

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/174

- Applicant** : Fortuneland Development Holding Limited represented by Kenneth To & Associates Limited
- Site** : Various Lots in D.D. 125 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long
- Site Area** : 34,933m² (about) (including about 1,092m² of 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** : “Other Specified Uses” annotated ‘Port Back-up, Storage and Workshop Uses’ (“OU(PBU&SWU)”) (about 59%);
[Restricted to maximum plot ratio (PR) of 7 and maximum building height (BH) of 110m]
- “Other Specified Uses” annotated “Logistics Facility” (“OU(LF)”) (about 4%);
[Restricted to maximum PR of 5 and maximum BH of 110mPD]
- “Other Specified Uses” annotated “Petrol Filling Station” (“OU(PFS)”) (about 4%); and
[Restricted to maximum BH of 40m]
- an area shown as ‘Road’ (about 33%)
- Application** : Temporary Open Storage of Recycling Materials (Plastic) with Ancillary Workshops and Site Offices for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary open storage of recycling materials (plastic) with ancillary workshops and site offices for a period of 3 years (**Plan A-1a**). The Site straddles over “OU(PBU&SWU)” (59%), “OU(LF)” (4%) and “OU(PFS)” (4%) zones and an area shown as ‘Road’ (33%) on the approved HSK and HT OZP. According to the Notes of the OZP, ‘Open Storage’ and ‘Rural Workshop’ are Column 1 uses of the “OU(PBU&SWU)” zone and no planning permission from the Town Planning Board (the Board) is required. For “OU(LF)” zone, ‘Open Storage’ is a Column 1

use while ‘Rural Workshop’ is a Column 2 use that would require planning permission. On the other hand, 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 (**Plan A-1b**).

- 1.2 The Site is involved in 7 previous applications No. A/YL-HT/224, 269, 408, 487, 658, 855 and 1042 for open storage of containers and/or construction materials (**Plan A-1b**). The last application No. A/YL-HT/1042 for renewal of planning approval for temporary open storage of containers and container repairing area was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 26.8.2016 for a period of 3 years from 7.9.2016 to 6.9.2019. All the time-specific approval conditions have been complied with. The current application is submitted by the same applicant for a different use with different layout at a slightly larger site.
- 1.3 The Site is accessible from Ha Tsuen Road via a local track and the ingress/egress point is at the southern boundary of the Site (**Drawing A-1 and Plan A-2**). As shown on the layout plan at **Drawing A-1**, 19 temporary structures with a total floor area of 9,693m² (including eight single-storey structures with height ranging from 6.1 to 8.5m, with floor area ranging from 288m² to 2,499m² for workshop use, and 11 single to two-storey structures with height ranging from 2.9m to 7m, with floor area ranging from 15m² to 194m², for office use are proposed. The Site is sub-divided into 10 open storage areas of recycling materials (plastics) occupied by different operators and loading/unloading activities are proposed to be carried out within each individual sites and no fix loading/unloading bays and parking spaces are designated. Container vehicles and goods vehicles will be used for transportation of goods to the Site. Majority of the Site is provided with 2.5m high fence wall. According to the applicant, the operation hours are from 9:00 a.m. to 6:00 p.m. from Mondays to Fridays and from 9:00 a.m. to 2:00 p.m. on Saturdays. There will be no operation on Sundays and Public Holidays. The tree preservation and landscape proposal and the as-built drainage plan are at **Drawings A-2 and A-3** respectively.
- 1.4 The major development parameters of the previously approved scheme and the current application area summarized as follows:

Major Development Parameters	Previously Approved Application No. A/YL-HT/1042 (a)	Current Application No. A/HSK/174 (b)	Difference (b) - (a)
Applied Use	Temporary open storage of containers and container repairing area (3 Years)	Temporary open storage of recycling materials (plastic) with ancillary workshops and site offices (3 Years)	Different open storage use with workshop
Site Area	34,187m ²	34,933m ²	746m ² (+2.2%)
Total floor area	200m ²	9,693m ²	+9,493m ² (>100%)

No. and Height of Structure	1 - Office (2.6m high)	19 - 8 structures for workshop use (6.1 to 8.5m high) - 11 structures for office use (2.9m to 7m high)	+18 (>100%)
Operation Hours	9am to 6pm, Mondays to Fridays, 9am to 2pm on 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 25.6.2019 **(Appendix I)**
- (b) Supplementary planning statement with proposed layout plan, tree preservation and landscape proposal and as-built drainage plan **(Appendix Ia)**
- (c) Further Information (FI) dated 1.8.2019 from the applicant providing trip generation and attraction rate of container and goods vehicles **(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) There is emerging need for storage and recovering of recycling materials. Recycling operation will help to conserve resources and divert plastics from the landfills.
- (b) There is no definite programme for Hung Shui Kiu Stage 1 and Stage 2 developments. Considering the current implementation status, it is anticipated that there would be at least 3 years before the land resumption or other action for implementation to commence at the Site.
- (c) The Site is located in “Category 2 areas” and the application is in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). Various technical assessments were carried out in the previous planning applications to demonstrate that the proposed use at the Site will not result in adverse impact to the surrounding environment.
- (d) Ha Tsuen area along both sides of Ha Tsuen Road has been dominated by open storage use and port back-up uses. In addition, most part of the Site is located within some “OU” zones in which ‘Open Storage (not elsewhere specified)’ is always permitted, except “OU(PFS)” and ‘Road’ area. The adjacent areas are predominately occupied by temporary open storage uses.
- (e) There is no drastic change to the surrounding land use context and the current proposed use will generate less traffic as compared with previous open storage of containers use. The applicant will follow the approval conditions in the previously approved application No. A/YL-HT/1042. The existing drainage facilities along the periphery of the Site will be maintained and no adverse drainage impact due to the proposed use is anticipated.

- (f) The Site was formed back in 1996 and has been intermittently used for open storage of containers since 2001. With the landscape treatment implemented, it is considered that the proposed development will not result in degradation of the natural environment.

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 sending notice to relevant rural committee 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 2 areas under the revised Guidelines. Relevant extracts of the Guidelines are attached at **Appendix II**.

5. Background

The storage use (recycling materials) and workshop use (recycling materials) on the Site would be subject to planning enforcement action.

6. Previous Applications

- 6.1 The Site is the subject of 7 previous applications Nos. A/YL-HT/224, 269, 408, 487, 658, 855 and 1042 for open storage of construction materials, machinery and/or containers. The four earlier applications Nos. A/YL-HT/224, 269, 408 and 487 were rejected by the Committee/Board between 2002 to 2008 mainly on grounds of not in line with either the Board’s Guidelines for Application for Open Storage and Port Back-up Uses, or the planning intention of the then “REC” zone, incompatibility with the rural character of the adjacent “Green Belt” zone, insufficient information to demonstrate no adverse impacts, and setting of undesirable precedent for a degradation of the rural environment. The later three applications Nos. A/YL-HT/658, 855 and 1042 for temporary open storage of containers and container repairing area were approved with conditions by the Committee/Board from 2010 to 2016. For applications Nos. A/YL-HT/658 and 855, road infrastructure improvement undertaken in the area in 2008 provided new planning circumstances for the consideration of these applications in that no adverse traffic impact to the surrounding areas would be resulted.
- 6.2 The last application No. A/YL-HT/1042 was for renewal of the same temporary open storage use which was approved with conditions by the Committee on 26.8.2016 for a period of 3 years and valid until 6.9.2019. All the time-specific approval conditions have been complied with. Compared with this last approved application, the current application is submitted by the same applicant for a different use with additional workshop at a larger site with 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 12 similar applications (No. A/YL-HT/606, 778, 841, 940, 964, 1008, 1056 and HSK/14, 57, 75, 90 and 103) for various temporary open storage, warehouse and workshop uses within the same “OU(PBU&SWU), “OU(LF)” and “OU(PFS)” 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. However, 8 of these applications 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 temporary open storage of recycled materials (plastic) and workshop without a valid planning permission; and
- (b) accessible from Ha Tsuen Road via a local track.

8.2 The surrounding areas have the following characteristics:

- (a) to its immediate north is an open storage of construction materials and a warehouse while to its further north is a storage of construction materials and two warehouses with one warehouse under a valid planning permission No. A/HSK/134 and some residential dwellings (the nearest one being 68m away);
- (b) to its immediate east is a warehouse under a valid planning permission No. A/HSK/103 while to its southeast is an open storage of containers;
- (c) to its immediate south is an open storage of containers under a valid planning permission No. A/HSK/65 and a woodland, while to its further south are a container vehicle park and a logistics centre; and
- (d) to its immediate west is a logistics centre and to its southwest is a logistics centre and two container vehicle parks.

9. Planning Intention

- 9.1 The Site straddles over “OU(PBU&SWU)” (59%), “OU(LF)” (4%) and “OU(PFS)” (4%) zones and an area shown as ‘Road’ (33%) on the approved HSK and HT OZP. The planning intention of the “OU(PBU&SWU)” zone is intended primarily to cater for the port back-up facilities and container related uses. Port back-up related development such as container freight station, logistics centre, container vehicle park and container storage, repair yard and rural industry workshop are permitted within this zone.
- 9.2 The planning intention of the “OU(LF)” zone is intended primarily for development of modern logistics facilities to complement the development of Hong Kong as a Regional Distribution Centre and Logistics Hub on the OZP. On the other hand, the planning intention of the “OU(PFS)” zone is intended primarily to provide/reserve land for petrol filling station.

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 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 (about 1,092m² subject to verification) is covered by Short Term Tenancy No. 2551 (~~STT2251~~STT2551) for the purposes of “Temporary Open Storage of Containers and Container Repairing Area”.
- (c) The private lots which are covered by Short Term Waivers (STWs) are listed below:

Lot No(s). in D.D.125	STW No.	Purposes
406	4074	Temporary Open Storage of Containers and Container Repairing Area
428	4075	
430	4076	
447	4077	
457	4078	
407	4230	
468 S.A, 472 and 488	4295	Temporary Logistics Centre with Ancillary Open Storage of Recyclable Materials
468 S.B	4296	

- (d) The Site is accessible to Ha Tsuen Road through GL and private lots. His office 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 lot owner(s) of the lot(s) without STW will need to apply to his office for permitting the structures to be erected or to regularize any irregularities on the Site, if any. The STW/STT holders will need to apply to his office for modification of the STW/STT conditions where appropriate. 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.
 - (c) The local track leading to the Site is not under TD's purview. The applicant shall obtain consent of the owner/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) The accesses connecting the Site and Ha Tsuen Road are not and will not be maintained by HyD.
 - (c) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.

Environment

- 10.1.4 Comment of the Director of Environmental Protection (DEP):
- (a) He does not support the application because there are sensitive uses in the vicinity of the Site (the nearest residential dwelling being about 68m 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/1042 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 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 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 and the applicant should adhere to the 'Good Practice for Open Storage for Open Storage Sites' at **Appendix V**.
- (d) Having considered the nature of the open storage, the following additional approval condition shall be added:

The provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval.

To address the above approval condition, the applicant is advised to submit a valid fire certificate (FS 251) to his department for approval.
- (e) 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.

Nature Conservation and Ecology

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

- (a) He has no comment on the application from nature conservation point of view.
- (b) It is noted that the Site has been hard-paved. It is also far away from existing wetland, around 260m from the nearest pond to the northwest and around 700m from the wetland near Deep Bay. As such, the proposed development is unlikely to cause adverse ecological impact to the wetland in the Deep Bay Area.

Long-Term Development

10.1.9 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 sites under Stage 1, 2 and 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 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); and
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

11. Public Comments Received During Statutory Publication Period

On 2.7.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 23.7.2019, 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 recycling facility is a noxious operation which create environmental issues and fire hazard and should be accommodated in custom built compounds. The YLDC advised that residents of Tin Shui Wai objected to the application since there were numerous complaints on open storage of recyclable materials sites and the ancillary workshop will generate odour in Ha Tsuen area and approval of the application will set an undesirable precedent (**Appendices VIa and VIb**).

12. Planning Considerations and Assessment

12.1 The application is for the development of a temporary open storage of recycling materials (plastic) with ancillary workshop and site office for a period of 3 years at a Site straddling over "OU(PBU&SWU)" (59%), "OU(LF)" (4%) and "OU(PFS)" (4%) zones and an area shown as 'Road' on the approved HSK and HT OZP. The planning intentions of the "OU(PBU&SWU)" and "OU(LF)" zones are intended primarily to cater for the port back-up facilities and container related uses, and for development of modern logistics facilities to complement the development of Hong Kong as a Regional Distribution Centre and Logistics Hub respectively. The proposed development is in line with the planning intention of the "OU(PBU&SWU)" zone since 'Open Storage' and 'Rural Workshop' are Column 1 uses of such zone and 'Open Storage' is also permitted within the "OU(LF)" zone. Whilst part of the proposed development falls within the "OU(PFS)" zone and 'Road' area, 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 recycling materials (plastic) with ancillary workshops is not incompatible with the surrounding land uses which are predominantly used for open storage yards, container vehicle parks, warehouses and logistics centres (**Plan A-2**).

12.3 According to the TPB PG-No. 13E, the Site falls within Category 2 areas 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.

12.4 The Site falls within Category 2 areas and the proposed development is generally in line with the TPB PG-No. 13E in that there is no adverse comment from 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 68m 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 any unauthorized development on site would be subject to enforcement action by the Planning Authority. Besides, the applicant will also be advised to follow the latest “Code of Practice on Handling Environmental Aspect of Temporary Uses and Open Storage Sites” in order to minimize the possible environmental impacts on the nearby sensitive receivers.

12.5 The Committee had approved 3 previous planning applications for open storage use at the Site and approved 12 similar applications for various open storage uses in the same “OU(PBU&SWU)”, “OU(LF)” and “OU(PFS)” 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.

12.6 There are two public comments received with concerns stated in paragraph 11 above. The planning considerations and assessment in the above paragraphs 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 on paragraph 11, the Planning Department considers that the temporary open storage of recycling materials (plastic) with ancillary workshops and site offices 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 **16.8.2022**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation from 6:00 p.m. to 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) in relation to (a) above, no operation on Saturdays between 2:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (d) the existing fencing on the Site shall be maintained at all times during the planning approval period;
- (e) all existing trees and landscape plants on the Site shall be maintained at all times during the planning approval period;
- (f) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (g) 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 **16.11.2019**;
- (h) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within **6** weeks from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **27.9.2019**;
- (i) the submission of a fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **16.2.2020**;
- (j) in relation to (i) above, the implementation of the fire service installations proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **16.5.2020**;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) 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 (g), (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 VII**.

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

- (a) the development is not in line with the planning intentions of the "OU(PFS)" zone and 'Road' area, which are intended primarily to provide/reserve land for petrol filling station and for road development. 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 25.6.2019
Appendix Ia	Supplementary planning statement with proposed layout plan, tree preservation and landscape proposal and as-built drainage plan
Appendix Ib	FI dated 1.8.2019 from the applicant providing trip generation and attraction rate of container and goods vehicles
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 "OU(PBU&SWU)", "OU(LF)" and "OU(PFS)" 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	'Good Practice for Open Storage Sites' by the Fire Services Department
Appendices VIa & b	Public Comments
Appendix VII	Advisory Clauses
Drawing A-1	Proposed Layout Plan
Drawing A-2	Tree Preservation and Landscape Proposal
Drawing A-3	As-built 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

**PLANNING DEPARTMENT
AUGUST 2019**