

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/163

- Applicant** : Ocean Master Logistics Limited represented by Mr. KWOK Chi Man Clement
- Site** : Lots 80 (Part) and 81 (Part) in D.D. 125, Lots 3239 (Part), 3240 (Part), 3241 (Part), 3242, 3243, 3246, 3248, 3251 S.A (Part), 3253 (Part), 3265 RP (Part), 3268, 3269, 3270, 3271 (Part), 3272, 3273, 3274, 3275, 3276, 3277, 3278, 3279, 3280, 3281 (Part), 3282 (Part), 3283 (Part), 3284 (Part), 3285 (Part), 3286 (Part), 3289 S.B RP (Part), 3290, 3291 (Part), 3292 S.B RP (Part) and 3442 (Part) in D.D. 129, and Adjoining Government Land, Ha Tsuen, Yuen Long
- Site Area** : 12,850 m² (about) (including about 2,190 m² of Government Land (GL))
- Lease** : Block Government Lease (demised for agricultural use) and New Grant Agricultural Lot
- Plan** : Approved Hung Shui Kiu and Ha Tsuen (HSK and HT) Outline Zoning Plan (OZP) No. S/HSK/2
- Zoning** : “Commercial (4)” (“C(4)”) (31.8%)
[Restricted to maximum plot ratio (PR) of 3 and maximum building height (BH) of 50mPD];
“Government, Institution or Community” (“G/IC”) (35.2%);
[Restricted to maximum BH of 8 storeys]; and
an area shown as ‘Road’ (about 33.0%)
- 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 “C(4)” (31.8%) and “G/IC” (35.2%) zones and an area shown as ‘Road’ (33.0%) 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 involved in 24 previous applications No. A/YL-HT/35, 39, 95, 100, 135, 175, 176, 177, 249, 256, 287, 340, 363, 365, 437, 489, 513, 597, 605, 735, 737, 959 and 1049 for various open storage, vehicle park and logistics centre uses (**Plan A-1b**). The last application No. A/YL-HT/1049 for temporary warehouse and logistics centre use was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 14.10.2016 for a period of 3 years. However, the application was subsequently revoked on 28.2.2019 due to non-compliance with one approval condition on the implementation of fire service installations (FSIs) proposal. The current application is submitted by the same applicant for the same use at the same site but with a different layout.
- 1.3 The Site is accessible from Ping Ha Road via local tracks and the ingress/egress points are at the southern and eastern boundary of the Site (**Drawings A-1 and A-2 and Plan A-2**). As shown on the layout plan at **Drawing A-2**, 5 temporary structures with a total floor area of not exceeding 6,362 m² including a single storey temporary structure (not exceeding 12m in height) for warehouse and logistics uses with a floor area of 4,936m², a two-storey temporary structure (5m in height) for office and water tank use with a floor area of 282m² and a single storey temporary structure (12m in height) for warehouse use with a total floor area of 1,093m², a two-storey converted containers (5.2m in height) for office use with a floor area of 30m². Three private car parking spaces and 54 loading/unloading spaces for goods vehicles and container vehicles are also proposed. The operation hours are from 8:00 a.m. to 8:00 p.m. from Mondays to Saturdays. There will be no operation on Sundays and public holidays. The proposed landscape and tree preservation plan and drainage plan are at **Drawings A-3 and A-4** respectively.
- 1.4 The major development parameters of the previously approved scheme and the current application are summarized as follows:

Major Development Parameters	Previously Approved Application No. A/YL-HT/1049 (a)	Current Application No. A/HSK/163 (b)	Difference (b) - (a)
Applied Use	Temporary Warehouse and Logistics Centre (3 Years)		same
Site Area	12,850m ²		same
Total floor area	6,353m ²	6,362m ²	+9m ² (+0.1%)
No. and Height of Structure	5 - 1 warehouse and logistics uses (12m high) - 1 office and water tank (5m high) - 1 warehouse (12m high) - 2 toilets (2.6m high each)	5 - 1 warehouse and logistics uses (12m high) - 1 office and water tank (5m high) - 1 warehouse (12m high) - 1 toilet (2.6m high) - 1 office (5.2m high)	no. of structures unchanged (1 previous structure for toilet change to office with different height and floor area)

No. of Parking Spaces	3 for private car parking spaces	same
No. of Loading/ Unloading Spaces	54 for goods vehicles and container vehicles	same
Operation Hours	8am to 8pm, Mondays to Saturdays, with no operation on Sundays and public holidays	same

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

- (a) Application Form received on 27.5.2019 **(Appendix I)**
- (b) Supplementary planning statement with proposed vehicular access plan, layout plan, landscape and tree preservation plan and drainage plan **(Appendix Ia)**
- (c) Further Information (FI) dated 9.7.2019 from the applicant providing a FSIs proposal **(Appendix Ib)**
[Accepted and exempted from publication and recounting requirements]

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Supplementary Planning Statement at **Appendices Ia and Ib**. They can be summarized as follows:

- (a) The Site falls within the 'Category 1 areas' of the Board's Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in which open storage and port back-up uses are considered suitable. The Site is the subject of 11 previous planning applications which have been approved for open storage and port back-up uses. The proposed development could support the open storage and port back-up development in Hong Kong.
- (b) The development represents a sensible utilization of scarce land resources. The development, on a temporary basis, does not contravene and will not jeopardize the long-term planning of the area. If there are any developments at the site planned by the Government in the future, the proposed development will cease to operate.
- (c) Under proper management of the applicant, the proposed development could avoid wastage of land resources, illegal occupation of land, dumping and minimize germ and mosquito breeding.
- (d) Approval conditions had almost been complied with under previous planning permission No. A/YL-HT/1049 except the implementation of FSIs proposal. A FSIs proposal is included in the present submission and the applicant will endeavour to comply with this condition should the subject application be approved. The applicant would implement landscaping, drainage and environmental mitigation measures under the planning approval conditions based on the latest site condition.
- (e) The development is compatible with its adjoining uses which are of similar nature. Locals have been consulted and no comment has been received.

- (f) The applicant would adopt a cooperative attitude, actively communicate with Government departments, comply with various regulations and make genuine efforts in implementation of environmental mitigation works to ensure that the development would not generate any adverse impacts to the surrounding areas. The Site is intended for large scale storage and no workshop activities will be undertaken and no noise nuisance be generated. There will not be night time operation nor during Sundays and public holidays.

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 three local newspaper. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

On 17.10.2008, the Board promulgated the revised 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 revised Guidelines. Relevant extracts of the Guidelines are attached at **Appendix II**.

5. Background

The storage use on Site will be subject to planning enforcement action.

6. Previous Applications

- 6.1 The site is related to 24 previous applications No. A/YL-HT/35, 39, 95, 100, 135, 175, 176, 177, 249, 256, 287, 340, 363, 365, 437, 489, 513, 597, 605, 693, 735, 737, 959 and 1049 for various open storage, vehicle park and logistics centre uses. All of these applications were approved with conditions by the Committee/Board between 1997 to 2016 except application No. A/YL-HT/693. Among the approved applications, 8 were subsequently revoked due to non-compliance with approval conditions. Application No. A/YL-HT/693 for temporary open storage of metals and construction materials with vehicle repair workshop for a period of 3 years was rejected by the Committee on 24.9.2010. The main reasons for rejection were that there were insufficient information to demonstrate that the fire risks and possible adverse drainage, environmental and landscape impacts could be mitigated.
- 6.2 The last application No. A/YL-HT/1049 for the same temporary warehouse and logistics centre for a period of 3 years was approved with conditions by the Committee on 14.10.2016 but was subsequently revoked on 28.2.2019 due to non-compliance with approval conditions on the provision of FSIs proposal. Compared with this last approved application, the current application is submitted by the same applicant for the same use at the same site but with a different layout. Details of these applications are summarized at **Appendix III** and their locations are shown on **Plan A-1b**.

7. Similar Applications

There are 5 similar applications (No. A/YL-HT/881, 916 and 971 and A/HSK/43 and 63) for various temporary warehouse and logistics centre within the same “C(4)” and “G/IC” zones on the approved HSK and HT OZP since the promulgation of the TPB PG-No.13E on 17.10.2008. All of these similar applications were approved with conditions by the Committee but the earlier ones were subsequently revoked due to non-compliance with time-specific approval conditions. Details of the above applications are summarized at **Appendix IV** and their locations are shown on **Plan A-1a**.

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

8.1 The Site is:

- (a) being used for the applied use without a valid planning permission; and
- (b) accessible from Ping Ha Road via local tracks.

8.2 The surrounding areas have the following characteristics:

- (a) to its north are a vehicle repair workshop, an open storage of vehicle parts and a warehouse;
- (b) to its immediate east are several workshops and an open storage of containers while to its further east across Ping Ha Road are a logistics centre and ancillary workshop under a valid planning permission No. A/HSK/68 and a logistics centre under a valid planning permission No. A/HSK/94;
- (c) to its immediate south is a vehicle repair workshop and some residential dwellings, while to its further south and west is a logistics centre under a valid planning permission No. A/HSK/63; and
- (d) to its immediate west are two residential dwellings (the nearest one about 2m away from the Site) and a warehouse.

9. Planning Intention

9.1 The Site straddles over “C(4)” and “G/IC” zones and an area shown as ‘Road’ on the approved HSK and HT OZP. The planning intention of the “C(4)” 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.

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 organizations 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 received 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 a New Grant Agricultural Lot and Old Scheduled 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) The GL of the Site (about 2,190m²) is covered by Short Term Tenancy (STT) No. 2651 for the purpose of “Container Vehicle Park”.
- (c) The private lots which are covered by Short Term Waivers (STWs) in the Site are listed below:

Lot No(s). in D.D.125	STW No.	Purposes
80	4017	Temporary Logistics Centre with Warehouse, Temporary Logistics Yard, Open Storage of Containers, Container Vehicle Park with Ancillary Workshop (for works including compacting and dismantling, repairing of tyre) and Canteen
3239	4029	Temporary Logistics Yard, Open Storage of Containers, Container Vehicle Park with Ancillary Workshop (for works including compacting and dismantling, repairing of tyre) and Canteen
3240	4030	
3286	4020	
3253	4716	Temporary Warehouse and Logistics Centre
3268, 3270, 3274, 3275, 3277, 3278	4717	
3269, 3271	4718	
3272	4719	
3273	4720	
3276	4721	
3285	4722	
3289 S.BRP, 3290, 3291	4723	
3292 S.BRP	2186	Vehicle Repair Workshop
3251 S.A	1497	Private Residential

- (d) The Site is accessible from Ping Ha Road through GL and private lots. His Office provides no maintenance works to the GL involved and does not guarantee 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 STT/STW holder(s) will need to apply to his office for modification of the STT/STW conditions where appropriate. The owner(s) of the lot without STW will need to apply to his office to permit the structures to be erected or to regularize any irregularity on Site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Application(s) for any of the above will be considered by the LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by the LandsD.

Traffic

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

- (a) He has no adverse comments on the application from traffic engineering view point.
- (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 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 to prevent surface water running 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 Ping Ha Road.

Environment

10.1.4 Comment of the Director of Environmental Protection (DEP):

- (a) He does not support the application because there are sensitive uses on the vicinity of the Site (the nearest residential dwelling being about 2m away) (**Plan A-2**) and environmental nuisance is expected.
- (b) No environmental complaint pertaining to the Site has been received in the past 3 years.
- (c) Should the application be approved, the applicant is reminded to follow the latest "Code of Practice (COP) on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" to minimize any potential environmental nuisance.

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 development from a drainage point of view.
- (b) According to the applicant's submission, the existing drainage facilities which was implemented under an approved application No. A/YL-HT/1049 will be maintained for the subject development.
- (c) Should the application be approved, he suggests imposing approval 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.
- (d) The applicant should be reminded that the required condition record should include coloured photos showing the current condition of the drainage facilities and a layout plan indicating the locations of the photos taken. The submitted photos should cover all internal surface channels, catch 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) 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 Houses) are erected on leased land without approval of the BD, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the 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 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 (AP) 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 application 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 him 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.
- (d) 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 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 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 3 Works Stage. While 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.

District Officer's Comment

10.1.9 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 4.6.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 25.6.2019, no public comment was received.

12. Planning Considerations and Assessment

- 12.1 The application is for proposed warehouse and logistics centre for a period of 3 years at a site straddling over “C(4)” and “G/IC” zones and an area shown as ‘Road’ on the approved HSK and HT OZP. The “C(4)” zone is intended primarily for commercial developments, whereas the “G/IC” zone is intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory respectively. 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 on the Site. In this regard, approval of the application on a temporary basis of 3 years would not jeopardize the long-term development of the Site. However, should the application be approved, it is suggested to include an advisory clause stating that the Site may be resumed by the Government at any time during the planning approval period for 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 logistics centre, storage, warehouse and workshop (**Plan A-2**).
- 12.3 According to the TPB PG-No. 13E, 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 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 the technical concerns of relevant Government departments could be addressed through the implementation of approval conditions.

- 12.5 There is no 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 2m away), and environmental nuisance is expected (**Plan A-2**). However, there is no substantiated environmental complaint pertaining to the Site received 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 have been recommended in paragraph 13.2 below. Any non-compliance with these approval conditions would result in revocation of the planning permission and the unauthorized development on the 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 Although the two previous planning permissions No. A/YL-HT/959 and 1049 were revoked due to non-compliance with time-specific approval conditions, it is noted that application No. A/YL-HT/959 was submitted by a different applicant at a larger site while the latest application No. A/YL-HT/1049 by the same applicant was revoked due to non-compliance with only one approval condition on the provision of FSIs proposal. In this connection, the applicant has included a FSIs proposal in the present application and promise to comply with all approval conditions in the present application (**Appendix Ib**). In this regard, D of FS has no adverse comment on the current application. In view of the above, sympathetic consideration may be given to the application. However, shorter compliance period is recommended in order to closely monitor the progress on compliance with associated approval conditions. Moreover, should the application be approved, the applicant will be advised that should he fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 12.7 The Committee had approved 23 previous planning applications for similar open storage, vehicle park and logistics centre uses at the Site and approved 5 similar applications for warehouse and logistics centre in the same “C(4)” and “G/IC” zones on the approved HSK and HT OZP since the promulgation of TPB PG-No. 13E on 17.10.2008. Approval of the subject application is in line with the Committee’s previous decisions.

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 **19.7.2022**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation from 8:00 p.m. to 8:00 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 workshop activity, as proposed by the applicant, is allowed at any times on the Site during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (e) the existing fencing on the Site shall be maintained at all times during the planning approval period;
- (f) all existing trees and landscape plants on the Site shall be maintained at all times during the planning approval period;
- (g) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) 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 **19.10.2019**;
- (i) the submission of a fire service installations proposal within **3** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **19.10.2019**;
- (j) in relation to (i) above, the implementation of the 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 **19.1.2020**;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (l) if any of the above planning conditions (h), (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 reasons for rejection are suggested for Members' reference:

- (a) the development is not in line with the planning intention of the "C(4)" and "GIC" zones, which are intended primarily for commercial developments functioning as territorial business/financial centre and regional or district commercial/shopping centre and the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. There is no strong justification given in the submission to deviate from the planning intentions, even on a temporary basis; and

- (b) the applicant fails to demonstrate that the applied development would not have adverse environmental impact on the surrounding areas.

14. Decision Sought

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

15. Attachments

Appendix I	Application Form received on 27.5.2019
Appendix Ia	Supplementary planning statement with proposed vehicular access plan, layout plan, landscape and tree preservation plan and drainage plan
Appendix Ib	FI dated 9.7.2019 from the applicant providing a fire service installations proposal
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 “C(4)” and “G/IC” Zones on the approved Hung Shui Kui and Ha Tsuen OZP No. S/HSK/2 since the Promulgation of TPB PG-No. 13E on 17.10.2008
Appendix V	Advisory Clauses
Drawing A-1	Proposed Vehicular Access Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	Proposed Landscape and Tree Preservation Plan
Drawing A-4	Proposed Drainage Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4c	Site Photos