

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1008

- Applicant** : Exact Win Limited represented by PlanArch Consultants Limited
- Site** : Lots 1447 S.A & S.B (Part), 1448, 1454 (Part), 1455 to 1457, 1458 (Part), 1459 to 1462, 1463 S.A, 1463 S.B RP, 1463 S.B ss.1, 1464 to 1466, 1468, 1471 (Part), 1472 S.B, 1477 RP, 1478 (Part), 1479 (Part) and 1480 in D.D. 119, Lots 1682 (Part), 1683 (Part) and 1684 (Part) in D.D. 121 and Adjoining Government Land (GL), Tong Yan San Tsuen, Yuen Long, New Territories
- Site Area** : 15,800 m² (about) (including about 280 m² of GL)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/12
- Zoning** : “Undetermined” (“U”)
- Application** : Temporary Vehicle Repair Workshop and Open Storage of Scrap Metal, Construction Machinery and Building/Recycling Materials with Ancillary Workshop and Packaging Activities 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 vehicle repair workshop and open storage of scrap metal, construction machinery and building/recycling materials with ancillary workshop and packaging activities for a period of 3 years (**Plan A-1a**). According to the covering Notes of the OZP for the “U” zone, all uses or development except those specified in the Notes require permission from the Town Planning Board (the Board). The Site is currently occupied by the applied use without valid planning permission (**Plans A-2, A-4a to A-4c**).
- 1.2 The Site involves 13 previous applications for temporary vehicle repair workshop and/or open storage with or without ancillary packaging activities and/or parking of vehicles uses (**Plan A-1a**). The last application (No. A/YL-TYST/830) for temporary vehicle repair workshop and open storage of scrap metal, construction machinery and building/recycling materials with ancillary packaging activities was

approved with conditions for a period of 3 years by the Rural and New Town Planning Committee (the Committee) of the Board on 17.3.2017. All the approval conditions had been complied with and the permission had lapsed on 18.3.2020. Compared with the last application, the current application is submitted by the same applicant for almost the same use (with ancillary workshop specified in the application) on a larger site with different site layout and development parameters.

1.3 According to the applicant, the proposal would provide vehicle repairing services (including ancillary paint-spraying activities) for private cars and light/medium/heavy goods vehicles (goods vehicles) at structures No. 2, 5, 6, 8 to 10, 14 and 15 (**Drawing A-1**). The proposal also includes open storage of construction machinery (including tower crane parts and excavators) and materials (including metal bars, bricks and bamboos) and recycling materials (including scrap metal, plastic, paper and glass). The ancillary workshop activities for the open storage of recycling materials, i.e. cutting, sorting and packaging activities, will take place at structures No. 17 to 23 (**Drawing A-1**). No container and container trailer repairing activities, burning, melting, washing or cleaning of recycling materials and storage or handling (including loading and unloading (L/UL)) of electrical appliances, electronic or computer wastes and other workshop activities will be carried out at the Site. The applicant also pledges to maintain the existing footpath across the Site for free public passage (**Drawing A-1**). The site layout plan submitted by the applicant is at **Drawing A-1**.

1.4 The major development parameters of the previously approved application and the current application are summarised as follows:

Major Development Parameters	Previous Approved Application No. A/YL-TYST/830 (a)	Current Application No. A/YL-TYST/1008 (b)	Difference (b)-(a)
Applied Use	Temporary Vehicle Repair Workshop and Open Storage of Scrap Metal, Construction Machinery and Building/Recycling Materials with Ancillary Packaging Activities for a Period of 3 Years	Temporary Vehicle Repair Workshop and Open Storage of Scrap Metal, Construction Machinery and Building/Recycling Materials with Ancillary Workshop and Packaging Activities for a Period of 3 Years	To specify Ancillary Workshop in the Current Application
Site Area	15,050 m ² (about) (including about 280m ² of GL)	15,800 m ² (about) (including about 280m ² of GL)	+750 m ² (+5%)
Total Floor Area (non-domestic)	4,305 m ² (about)	3,489.5 m ² (about)	-815.5 m ² (-18.9%)
No. and Height of Structures	20 • shelter for vehicle repair workshop, office, storage and ancillary workshop (3-7m, 1-2 storey(s))	23 • shelter for vehicle repair workshop, office, storage and ancillary workshop (3-7m, 1-2 storey(s))	+3 (+15%)
No. of Parking Space	Nil		---

No. of L/UL Spaces	7 (16m x 3.5m) (for goods vehicles and container vehicles)	---
Operation Hours	9:00 a.m. to 6:00 p.m., with no operation on Sundays and Public Holidays	---

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

- (a) Application Form received on 25.2.2020 (Appendix I)
- (b) Supplementary Planning Statement (Appendix Ia)
- (c) Further Information (FI) received on 24.3.2020 responding to departmental comments (Appendix Ib)
- (d) FI received on 9.4.2020 providing responses to departmental comments and replacement pages of the Application Form (Appendix Ic)
- (e) FI received on 11.5.2020 responding to departmental comments with a photo of existing ingress/egress (Appendix Id)
- (f) FI received on 28.5.2020 responding to departmental comments (Appendix Ie)
- (g) FI received on 2.6.2020 clarifying the proposed operation (Appendix If)
[(c) to (g) are accepted and exempted from publication and recounting requirements]

1.6 In view of the situation of COVID-19 and the special work arrangement for government departments announced by the Government, the Planning Department (PlanD) only provided essential and limited public services and the District Planning Offices of PlanD suspended all fieldwork, including visit to the Site for gathering of background information, during the interim. In view of the above, the Board on 24.4.2020 agreed to defer consideration of this application. The fieldwork has been resumed and the application is now scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are mainly detailed in Section 4 of the Supplementary Planning Statement at **Appendix Ia** and the FI at **Appendices Ib** to **If**. They can be summarised as follows:

- (a) The Site was the subject of previous planning permissions. All planning conditions imposed to the previous applications have been complied with. There has been no change in planning circumstances since the approval of the last application, hence favourable considerations should be given to the current application.
- (b) According to the then Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13E), the Site fell within Category 1 areas which are considered suitable for open storage and port back-up uses.
- (c) The proposal is in line with the planning intention of the “U” zone and will not

frustrate the long-term development of the area. A number of open storage yards and warehouses have been approved by the Board in the vicinity of the Site. Therefore, the development is compatible with the surrounding environment.

- (d) No adverse traffic, environmental, visual, landscape, fire safety and drainage impacts arising from the proposal are envisaged. The applied use has been in operation over a decade, no traffic and environmental complaint has been received. Proper fire service installations (FSIs) were installed in compliance with the Fire Services Department's requirements. Besides, the vehicular access is from Kung Um Road and the vehicles will not run through Shan Ha Tsuen. The development would not generate queuing of traffic outside the Site and adequate space for manoeuvring of vehicles will be provided. Furthermore, the ancillary paint-spraying activities would be conducted at enclosed structures with ventilation and filter system. Relevant environmental mitigation measures in the "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Use" (Code of Practice) will be followed.

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 a notice of the application outside the Site and published notices in local newspapers. Detailed information would be deposited at the meeting for Members' inspection. For GL, the requirements as set out in TPB PG-No. 31A are not applicable.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for "Application for Open Storage and Port Back-up Uses" (TPB PG-No.13F) are relevant to the application. The Site falls within Category 1 areas under TPB PG-No. 13F promulgated by the Board on 27.3.2020. The relevant extract of the Guidelines is attached at **Appendix II**.

5. Background

The Site is currently not subject to planning enforcement action.

6. Previous Applications

- 6.1 The Site involves 13 previous applications (No. A/YL-TYST/72, 133, 200, 231, 267, 373, 374, 418, 510, 547, 607, 658 and 830) for various temporary vehicle repair workshop and/or open storage with or without ancillary packaging activities and/or parking of vehicles uses. Details of the applications are summarised in **Appendix III** and the boundaries of the sites are shown on **Plan A-1b**.
- 6.2 Out of these 13 previous applications, one application (No. A/YL-TYST/231) for temporary open storage of building/construction materials and construction machinery (mainly covering the area to the north of the Site) was rejected by the Board on review on 23.7.2004 mainly on the considerations that there was potential

adverse environmental impacts; and the proposal did not comply with the then TPB PG-No.13C in that it was incompatible with the village houses in the vicinity and there were adverse comments from the Director of Environmental Protection (DEP).

- 6.3 Application No. A/YL-TYST/72 for temporary open storage of construction equipment and materials, application No. A/YL-TYST/133 for temporary vehicle repair workshop, applications No. A/YL-TYST/200, 374 and 418 for temporary open storage of building/recycling materials and construction machinery, applications No. A/YL-TYST/267 and 373 for temporary vehicle repair workshop and open storage of scrap metal, applications No. A/YL-TYST/510 and 658 for temporary vehicle repair workshop and open storage of scrap metal and building/recycling materials and construction machinery (with ancillary packaging activities for the latter application), and applications No. A/YL-TYST/547 and 607 for temporary open storage of building and recycling materials, construction machinery, used electrical/electronic appliances, cargo compartments with ancillary packaging activities and parking of municipal vehicles were all approved with conditions by the Board on review or the Committee between 1999 and 2014 for a period ranging from 1 to 3 years. The applications were approved mainly on the considerations that the proposal was generally in line with the then/prevaling TPB PG-No. 13 (or its later version); the development was not incompatible with the surrounding uses in the subject “U” zone; approval of the application on a temporary basis would not frustrate the long-term development of the area; and the concerns of relevant government departments could be addressed by imposing approval conditions. However, the planning approvals for planning applications No. A/YL-TYST/72 and 418 were subsequently revoked due to non-compliance with approval conditions.
- 6.4 The last application (No. A/YL-TYST/830) for temporary vehicle repair workshop and open storage of scrap metal, construction machinery and building/recycling materials with ancillary packaging activities was approved with conditions for a period of 3 years by the Committee on 17.3.2017 mainly on similar considerations as those stated in paragraph 6.3 above. All the approval conditions had been complied with and the planning permission had lapsed on 18.3.2020.
- 6.5 Compared with the last application, the current application is submitted by the same applicant for almost the same use (with ancillary workshop specified in the application) on a larger site with different site layout and development parameters.

7. Similar Applications

- 7.1 There are 160 similar applications for temporary vehicle repair workshop and/or various types of temporary open storage uses with or without warehouse and/or ancillary workshop/site office uses in this part of the “U” zone considered by the Committee or the Board on review (for applications involving solely open storage use, only cases received since 17.10.2008 are included). Details of the applications are summarised in **Appendix IV** and the locations of the sites are shown on **Plan A-1a**.
- 7.2 Out of the 160 similar applications, 151 were approved mainly on similar considerations that the developments were not incompatible with the surrounding uses and the concerns of relevant departments could be addressed by imposing

approval conditions. However, the planning permissions for 34 of them were subsequently revoked due to non-compliance with approval conditions.

- 7.3 The remaining nine applications were rejected by the Committee or the Board on review between 2003 and 2012 mainly on the reasons that there was insufficient information to demonstrate that the proposal would not generate adverse impacts on the surrounding area or that approval of the application with repeated non-compliances with approval conditions would set an undesirable precedent for other similar planning permissions for temporary uses, thus nullifying the statutory planning control system, amongst others.
- 7.4 For Members' information, application No. A/YL-TYST/1013 for temporary open storage of construction materials (gravels, bricks, sand, cement in bags and paints) with vehicle repair workshop for a period of 3 years, application No. A/YL-TYST/1016 for renewal of planning approval for temporary open storage of construction machinery and construction material with ancillary repair workshop and office for a period of 3 years and application No. A/YL-TYST/1017 for renewal of planning approval for temporary open storage of construction materials, equipment and machinery and container site offices with ancillary repair activities for a period of 3 years within the subject "U" zone on the OZP will also be considered at this meeting (**Plan A-1a**).

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

8.1 The Site is:

- (a) accessible via Kung Um Road to its east (**Drawing A-1, Plans A-2 and A-3**);
- (b) mainly paved and fenced-off; and
- (c) currently occupied by the applied use without valid planning permission.

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

- (a) comprise predominantly open storage/storage yards and warehouses with scattered residential structures, workshops, chicken farm, agricultural land and vacant land/structures;
- (b) several residential structures are located in the immediate surroundings of the Site;
- (c) to the northeast of the Site is an area zoned "Village Type Development" ("V") on the OZP predominated by residential structures;
- (d) to its west is a nullah flanked by Lam Tai West Road and Lam Tai East Road;
- (e) to its east across a nullah flanked by Kung Um Road and Kiu Hing Road are areas zoned "Agriculture" and "V" on the approved Tai Tong Outline Zoning Plan No. S/YL-TT/16; and
- (f) except for one warehouse and three open storage/storage yards operating with valid planning permissions (No. A/YL-TYST/884, 897, 925 and 994 respectively) and another open storage yard in the vicinity, the other open

storage/storage yards, warehouses, workshops and chicken farm in the vicinity are suspected unauthorised developments (UD) subject to enforcement action taken by the Planning Authority.

9. Planning Intention

The planning intention of the “U” zone is to cater for the continuing demand for open storage, which cannot be accommodated in conventional godown premises. However, Kung Um Road is insufficient to cater for the heavy goods vehicular traffic generated from the proposed development. The area is therefore zoned “U” pending further detailed studies on the infrastructural impacts and the preparation of detailed layout plan.

10. Comments from Relevant Government Departments

10.1 The following government departments have been consulted and their views on the application and the public comments received, where relevant, 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 GL and 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) No permission is given for occupation of GL (about 280 m² subject to verification) included in the Site. Any occupation of GL without Government’s prior approval is not allowed.
- (c) Within the Site, Lots 1682&1683 and 1684 in D.D. 121 are currently covered by Short Term Waivers (STWs) No. 3810 and 3811 respectively to permit structures erected thereon for the purposes of “Open Storage of Building and Recycling Materials, Construction Machinery, Used Electrical/Electronic Appliances, Cargo Compartments with Ancillary Packaging Activities and Parking of Municipal Vehicles” and “Temporary Vehicle Repair Workshop and Open Storage of Scrap Metal, Construction Machinery and Building/Recycling Materials with Ancillary Packaging Activities”. Lots 1455, 1457, 1462, 1463 S.A, 1463 S.B RP, 1468&1472, 1463 S.B ss.1, 1464, 1466, 1471&1480 and 1479 in D.D. 119 are currently covered by STWs No. 4495 to 4504 to permit structures erected thereon for the purposes of “Temporary Vehicle Repair Workshop and Open Storage of Scrap Metal, Construction Machinery and Building/Recycling Materials with Ancillary Packaging Activities”. Lots 1458, 1455&1454 in D.D. 119 are currently covered by STWs No. 4885 to 4886 to permit structures erected thereon for the purposes of “Temporary Open Storage of Metal, Scrap Metal & Plastic with Ancillary Workshop”.

- (d) Should planning approval be given to the planning application, the STW holder(s) will need to apply to her office for modification of the STW conditions where appropriate and the lot owner(s) of the lot(s) without STW will need to apply to her office to permit the structures to be erected or regularise any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Furthermore, the applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Applications for any of the above will be considered by her department acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by her department.
- (e) The programme of land resumption would follow the agreed programme among relevant departments notwithstanding the validity period of the planning permission to be granted.

Traffic

10.1.2 Comments of the Commissioner for Transport (C for T):

- (a) The land status of the access road/path/track leading to the Site from Kung Um Road shall be checked with the lands authority.
- (b) The management and maintenance responsibilities of the access road/path/track should be clarified and consulted with the relevant management and maintenance authorities accordingly.
- (c) The applicant is reminded that sufficient space should be provided within the Site for manoeuvring of vehicles. In addition, no parking, queuing and reverse movement of vehicles on public road are allowed.

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

- (a) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (b) His department shall not be responsible for the maintenance of any access connecting the Site and Kung Um Road.

Environment

10.1.4 Comments of DEP:

- (a) He does not support the application as there are sensitive receivers of residential use in the vicinity (with several of them located in the immediate surroundings of the Site) (**Plan A-2**) and the applied use

will cause traffic of heavy vehicles; environmental nuisance is expected.

- (b) With respect to the public concern on the noise nuisance, air and water pollution and potential land contamination, he noted that the Site is currently occupied by the applied use. According to the complaint record, no substantiated complaint was received in the past 3 years. The applicant is advised to follow the relevant mitigation measures and requirements specified in Annex I of the latest Code of Practice.
- (c) It is noted that the previous application has included approval conditions namely “no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period”, “no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period”, “no storage or handling (including loading and unloading) of electrical appliances, electronic or computer wastes, as proposed by the applicant, is allowed on the site at any time during the planning approval period”, “no container and container trailer repairing activities, as proposed by the applicant, are allowed at the Site at any time during the planning approval period”, and “no paint-spraying, except within Structures No. 2 and 7, as proposed by the applicant, shall be carried out on the Site at any time during the planning approval period”. Should the Board approve the current application, similar conditions are suggested to be imposed in order to control the potential air, noise, water and land pollution.
- (d) Nevertheless, he would like to remind that it is the obligation of the applicant to comply with Noise Control Ordinance and all other relevant ordinances in Hong Kong, including the Air Pollution Control Ordinance, Water Pollution Control Ordinance and Waste Disposal Ordinance.

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.
- (b) Based on the planning statement enclosed in the application (**Appendix Ia**), apparently the applicant would maintain the same drainage facilities as those implemented under previous application No. A/YL-TYST/830.
- (c) Should the Board consider that the application is acceptable from the planning point of view, approval conditions requiring the maintenance of the existing drainage facilities implemented under application No. A/YL-TYST/830 and the submission of records of the existing drainage facilities on site to the satisfaction of the Director of Drainage Services or of the Board

should be stipulated.

Water Supplies

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

She has no objection to the application subject to the following comments:

- (a) Existing water mains will be affected (**Plan A-2**). The cost of any necessary diversion shall be borne by the development.
- (b) In case it is not feasible to divert the affected water mains, a water reserve (WR) within 1.5m from the center line of water main shall be provided to her department. No structure shall be built or materials stored within this WR. Free access shall be made available at all times for her staff or her contractor to carry out construction, inspection, operation, maintenance and repair works.
- (c) No trees or shrubs with penetrating roots may be planted within the WR or in the vicinity of the water main (**Plan A-2**).
- (d) 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.

Fire Safety

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

- (a) He has no objection in principle to the proposal subject to FSIs being provided to his satisfaction.
- (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. In addition, the applicant should also be advised on the following points:
 - (i) The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy.
 - (ii) The location of where the proposed FSIs to be installed should be clearly marked on the layout plans.
 - (iii) The good practice guidelines for open storage attached in **Appendix V** should be adhered to.
- (c) Moreover, having considered the nature of the open storage, an approval condition requiring the provision of fire extinguisher(s) within 6 weeks from the date of planning approval should be incorporated if the application is approved. To address this approval condition, the applicant is required to submit a valid fire certificate (FS 251) to his department for approval.

- (d) However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Building Matters

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

- (a) As there is no record of approval granted by the Building Authority (BA) for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application.
- (b) The applicant's attention is drawn to the following points:
 - (i) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BA, they are unauthorised building works (UBW) under the BO and should not be designated for any proposed use under the application.
 - (ii) For UBW erected on leased land, enforcement action may be taken by the BD 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 Site under the BO.
 - (iii) 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 BA should be obtained, otherwise they are UBW. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
 - (iv) 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.
 - (v) 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.

Long-Term Development

10.1.9 Comments of the Chief Engineer/Cross-Boundary Infrastructure and Development, PlanD (CE/CID, PlanD):

- (a) The Civil Engineering and Development Department (CEDD) and PlanD jointly commissioned the "Planning and Engineering Study

for Housing Sites in Yuen Long South (YLS) – Investigation”. According to the Revised Recommended Outline Development Plan (RODP) of YLS promulgated in May 2020, the Site falls within an area zoned “Special Residential - Public Rental Housing (with Commercial)” (“RSc”), “Local Open Space” (“LO”), “Residential - Zone 5 (Existing Development Area)” (“R5 (EDA)”) and “District Open Space” (“DO”) as well as an area shown as ‘Road’.

- (b) The objective of YLS is to transform the degraded rural land predominantly occupied by brownfield operations including open storage yards, warehouses and rural industrial uses into housing and other uses with supporting infrastructure and community facilities, and to improve the existing environment. It is noted that the application is for temporary use for a period of 3 years. In considering the application for temporary uses, due consideration should be given on the possible implication on land clearance which would affect the future implementation of YLS.

10.1.10 Comments of the Project Manager (West), CEDD (PM(W), CEDD):

- (a) The northern part of the Site falls within the boundary of YLS Development - Stage 1 (the project). To meet the target first population intake under the project by Q3/Q4 of 2028, land clearance is planned to commence in Q1 of 2022 subject to Executive Council’s authorisation on land resumption and Finance Committee’s funding approval of the project by mid-2021 and Q4 2021 respectively.
- (b) He has no objection to the application for temporary use for three years on the understanding that the programme of land resumption would follow the project programme notwithstanding the validity period of the planning permission to be granted and an advisory clause that ‘the Site might be subject to land resumption for the implementation of the YLS development – Stage 1 which might take place at any time before the expiry of the temporary planning permission and thus the applicant shall be advised not to carry out any substantial works in view of the planned YLS development – Stage 1’ is incorporated to remind the applicant that the land might be resumed at any time during the planning approval period. He will give sufficient notice to the relevant department(s) for early resumption of the Site if his works commence early.

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 locals.

10.2 The following government departments have no comment to the application:

- (a) Director of Electrical and Mechanical Services (DEMS);
- (b) Director of Agriculture, Fisheries and Conservation (DAFC); and
- (c) Commissioner of Police (C of P).

11. Public Comments Received During the Statutory Publication Period

- 11.1 On 3.3.2020 the application was published for public inspection. During the first three weeks of the statutory public inspection period, 41 public comments (**Appendices VI-1 to VI-22**) were received from individuals, including 37 objections (20 of them are standard comments at **Appendices VI-2**) and 4 blank comments (**Appendices VI-16, VI-17, VI-20 and VI-21**). A full set of public comments are deposited at the meeting for Members' inspection.
- 11.2 The 37 objections are made mainly on the grounds that the vehicular access from the local tracks in Shan Ha Tsuen would create adverse environmental and traffic impacts; there is no standard emergency vehicular access at the Site; there were air pollution and associated health concern arising from recurrent combustion activities at the Site; under-provision of FSIs in the surrounding open storage yards already led to a number of severe fire incidents; the proposal would impose further fire risk and adverse environmental impacts (including noise, air quality, odour and land contamination aspects); the enforcement actions taken by the environmental authority is not sufficient; the applicant's ability to properly manage the proposed operation is in doubt; and the proposal will undermine the rural character of the area.

12. Planning Considerations and Assessments

- 12.1 The application is for temporary vehicle repair workshop and open storage of scrap metal, construction machinery and building/recycling materials with ancillary workshop and packaging activities for a period of 3 years at a site zoned "U" on the OZP. The applied use is generally not in conflict with the planning intention of the "U" zone which is intended for open storage use but is designated with this zoning mainly due to concerns of the capacity of Kung Um Road. In this regard, C for T has no adverse comment on the application. While the Site falls within an area zoned "RSc", "LO", "R5 (EDA)" and "DO" as well as an area shown as 'Road' on the Revised RODP of YLS, CE/CID, PlanD does not raise objection to the application and PM(W), CEDD has no objection to the proposed temporary use for 3 years. As such, approval of the application on a temporary basis of 3 years would not jeopardise the long-term development of the area.
- 12.2 The surrounding areas comprise predominantly open storage/storage yards and warehouses (**Plan A-2**). Although there are residential structures in the vicinity of the Site, the proposal is generally not incompatible with the surrounding uses in the subject "U" zone.
- 12.3 According to TPB PG-No. 13F, the Site falls within Category 1 areas. The following guidelines are relevant:
- Category 1 areas are considered suitable for open storage and port back-up uses. Favourable consideration will normally be given to applications within these areas, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments should be submitted if the proposed uses may cause significant environmental and traffic concerns.
- 12.4 The application is generally in line with TPB PG-No. 13F in that the Site falls within Category 1 areas which are considered suitable for open storage and port

back-up use; and the local concerns and technical concerns of relevant government departments could be addressed through the implementation of approval conditions.

- 12.5 There is no adverse comment on the application from concerned government departments, except DEP. DEP does not support the application as there are sensitive receivers of residential use in the vicinity of the Site (with several of them located in its immediate surroundings) (**Plan A-2**), and the applied use will cause traffic of heavy vehicles; environmental nuisance is expected. However, there has been no environmental complaint concerning the Site received in the past 3 years. Furthermore, relevant approval conditions are recommended in paragraph 13.2 below to minimise any potential environmental nuisances or to address the local concerns and technical requirements of other concerned government departments. Any non-compliance with the approval conditions will result in revocation of the planning permission and UD on the Site will be subject to enforcement action by the Planning Authority. Should the planning application be approved, the applicant will also be advised to keep the Site clean and tidy at all times and to follow the latest Code of Practice to minimise any potential environmental impact on the surrounding areas.
- 12.6 Given that 12 previous approvals for open storage uses and/or vehicle repair workshop have been granted to the Site and 151 similar applications have been approved in this part of the “U” zone, approval of the current application is generally in line with the Committee’s previous decisions. There was one previous application (No. A/YL-TYST/231) rejected by the Board on review in 2004 mainly on the considerations that there was potential adverse environmental impacts; and the proposal did not comply with the then TPB PG-No.13C in that it was incompatible with the village houses in the vicinity and there were adverse comments from DEP. For the current application, as per the planning assessments above, the environmental concerns could be addressed by way of approval conditions and advisory clauses, and the proposal is considered generally not incompatible with the surrounding uses and in line with the TPB PG-No. 13F.
- 12.7 There were 41 public comments received during the statutory publication period as summarised in paragraphs 11.1 and 11.2 above. The planning considerations and assessments in paragraphs 12.1 to 12.6 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 as summarised in paragraph 11, the Planning Department considers that the temporary vehicle repair workshop and open storage of scrap metal, construction machinery and building/recycling materials with ancillary workshop and packaging activities 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 12.6.2023. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no container and container trailer repairing activities, paint-spraying activities (except at structures No. 2, 5, 6, 8 to 10, 14 and 15), burning, melting, washing or cleaning of recycling materials and storage or handling (including loading and unloading) of electrical appliances, electronic or computer wastes, as proposed by the applicant, are allowed 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) all existing trees within the Site shall be maintained at all times during the planning approval period;
- (f) free public access to the existing footpath within the Site, as proposed by the applicant, shall be allowed at all times during the planning approval period;
- (g) the existing boundary fencing on the Site shall be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (i) the submission of a condition record of the existing drainage facilities on the Site 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 12.9.2020;
- (j) 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 24.7.2020;
- (k) the submission of 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 12.12.2020;
- (l) in relation to (k) 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 12.3.2021;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) 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 (i), (j), (k) or (l) 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.

Advisory clauses

The recommended advisory clauses are at **Appendix VII**.

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

the applicant fails to demonstrate that the development would not generate adverse environmental impact on the surrounding areas.

14. Decision Sought

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

15. Attachments

Appendix I	Application Form received on 25.2.2020
Appendix Ia	Supplementary Planning Statement
Appendix Ib	FI received on 24.3.2020
Appendix Ic	FI received on 9.4.2020
Appendix Id	FI received on 11.5.2020
Appendix Ie	FI received on 28.5.2020
Appendix If	FI received on 2.6.2020
Appendix II	Relevant extract of TPB PG-No. 13F
Appendix III	Previous Applications covering the Site
Appendix IV	Similar Applications in this part of the "U" zone
Appendix V	The Good Practice Guidelines for Open Storage Sites
Appendices VI-1 to VI-22	Public Comments Received During the Statutory Publication Period
Appendix VII	Recommended Advisory Clauses
Drawing A-1	Site Layout 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 A-4c	Site Photos

**PLANNING DEPARTMENT
JUNE 2020**