

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/156

- Applicant** : Top First Logistics Ltd. Represented by Mr Kwok Chi Man
- Site** : Lots 36 (Part), 38 (Part), 39 (Part), 40 (Part), 53 (Part), 54, 55, 56 (Part), 57, 58 (Part), 59 (Part), 60 (Part), 61 (Part), 62, 63 (Part), 67 (Part), 68 (Part) and 69 (Part) in D.D. 128, Lots 2991 RP (Part), 3001 RP, 3003 RP, 3004 (Part), 3005, 3006, 3007, 3008 RP, 3009 RP, 3010 RP (Part), 3012 RP (Part), 3013, 3014, 3015, 3016, 3017, 3018, 3019 (Part), 3020, 3021, 3022, 3024 RP (Part), 3025 RP (Part), 3026 RP (Part), 3032 RP, 3033 RP (Part), 3034, 3035 RP (Part), 3036, 3037, 3038 RP (Part), 3039, 3040 RP (Part), 3046 RP (Part), 3048 RP (Part) and 3049 RP (Part) in D.D. 129, and Adjoining Government Land, Ha Tsuen, Yuen Long
- Site Area** : 19,900 m² (about) (including about 217m² of Government Land (GL))
- 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** : “Village Type Development(1)” (“V(1)”) (about 47%)
[Restricted to maximum building height of 3 storeys (8.23m)];
“Government, Institution or Community” (“G/IC”) (about 30%)
[Restricted to maximum BH of 8 storeys];
“Open Space” (“O”) (about 2.7%); and
An area shown as ‘Road’ (about 11.8%)
- Application** : Temporary Warehouse and Logistics Centre 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 and logistics centre for a period of 3 years (**Plan A-1a**). The Site straddles over an area partly zoned “V(1)” (47%) and “G/IC” (30%) and fall within an area shown as ‘Road’ (11.8%) with minor encroachment onto the “O” zone (2.7%) 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' on the OZP, all uses or developments require planning permission from the Board. The Site is currently being used for the applied use without a valid planning permission.

- 1.2 The Site is related to 24 previous applications (No. A/YL-HT/12, 40, 54, 61, 123, 140, 185, 196, 235, 273, 292, 383, 383-1, 432, 533, 593, 651, 699, 727, 865, 897, 1016, 1060 and 1061) for various open storage and port back-up uses. The last application No. A/YL-HT/1061 for temporary warehouse and logistics centre was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 23.12.2016. The planning permission was subsequently revoked on 23.5.2019 due to the non-compliance of the approval condition regarding the implementation of the approved fire service installations (FSIs) proposal.
- 1.3 The Site is accessible from Lau Fau Shan Road via a local track (**Drawing A-1 and Plans A-2 and A-3**). According to the layout plan at **Drawing A-3**, ingress/egress point is located at the eastern boundary of the Site. A total of 5 temporary structures with a total floor area of not exceeding 15,336m² are proposed. These include four single-storey warehouses (12m high and 15,156m²) for storage use, one two-storey structures (6m high) for temporary office (90m²) and water tank uses (27m²). 18 loading/unloading bays for container trailers/ tractors (12m x 5m each) and 3 parking spaces for private car (2.5m x 5m each) are proposed. The operation hours of the site are from 8:00 a.m. to 8:00 p.m. from Mondays to Saturdays and no operation will be held on Sundays and public holidays. The proposed tree preservation and landscape plan and proposed drainage plan are shown at **Drawings A-4 and A-5** respectively.
- 1.4 The major development parameters of the previously approved application and the current application are summarized as follows:

Major Development Parameters	Previously Approved Application No. A/YL-HT/1061 (approved on 23.12.2016) (a)	Current Application No. A/HSK/156 (b)	Difference (b) - (a)
Applied Use	Temporary warehouse and logistics centre for a period of 3 years	Temporary warehouse and logistics centre for a period of 3 years	No change
Site Area	18,430 m ²	19,900 m ²	+1,470m ² (+7.98%)
Total GFA	13,729 m ²	15,336 m ²	+1,607m ² (+11.7%)
No. and Height of Structure	4 - 3 for warehouse use (12m high, 1-storey) - 1 for temporary office and water tank uses (6m high, 2-storey)	5 - 4 for warehouse use (12m high, 1-storey) - 1 for temporary office and water tank uses (6m high, 2-storey)	+1

Parking Space	3	3	No change
Loading/ Unloading Space	18	18	No change
Operation Hours	<ul style="list-style-type: none"> ● 8am to 8pm, Mondays to Saturdays ● no operation on Sundays and public holidays 		No change

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

- (a) Application Form received on 14.5.2019 **(Appendix I)**
- (b) Supplementary Planning Statement with proposed vehicular access plan, layout plan, tree preservation and landscape plan and proposed drainage plan **(Appendix Ia)**
- (c) Further Information (FI) attaching FSIs proposal received by the applicant on 3.6.2019 *[accepted and exempted from publication and recounting requirements]* **(Appendix Ib)**
- (d) FI attaching FSIs proposal received by the applicant on 25.6.2019 *[accepted and exempted from publication and recounting requirements]* **(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 Ia**. They can be summarized as follows:

- (a) The Site is located in a Category 1 area under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) which is considered suitable for open storage and port back-up uses. It is the subject of 10 previously approved applications since 1998¹. The applied use can alleviate the existing demand for logistics facilities.
- (b) The development, on a temporary basis, does not contravene and will not jeopardize the long-term planning of the area. The development is compatible with its adjoining uses which are of similar nature.
- (c) The applicant would follow the environmental measures recommended in the relevant Code of Practice (August 2005) issued by the Environmental Protection Department and the proposed open storage will minimize the adverse environmental impact to the surrounding area
- (d) The locational advantages and strategic importance of the Ha Tsuen area in this regard remains the same, and the planning application would not have any adverse planning implication.

¹ The Site is a subject of 24 previous approved planning applications since 1998.

- (e) The Applicant has submitted landscaping, drainage, and environmental mitigation proposals to ensure that the development would not generate any adverse impacts to the surrounding areas. The Applicant would appoint experienced contractor to implement the proposals and maintain the site properly.
- (f) Adequate manoeuvring space is provided within the Site, and no queuing or waiting at public road is envisaged.
- (g) Landscaping has been provided under the previous approvals. Moreover, there are no adverse land use, traffic, environmental and drainage impacts on the surrounding areas. The existing facilities are well maintained by the operator.
- (h) The Applicant would adopt a cooperative and friendly attitude, to actively communicate with Government departments, comply with various regulations and make genuine efforts in complying with the approval conditions, especially the FSIs implementation which was not fulfilled during the approval period of planning permission A/YL-HT/1061, if planning permission were granted.

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

The Applicant is not a “current land owners” and 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 application site and publishing on 3 local newspapers. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

As the storage use on the Site is not covered by a valid planning permission, it would be subject to planning enforcement action

5. 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 falls within Category 1 areas under the Guidelines. Relevant extracts of the Guidelines are attached at **Appendix II**.

6. Previous Applications

6.1 The Site is related to 24 previous applications No. A/YL-HT/12, 40, 54, 61, 123, 140, 185, 196, 235, 273, 292, 383, 383-1, 432, 533, 593, 651, 699, 727, 865, 897, 1016, 1060 and 1061 for various open storage and port back-up uses. Applications No. A/YL-HT/12 and 40 were rejected by the Committee on 26.4.1996 and 6.2.1998 respectively. The remaining applications were approved with conditions by the Committee/Board between 1998 and 2016. However, 7 of the approved applications (No. A/YL-HT/185, 593, 727, 897, 1016, 1060 and 1061) were subsequently revoked due to non-compliance with approval condition(s). Details of these 24 applications are summarized at **Appendix III** and their locations

are shown on **Plan A-1b**.

- 6.2 The last application No. A/YL-HT/1061 for temporary warehouse and logistics centre for a period of 3 years was approved by the Committee on 23.12.2016. The planning permission was subsequently revoked on 29.5.2019 due to non-compliance with the approval condition regarding the implementation of FSIs proposal. Compared with the last approved application, the current application is submitted by the same applicant but with a slightly different layout on a larger site. An additional structure for warehouse use is incorporated into the current development scheme.

7. Similar Applications

There are 7 similar applications (No. A/YL-HT/934, 1017, 1058 and 1062, and A/HSK/7, 59 and 108) for logistics centre and/or storage of recyclable materials) across the same “V(1)”, “G/IC” and “O” zones since the promulgation of the TPB PG-No. 13E on 17.10.2008. However, three of these applications (No. A/YL-HT/934, 1058 and A/HSK/7) were subsequently revoked due to non-compliance with approval conditions. Details of these applications are summarized at **Appendix IV** and their locations are shown on **Plan A-1a**.

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

8.1 The Site is:

- (a) accessible from Lau Fau Shan Road via a local track; and
- (b) currently being used for the applied use without a valid planning permission.

8.2 The surrounding areas have the following characteristics:

- (a) To its north is an open storage of construction materials under a valid planning permission No. A/HSK/52. To its further north across the nullah is a logistics centre under a valid planning permission No. A/HSK/59;
- (b) to its east across the nullah are some temporary structures for logistics centres under valid planning permissions No. A/HSK/108 and A/YL-HT/1062 respectively;
- (c) to its southeast is a yard for parking of vehicles;
- (d) to its south across Fung Kong Tsuen Road is an yard for parking of vehicles;
- (e) to its immediate southwest are an open yard for vehicle park for medium/heavy goods vehicle with vehicle parts assembly workshop under a valid planning permission No. A/HSK/95, a temporary structure for residential and storage uses. To its further southeast are scrubland, and a residential development; and
- (f) to its west are clusters of burial grounds and scrubland and a yard for open storage of scrap metal and plastic under a valid planning permissions No. A/HSK/77; and

- (g) to its west are a yard for open storage of construction machinery and materials and a yard for open storage of scrap metal and plastic under a valid planning permission No. A/HSK/77.

9. Planning Intentions

- 9.1 The planning intention of the “V(1)” zone is to reserve land for reprovisioning of the affected village house under the Village Removal Terms due to the NDA development
- 9.2 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.

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 Scheduled Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government.
- (b) A portion of GL of about 140m² in area of the application site is covered by Short Term Tenancy (STT) No. 2850 for the purpose of “Temporary Open Storage of Container with Ancillary Workshop, Warehouse with Ancillary Freight Forwarding Facility, Open Storage of Recyclable Material, and Ancillary Tyre Repair Workshop and Canteen”.
- (c) No permission is given for occupation of GL of about 77m² in area (subject to verification) included in the Site. The act of occupation of GL without Government’s prior approval is not allowed.
- (d) The private land of the following lots are covered by Short Term Waiver (STW) as below:

<u>Lot No. (in D.D.128)</u>	<u>STW No.</u>	<u>Purposes</u>
36	4462	Temporary Open Storage of Construction Materials with Ancillary Workshop
38	4153	Temporary Open Storage

54 & 56	4144	of Container with Ancillary Workshop, Warehouse with Ancillary Freight Forwarding Facility, Open Storage of Recyclable Material, and Ancillary Tyre Repair Workshop and Canteen	
55	4159		
57	4161		
63	4905		
Lot No. (in D.D.129)	STW No.	Purposes	
2991 RP	4828	Temporary Logistics Centre with Ancillary Site Office and Parking of Vehicle	
3001RP & 3009RP	4141	Temporary Open Storage of Container with Ancillary Workshop, Warehouse with Ancillary Freight Forwarding Facility, Open Storage of Recyclable Material, and Ancillary Tyre Repair Workshop and Canteen	
3003RP, 3008RP, 3015 & 3021	4157		
3004 & 3006	4144		
3005	4155		
3007	4151		
3010RP	4147		
3013	4906		
3014	4161		
3020	4132		
3016 & 3039	4543		Temporary Logistics Centre
3017	4544		
3018 & 3034	4545		
3026RP, 3033RP & 3040RP	4546		
3032RP	4547		
3035 S.A & 3035 S.B	4907		

- (e) The site is accessible from Lau Fau Shan Road through GL and private lots. His office does not guarantee any right-of-way to the Site.
- (f) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (g) Should planning approval be given, the STW holders will need to apply to his office for modification of the STW conditions where appropriate. The owner(s) of lots without STW will need to apply to his office to permit the structures to be erected or regularize any irregularity on site. The applicant has to either exclude the remaining GL from the site or apply for a formal approval prior to the actual occupation of the GL. 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) of any of the above will be considered by the LandsD acting in the capacity as 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/fees, as may be imposed by LandsD.

Traffic

10.1.2 Comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD):

- (a) He has no adverse comment on the application from traffic engineering point of view.
- (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 access 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 Lau Fau Shan 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 76m to its west) (**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 shall 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) According to the applicant's submission, the existing drainage facilities which was implemented under an approved application No. A/YL-HT/1061 will be maintained for the subject development. He has no objection in principle to the application from a drainage point of view.
- (b) Should the application be approved, he would suggest imposing planning conditions requiring the applicant to maintain the existing drainage facilities and submit condition record of the existing drainage facilities to the satisfaction of his Division. The required condition record should include colour 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 pits, sand traps, manholes, terminal catch pits/manholes and the downstream discharge path as indicated on the submitted drainage proposal.

Landscape

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

With reference to his site records and aerial photo of 2018, the Site is subject to previous Planning Application No. A/YL-HT/1061 for temporary warehouse and logistics centre use. The majority of the site is occupied by a large temporary structure. Existing trees are found generally along the application site boundary. The applied use appears to be already in operation. In view that the Site lies in a Category 1 area, significant change to the landscape character arising from the continued use of the application is not envisaged.

Building Matters

10.1.7 Comments of the Chief Building Surveyor/NTW, Building Department (CBS/NTW, BD):

- (a) There is no record of approval by the Building Authority (BA) for the existing structures at the Site.
- (b) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Buildings Department (BD), they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the captioned application.
- (c) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO.
- (d) Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on

application site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the 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 Building (Planning) Regulations (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

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

- (a) He has no objection in principle to the proposal subject to 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.
- (d) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123) or relevant licensing requirements, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Long Term Development

10.1.9 Comments of the Project Manager (West), Civil Engineering and Development Department (PM/W, CEDD):

- (a) He has no objection to the application for temporary use for 3 years, which should be considered in accordance with the provisions of the existing OZP and infrastructure capacities.
- (b) 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 which is intended for the

construction of village re-site houses and road works under Stage 1 Works stage. The applicant should be reminded that the Site may be resumed at any time during the proposed approval period for implementation of government projects.

Others

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

- (a) Since the Site involves private lots only, he has no in-principle objection to the application.
- (b) The Site is zoned “V(1)”, “G/IC”, “O” and area shown as ‘Road’ 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

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

- (a) He has no comment on the application from departmental point of view.
- (b) His office has not received any comment from the locals and his office has no comment on the application.

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

- (a) Secretary for Education;
- (b) Commissioner of Police (C of P); and
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

11. Public Comments Received During Statutory Publication Period

On 21.5.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 11.6.2018, no public comment was received.

12. Planning Considerations and Assessment

12.1 The application is for proposed temporary warehouse and logistics centre for a period of 3 years at a site mainly zoned “V(1)” and “G/IC” and shown as ‘Road’ with minor encroachment onto the “O” zone on HSK and HT OZP. The planning intention of the “V(1)” zone is to reserve land for reprovisioning of the affected village house under the Village Removal Terms due to the NDA development, whereas the “G/IC” zone is intended for the provision of Government, institution or community facilities. Whilst the development is not in line with the planning intentions of the “V(1)”, “G/IC” and “O” zones, 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 at the Site. However, PM/NTW of CEDD advises that the Site falls within a site which is intended for the construction of village re-site houses and road works under Stage 1 Works stage. In this regard, 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 the implementation of Government projects.

12.2 The Site is located in an area predominantly occupied by open storage yards, logistics centres and warehouses. The applied use is not incompatible with the surrounding land uses.

12.3 The Site falls within Category 1 areas under the revised TPB PG-No. 13E. The following considerations in the Guidelines are relevant:

Category 1 areas: favourable consideration will normally be given to applications within these areas, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments should be submitted if the proposed uses may cause significant environmental and traffic concerns.

12.4 The proposed development is in line with the TPB PG-No. 13E in that the Site falls within Category 1 areas which are considered suitable for open storage and port back-up uses; relevant proposals have been submitted to demonstrate that the proposed use would not generate adverse impacts; and technical concerns of relevant Government departments could be addressed through the implementation of approval conditions.

12.5 The Site is the subject of a previous application with a smaller site area (1,470m² smaller) for the similar temporary warehouse and logistics centre use (Application No. A/YL-HT/1061) submitted by the same applicant. All the time specified approval conditions had been complied with except the one on implementation of the approved FSIs proposal. For the current application, the applicant has submitted a FSIs proposal and commits that he would implement the FSIs at the Site. In this regard, it is noted that D of FS has no adverse comment on the current application. As such, sympathetic consideration may be given to current application. Nevertheless, shorter compliance periods are recommended in order to closely monitor the progress of compliance with approval conditions. Should the application be approved, the applicant should also be advised that sympathetic consideration may not be given by the Committee to any further application should he failed to comply with the approval condition(s) resulting in the revocation of the planning permission.

12.6 The Committee has approved 22 previous applications within the site and 6 similar applications for various types of storage use and port back-up uses within the same "V(1)", "G/IC" and/or "O" zones since the promulgation of TPB PG-No. 13E on 17.10.2008. Thus, approval of the subject application is in line with the Committee's previous decisions. There were two previous applications rejected mainly for the reason that there was insufficient information in the submission to demonstrate that the development would not have adverse drainage impacts on the surrounding areas. However such consideration is not applicable to the current application.

12.7 There is no public comment received on the application during the statutory publication period.

13. Planning Department's Views

13.1 Based on the assessments made in paragraph 12, the Planning Department considers that the proposed temporary warehouse and logistics centre 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 **5.7.2022**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 8:00 p.m. and 8:00 a.m. on Mondays to Saturdays, 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 recycling works, storage, dismantling and assembling of electronic products and other workshop activities, as proposed by the applicant, is allowed on the Site at any time 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 submission of a condition 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 **5.10.2019**;
- (f) in relation to (e) above, the existing drainage facilities shall be maintained at all times during the planning approval period;
- (g) the existing trees and landscape plants on the Site shall be maintained at all times during the approval period;
- (h) the existing fencing on the Site should be maintained at all times during the planning approval period;
- (i) the submission of a fire service installations proposal within **3** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **5.10.2019**;
- (j) in relation to (i) above, the implementation of the 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 **5.1.2020**;
- (k) if any of the above planning conditions (a), (b), (c), (d), (f), (g) or (h) 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

- (l) if any of the above planning conditions (e), (i) or (j) 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 V**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applied use is not in line with the planning intentions of the "V(1)" and "G/IC" zones, which are intended primarily to reserve land for reprovisioning of the affected village house under the Village Removal Terms due to the NDA development, whereas the "G/IC" zone is intended for the provision of Government, institution or community facilities.. There is no strong planning justification in the submission for a departure from the planning intentions, even on a temporary basis.

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 14.5.2019
Appendix Ia	Supplementary Planning Statement with vehicular access plan, layout plan, proposed tree preservation and landscape plan and proposed drainage plan
Appendix Ib	Further Information received by the applicant on 3.6.2019
Appendix Ic	Further Information received by the applicant on 25.6.2019
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 Applications covering the application site
Appendix IV	Similar Applications within the subject "V(1)", "G/IC" and "O" zones on the draft Hung Shui Kiu and Ha Tsuen Outline Zoning Plan since the promulgation of TPB PG-No. 13E on 17.10.2008
Appendix V	Advisory clauses
Drawing A-1	Vehicular Access Plan
Drawing A-2	Lot Plan
Drawing A-3	Layout Plan

Drawing A-4	Proposed Tree Preservation and Landscape Plan
Drawing A-5	Proposed Drainage Plan
Plans A-1a to 1b	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4c	Site Photos

**PLANNING DEPARTMENT
JULY 2019**