

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

**APPLICATION NO. A/YL-LFS/358**

- Applicant** : Teng Fei Consultancy Company represented by Allgain Land Administrators (Hong Kong) Limited
- Site** : Lots 1620-1625, 2698-2703, 2706, 2707 and 2710 in D.D. 129, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 10,025 m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/9 and Approved Tin Shui Wai OZP No. S/TSW/14
- Zoning** : “Green Belt” (“GB”) (about 86%)  
“Open Space (1)” (“O(1)”) (about 14%)
- Application** : Temporary Open Storage of Construction Materials 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 construction materials for a period of 3 years (**Plans A-1a and A-1b**). The majority of the Site (86%) falls within an area zoned “GB” on the approved Lau Fau Shan and Tsim Bei Tsui (LFS&TBT) OZP No. S/YL-LFS/9 and a portion of the Site (14%) falls within an area zoned “O(1)” on the approved Tin Shui Wai OZP No. S/TSW/14. According to the covering notes of the LFS&TBT OZP, temporary use or development of any land or buildings not exceeding a period of 3 years 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. According to the covering notes of the TSW OZP, temporary uses (expected to be 5 years or less) of any land or buildings are always permitted. The Site is currently being used for open storage of vehicles, containers and construction materials without valid planning permission.
- 1.2 Another application (No. A/YL-LFS/357) to the immediate south of the Site (**Plans A-1a and A-1b**) for temporary public vehicle park (private car, medium goods vehicle, heavy goods vehicle and container vehicle) for a period of 3 years submitted by the same applicant will be considered at the same meeting.

- 1.3 The Site is the subject of 5 previous planning applications (**Plan A-1b**) for pond filling and development of golf driving range (Application No. A/YL-LFS/31); temporary golf driving range (Application No. A/YL-LFS/40); recreational use (proposed extension to the "Greenfield Garden" (including flea market for green/environmental friendly products)) (Application No. A/YL-LFS/74) and public utility installation (telecommunications radio base station) (Applications No. A/YL-LFS/155 and 173) respectively. The first application was rejected while the last four were approved. Details of the previous applications are at paragraph 6 and **Appendix IV**.
- 1.1 The Site is accessible from Tin Wah Road via New Sha Kong Wai Road (**Drawing A-3 and Plan A-1b**). The ingress/egress point is located at the northeastern boundary of the Site (**Drawings A-1, A-2 and Plan A-2**). As shown on **Drawing A-2** and indicated in the submission, more than half of the Site is proposed for open storage of construction materials and 3 heavy goods crane truck loading/unloading spaces will be provided on the Site. The operation hours of the Site are from 7 a.m. to 11 p.m. from Mondays to Saturdays. There will be no operation on Sundays and public holidays.
- 1.2 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 13.1.2020 with lot index (**Appendix I**) plan, proposed layout plan and vehicular access plan
  - (b) Further Information received on 2.3.2020 providing (**Appendix Ia**) responses to the comment of the Transport Department regarding the estimated trip generation and attraction and access route to/from the Site  
*(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 at **Appendices I and Ia**. They are summarized as follows:

- (a) There are many construction companies nearby and they need ample space for storage of construction materials.
- (b) The Site is conveniently located and accessible by large vehicles. The Site has been used for open storage of construction materials for a long time and no nuisance has been created to the residents nearby and surrounding environment.
- (c) No other site nearby is available or suitable for the storage of construction materials.

### **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 publishing notices in local newspapers. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Background**

The Site is subject to three active planning enforcement cases (Nos. E/YL-LFS/500, 501 and 502) (**Plan A-2**) and the alleged unauthorized development (UD) is storage use (including deposit of containers and parking of vehicles). All Enforcement Notices (EN) were issued to the registered land owners on 3.2.2020 requiring the UD to be discontinued by 3.4.2020. The Site will be kept under close monitoring for further action.

### **5. Town Planning Board Guidelines**

5.1 The Town Planning Board Guidelines for “Application for Development within the Green Belt zone under Section 16 of the Town Planning Ordinance” (TPB PG-No. 10) are relevant to the application. Relevant extracts of the Guidelines are attached at **Appendix II**.

5.2 The Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” (TPB PG-No. 13E) are also relevant to this application. According to the said Guidelines, the Site falls within Category 4 areas. Relevant extracts of the Guidelines are attached at **Appendix III**.

### **6. Previous Applications**

6.1 The Site is the subject of five previous planning applications (Applications No. A/YL-LFS/31, 40, 74, 155 and 173) (**Plan A-1b**) for pond filling and development of golf driving range; temporary golf driving range; recreational use (proposed extension to the Greenfield Garden (including flea market for green/environmental friendly products)) and public utility installation (telecommunications radio base station) (for the last two applications) respectively. Details of these applications and the Rural and New Town Planning Committee (the Committee)’s/Board’s decisions are summarized at **Appendix IV** and their locations are shown on **Plan A-1b**.

6.2 Application No. A/YL-LFS/31 (covering part of the Site and the land to its north and south with a site area of about 3.53 ha) for pond filling and development of golf driving range with ancillary private club, conservation and recreational facilities was rejected upon review by the Board on 18.12.1998 mainly on the grounds of not in line with the planning intention of the “GB” zone, insufficient

information to demonstrate no significant environmental, drainage, and flooding impacts on the surrounding areas, unacceptable proposed vehicular access arrangement and undesirable precedent.

- 6.3 Application No. A/YL-LFS/40 (covering part of the Site and the land to its south with a site area of about 2.2 ha) for temporary golf driving range with ancillary pro-shop, storage area, washroom and parking area was approved by the Committee on 28.5.1999 mainly on the considerations that the application was temporary in nature and all technical issues had been addressed, the proposed use was not incompatible with the surrounding land use, there would be no significant traffic impact to the area and relevant departments had no adverse comments on the application.
- 6.4 Application No. A/YL-LFS/74 (covering large part of the Site and the land to its south with a site area of about 3.4 ha) for recreational use (i.e. proposed extension to the “Greenfield Garden” (including flea market for green/environmental friendly products)) for a period of 3 years was approved by the Board upon review on 8.3.2002 mainly on the considerations that similar use (i.e. Application No. A/YL-LFS/39 for recreational uses including barbecue spot, playground, refreshment kiosk, visitor centre, public car park and ancillary uses (i.e. the “Greenfield Garden”) had been approved within the same “GB” zone. The planning permission was lapsed on 9.3.2005.
- 6.5 Applications No. A/YL-LFS/155 and 173 in the subject “GB” zone were both for proposed public utility installation (telecommunications radio base station). Application No. A/YL-LFS/155 was approved upon review by the Board on 6.7.2007 mainly on the considerations that the technical concerns had been addressed and resolved. Yet, the planning permission was revoked on 18.4.2008 due to non-compliance with the submission of landscape proposal. Application No. A/YL-LFS/173 was approved by the Committee on 18.4.2008 mainly on the consideration that similar use (Application No. A/YL-LFS/155) had been approved. However, the proposed use under A/YL-LFS/173 is yet to be implemented.

## 7. Similar Applications

There are six similar applications (No. A/YL-LFS/200, 227, 262, 279, 285 and 346) for various temporary warehouse and/or open storage uses for a period of 3 years within the same “GB” zone. All were rejected by the Committee between 2010 and 2019. The rejection reasons mainly include not in line with the planning intention of the “GB” zone and the relevant TPB Guidelines for ‘Application for Development within the Green Belt zone’, ‘Application for Development within the Deep Bay Area’ and/or ‘Application for Open Storage and Port Back-up Uses’; and setting an undesirable precedent for similar applications. Details of these applications and the Committee’s decision are summarized at **Appendix V** and the locations are shown on **Plan A-1a**.

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

### 8.1 The Site is:

- (a) currently hard-paved and used for open storage of vehicles, containers and construction materials; and
- (b) accessible from Tin Wah Road via New Sha Kong Waid Road which is a local road with about 8m wide (**Drawing A-3 and Plan A-1b**).

### 8.2 The surrounding areas have the following characteristics:

- (a) to its immediate south is a public vehicle park without valid planning permission (i.e. Application No. A/YL-LFS/357 to be considered at the same meeting); and to the further south/southwest is a recreational development named "Greenfield Garden" which is related to planning permission (Application No. A/YL-LFS/39) and the residential dwellings (the closest residential dwelling is about 118m away) in Sha Kong Wai;
- (b) to its immediate west are vegetated hill slopes; and to the further west is the burial ground;
- (c) to its immediate north is vacant land; and to the further north is the vegetated hill slopes; and
- (d) to its immediate east is the "O(1)" zone with presence of fish ponds and vegetation; and to the further east across Tin Ying Road is the nullah and a public housing development named Tin Chak Estate.

## **9. Planning Intentions**

- 9.1 The planning intention of "GB" zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl, as well as to provide passive recreational outlets. There is a general presumption against development within this zone. However, limited development may be permitted if they are justified on strong planning grounds.
- 9.2 The planning intention of "O(1)" zone is intended for passive recreational uses with existing ponds preserved as landscape features.

## **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) Should the planning 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 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. Application(s) for any of the above will be considered by 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 LandsD.

### **Landscaping**

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

- (a) According to the aerial photo taken in 2018, the Site is mainly hard paved with a cluster of trees at the northern portion of the Site. The Site is located in an area of rural landscape character, comprising tree clusters, fish ponds and village houses. The applied use and extensive hard paving of the development are considered not compatible with the landscape character of the surrounding area.
- (b) Approval of the application would set an undesirable precedent to encourage similar developments to the area. The cumulative impact of which result in a general degradation of the landscape quality of the surrounding environment and undermine the integrity of the "GB" and "O(1)" zones. In view of the above, he has reservation on the application from landscape planning perspective.
- (c) In view that the Site is not facing any prominent public frontage and that there are existing trees at the surrounding areas of the site, it is recommended to impose an approval condition to maintain all existing trees within the Site in good condition for the duration of the approval period should the application be approved by the Board.

### **Nature Conservation**

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

- (a) It is noted that the Site is paved and disturbed. It falls largely within the "GB" zone while the eastern portion falls within the "O" zone. As indicated in the application, the current use of the Site is the applied use, which appears to be an unauthorized use without obtaining planning

approval from the Board. It should be considered that if the applied use is in line with the planning intention of "GB" zone.

- (b) Should the application be approved, the applicant should be advised to adopt good site practices to avoid causing disturbance or pollution to the ponds to the east of the Site during operation.

### Traffic

#### 10.1.4 Comments of the Commissioner for Transport (C for T):

- (a) He has no objection to the application from traffic engineering point of view.
- (b) Sufficient manoeuvring space shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads.
- (c) The local track leading to the Site is not under Transport Department (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.

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

- (a) The access arrangement should be commented by TD.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (c) HyD shall not be responsible for the maintenance of any access connecting the Site and Tin Wah Road.

### Environment

#### 10.1.6 Comment of the Director of Environmental Protection (DEP):

- (a) He has no adverse comment on the application.
- (b) No environmental complaint pertaining to the Site has been received in the past three years.
- (c) Should the planning application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling the environmental Aspects of Temporary Uses and Open Storage Sites" ("the COP").

### Drainage

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

- (a) He has no objection in principle to the application from drainage point of view.
- (b) Should the Board consider that the application is acceptable from the planning point of view, he would suggest that a condition should be stipulated in the approval letter requiring the applicant to submit a drainage proposal, to implement and maintain the proposed drainage facilities to the satisfaction of his department.

### Fire Safety

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

- (a) He has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to the satisfaction of D of FS.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicants are advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval.
- (c) The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Attached good practice guidelines for open storage should be adhered to (Appendix VI).
- (d) Moreover, having considered the nature of the open storage, the following approval condition shall be added:  
  
"The provision of fire extinguishers(s) within 6 weeks from the date of planning approval to the satisfaction of D of FS."
- (e) To address this approval condition, the applicants are 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.

### Building Matters

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



- (a) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Building Authority (BA), they are unauthorized building works (UBW) under the Buildings Ordinance (BO).
- (b) For UBW erected on leased land, enforcement action may be taken by the Buildings Department to effect their removal in accordance with the prevailing enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO.
- (c) Before any demolition works are to be carried out on application site, prior approval and consent of the BA should be obtained. An Authorized Person (AP) should be appointed as the co-ordinator for any demolition works in accordance with the BO. Should the AP confirm the works fall into the Minor Works Control System (MWCS), then the applicant may proceed with the works under the MWCS. For details of the submission procedure under the MWCS, the applicant may wish to visit BD's website at [www.bd.gov.hk](http://www.bd.gov.hk).

#### **District Officer's Comments**

##### 10.1.10 Comments of the District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD):

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) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (b) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (c) Chief Engineer/Sewerage Projects, DSD (CE/SP, DSD);
- (d) Director of Electrical and Mechanical Services (DEMS);
- (e) Director of Leisure and Cultural Services (DLCS);
- (f) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (g) Commissioner of Police (C of P).

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

On 21.1.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 11.2.2020, 19 public comments were received from the World Wide Fund for Nature Hong Kong, Designing Hong Kong, village representatives of Sha Kong Wai, villagers of Sha Kong Wai and members of the public objecting to the application and the reasons are summarized below (Appendices VII-1 to VII-19):

- (a) the proposed development is not in line with the planning intention of the “GB” zone;
- (b) the proposed development will generate adverse traffic and environmental impacts and lead to degradation of the surrounding area;
- (c) the Board should not encourage “destroy first, build later” attitude; and
- (d) approval of the application would set an undesirable precedent for similar applications within the same “GB” zone.

## **12. Planning Considerations and Assessments**

12.1 The current application is for temporary open storage of construction materials for a period of 3 years. The Site is mainly zoned “GB” on the OZP. The planning intention of “GB” zone is to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl, as well as to provide passive recreational outlets. There is a general presumption against development within this zone. However, limited development may be permitted if they are justified on strong planning grounds. This strip of “GB” zone where the Site is located mainly serves as a buffer between the Tin Shui Wai New Town to its east and the natural landscape of vegetated hill slopes to its west (**Plan A-1a**). As such, the applied use is not in line with the planning intention of the “GB” zone and there is no strong planning justification given in the submission for a departure of such planning intention, even on a temporary basis.

12.2 According to the TPB PG-No.10 for Application for Developments within the “GB” Zone, there is a general presumption against development within the “GB” zone. New development will only be considered in exceptional circumstances and must be justified with very strong planning grounds. For the current application, there is no strong planning justification in the submission to support the applied use in the “GB” zone. Moreover, CTP/UD&L, PlanD has reservation on the application from landscape planning perspective as the applied use involving extensive hard paving is considered not compatible with the landscape character of the surrounding areas, which comprise tree clusters, fish ponds and village houses. He also points out that approval of the application would set an undesirable precedent to encourage similar developments to the area. The cumulative impact of which result in a general degradation of the landscape quality of the surrounding environment and undermine the integrity of the “GB” zone. In this regard, the applied use is not in line with the TPB PG-No. 10.

12.3 The Site falls within Category 4 areas under the TPB PG-No. 13E for Application for Open Storage and Port Back-up Uses. The following considerations in the Guidelines are relevant:

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 applied use is not in line with TPB PG-No. 13E in that the Site falls within Category 4 areas where the Site was not involved in any previous approvals for open storage use; there are no exceptional circumstances to justify for the applied use; there are reservations from CTP/UD&L, PlanD on landscape aspect; there is local objection on the application (**Appendices VII-1 to VII-19**); and no proposals/assessments have been submitted to demonstrate that the proposal would not generate adverse landscaping impact on the surrounding area.
- 12.5 Relevant departments including C for T, CE/MN of DSD, D of FS have no adverse comment on the application on the traffic, drainage and fire safety aspects.
- 12.6 The Site is the subject of five previous applications with different site extents for various recreational use or public utility use. Application No. A/YL-LFS/31 for pond filling and development of golf driving range was rejected in 1998 mainly on grounds of not in line with planning intention; no information to demonstrate no adverse environmental, drainage and flooding impacts; and setting undesirable precedent. Application No. A/YL-LFS/40 for temporary golf driving range and Application No. A/YL-LFS/74 for recreational use (i.e. proposed extension to the "Greenfield Garden") were approved in 1999 and 2002 respectively mainly on the considerations of not incompatible with the surrounding land uses; and no adverse departmental comments. Applications No. A/YL-LFS/155 and 173 for public utility installation were approved in 2007 and 2008 mainly on the consideration of technical concerns had been addressed and resolved. Within the same "GB" zone, six similar applications (No. A/YL-LFS/200, 227, 262, 279, 285 and 346) for various temporary warehouse and/or open storage were all rejected between 2010 and 2019 on the grounds of not in line with the planning intention and relevant TPB Guidelines and setting undesirable precedent.
- 12.7 No approval for similar open storage use has been granted by the Committee within the same "GB" zone. The Site is currently used as an open storage of construction materials without planning permission and subject to active enforcement actions. Approval of the application would set an undesirable precedent and encourage proliferation of similar open storage use within the same "GB" zone thereby frustrating its planning intention. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area. As such, rejecting the current application is in line with the Committee's previous decisions.
- 12.8 There are 19 public comments received objecting to the application on the grounds as summarized in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.7 are relevant.

### 13. Planning Department's Views

13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comments mentioned in paragraph 11 above, the Planning Department does not support the application for temporary open storage of construction materials use for a period of 3 years for the following reasons:

- (a) the applied use is not in line with the planning intention of the "Green Belt" zone, which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl, as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the applied use is not in line with the TPB PG-No. 10 for Application for Developments within the "Green Belt" Zone in that the applied use is incompatible with the surrounding areas and would have adverse landscape impact;
- (c) the applied use is not in line with the TPB PG-No. 13E for Application for Open Storage and Port Back-up Uses in that there are adverse departmental comments on landscape aspect and there is local objection on the application;
- (d) approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications in the "GB" zone, the cumulative effect of which would result in a general degradation of the environment of the area.

13.2 Alternatively, 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 6.3.2023. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### Approval Conditions

- (a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (d) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 6.9.2020;
- (e) in relation to (d) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 6.12.2020;

- (f) the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (g) the existing trees within the Site shall be maintained in good condition at all times during the planning approval period;
- (h) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 17.4.2020;
- (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 6.9.2020;
- (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 6.12.2020;
- (k) the provision of boundary fencing of the Site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town planning Board by 6.9.2020;
- (l) if any of the above planning conditions (a), (b), (c), (f) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (d), (e), (h), (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; and
- (n) upon the expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are attached at **Appendix VIII**.

**14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse the planning permission.
- 14.2 Should the Committee decide to reject the application, Members are invited to advise what reasons for rejection should be given to the applicants.
- 14.3 Alternatively, 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.

**15. Attachments**

<b>Appendix I</b>	Application Form received on 13.1.2020 with lot index plan, proposed layout plan and vehicular access plan
<b>Appendix Ia</b>	Further Information received on 2.3.2020 providing responses to the comment of the Transport Department regarding the estimated trip generation and attraction and access route to/from the Site
<b>Appendix II</b>	Relevant Extracts of Town Planning Board Guidelines for Application for Development within the Green Belt Zone (TPB PG-No. 10)
<b>Appendix III</b>	Relevant Extracts of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E)
<b>Appendix IV</b>	Previous Applications covering the Site
<b>Appendix V</b>	Similar Applications within the Same "GB" Zones on the Approved Lau Fau Shan and Tsim Bei Tsui OZP No. S/YL-LFS/9
<b>Appendix VI</b>	'Good Practice for Open Storage' issued by D of FS
<b>Appendices VII-1 to VII-19</b>	Public Comments Received During Statutory Publication Period
<b>Appendix VIII</b>	Advisory Clauses
<b>Drawing A-1</b>	Lot No. Plan
<b>Drawing A-2</b>	Proposed Layout Plan
<b>Drawing A-3</b>	Vehicular Access Plan
<b>Plans A-1a and A-1b</b>	Location Plan with Previous Applications and Similar Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
MARCH 2020**