

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/166

- Applicant** : Mr. TANG Sheung Chai represented by Metro Planning and Development Company Limited
- Site** : Lots 244 (Part), 246, 249, 250 (Part), 251 (Part), 252 (Part), 253 (Part), 254 (Part) and 255 (Part) in D.D. 125, San Wai, Ha Tsuen, Yuen Long
- Site Area** : 9,450 m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Shui Kiu and Ha Tsuen (HSK and HT) Outline Zoning Plan (OZP) No. S/HSK/2
- Zoning** : “Government, Institution or Community” (“G/IC”) (68.2%); and
[restricted to maximum building height (BH) of 8 storeys]
an area shown as ‘Road’ (31.8%)
- Application** : Proposed Temporary Open Storage of Recyclable Materials (Metal and Plastic) for a Period of 3 Years and Filling of Pond

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary open storage of recyclable materials (metal and plastic) for a period of 3 years and filling of pond (**Plan A-1**). The Site straddles over “G/IC” zone (68.2%) and an area shown as ‘Road’ (31.8%) on the approved HSK and HT OZP. According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years within the zones requires planning permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for under the Notes of the OZP. In any area shown as ‘Road’, all uses or developments require planning permission from the Board. No planning permission for filling of pond is required under “G/IC” zone. The Site is partly vacant, partly used for storage of tyres and wrecked vehicles and partly a pond at the western portion (**Plans A-2 and A-3**).
- 1.2 The Site is accessible from Kai Pak Ling Road via a local track (**Plans A-2 and A-3 and Drawing A-1**). Ingress/egress point is located at the north-eastern corner of the Site, and part of the Site (about 1,990m²) is proposed to have pond filling works by soil of 1.2m in depth. 3 single-storey structures with a total floor area of 60m² (all are of 3m high and with a floor area of 20m²) for site office, toilet and electricity meter room uses are proposed (**Drawings A-2 and A-3**). The Site is

intended solely for open storage use and no workshop activity will be carried out. No parking spaces are proposed. According to the applicant, the delivery of recyclable materials will be carried out by medium goods vehicles and a loading/unloading bay for medium goods vehicles is proposed in the north-eastern corner of the Site. No heavy goods vehicle, container tractor/trailer will be allowed to access the Site. The operation hours are restricted to 9:00a.m. to 7:00p.m. from Mondays to Saturdays. No operation will be held on Sundays and public holidays. The proposed vehicular access plan, pond filling plan, layout plan, landscape plan and drainage plan are shown at **Drawings A-1 to A-5** respectively.

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

- (a) Application Form received on 13.6.2019 **(Appendix I)**
- (b) Supplementary planning statement with proposed vehicular access plan, pond filling plan, layout plan, landscape plan and drainage plan **(Appendix Ia)**
- (c) Further Information (FI) from the applicant on 15.7.2019 clarifying the proposed materials for filling of ponds **(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 **Appendix Ia**. They can be summarized as follows:

- (a) The proposed development falls within the Category 2¹ Areas under the TPB PG-No. 13E. Subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions, planning permission could be granted on a temporary basis. The proposed development has fulfilled the guidelines.
- (b) The planning intentions of the “G/IC” zone and ‘Road’ area could not be realized within the coming 3 years because land resumption for the development of Hung Shui Kiu new town is yet to commence. The proposed temporary development would not jeopardize the long term planning intentions.
- (c) The Board has approved similar developments adjoining to the Site, namely application No. A/HSK/89 for pond filling and temporary open storage of construction materials and recycled materials collection centre for 3 years and A/HSK/132 for temporary open storage of recyclable materials and filling of pond for 3 years.
- (d) There is a shortage of land for open storage and port back-up uses in Ha Tsuen area. In the interim, the proposed development would resolve the pressing demand and create employment opportunity to the nearby residents.

¹ According to Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E), the Site straddles over both the Category 2 (13%) and Category 4 (87%) Areas instead of solely within Category 2 Areas as claimed by the applicant.

- (e) The adjoining land are almost wholly occupied by open storage, logistics centre and container depot, which make the proposed development compatible with the surrounding area.
- (f) The proposed development would not generate significant impact to the surrounding area and the applicant has also recommended a number of environmental mitigation measures including restrictions on operation hours and no workshop activities on Site to minimize potential environmental impact.

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

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting site notice and sending notice to the Ha Tsuen Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

On 17.10.2008, the Board promulgated the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The Site straddles over Category 2 (13%) and Category 4 (87%) areas under the 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 Application

The Site is not the subject of any previous application.

7. Similar Applications

7.1 There are 4 similar applications (Nos. A/HSK/4, 89, 132 and 146) for various temporary open storage uses and/or filling of pond within the same “G/IC” zone since the promulgation of the TPB PG-No. 13E on 17.10.2008. Among the four applications, applications Nos. A/HSK/89 and 132 involved filling of pond. All these similar applications were approved with conditions by the Committee between 2017 and 2019.

7.2 Application No. A/HSK/89 for proposed pond filling² and temporary open storage of construction materials and recycled materials collection centre was approved with conditions by the Committee on 17.8.2018 in view of the change in planning circumstances that the Site (though within Category 4 Areas under the TPB PG-No. 13E) had been rezoned from “Green Belt” on the previous Ha Tsuen OZP to “G/IC”

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

and 'Road' area on the current OZP and no adverse comments received from concerned Government departments. Application No. A/HSK/132 for temporary open storage of recyclable materials (including metal and plastic) and filling of pond was also approved with conditions by the Committee on 12.4.2019 based on similar consideration. Details of these applications are summarized at **Appendix III** and their locations are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) accessible from Kai Pak Ling Road via a local track; and
- (b) partly vacant, partly used for storage of tyres and wrecked vehicles and partly a pond at the western portion.

8.2 The surrounding areas have the following characteristics:

- (a) to the north are open storage of containers, logistics centre and warehouse operated under valid planning permissions No. A/HSK/146, 110 and 90 respectively;
- (b) to the east and southeast are open storage of containers and recycled materials operated under valid planning permissions No. A/HSK/89 and 71 respectively; and
- (c) to the south and west is a van track leading to the Site and an open storage of construction materials operated under a valid planning permission No. A/HSK/4 while to its further south is a warehouse.

9. Planning Intention

The Site straddles over "G/IC" zone and an area shown as 'Road' on the approved HSK and HT OZP. The planning intention of the "G/IC" zone is primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organisations providing social services to meet community needs, and other institutional establishments.

10. Comments from Relevant Government Departments

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

Land Administration

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

- (a) The Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.

- (b) The Site is accessible from Kai Pak Ling Road through Government land (GL) and private lots. His office does not guarantee any right-of-way to the Site.
- (c) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (d) Should the application be approved, the lot owner(s) of the lot(s) without Short Term Waiver (STW) will need to apply to his office for permitting the structures to be erected or regularize any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Application(s) for any of the above will be considered by the LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others, the payment of premium or fee, as may be imposed by the LandsD.

Traffic

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

- (a) He has no adverse comment on the application from traffic engineering view point.
- (b) Sufficient manoeuvring space shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads.
- (c) The local track leading to the Site is not under TD's purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site.

10.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) The access arrangement should be commented by TD.
- (b) HyD shall not be responsible for the maintenance of any access connecting the Site and Fung Kong Tsuen 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 along Kai Pak Ling Road (**Plans A-2 to A-3**), and environmental nuisance is expected.
- (b) There was no substantiated environmental complaint concerning the Site received in the past 3 years.

- (c) Should the planning application be approved, the applicant will be advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites”.

Drainage

10.1.5 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection in principle to the proposed development from a drainage point of view. His detailed comments on the submitted drainage proposal are shown in item (h) at **Appendix VI**.
- (b) Should the application be approved, he would suggest that a condition be stipulated in the approval letter requiring the applicant to submit a revised drainage proposal, to implement and maintain the proposed drainage facilities to the satisfaction of his Division.

Landscape

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

- (a) He has no objection to the application from landscape planning perspective.
- (b) The Site is located to the south of Fung Kong Tsuen, falls within an area of “G/IC” zone and an area shown as ‘Road’. A minor portion at the western part of the Site overlapped with Application No. A/HSK/4 for temporary open storage of construction materials and new vehicles. The current application seeks planning permission for temporary open storage of recyclable materials for a period of 3 years and filling of pond.
- (c) With reference to the site visit by his office on 15.7.2019 and aerial photo of 2018, the Site is partly vegetated with trees and shrubs of common species with an existing pond at the western portion of the Site. The southern portion is disturbed by open storage yard. The Site is in an area of rural landscape character disturbed by open storage yards and temporary structures. In consideration of other approved open storage use (Application No. A/HSK/4) in the vicinity, the applied use is not incompatible with the surrounding environment.
- (d) Should the application be approved, in consideration that the Site is not situated in any landscape sensitive zone and the proposed development is unlikely to cause any adverse landscape impacts to the vicinity, it is considered that the landscape condition is not necessary.
- (e) The applicant is advised that approval of the application by the Board does not imply approval of the tree works such as pruning, transplanting and/or felling under lease. Applicant is reminded to approach relevant authority/Government department(s) direct to obtain the necessary approval on tree works.

Nature Conservation and Fisheries

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

- (a) No strong view on the application from nature conservation point of view.
- (b) He noted that the Site falls within “G/IC” and an area shown as ‘Road’. His site inspection revealed that the Site mainly comprises weedy areas, paved areas and an abandoned pond and is surrounded by disturbed land uses. The pond is not considered to be of much ecological value taking into account its size, location and isolated nature.

Building Matters

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

- (a) 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

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

- (a) He has no objection to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the structures, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval.
- (c) The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Good practice guidelines for open storage should be adhered to (**Appendix IV**).
- (d) Having considered the nature of the open storage, the following approval condition shall be added:

“The provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of D of FS.”
- (e) The applicant is advised to submit a valid fire certificate (FS 251) to his department for approval.
- (f) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Long Term Development

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

- (a) He has no objection to the temporary use for 3 years, which should be considered in accordance with the provisions of the existing OZP and infrastructure capacities.
- (b) However, the Site falls within the boundary of Hung Shui Kiu New Development Area (HSK NDA). According to the Planning and Engineering Study (P&E Study) for the HSK NDA, to ensure timely and orderly implementation, the development of HSK NDA and relevant site formation and infrastructure works would be implemented in five stages, viz. Advance Works and Stage 1 to Stage 4. The lot(s) concerned falls within a site under Stages 2 and Stage 3 Works stage. While the detailed implementation programme for the project is still being formulated, based on the P&E Study, it is envisaged that clearance of the Site in question will not be arranged before the first population intake of the HSK NDA expected in 2024.

District Officer's Comments

10.1.11 Comment 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/Sewerage Projects, Drainage Services Department (CE/SP, DSD); and
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

11. Public Comments Received During Statutory Publication Period

On 21.6.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 12.7.2019, two public comments from a private individual and a Yuen Long District Councillor (YLDC) were received. The private individual objected the application on the grounds that pond filling is unacceptable which should be retained within the planned "G/IC" node and recycling operations should be eliminated. YLDC advised that residents of Tin Shui Wai objected the application since there were numerous complaints on open storage of recyclable materials sites which generated bad smell in Ha Tsuen area and approval of the application will set an undesirable precedent (**Appendices Va and Vb**).

12. Planning Considerations and Assessments

12.1 The application is for the development of a temporary open storage of recyclable materials (metal and plastic) for a period of 3 years and filling of pond at a site straddling over "G/IC" zone (68.2%) and an area shown as 'Road' (31.8%) on the approved HSK and HT OZP. The planning intention of the "G/IC" zone is intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. Whilst the proposed development is not in line with the planning intention of the "G/IC" zone and falls within an area shown as 'Road', the implementation programme for this part of NDA is still being formulated and PM/NTW of CEDD has no objection to the proposed temporary use for 3 years on the Site. In this regard, approval of the application on a temporary basis of 3 years would not jeopardize the long-term development of the Site. However, should the application be approved, it is suggested to include an advisory clause stating that the Site may be resumed by the Government at any time during the planning approval period for implementation of government projects.

12.2 The applied use is not incompatible with the surrounding uses which are predominantly occupied by open storages, warehouses and logistic centre.

- 12.3 The Site straddles over Category 2 area (13%) and Category 4 area (87%) under the TPB PG-No. 13E. The following considerations in the Guidelines are relevant:

Category 2 areas: planning permission could be granted on a temporary basis up to a maximum period of 3 years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments, where appropriate, should be submitted to demonstrate that the proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas; and

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

- 12.4 The proposed development is generally not in line with the TPB PG-No. 13E in that majority of the Site falls within Category 4 areas which would normally be rejected except under exceptional circumstances as mentioned in paragraph 12.3 above. Whilst the Site falls mostly within Category 4 areas and without any previous approval, it should be noted that the planning circumstances of the area has been changed. The Site was rezoned from “Green Belt” and “Recreation” on the then approved Ha Tsuen OZP to “G/IC” zone and an area shown as ‘Road’ on the current OZP and similar applications No. A/HSK/89 and 132 for similar temporary open storage uses to the immediate west and further west of the Site within the same “G/IC” zone were previously approved (**Plans A-1 and A-2**). In addition, the Site is either adjoining or in proximity to two related zonings, including “Other Specified Uses” annotated ‘Port Back-up, Storage and Workshop Uses’ (“OU(PBU&SWU)”) and annotated ‘Logistics Facility’ (“OU(LF)”) to the west (3m) and southwest (101m) respectively of the Site (**Plan A-2**) where some brownfield uses (e.g. open storage) are always permitted. Besides, major part of the pond falls within the area shown as ‘Road’ for the construction of the planned Road D1 which is one of the major access in the western part of HSK NDA (**Plan A-1**). Taking into account the specific circumstances pertaining to the case, sympathetic consideration may be given to the current application.
- 12.5 There is no adverse comment on the application from other concerned Government departments (except DEP) and significant adverse traffic, landscape and drainage impacts on the surrounding area are not envisaged. DAFC has no adverse comment on the application and advises that the abandoned fishpond on the Site is surrounded by disturbed land uses and is not considered to be of much ecological value taking into account its size, location and isolated nature.

- 12.6 Although DEP does not support the application as there are sensitive uses along Kai Pak Ling Road accessing the Site (**Plans A-2 to A-3**) and environmental nuisance is expected, there was no substantial environmental complaint concerning the Site received in the past 3 years. The applicant has proposed peripheral tree planting for landscape treatment and fencing as buffer to the surrounding areas. Relevant approval conditions have been recommended in paragraph 13.2 to minimize any potential environmental impacts, or to address the technical concerns raised by concerned Government departments. Any non-compliance with the approval conditions will result in revocation of the planning permission and any unauthorized development on the Site will be subject to enforcement action by the Planning Authority. Should the planning application be approved, the applicant will also be advised to follow the relevant mitigation measures and requirements in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize any potential environmental impact on the nearby sensitive receivers.
- 12.7 The Committee has approved 4 similar applications (with 2 of them involve filling of pond) within the same “G/IC” zone between 2017 and 2019 (**Plan A-1**). Approval of the current application is in line with the Committee’s previous decisions.
- 12.8 Two public comments were received objecting to the application mainly on grounds as summarized in paragraph 11. The planning considerations and assessments in the above paragraphs are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11 above, the Planning Department considers that the proposed temporary open storage of recyclable materials (metal and plastic) with associated filling of pond could be tolerated for a period of 3 years.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years until **2.8.2022**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (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 on the Site during the planning approval period;
- (d) no heavy goods vehicle exceeding 24 tonnes, including container trailer/tractor, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;

- (e) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (f) the submission of a revised drainage proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **2.2.2020**;
- (g) in relations to (f) above, the implementation of the revised drainage proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **2.5.2020**;
- (h) in relations to (g) above, the implemented drainage facilities on Site shall be maintained at all times during the planning approval period;
- (i) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS 251) within **6 weeks** from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **13.9.2019**;
- (j) 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 **2.2.2020**;
- (k) in relation to (j) 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 **2.5.2020**;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e) or (h) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (m) if any of the above planning conditions (f), (g), (i), (j) or (k) 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 reasons for rejection are suggested for Members' reference:

- (a) the applied use is not in line with the planning intentions of the "G/IC" zone, which is intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. There is no strong planning justification given in the submission for a departure from the planning intentions, even on a temporary basis; and
- (b) the applicant fails to demonstrate that the applied development would not have adverse environmental impact on the surrounding areas.

14. Decision Sought

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

15. Attachments

Appendix I	Application Form received on 13.6.2019
Appendix Ia	Supplementary planning statement with proposed vehicular access plan, pond filling plan, layout plan, landscape plan and drainage plan
Appendix Ib	FI from the applicant on 15.7.2019 clarifying the proposed materials for filling of ponds
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	Similar Applications within the subject “G/IC” zone on the approved Hung Shui Kiu and Ha Tsuen Outline Zoning Plan since the promulgation of TPB PG-No. 13E on 17.10.2008
Appendix IV	Good Practice Guidelines for Open Storage issued by the Director of Fire Services
Appendix Va-Vb	Public Comments received during exhibition period
Appendix VI	Advisory clauses
Drawing A-1	Proposed Vehicular Access Plan
Drawing A-2	Pond filling Plan
Drawing A-3	Proposed Layout Plan
Drawing A-4	Proposed Landscape Plan
Drawing A-5	Proposed Drainage Plan
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4b	Site Photos

**PLANNING DEPARTMENT
AUGUST 2019**