

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKL/597

- Applicant** : Everest International Investment Limited represented by Metro Planning and Development Company Limited
- Site** : Lots 2102 and 2103 (Part) in D.D. 76, Fanling, New Territories
- Site Area** : 3,750 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Lot 2103 in D.D. 76
- (i) Modification of Tenancy (MOT) No. 33036 for erection of temporary structures for the purpose of dwelling and kitchen; and
- (ii) Letter of Approval (L of A) No. 1163 for erection of temporary structures for the purpose of agricultural storage
- Plan** : Approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP) No. S/NE-TKL/14
- Zonings** : “Open Storage” (“OS”) (84.1%) and “Agriculture” (“AGR”) (15.9%)
- Application** : Temporary Warehouse for Storage of Spare Parts for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary warehouse for storage of spare parts for a period of three years (**Plan A-1**). The Site falls within an area mostly zoned “OS” (84.1%) with a minor portion within an area zoned “AGR” (15.9%) on the approved Ping Che and Ta Kwu Ling OZP No. S/NE-TKL/14. According to the Notes of the OZP, ‘Warehouse (excluding Dangerous Goods Godown)’ is a Column 1 use which is always permitted within the “OS” zone. However, according to the Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years within “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 being used for the applied use without a valid planning permission.
- 1.2 The Site is accessible via a local track leading to Ping Che Road (**Drawing A-4**). According to the applicant, there are two single-storey warehouse structures (with a height not exceeding 9m) at the Site. One located at the north i.e. Structure 1 (with a

total floor area of about 750m²) while the other one occupied most of the Site (i.e. Structure 3) with an extended portion (with some stacked-up containers for storage use under an open shed) which involves a total floor area of about 2,200m². Moreover, there are two two-storey site office (i.e. Structures 5 & 6) with a total floor area of about 80m² and height of 6m and two ancillary structures (i.e. Structures 2 & 4) involving a total floor area of about 33m² and height of 3m and 3.5m for meter room and toilet uses respectively. One loading/unloading bay (measuring 11m x 3.5m) for medium and heavy goods vehicles as well as a 18m manoeuvring circle to facilitate vehicular movements are also provided within the Site (**Drawing A-1**). There will be a landscaped area at the southern corner of the Site. The operation hours of the warehouse are between 9:00am and 7:00pm from Mondays to Saturdays, and there will be no operation on Sundays and public holidays. Layout Plan, as-planted landscape plan, proposed drainage plan and vehicular access plan submitted by the applicant are shown in **Drawings A-1 to A-4** respectively.

- 1.3 The Site is the subject of one previous approved application (No. A/NE-TKL/527) for temporary warehouse for storage of metal parts with ancillary parking of vehicles for a period of 3 years submitted by the same applicant. The application was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 22.1.2016. The planning permission was revoked on 22.2.2018 due to non-compliance with time-limited approval conditions requiring the provision of drainage facilities and the provision of water supplies for fire-fighting and fire service installations.
- 1.4 Compared with the previous approved application, the current application has proposed an expanded area for storage use at Structure 3 and two additional ancillary site offices (i.e. Structures 2 & 4). A comparison of the major development parameters of the previous approved application and the current application is given in the following table:

Major Development Parameters	Previous Application No. A/NE-TKL/527 (a)	Current Application No. A/NE-TKL/597 (b)	Difference (b)-(a)
Applied Use	Temporary warehouse for storage of metal parts with ancillary parking of vehicles (3 Years)	Temporary warehouse for storage of spare parts (3 Years)	-
Site Area (m ²) (about)	3,750	3,750	-
Gross Floor Area (m ²)	1,890	3,063	+1,173
No. of Structure(s)	4	6	+2
Height of Structures	3m – 9m (1 storey)	3m – 9m (1 – 2 storey)	+1 storey
Total Floor Area (about)	1,894m ²	3,063m ²	+1,169m ²
No. of parking space	2	0	-2
No. of loading/unloading for Medium/ Heavy Goods Vehicle	2	1	-1

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

(a) Application Form received on 30.5.2018

(Appendix I)

- (b) Supplementary Planning Statement received on 30.5.2018 (Appendix Ia)
- (c) Letter dated 5.7.2018 requesting for deferment of consideration of the application (Appendix Ib)
- (d) Further information received on 17.9.2018 (Appendix Ic)
- (e) Letter dated 29.10.2018 requesting for deferment of consideration of the application (Appendix Id)
- (f) Further information received on 24.12.2018 (Appendix Ie)
- (g) Further information received on 30.1.2019 (Appendix If)

1.6 At the request of the applicant (**Appendices Ib and Id**), the Committee agreed on 20.7.2018 and 16.11.2018 respectively to defer making a decision on the application for two months each pending the preparation of further information to address departmental comments. The applicant submitted the further information (**Appendix Ie**) on 24.12.2018 and the application is re-scheduled 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 detailed in Section 3 of the Supplementary Planning Statement (**Appendix Ia**). They can be summarized as follows:

- (a) the Site falls within the “Category 1” area of the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13E)¹ which is considered suitable for open storage and port back-up uses;
- (b) the development would not jeopardize the planning intention of the “AGR” zone on which part of the Site falls within in view of the temporary structure of the application and the area would only be used for parking of vehicles and maneuvering of vehicle. No structure and open storage are proposed within the “AGR” zone;
- (c) the non-compliance with planning conditions imposed to previous planning permission No. A/NE-TKL/527) is condonable as the drainage facilities on-site have already been modified in accordance with Drainage Services Department’s earlier comments and acceptance of the implementation of fire service installations by the Director of Fire Services could only be achieved by making a fresh application due to the addition of structures. A revised drainage proposal and a fire service installations (FSI) proposal have been submitted under the current application for relevant Government department’s consideration;
- (d) the applied use could not be accommodated in conventional warehouse due to economic infeasibility and physical constraints of conventional godowns and industrial buildings. The application site is therefore an ideal location for the applied use;
- (e) there is a similar approved application in “OS” zone under the same OZP;
- (f) the vicinity of the Site are mainly occupied by warehouses, open storage yards and vehicle repairing workshops which are considered not incompatible with the

¹ As the application is for temporary warehouse use, which is neither an open storage nor a port back-up use, TPB PG-No. 13E is not applicable to this application.

development under application;

- (g) the development will unlikely result in adverse environmental and drainage impacts on the surrounding area; and
- (h) the development will not include additional adverse traffic impact on the surrounding road network and it is considered acceptable from traffic engineering point of view.

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. Background

According to the Chief Town Planner/Central Enforcement and Prosecution, Planning Department, the Site is not involved in any of the active enforcement case by the Planning Authority. Should there be sufficient evidence to prove that the current use on the Site constitutes an unauthorized development under the Town Planning Ordinance, enforcement action will be taken.

5. Previous Application

- 5.1 The Site is the subject of one previous approved application (No. A/NE-TKL/527) for temporary warehouse for storage of metal parts with ancillary parking of vehicles for a period of 3 years which submitted by the same applicant. The application was approved with conditions by the Committee on 22.1.2016 mainly on the consideration that the development was generally considered not incompatible with the surrounding area and would not cause adverse traffic, drainage and landscape impacts on the surrounding area. The planning permission was revoked on 22.2.2018 due to non-compliance with time-limited approval conditions requiring the provision of drainage facilities and the provision of water supplies for fire-fighting and fire service installations.
- 5.2 Compared with the previous application No. A.NE-TKL/527, the current application is submitted by the same applicant for similar warehouse use on a site with same site area and operation hours but with different development parameters.
- 5.3 Details of the previous application are summarized at **Appendix II** and its location is shown on **Plan A-1**.

6. Similar Application

There is one similar application (No. A/NE-TKL/566) for proposed temporary workshop and warehouse for construction materials for a period of 3 years within the same “AGR” zone in the vicinity of the Site on the Ping Che and Ta Kwu Ling OZP. The application was rejected by the Committee on 23.6.2017 mainly on the grounds that the development was not in line with the planning intention of the “AGR” zone; the applicant had failed to demonstrate that the development would not generate adverse traffic and environmental impacts on the

surrounding areas and the approval of the application would set an undesirable precedent for similar applications within the same “AGR” zone. Details of the application are summarized 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 to 4b)

7.1 The Site is:

- (a) fenced, paved and mainly occupied by some large metal frames forming part of two warehouse structures for the applied use; and
- (b) accessible by a local track off Ping Che Road (**Plan A-2**).

7.2 The surrounding areas have the following characteristics:

- (a) mainly mixed used/developments including open storage yards, warehouses, vacant land/fallow agriculture land and temporary structures (**Plan A-2**);
- (b) to the north and east are open storage yards, warehouses, a plant nursery, vacant land and some temporary structures;
- (c) to the south is the channelized section of Tan Shan River (River Jhelum) (**Plans A2 and A3**); and
- (d) to the west is parking of vehicles and open storage and vacant land.

8. Planning Intentions

8.1 The planning intention of the “OS” zone in the Ping Che and Ta Kwu Ling area is primarily for the provision of land for appropriate open storage uses and to regularize the already haphazard proliferation of open storage uses. It provides for the orderly development of land for open storage uses that cannot be accommodated in conventional godown premises.

8.2 The planning intention of the “AGR” zone in the Ping Che and Ta Kwu Ling area is primarily to retain and safeguard good 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 summarized as follows:

Land Administration

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

- (a) the Site comprises Lots No. 2102 and 2103 in D.D. 76. The lots are Old Schedule lots held under the Block Government Lease (demised for agriculture use) without any guaranteed right of access. Lot No. 2103 in D.D. 76 is covered by MOT No. 33036, and L of A No. 1163. The MOT was issued for erection of temporary structures for the purpose of dwelling and kitchen; and the L of A was issued for erection of temporary structures for the purpose of agricultural storage. The concerned MOT and L of A fall within the application site;
- (b) it is noted that:
 - (i) the occupation boundary and application boundary of the application site does not tally;
 - (ii) portion of the Government land adjoining Lot No. 2102 in D.D. 76 is being illegally occupied;
 - (iii) unauthorized structure, which falls within the occupation boundary, was erected on Lot No. 2103 in D.D.76;
 - (iv) unauthorized structure extending from the application lot (i.e. Lot No. 2102 in D.D. 76) and being occupied by the applicant, was erected on Lot No. 2099 in D.D.76 adjoining the application site; and
 - (v) the existing structures erected on the Site are not acceptable under the said MOT and L of A;
- (c) the unauthorized structures concerned and illegal occupation of Government land are not acceptable. This office reserves the right to take necessary land control and lease enforcement actions against the above irregularities; and
- (d) if the planning application is approved, the owners of the lots concerned shall apply to his office for a Short Term Waiver (STW) and Short Term Tenancy (STT) covering all the actual occupation area. The applications for STW and STT will be considered by Government in its landlord's capacity and there is no guarantee that they will be approved. If the STW and STT applications are approved, their commencement date would be backdated to the first date of occupation, and they will be subject to such terms and conditions to be imposed including payment of waiver fee/rent and administrative fees as considered appropriate by his office.

Traffic

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

- (a) based on the further information submitted by the applicant (**Appendix Ic**) and in view of the subject application will generate a passenger car units of 6 (max) and attract 6 (max) of traffic during the AM peak hour, it is considered the traffic impact is tolerable from the

traffic engineering point of view;

- (b) he has no further comments on the further information (**Appendices Ic and Ie**) on the proposed measure for pedestrian safety. However, the village track connecting the subject site and Ping Che Road is not managed by TD. The applicant should seek comment and agreement from the responsible party to implement the proposed pedestrian safety measure and the related traffic matters; and
- (c) should the application be approved, the applicant is required to implement the traffic management measures as proposed by the applicant to ensure that it will not cause adverse traffic impact to the surrounding area.

Environment

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

- (a) he does not support the application as the proposed development includes a loading/unloading bay for medium and heavy good vehicles, and will attract heavy vehicle traffic while there are domestic uses within 100m of the site boundary;
- (b) there was no substantiated environmental complaints against the Site during the past three years;
- (c) should the application be approved, the following ~~approval conditions~~ comments are recommended:
 - (i) proper paving/hard-surfacing of the Site, particularly the access area at the site frontage and 5m strip of the area beyond the access gate, to avoid any fugitive dust impacts due to vehicle movements;
 - (ii) provision of solid boundary wall with erection of 2.5m;
 - (iii) prohibition of noisy operations during sensitive hours (i.e. 11:00 p.m. to 7:00 a.m.); and
 - (iv) ~~provision of septic tank and soakaway pit if there is any sewage discharge from the Site. The design, construction, operation and maintenance requirements for the septic tank and soakaway pit shall be in accordance with ProPECC PN5/93~~ the septic tank would not be required subject to the provision of chemical toilet(s) on site;
- (d) the following advisory clauses are also suggested:
 - (i) measures such as waste minimization, recycling or reuse of effluent should be implemented on the Site as far as possible;
 - (ii) materials stored in the open area of the Site which may leak out oil or chemical waste should be placed on the non-slip heavy duty membrane and properly covered with water proofing sheet to avoid any soil contamination;

- (iii) 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 (COP)” issued by DEP in order to minimize any possible environmental nuisances; and
- (iv) to incorporate relevant environmental measures in Annex I of the COP and to strictly observe the Water Pollution Control Ordinance (WPCO) to avoid any pollution to the watercourse to the immediate south of the Site.

Landscape

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) the Site is the subject of a previous approved planning application No. A/NE-TKL/527 in 2016 and subsequently was revoked on 22.2.2018 since the applicant failed to comply with some approval conditions other than on landscape aspect;
- (c) compared the aerial photo of 2015 (last application) to latest photo of 2017, there is no significant change in the area of disturbed rural landscape character where the Site is located. It mainly comprises of warehouses and open storage yards of various sizes, scattered trees and the Tan Shan River (to the south of the Site). The proposed use is not incompatible with the surrounding environment. According to the site photos, the trees planted under previous planning condition are in good condition. No significant adverse impact to the existing landscape resource arising from the proposed use is anticipated; and
- (d) should the Board approve the application, approval condition “to properly maintain all existing trees in good condition at all time throughout the approval period” is recommended.

Drainage

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

- (a) after reviewing the revised drainage proposal (**Appendix Ia**) as submitted by the applicant under the current application, DSD has no in-principle objection to the application from the public drainage point of view;
- (b) should the application be approved, the applicant is required to submit and implement a drainage proposal for the Site to ensure that it will not cause adverse drainage impact to the adjacent area; and
- (c) the Site is in an area where no public sewerage connection is available.

Building Matters

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

- (a) there is no record of approval by the Building Authority for the buildings/structures existing at the Site and his Department is not in a position to offer comments on their suitability for the use related to the application; and
- (b) the applicant is reminded on the followings:
 - (i) 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 designated for any approved use under the application;
 - (ii) 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 BD should be obtained, otherwise they are unauthorized buildings works (UBW). An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO;
 - (iii) for UBW erected on leased land, enforcement action may be taken by BD 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;
 - (iv) in connection with (ii) above, 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 the Building (Planning) Regulations (B(P)Rs) respectively;
 - (v) if the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)Rs at the building plan submission stage; and
 - (vi) detailed comments under the BO will be provided at building plan submission stage.

Agriculture and Nature Conservation

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

- (a) agricultural activities in the vicinity are active. Agricultural infrastructures such as water source and road access are available. Since the Site possesses potential for agricultural rehabilitation, he does not support the application from agriculture point of view; and

- (b) the Site is adjacent to River Jhelum (**Plan A-2**). Should the application be approved, precautionary measures to avoid any disturbances and pollution to the watercourse shall be implemented.

Water Supply

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

- he has no objection to the application. For provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the connection, operation and maintenance of the inside services within the private lots to WSD's standards.

Fire Safety

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

- (a) after reviewing the FSI proposal as submitted by the applicant (**Appendix Ie**), he has no in-principle objection to the application subject to FSIs and water supplies for firefighting being provided to the satisfaction of his department;
- (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 provided. In the circumstances, except where building plan is circulated to the Centralized Processing System of BD, the applicant is required to send the relevant layout plans to his department with the proposed FSIs included for approval. In so doing, the applicant should note that:
 - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy;
 - (ii) the location of the proposed FSIs and the access for emergency vehicles should be clearly marked on the layout plans; and
- (c) detailed fire safety requirements will be formulated upon receipt of formal submission of the general building plans. The applicant will need to subsequently provide such FSIs according to the approved proposal.

Electricity Supply and Safety

9.1.10 Comments of Director of Electrical and Mechanical Services (DEMS):

- he has no particular comment on the project from electricity supply safety aspect. However, in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground

cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

District Officer’s Comments

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

he has consulted the locals regarding the application. The Chairman of Fanling District Rural Committee (FDRC) and the incumbent North District Council (NDC) member of the subject constituency had no comment on the proposal.

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

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

10. Public Comments Received During Statutory Publication Periods

On 7.6.2018 and 21.9.2018 respectively, the application and the further information were published for public inspection. During the first three weeks of the statutory public inspection periods, seven public comments were received (**Appendix IV**). The five comments from the Chairmen of Sheung Shui District Rural Committee and FDRC and a NDC member indicate no comment on the application. One NDC member supports to the application mainly on the grounds that no adverse impacts on the surrounding areas have been caused by the applied use and the development can provide job opportunities to the area. An individual objects to the application mainly on the reasons that the approval of the application would cause degradation of the rural environment and set an undesirable precedent for similar applications in the area.

11. Planning Considerations and Assessments

11.1 The Site falls largely within the “OS” zone (about 84.1%) in which ‘warehouse (excluding Dangerous Goods Godown)’ use is always permitted. With respect to the portion of the Site falling within the “AGR” zone (about 15.9%), the temporary warehouse use is not in line with the planning intention of the “AGR” zone which is intended primarily to retain and safeguard good quality agricultural land/farm/fishponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC does not support the application from agriculture point of view as the Site possesses potential for agricultural rehabilitation.

- 11.2 The Site is located in an area comprising mainly open storage yards, warehouses and logistics centre intermixed with vacant land and some temporary structures for domestic purpose (**Plan A-2**). The development is generally not incompatible with the surrounding environment. CTP/UD&L, PlanD considers that existing trees planted in the previous approved application are in good condition and significant adverse impacts to the landscape resources arising from the subject application are not anticipated.
- 11.3 DEP does not support the application as the development includes a loading/unloading bay for medium and heavy good vehicles, and will attract heavy vehicle traffic while there are domestic uses in the vicinity of the Site (**Plan A-2**). To address the concern of DEP on possible environmental nuisance to be generated by the temporary use under application, approval conditions restricting the operation hours, prohibiting operation on Sundays and public holidays, and prohibiting vehicle repairing, dismantling or workshop activities at the Site are recommended. The applicant would also be advised to follow the environmental mitigation measures as set out in the revised 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites'.
- 11.4 C for T considered that the traffic impact induced by the development is tolerable from the traffic engineering point of view and he has no further comments on the proposed measures for pedestrian safety i.e. installation of traffic signs during the operation period. Having said that, he advised that the village track connecting the subject site and Ping Che Road is not managed by TD. The applicant should be reminded to seek comment and agreement from the responsible party to implement the proposed pedestrian safety measure and the related traffic matters. Also, in order to ensure that the development will not cause adverse traffic impact to the surrounding area, an approval condition on implementation of the traffic management measures as proposed by the applicant is recommended. Other relevant Government departments consulted, including D of FS, CE/C of WSD and CE/MN of DSD, have no adverse comment on/no objection to the application.
- 11.5 The Site is the subject of one previously approved application (No. A/NE-TKL/527) for similar warehouse use submitted by the same applicant. It was approved mainly on the consideration that the development was generally considered not incompatible with the surrounding and would not cause adverse traffic, drainage and landscape impacts on the surrounding area. The planning permission was revoked on 22.2.2018 due to non-compliance with the approval conditions in relation to the provision of drainage facilities and the provision of water supplies for fire-fighting and fire service installations. Nevertheless, the applicant has submitted a revised drainage proposal and a FSI proposal in support of the subject application. In this regard, CE/MN, DSD and D of FS have no in-principle objection to the application. Should the Committee decide to approve the application, shorter compliance periods on the approval conditions are proposed to monitor the progress of compliance. Moreover, the applicant will be advised that should he fail to comply with any of the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration will not be given to any further application.
- 11.6 There is one similar application (No. A/NE-TKL/566) for temporary workshop and warehouse use in the vicinity of the Site (**Plan A-1**). Unlike the subject application falling largely within the "OS" zone, that application falls entirely within an area zoned "AGR" was rejected by the Board on 23.6.2017 mainly on the grounds that the development was not in line with the planning intention of the "AGR" zone; the

applicant had failed to demonstrate that the development would not generate adverse traffic and environmental impacts on the surrounding areas and the approval of the application would set an undesirable precedent for similar applications within the same “AGR” zone. The planning circumstances of the similar application are different from the current application.

- 11.7 Regarding the public comments objecting to application mainly on the grounds that the approval of the application would cause degradation of the rural environment and set an undesirable precedent for similar applications in the area, Government departments’ comments and planning assessments above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and public comments in paragraph 10 above, the Planning Department considers that the temporary use under application could be tolerated for a 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 until 22.2.2022. The following conditions of approval with shorter compliance periods and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no operation between 7:00 p.m. and 9:00 a.m., 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 vehicle repairing, dismantling or other workshop activities is allowed on the Site at any time during the planning approval period;
- (d) the maintenance of the existing boundary fencing on the Site at all times during the planning approval period;
- (e) existing trees on the Site shall be maintained in good condition at all times during the planning approval period;
- (f) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 22.5.2019;
- (g) in relation to (f), the implementation of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 22.8.2019;
- (h) the submission of proposals for water supplies for fire-fighting and fire service installations within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 22.5.2019;

- (i) in relation to (h) above, the provision of water supplies for fire-fighting and fire service installations 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;
- (j) the submission of proposed traffic management measures identified therein within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 22.5.2019;
- (k) in relation to (j) above, the implementation of the traffic management measures identified therein 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;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (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**.

12.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:

- (a) the development is not in line with the planning intention of the "Agriculture" zone for the Ping Che and Ta Kwu Ling area 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. There is no strong planning justification provided in the submission to justify a departure from the planning intention even on a temporary basis; and
- (b) the development would generate adverse environmental impacts on the surrounding area.

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 received on 30.5.2018
Appendix Ia	Supplementary Planning Statement received on 30.5.2018
Appendix Ib	Letter dated 5.7.2018 requesting for deferment of consideration of the application
Appendix Ic	Further information received on 17.9.2018
Appendix Id	Letter dated 29.10.2018 requesting for deferment of consideration of the application
Appendix Ie	Further information received on 24.12.2018
Appendix If	Further information received on 30.1.2019
Appendix II	Previous s.16 Application
Appendix III	Similar s.16 Application within/partly within “AGR” Zone in the vicinity of the Application Site on the Ping Che & Ta Kwu Ling Outline Zoning Plan
Appendix IV	Public Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Landscape Plan
Drawing A-3	Drainage Plan
Drawing A-4	Vehicular Access Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4-b	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2019**