

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/132

- Applicant** : Mr. TANG Sheung Chai represented by Metro Planning and Development Company Limited
- Site** : Lots 280 (Part) and 281 (Part) in D.D. 125, San Wai, Ha Tsuen, Yuen Long
- Site Area** : 6,112 m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Shui Kiu and Ha Tsuen (HSK and HT) Outline Zoning Plan (OZP) No. S/HSK/2
- Zoning** : “Government, Institution or Community” (“G/IC”) (27.3%)
[Restricted to maximum building height (BH) of 8 storeys];

“Open Space” (“O”) (34.9%); and

and an area shown as ‘Road’ (37.8%)
- Application** : Proposed Temporary Open Storage of Recyclable Materials (including Metal and Plastic) for a Period of 3 Years and Filling of Pond

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary open storage of recyclable materials (including metal and plastic) for a period of 3 years and filling of pond (**Plan A-1**). The Site straddles over “G/IC” (27.3%) and “O” (34.9%) zones and an area shown as ‘Road’ (37.8%) on the approved HSK and HT OZP. According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years within the zones requires planning permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for under the Notes of the OZP. In any area shown as ‘Road’, all uses or developments require planning permission from the Board. The covering Notes further stipulate that all engineering operations incidental to the permitted uses and developments within the same zone are always permitted. There is no separate clause on filling of pond and no planning permission for such filling works is required under both “G/IC” and “O” zones.
- 1.2 The Site is related to part of a previous application (No. A/YL-HT/949) submitted by a different applicant for proposed filling of pond for permitted agricultural use which was rejected by the Rural and New Town Planning Committee (the

Committee) and upon review by the Board on 3.7.2015 and 3.10.2015 respectively. The Site is currently vacant and covered by grassland and partly a pond at the western portion (**Plans A-2 and A-3**).

- 1.3 The Site is accessible from Kai Pak Ling Road via a local track (**Plans A-2 and A-3 and Drawing A-1**). Ingress/egress point is located at the northern boundary of the Site, and part of the Site (about 1,590m²) is proposed to have pond filling works by soil of 1.2m in depth. 2 structures with a total floor area of 43m² (including a two-storey (6m high) structure for site office use (40m²) and a single-storey (3m high) structure for toilet use (3m²)) are proposed (**Drawings A-2 and A-3**). No parking spaces are proposed. According to the applicant, the delivery of recyclable materials will be carried out by medium goods vehicles and a loading/unloading bay for medium goods vehicles is proposed in the northern portion of the Site. The operation hours are restricted to 9:00a.m. to 7:00p.m. from Mondays to Saturdays. No operation will be held on Sundays and public holidays. The proposed vehicular access plan, pond filling plan, layout plan, landscape plan and drainage plan are shown at **Drawings A-1 to A-5** respectively.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 16.1.2019 **(Appendix I)**
 - (b) Letter from the applicant on 18.1.2019 clarifying the proposed materials for filling of ponds **(Appendix Ia)**
 - (c) Letter from the applicant on 24.1.2019 clarifying the proposed use in the application **(Appendix Ib)**
 - (d) Supplementary planning statement with proposed vehicular access plan, pond filling plan, layout plan, landscape plan and drainage plan **(Appendix Ic)**

2. Justifications from the Applicant

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

- (a) The planning intentions of the “G/IC” & “O” zones and ‘Road’ area could not be realized within the coming 3 years because land resumption for the development of Hung Shui Kiu new town is yet to commence. The proposed temporary development would not jeopardize the long term planning intentions.
- (b) The proposed development largely falls within the Category 2¹ Areas under the TPB PG-No. 13E. Subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions, planning permission could be granted on a temporary basis. The proposed development has fulfilled the guidelines to a large extent.

¹ According to Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E), the Site falls within the Category 4 Areas instead of Category 2 Areas as claimed by the applicant.

- (c) The Board has approved similar development adjoining to the Site, namely application No. A/HSK/89 for pond filling and temporary open storage of construction materials and recycled materials collection centre for 3 years.
- (d) There is a shortage of land for open storage and port back-up uses in Ha Tsuen area. In the interim, the proposed development would resolve the pressing demand and create employment opportunity to the nearby residents.
- (e) The adjoining land are almost wholly occupied by open storage, logistics centre and container depot, which make the proposed development compatible with the surrounding area.
- (f) The proposed development would not generate significant impact to the surrounding area and the applicant has also recommended a number of environmental mitigation measures including restrictions on operation hours and no workshop activities on Site to minimize potential environmental impact.

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 notice on 3 local newspapers and on Site. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

On 17.10.2008, the Board promulgated the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The Site entirely falls within Category 4 areas under the Guidelines. Relevant extracts of the Guidelines are attached at **Appendix II**.

5. Background

The Site is not subject to any planning enforcement action.

6. Previous Application

- 6.1 The Site is related to one previous application No. A/YL-HT/949 for proposed filling of pond (by 1m) for permitted agricultural use rejected by the Committee on 3.7.2015 and upon review by the Board on 30.10.2015 on the grounds of failure to demonstrate that the proposed development not having adverse ecological and landscape impacts on the surrounding area and setting of undesirable precedent. Details of this application are summarized at **Appendix III** and its location is shown on **Plan A-1**.
- 6.2 Compared with the last Planning Application No. A/YL-HT/949, the current application is submitted by a different applicant within a portion of the previous application site for different use.

7. Similar Applications

- 7.1 There are 6 similar applications (Nos. A/YL-HT/617, 672, 861 and 1066, and A/HSK/71 and A/HSK/89) for various temporary open storage uses within the same “G/IC” and “O” zones since the promulgation of the TPB PG-No. 13E on 17.10.2008. All these similar applications were approved with conditions by the Committee between 2009 and 2018. Among these applications, one of them (No. A/YL-HT/1066) was revoked due to non-compliance with the approval conditions.
- 7.2 On 26.5.2017, the draft HSK and HT OZP was gazetted to replace the previous approved Ha Tsuen OZP. Application No. A/HSK/71 for temporary open storage of recyclable materials was approved with conditions by the Committee on 15.6.2017 in view of the application site falling within Category 2 Areas under the TPB PG-No. 13E and that there was previously approved application at the site. Application No. A/HSK/89 for proposed pond filling² and temporary open storage of construction materials and recycled materials collection centre (to the immediate west of the Site) was approved with conditions by the Committee on 17.8.2018 in view of the site falling within Category 4 Areas under the TPB PG-No. 13E but there was change in circumstances as the site had been rezoned from “Green Belt” on the previous Ha Tsuen OZP to “G/IC” and ‘Road’ area on the current OZP and no adverse comments received from concerned Government departments. Details of these applications are summarized at **Appendix IV** and their locations are shown on **Plan A-1**.

8. The Site and Its Surrounding Areas (Plan A-1 to Plan A-4b)

- 8.1 The Site is:
- (a) accessible from Kai Pak Ling Road via a local track; and
 - (b) currently vacant and covered by grassland and partly a pond at its western portion.
- 8.2 The surrounding areas have the following characteristics:
- (a) to the north is an open storage of containers while to the northeast is an open storage of vehicles;
 - (b) to the east and southeast is a piece of grassland;
 - (c) to the south is a mixed use of open storage/storage yards (with one of the open storage of recyclable materials operated under a valid planning permission No. A/HSK/71, a piece of fallow agricultural land, warehouses, workshops and some residential structures (with the nearest residential structure located 35m to its south) (**Plan A-2**); and
 - (d) to its west is an open storage of recyclable materials and vehicle park operated under a valid planning permission No. A/HSK/89.

² Planning permission for pond filling under the “G/IC” zone was not required to effect the proposed temporary development.

9. Planning Intention

- 9.1 The Site straddles over “G/IC” (27.3%) and “O” (34.9%) zones and an area shown as ‘Road’ (37.8%) on the approved HSK and HT OZP. The planning intention of the “G/IC” zone is primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organisations providing social services to meet community needs, and other institutional establishments.
- 9.2 The planning intention of the “O” zone is intended primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.
- 9.3 The “G/IC” portion of the Site falls within an area designated for “Government reserve” to cater for unforeseen government uses when need arises in future on the adopted Hung Shui Kiu and Ha Tsuen Outline Development Plan (ODP) No. D/HSK/1.

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 Site is accessible from Kai Pak Ling Road through Government land (GL) and private lot(s). His office provides no maintenance works to the GL involved and does not guarantee any right-of-way over the GL to the Site.
 - (c) The Site does not fall within Shek Kong Airfield Height Restriction Area.
 - (d) Should the application be approved, the lot owner(s) without Short Term Waiver (STW) will need to apply to his office for permitting the structures to be erected or 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. No construction of New Territories Exempted Building(s) will be considered or allowed. Application(s) for any of the above will be considered by the 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 approved, it will be subject to such terms and conditions, including among others, the payment of premium or fee, as may be imposed by the LandsD.

Traffic

- 10.1.2 Comments of the Assistant Commissioner for Transport/NT, Transport Department (AC for T/NT, TD):
- (a) He has no adverse comment on the application from traffic engineering view point.
 - (b) Sufficient manoeuvring space shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads.
 - (c) The local track leading to the Site is not under TD's purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site.
- 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 to prevent surface water flowing from the Site to nearby public roads/drains.
 - (c) HyD shall not be responsible for the maintenance of any access connecting the Site and Fung Kong Tsuen Road or Deep Bay Road.

Environment

- 10.1.4 Comment of the Director of Environmental Protection (DEP):
- (a) He does not support the application as there are sensitive receivers of residential use in the vicinity (with the nearest one about 35m to its south) (**Plan A-2**), and environmental nuisance is expected.
 - (b) There was no substantiated environmental complaint concerning the Site received in the past 3 years.
 - (c) Should the planning application be approved, the applicant will be advised to follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites".

Drainage

- 10.1.5 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):
- (a) He has no objection in principle to the proposed development from a drainage point of view. His detailed comments on the submitted drainage proposal are shown in item (h) at **Appendix VII**.
 - (b) Should the application be approved, he would suggest that a condition be stipulated in the approval letter requiring the applicant to submit a revised drainage proposal, to implement and maintain the proposed drainage facilities to the satisfaction of his Division.

Landscape

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

- (a) The Site, located to the north west of San Wai, lies in an area partly zones “G/IC” and “O” and lies partly in an area indicated as ‘Road’. The application seeks planning permission for temporary open storage of recyclable materials use and filling of pond.
- (b) With reference to the aerial photo of 2018, the Site appears to be a dry pond with some existing trees and shrubs. The Site is situated in an area of rural landscape character disturbed by open storage yards. In view of precedent approved Application No. A/HSK/89 (for proposed pond filling and temporary open storage use) to the west of the Site (**Plan A-2**), significant change to the landscape character arising from the application is not envisaged. Hence his office has no objection to the application from the landscape planning perspective.
- (c) Should the application be approved, in consideration that the Site is not located at landscape sensitive areas and the proposed development is unlikely to cause any adverse landscape impacts, it is opined that the landscape condition is not necessary.
- (d) The Applicant is advised that approval of the application by the Board does not imply approval of the tree works such as pruning, transplanting and/or felling. Application for tree works should be submitted direct to DLO for approval.

Nature Conservation and Fisheries

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

- (a) No strong view on the application from nature conservation point of view.
- (b) He noted that the Site falls within “GIC” and “O” zones and an area shown as ‘Road’. His previous site inspection revealed that the Site mainly comprises an abandoned fishpond overgrown with emergent vegetation and surrounded by disturbed land uses. The pond is not considered to be of much ecological value taking into account its habitat condition, size, location and isolated nature.

Building Matters

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

- (a) No comment to the proposed filling of land if it is not associated with any building construction.

- (b) Adequate precautionary measures and suitable working procedures should be adopted in carrying out the above works to safeguard the stability of any building, structure, land, street or services. Any precautionary measures, which involve new building works, are subject to Regulation 19(3) of the Building (Planning) Regulation (B(P)R) in paragraph (f) below.
- (c) When any natural, formed or man-made land has due to any cause been rendered so dangerous or liable to become so dangerous that it will collapse, or be likely to collapse, and thereby will cause, or will be likely to cause, a risk of injury to any person or damage to any property, enforcement action may be taken by the Buildings Department (BD).
- (d) Before any new building works (including containers/open sheds as temporary buildings, site formation works such as excavations on sloping land, filling) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the Buildings Ordinance (BO).
- (e) 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 B(P)R respectively.
- (f) 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)R at the building plan submission stage.

Fire Safety

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

- (a) He has no objection to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the structures, 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 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 location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Good practice guidelines for open storage should be adhered to (**Appendix V**).
- (d) Having considered the nature of the open storage, the following approval condition shall be added:

“The provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of D of FS.”

- (e) The applicant is advised to submit a valid fire certificate (FS 251) to his department for approval.
- (f) 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.

Long Term Development

10.1.10 Comments of the Project Manager (New Territories West), Civil Engineering and Development Department (PM/NTW, CEDD):

- (a) He has no objection to the temporary use for 3 years, which should be considered in accordance with the provisions of the existing OZP and infrastructure capacities.
- (b) However, the Site falls within the boundary of Hung Shui Kiu New Development Area (HSK NDA). According to the Planning and Engineering Study (P&E Study) for the HSK NDA, to ensure timely and orderly implementation, the development of HSK NDA and relevant site formation and infrastructure works would be implemented in five stages, viz. Advance Works and Stage 1 to Stage 4. The lot(s) concerned falls within a site under Stages 3 Works stage. While the detailed implementation programme for the project is still being formulated, based on the P&E Study, it is envisaged that clearance of the Site in question will not be arranged before the first population intake of the HSK NDA expected in 2024.

10.1.11 Comments of the Director of Leisure and Cultural Services (DLCS):

- (a) He notes the application period is only for three years and has no in-principle objection to the application.
- (b) The Site is zoned “G/IC” and “O” zones and ‘Road’ area on the HSK & HT OZP. The portion zoned “O” is not on the priority list for development agreed by the Yuen Long District Council. He has no plan to develop the Site into public open space at present.

District Officer’s Comments

10.1.12 Comment 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) Commissioner of Police (C of P);
- (b) Chief Engineer/Sewerage Projects, Drainage Services Department (CE/SP, DSD); and
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

11. Public Comments Received During Statutory Publication Period

On 25.1.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 15.2.2019, one public comment from a private individual was received objecting to the application mainly on grounds that pond filling would involve extensive clearance of existing vegetation; recycling facilities should be confined to custom built facilities; and the cleaning up and redevelopment of brownfield sites should not be delayed (**Appendix VI**).

12. Planning Considerations and Assessments

- 12.1 The Site straddles over “G/IC” (27.3%) and “O” (34.9%) zones and an area shown as ‘Road’ (37.8%) on the approved HSK and HT OZP. The planning intention of the “G/IC” zone is intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory while that for “O” zone is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public. Whilst the proposed development is not in line with the planning intention of the “G/IC” and “O” zones and falls within an area shown as ‘Road’, the implementation programme for this part of NDA is still being formulated and PM/NTW of CEDD and DLCS have no objection to the proposed temporary use for 3 years on the Site. In this regard, approval of the application on a temporary basis of 3 years would not jeopardize the long-term development of the Site. However, should the application be approved, it is suggested to include an advisory clause stating that the Site may be resumed by the Government at any time during the planning approval period for implementation of government projects.
- 12.2 The applied use is not incompatible with the surrounding uses which are predominantly occupied by storage/storage yards, warehouses, workshops, fallow agricultural land and a few residential structures.
- 12.3 The Site falls within Category 4 areas under the TPB PG-No. 13E. The following considerations in the Guidelines are relevant:

Category 4 areas: applications would normally be rejected except under exceptional circumstances. For applications on sites with previous planning approvals, and subject to no adverse departmental comments and local objections, sympathetic consideration may be given if the applicants have demonstrated genuine efforts in compliance with approval conditions of the previous planning applications and included in the applications relevant technical assessments/proposals to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. The intention is however to encourage the phasing out of such non-conforming uses as early as possible. A maximum period of 2 years may be allowed upon renewal of planning permission for an applicant to identify suitable sites for relocation. No further renewal of approval will be given unless under very exceptional circumstances and each application for renewal of approval will be assessed on its individual merit.

- 12.4 The proposed development is generally not in line with the TPB PG-No. 13E in that the Site falls within Category 4 areas which is intended to be rejected except under exceptional circumstances as mentioned in paragraph 12.3 above. Whilst the Site falls within Category 4 areas, it should be noted that the planning circumstances of the area has been changed. The Site was rezoned from “Green Belt” and “Recreation” on the approved Ha Tsuen OZP to “G/IC” and “O” zones and an area shown as ‘Road’ in the current OZP and similar application No. A/HSK/89 for similar temporary open storage use and filling of pond adjacent to the Site within the same “G/IC” zone was approved (**Plan A-2**). Moreover, there is no separate clause on filling of pond and no planning permission for such filling works was required under both “G/IC” and “O” zones. Taking into account the specific circumstances pertaining to the case, sympathetic consideration may be given to the current application.
- 12.5 There is no adverse comment on the application from other concerned Government departments and significant adverse traffic, landscape and drainage impacts on the surrounding area are not envisaged. DAFC has no adverse comment on the application and advises that the abandoned fishpond on the Site is surrounded by disturbed land uses and is not considered to be of much ecological value taking into account its habitat condition, size, location and isolated nature.
- 12.6 Although DEP does not support the application as there are sensitive uses in the vicinity (with the nearest residential dwelling located about 35m to the south of the Site (**Plan A-2**)), and environmental nuisance is expected, there has been no substantial environmental complaint concerning the Site received in the past 3 years. To address the concerns on environmental aspect and the technical requirements of other concerned government departments, relevant approval conditions are recommended in paragraph 13.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and any unauthorized development on the Site will be subject to enforcement action by the Planning Authority. Should the planning application be approved, the applicant will also be advised to follow the relevant mitigation measures and requirements in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize any potential environmental impact on the nearby sensitive receivers.
- 12.7 A previous application related to the Site has been rejected on 30.10.2015 mainly due to DAFC’s objection from the fisheries viewpoints and the ponds on the site were likely to be ecologically important, whilst DAFC has no adverse comments on the current application. The Committee has approved 6 similar applications within the same “G/IC” and “O” zones since the promulgation of TPB PG-No. 13E on 17.10.2008 (**Plan A-1**). Approval of the current application is in line with the Committee’s previous decisions.
- 12.8 One public comment was received objecting to the application mainly on grounds as summarized in paragraph 11. The planning considerations and assessments in the above paragraphs are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comment mentioned in paragraph 11 above, the Planning Department considers that the proposed temporary open storage of recyclable materials and filling of pond could be tolerated for a period of 3 years.
- 13.2 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 **8.3.2022**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no part of the pond shall be filled to a depth exceeding 1.2m, as proposed by the applicant;
- (b) 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;
- (c) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (d) no workshop activity, as proposed by the applicant, will be allowed on the Site during the planning approval period;
- (e) no heavy goods vehicle exceeding 24 tonnes, including container trailer/tractor, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (g) the submission of a revised drainage proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **8.9.2019**;
- (h) in relations to (g) above, the implementation of the revised drainage proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **8.12.2019**;
- (i) in relations to (h) above, the implemented drainage facilities on Site shall be maintained at all times during the planning approval period;
- (j) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS 251) within **6 weeks** from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **19.4.2019**;
- (k) the submission of a fire service installations proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **8.9.2019**;

- (l) in relation to (k) above, the implementation of the fire service installations proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **8.12.2019**;
- (m) the provision of fencing within **6** months from the date of the planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **8.9.2019**;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (i) 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
- (o) if any of the above planning conditions (g), (h), (j), (k), (l) or (m) 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**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:
- (a) the applied use is not in line with the planning intentions of the "G/IC" and "O" zones, which is intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory, and provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public. There is no strong planning justification given in the submission for a departure from the planning intentions, even on a temporary basis; and
 - (b) the applicant fails to demonstrate that the applied development would not have adverse environmental impact on the surrounding areas.

14. Decision Sought

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

15. Attachments

Appendix I	Application Form received on 16.1.2019
Appendix Ia	Letter from the applicant on 18.1.2019 clarifying the proposed materials for filling of ponds
Appendix Ib	Letter from the applicant on 24.1.2019 clarifying the proposed use in the application
Appendix Ic	Supplementary planning statement with proposed vehicular access plan, pond filling plan, layout plan, landscape plan and drainage plan
Appendix II	Relevant extracts of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E)
Appendix III	Previous Application covering the application site
Appendix IV	Similar Applications within the subject “G/IC” and “O” zones on the approved Hung Shui Kiu and Ha Tsuen Outline Zoning Plan since the promulgation of TPB PG-No. 13E on 17.10.2008
Appendix V	Good Practice Guidelines for Open Storage issued by the Director of Fire Services
Appendix VI	Public Comment received during statutory publication period
Appendix VII	Advisory clauses
Drawing A-1	Proposed Vehicular Access Plan
Drawing A-2	Pond filling Plan
Drawing A-3	Layout Plan
Drawing A-4	Proposed Landscape Plan
Drawing A-5	Proposed Drainage Plan
Plan A-1	Location Plan with Previous and Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4b	Site Photos

**PLANNING DEPARTMENT
MARCH 2019**