

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

**APPLICATION NO. A/NE-TKL/577**

- Applicant** : Lau Tak Kee Motor Engineering & Equipment Ltd. represented by Metro Planning and Development Company Limited
- Site** : Lots 885 and 1552 S.A ss.3 (Part) in D.D. 77 and Adjoining Government Land, Ping Che, New Territories
- Site Area** : 8,014 m<sup>2</sup> (about) (including about 1,450 m<sup>2</sup> of Government land)
- Land Status**: (a) Lot 885 in D.D. 77  
Block Government Lease (demised for agricultural use)  
(b) Lot 1552 S.A ss3 in D.D. 77  
New Grant No. 8012 (granted for cultivation (castor oil plants))  
(c) Government Land
- Plan** : Approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP) No. S/NE-TKL/14
- Zonings** : “Open Storage” (“OS”) (about 6,171 m<sup>2</sup> or 77% of the Site) and ‘Road’ (about 1,843 m<sup>2</sup> or 23% of the Site)
- Application** : Temporary Warehouse (Storage of Spare Parts and Used Electrical Goods) with Ancillary Workshop 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 (storage of spare parts and used electrical goods) with ancillary workshop for a period of three years (**Plan A-1**). The Site falls within an area largely zoned “OS” (about 77%) with a minor portion shown as ‘Road’ (about 23%) 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 Godown)’ / ‘Rural Workshop’ within the “OS” zone is always permitted whereas planning permission for the development within area shown as ‘Road’ is required from the Town Planning Board (the Board). The Site is currently used for the applied uses without a valid planning permission.
- 1.2 According to the applicant (**Appendix Ig**), the development under application comprises ten temporary structures (about 3m to 9m in height) with a total floor area of about 5,758 m<sup>2</sup> for warehouses, ancillary workshops, site offices, store rooms and open shed for storage. The two warehouses for storage of used electrical goods with

ancillary workshops (i.e. Structures 2 and 3) are located in the centre of the Site whereas the other two warehouses (i.e. Structures 1 and 6) for storage of spare parts are located next to the ingress/egress at the northwest of the Site and along southeast site boundary respectively. Two one-storey site offices, a one-storey store room, a loading/unloading bay (L/UL) bay for container trailer and two private car parking spaces are located within Structure 3 at the southwestern part of the Site. A two-storey site office is located within Structure 2. The other three offices, store room and open shed for storage of spare parts (i.e. Structures 4, 5, 6, 7, 8, 9 and 10) are located at the southeast part of the Site. The Site is accessible via a local track branching off Ping Che Road and Ng Chow South Road. The proposed operation hours are from 8:30 a.m. to 5:30 p.m. from Mondays to Saturdays and no operation on Sundays and public holidays. The site layout plan submitted by the applicant is at **Drawing A-1**.

1.3 Part of the Site is the subject of four previous applications (**Plan A-1**) (No. A/NE-TKL/143, 343, 476 and 517) for various open storage, warehouse and workshop uses. All applications were approved by the Rural and New Town Planning Committee (the Committee) between March 2001 and September 2015. The last application No. A/NE-TKL/517 for temporary warehouse (storage of cables) with ancillary workshop for a period of 3 years submitted by the same applicant was revoked in December 2017 due to the non-compliance with the approval condition in relation to the provision of water supplies for firefighting and fire service installations (FSI). Details of the previous applications are summarised in paragraph 5 below.

1.4 A comparison on the major development parameters under the current application and the previously approved application (No. A/NE-TKL/517) are summarised below:

| Development Parameters             | Previously Approved Application (A/NE-TKL/517) (a)   | Current Application (b)  | Difference (b) – (a)                          |
|------------------------------------|--|--|---|
| Site area (m <sup>2</sup> )        | 2,361 (about)  | 8,014 (about)  | +5,653  |
| Uncovered area (m <sup>2</sup> )   | 451 (about)  | 2,474 (about)  | +2,023  |
| Covered area (m <sup>2</sup> )     | 1,910 (about)  | 5,540 (about)  | +3,630  |
| Warehouse structure                | 1<br>(one-storey with a height of not exceeding 8.6m)<br>(floor area: not exceeding 1,910 m <sup>2</sup> )(about)                  | 4<br>(one to two storeys with a height of not exceeding 9 m)<br>(floor area: not exceeding 5,051 m <sup>2</sup> )(about)                           | +3<br><br>+0.4 m<br><br>+3,141 m <sup>2</sup> |
| Ancillary structures               | 1<br>(toilet and site office)<br>(two-storey with a height of not exceeding 6 m)<br>(floor area: not exceeding 80 m <sup>2</sup> ) | 6<br>(site office, store room and open shed)<br>(one-storey with a height of not exceeding 9 m)<br>(floor area: not exceeding 707 m <sup>2</sup> ) | +5<br><br>+3 m<br><br>+627 m <sup>2</sup>     |
| Total floor area (m <sup>2</sup> ) | Not exceeding 1,950  | Not exceeding 5,758  | +3,808  |

|                               |  |   |                                     |
|-------------------------------|--|---|-------------------------------------|
| Parking & loading / unloading | 1 L/UL bay for LGV and 1 L/UL platform | 1 L/UL bay for Container Trailer and 2 Private Car Parking Spaces | Mainly +2 private car parking space |
|-------------------------------|--|---|-------------------------------------|

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

- (a) Application Form with Attachments received on 6.11.2017 (**Appendix I**)
- (b) Planning Statement (**Appendix Ia**)
- (d) Letter dated 7.12.2017 requesting for deferment of consideration of the application (**Appendix Ib**)
- (e) Further Information received on 13.2.2018 (**Appendix Ic**)
- (f) Email dated 15.3.2018 requesting for deferment of consideration of the application (**Appendix Id**)
- (g) Further Information received on 21.5.2018 (**Appendix Ie**)
- (h) Letter dated 16.7.2018 requesting for deferment of consideration of the application (**Appendix If**)
- (i) Further Information received on 13.9.2018 (**Appendix Ig**)
- (j) Further Information received on 20.9.2018 (**Appendix Ih**)
- (k) Further Information received on 23.10.2018 (**Appendix Ii**)

1.6 At the request of the applicant (**Appendices Ib, Id and If**), the Committee agreed on 22.12.2017, 6.4.2018 and 20.7.2018 to defer making a decision on the application for two months each pending the preparation of further information to address the departmental comments. The applicant submitted further information (**Appendices Ig to Ii**) on 13.9.2018, 20.9.2018 and 23.10.2018 and the application is re-scheduled for consideration by the Committee on 2.11.2018.

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

The justifications put forth by the applicant in support of the application are detailed in part 3 of the planning statement at **Appendix Ia**. They can be summarised as follows:

- (a) the development under application fulfils the requirements in 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 which the Site is largely zoned “OS” falling within Category 1 area and the applied use would not generate adverse impacts to the surrounding areas. The Board should give favourable consideration to the application<sup>1</sup>;
- (b) the proposed development would not jeopardize the planning intention of ‘Road’ as only small portion of the Site falls within area shown as ‘Road’. There is no implementation programme for the Road 5 within the Site and thus the temporary development under the application will be a better utilisation of land;
- (c) the applicant has complied with 10 out of 11 approval conditions of the previous planning application (No. A/NE-TKL/517). The applicant had shown efforts to comply with the approval conditions. The outstanding approval condition (i) on the

<sup>1</sup> 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.

implementation of FSIs proposal was considered not complied with due to the changes in GFA of the site office;

- (d) the applied use could not be accommodated in conventional warehouse due to the economic infeasibility and the physical constraints of the conventional godowns and industrial buildings;
- (e) the Site is located in an area with warehouses and intermixed with open storage yards and vehicle repairing workshops in the “OS” zone. There is approved similar application in the vicinity of the Site. As such, the proposed development is compatible with the surrounding areas;
- (f) the operation hours are restricted to 8:30 a.m. – 5:30 p.m. from Mondays to Saturdays and no operation on Sundays and public holidays. No frequent traffic would be generated by the development. Moreover, the applicant is willing to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage”. As such, the development under application would not generate significant environmental impacts; and
- (g) the development under application would not cause significant traffic and drainage impacts to the surrounding areas.

### **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 posting site notice and giving notification to the Ta Kwu Ling District Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Background**

The Chief Town Planner/Central Enforcement and Prosecution, Planning Department (CTP/CEP, PlanD) states that the Site is not subject to any active enforcement action.

### **5. Previous Applications**

5.1 Part of the Site is the subject of four previous applications (**Plan A-1**) (No. A/NE-TKL/143, 343, 476 and 517) for various open storage, warehouse and workshop uses. All applications were approved by the Committee between March 2001 and September 2015. Applications No. A/NE-TKL/143 and 343 for temporary open storage of container trailers and proposed temporary warehouse for storage of metalware and vehicle parts/accessories were approved with conditions by the Committee in March 2001 and September 2010 for a period of three years respectively. The planning permission of application No. A/NE-TKL/143 was revoked in September 2001 due to non-compliance of approval conditions whereas all approval conditions of the application No. A/NE-TKL/343 had been complied with and the planning permission lapsed in September 2013.

- 5.2 Applications No. A/NE-TKL/476 and 517 were submitted by the same applicant as the current application. Application No. A/NE-TKL/476 for temporary warehouse for storage of cables with ancillary workshop for a period of three years was approved by the Committee in July 2014 mainly on the grounds that the developments were in line with the planning intention of the “OS” zone; the developments would not frustrate the implementation programme of the proposed Road 5 and the future planning for the area; the proposed warehouses were considered not incompatible with the surrounding landscape character; the developments were unlikely to cause significant adverse traffic, drainage and landscape impacts on the surrounding area; and previous applications for similar use had been approved by the Committee. The applicant has complied with all the approval conditions.
- 5.3 For application No. A/NE-TKL/517, the application for temporary warehouse (storage of cables) with ancillary workshop for a period of three years was approved by the Committee in September 2015 generally on the same grounds as application No. A/NE-TKL/476. The application was revoked in December 2017 due to non-compliance with the condition relating to the provision of FSI. Compared with the last approved application No. A/NE-TKL/517, the current application is submitted by the same applicant for similar warehouse use (i.e. temporary warehouse of spare parts and used electronic goods with ancillary workshop) with larger site area (from 2,361 m<sup>2</sup> to 8,014 m<sup>2</sup> (i.e. +5,653 m<sup>2</sup>)) and total floor area (from about 1,950 m<sup>2</sup> to 5,758 m<sup>2</sup> (i.e. +3,808 m<sup>2</sup>)). Two more private car parking spaces and additional eight temporary structures are included under the current application. The Site is currently used for the applied use without a valid planning permission.
- 5.4 Details of these previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

## **6. Similar Applications**

- 6.1 There are six similar applications for temporary warehouses / cold store use involving two different sites falling partly within areas shown as ‘Road’ in the vicinity of the Site on the Ping Che and Ta Kwu Ling area (**Plan A-1**). All the applications were approved with conditions by the Committee between 2011 and 2016.
- 6.2 Applications No. A/NE-TKL/363, 453 and 516 involving the same site for temporary warehouse for storage of furniture as well as temporary cold store were approved by the Committee between July 2011 and September 2015 mainly on considerations that the developments were not incompatible with the adjacent land uses; approval of the applications on a temporary basis would not frustrate the implementation programme of the proposed Road 5; and the developments were unlikely to cause adverse impacts on the surrounding area. Applications No. A/NE-TKL/363 and 516 were subsequently revoked on 8.4.2013 and 4.6.2017 respectively due to non-compliance with approval conditions.
- 6.3 Applications No. A/NE-TKL/371, 417 and 535 involving the same site for temporary warehouse for storage of tools and dog kennel for a period of three years were approved with conditions by the Committee between December 2011 and January 2016 mainly on the considerations that majority of the site fell within the “OS” zone and the developments were in line with the planning intention of the “OS” zone; the

developments were not incompatible with surrounding land uses; the proposed developments would not have adverse traffic, landscape and drainage impacts; and the approval of the applications on a temporary basis would not frustrate the implementation programme of proposed road. Application No. A/NE-TKL/371 was subsequently revoked on 16.9.2012 due to non-compliance with approval conditions whereas the planning approval for application No. A/NE-TKL/535 will lapse on 2.3.2019.

6.4 Details of these similar applications are summarised at **Appendix III** and their locations are 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 A-4c)**

7.1 The Site is:

- (a) flat, formed, hard paved, and occupied by the ten temporary/permanent structure being used for the applied use;
- (b) currently used for the applied use without a valid planning permission; and
- (c) accessible via a village track leading to Ng Chow South Road (**Plan A-2**).

7.2 The surrounding areas have the following characteristics:

- (a) to the immediate north, north-west, north-east are warehouses, and to the further south are domestic structures;
- (b) to the immediate east are some warehouses and open storage of cables;
- (c) to the immediate south is a warehouse, and to the further south-west is a residential development (i.e. Kai Fong Garden); and
- (d) to the immediate west is open storage and to the further west are an engineering workshop, domestic structure and vacant land.

**8. Planning Intentions**

8.1 The planning intention of the “OS” zone in 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 which cannot be accommodated in conventional godown premises.

8.2 The area shown as ‘Road’ is intended for road development.

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

- (a) the Site comprises private lots. Lot 885 in D.D. 77 is an Old Schedule lot held under the Block Government lease (demised for agricultural use) without any guaranteed right of access. Lot 1552 S.A ss.3 in D.D. 77 is held under New Grant No. 8012 granted for cultivation (castor oil plants) purpose without any guaranteed right of access;
- (b) the Government land within the Site is being illegally occupied. There are unauthorised structures erected on the Site without prior approval from his office. The aforesaid structures are not acceptable under the New Grant and the Lease. His office reserves the rights to take necessary land control and lease enforcement actions against the irregularities; and
- (c) if the application is approved, the applicant shall apply to his office for a Short Term Waiver and a Short Term Tenancy. The applications will be considered by Government in its landlord's capacity and there is no guarantee that they will be approved. If the applications are approved, their commencement date will 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) noting that the applicant undertakes to erect and maintain traffic sign and provide banksman as measures for pedestrian safety (**Appendix Ii**), she has no comment on the application from the traffic engineering point of view; and
- (b) the section of Ng Chow South Road and village road between the Site and the road junction of Ng Chow Road / Ng Chow South Road is not managed by her department.

### Project Interface

9.1.3 Comments of the Project Manager (North), North Development Office, Civil Engineering and Development Department (PM(N), CEDD):

- (a) he has no comment on the application from project interface point of view; and
- (b) there is at present no implementation programme for Roads 4 and 5.

### **Environment**

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

- (a) he does not support the application as there are domestic structures in the vicinity of the Site, the closest ones are located at about 40 m to the south of the Site (**Plan A-2**); and
- (b) should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses”.

### **Landscape**

9.1.5 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) as compared with aerial photo of 2014 (last application No. A/NE-TKL/517) and aerial photo of 2017, the landscape character of the Site is mostly the same, i.e. with open storages and warehouses in “OS” zone. Thus the application is not incompatible with the surrounding landscape setting. Her site record dated in November noted the Site is in operation of the applied use. The existing planting implemented under previous approval condition has been maintained in acceptable condition. No significant adverse impact on the existing planting arising from the continuous use will be anticipated; and
- (c) provided that there is no clash with road works programme at the location, should the application be approved by the Board, an approval condition on the maintaining all existing trees and planting in good condition throughout the approval period is recommended.

### **Drainage**

9.1.6 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 point of view;
- (b) the Site is in an area where no public sewerage connection is available; and



- (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. The applicant shall identify the development's potential drainage impacts and demonstrate in the submission with the implementation of necessary mitigation measures, the development will not cause an unacceptable increase in the risk of flooding in areas upstream of, adjacent to or downstream of the development.

### **Building Matters**

#### 9.1.7 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 (BA) for the buildings/structures existing at the Site and the Buildings Department (BD) is not in a position to offer comments on their suitability for the use related to the application; and
- (b) the applicant should be reminded of 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 Building Ordinance (BO) and should not be 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 the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO;
  - (iv) the Site shall be provided with means of obtaining access thereto from a street under the Building (Planning) Regulation 5 and emergency vehicular access shall be provided under the Building (Planning) Regulations 41D; and
  - (v) if the Site is not abutting on a specified street having a width not less than 4.5m, the development intensity shall be determined by the BA under Building (Planning) Regulation 19(3) at the building plan submission stage.

### **Fire Safety**

9.1.8 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 and water supplies for firefighting being provided to the satisfaction of his department;
- (b) emergency vehicular access arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by BD; and
- (c) detailed fire safety requirements will be formulated upon receipt of formal submission of the general building plans.

### **Water Supply**

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

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

### **Electricity Supply Safety**

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

- (a) he has no comment on the application from electricity supply safety aspect; and
- (b) in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organising and supervising any activity near the underground cable or overhead line under the mentioned 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. The applicant 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 incumbent North District Council (NDC) member of the subject constituency, the Indigenous Inhabitant Representative and Resident Representative of Ping Che have no comment on the application whereas the Vice-Chairman of Ta Kwu Ling District Rural Committee objects to the application as the part of the Site shown as 'Road' should be reserved for road improvement works implemented by the Government to solve the traffic congestion problems in Ta Kwu Ling.

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

- (a) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD); and
- (b) Director of Agriculture, Fisheries and Conservation (DAFC).

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

On 14.11.2017, 23.2.2018 and 1.6.2018, the application was published for public inspection. During the statutory public inspection periods, eight public comments were received (**Appendix IV**). Three comments from a NDC member and three comments from the Chairman of Sheung Shui District Rural Committee indicate no comment on the application. Two comments from the Chairman of NDC support the application on the grounds that the development better utilises land, provides more job opportunities to local villagers and the development would not generate adverse impact to surrounding areas which is predominate with factories and relating industries.

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

11.1 The majority of the Site falls within "OS" zone (about 77%) in which the temporary warehouse and ancillary workshop uses are always permitted whereas a minor portion of the Site falls within an area shown as 'Road' (about 23%) (i.e. part of the Roads 4 and 5 on the OZP) in which such development requires planning permission from the Board (**Plan A-1**). The alignments of Roads 4 and 5 have been designated on the Ping Che and Ta Kwu Ling OZP since 1994 for enhancing the accessibility within the "OS" zone. PM(N), CEDD advises that there is at present no development programme for Roads 4 and 5. Approval of the application on a temporary basis for a period of three years would not frustrate the implementation programme of Roads 4 and 5 and the future development in the area.

11.2 The temporary warehouse with ancillary workshop is considered not incompatible with the surrounding land uses which are mainly warehouses, open storage, some domestic structures and active / fallow agricultural land. Adverse landscape impact arising from the proposed development is not anticipated. In this connection, CTP/UD&L of PlanD has no objection to the application. Other relevant Government departments

consulted including C for T, CE/MN, DSD and D of FS have no adverse comment on or no objection to the application.

- 11.3 DEP does not support the application as there are sensitive receivers (i.e. temporary domestic structures) in the vicinity of the Site (**Plan A-2**). To address DEP's concern, approval conditions restricting the operation hours and prohibiting operation on Sundays and public holidays are recommended. Moreover, the applicant would 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 Part of the Site is the subject of four previous applications for various open storage and workshop uses. They were approved mainly on the grounds of being in line with the planning intention of "OS" zone; the developments would not frustrate the implementation programme of planned road and the future planning for the area; the proposed developments were considered not incompatible with the surrounding landscape character; the developments were unlikely to cause significant adverse traffic, drainage and landscape impacts on the surrounding area and previous applications for similar use had been approved by the Committee; the developments were unlikely to be accommodated in conventional flatted factories; and the traffic concerns could be addressed by imposing appropriate approval conditions. The last approved application No. A/NE-TKL/517 submitted by the same applicant for similar warehouse use was revoked in December 2017 due to the non-compliance with the approval condition in relation to the provision of FSI. Nevertheless, the relevant condition on the provision of FSI has been implemented at the Site as claimed by the applicant. In this regard, D of FS has 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.
- 11.5 There are six similar applications involving two different sites which were approved with conditions by the Committee between 2011 and 2016 mainly on the considerations that the applications were generally in line with the planning intention of "OS" zone; the proposed developments were compatible with the surrounding areas; approval of the applications on a temporary basis would not frustrate the implementation programme of the proposed Road 5; and the developments were unlikely to cause adverse impacts on the surrounding area. The planning circumstance of the current application is similar to the previous and similar applications.
- 11.6 Regarding the adverse local objection mainly on the grounds that the area shown as 'Road' with the Site should be reserved for road improvement works, the departmental comments and planning assessments above are relevant.

## **12. Planning Department's Views**

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, 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 2.11.2021. The following conditions of approval with shorter compliance periods and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation between 5:30 p.m. and 8:30 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) the peripheral fencing shall be maintained on Site at all times during the planning approval period;
- (d) the existing trees and landscape planting on Site shall be maintained at all times during the planning approval period;
- (e) 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 2.2.2019;
- (f) in relation to (e) above, the provision of drainage facilities 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 2.5.2019;
- (g) the submission of proposals for fire service installations and water supplies for firefighting 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 2.2.2019;
- (h) in relation to (g) above, the implementation 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 2.5.2019;
- (i) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (j) if any of the above planning conditions (e), (f), (g) or (h) 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 reason for rejection is suggested for Member's reference:

the applicant fails to demonstrate that the proposed development would not cause adverse environmental impact on the surrounding areas.

### **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 6.11.2017  |
| <b>Appendix Ia</b>        | Planning Statement   |
| <b>Appendix Ib</b>        | Letter dated 7.12.2017 requesting for deferment of consideration of the application  |
| <b>Appendix Ic</b>        | Further information received on 13.2.2018  |
| <b>Appendix Id</b>        | Email dated 15.3.2018 requesting for deferment of consideration of the application   |
| <b>Appendix Ie</b>        | Further Information received on 21.5.2018  |
| <b>Appendix If</b>        | Letter dated 16.7.2018 requesting for deferment of consideration of the application  |
| <b>Appendix Ig</b>        | Further Information received on 13.9.2018  |
| <b>Appendix Ih</b>        | Further Information received on 20.9.2018  |
| <b>Appendix Ii</b>        | Further Information received on 23.10.2018   |
| <b>Appendix II</b>        | Previous s.16 Applications   |
| <b>Appendix III</b>       | Similar s.16 Applications for Temporary Warehouse within/partly within area shown as 'Road' in the vicinity of the Application Site in the Ping Che and Ta Kwu Ling Area |
| <b>Appendix IV</b>        | Public Comments  |
| <b>Appendix V</b>         | Recommended Advisory Clauses   |
| <b>Drawing A-1</b>        | Site Layout Plan   |
| <b>Plan A-1</b>           | Location Plan  |
| <b>Plan A-2</b>           | Site Plan  |
| <b>Plan A-3</b>           | Aerial Photo   |
| <b>Plans A-4a to A-4c</b> | Site Photos  |