

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL  
FOR TEMPORARY USE  
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-PS/579**

- Applicants** : Real River Limited represented by Aikon Development Consultancy Limited
- Site** : Lots 88 RP(Part), 89(Part), 90, 91 RP(Part), 92 RP, 93 to 105, 106(Part), 107(Part), 108, 109, 110(Part), 111, 112(Part), 113(Part), 233(Part), 234(Part), 235(Part), 236(Part), 295(Part), 296, 297, 298 S.A to S.D, 298 RP, 299, 300, 301(Part), 302(Part), 303 to 305, 306(Part), 312 (Part), 313(Part), 314(Part), 316(Part), 317(Part), 318 and 319(Part) in D.D. 126 and adjoining Government Land near Fung Ka Wai, Ping Shan, Yuen Long, New Territories
- Site Area** : About 45,870 m<sup>2</sup> (including about 362 m<sup>2</sup> of Government Land)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/18
- Zoning** : “Recreation” (“REC”) (about 99.17%)  
“Village Type Development” (“V”) (about 0.83%)  
[Restricted to maximum building height of 3 storeys (8.23m)]
- Application** : Renewal of Planning Approval for Temporary Open Storage of New Vehicles (Private Cars, Taxis, Light Goods Vehicles and Light Buses Only) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning approval for temporary open storage of new vehicles (private cars, taxis, light goods vehicles and light buses only) at the application site (the Site) for a period of 3 years (**Plan A-1**). The Site falls mainly within “REC” zone (99.17%) with a minor portion on “V” zone (0.83%). According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for in terms of the OZP. The Site is currently occupied for the applied use with planning permission under Application No. A/YL-PS/511 until 15.3.2019.

- 1.2 The Site involves 12 previous applications (Applications No. A/DPA/YL-PS/3, 30, A/YL-PS/14, 40, 76, 106, 122, 167, 255, 311, 405 and 511) for open storage of new vehicles (**Plan A-1**). The last application (No. A/YL-PS/511) for the same use submitted by the same applicant was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 5.2.2016 for a period of 3 years from 16.3.2016 to 15.3.2019. All the time-limited approval conditions have been complied with. Details of the previous applications are at paragraph 6 and **Appendix IV**. Compared with the last application, the current application is submitted by the same applicant for the same use on the same site with the same development parameters and similar layouts (i.e. minor changes in the open storage area and loading/unloading area). The major development parameters of the previously approved application and the current application are the same as follows:

<b>Major Development Parameters</b>	<b>Previously Approved Application No. A/YL-PS/511</b>	<b>Current Application No. A/YL-PS/579</b>
Development/Use	Temporary Open Storage of New Vehicles (Private Cars, Taxis, Light Goods Vehicles and Light Buses Only) for a Period of 3 Years	
Site Area	45,870 m <sup>2</sup> (about) (including 362 m <sup>2</sup> of Government Land)	
Total Floor Area	Not more than 5.8 m <sup>2</sup> (for guard kiosk)	
No. of Vehicles to be stored	2250	
No. of Trips for Delivering Vehicles	Not more than 10 per week	
Type of Delivery Vehicles	Goods Vehicles Not Exceeding 5.5 tonnes as defined in the Road Traffic Ordinance	
Operation Hours	9:30 a.m to 9:00 p.m (excluding Sundays and public holidays)	

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

- (a) Application form received on 24.12.2018 **(Appendix I)**
- (b) Supplementary Planning Statement including a location plan, lot index plan, proposed layout plan, proposed drainage plan, proposed landscape plan and delivery route plan **(Appendix Ia)**
- (c) Further Information received on 25.1.2019 in response to Transport Department's comment, providing clarifications on trip generation and traffic arrangement and the revised layout plan [accepted and exempted from publication and recounting requirements] **(Appendix Ib)**

- 1.4 The location plan, lot index plan, proposed layout plan, landscape plan, drainage plan and route for delivery vehicles submitted by the applicant are at **Drawings A-1 to A-6**.

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed at supplementary planning statement at **Appendix Ia**. They can be summarised as follows:

- (a) The Site is subject to 11 previous planning approvals for similar or the same uses as the applied use. As compared with the last application, there are no changes in terms of the nature of use, development parameters and overall physical setting. It only involves slight changes in some open storage areas and loading/unloading areas. The applicant has complied with all planning conditions under previous approval within specified time limits.
- (b) The Site falls within the ‘Category 3 Areas’ of the Town Planning Board Guidelines for Applications for Open Storage and Port Back-up Uses (TPB PG-No. 13E). Based upon the previous planning approvals given for the applied use and that all approval conditions as laid down in previous applications have been duly complied with, the current application is considered not contrary to the TPB PG-No. 13E.
- (c) Operation hours, number of trips involved, and more importantly, the existing drainage provision and landscape treatment would be continued to be properly maintained all the time upon granting of planning approval for the current application. No infrastructural nor environmental impacts are envisaged should the permission for the proposed use be renewed or granted by the Board.
- (d) The temporary nature of the current application will not jeopardize the long term planning intentions of “REC” and “V” zones should it be considered essential to be implemented by the Board in future. In contrast, the proposed use in the interim at the Site is deemed not unsuitable and is able to continuously and flexibly meet the demands on the proposed use.

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

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

## **4. Background**

The Site is not subject to any active enforcement action as it is covered by a valid planning permission (Application No. A/YL-PS/511) until 15.3.2019. The planning enforcement action will be taken upon the expiry of the current planning permission if no valid planning permission is granted.

## 5. Town Planning Board Guidelines

- 5.1 The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34B) are relevant to the application. The relevant assessment criteria 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 relevant to the application. The Site falls mostly within Category 3 areas (99.17%) and slightly encroached upon Category 4 areas (0.83%) under the revised Guidelines. Relevant extract of the Guidelines is at **Appendix III**.

## 6. Previous Applications

- 6.1 The Site is involved in 12 previous applications for temporary open storage of new vehicles uses from 1994 to 2016. 11 of these applications (Applications No. A/DPA/YL-PS/30, A/YL-PS/14, 40, 76, 106, 122, 167, 255, 311, 405 and 511) were approved by the Committee from 1994 to 2016 while 1 application (No. A/DPA/YL-PS/3) was rejected by the Board on review on 21.10.1994.
- 6.2 Application No. A/DPA/YL-PS/30 for temporary use of open storage of new vehicles covering a larger site was approved with conditions by the Committee on 21.10.1994 for a period of 3 years on the considerations that there was no immediate alternative site available for open storage of new vehicles, ameliorative measures would be carried out to minimise adverse environmental impacts and the temporary use would not jeopardise the long term planning intention of the area.
- 6.3 Applications No. A/YL-PS/14, 40, 76, 106, 122, 167, 255 and 311 for temporary open storage of new vehicles covering different extent of the site for a period of 12 months or 3 years had subsequently been approved with conditions by the Committee on the considerations that the approvals for similar or same uses were given and approval conditions of the previous applications were complied with, the temporary use would not frustrate permanent development of the application sites, the development would unlikely have significant adverse traffic and environmental impacts and relevant departments had no objection to the application. However, application No. A/YL-PS/76 and 106 were revoked on 19.8.2001 and 22.8.2002 respectively due to non-compliance with approval conditions requiring the implementation of drainage proposal and/or the night-time operation at the application sites.
- 6.4 The last two applications (No. A/YL-PS/405 and 511) covering the same site as the current application by the same applicant for the same use for temporary open storage of new vehicles (cars, taxis, light goods vehicles and light buses only) for a period of 3 years were approved by the Committee on 15.3.2013 and 5.2.2016 respectively. All the time-limited approval conditions had been

complied with.

- 6.5 One application (No. A/DPA/YL-PS/3) for open storage of new vehicles was rejected by the Board on review on 13.5.1994 mainly on grounds of not in line with planning intention, not compatible with surrounding land uses, failure to adequately address the drainage, visual and noise impact, incomplete information on the existing access road and failure to demonstrate that the number of vehicles received/dispatched in future would be maintained at the present level.
- 6.6 As compared with the last approved application (No. A/YL-PS/511), the current application is submitted by the same applicant for the same use on the same site with the same development parameters and similar layout. Details of these previous applications are shown in **Appendix IV** and their locations are shown on **Plan A-1**.

## **7. Similar Applications**

- 7.1 Within the same “REC” and “V” zones, there are 3 similar applications (Applications No. A/YL-PS/365, 436 and 537) for open storage of new vehicles uses for a period of 3 years since the promulgation of TPB PG-No. 13E on 17.10.2018. Details of these applications are summarized at **Appendix V** and the locations of these application sites are shown on **Plan A-1**.
- 7.2 Two similar applications (No. A/YL-PS/436 and 537) for temporary open storage of new vehicles (privates cars and light goods vehicles) for a period of 3 years within the “REC” zone were approved by the Committee on 25.4.2014 and 12.5.2017 respectively on the considerations that long-term planning intention of the “REC” zone would not be frustrated, the development was not incompatible with the surrounding uses, concerned departments had no adverse comment, approval conditions could be imposed to address departmental concern, approvals for similar uses were given and approval conditions of the previous applications were complied with.
- 7.3 Application No. A/YL-PS/365 for proposed temporary open storage of new vehicles (private cars and medium goods vehicles) (under 12 tonnes) for a period of 3 years within the “V” zone was rejected by the Committee on 30.3.2012 mainly on the grounds of not in line with planning intention, incompatible with surrounding rural and residential neighbourhood, not complying with the TPB PG-No.13E and failure to demonstrate no adverse environmental, landscape and drainage impacts on the surrounding areas and setting undesirable precedent.

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

8.1 The Site is:

- (a) currently used as temporary open storage of new vehicles (cars, taxis, light goods vehicles and light buses) with planning permission under Application No. A/YL-PS/511 ; and
- (b) accessible via a local track leading to Tin Wah Road (**Plan A-2**).

8.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

- (a) to the east within the same “V” zone is the village cluster of Fung Ka Wai;
- (b) to the south and southeast within the same “REC” zone are scattered residential dwellings and open storage yards of building materials and machinery/construction materials and/or construction equipment with planning permissions under Applications No. A/YL-PS/529, 538, 545 and 548;
- (c) to the north and northeast within the same “REC” zone are a war game centre with planning permission under Application No. A/YL-PS/544, storage areas, ponds, parking of vehicles, plant nursery and fish breeding areas, BBQ site, fallow agricultural land and vacant land; and
- (d) to the west across the local track is Tin Tsz Road which is a dual carriageway, to the further northwest and west across Tin Tsz Road are areas zoned “Residential (Group B)” (“R(B)”) within Tin Shui Wai New Town comprising the residential development named Kenswood Court.

## **9. Planning Intention**

9.1 The “REC” zone is intended primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.

## **10. Comments from Relevant Government Departments**

10.1 The following Government departments have been consulted and their views on the application are summarised 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 Government Land (GL) (about 358m<sup>2</sup>) is covered by Short Term Tenancy No. 2868 (STT2868) for the purposes of temporary open storage of new vehicles (cars, taxi, light goods vehicles and light buses only).
- (c) The private land of Lots No. 102 and 233 in D.D. 126 is covered by Short Term Waivers (STW) No. 4225 and 2756 respectively to permit structures for the purpose of “temporary open storage of new vehicles (cars, taxi, light goods vehicles and light buses only)” and “storage of plastic materials”.
- (d) The Site is accessible to Tin Wah Road through GL. Her office provides no maintenance works for the GL involved and does not guarantee any right-of-way over the GL to the Site.
- (e) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (f) There is no Small House/New Territories Exempted House application at and in the vicinity of the Site.
- (g) Should planning approval be given to the subject planning application, the STW/STT holders will need to apply to her office for modification of the STW/STT conditions where appropriate and the lot owner(s) of the lot(s) without STW will need to apply to her office for permitting the structures to be erected or regularize any irregularities on the 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) of 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/are 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.

## Traffic

- 10.1.2 Comments of the Commissioner for Transport (C for T):
- (a) He has no further comment on the further information submitted by the applicant at **Appendix Ib**.
  - (b) The Site is connected to the public road network via a section of a local access which is not managed by Transport Department. The land status of the local access road should be clarified with the LandsD by the applicant. The management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.
  - (c) Sufficient manoeuvring spaces shall be provided within the Site. No vehicles are allowed to queue back to public road or reverse onto/from the public road.
- 10.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):
- (a) The access arrangement to the Site 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 footpaths/drains.
  - (c) HyD shall not be responsible for the maintenance of any access connecting the Site and Tin Wah Road.

## Environment

- 10.1.4 Comments of the Director of Environmental Protection (DEP):
- ~~(a)~~ ***DEP does not support the application as there are sensitive receivers in the vicinity (the closest residential dwelling is about 30m away to its southwest) and environmental nuisance is expected.***
  - ~~(b)~~ (a) 1 substantiated air pollution complaint pertaining to the Site was received in the past three years.
  - ~~(c)~~ (b) Should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the latest "Code of Practice (COP) on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites".



### **Drainage**

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

- (a) He has no objection in principle to the application from 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 maintain the existing drainage facilities and to submit condition record of the existing drainage facilities to the satisfaction of his department.

### **Fire Safety**

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

- (a) He has no objection in principle to the proposal subject to fire services installations (FSIs) being provided to the satisfaction of Director of Fire Services.
- (b) In consideration of the design/nature of the proposal, 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 “Good Practice Guidelines for Open Storage Sites” issued by his department at **Appendix VI** should be adhered to.
- (d) Should the Board consider that the application is acceptable from planning point of view, he would suggest that the condition should be stipulated in the approval letter requiring the applicant to provide fire extinguisher(s) and to submit the valid fire certificate (FS 251) to the satisfaction of his department.
- (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.

### **Landscaping**

10.1.7 Comments of the Chief Town Planner/Urban Design and Landscape,

Planning Department (CTP/UD&L, PlanD):

- (a) The Site is subject of last approved Application No. A/YL-PS/511 for temporary open storage of new vehicles use. With reference to the aerial photo of 2018, it is observed that the applied use is currently in operation with existing trees along the site boundary. Significant change to the landscape character arising from the continued use of the application is not anticipated.
- (b) The applicant is reminded that approval of the application under S.16 does not imply approval of tree works such as felling, transplanting or pruning under lease. The applicant shall be reminded to approach relevant authority /government department(s) direct to obtain the necessary approval for any proposed tree preservation or removal scheme involving trees within or outside the Site.
- (c) Should the Board consider that the application is acceptable from planning point of view, he would suggest that a condition should be stipulated in the approval letter requiring the applicant to maintain all existing vegetation within the Site with good condition to the satisfaction of PlanD.

**Building Matters**

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

- (a) Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are unauthorized building works (UBW) under the Building Ordinance (BO). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (b) 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.
- (c) 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 respectively.

- (d) 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 Building (Planning) Regulations at the building plan submission stage.

### **Water Supplies**

#### 10.1.9 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) She has no objection to the application.
- (b) Existing water mains will be affected. The developer shall bear the cost of any necessary diversion works affected by the proposed development.
- (c) In case it is not feasible to divert the affected water mains within the Site, a waterworks reserve within 1.5 metres from the centreline of the water main shall be provided to the WSD. No structure shall be erected over the waterworks reserve and such area shall not be used for storage purposes.
- (d) The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorize.
- (e) The Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site.

### **Others**

#### 10.1.10 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) No Food and Environmental Hygiene Department's (FEHD) facilities will be affected and such work and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding.
- (b) For any waste generated from the activity / operation, the applicant should arrange disposal properly at his own expenses.
- (c) Proper licence/permit issued by FEHD is required if there is any catering service/activities regulated by the DFEH under

the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public.

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

10.1.11 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 departments have no comment on the application:

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Project Manager (West)/West Development Office, Civil Engineering and Development Department (PM(W)/WDO, CEDD);
- (c) Chief Engineer/Land Works, CEDD (CE/LW, CEDD);
- (d) Head of Geotechnical Engineering Office, CEDD (H(GEO), CEDD);
- (e) Director of Electrical and Mechanical Services (DEMS);
- (f) Director of Leisure and Cultural Services (DLCS);
- (g) Antiquities and Monuments Office, Leisure and Cultural Services Department (AMO, LCSD); and
- (h) Commissioner of Police (C of P).

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

11.1 On 4.1.2019, the application was published for public inspection. During the first 3 weeks of the statutory public inspection period, which ended on 25.1.2019, 3 public comments were received (**Appendices VII-1 to VII-3**).

11.2 A member of the Yuen Long District Council and two individuals object to the application. The objecting reasons include the applied use is not in line with planning intentions of "REC" and "V" zones as the temporary use has lasted for more than 20 years, it would create inefficient use of land resources, the vehicles parking should be accommodated in multi-storey buildings or put underground and there are concerns over the safety issue of using Tin Tsz Road by the delivery vehicles to deliver the new cars to/from the Site.

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

12.1 The current application is for renewal of the planning permission under Application No. A/YL-PS/511 for open storage of new vehicles (cars, taxis, light goods vehicles and light buses). The Site predominantly (about 99.17%) falls within "REC" zone with a very minor portion (about 0.83%) within the "V" zone. The "REC" zone is intended primarily for recreational developments for the use of the general public. Although the applied use is not in line with the planning intention of the "REC" zone, there is no known

development program for the Site and approval of the application on a temporary basis for 3 years would not frustrate the long term planning intention of the “REC” zone.

- 12.2 The applied use is considered not incompatible with the surrounding land uses which mainly comprise open storage yards, public vehicle park, agricultural land, war game centre and rural residential dwellings (**Plan A-2**).
- 12.3 The Site falls mostly within Category 3 areas (99.17%) and slightly within Category 4 areas (0.83%) under the TPB PG-No. 13E. The following considerations in the Guidelines are relevant:
- (a) Category 3 areas: applications would normally not be favourably considered unless the applications are on sites with previous planning approvals. In that connection, 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 fresh applications relevant technical assessments/proposals, if required, to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. 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 up to a maximum period of 3 years.
  - (b) Category 4 areas: applications for open storage and port back-up uses 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, if required, 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 merits.
- 12.4 The application is considered in line with the TPB PG-No. 13E in that the Site was granted with previous approvals, the applicant had complied with all the approval conditions and the concerns of the Government departments and local residents can be addressed through the implementation of approval conditions.

- 12.5 The applied use is generally in line with TPB PG-No. 34B in that there has been no material change in planning circumstances since the previous temporary approval (Application No. A/YL-PS/511) was granted, all approval conditions under previous approval have been complied with and the 3-year approval period sought is of the same timeframe as that of the previous approval.
- 12.6 Concerned Government departments have no objection to or no adverse comment on the application, ~~except DEP. DEP does not support the application as there are sensitive receivers in the vicinity of the Site, with the nearest one located 30m to the southwest of the Site (Plan A-2), and environmental nuisance is expected.~~ To address ~~the concerns on the possible environmental nuisances generated by the temporary use and~~ the technical concerns of ~~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 unauthorized development on-site would be subject to enforcement action by the Planning Authority. Besides, the applicant will also be advised to follow the 'Code of Practice on Handling Environment Aspects of Temporary Uses and Open Storage Sites' to minimize the possible environmental impacts on the adjacent areas.
- 12.7 The Committee has previously approved 11 applications (Applications No. A/DPA/YL-PS/30, A/YL-PS/14, 40, 76, 106, 122, 167, 255, 311, 405 and 511) for similar or same use (i.e. temporary open storage of new vehicles) covering the Site and two similar applications have also been approved in the same "REC" zone since the promulgation of TPB PG-No. 13E in 2008. Approval of the renewal application is in line with the previous decisions of the Committee.
- 12.8 There are 3 public comments received on the application (**Appendices VII-1 to VII-3**) objecting to the application on the grounds as summarized in paragraph 11.2 above. The planning considerations and assessments in paragraphs 12.1 to 12.7 above 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 in paragraph 11 above, the Planning Department considers that the temporary open storage of new vehicles (private cars, taxis, light goods vehicles and light buses only) could be tolerated for a further 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 from 16.3.2019 to 15.3.2022. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 9:00 p.m. and 9:30 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 medium or heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance, buses exceeding 16 seats, container vehicles, container tractors and trailers are allowed to be parked/enter on the Site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the delivery route to and from the Site via Tin Wah Road, as proposed by the applicant, should be adhered to at all times during the planning approval period;
- (f) the existing fencing on the Site should be maintained at all times during the planning approval period;
- (g) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) the submission of the condition record of the existing drainage facilities on the Site within **3 months** from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 16.6.2019;
- (i) the provision of fire extinguisher(s) 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 27.4.2019;
- (j) the submission of fire service installations proposal within **6 months** 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 16.9.2019;
- (k) in relation to (j) above, the implementation of fire service installations proposal within **9 months** 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 16.12.2019;

- (l) all existing trees and landscape plantings on the Site shall be maintained at all times during the planning approval period;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (l) 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; and
- (n) if any of the above planning conditions (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

[Approval conditions are the same as those under the permission for Application No. A/YL-PS/511 except for condition (l) is updated in accord with the department's latest requirements.]

Advisory clauses

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

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

the continuous occupation of the Site for temporary open storage of new vehicles is not in line with the planning intention of the "REC" zone which is primarily for recreational developments for the use of the general public.

**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**  
**Appendix Ia**

Application form of 24.12.2018  
Supplementary Planning Statement including a location plan, lot index plan, proposed layout plan, proposed



	drainage plan, proposed landscape plan and delivery route plan
<b>Appendix Ib</b>	Further Information received on 25.1.2019 in response to Transport Department's comment and providing clarifications on trip generation and traffic arrangement and the revised layout plan
<b>Appendix II</b>	Extract of Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34B)
<b>Appendix III</b>	Extract of 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)
<b>Appendix IV</b>	Previous s.16 Applications covering the Site
<b>Appendix V</b>	Similar s.16 Applications within the same "REC" and "V" zones
<b>Appendix VI</b>	Good Practice Guidelines for Open Storage Sites issued by the Fire Services Department
<b>Appendices VII-1 to VII-3</b>	Public Comments Received During Statutory Publication Period
<b>Appendix VIII</b>	Advisory Clauses
<b>Drawing A-1</b>	Location Plan
<b>Drawing A-2</b>	Lot Index Plan
<b>Drawing A-3</b>	Layout Plan
<b>Drawing A-4</b>	Landscape Plan
<b>Drawing A-5</b>	Drainage Plan
<b>Drawing A-6</b>	Route for Delivery Vehicles
<b>Plan A-1a</b>	Location Plan with Similar Applications and Previous Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4a to A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
FEBRUARY 2019**