

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

**APPLICATION NO. A/HSK/160**

- Applicant** : Mr Wong Kwok Wing Represented by Metro Planning and Development Company Limited
- Site** : Lots No. 31 RP (Part) and 32 RP in D.D. 128, Lots No. 2433 (Part), 2436 (Part), 2437 (Part), 2438 S.B (Part), 2958 (Part), 2959 (Part), 2960 (Part), 2961 S.A ss.1 (Part), 2961 RP (Part), 2962 (Part), 2963 (Part), 2964, 2965, 2966, 2967, 2968 S.A, 2968 S.B, 2969, 2970, 2971, 2972, 2973, 2974 (Part), 2975 S.A (Part), 2975 S.B (Part), 2976 (Part), 2977 S.A (Part), 2977 S.B (Part), 2983 RP (Part), 2984, 2985, 2986, 2987, 2988 (Part), 2989 RP (Part), 2991 RP (Part), 3085 (Part), 3086 (Part) and 3087 (Part) in D.D. 129 and Adjoining Government Land, Lau Fau Shan, Yuen Long, NT
- Site Area** : 17,256 m<sup>2</sup> (about) (including about 410m<sup>2</sup> 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** : Open Space” (“O”) (about 77%);  
“Residential (Group B)2” (“R(B)2”) (about 10.8%),  
[Restricted to maximum plot ratio (PR) of 2.5 and maximum building height (BH) of 60mPD];  
“Government, Institution or Community” (“G/IC”) (about 0.2%)  
[Restricted to maximum BH of 8 storeys]; and  
an area shown as ‘Road’ (about 12%)
- Application** : Proposed Temporary 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 logistics centre for a period of 3 years (**Plan A-1a**). The Site straddles over an area partly zoned “O” (about 77%), “R(B)2” (about 10.8%) and an area shown as ‘Road’ (about 12%) with minor encroachment onto the “G/IC” zone 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 open storage of containers without a valid planning permission.

- 1.2 The Site is related to 4 previous applications (No. A/YL-HT/99, 166, 268 and 690) for various open storage uses approved by the Rural and New Town Planning Committee of the Board (the Committee) between 1999 and 2011. The last application No. A/YL-HT/690 for proposed temporary open storage of containers, plastic, construction materials, scrap metal, scrap plastic, used paper products with ancillary logistics yard and container repair workshop was approved by the Committee on 14.1.2011. The planning permission was subsequently revoked on 14.2.2013 due to the non-compliance of the approval conditions regarding the implementation of the drainage/flood mitigation measures, the landscape and tree preservation proposal, and the 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-1**, ingress/egress point is located at the eastern boundary of the Site. A total of 4 temporary structures with a total floor area of not exceeding 13,520m<sup>2</sup> are proposed. These include a single-storey structure (13m high and GFA of 13,400m<sup>2</sup>) for logistics centre use, a single-storey structure (5m high and GFA of 60m<sup>2</sup>) for water tank and pump room uses, a two-storeys structure (6m high and GFA of 40m<sup>2</sup>) for site office use and a single-storey structure (3m high and GFA of 20m<sup>2</sup>) for toilet use. 4 loading/unloading bays for medium/heavy goods vehicles (11m x 3.5m each) and 4 loading/unloading spaces for container trailers/tractors (16m x 3.5m each) are proposed. No cutting, dismantling, cleansing, repairing, compaction, tyre repairing, vehicle repair, container repair and workshop activity are proposed. The operation hours of the site are from 7:00 a.m. to 11:00 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-2 and A-3** respectively.
- 1.4 The major development parameters of the previously approved application and the current application are summarized as follows:

| <b>Major Development Parameters</b> | <b>Previously Approved Application No. A/YL-HT/690 (a)</b>   | <b>Current Application No. A/HSK/160 (b)</b>                | <b>Difference (b) - (a)</b>         |
|-------------------------------------|--|---|-------------------------------------|
| Applied Use                         | Temporary Open Storage of Containers, Plastic, Construction Materials, Scrap Metal, Scrap Plastic, Used Paper Products with Ancillary Logistics Yard and Container Repair Workshop for a Period of 3 Years | Proposed Temporary Logistics Centre for a period of 3 years | Different type of port back-up uses |
| Site Area                           | about 30,250 m <sup>2</sup>  | about 17,256 m <sup>2</sup>                                 | -12,994m <sup>2</sup><br>(-43%)     |

|                             |   |  |                                 |
|-----------------------------|---|--|---------------------------------|
| Total GFA                   | 4,036m <sup>2</sup>   | 13,520 m <sup>2</sup>  | +9,484m <sup>2</sup><br>(+235%) |
| No. and Height of Structure | 21 (for office, storage, transformer room and logistics uses)   | 4 (1 for logistics centre, 1 for pump room and water tank, a for office and 1 for toilet)                                  | -17                             |
| Parking Space               | 8 (for private cars and light good vehicles)  | -  | -8                              |
| Loading/ Unloading Bay      | 15 (for container trailers)   | 8 (4 for medium/heavy goods vehicles and 4 for container trailers/tractors)  | -7                              |
| Operation Hours             | <ul style="list-style-type: none"> <li>● 8a.m. to 8p.m.</li> <li>● No operation on Sundays and public holidays</li> </ul> | <ul style="list-style-type: none"> <li>● 7a.m. to 11p.m.</li> <li>● No operation on Sundays and public holidays</li> </ul> | NA                              |

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

- (a) Application Form received on 20.5.2019 **(Appendix I)**
- (b) Supplementary Planning Statement with proposed vehicular access plan, layout plan, tree preservation and landscape plan and proposed drainage plan **(Appendix Ia)**

## 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 2 previously approved applications since 2002<sup>1</sup> for similar use.
- (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 had provided landscape and drainage facilities at the Site to comply with the planning conditions imposed on the previous planning permissions.
- (d) No adverse traffic and environmental impacts to the surrounding areas is envisaged.
- (e) No excessive or on-going operative noise will be emitted from the proposed development.

<sup>1</sup> The Site is a subject of 4 previous approved planning applications since 1998.

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

The Applicant is not a “current land owners” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting notice at the 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 4 previous applications No. A/YL-HT/99, 166, 268 and 690 for various open storage uses. All previous applications were approved with conditions by the Committee/Board between 1999 and 2011. However, 2 of the approved applications (No. A/YL-HT/166 and 690) were subsequently revoked due to non-compliance with approval condition(s). Details of these 4 applications are summarized at **Appendix III** and their locations are shown on **Plan A-1b**.

6.2 The last application No. A/YL-HT/690 for proposed temporary open storage of containers, plastic, construction materials, scrap metal, scrap plastic, used paper products with ancillary logics yard and container repair workshop for a period of 3 years was approved by the Committee on 14.1.2011. The planning permission was subsequently revoked on 14.2.2013 due to non-compliance with the approval conditions regarding the implementation of the drainage/flood mitigation measures, the landscape and tree preservation proposal, and the fire service installations (FSIs) proposal. Compared with the last approved application, the current application is submitted by a different applicant with a different layout on a smaller site and with different parking and loading/unloading provision. The proposed use and operation hours are also different from those of the last application.

### **7. Similar Applications**

There are 10 similar applications (No. A/YL-HT/934, 953, 970, 1017 and 1061, and A/HSK/5, 7, 50, 59 and 156) for logistics centre across the same “O”, “R(B)2” and “G/IC” zones since the promulgation of the TPB PG-No. 13E on 17.10.2008. They were all approved with conditions by the Committee. However, five of these applications (No. A/YL-HT/934, 953, 970 and 1061 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 open storage of containers without a valid planning permission.

8.2 The surrounding areas have the following characteristics:

- (a) to its immediate north are a yard for open storage of containers and a logistics centre under a valid planning permission No. A/HSK/50. To its further north across is a yard for open storage of containers under a valid planning permission No. A/HSK /157;
- (b) to its immediate northeast and east are two logistics centres with the eastern one under a valid planning permission No. A/HSK/5. To its further east are some residential dwellings, a storage and a vehicle repair workshop;
- (c) to its southeast is a logistics centre under a valid planning permission No. A/HSK/145;
- (d) to its south is a logistics centre under a valid planning permission No. A/HSK/59;
- (e) to its southwest across the nullah are a yard for the open storage of construction materials under a valid planning permission No. A/HSK/52, a temporary structure for residential use, an open yard for the storage of construction materials, a warehouse, and burial ground.
- (f) to its west across a nullah is a yard for the open storage of construction materials under a valid planning permission No. A/HSK/151 and some temporary structures for storage use ; and
- (g) to its northwest across a nullah is a warehouse under a valid planning permission No. A/YL-HT/1067.

## **9. Planning Intentions**

- 9.1 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 residential as well as the general public.
- 9.2 The planning intention of the “R(B)2” zone is intended primarily for medium-density residential developments where commercial uses serving the residential neighbourhood may be permitted with or without application to the Board.

## 10. Comments from Relevant Government Departments

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

### Land Administration

10.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government.
- (b) No permission is given for occupation of GL of about 410m<sup>2</sup> in area (subject to verification) included in the Site. 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:

| <b>Lot(s) No(s) in<br/>D.D.129</b> | <b>STW No.</b> | <b>Purposes</b>  |
|------------------------------------|----------------|--|
| 2433, 2436                         | 4265           | Temporary Logistics<br>Centre  |
| 2437                               | 4268           |  |
| 2438 S.B                           | 4269           |  |
| 2977 S.A                           | 4270           |  |
| 2977 S.B                           | 4271           |  |
| 2961 RP                            | 4745           |  |
| 2961 S.A.ss.1                      | 4747           |  |
| 2988                               | 4826           | Temporary Logistics<br>Centre with Ancillary<br>Office and Parking of<br>Vehicle |
| 2989 RP                            | 4827           |  |
| 2991 RP                            | 4828           |  |
| 3085                               | 4842           |  |
| 3086                               | 4843           |  |

- (d) The Site is accessible from Lau Fau Shan Road through private lot and GL. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way to the Site.
- (e) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (f) Should the application be approved, the STW holders will need to apply to his office for modification of the STW conditions where appropriate. The owner(s) of the lot(s) 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 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 25m to its east) (**Plan A-2**), and environmental nuisance is expected.
- (b) There was 1 substantiated environmental complaint on noise nuisance (machine noise) pertaining to 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) He has no objection in principle to the application from a drainage point of view
- (b) Should the application be approved, he would suggest that a condition should 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.
- (c) His detailed comments on the submitted drainage proposal are at **Appendix V**.

**Building Matters**

10.1.6 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, 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 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**

#### 10.1.7 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**

#### 10.1.8 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) 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 Stage 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 in question 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) Since the Site involves private lots only, he has no in-principle objection to the application.
- (b) The Site is zoned "O", "R(B)2", "G/IC" 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) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (c) Director of Agriculture, Fisheries and Conservation (DAFC).

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

On ~~28.6.2018~~ **28.5.2019**, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on ~~19.7.2018~~ **18.6.2019**, two public comments from private individuals (**Appendices VI-1 to VI-2**) were received. They objected to the application mainly on the grounds on noise nuisance arising from the proposed use and that the Site should be developed for its intended residential use. Moreover, approval of the planning application will legitimize the open storage use that has continued despite the previous application was revoked in 2013.

## **12. Planning Considerations and Assessment**

12.1 The application is for proposed temporary logistics centre for a period of 3 years at a site mainly zoned "O" and "R(B)2" and shown as 'Road' with minor encroachment onto the "G/IC" zone on the approved HSK and HT OZP. 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 residential as well as the general public, whereas the "R(B)2" zone is intended primarily for medium-density residential developments. Whilst the applied use is not in line with the planning intentions of the "O" and "R(B)2" 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 applied use on the Site for 3 years. 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 Site is located in an area predominantly occupied by open storage yards and

logistics centres. 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 There is no major adverse comment from concerned Government departments, except DEP who does not support the application because there are sensitive uses in the vicinity of the Site (the nearest dwelling is about 25m away) and environmental nuisance is expected (**Plan A-2**). Whilst, there was a substantiated noise nuisance complaint concerning the Site since 2016, no workshop activity is proposed in the application or found on Site (**Plans A-4a to A-4b**). Furthermore, relevant approval conditions have been recommended in paragraph 13.2 to address the concerns on the possible environmental nuisances or the technical requirements of the other concerned Government departments. Any non-compliance with these approval conditions would result in revocation of the planning permission and any unauthorized development on Site would thus be subject to enforcement action by the Planning Authority. Should the application be approved, the applicant will also 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 4 previous applications within the site and 11 similar applications for various types of storage use and port back-up uses within the same "O", "R(B)2" 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. Although the last approval application No. A/YL-HT/690 was revoked due to non-compliance with time-specific approval conditions, it is noted that the current application is submitted by a different applicant on a smaller site for a different use with different layout.
- 12.7 There are 2 public comments received on the application during the statutory publication period. The planning considerations and assessments above are relevant

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

- 13.1 Based on the assessments made in paragraph 12 above and having taken into

account the public comments mentioned in paragraph 11, the Planning Department considers that the proposed temporary 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 **19.7.2022**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 11:00 p.m. and 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, dismantling, cleansing, repairing, compaction, tyre repair, vehicle repair, container repair 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 drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **19.1.2020**;
- (f) in relation to (e) above, the implementation of the drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **19.4.2020**;
- (g) in relation to (f) above, the implemented drainage facilities on the Site should be maintained at all times during the planning approval period;
- (h) 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 **19.1.2020**;
- (i) in relation to (h) 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 **19.4.2020**;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (g) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (k) if any of the above planning conditions (e), (f), (h) or (i) 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 "O" and "R(B)2" zones, which are intended primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residential as well as the general public; and for medium-density residential developments. There is no strong planning justification in the submission for a departure from the planning intentions, even on a temporary basis; and
- (b) the applicant has failed to demonstrate that the development would not have adverse environmental impacts 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**

|                           |   |
|---------------------------|---|
| <b>Appendix I</b>         | Application Form received on 20.5.2019  |
| <b>Appendix Ia</b>        | Supplementary Planning Statement with vehicular access plan, layout plan, proposed tree preservation and landscape plan and proposed drainage plan  |
| <b>Appendix II</b>        | Relevant extracts of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E)   |
| <b>Appendix III</b>       | Previous Applications covering the application site   |
| <b>Appendix IV</b>        | Similar Applications within the subject "O", "R(B)2" and "G/IC" 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 |
| <b>Appendix V</b>         | Drainage Services Department's detailed comments on the submitted drainage proposal   |
| <b>Appendix VI-1 to 2</b> | Public comments on the application received during the public inspection period   |
| <b>Appendix VII</b>       | Advisory clauses  |
| <b>Drawing A-1</b>        | Proposed Layout Plan  |
| <b>Drawing A-2</b>        | Proposed Tree Preservation and Landscape Plan   |
| <b>Drawing A-3</b>        | Proposed Drainage Plan  |
| <b>Plan A-1a</b>          | Location Plan with Similar Applications   |
| <b>Plan A-1b</b>          | Previous Applications Plan  |
| <b>Plan A-2</b>           | Site Plan   |

**Plan A-3**                      Aerial Photo  
**Plans A-4a and 4b**        Site Photos

**PLANNING DEPARTMENT  
JULY 2019**