

RNTPC Paper No. A/YL-PS/615  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 6.11.2020

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

**APPLICATION NO. A/YL-PS/615**

- Applicant** : Mr. TANG Chi Kong represented by Lawson David and Sung Surveyors Limited
- Site** : Lots 280 (Part), 282 (Part), 284, 285, 286, 287 (Part), 320 (Part), 321 and 323 RP (Part) in D.D. 126, Fung Ka Wai, Yuen Long, New Territories
- Site Area** : 9,545 m<sup>2</sup> (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/18
- Zonings** : “Recreation” (“REC”) (about 91%)  
“Village Type Development” (“V”) (about 9%)  
[Restricted to a maximum building height of 3 storeys (8.23 m)]
- Application** : Proposed Temporary Open Storage of Unlicensed New Vehicles (Private Cars and Container Tractors Only) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary open storage of unlicensed new vehicles (private cars and container tractors only) for a period of 3 years. The Site falls within an area zoned “Recreation” (“REC”) and “Village Type Development” (“V”) on the Approved Ping Shan Outline Zoning Plan (the OZP) No. S/YL-PS/18 (**Plan A-1a**). According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for in terms of the OZP. The Site is currently vacant and fenced-off, partly hard-paved/covered by gravel, partly covered by weeds and partly occupied by temporary structures (**Plans A-2 and A-4**).
- 1.2 The Site involves 10 previous applications (Applications No. A/DPA/YL-PS/3, 30, A/YL-PS/14, 40, 49, 247, 295, 369, 470 and 544) for open storage of new vehicles, temporary holiday camp, golf driving range and temporary war game centre uses (**Plan A-1b**). The last application (No. A/YL-PS/544) covering the same site for temporary war game centre submitted by a different applicant was approved by the

Rural and New Town Planning Committee (the Committee) of the Board on 22.9.2017 for a period of 3 years. The planning permission lapsed on 22.9.2020. Details of the previous applications are summarised in paragraph 6 below and at **Appendix III**.

- 1.3 As shown on the proposed layout plan at **Drawing A-2**, northwestern portion of the Site is proposed for open storage of new container tractors while central and southeastern portions of the Site are proposed for open storage of new private vehicles. Besides, the applicant proposes four temporary structures with a total floor area of about 403 m<sup>2</sup> and maximum building height of 5.2m for site office and open-sided shelters for storage of private car uses. The applicant indicates that there will be 3 private vehicle parking spaces and 6 loading/unloading spaces for medium goods vehicles. The Site is accessible via a local track to Tin Wah Road/Tin Tsz Road (**Plans A-2 and A-3**). The new container tractors will be transported by container tractor with T-plates and be stored at the Site. The new private vehicles will be delivered by medium goods vehicles. The number of trips for delivering vehicles will not be more than 10 trips per week. There are 82 peripheral trees along the site boundary. The applicant will maintain all the existing trees within the Site. According to the applicant, the operation hours are from 9 am to 6 pm from Mondays to Saturdays and there will be no operation on Sundays and public holidays. The vehicular access plan, proposed layout plan and landscape plan are shown at **Drawings A-1, A-2 and A-3** respectively.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application form with attachments received on 10.9.2020 (**Appendix I**)
  - (b) Supplementary Planning Statement (**Appendix Ia**)
  - (c) Further Information (FI) received on 27.10.2020 (**Appendix Ib**)  
responding to Transport Department's comment  
*[Exempted from publication requirements]*

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

The justifications put forth by the applicant in support of the application are detailed in the supplementary planning statement (**Appendix Ia**). They can be summarized as follows:

- (a) The proposed development provides a temporary solution to meet the pressing market demand for open storage facilities in northwest New Territories.
- (b) The proposed development is a temporary use and would not jeopardize the long term planning intentions of "REC" and "V" zones.
- (c) The application is considered in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F).
- (d) The temporary use of the proposed development is considered viable to maximize the interim land uses.
- (e) The proposed development is not incompatible with the surrounding land uses.
- (f) There is previous approval for similar open storage use at the Site.

- (g) There are no adverse drainage, traffic and environmental impacts to the surrounding areas.
- (h) There will be no repairing, car washing, paint spraying and other workshop activities on the Site during the planning approval period.

### **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 posting notice at the Site and sending registered post to the Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Background**

The Site is not subject to any planning enforcement action.

### **5. Town Planning Board Guidelines**

- 5.1 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. 13F) are relevant to the application. The Site falls within Category 2 (about 4,864m<sup>2</sup> or 51%), Category 3 (about 3,822m<sup>2</sup> or 40%) and Category 4 (about 864m<sup>2</sup> or 9%) areas under the revised Guidelines. Relevant extract of the Guidelines is at **Appendix II**.
- 5.2 The Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C) are relevant to the application as part of the Site (about 3,822m<sup>2</sup> or 40%) falls within the Wetland Buffer Area (WBA). The relevant assessment criteria are summarised as follows:
  - (a) the intention of the WBA is to protect the ecological integrity of the fish ponds and wetland within the Wetland Conservation Area (WCA) and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds;
  - (b) an ecological impact assessment (EcoIA) would need to be submitted for application for planning permission within the WBA. However, some local and minor uses and temporary uses are exempted from the requirement of EcoIA; and
  - (c) applications for new open storage or container back-up uses including workshops within the WBA, whether temporary or permanent, would normally not be allowed in view of the adverse disturbances of such activities on birds, in particular for such uses involving filling of contiguous ponds. However, open storage or container back-up uses located close to the Lok Ma Chau crossing and without involving pond filling might be sympathetically considered by the Board in view of the genuine need to facilitate cross-boundary movements of goods in the area.

## 6. Previous Applications

- 6.1 The Site is involved in 10 previous applications for various open storage uses from 1994 to 2017. Except two applications (No. A/DPA/YL-PS/3 and A/YL-PS/247) were rejected by the Committee/Board on review in 1994 and 2006 respectively, the other 8 applications (Applications No. A/DPA/YL-PS/30, A/YL-PS/14, 40, 49, 295, 369, 470 and 544) were approved by the Committee from 1994 to 2017. Details of these previous applications are shown in **Appendix III** and their locations are shown on **Plan A-1b**.
- 6.2 Applications No. A/DPA/YL-PS/3 and 30 fell within the “Unspecified Uses” area (“U”) on the then Ping Shan Development Permission Area (DPA) Plan No. DPA/YL-PS/1 and covered the western part of the Site in a much larger site (about 11ha) for open storage of new vehicles. Application No. A/DPA/YL-PS/3 was rejected by the Board on review in May 1994 mainly on grounds, inter alia, of failure to address the drainage, visual, noise and traffic impacts while Application No. A/DPA/YL-PS/30 was later approved with conditions by the Committee in October 1994 for a period of 3 years on the considerations, inter alia, that there was no immediate alternative site available for open storage of new vehicles and ameliorative measures would be carried out to minimise adverse environmental impacts.
- 6.3 Applications No. A/YL-PS/14 and 40, which were zoned “REC” covering more or less the same site as A/DPA/YL-PS/30 for temporary open storage of new vehicles for a period of 12 months, had subsequently been approved with conditions by the Committee between 1997 and 1998 on the considerations that approvals for similar or same uses were given and approval conditions of the previous applications were complied with, the temporary use would not frustrate permanent development of the application sites, the development would unlikely have significant adverse traffic and environmental impacts and relevant departments had no objection to the application.
- 6.4 Application No. A/YL-PS/49, which was zoned “REC” covering the Site in a larger site (about 2.7 ha) for proposed golf driving range, was approved by the Committee with conditions for a period of 3 years in 1999 mainly on considerations that the proposed development was in line with the planning intention, the proposed development was not incompatible with the surrounding land uses, and no significant adverse traffic, drainage and environmental impacts were anticipated.
- 6.5 Application No. A/YL-PS/247, which was zoned “REC”, “Conservation Area” (“CA”) and “V” covering the eastern part of the Site in a larger site (about 3.1 ha) for proposed temporary holiday camp development with ancillary facilities, was rejected by the Committee in 2006 for the reasons that the proposed development was not in line with the planning intentions of the “CA” and “V” zones, no information was submitted to demonstrate no adverse drainage, sewerage, environmental, traffic and landscape impacts to the surroundings, and approval would set an undesirable precedent.
- 6.6 Applications No. A/YL-PS/295, 369, 470 and 544, which were zoned “REC” and “V” covering more or less the same site as the current application for temporary war game centre, were approved by the Committee with conditions for a period of 3 years each between 2009 and 2017 mainly on considerations that the applied use was generally in line with the planning intention of the “REC” zone and temporary

use would not frustrate the long-term planning intention of the “V” zone, the applied use did not involve pond filling and would not have long-term or negative off-site disturbance impact on the ecological values of the fish ponds within the WCA, the applied use was unlikely to create significant adverse traffic, drainage and landscape impacts on the surrounding areas, and that fencing the site could avoid adverse impacts on the surrounding natural vegetation. However, the planning permission for Application No. A/YL-PS/470 was revoked on 16.6.2017 due to non-compliance with approval conditions on provision of boundary fencing, and implementation of revised landscape and tree preservation proposal.

- 6.7 As compared with the last approved application (No. A/YL-PS/544), the current application was submitted by a different applicant for different use on the same site.

## 7. Similar Applications

- 7.1 Within the same “REC” and “V” zones, there are six similar applications (Applications No. A/YL-PS/365, 405, 436, 511, 537 and 579) for open storage of new vehicles uses for a period of 3 years since 17.10.2008. Details of these applications are summarized at **Appendix IV** and the locations of these application sites are shown on **Plan A-1a**.
- 7.2 Five similar applications (No. A/YL-PS/405, 436, 511, 537 and 579), which covered two sites and mainly fell outside the WBA within the “REC” zone for temporary open storage of new vehicles (cars, taxis, light goods vehicles or light buses) for a period of 3 years each, were approved by the Committee between 2014 and 2019 on the considerations that long-term planning intention of the “REC” zone would not be frustrated, the development was not incompatible with the surrounding uses, concerned departments had no adverse comment, approval conditions could be imposed to address departmental concern, approvals for similar uses were given and approval conditions of the previous applications were complied with.
- 7.3 One similar application (No. A/YL-PS/365), which was located within the “V” zone and fell outside the WBA for temporary open storage of new vehicles (private cars and medium goods vehicles (under 12 tonnes)), was rejected by the Committee in 2012 on the considerations of not in line with the planning intention of the “V” zone; not complying with the then TPB PG-Guideline 13E; failure to demonstrate no adverse environmental, landscape and drainage impacts; and setting an undesirable precedent.

## 8. The Site and Its Surrounding Areas (Plan A-2 to Plans A-4b)

- 8.1 The Site is:
- (a) currently vacant and fenced-off, partly hard-paved/covered by gravel, partly covered by weeds and partly occupied by temporary structures; and
  - (b) accessible via a local track from Tin Wah Road/Tin Tsz road (**Plans A-2 and A-3**).
- 8.2 The surrounding areas have the following characteristics:

- (a) to its north and east are the hilly area of Kai Shan zoned “CA”, unused land and an archery field;
- (b) to its west and southwest are an open storage yard for vehicles with valid planning permission, some cultivated agricultural land, an open storage yard and parking of vehicles which are suspected unauthorized development (UD); to the further west are some fish ponds; and
- (c) to its south are the residential settlements of Fung Ka Wai (about 53m away).

## **9. Planning Intentions**

- 9.1 The “REC” zone is intended primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.
- 9.2 The planning intention of “V” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

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

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

### **Land Administration**

- 10.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):
- (a) The Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
  - (b) The private land of Lots 320, 321, 323 RP all in D.D.126 is currently covered by Short Term Waivers (STW) Nos. 3645, 3646 and 3647 respectively all to permit structures for the purpose of “Temporary War Game Centre”.
  - (c) The private land of Lots 285 and 286 both in D.D.126 is currently covered by STW No. 3648 to permit structures for the purpose of “Temporary War Game Centre”.

- (d) Should planning approval be given to the application, the STW holders will need to apply to his office for modification of the STW conditions where appropriate. The lot owner(s) of the lot(s) without STW will need to apply to his office for permitting the structures to be erected or to regularize any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Application(s) of any of the above will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is/are approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD.

### **Traffic**

#### 10.1.2 Comments of the Commissioner for Transport (C for T):

- (a) The Site is connected to Tin Wah Road/Tin Tsz Road via a section of a local access which is not managed by Transport Department (TD). The land status of the local access road should be clarified with LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access road should be clarified with relevant lands and maintenance authorities accordingly.
- (b) As there is no information about the vehicular access at the private lot(s) to the Site, he presumes that the applicant should arrange by himself if necessary, and should seek the relevant land owner(s) on the right of using the vehicular access.
- (c) The applicant should demonstrate sufficient space within the Site for manoeuvring of the types of vehicles.
- (d) Should the application be approved, sufficient manoeuvring spaces shall be provided within the Site. No vehicle is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period.

#### 10.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) The access arrangement should be commented by TD.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public footpaths/drains.
- (c) HyD shall not be responsible for the maintenance of any access connecting the Site and Tin Wah Road/Tin Tsz Road.

### **Environment**

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

- (a) DEP does not support the application as the application involves the use of medium goods vehicle/container tractor and there are sensitive receivers of residential use in the vicinity (with the nearest one situated about 53m to its south) (**Plan A-2**), thus environmental nuisance is expected.
- (b) The applicant is advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP to minimize potential environmental nuisance to the surrounding area.
- (c) There is no substantiated complaint pertaining to the Site received in the past 3 years.

### **Nature Conservation**

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

As the Site is largely paved, he has no strong view on the application from nature conservation point of view.

### **Drainage**

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

- (a) According to the submission by the applicant, the existing drainage facilities which was implemented by the previous application No. A/YL-PS/544 would be maintained. He has no in-principle objection to the application from drainage point of view. Should the Board approve the application, he would suggest that conditions should be stipulated in the approval letter requiring the applicant to maintain the existing drainage facilities and submit condition record of the existing drainage facilities to his satisfaction.
- (b) The applicant is reminded that the required condition record should include coloured photos showing the current condition of the drainage facilities and a layout plan indicating the locations of the photos taken. The submitted photos should cover all internal surface channels, catch puts, sand traps, manholes, terminal catch pits/manholes and the downstream discharge path as indicated on the submitted drainage proposal.

### **Fire Safety**

#### 10.1.7 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the proposal subject to fire services installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to



his department for approval.

- (c) The applicant is advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. The “Good Practice Guidelines for Open Storage Sites” issued by his department at **Appendix V** should be adhered to.
- (d) Having considered the nature of the open storage, he would suggest that the condition should be stipulated in the approval letter requiring the applicant to provide fire extinguisher(s) within 6 weeks from the date of approval to the satisfaction of the D of FS and to submit the valid fire certificate (FS 251) to the satisfaction of his department.
- (e) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

### **Landscape**

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

- (a) The Site, located to the north of Fung Ka Wai, falls within an area zoned primarily “REC” with a minor portion zoned “V” on the OZP. The Site is the subject of 8 previously approved planning applications and he had no objection to the last approved application no. A/YL-PS/544 for the proposed temporary war game centre from landscape planning perspective. The current applicant seeks planning permission for the proposed temporary open storage of unlicensed new vehicles (private cars and container tractors only) for a period of 3 years.
- (b) According to the aerial photo of 2019, the Site is situated in an area of miscellaneous rural fringe landscape character predominated by woodlands and fish ponds with some open storage yards and temporary structures observed in the vicinity. With reference to the site photos taken on 18.9.2020 and the site inspection undertaken in October 2019, the Site is primarily gravel/ hard paved while the northern portion is occupied partly by temporary structures and covered by weeds. Around 85 nos. of existing trees of common species, including *Ficus microcarpa* and *Macaranga tanarius* in good to fair condition, are observed within the Site mainly along the site boundary. According to the landscape and tree preservation proposal in the planning statement, all the existing trees are proposed to be preserved on site.
- (c) The proposed open storage use is considered not entirely incompatible to the landscape setting of the surrounding area. However, noting that the northern portion of the Site falls within the WBA, the proposed use is not in line with the designation of WBA to protect ecological integrity of WCA. There is concern that approval of the application

would encourage other similar developments encroaching into the WBA, and the cumulative impact of which would result in a further degradation of the landscape quality of the surrounding environment. In view of the above, he has reservation on the application from landscape planning perspective.

(d) Detailed departmental comments are at **Appendix VII**.

### **Building Matters**

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

- (a) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Building Authority (BA), they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application.
- (b) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with prevailing 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.
- (c) Before any building works (including containers / open sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, prior approval and consent of the Building Authority should be obtained, otherwise they are unauthorized building works (UBW) under the Buildings Ordinance (BO). An Authorized Person should be appointed as the coordinator for the proposed works in accordance with the BO.
- (d) 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)R) respectively.
- (e) 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)R at the building plan submission stage.
- (f) Detailed checking under BO will be carried out at building plan submission stage.

### **Others**

10.1.10 Comments of the Chief Engineer/Housing Projects 2, Civil Engineering and Development Department (CE/HP2, CEDD);

- (a) CEDD is currently conducting a consultancy study titled “Agreement No. CE 11/2018(CE) - Site Formation and Infrastructural Works for

Proposed Public Housing Development near Tin Shui Wai – Feasibility Study” for the Government. The consultancy study commenced in August 2018 and is anticipated to be completed in 2020. The Site is found encroaching onto the proposed housing development site under the study.

- (b) Since the proposed housing development is still at feasibility stage and it is noted that the application is for temporary use for a period of 3 years, he has no comment on the application.

10.1.11 Comments of the Director of Housing (D of Housing):

- (a) The Site encroaches upon the proposed public housing development, which is currently under CEDD's on-going Engineering Feasibility Study.
- (b) Provided that the application will not have any adverse implication on CEDD's implementation programme on the site formation and infrastructure works to facilitate the public housing development, HD will have no objection to the application.

**District Officer's Comments**

10.1.12 Comments of the District Officer (Yuen Long), Home Affairs Department (DO/YL, HAD):

His office has not received any comment from the locals on the application.

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

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Chief Engineer/Land Works, CEDD (CE/LW, CEDD);
- (c) Project Manager(West), CEDD (PM/W, CEDD);
- (d) Director of Electrical and Mechanical Services (DEMS);
- (e) Director of Leisure and Cultural Services (DLCS);
- (f) Antiquities and Monuments Office, Development Bureau (AMO, DevB); and
- (g) Commissioner of Police (C of P).

**11. Public Comment Received During Statutory Publication Period**

On 18.9.2020, the application was published for public inspection. During the first 3 weeks of the statutory public inspection period, two public comments from two individuals objecting to the application were received (**Appendices VI-1 and VI-2**). The objecting reasons include the proposed use would induce adverse environmental and traffic impacts to the surroundings.

**12. Planning Considerations and Assessments**

12.1 The application is for proposed temporary open storage of unlicensed new vehicles (private cars and container tractors only) for a period of 3 years at the Site mainly zoned “REC” (about 91%) with a portion straddling on the adjacent “V” zone (about 9%) on the OZP. The “REC” zone is intended primarily for recreational developments for the use of the general public. The “V” zone is intended to reflect

existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within “V” zone is primarily intended for development of Small Houses by indigenous villagers. The proposed development is not in line with the planning intentions of the “REC” and “V” zones. The applicant did not provide any justifications on the suitability of the Site for the proposed development. There is no strong planning justification in the submission for a departure from such planning intentions, even on a temporary basis.

- 12.2 The Site is situated in an area of miscellaneous rural fringe landscape character predominated by woodlands and fish ponds with some open storage yards and temporary structures (**Plan A-3**). Besides, village cluster of Fung Ka Wai is located 53m to the south of the Site. Although the proposed use is not entirely incompatible with the surrounding landscape character, part of the Site falls within the WBA (about 40%) and there is concern that approval of the application would encourage other similar developments encroaching into the WBA, and the cumulative impact of which would result in a further degradation of the landscape quality of the surrounding environment. In this regard, CTP/UD&L, PlanD has reservation on the application from the landscape planning perspective.
- 12.3 Part of the Site falls within the WBA (about 40%). According to TPB PG-No. 12C, the intention of the WBA is to protect the ecological integrity of the fish ponds and wetland within the WCA and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds. Besides, applications for new open storage or container back-up uses including workshops within the WBA, whether temporary or permanent, would normally not be allowed in view of the adverse disturbances of such activities on birds. In view of the above, the proposed development is not in line with TPB PG-No. 12C.
- 12.4 The Site falls within Category 2 (about 51%), Category 3 (about 40%) and Category 4 (about 9%) areas under the TPB PG-No. 13F. Only part of the Site (about 4,141m<sup>2</sup> or 44%) was covered by previously approved planning applications (A/DPA/YL-PS/30, A/YL-PS/14 and 40) for open storage use. Applications for open storage use in Category 3 areas would normally not be favourably considered unless applications are on sites with previous planning approvals and there are no adverse departmental comments. Applications for open storage use in Category 4 areas would normally be rejected except under exceptional circumstances. Besides, DEP does not support the application as the application involves the use of medium goods vehicles/container tractors and there are sensitive receivers of residential use in the vicinity, environmental nuisance is anticipated. Therefore, the proposed development is not in line with the TPB PG-No. 13F in that no previous approval for open storage use has been granted for most part of the Site and there is adverse departmental comment on environmental aspect.
- 12.5 The Committee has previously approved three applications (No. A/DPA/YL-PS/30, A/YL-PS/14 and 40), which only covered part of the Site (about 4,141m<sup>2</sup> or 44%) for temporary open storage of vehicles between 1994 and 1998. These applications were approved on the considerations, inter alia, that there was no immediate alternative site available for open storage of new vehicles, ameliorative measures would be carried out to minimize the environmental impact, approvals for similar or same uses were given and approval conditions of the previous applications were complied with and the temporary use would not jeopardise the long term planning intention of the area. These applications were approved under the then planning

circumstances (i.e. before the promulgation of the then TPB PG-No. 12B (revised in April 1999) and the then TPB PG-No. 13C (revised in April 2003)). The Committee rejected one application (Application No. A/YL-PS/365) for open storage of private cars and medium goods vehicles within the same “V” zone on the grounds of not in line with the planning intention of the “V” zone; not complying with the then TPB PG-No. 13E; failure to demonstrate no adverse environmental, landscape and drainage impacts; and setting an undesirable precedent. Rejection of the application is in line with the previous decision of the Committee.

- 12.6 There are two public comments received on the application (**Appendices VI-1 and VI-2**) objecting to the application on the grounds as summarized in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.4 above are relevant.

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

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11, the Planning Department does not support the application for proposed temporary open storage of unlicensed new vehicles (private cars and container tractors only) for a period of 3 years for the following reasons:

- (a) the proposed development is not in line with the planning intention of the “REC” zone, which is intended primarily for recreational developments for the use of the general public. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the proposed development is not in line with the Town Planning Board Guidelines for Application for Developments within Deep Bay Area (TPB PG-No. 12C) in that the applicant fails to demonstrate that the proposed development would not have adverse environmental and landscape impact on the surrounding areas. The approval of the application would result in a general degradation of the environment in Deep Bay area; and
- (c) the proposed development is not in line with the Town Planning Board Guidelines for Application for Temporary Open Storage and Port Back-up Uses (TPB PG-No. 13F) in that no previous approval had been granted for most part of the Site and there are adverse departmental comments on the landscape and environmental impacts and local objections.

- 13.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years until 6.11.2023. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

#### Approval Conditions

- (a) no operation from 6 p.m. to 9 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 repairing, car washing, paint spraying and other workshop activities, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (e) the peripheral fencing at the Site shall be maintained, as proposed by the applicant, during the planning approval period;
- (f) the existing trees within the Site shall be maintained in good condition at all times during the planning approval period;
- (g) the maintenance of existing drainage facilities on the Site at all times during the planning approval period;
- (h) the submission of record of the existing drainage facilities on the Site 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 **6.2.2021**;
- (i) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS 251) within **6 weeks** from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by **18.12.2020**;
- (j) the submission of a fire service installations proposal within **6 months** from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by **6.5.2021**;
- (k) in relation to (j) above, the implementation of the fire service installations proposal within **9 months** from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by **6.8.2021**;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (m) if any of the above planning conditions (h), (i), (j) or (k) is not complied with by the above 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 attached at **Appendix VII**.

#### **14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14.3 Alternatively, 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.

**15. Attachments**

<b>Appendix I</b>	Application form received on 10.9.2020
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix Ib</b>	FI received on 27.10.2020 responding to Transport Department's comment
<b>Appendix II</b>	Extract of 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.13F)
<b>Appendix III</b>	Previous s.16 Applications covering the Site
<b>Appendix IV</b>	Similar s.16 Applications within the same "REC" and "V" zones
<b>Appendix V</b>	Good Practice Guidelines for Open Storage Sites issued by the Fire Services Department
<b>Appendices VI-1 and VI-2</b>	Public Comments
<b>Appendix VII</b>	Advisory Clauses
<b>Drawing A-1</b>	Site Access Plan
<b>Drawing A-2</b>	Proposed Layout Plan
<b>Drawing A-3</b>	Proposed Landscape Plan
<b>Plan A-1a</b>	Location Plan
<b>Plan A-1b</b>	Previous Applications Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and 4b</b>	Site Photos

**PLANNING DEPARTMENT  
NOVEMBER 2020**