

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

**APPLICATION NO. A/NE-PK/128**

<b><u>Applicant</u></b>	Rich Friend Investment Limited represented by Mr. PANG Hing Yeun
<b><u>Site</u></b>	Lots 1641 RP (Part) and 1642 S.A to 1642 S.E in D.D. 91, Kai Leng, Sheung Shui, New Territories
<b><u>Site Area</u></b>	About 751.72 m <sup>2</sup>
<b><u>Lease</u></b>	Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	Approved Ping Kong Outline Zoning Plan (OZP) No. S/NE-PK/11
<b><u>Zoning</u></b>	“Agriculture” (“AGR”)
<b><u>Application</u></b>	Proposed Temporary Private Car Park (Private Car and Light Goods Vehicle) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for a proposed temporary private car park (private car and light goods vehicle) for a period of three years at the application site (the Site) (**Plan A-1**). The Site is zoned “AGR” on the approved Ping Kong OZP No. S/NE-PK/11. According to the Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years within the “AGR” zone requires planning permission from the Town Planning Board (the Board) notwithstanding the use is not permitted for under the Notes of the OZP.
- 1.2 According to the applicant’s submission, a total of 15 parking spaces (5m x 2.5m each) for private cars/light goods vehicles (LGVs) for the villagers of Kai Leng Village and nearby residents will be provided within the Site. No parking space of heavy goods vehicle will be provided and no structure will be erected on the Site. The proposed temporary private car park will operate 24 hours daily and the applicant estimates that the daily vehicular trips to/from the Site are about 15 to 20. Plans showing the site location, site layout, landscape proposal and access are at **Drawings A-1 to A-4** respectively.
- 1.3 The Site is involved in six previous applications. Five of them (applications No. A/NE-PK/82 to 86) for Small House development (**Plans A-1 and A-2**) were approved with conditions by the Rural and New Town Planning Committee (the Committee) in July and September 2016. The remaining application (No. A/NE-PK/114) submitted by the same applicant for the same temporary private car park use with a larger site area providing a total of 60 parking spaces was rejected by the Committee on 26.5.2017.

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

- (a) Application Form with attachments received on 24.1.2018 (**Appendix I**)
- (b) Further Information received on 2.2.2018 (**Appendix Ia**)
- (c) Letter dated 7.3.2018 requesting for deferment of consideration of the application (**Appendix Ib**)
- (d) Letter received on 10.5.2018 requesting for deferment of consideration of the application (**Appendix Ic**)
- (e) Further Information received on 18 & 20.7.2018 (**Appendix Id**)

1.5 At the request of the applicant (**Appendices Ib and Ic**), the Rural and New Town Planning Committee (the Committee) of the Board on 16.3.2018 and 1.6.2018, agreed to defer making a decision on the application for two months each pending the preparation of further information (FI) to address the departmental comments. The applicant submitted the FI on 18 & 20.7.2018. The application is re-scheduled for consideration by the Committee on 7.9.2018.

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

The justifications put forth by the applicant in support of the application are detailed in Part 9 of the application form (**Appendix I**). They can be summarised as follows:

- (a) there is an acute shortage of car parking spaces in the Kai Leng Village. About 100 cars were not allocated to parking spaces at a draw at Ching Ho Estate. The situation will get worse when more Small Houses and nearby developments are being developed. The existing public car park in Kai Leng Village cannot meet the car parking need of the local villagers and residents;
- (b) the illegal roadside parking at Wai Hon Road and Yu Tai Road owing to inadequate car parking spaces in the area has resulted in danger to the villagers;
- (c) no heavy goods vehicle parking space will be provided;
- (d) the Site is connected with the existing road and has sufficient space for vehicle manoeuvring and the use of emergency vehicles in case of need (**Plan A-2**);
- (e) the development did not involve site formation and excavation and felling of trees and hence would not cause adverse environmental, drainage and landscape impacts on the surrounding areas;
- (f) part of the Site is the subject of approved planning applications for Small House development. As their Small House grant applications are under processing by the Lands Department (LandsD), the applicant would like to use it for car parking purpose on a temporary basis. Upon obtaining the approval of the Small House grants from LandsD, the car park will cease operation immediately; and
- (g) the application is supported by the Village Representative, local villagers, the Rural Committee and the concerned North District Council (NDC) members.

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

The applicant is not the “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 obtaining consents from the concerned land owners. 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 subject to planning enforcement action. An Enforcement Notice (EN) against parking of vehicles at part of the Site was issued to the concerned land owners on 13.9.2017. Reinstatement Notice was issued on 16.5.2018 requiring the notice recipients to remove the leftovers, debris and all fill materials (including asphalt) on the land and to grass the land on or before 16.8.2018. As the site has not been reinstated upon expiry of the notice, prosecution action may be taken.

### 5. Previous Applications

5.1 The Site is involved in six previous applications. Five of them (applications No. A/NE-PK/82 to 86) for Small House development (**Plans A-1 and A-2**) were approved with conditions by the Committee in July and September 2016 mainly on the considerations that the applications complied with the ‘Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories’ in that more than 50% of the footprints of the proposed Small Houses fell within the village ‘environs’ of Kai Leng and there was a general shortage of land in meeting the demand for Small House development; the proposed developments were generally not incompatible with the surrounding rural and village environment; and the proposed developments would unlikely cause adverse impacts.

5.2 The remaining application (No. A/NE-PK/114) submitted by the same applicant for the same temporary private car park use with a larger site area providing a total of 60 parking spaces was rejected by the Committee on 26.5.2017 mainly on the considerations that the temporary private car park was not in line with the planning intention of “AGR” zone; the applicant failed to demonstrate in the submission that the development would not result in adverse landscape impact on the surrounding areas; and the approval of the application would set an undesirable precedent for similar applications within the same “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

5.3 Details of the previous applications are summarized at **Appendix II** and their locations are shown on **Plans A-1 and A-2**.

### 6. Similar Application

6.1 There is one similar application for temporary car park use in the “AGR” zone in the vicinity of the Site in the Ping Kong area (**Plan A-1**).

6.2 The application (No. A/NE-PK/129) for temporary private car park (private car and light goods vehicle) for a period of 2 years was rejected by the Committee on 3.8.2018 mainly

on the grounds that the temporary car park was not in line with the planning intention of “AGR” zone; the applicant failed to demonstrate in the submission that the development would not result in adverse landscape impact on the surrounding areas; and approval of the application would set an undesirable precedent for similar applications within the same “AGR” zone.

- 6.3 The site of application No. A/NE-PK/129 is currently subject of planning enforcement actions against unauthorized developments (UDs) involving parking of vehicles. An Enforcement Notice (EN) against parking of vehicles was issued to the concerned land owners on 14.11.2017. Upon expiry of the EN on 14.2.2018, subsequent site inspections revealed that the parking of vehicles has not been discontinued. The land owners are subject to prosecution action under the Town Planning Ordinance.
- 6.4 Details of the similar application are summarized at **Appendix III** and its location is shown on **Plan A-1**.

## **7. The Site and Its Surrounding Areas (Plans A-1 and A-2, A-3a and A-3b and A-4)**

7.1 The Site is:

- (a) situated at the southwest of Kai Leng Village;
- (b) vacant, mainly flat and formed and fenced off. A ditch is running along the western boundary of the Site and from south to north across the Site (**Plan A-2**);
- (c) according to the aerial photo taken in February 2016, the Site was largely vegetated. A site clearance was found as revealed in aerial photos taken in March 2018 (**Plans A-3a and A-3b**); and
- (d) accessible from Wai Hon Road via a local track along the eastern side of a river channel abutting Ching Ho Estate (**Plan A-2**).

7.2 The surrounding areas have the following characteristics:

- (a) the Site is situated in an area of rural fringe landscape character area with Ching Ho Estate (public housing) to its west, cluster of village houses to its northeast, some domestic structures to its south, and some active/fallow farmland to its further southwest (**Plans A-2 and A-3b**);
- (b) to the northeast is the village proper of Kai Leng Village;
- (c) to the east and southeast are mainly vacant and fallow agricultural land intermixed with a few temporary domestic structures which are the sites of some Small House developments approved by the Committee;
- (d) to the west, across a river channel, is the Ching Ho Estate (**Plan A-2**); and
- (e) to the immediate southwest is a few temporary structures for domestic purpose and to the further southwest is another site currently being used as parking of vehicles (**Plan A-2**) which is the subject of enforcement action.

## 8. Planning Intention

The planning intention of the “AGR” zone in the Ping Kong 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.

## 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 Site comprises private lots which are Old Schedule lots held under the Block Government Lease (demised for agricultural use) without any guarantee of right of vehicular access. The applicant should make his own arrangement for acquiring access. The Government shall accept no responsibility in such arrangements;
- (b) there was an unauthorized structure erected on the Site without prior approval from his office. The structure is not acceptable under the Lease concerned and his office reserves the right to take necessary lease enforcement actions against the structure;
- (c) if the planning application is approved, the applicant 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; and
- (d) the Site is the subject of five Small House applications which are still at the processing stage, he has no comment on the application from the Small House development point of view.

### Agriculture

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

- (a) she does not support the application from agriculture point of view as the Site possesses high potential for agricultural rehabilitation; and
- (b) regarding the ditch running along the western boundary of the Site (**Plan A-2**), DAFC advises that it was most likely built by the locals and used by the farmers in the vicinity for irrigation or drainage use. Should the application be approved, proper measures should be implemented to avoid

possible negative effect on irrigation supply and drainage to the active agricultural activities in the vicinity.

### **Traffic**

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

- (a) he has no further comment on the application from the traffic engineering point of view. Based on the submitted FI (**Appendix Id**), the applicant will employ a management company to manage the proposed car park; and provide and manage the pedestrian facilities at the entrance of the Site;
- (b) should the application be approved by the Board, an approval condition on the submission and implementation of traffic management plan is recommended; and
- (c) the pedestrian safety concern of the locals raised in the local consultation is noted. He indicates that the proposed vehicular access (i.e. local track) to the Site along the river channel abutting Ching Ho Estate is not managed by his department. Regarding the pedestrian safety issue, the applicant should propose suitable traffic management measures in the traffic management plan.

### **Landscape Aspect**

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

- (a) having reviewed the submitted FI (**Appendix Id**), she has reservation on the application from the landscape planning perspective;
- (b) the Site is situated in an area of rural fringe landscape character area comprising high-rise public housing (Ching Ho Estate), low-rise residential development (Belair Villa), village clusters and a nullah by Ching Ho Estate but large areas of former fallow farmland (**Plan A-3a**) were replaced by hard paved areas for car park use which are unauthorized under Town Planning Ordinance. Despite the Site was previously approved for Small House development, the existing hard paved area for the applied use in the “AGR” zone is considered incompatible with the current land use and surrounding rural landscape character;
- (c) according to the site photos, the Site and its adjoining area were fenced off and hard paved. There are only some wild grasses found along a narrow ditch (for irrigation use) along the western boundary within the Site and they are of low landscape value. It is noted that vegetation clearance within the Site has been taken place prior to seeking permission (**Plans A-3a and A-3b**);
- (d) in view of the above, the approval of the proposed temporary car park use may encourage similar applications within the “AGR” zone resulting in more vegetated areas being turned into hard paved areas. Even though the submitted landscape proposal (**Appendix Id**) can provide some screening, the cumulative effect of turning more vegetated areas into hard paved areas

would inevitably degrade the landscape character of the “AGR” zone; and

- (e) should the application be approved by the Board, an approval condition on the submission and implementation of landscape proposal is recommended.

### **Environment**

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

- (a) it is noted that the Site will involve no parking of heavy goods vehicle nor container truck, the application could be tolerated pursuant to his “Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses” (“COP”). The applicant is advised to follow the relevant mitigation measures and requirements in the latest “COP” to safeguard the environment; and
- (b) there was no substantiated environmental complaint against the Site in the past three years.

### **Drainage**

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

- (a) having reviewed the submitted FI (**Appendix Id**), she has no objection to the application from the public drainage point of view;
- (b) the Site is not located at flooding black-spot and no flooding complaint has been received at the local track;
- (c) 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 impact to the adjacent area; and
- (d) the Site is in an area where no public sewerage connection is available.

### **Water Supply**

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

- (a) he has no objection to the application;
- (b) the existing water mains will be affected by the proposed development (**Plan A-2**). The applicant shall bear the cost of any necessary diversion works affected by the development. In case it is not feasible to divert the affected water mains, a waterworks reserve within 1.5 m from the centreline of the water main shall be provided. No structure shall be erected over this waterworks reserve and such area shall not be used for storage purposes; and
- (c) the Site is located within the flood pumping gathering ground.

**District Officer's Comments**

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

- (a) he has consulted the locals regarding the application:
  - (i) the incumbent North District Council (NDC) members of Fanling South and Ching Ho Constituencies, the Chairman of Ching Chiu House Mutual Aid Committee (MAC), the Vice-Chairman of Ching Hin House MAC and the Chairman of Ching Yu House MAC of Ching Ho Estate (**Plan A-1**) support the application on the grounds that there are insufficient parking spaces in the vicinity which resulted in severe illegal parking problem; and the applicant should ensure road and pedestrian safety at the ingress/egress points;
  - (ii) the Chairman of Ching Long House MAC, the Chairman of Ching Chak House MAC and the Chairman of Ching Yun House MAC of Ching Ho Estate (**Plan A-1**) object to the application on the grounds that there are already a few car parks in close proximity and the local track to the proposed car park is narrow and poses safety risks to the residents and students nearby; and
  - (iii) the incumbent NDC members of Yu Tai Constituency, the Chairman of Sheung Shui District Rural Committee (SSDRC), the Indigenous Inhabitant Representative (IIR) and Resident Representative (RR) of Kai Leng and the Chairman of Ching Ping House MAC of Ching Ho Estate (**Plan A-1**) have no comment on the application; and
- (b) he has the following comments on the application:
  - (i) the access road leading from Wai Hon Road to the proposed car park, as proposed by the applicant is located on unallocated Government land and its maintenance responsibility is ambiguous; and
  - (ii) he has received consistent complaints against the operation of unauthorized car park at Kai Leng Village. The public also expresses grave concern over the road safety issue on the proposed access as it is not a public road and frequently used by the pedestrian and villagers. Successive complaints are foreseeable if maintenance responsibility could not be clarified.

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

- (a) Director of Fire Services;
- (b) Project Manager (North), North Development Office, Civil Engineering and Development Department; and
- (c) Chief Highway Engineer/New Territories East, Highways Department.



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

On 2.2.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, eight public comments were received (**Appendix IV**). A North District Council member supports the application as there is lack of parking space in the area whereas the Chairman of Sheung Shui District Rural Committee indicates no comment on the application. The remaining six public comments submitted by Kadoorie Farm and Botanic Garden Corporation, World Wide Fund for Nature Hong Kong and Designing Hong Kong Limited, and three individuals raise objection to the application mainly on the grounds that the development is not in line with the planning intention of “AGR” zone; the Site is the subject of a previous rejected application; the potential cumulative impacts of approving such application on the “AGR” zone should be taken into account; cars using the footpath along the channel to the Site makes the footpath dilapidated and water logged during raining; the car park under application is illegal and unauthorized development which should not be approved; and approval of the application would set an undesirable precedent for similar applications in the area.

## **11. Planning Considerations and Assessments**

- 11.1 The Site falls within an area zoned “AGR” on the OZP. The proposed temporary private car park under application with a total of 15 parking spaces for private cars/ light goods vehicles 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. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC does not support the application from the agricultural development point of view as the Site possesses high potential for agricultural rehabilitation. The applicant has not provided any strong planning justifications in the submission to justify a departure from the planning intention of “AGR” zone, even on a temporary basis.
- 11.2 The Site is situated in an area of rural fringe landscape character area where public housing estate (Ching Ho Estate), private residential development (Belair Villa), clusters of village houses (Kai Leng Village), some temporary domestic structures and some active/fallow farmland could be found in its vicinity (**Plans A-2 and A-3b**). It is noted that vegetation clearance followed by hard paving have already taken place at the Site prior to the application. CTP/UD&L, PlanD has reservation on the application and states that the existing hard paved area for the use under application is incompatible with the surrounding rural environment. Although the submitted landscape proposal in the FI can provide some screening to the proposed car park (**Drawing A-3**), the approval of the proposed temporary car park use would encourage similar applications within the “AGR” zone resulting in more vegetated areas being turned into hard paved areas. The approval would also set an undesirable precedent for similar applications and encourage similar site/ vegetation clearance prior to obtaining planning permission, i.e. “destroy first, build later” activities, thus causing adverse impact on the landscape resource and character within the area. The cumulative effect of approving such similar applications will inevitably degrade the landscape character of the “AGR” zone. In this regard, enforcement actions have been taken on majority of the Site, requiring the concerned parties to discontinue the UD and to reinstate the land.
- 11.3 Upon reviewing the FI submitted by the applicant, AC for T/NT has no further comment on the application from traffic engineering point of view as the applicant has demonstrated in the submission (**Appendix Id**) that the traffic arrangement, traffic control measures and manoeuvring within the Site will not cause adverse traffic impact on the surrounding areas.

The applicant also undertakes that a management company will be appointed to manage the car park and the provision and management of pedestrian facilities at the entrance of the Site.

- 11.4 According to the applicant, the access to the Site is via a local track along the eastern side of a river channel abutting Ching Ho Estate (**Plan A-2**). As advised by DLO/N, the Site has no guarantee of right of vehicular access and DO(N) has raised concern over the road safety issue on this piece of unallocated Government land. AC for T/NT notes the pedestrian safety concern of the locals raised in the local consultation and advises that should the application be approved, the applicant shall be required to submit and implement a traffic management plan to his satisfaction.
- 11.5 Nevertheless, it should be noted that while the applicant states that the proposed temporary car park under application is to serve the villagers of Kai Leng Village and nearby residents, the provision of car parking spaces for meeting the parking demand of residential developments nearby should in general be met by the planned car parking spaces within the developments. There are already 268 nos. of private car parking spaces, 22 nos. of LGV parking spaces and 29 nos. of motor cycle parking spaces available in Ching Ho Estate to the west of the village cluster. There will be additional 37 nos. of private car parking spaces, 4 nos. of LGV parking spaces and 6 nos. of motor cycle parking spaces to be provided under the extension of Ching Ho Estate. The numbers of parking space in Ching Ho Estate is provided in accordance with the parking standards for subsidized housing as specified in the Hong Kong Planning Standards and Guidelines. Apart from causal parking commonly found in Kai Leng Village, there is also a public vehicle park in the north of village providing 51 private car / LGV parking spaces to meet the car parking needs of the local villagers as well as the nearby residents (**Plan A-2**). Even if there is unmet demand for car parking spaces in the area, the Site is not a suitable location for a temporary car park from the land use planning point of view taking into account that it has good potential for agricultural rehabilitation and the applicant's failure to demonstrate in the submission that the development would not cause adverse landscape impact on the surrounding area.
- 11.6 DEP has no objection to the application as the Site will involve no parking of heavy goods vehicle nor container truck, but advises that the applicant should be advised to follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" to minimize any potential environmental impacts to the nearby residents should the application be approved by the Board. Other relevant Government departments consulted, including CE/MN of DSD and CE/C of WSD, have no adverse comment on or no objection to the application.
- 11.7 The Site is the subject of six previous applications. Five of them (applications No. A/NE-PK/82 to 86) for Small House development were approved by the Committee in July and September 2016. The latest application (No. A/NE-PK/114) submitted by the same applicant for the same temporary private car park use with a larger site area for a total of 60 parking spaces was rejected by the Committee on 26.5.2017 mainly on the considerations that the temporary private car park was not in line with the planning intention of "AGR" zone; the applicant failed to demonstrate in the submission that the development would not result in adverse landscape impact on the surrounding areas; and the approval of the application would set an undesirable precedent for similar applications within the same "AGR" zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area. As there has been no major change in planning circumstances of the Site and its surrounding areas

since the rejection of the application No. A/NE-PK/114, there is no strong planning justification to warrant a departure from Committee's rejection of the previous application even though the scale of the car park has been reduced from 60 to 15 parking spaces.

- 11.8 There is one similar application (No. A/NE-PK/129) for the same car park use with a total of 73 parking spaces which was rejected by the Committee on 3.8.2018 mainly on the grounds that the temporary car park was not in line with the planning intention of "AGR" zone; the applicant failed to demonstrate in the submission that the development would not result in adverse landscape impact on the surrounding areas; and approval of the application would set an undesirable precedent for similar applications within the same "AGR" zone. The planning circumstances of the current application are similar to this rejected application.
- 11.9 There are diversified local views on the supply and demand of parking spaces in the vicinity of the Site, which have been reflected in paragraphs 9.1.8 and 11.5 above. There are also local objections conveyed by DO(N) and adverse public comments received against the application mainly on the grounds that the development is not in line with the planning intention of "AGR" zone; the Site is the subject of a previous rejected application; the potential cumulative impacts of approving such application on the "AGR" zone should be taken into account; cars using the footpath along the channel to the Site makes the footpath dilapidated and water logged during raining; the car park under application is illegal and unauthorized development which should not be approved; and approval of the application would set an undesirable precedents for similar applications in the area. In this regard, 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 and having taken into account the public comments mentioned in paragraph 10, the Planning Department does not support the application for the following reasons:
- (a) the proposed temporary private car park under application is not in line with the planning intention of the "AGR" zone in the Ping Kong area 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 planning justification in the submission for a departure from the planning intention, even on a temporary basis;
  - (b) the applicant fails to demonstrate in the submission that the development would not result in adverse landscape impact on the surrounding areas; and
  - (c) the approval of the application will set an undesirable precedent for similar applications within the same "AGR" zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.
- 12.2 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 7.9.2021. The following conditions of approval and advisory clauses are suggested for Members' reference:

### Approval Conditions

- (a) no vehicle without valid licence issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations is allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (b) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (c) a notice should be posted at a prominent location of the Site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance or container trailers/tractors are allowed to be parked/stored on or enter/exit the Site during the planning approval period;
- (d) no car washing, vehicle repair, dismantling, paint spraying or other workshop activities is allowed on the Site at any time during the planning approval period;
- (e) the existing boundary fence on the Site should be maintained at all times during the planning approval period;
- (f) 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 7.3.2019;
- (g) in relation to (f) 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 7.6.2019;
- (h) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 7.3.2019;
- (i) in relation to (h) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 7.6.2019;
- (j) the submission of traffic management plan within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 7.3.2019;
- (k) in relation to (j) above, the implementation of traffic management plan 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 7.6.2019;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (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.

Advisory Clauses

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

**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**

<b>Appendix I</b>	Application Form with Attachments received on 24.1.2018
<b>Appendix Ia</b>	Further Information received on 2.2.2018
<b>Appendix Ib</b>	Letter dated 7.3.2018 requesting for deferment of consideration of the application
<b>Appendix Ic</b>	Letter received on 10.5.2018 requesting for deferment of consideration of the application
<b>Appendix Id</b>	Further Information received on 18 & 20.7.2018
<b>Appendix II</b>	Previous Applications
<b>Appendix III</b>	Similar Application
<b>Appendix IV</b>	Public Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Site Location Plan
<b>Drawing A-2</b>	Site Layout Plan
<b>Drawing A-3</b>	Landscape Plan
<b>Drawing A-4</b>	Vehicular Access to the Site
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plans A-3a &amp; A-3b</b>	Aerial Photos taken in February 2016 and March 2018
<b>Plans A-4</b>	Site Photos

**PLANNING DEPARTMENT  
SEPTEMBER 2018**