

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-LYT/731

- Applicant** : Carlton Woodcraft Manufacturing Ltd. represented by Aikon Development Consultancy Limited
- Site** : Lots 755, 835 S.B ss.1, 836, 837, 838 RP, 841 RP (Part), 842 RP (Part), 844 RP and 854 in D.D. 83, No. 31A Ma Liu Shui San Tsuen, Fanling, New Territories
- Site Area** : 10,931 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- For Lots 755, 836, 837, 838 RP, 841 RP, 842 RP, 844 RP and 854 in D.D. 83
Short Term Waiver (STW) No. 985
- Restricted to workshop for manufacture and storage of wooden and rattan furniture
- Plan** : Approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP) No. S/NE-LYT/17
- Zonings** : “Residential (Group C)” (“R(C)”) (about 9,853 m² or 90.1% of the Site)
“Agriculture” (“AGR”) (about 1,078 m² or 9.9% of the Site)
- Application** : Renewal of Planning Approval for Temporary Warehouses (excluding Dangerous Goods Godown) for a Period of 3 Years until 27.10.2023

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission to continue using the application site (the Site) for temporary warehouses (excluding dangerous goods godown) for a further period of three years until 27.10.2023 (**Plan A-1**). The Site falls largely within an area zoned “R(C)” with minor portion zoned “AGR” on the approved Lung Yeuk Tau and Kwan Tei South OZP No. S/NE-LYT/17. According to the Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years within “R(C)” and “AGR” zones requires planning permission from the Town Planning Board (the Board) notwithstanding that the use is not provided for under the Notes of the OZP.
- 1.2 According to the applicant, the development comprises two single-storey structures, i.e. Warehouses B and C (with a total floor area of about 2,659.8m²), for general storage of the manufacturing materials, trading products and vehicle parts and accessories, and 11 ancillary structures / converted containers, with a total floor area of about 462.87m², for guard room, site office and general storage purposes (**Drawing A-1**). The applicant has

indicated that all goods to be stored within the Site are non-polluting and non-dangerous in nature and would not affect the neighbouring use. The operation hours of the Site are between 7:00 a.m. and 8:00 p.m., and only indoor forklift operation would be performed inside the enclosed warehouses between 7:00 p.m. to 8:00 p.m. on Mondays to Saturdays, and there is no operation on Sundays and public holidays. The Site is currently used for the applied use with valid planning permission until 27.10.2020.

- 1.3 The Site, in part or in whole, is involved in seven previous applications (**Plan A-1**) submitted by the same applicant for various temporary warehouse uses. Details of these previous applications are set out in paragraph 5 below. Compared with the last approved application No. A/NE-LYT/631, the current application is submitted for the same temporary warehouse use with a slight reduction in total floor area from about 3,142.82m² to 3,122.67m² (i.e.-20.15m²). The applicant has complied with all the approval conditions under application No. A/NE-LYT/631, the planning permission of which is valid until 27.10.2020. The major development parameters under the last approved and current applications are summarized as follows:

	Last approved application (No. A/NE-LYT/631) (a)	Current application (b)	Difference (b)-(a)
Site area	10,931	10,931	-
- Uncovered area (m ²)	7,788.18	7,808.33	+20.15
- Covered area (m ²)	3,142.82	3,122.67	-20.15
Number of warehouse structures	2 (Warehouses B and C)	2 (Warehouses B and C)	-
Number of ancillary structures	11 (excluding Warehouses B and C)	11 (excluding Warehouses B and C)	-
Total floor area (m²)	3,142.82	3,122.67	-20.15
- Warehouses (m ²)	2,659.8	2,659.8	-
- Ancillary structures / converted containers (m ²)	483.02	462.87	-20.15
Number of storey / height			
- Warehouses B and C	1 (with a headroom of 7.35m)	1 (with a headroom of 7.35m)	-
- Ancillary structures/converted containers)	1 (not more than 4.5m)	1 (not more than 4.5m)	-
Vehicle parking			
- Medium / heavy goods vehicle parking spaces	5 (11m x 3.5m each)	5 (11m x 3.5m each)	-
- Loading / unloading bays	5 (11m x 3.5m each)	5 (11m x 3.5m each)	-

- 1.4 According to the applicant's submission, 12 vehicles per day will be made to/from the Site including the maximum 10 trips by light goods vehicle/medium goods vehicle and the maximum 2 trips by heavy goods vehicles/container vehicles (**Appendix Ib**). Vehicles longer than 7.5m would be only allowed to use the ingress/egress point at Dao Yang Road (**Plan A-2**). All of the traffic of the Site will be carried out during the non-peak hours (i.e. 10:00 a.m. to 4:00 p.m.) only (**Appendix Ib**). The landscape treatment, drainage facilities and fire service installations implemented under the planning approval No. A/NE-LYT/631 will be properly maintained.

1.5 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with attachments received on 28.7.2020 (Appendix I)
- (b) Supplementary Planning Statement (Appendix Ia)
- (c) Further Information received on 3.9.2020 ^ (Appendix Ib)

^ accepted but 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 and Further Information at **Appendices Ia and Ib**. They can be summarized as follows:

- (a) the Site is the subject of seven previous planning applications (No. IDPA/NE-LYT/6, A/NE-LYT/260, 278, 300, 422, 542 and 631) for various manufacture and warehouse uses which were approved by the Board;
- (b) the nature of the current application in terms of the approval period sought and the applied use is the same as the last previously approved application (No. A/NE-LYT/631). The applicant has complied with all planning conditions under the previous approval within the specified time limits;
- (c) the current application has complied with the TPB PG-No. 34C on ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’;
- (d) the applied use in the interim period is deemed not unsuitable which could continuously meet the demand for open storage use. The temporary nature of the current application will not jeopardize the long term planning intentions of “R(C)” and “AGR” zones;
- (e) the applied use would take full advantage of the location being close to two border crossings (i.e. Man Kam To and Sha Tau Kok) to address the demand for warehouse facilities in the northern New Territories;
- (f) all goods to be stored within the Site are non-polluted and non-dangerous in nature, and will be stored within the warehouses. No insurmountable environmental impact would be induced; and
- (g) no adverse traffic impact is anticipated from the applied use. 12 vehicles per day will be made to/from the Site. The operation is restricted to non-peak hour to minimize traffic impact on the nearby junctions. The Traffic Impact Assessment submitted in the previous application has taken into account the commencement of Heung Yuen Wai Highway and Queen’s Hill development. Since then, there are no substantial changes in planning circumstances. Besides, vehicles longer than 7.5m would be only allowed to use the ingress/egress point at Dao Yang Road so as to ensure no queuing of vehicles outside the Site. Appropriate signage at the ingress/egress point of the Site is provided to ensure pedestrian safety (**Appendix Ib**).

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

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

4. **Town Planning Board Guidelines**

Town Planning Board Guidelines No. 34C (TPB-PG No. 34C) on ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ are relevant to this application. The relevant planning criteria are summarized in **Appendix II**.

5. **Previous Applications**

- 5.1 The Site, in part or in whole, is involved in six previous applications (No. A/NE-LYT/260, 278, 300, 422, 542 and 631) submitted by the same applicant for various temporary warehouse uses.
- 5.2 Applications No. A/NE-LYT/260, 278 and 300 for temporary warehouse for storage and/or temporary workshop for manufacture of wooden and rattan furniture were approved by the Committee from May 2003 to April 2005 on similar grounds that the Site and its adjoining area were the subject of previous application(s); not incompatible with surrounding land uses; unlikely to cause any significant adverse traffic, environmental and drainage impacts; and the concerned Government departments had no adverse comments. Applications No. A/NE-LYT/260 and 278 were revoked due to non-compliance with approval conditions.
- 5.3 Applications No. A/NE-LYT/422 and 542 for the same applied use as the current application were approved by the Committee on 13.8.2010 and 23.5.2014 respectively mainly on the similar grounds as in paragraph 5.2 above. Application No. A/NE-LYT/422 was, however, revoked on 13.9.2012 due to non-compliance with approval conditions.
- 5.4 The last approved application No. A/NE-LYT/631 for the same applied use as the current application was approved by the Committee on 27.10.2017 mainly on the similar grounds as applications No. A/NE-LYT/422 and 542 above. All approval conditions imposed on the application have been complied with and the planning permission is valid until 27.10.2020. Except for a slight reduction in the total floor area, the major development parameters and layout remain unchanged.
- 5.5 Details of these previous applications are summarized at **Appendix III** and their locations are shown on **Plan A-1**.

6. **Similar Application**

- 6.1 There is one similar application for temporary warehouse use in the vicinity of the same “R(C)” and “AGR” zones.
- 6.2 Application No. A/NE-LYT/423 for temporary warehouses (excluding dangerous goods godown) submitted by the same applicant as the current application was approved with conditions by the Committee on 13.8.2010 mainly on the similar grounds as applications

No. A/NE-LYT/422 and 542 which are detailed in paragraph 5.3 above. The application was, however, revoked on 13.9.2012 due to non-compliance with approval conditions.

6.3 Details of the application are at **Appendix IV** and its location is shown on **Plan A-1**.

7. **The Site and Its Surrounding Areas** (Plans A-1 and A-2, aerial photo on Plan A-3 and site photos on Plans A-4a and A-4b)

7.1 The Site is:

- (a) flat, formed and fenced off;
- (b) occupied by structures; and
- (c) accessible via Dao Yang Road leading to Sha Tau Kok Road – Lung Yeuk Tau (**Plan A-2**).

7.2 The surrounding areas have the following characteristics:

- (a) to the immediate north are two warehouse structures;
- (b) to the further north are a mix of vacant land, warehouse, domestic structures, open storage yards and car repair workshop (**Plans A-2 and A-3**);
- (c) to the immediate northeast and east is a farm within “AGR” zone;
- (d) to the southeast and south are a warehouse, a mix of scattered temporary structures for domestic purpose, and active/fallow agricultural land;
- (e) to the southwest and west, across Dao Yang Road, are a warehouse, an open storage yard and active/fallow agricultural land; and
- (f) to the northwest, across Dao Yang Road, are residential use and a vehicle repair workshop.

8. **Planning Intentions**

8.1 The planning intention of the “R(C)” zone is primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

8.2 The planning intention of the “AGR” zone is to primarily 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. **Comments from Relevant Government Departments**

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

Land Administration

9.1.1 Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) the lots under application are Old Schedule Lots held under Block Government Lease (demised for agricultural use) without any guaranteed right of vehicular access. The applicant should make his own arrangement for acquiring access, and there is no guarantee that any adjoining Government land will be allowed for the vehicular access of the applied use;
- (b) Lots 755, 836, 837, 838 RP, 841 RP, 842 RP, 844 RP and 854 in D.D.83 are covered by Short Term Waiver (STW) No. 985 for the purpose of a workshop for manufacture and storage of wooden and rattan furniture. The total site coverage of the structures erected on the lots aforementioned shall not exceed 2,660 m²;
- (c) Lot 835 S.B ss.1 in D.D. 83 is not covered by any STW. The existing structures erected on this lot are not acceptable under the lease. This office reserves the right to take necessary lease enforcement action against the structures concerned;
- (d) the total built-over area of the existing structures erected on the Site exceeds the permitted one of STW 985. The actual occupation boundary and the boundary of the Site does not tally;
- (e) the vehicular access to the Site runs through private lots. The applicant should make his own arrangements for acquiring access. The Government shall accept no responsibility in such arrangements; and
- (f) if the planning application is approved, the owners of the lots should apply to his office for modification of STW No. 985 to cover the temporary warehouses. The application will be considered by Government in its landlord's capacity and there is no guarantee that it will be approved. If the application is approved, its commencement date will be backdated to the first date of occupation and it will be subject to such terms and conditions to be imposed including payment of waiver fee and administrative fees as considered appropriate by his office.

Traffic

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

- (a) according to the submitted information by the applicant, the applicant proposed traffic mitigation measures to minimize adverse traffic impact on the surrounding area including restricting vehicular traffic within the non-peak hours and minimizing the number of heavy goods vehicles/container vehicles entering/leaving the Site (**Appendices Ia and Ib**); and
- (b) based on the further information (**Appendix Ib**), the applicant has demonstrated the adequacy of the parking spaces and loading/unloading

spaces, satisfactory manoeuvring of vehicles within the Site and the provision of pedestrian facilities etc., he considered that the renewal of planning application will not induce additional adverse traffic impact on the surrounding road network and affect pedestrian safety.

Environment

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

- (a) she does not support the application as there are sensitive uses, i.e. domestic structures, in the vicinity of the Site (**Plan A-2**) and environmental nuisance is expected from the use of heavy goods vehicles; and
- (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 Environmental Aspects of and Temporary Uses and Open Storage Sites”.

Landscape Aspect

9.1.4 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 perspective;
- (b) according to the submitted information by the applicant (**Appendix Ia**), the development scheme and layout under the current application is similar as those approved under the previous application No. A/NE-LYT/631. Landscape impact from the renewal application is not anticipated; and
- (c) should the application be approved, it is considered not necessary to impose landscape and tree conditions as no further adverse landscape impact within the Site arising from the continuous use is anticipated. The existing trees within the Site should be maintained at all times during the planning approval period.

Drainage

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

- (a) he has no objection to the application from the public drainage viewpoint;
- (b) should the application be approved, a condition record of the existing drainage facilities on Site as previously implemented on the same site under application No. A/NE-LYT/631 should be submitted; and
- (c) the applicant is required to maintain those existing drainage facilities properly and rectify those facilities if they are found inadequate/ineffective

during operation.

Building Matters

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

- (a) the Temporary Building Permit No. NT 5/2004(TBP) and Temporary Occupation Permit No. NT 11/2004(TOP) covering the Warehouses B and C at the Site issued by the Building Authority (BA) have expired since 9.3.2014. The applicant is reminded to closely coordinate with the Authorised Person (AP) to follow up on the renewal applications, otherwise, the temporary buildings shall be removed as they are Unauthorised Building Works (UBW) upon the expiry of the TBP and TOP;
- (b) there is no record of approval of the BA for the remaining eleven existing buildings/structures at the Site and BD is not in a position to offer comments on their suitability for the use related to the application;
- (c) if the existing structures are erected on leased land without approval of the BD not being a New Territories Exempted House, they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;
- (d) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, the prior approval and consent of the BA should be obtained, otherwise they are UBW. An AP should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
- (e) for UBW erected on leased land, enforcement action may be taken by the BA 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;
- (f) 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 Building (Planning) Regulations (B(P)Rs) respectively; and
- (g) if the Site does not abut a specified street of not less than 4.5m wide, its permitted development intensity shall be determined by the BA under Regulation 19(3) of the B(P)Rs at the building plan submission stage.

Fire Safety

9.1.7 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) and water supplies for firefighting being provided to the satisfaction of his department;

- (b) having reviewed the Further Information (**Appendix Ib**) and considered the design/nature of the proposal, the applicant is advised to submit the relevant layout plans incorporated with the proposed FSIs to his department for approval. In preparing the submission, the applicant is advised on the following points:
 - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (ii) the locations of the proposed FSIs to be installed and the access for emergency vehicles should be clearly indicated on the layout plans; and
- (c) the applicant is reminded that if the proposed structure(s) is required to comply with the BO (cap. 123), detailed fire safety requirements will be formulated upon receipt of formal submission of the aforesaid plans. The applicant will need to subsequently provide such FSIs according to the approved proposal.

Water Supply

- 9.1.8 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):
- (a) he has no objection to the application; and
 - (b) existing water mains will be affected by the development (**Plan A-2**). The applicant is required to either divert or protect the water mains found on the Site; and
 - (c) detailed comments are at **Appendix VI**.

Agriculture

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

it is noted that the Site has been occupied for workshop and warehouse uses for many years and its potential for agricultural rehabilitation is low. As such, she does not have strong view on the application for renewal of planning approval from the agricultural development point of view.

District Officer's Comments

- 9.1.10 Comments of the District Officer (North), Home Affairs Department (DO(N), HAD):

he has consulted the locals regarding the application. The Chairman, the First Vice-Chairman and the Vice-Chairman of Fanling District Rural Committee, the Indigenous Inhabitant Representative and the Resident Representative of Ma Liu

Shui San Tsuen objected to the application mainly on the grounds of proximity to residential development, adverse traffic impact, threat to pedestrian safety and environmental pollution. The incumbent North District Council Member of subject constituency did not reply.

9.2 The following Government departments have no comment on / no objection to the application:

- (a) Project Manager (North), North Development Office, Civil Engineering and Development Department (PM(N), CEDD); and
- (b) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD).

10. Public Comments Received During Statutory Publication Period

On 4.8.2020, the application was published for public inspection. During the statutory public inspection period, four public comments were received (**Appendix V**). The Chairman of Sheung Shui District Rural Committee indicates no comment on the application. The other two comments from the First Vice-Chairman and Vice-Chairman of Fanling District Rural Committee object to the application mainly on the grounds of adverse traffic impact on the surrounding area, threat to pedestrian safety and environmental pollution. An individual raises concern on the land use planning in brownfield area.

11. Planning Considerations and Assessments

- 11.1 The application is for renewal of a planning permission for temporary warehouses for a further period of three years in the “R(C)” and “AGR” zones. Whilst the applied use is not in line with the planning intentions of the “R(C)” and “AGR” zones (**Plan A-1**), which are primarily for low-rise, low-density residential developments; and to retain and safeguard good 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 respectively, the Site is located at the fringe of the “R(C)” zone and there is no known programme for residential development on the Site. DAFC also has no strong view against the application as the potential of the Site for agricultural rehabilitation is low. In this regard, renewal of the approval for a further three years would not frustrate the long-term planning intentions of the “R(C)” and “AGR” zones.
- 11.2 The current scheme is similar to that under the previously approved application (No. A/NE-LYT/631) submitted by the same applicant for the same applied use. The last application was approved by the Committee on 27.10.2017 for a period of three years up to 27.10.2020. Except for a slight reduction in the total floor area, other major planning parameters including the site area, the total number of structures and layout remain unchanged. All approval conditions of the last application have been complied with.
- 11.3 The temporary warehouses under application are not entirely incompatible with the surrounding land uses, which comprise warehouses, open storage yards, some vacant and unused land, active / fallow agricultural land and domestic uses (**Plan A-2**). Landscape impact arising from the continued use of the Site for the development is not anticipated. In this regard, CTP/UD&L, PlanD has no objection to the renewal application. Other relevant Government departments consulted, including CE/MN of DSD, D of FS and CE/C of WSD, have no adverse comment on or no objection to the application.

- 11.4 DEP does not support the application as there are sensitive receivers, i.e. domestic structures, in the vicinity of the Site (**Plan A-2**) and the temporary use under application which would involve traffic of heavy vehicles may incur environmental nuisance to those residential dwellings along the access roads. The concern of DEP could be addressed through the stipulation of approval conditions restricting the operation hours and days, prohibiting open storage and manufacturing activities, restricting vehicles entering/exiting the Site by using Dao Yang Road only, and restricting the storage of electronic waste on the Site. The applicant would also be advised to follow the environmental mitigation measures set out in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites'.
- 11.5 The applicant proposes traffic mitigation measures including restricting daily traffic generation and minimizing the number of heavy goods vehicles/container vehicles entering/leaving the Site to minimize the adverse traffic impact (**Appendices Ia and Ib**). C for T considered that the renewal of planning application will not induce additional adverse traffic impact on the surrounding road network and affect pedestrian safety, and has no in-principle objection to the application from the traffic engineering point of view.
- 11.6 The application generally complies with the TPB PG-No. 34C in that there has been no material change in planning circumstances since the approval of the previous application; there are no major adverse departmental comments against the renewal application; all the approval conditions for the previous application have been complied with; and the approval period sought which is the same as the last approval granted by the Board is not unreasonable.
- 11.7 The Site is the subject of six previous applications for various temporary warehouses uses which were all approved with conditions on a temporary basis for three years between 2003 and 2017 (**Plan A-1**). There is one similar application (No. A/NE-LYT/423) for the same use as the current application which was approved by the Committee on 13.8.2010 as detailed in paragraph 6 above. Approval of the application is in line with the previous decision of the Committee.
- 11.8 Regarding the local objections conveyed by DO(N) of HAD and adverse public comments as detailed in paragraphs 9.1.10 and 10 above, Government departments' comments and the planning assessments above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11, local objections conveyed by DO(N) of HAD and adverse public comments as detailed in paragraphs 9.1.10 and 10, the Planning Department considers that the temporary use could be tolerated for a further period of 3 years.
- 12.2 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 **28.10.2020 until 27.10.2023**. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) no operation between 8:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation except indoor forklift operation inside the enclosed warehouses between 7:00 p.m. to 8:00 p.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (d) a maximum of two heavy goods vehicles/container vehicles are allowed to enter the Site per day, as proposed by the applicant, during the planning approval period;
- (e) all vehicles should only be allowed to use the ingress/egress at Dao Yang Road at any time during the planning approval period;
- (f) no open storage of materials should be carried out on the Site at any time during the planning approval period;
- (g) no manufacturing activities shall be carried out on the Site at any time during the planning approval period;
- (h) no used electrical appliances, televisions, computer monitors, computer parts or any other types of electronic waste are allowed to be stored on the Site during the planning approval period;
- (i) the maintenance of the existing trees within the Site at all times during the planning approval period;
- (j) the maintenance of the existing drainage facilities within the Site properly at all times during the planning approval period;
- (k) all vehicles entering and exiting the Site during the planning approval period shall be restricted to non-peak hours (i.e. from 10:00 a.m. to 4:00 p.m.), as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (l) the implementation of the traffic mitigation measures during the planning approval period, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (m) the submission of a condition record of the existing drainage facilities within 3 months from the commencement date of renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 27.1.2021;
- (n) the submission of proposals for water supplies for firefighting and fire service installations within 6 months from the commencement date of renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 27.4.2021;

- (o) in relation to (n) above, the implementation of proposals for water supplies for firefighting and fire service installations within 9 months from the commencement date of renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 27.7.2021;
- (p) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k) or (l), is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (q) if any of the above planning conditions (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.

Advisory Clauses

The recommended advisory clauses are at **Appendix VI**.

- 12.3 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 intentions of the "R(C)" and "AGR" zones which are primarily for low-rise, low-density residential developments; and to retain and safeguard good 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 respectively. There is no strong planning justification in the submission for a departure from the planning intentions, even on a temporary basis.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 13.2 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.
- 13.3 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.

14. Attachments

Appendix I	Application Form with attachments received on 28.7.2020
Appendix Ia	Supplementary Planning Statement
Appendix Ib	Further Information received on 3.9.2020
Appendix II	Relevant Extract of TPB Guidelines No. 34C on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development
Appendix III	Previous s.16 Applications
Appendix IV	Similar s.16 Application partly within the "R(C)" and "AGR" zones in the vicinity of the Site on the Lung Yeuk Tau and Kwan Tei South area
Appendix V	Public Comments

Appendix VI	Recommended Advisory Clauses
Drawing A-1	Site Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a & A-4b	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2020**

Recommended Advisory Clauses

- (a) to note the following comments of District Lands Officer/North, Lands Department:
- (i) the lots under application are Old Schedule Lots held under Block Government Lease (demised for agricultural use) without any guaranteed right of vehicular access. The applicant should make his own arrangement for acquiring access, and there is no guarantee that any adjoining Government land will be allowed for the vehicular access of the applied use;
 - (ii) Lots 755, 836, 837, 838 RP, 841 RP, 842 RP, 844 RP and 854 in D.D.83 are covered by Short Term Waiver (STW) No. 985 for the purpose of a workshop for manufacture and storage of wooden and rattan furniture. The total site coverage of the structures erected on the lots aforementioned shall not exceed 2,660 m²;
 - (iii) Lot 835 S.B ss.1 in D.D. 83 is not covered by any STW. The existing structures erected on this lot are not acceptable under the lease. This office reserves the right to take necessary lease enforcement action against the structures concerned;
 - (iv) the total built-over area of the existing structures erected on the Site exceeds the permitted one of STW 985. The actual occupation boundary and the boundary of the Site does not tally;
 - (v) the vehicular access to the Site runs through private lots. The applicant should make his own arrangements for acquiring access. The Government shall accept no responsibility in such arrangements; and
 - (vi) if the planning application is approved, the owners of the lots should apply to his office for modification of STW No. 985 to cover the temporary warehouses. The application will be considered by Government in its landlord's capacity and there is no guarantee that it will be approved. If the application is approved, its commencement date will be backdated to the first date of occupation and it will be subject to such terms and conditions to be imposed including payment of waiver fee and administrative fees as considered appropriate by his office; and
- (b) to note the following comments of Chief Engineer/Construction, Water Supplies Department:
- (i) if diversion is required, existing water mains inside the proposed lot are needed to be diverted outside the site boundary of the applied development to lie in Government land. A strip of land of minimum 1.5m in width should be provided for the diversion of existing water mains. The cost of diversion of existing water mains upon request will have to be borne by the grantee/applicant; and the applicant should submit all the relevant proposal to WSD for consideration and agreement before the works commence; and
 - (ii) if diversion is not required, the following conditions shall apply:
 - (1) existing water mains are affected as indicated on the Plan and no development which requires resiting of water mains will be allowed;

- (2) details of site formation works should be submitted to the Director of Water Supplies for approval prior to commencement of works;
 - (3) no structures shall be built or materials stored within 1.5 metres from the centre line(s) of water main (s) shown on the Plan. Free access shall be made available at all times for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works;
 - (4) no tree or shrubs with penetrating roots may be planted within the Water Works Reserve or in the vicinity of the water main(s) shown on the Plan. No change of existing site condition may be undertaken within the aforesaid area without the prior agreement of the Director of Water Supplies. Rigid root barriers may be required if the clear distance between the proposed tree and the pipe is 2.5 metres or less, and the barrier must extend below the invert level of pipe;
 - (5) no planting or obstruction of any kind except turfing shall be permitted within the space of 1.5 metres around the cover of any valve or within a distance of 1 metre from any hydrant outlet; and
 - (6) tree planting may be prohibited in the event that the Director of Water Supplies considers that there is any likelihood of damage being caused to water mains; and
- (c) to note the following comments of Chief Building Surveyor/New Territories West, Buildings Department:
- (i) the applicant is reminded to closely coordinate with the Authorised Person (AP) to follow up on the renewal applications of the temporary building permit (TBP) and temporary occupation permit (TOP) covering the Warehouses B and C at the Site, otherwise, Warehouses B and C shall be removed as they are Unauthorised Building Works (UBW) upon the expiry of the TBP and TOP;
 - (ii) if the existing structures are erected on leased land without approval of the Buildings Department (BD) not being a New Territories Exempted House, they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application;
 - (iii) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are UBW. An AP should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (iv) for UBW erected on leased land, enforcement action may be taken by the BA 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;
 - (v) 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 Building (Planning) Regulations (B(P)Rs) respectively; and
 - (vi) if the Site does not abut a specified street of not less than 4.5m wide, its permitted development intensity shall be determined by the BA under Regulation 19(3) of the

B(P)Rs at the building plan submission stage;

- (d) to note the following comments of Director of Fire Services:
 - (i) he has no in-principle objection to the application subject to fire service installations (FSIs) and water supplies for firefighting being provided to the satisfaction of his department;
 - (ii) having considered the design/nature of the proposal, the applicant is advised to submit the relevant layout plans incorporated with the proposed FSIs to his department for approval. In preparing the submission, the applicant is advised on the following points:
 - (1) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (2) the locations of the proposed FSIs to be installed and the access for emergency vehicles should be clearly indicated on the layout plans; and
 - (iii) the applicant is reminded that if the proposed structure(s) is required to comply with the BO (cap. 123), detailed fire safety requirements will be formulated upon receipt of formal submission of the aforesaid plans. The applicant will need to subsequently provide such FSIs according to the approved proposal; and
- (e) to follow the environmental mitigation measures as set out in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by Director of Environmental Protection in order to minimize any possible environmental nuisances.