

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/157

- Applicant** : Mr TANG Chi Shing represented by Sum Kwan Limited
- Site** : Lots 24 RP, 26 RP (Part) and 29 RP (Part) in D.D. 128, Lots 2387 RP, 2388 S.B RP (Part), 2389 RP (Part), 2390, 2395 RP, 2396 RP, 2397, 2398 RP, 2399, 2400, 2401 (Part), 2403 (Part), 2404 (Part), 2405, 2406 S.A, 2406 RP, 2407, 2408, 2409 RP (Part), 2410 RP, 2411 RP, 2420 RP (Part), 2421 RP, 2422 RP (Part), 2423 (Part) and 2424 (Part) in D.D. 129, and Adjoining Government Land, Ha Tsuen, Yuen Long
- Site Area** : 21,672m² (about) (including 47m² (about) 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** : “Residential (Group B)2” (“R(B)2”) (about 56%),
[Restricted to maximum plot ratio (PR) of 2.5 and maximum building height (BH) of 60mPD];
- “Commercial (5)” (“C(5)”) (about 21.7%);
[Restricted to maximum plot ratio (PR) of 1.5 and maximum building height (BH) of 40mPD];
- “Open Space” (“O”) (about 2.8%);
- “Government, Institution or Community” (“G/IC”) (about 2.2%),
[Restricted to maximum building height (BH) of 25mPD]
- “Other Specified Uses” annotated ‘Sewage Pumping Station’ (“OU(SPS)”) (about 0.2%)
[Restricted to maximum building height (BH) of 25mPD]; and
- Area shown as ‘Road’ (about 17.1%)
- Application** : Temporary Open Storage of Containers 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 open storage of containers for a period of 3 years (**Plan A-1**). The Site

straddles over an area mainly zoned “R(B)2” (56%) and “C(5)” (21.7%) and falls within an area shown as ‘Road’ (17.1%) with minor encroachment onto the “O” (2.8%), “G/IC” (2.2%) and “OU(SPS) (0.2%) zones 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 open storage of containers under a valid planning permission No. A/YL-HT/1032, which is valid until 15.7.2019.

- 1.2 The Site is related to 4 previous applications No. A/DPA/YL-HT/16, A/YL-HT/20 and 49 for proposed open storage of new vehicles, and A/YL-HT/1032 for temporary open storage of containers. The last application No. A/YL-HT/1032 for temporary open storage of containers was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board for 3 years on 15.7.2016. The applicant has complied with all the approval conditions. The planning permission is valid until 15.7.2019 Application No. A/DPA/YL-HT/16 was rejected by the Committee, whereas applications No. A/YL-HT/20, 49 and 1032 were approved with conditions by the Committee/Board.
- 1.3 The Site is accessible from Lau Fau Shan Road through the adjacent open storage site via a local track and the ingress/egress point is located at the south-eastern part of the Site (**Drawing A-1 and Plan A-2**). As shown on the site layout at **Drawing A-1**, two structures with a total floor area of not exceeding 170m² including a 2-storey high structure (not exceeding 7m high and not exceeding 160m²) for site office and toilet use and a single-storey structure (not exceeding 3.5m high and not exceeding 10m²) for use as electricity meter room, both locating at the northern part of the Site are proposed. 10 container trailer and tractor parking spaces and 2 private car and light good vehicle parking spaces are proposed. According to the layout plan at **Drawing A-2**, the majority of the Site is for open storage of containers except the northern part, which is reserved for parking spaces and site office. No cutting, dismantling, cleansing, repairing, compaction, tyre repair, vehicle repair, container repair and workshop activity will be carried out at the Site. The operation hours are from 7:00 a.m. to 9:00 p.m. and there will be no operation on Sundays and public holidays.
- 1.4 A comparison of the major development parameters of the current application and the last approved application is given in the following table:

Major Development Parameters	Previously Approved Application (A/YL-HT/1032)	Current Application (A/HSK/157)
Site Area	about 21,672m ² (including 47m ² (about) of GL)	
Applied Use	Temporary Open Storage of Containers for a Period of 3 Years	
No of Structures	2 - 1 two-storey structure for site office and toilet use (not exceeding 7m high) (GFA of not exceeding 170m ²) - 1 single-storey structure for electricity meter room use (not exceeding 3.5m high) (GFA of not exceeding 10m ²)	

Parking Spaces	- 2 for private car/light goods vehicles - 10 for container trailers and tractors
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1.5 In support of the application, the applicant has submitted the following documents:

- (a) Application Form received on 15.5.2019 (Appendix I)
- (b) Supplementary statement, proposed layout plan, as-planted landscape and tree preservation plan and as-built proposed drainage plan (Appendix Ia)
- (c) Supplementary Information received on 17.5.2019 clarifying the location and size of the Government Land involved (Appendix Ib)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the supplementary statement at **Appendix I**. 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 3 previously approved applications since 1996 for similar uses. The applicant has provided landscape and drainage facilities at the Site and complied with approval conditions imposed to the last planning permission.
- (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. The Board has also approved numerous similar applications in the vicinity.
- (c) There is a general shortage of land and strong demand for port back-up uses in the area. Temporary approval for port back-up uses could alleviate the pressing demands and create employment opportunity in Ha Tsuen area.
- (d) The applicant commits to provide a number of mitigation measures, including restriction of the operation hours to 7:00 a.m. to 9:00 p.m. with no operation on Sundays and public holidays, and no cutting, dismantling, cleansing, repairing, compaction, tyre repair, vehicle repair, container repair, and workshop activities would be carried out on the Site.
- (e) The applicant would follow the environmental measures recommended in the relevant Code of Practice (August 2005) issued by the Environmental Protection Department.
- (f) The proposed use will not cause adverse traffic impact on the local road network. Adequate parking facilities and manoeuvring space will be provided within the Site. Adequate drainage facilities will be provided to ensure no adverse drainage impact on the surrounding areas. The drainage facilities will be well maintained by the operator.

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. 31) by posting site notice and publishing on 3 local newspapers. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The use is not subject to any planning enforcement action. Follow-up investigation will be taken upon expiry of the current planning permission if the subject application is not approved by the Committee.

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 4 previous applications No. A/DPA/YL-HT/16, A/YL-HT/20 and 49 for proposed open storage of new vehicles, and A/YL-HT/1032 for temporary open storage of containers. Application No. A/DPA/YL-HT/16 was rejected by the Committee on 16.4.1993 mainly on the grounds of the proposed development was not in line with the planning intention for the area, was incompatible with the surrounding areas and the applicant failed to demonstrate the applied use would not cause adverse drainage, traffic and landscape impacts to the surroundings during which the Site was designated “Unspecified Use”, whereas Applications No. A/YL-HT/20, 49 and 1032 were approved with conditions by the Committee/Board on 17.1.1997, 5.6.1998 and 15.7.2016 respectively during which the Site was zoned “Comprehensive Development Area”.

6.2 The last application No. A/YL-HT/1032 for the same use was approved by the Committee on 15.7.2016 for a period of 3 years and valid until 19.7.2019. All the approval conditions had been complied with. Compared with the last approved application, the current application is submitted by the same applicant on the same site for the same use on the same site. Only the disposition of the proposed structures is different. Details of these applications are summarized at **Appendix III** and their locations are shown on **Plan A-1**.

7. Similar Applications

There are 8 similar applications No. A/YL-HT/542, 612, 622, 785, 790, 810, 887 and 1031 for temporary open storage of containers and similar port back-up uses within the same “R(B)2”, “C(5)”, “O”, “G/IC” and “OU(SPS) zones on the approved HSK and HT

OZP No. S/HSK/2 since the promulgation of TPB PG-No. 13E on 17.10.2008. All of them were approved with conditions by the Committee between 2009 and 2019. However, four of these applications (No. A/YL-HT/542, 785, 790 and 887) were subsequently revoked due to non-compliance with approval conditions. Particulars 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-1a to Plan A-4a to 4b)

8.1 The Site is:

- (a) currently being used for the applied use with a valid planning permission No. A/YL-HT/1032; and
- (b) accessible from Lau Fau Shan Road via a local track.

8.2 The surrounding areas have the following characteristics:

- (a) to its immediate north across a local track are a warehouse under a valid planning permission No. A/HSK/25, a warehouse and a yard for storage use. To the northeast across Lau Fau Shan Road are a vehicle repair workshop, a yard for parking of vehicles under a valid planning permission No. A/YL-LFS/309;
- (b) to its east across the Lau Fau Shan Road is a cluster of residential dwellings at San Hing Tsuen (the nearest residential dwelling is about 33m away) and an open storage of containers, a car inspection centre under a valid planning permission No. A/HSK/127;
- (c) to its immediate south are a yard for open storage of containers, and a logistic centre under a valid planning permission No. A/HSK/50;
- (d) to its south east is a warehouse under a valid planning permission A/YL-HT/1067; and
- (e) to its immediate west is a Drainage Services Department works area. To its further west across Deep Bay Road are a vacant yard, a yard for parking of vehicles and a yard for open storage of construction materials.

9. Planning Intention

9.1 The planning intention of the “R(B)2” zone is intended primarily for medium-density residential developments.

9.2 The planning intention of the “C(5)” zone is intended primarily for commercial developments, which may include uses such as office, shop, services, place of entertainment, eating place and hotel, functioning as territorial business/financial centre and regional or district commercial/shopping centre.

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 prior approval of the Government.
- (b) No permission is given for occupation of GL of about 47m² in areas (subject to verification) included in the Site. Attention should be drawn to the fact that the act of occupation of GL without Government's prior approval is not allowed.
- (c) The private lots which are covered by Short Term Waivers (STW) are listed below:

Lot(s) No(s) in D.D.128	STW No.	Purposes
2420 RP	2980	Office Ancillary to Storage of Containers
2387 RP, 2410 RP & 2422 RP	4751	Temporary Open Storage of Containers

- (d) The Site is accessible from Lau Fau Shan Road through GL and private land. His office provides no maintenance works to the GL involved and does not guarantee any right-of-way.
- (e) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (f) Should the application be approved, the STW holder(s) 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, if any. Also, 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 remaining 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) 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/New Territories, Transport Department (AC for T/NT, TD):

- (a) He has no adverse comment on the application from traffic engineering viewpoint.
- (b) Sufficient manoeuvring spaces shall be provided within the Site. No vehicle is allowed to queue back to public road or reverse onto/from the public road.

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 the TD.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to the nearby public roads and 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 because there are sensitive users in the vicinity of the Site (the closest residential dwelling to the northeast is about 33m away) (**Plan A-2**) and environmental nuisance is expected.
- (b) No substantial environmental complaint pertaining to the Site has been received in the past three years.
- (c) Should the planning application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' (COP).

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/1032 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.

Building Matters

10.1.6 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 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.
- (b) 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.
- (c) Before any new 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 BD should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building 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 respectively.
- (e) 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 Building (Planning) Regulation at the building plan submission stage.

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 service installations (FSI) 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 to be installed should be clearly marked on the layout plans; and the applicant should adhere to the 'Good Practice for Open Storage for Open Storage Sites' at **Appendix V**.
- (d) Having considered the nature of 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 Director of Fire Services"
- (e) The applicant is advised to submit a valid fire certificate (FS251) 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

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

- (a) He has no objection to the proposed 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 lots concerned fall within a site under Stages 4 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 will not be arranged before the first population intake of the HSK NDA expected in 2024.

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

- (a) As the application period is for only three years, he has no in-principle objection to the application.
- (b) The Site is zoned "R(B)2", "C(5)", "O", "G/IC" and "OU(SPS)" 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

10.1.10 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 on the application.

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

- (a) Commissioner of Police (C of P);
- (b) Director of Agriculture, Fisheries and Conservation (DAFC); and
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD)

11. Public Comments Received During Statutory Publication Period

On 24.5.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 14.6.2019, no public comment was received.

12. Planning Considerations and Assessment

12.1 The application is for proposed open storage of containers with ancillary office for a period of 3 years at a site mainly zoned "R(B)2 and "C(5)" and fall within an area shown as 'Road' on the HSK & HT OZP. The "R(B)2" zone is intended primarily for medium-density residential developments, whereas the "C(5)" zone is intended primarily for commercial developments, which may include uses such as office, shop, services, place of entertainment, eating place and hotel, functioning as territorial business/financial centre and regional or district commercial/shopping centre. Whilst the development is not in line with the planning intentions, the implementation programme for this part of NDA is still being formulated, and PM/NTW of CEDD has no objection to the proposed temporary use for a period of 3 years at 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 the implementation of Government projects.

12.2 The proposed open storage of containers is not incompatible with the surrounding land uses which are predominantly used for open storage yards and warehouses (**Plan A-2**).

12.3 The site falls within Category 1 areas under the 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 generally 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 There is no major adverse comment from the concerned Government departments, except DEP. DEP does not support the application because there are sensitive uses in the vicinity (the nearest residential dwelling being about 33m away) (**Plan A-2**). However, there was no substantive environmental complaint pertaining to the Site in the past three years. To address the concerns on the possible environmental nuisances or the technical requirements of the other concerned Government departments, relevant approval conditions are recommended in paragraph 13.2 below. Any non-compliance with these approval conditions, including operations on restricted hours/days, would result in revocation of the planning permission and any unauthorized development on Site would be subject to enforcement action by the Planning Authority. Should the application be approved, the applicant will be advised to follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the possible environmental impacts on the nearby sensitive receivers.
- 12.6 The Committee has approved 3 previous applications for various temporary open storage uses at the Site (**Plan A-1b**) since the promulgation of TPB PG-No. 13E on 17.10.2008 (**Plan A-1a**). Approval of the current application is in line with the Committee's previous decisions. There was also a previous application rejected for the reasons that there was insufficient information to demonstrate that the development would not cause adverse impacts on the surrounding areas; not compatible with the surrounding area, and would result in a degradation of the rural environment. However, such considerations are not applicable to the current application.
- 12.7 There is no public comment received during the statutory public inspection period.

13. Planning Department's Views

- 13.1 Based on the assessment made in paragraph 12 above, the Planning Department considers that the temporary open storage of containers 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 9:00 p.m. to 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no cutting, repairing, dismantling, cleansing, repairing, compaction, tyre repair, vehicle repair, container repair and workshop activities, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (d) no stacking of containers stored within 5m of the periphery of the Site shall not be carried out, as proposed by the applicant, during the planning approval period;
- (e) the stacking height of containers stored on the Site shall not exceed 8 units, as proposed by the applicant, during the planning approval period;
- (f) the existing fencing on the Site should be maintained at all times during the planning approval period;
- (g) no vehicle is allowed to queue back to or reverse onto/from the public road at all times during the planning approval period;
- (h) all existing trees and landscape plants on the Site shall be maintained at all times during the planning approval period;
- (i) the submission of a condition record of the existing drainage facilities 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**;
- (j) in relation to (i) above, the existing drainage facilities shall be maintained at all times during the planning approval period;
- (k) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) 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 **16.8.2019**;
- (l) the submission of a fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **5.1.2020**;
- (m) in relation to (l) above, the implementation of the fire service installations proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **5.4.2020**;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (j) 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 (i), (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 VI**.

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

the development is not in line with the planning intention of the "R(B)2" and "C(5)" zones which are intended primarily for medium-density residential developments and for commercial developments. There is no strong justification to deviate from the planning intention, even on a temporary basis.

Decision Sought

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

14. Attachments

Appendix I	Application Form received on 15.5.2019
Appendix Ia	Supplementary statement, proposed layout plan, as-planted landscape and tree preservation plan and as-built drainage plan
Appendix Ib	Supplementary Information received on 17.5.2019 clarifying the location and size of the Government Land involved
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 same "R(B)2", "C(5)", "O", "G/IC" and "OU(SPS)" zones on the approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2 since the Promulgation of TPB PG-No. 13E on 17.10.2008
Appendix V	'Good Practice for Open Storage Sites' issued by the Fire Services Department
Appendix VI	Advisory Clauses
Drawing A-1	Location Plan
Drawing A-2	Layout Plan
Drawing A-3	As-built Drainage Plan

Plan A-1	Location Plan with Similar Applications and Previous Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4a to 4b	Site Photos

**PLANNING DEPARTMENT
JULY 2019**