

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

**APPLICATION NO. A/NE-MUP/135**

- Applicant** : Wang Tat Logistics Limited represented by Metro Planning and Development Company Limited
- Site** : Lots 171 RP and 174 S.B RP in D.D. 38 and Adjoining Government Land, Man Uk Pin, Sha Tau Kok, New Territories
- Site Area** : 2,704 m<sup>2</sup> (about) (including about 210m<sup>2</sup> of Government land)
- Lease** : (i) Block Government Lease (demised for agricultural use)  
(ii) Government land
- Plan** : Approved Man Uk Pin Outline Zoning Plan (OZP) No. S/NE-MUP/11
- Zonings** : (i) “Agriculture” (“AGR”) (about 98.6% of the Site)  
(ii) Area shown as ‘Road’ (about 1.4% of the Site)
- Application** : Proposed Temporary Vehicle Park for Container Trailers for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary vehicle park for container trailers for a period of three years at the application site (the Site) (**Plan A-1**). The Site falls within an area zoned “AGR” and an area shown as ‘Road’ on the approved Man Uk Pin OZP No. S/NE-MUP/11. According to the Notes of the OZP, temporary uses or development of any land or buildings not exceeding a period of three years within the “AGR” zone requires planning permission from the Town Planning Board (the Board) notwithstanding that the use is not provided for under the Notes of the OZP. The Site is currently largely vacant.
- 1.2 According to the information submitted by the applicant, the Site is accessible directly from Sha Tau Kok Road – Wo Hang. There are four structures, with a total floor area of about 68m<sup>2</sup>, within the Site (**Drawing A-1**). Three single-storey structures (each with a floor area of about 20m<sup>2</sup>/ 25m<sup>2</sup> and about 3m in height) are used for site office and guard room at the northern and eastern portions of the Site respectively. An one-storey structure (with floor area of about 3m<sup>2</sup> and about 3m in height) is used for toilet. Nine parking spaces (16m x 3.5m each) for container trailers are provided within the Site. No workshop activity is proposed on the Site. The operation hours of the Site are between 7 a.m. to 11 p.m. from Mondays to Saturdays and there is no operation on Sundays and public holidays. The ingress/egress points of the Site and the site layout plan is at **Drawing A-1**.

- 1.3 The Site is the subject of three previous planning applications (No. A/NE-MUP/24, A/NE-MUP/28 and A/NE-MUP/86) for various temporary open storage uses submitted by different applicants between 1997 and 2013. These applications were rejected by the Rural and New Town Planning Committee (the Committee)/ the Board on review mainly on the grounds that the proposed development were not in line with the planning intention of “AGR” zone; the proposed development did 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 it was not compatible with the surrounding land uses and the setting of undesirable precedent.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 14.5.2018 (Appendix I)
  - (b) Email received on 19.6.2018 requesting for deferment of consideration of the application (Appendix Ia)
  - (c) Further Information (FI) received on 4.9.2018 (Appendix Ib)
  - (d) Letter received on 26.10.2018 requesting for deferment of consideration of the application (Appendix Ic)
  - (e) FI received on 2.1.2019 (Appendix Id)
- 1.5 At the request of the applicant (Appendices Ia and Ic), the Committee of the Board agreed on 6.7.2018 and 2.11.2018 to defer making a decision on the application for two months each pending the preparation of FI to address the departmental comments. The applicant submitted FI (Appendix Id) on 2.1.2019 and the application is rescheduled for consideration by the Committee on 22.2.2019.

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

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

- (a) the application is for a temporary use for a period of 3 years which would not jeopardise the long term planning intention of “AGR” zone;
- (b) the proposed development is not incompatible with the surrounding environment which comprises some open storage yards along Sha Tau Kok Road – Wo Hang. The Site is close to the border, and hence it is an ideal location for the container trailer park to serve the cross-border traffic;
- (c) the proposed development would not cause significant increase in traffic flow because the Site will only be available for parking of nine container trailers. Adequate space for manoeuvring would be provided within the Site. The proposed development would have no significant impact on traffic condition of adjacent area; and
- (d) the results of the preliminary technical proposals demonstrated that relevant impacts generated by the proposed development would be insignificant. No adverse traffic, environmental, landscape and drainage impacts are expected.

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

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent / Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by giving notification to the owners including posting site notice and sending notice to the Sha Tau Kok District Rural Committee by registered mail. For the Government land within the Site, the TPB PG-No. 31A is not applicable to the application. 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), the Site is not involved in any active enforcement action.

### **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) are relevant to the application. The Site falls within Category 3 area under TPB PG-No. 13E promulgated on 17.10.2008. Relevant extract of the Guidelines is attached in **Appendix II**.

### **6. Previous Applications**

- 6.1 The Site is the subject of three previous planning applications (No. A/NE-MUP/24, A/NE-MUP/28 and A/NE-MUP/86) for various temporary open storage uses submitted by different applicants between 1997 and 2013.
- 6.2 Planning applications No. A/NE-MUP/24 and A/NE-MUP/28 for various temporary storage uses for 1 year were rejected by the Committee/ the Board on review in 1997 and 1999 mainly on the grounds that the proposed developments were not in line with the planning intention of “AGR” zone; incompatible land use with surrounding areas and the setting of undesirable precedent.
- 6.3 Planning application No. A/NE-MUP/86 for temporary open storage of recycled materials (plastic) for a period of 1 year was rejected by the Committee in 2013 on the grounds that the proposed development was not in line with the planning intention of “AGR” zone; the proposed development did not comply with the Town Planning Board Guidelines (TPB PG-No.13E) in that it was not compatible with the surrounding land uses; there was no previous planning approval granted on Site; there were adverse comments from the relevant Government departments and local objections; and adverse traffic, environmental and landscape impacts on the surrounding areas; and the setting of undesirable precedent.
- 6.4 Details of the previous applications are at **Appendix III** and its location is shown on **Plan A-1**.

## **7. Similar Application**

There is no similar application for temporary vehicle park for container trailers within the “AGR” zone in Man Uk Pin area.

## **8. 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**)**

8.1 The Site is:

- (a) flat, hard-paved and fenced off and covered with some wild grass and trees along its boundary;
- (b) currently largely vacant with a vacant container near the entrance of the Site; and
- (c) directly accessible from Sha Tau Kok Road – Wo Hang (**Plan A-2**).

8.2 The surrounding areas have the following characteristics (**Plan A-2**):

- (a) to its immediate east and northwest across the road are some vacant and fallow agricultural land;
- (b) to its northwest are a workshop, a pond and fallow agricultural land;
- (c) to its west are some vacant land; and
- (d) to its south is Sha Tau Kok Road – Wo Hang across which are some domestic structures, warehouse, storage uses and religious institution.

## **9. Planning Intention**

The planning intention of the “AGR” zone in the Man Uk Pin area 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.

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

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

### **Land Administration**

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

- (a) the Site comprises private lots, namely Lots 171 RP and 174 S.B RP in D.D. 38. The lots are Old Schedule lots held under the Block Government Lease (demised for agricultural use) without any guarantee of right of access;

- (b) it is noted that the Site has incorporated the Government land on the southeastern side of the Site, and that the applicant intends to turn the Government land to access road. According to the land status records, a proposed Short Term Tenancy (STT) NX 1780 for a proposed Pai Lau to be granted to the Indigenous Inhabitant Representative (IIR) and the Resident Representative (RR) of Man Uk Pin would be affected (**Plan A-2**);
- (c) it is noted that there are unauthorized structures erected on Lots 171 RP and 174 S.B RP in D.D. 38 without prior approval from his office. The aforesaid structures are not acceptable under the leases concerned and his office reserves the right to take necessary lease enforcement actions against the aforesaid structures;
- (d) the actual occupation area does not tally with the Site. It is the responsibility of the applicant to delineate a proper application boundary which tallies with the subject proposed user. Meanwhile, the applicant should make his own arrangement for acquiring access. The Government shall accept no responsibility in such arrangement; and
- (e) should planning approval be granted, the owners of the lots concerned shall apply to his office for a Short Term Waiver (STW) for any erected structure(s). The application for STW will be considered by Government in its landlord's capacity and there is no guarantee that it will be approved. If the STW is approved, its commencement date would 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**

#### 10.1.2 Comments of the Assistant Commissioner for Transport/ New Territories (AC for T/NT):

having reviewed the submitted FI (**Appendices Ib and Id**), he has the following comments:

- the applicant should satisfactorily address the above comments before he can further consider the application with road widening proposal from traffic engineering perspective:
  - (i) the drawings of swept paths that the vehicles will be crossing over the opposite traffic lane should be reviewed; and
  - (ii) the measurement method of the sight distance to comply with the Traffic Planning and Design Manual (TPDM) should be reviewed. Based on the current standard of TPDM, the desirable minimum sight distance for a road with design speed of 50km/hr should be 70m.

#### 10.1.3 Comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);

- (a) he has no adverse comment on the FI (**Appendix Id**);

- (b) the applicant should submit drainage proposal associated with the proposed road widening works for comment; and
- (c) there is an open channel (not maintained by his department) along Sha Tau Kok Road fronting the Site. The applicant proposes to discharge surface runoff from the Site to that open channel (**Plan A-2**). It is prudent to seek agreement from DSD, the maintenance agent of the open channel in this regard.

### **Environment**

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

- (a) he does not support the application as the proposed development would generate traffic of heavy vehicles and there are domestic structures in the vicinity of the Site, the closest ones are located to the south at a distance of about 30m (**Plan A-2**);
- (b) there was no substantiated environmental complaint against the Site for the past three years; and
- (c) 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 Temporary Uses and Open Storage Sites”.

### **Landscape**

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

- (a) having reviewed the submitted FI which includes a landscape proposal for retaining existing trees and providing some trees for screening (**Appendix Id and Drawing A-2**), she has reservation to the application from the landscape planning point of view;
- (b) as revealed in the latest photo of 2017 (**Plan A-3**), the Site is situated in an area of rural landscape character comprising farmland (mostly abandoned), large fish pond, open storage and domestic structures. There is no similar permitted use found in the vicinity. The proposed use is incompatible with the surrounding environment;
- (c) according to the recent site photos, only a few young self-seeded common trees are found within the Site. Although no significant landscape resource will be affected by the proposed use, the approval of the application would set an undesirable precedent to encourage more open storages / vehicle parks in the area and the cumulative impact of such approval would further degrade the existing landscape quality and resources in the area; and
- (d) should the application be approved, an approval condition on the implementation of landscape proposal as proposed by the applicant is recommended.

### **Drainage**

10.1.6 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 should be included to request the applicant to submit and implement a drainage proposal for the Site to ensure that it will not cause adverse drainage impact to the adjacent areas;
- (c) there is public sewerage near the Site. A sewerage proposal should be submitted for approval if sewer connection to public sewerage is required; and
- (d) his other detailed comments on the drainage proposal is at **Appendix IV**.

### **Building Matters**

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

there is no record of submission of the proposed temporary building/structure to the Building Authority for approval. His detailed comments are at **Appendix IV**.

### **Agriculture**

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

the Site is a hard paved land. Agricultural infrastructures such as road access and water source are available. As the Site possesses potential for agricultural rehabilitation, she does not support the application from the agriculture point of view.

### **Fire Safety**

10.1.9 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 his satisfaction;
- (b) 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;
- (c) in such circumstances, except where building plan is circulated to the Centralized Processing System of Buildings Department, the applicant is required to submit relevant layout plans to his department incorporated with the proposed FSIs for approval. The applicant should also note that:

- (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
  - (ii) the location of the proposed FSIs and the access for emergency vehicles should be clearly marked on the layout plans; and
- (d) 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 approval proposal.

### **Water Supply**

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

- (a) he has no objection to the application;
- (b) existing water mains inside the Site will be affected (**Plan A-2**). The applicant should be advised to either divert or protect the water mains found on Site. His detailed comments are at **Appendix IV**; and
- (c) for provision of water supply to the development, the applicant may need to extend the inside services to nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

### **Electricity Supply**

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

based on the information provided, the Site is within the vicinity of electricity supply facilities of CLP Power. Early consultation with CLP Power is required to ensure that the proposed development/ works would not affect the safe operation and maintenance of these electricity supply facilities.

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

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

- (a) he has consulted the locals regarding the application and the FI. The Chairman of Sha Tau Kok District Rural Committee, the Indigenous Inhabitant Representative (IIR) and the Resident Representative (RR) of Man Uk Pin and the IIR and RR of Loi Tung object to the application as the proposed development would pose road safety risk to the villagers, especially elderly and children;
- (b) the incumbent North District Council (NDC) member of subject constituency and the IIR of Loi Tung have no comment on the application; and



- (c) he has no comment on the proposed Pai Lau (i.e. STT No. NX 1780) at Man Uk Pin from technical point of view.

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

- (a) Project Manager (North), North Development Office, Civil Engineering and Development Department (PM(N), CEDD); and
- (b) Divisional Commander (Sha Tau Kok Division), Hong Kong Police Force (DVC STKDIV, HKPF).

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

On 18.5.2018, 11.9.2018 and 11.1.2019, the application was published for public inspections. During the first three weeks of the statutory public inspection periods, 20 public comments were received (**Appendix V**). Three comments submitted by the Chairman of Sheung Shui District Rural Committee indicating no comment on the application. The other three comments submitted by a NDC member indicating no comment/ support to the application as it can provide convenience to the villagers. The remaining 14 comments submitted by Kadoorie Farm and Botanic Garden Corporation, World Wide Fund for Nature Hong Kong, The Hong Kong Bird Watching Society, Designing Hong Kong Limited and 4 individuals/ Tso Tong object to the application mainly on the grounds of not in line with the planning intention of “AGR” zone; not in line with the TPB PG-No.13E; potential road safety risk to the villagers nearby; unauthorised fuel filling station being observed on Site; adverse environmental impacts to the surrounding environment; and setting of an undesirable precedent.

## **12. Planning Considerations and Assessment**

12.1 The Site falls within Category 3 area under the TPB PG-No. 13E promulgated by the Board. The following considerations in the Guidelines are relevant:

Category 3 areas: applications would normally not be favourably considered unless the applications are on sites with previous planning approvals. Sympathetic consideration may be given if the applicants have demonstrated genuine efforts in compliance with approval conditions of the previous planning applications and included in the fresh applications relevant technical assessments/proposals, 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.

12.2 The Site falls within an area zoned “AGR” and the planning intention of the “AGR” zone is 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. The proposed temporary use under application is not in line with the planning intention of “AGR” zone and DAFC does not support the application from agriculture point of view since the Site possesses potential for agricultural rehabilitation. There is no strong planning justification in the submission to justify a departure from the planning intention of “AGR” zone, even on a temporary basis.

- 12.3 The Site is situated in an area of rural landscape character comprising abandoned farmland, large fish pond, open storage and domestic structures (**Plans A-2 and A-3**). The proposed development is considered incompatible with the surrounding environment. CTP/UD&L, PlanD has reservation on the application from a landscape planning point of view. Although no significant landscape resource will be affected by the proposed development, approval of the application would set an undesirable precedent to encourage more open storages/ container vehicle parks in the area. The cumulative impact of such approval would further degrade the landscape quality of the surrounding area.
- 12.4 C for T does not support the application as the applicant has not demonstrated that the proposed development with a road widening proposal is technically feasible regarding the traffic safety and satisfactory manoeuvring of vehicles entering and exiting the Site. In this regard, the applicant has failed to demonstrate in the submission that there is no adverse traffic impact arising from the proposed development. DLO/N of LandsD also advises that the proposed access arrangement would be in conflict with a proposed Pai Lau at the southeastern corner of the Site (**Plan A-2**). In addition, there are domestic structures in the vicinity of the Site with the closest ones being located to the south at a distance of about 30m across Sha Tau Kok Road – Wo Hang (**Plan A-2**). In this regard, DEP does not support the application as the proposed development would generate traffic of heavy vehicles. Other relevant Government departments consulted, including CE/MN of DSD, D of FS, CE/C of WSD, PM(N) of CEDD and DVC STKDIV of HKPF have no adverse comment on / no objection to the application.
- 12.5 The proposed temporary development is not in line with the TPB PG-No.13E (**Appendix II**) in that the Site falls within Category 3 areas where applications would normally not be favourably considered unless the applications are on sites with previous planning approvals. The Site is not the subject any previous planning approval for similar container vehicle park and there is no special circumstances in the application that justify sympathetic consideration; there are adverse departmental comments and local objections to the application; the applicant has failed to demonstrate that the proposed development would have no adverse traffic, environmental and landscape impacts on the surrounding areas. Approval of the application would set an undesirable precedent for similar applications in the “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment and landscape quality of the area.
- 12.6 The Site is the subject of three previous planning applications (No. A/NE-MUP/24, A/NE-MUP/28 and A/NE-MUP/86) for various temporary open storage uses submitted by different applicants between 1997 and 2013. These applications were rejected by the Committee/ the Board on review in 1997 and 2013 mainly on the grounds that the proposed development was not in line with the planning intention of “AGR” zone; the proposed development did not comply with the Town Planning Board Guidelines (TPB PG-No.13E) in that it was not compatible with the surrounding land uses; there was no previous planning approval granted on Site; there were adverse comments from the relevant Government departments and local objections; and adverse traffic, environmental and landscape impacts on the surrounding areas; and the setting of undesirable precedent. The circumstances of the current application is similar to the rejected applications. Moreover, the Committee/ the Board has not approved any similar application for temporary vehicle park for container trailers within the “AGR” zone in Man Uk Pin area.
- 12.7 There are adverse public comments and local objections against the application mainly on the grounds that the proposed development is not in line with the planning intention of

“AGR” zone; not in line with the TPB PG-No.13E; potential road safety risk to the villagers nearby; unauthorised fuel filling station being observed on Site; adverse environmental impacts to the surrounding environment; and setting of an undesirable precedent. In this regard, the departmental comments and planning assessments above are relevant.

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

13.1 Based on the assessments made in paragraph 12 and public comments in paragraph 11 above, the Planning Department does not support the application for the following reasons:

- (a) the proposed development 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 to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the proposed development does not comply with the TPB PG-No. 13E in that no previous planning approval has been granted at the Site and there are adverse departmental comments and local objections to the application;
- (c) the applicant fails to demonstrate in the submission that the proposed development would not cause adverse traffic and environmental impacts to the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the same “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the environment and landscape of 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 3 years until 22.2.2022. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

#### Approval Conditions

- (a) no operation between 11:00 p.m. and 7:00 a.m. on 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) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the Site at any time during the planning approval period;
- (d) the provision of boundary fencing on the Site during the planning approval period;

- (e) the submission 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 22.8.2019;
- (f) in relation to (e) above, the provision of drainage facilities 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 22.11.2019;
- (g) the submission of proposals for fire service installations and water supplies for firefighting 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 22.8.2019;
- (h) in relation to (g) above, the implementation of proposals for fire service installations and water supplies for firefighting 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 22.11.2019;
- (i) the submission of a traffic impact assessment within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 22.8.2019;
- (j) in relation to (i) above, the implementation of traffic improvement measures identified therein within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 22.11.2019;
- (k) the implementation of landscape proposal, as proposed by the applicant, within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 22.11.2019;
- (l) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the 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 (e), (f), (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 Director of Planning or of the Town Planning Board.

#### Advisory Clauses

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

### **14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.

14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

**Attachments**

<b>Appendix I</b>	Application Form with Attachments received on 14.5.2018
<b>Appendix Ia</b>	Letter received on 19.6.2018 requesting for deferment of consideration of the application
<b>Appendix Ib</b>	Further Information received on 4.9.2018
<b>Appendix Ic</b>	Letter received on 26.10.2018 requesting for deferment of consideration of the application
<b>Appendix Id</b>	Further Information received on 2.1.2019
<b>Appendix II</b>	Relevant Extract of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses
<b>Appendix III</b>	Previous Applications
<b>Appendix IV</b>	Detailed Comments from Government Departments
<b>Appendix V</b>	Public Comments
<b>Appendix VI</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Proposed Layout Plan
<b>Drawing A-2</b>	Proposed Landscape & Tree Preservation Plan
<b>Drawing A-3</b>	Proposed Drainage Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo taken in 2017
<b>Plans A-4a and 4b</b>	Site Photos

**PLANNING DEPARTMENT  
FEBRUARY 2019**