the loading/unloading activities will be carried out on the adjoining open storage site to the south, which is within the “OS” zone. The applicant also indicates that the operation hours of the applied use will be restricted from 8:00 a.m. to 6:00 p.m. from Mondays to Saturdays and no operation is allowed on Sundays and public holidays. Furthermore, there has been no environmental complaint regarding the Site in the past three years. Having regard to the above, it is considered that DEP’s concerns can be addressed through imposition of an approval condition on restricting the operation hours. Any non-compliance with this approval condition would result in revocation of the planning permission. The applicant will also be advised to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to avoid any potential environmental impacts on the nearby sensitive receivers.
- 12.6 The Site falls within the upper indirect WGG. The applicant has submitted a risk assessment report (**Appendix Ic**) to demonstrate that there will be no material increase in pollution effect arising from the applied use. CE/C of WSD has no comment on the report and advises that the applicant should

closely observe his undertaking of no use and storage of pesticides, toxicants, flammable solvents, laticidal oil, rodenticide, tar, petroleum oil, chemicals including fertilizers and detergents on site and should also follow and implement the mitigation or improvement measures stated in the risk assessment report to safeguard the raw water quality in WGG. Other relevant Government departments consulted, including C for T, D of FS and CE/MN of DSD, have no objection to or no adverse comment on the application.

- 12.7 The Site is part of the subject of ten previous applications for temporary open vehicle park with ancillary on-site vehicle checking use approved between 2001 and 2017 for a period of one to three years mainly on considerations that there were previous approvals for the applied use and the concerns on adverse traffic, drainage and environmental impacts on the surrounding area were addressed. The last previous application (No. A/NE-KLH/532) was submitted by the same applicant of the current application, which was approved with conditions on 11.8.2017 for a period of three years but was subsequently revoked due to non-compliance with the approval conditions on the implementation of landscape and tree preservation proposal and FSIs proposal. The approved use has been discontinued and replaced partly by the applied use under the current application and partly by an open storage use within the "OS" zone to the south, both under the land ownership of the applicant.
- 12.8 There are five similar applications for warehouse uses within the same "GB" zone in the vicinity of the Site (**Plans A-1 and A-2**). All these applications were approved between 2003 and 2017 on considerations that the concern on adverse environmental impacts on the surrounding areas was addressed and there were previous planning approvals. The consideration of the applied use under current application is similar to these similar applications.
- 12.9 Regarding the public comments on the application as detailed in paragraph 11 above, Government departments' comments and the planning assessments in above paragraphs 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 considers that the applied use could be tolerated for a period of three 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 three years until 1.9.2023. 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 8:00 a.m. from Mondays to Saturdays, 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) the existing stormwater drainage facilities on the Site should be maintained at all times during the planning approval period;
- (d) no excavation works should be carried out unless prior written approval from the Director of Water Supplies is obtained, and no sinking of wells, blasting, drilling or piling works are allowed on the Site at any time during the planning approval period;
- (e) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities are allowed on the Site at any time during the planning approval period;
- (f) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (g) the submission of a sewerage connection 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 1.3.2021;
- (h) in relation to (g) above, the implementation of sewerage connection proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 1.6.2021;
- (i) the submission of a proposal for fire services installations and water supplies for fire-fighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 1.3.2021;
- (j) in relation to (i) above, the implementation of proposal for fire services installations and water supplies for fire-fighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 1.6.2021;
- (k) the implementation of protective measures against pollution or contamination to the water gathering grounds, as proposed by the applicant, 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 1.3.2021;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (g), (h), (i), (j) or (k) is not

complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and

- (n) upon expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are attached at **Appendix 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 "Green Belt" ("GB") zone which is to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl and there is a general presumption against development within "GB" zone. There is no strong justification 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 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 9.3.2020
Appendix Ia	Further information received on 6.4.2020
Appendix Ib	Further information received on 29.5.2020
Appendix Ic	Further information received on 26.6.2020
Appendix II	Extract of Town Planning Board Guidelines No. 10 on Application for Development within "Green Belt" ("GB") Zone under Section 16 of the Town Planning Ordinance (TPB PG-No.10)
Appendix III	Previous applications
Appendix IV	Similar applications
Appendix V	Detailed comments from relevant Government departments

Appendix VI	Public comments
Appendix VII	Recommended advisory clauses
Drawing A-1	Location plan submitted by the applicant
Drawing A-2	Layout plan submitted by the applicant
Drawing A-3	Tree preservation and landscape plan submitted by the applicant
Drawing A-4	Drainage plan submitted by the applicant
Drawings A-5 & A-6	Swept path analysis submitted by the applicant
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
SEPTEMBER 2020**