

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

**APPLICATION NO. A/YL-TYST/1013**

<b><u>Applicant</u></b>	: Nexon Development Limited represented by Goldrich Planners and Surveyors Limited
<b><u>Site</u></b>	: Lots 2357 S.B RP and 2358 RP in D.D. 120, Tin Liu Tsuen, Yuen Long, New Territories
<b><u>Site Area</u></b>	: 2,716 m <sup>2</sup> (about)
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/12
<b><u>Zoning</u></b>	: “Undetermined” (“U”)
<b><u>Application</u></b>	: Temporary Open Storage of Construction Materials (Gravels, Bricks, Sand, Cement in Bags and Paints) with Vehicle Repair Workshop 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 (gravels, bricks, sand, cement in bags and paints) with vehicle repair workshop 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 approved applications for temporary vehicle repair workshop and/or open storage of building/construction materials and/or machinery with or without ancillary workshop uses (**Plan A-1b**). The last application (No. A/YL-TYST/679) for temporary open storage of construction materials (gravels, bricks, sand, cement in bags and paints) with ancillary vehicle repair workshop was approved with conditions for a period of 3 years by the Rural and New Town Planning Committee (the Committee) of the Board on 23.5.2014. All approval conditions under the last application had been complied with. Compared with the last application, the current application is submitted by the same applicant for almost the same use (except that the vehicle repair workshop is now not proposed

as an ancillary use) with similar site layout and development parameters covering the same site.

1.3 According to the applicant, the Site is currently partitioned into 6 compartments each with their own ingress/egress (**Drawing A-2** and **Plan A-2**). The Site is mainly used for open storage of construction materials, while the vehicle repair workshop is located at Structure No. 8 of the Site. No workshop activities, except for the vehicle repair workshop, will be carried out at the Site. In addition, no heavy goods vehicle and container trailers/tractors will be allowed to enter the Site. The applicant also undertakes that all existing trees/drainage facilities within the Site will be preserved/maintained. Plans showing the vehicular access leading to the Site, site layout, tree and landscape preservation proposal and drainage proposal submitted by the applicant are at **Drawings A-1** to **A-4** respectively.

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/679 (a)	Current Application No. A/YL-TYST/1013 (b)	Difference (b)-(a)
Applied Use	Temporary Open Storage of Construction Materials (Gravels, Bricks, Sand, Cement in Bags and Paints) with Ancillary Vehicle Repair Workshop for a Period of 3 Years	Temporary Open Storage of Construction Materials (Gravels, Bricks, Sand, Cement in Bags and Paints) with Vehicle Repair Workshop for a Period of 3 Years	Vehicle Repair Workshop not as an Ancillary Use
Site Area	2,716 m <sup>2</sup> (about)		---
Total Floor Area (non-domestic)	642.1 m <sup>2</sup> (about)	598.8 m <sup>2</sup> (about)	-43.3 m <sup>2</sup> (-6.7%)
No. and Height of Structures	11 <ul style="list-style-type: none"> <li>• nine for storage and/or office with or without toilet (2.5-5m, 1-2 storey(s))</li> <li>• one for ancillary vehicle repair workshop (2.5m, 1 storey)</li> <li>• one for rain shelter and toilet (6m, 1 storey)</li> </ul>	14 <ul style="list-style-type: none"> <li>• twelve for storage and/or office with or without toilet (2.5-5m, 1-2 storey(s))</li> <li>• one for vehicle repair workshop (2.5m, 1 storey)</li> <li>• one for rain shelter and toilet (6m, 1 storey)</li> </ul>	+3 (+27.3%)
No. of Parking Space	---		---
No. of Loading/Unloading Spaces	3 (11m x 3.5m)(for medium goods vehicles)		---
Operation Hours	7:00 a.m. to 9:00 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 with annexes and plans received on **(Appendix I)** 13.3.2020

- (b) Supplementary Information dated 18.3.2020 providing revised executive summary and layout plan as well as replacement pages of the Application Form **(Appendix Ia)**
- (c) Further Information (FI) dated 2.4.2020 clarifying the proposed operation with a replacement page of the annexes of the Application Form **(Appendix Ib)**  
*[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. All fieldwork has since 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 the appendix of the Application Form, Supplementary Information and FI (**Appendices I to Ib** respectively). They can be summarised as follows:

- (a) The Site was subject to previous planning permissions. 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 uses. The proposal is also in line with the planning intention of the “U” zone.
- (b) The proposal is compatible with the surrounding uses in the area. There will be minimal traffic impact arising from the proposal.

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

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

## **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 approved applications (No. A/YL-TYST/10, 24, 54, 84, 154, 159, 228, 261, 341, 393, 527, 532 and 679) for temporary vehicle repair workshop and/or open storage of building/construction materials and/or machinery with or without ancillary workshop uses covering different extents of the Site. Details of the applications are summarised in **Appendix III** and the boundaries of the sites are shown on **Plan A-1b**.
- 6.2 Applications No. A/YL-TYST/10, 24, 54, 84, 154, 228 and 341 for temporary open storage of building materials, application No. A/YL-TYST/159 for temporary open storage of construction machinery, applications No. A/YL-TYST/261, 393 and 532 for temporary vehicle repair workshop and application No. A/YL-TYST/527 for temporary open storage of building materials (gravels, bricks, sand and cement in bags) and construction machinery with ancillary workshop were approved with conditions by the Committee between 1997 and 2011 each for a period ranging from 1 to 3 years. The applications were approved mainly on the considerations that the proposals were generally in line with the then/prevaling TPB PG-No. 13 (or its later versions); the developments were generally not incompatible with the surrounding areas; approval of the applications on a temporary basis would not frustrate the long-term development of the area; and departmental concerns could be addressed by imposing approval conditions. However, the planning permission for application No. A/YL-TYST/84 was subsequently revoked in 2001 due to non-compliance with approval conditions.
- 6.3 The last application No. A/YL-TYST/679 for temporary open storage of construction materials (gravels, bricks, sand, cement in bags and paints) with ancillary vehicle repair workshop was approved with conditions for a period of 3 years by the Committee on 23.5.2014 mainly on similar considerations as those stated in paragraph 6.2 above. All approval conditions under the last application had been complied with and the planning permission had lapsed on 24.5.2017.
- 6.4 Compared with the last application, the current application is submitted by the same applicant for almost the same use (except that the vehicle repair workshop is now not proposed as an ancillary use) with similar site layout and development parameters covering the same site.

## **7. Similar Applications**

- 7.1 There are 164 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 164 similar applications, 155 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/1008 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, 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 a local track leading from Kung Um Road to its northeast (**Drawing A-1, Plans A-2 and A-3**);
- (b) 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) predominantly open storage/storage yards and warehouses with scattered residential structures, workshops, a pumping station, agricultural land and vacant land/structures;
- (b) there are residential structures in the vicinity of the Site with the nearest one located about 65m to the south of the Site;
- (c) to the north of the Site across Yuen Long Highway is an area zoned "Open Space" on the approved Yuen Long OZP No. S/YL/23;
- (d) to the northwest of the Site is an area zoned "Village Type Development" on the OZP; and
- (e) except for four open storage yards (with or without vehicle park or vehicle repair workshop) in the vicinity operating with valid planning permissions (No. A/YL-TYST/880, 888, 952 and 963), the other warehouses, open storage/storage yards and workshops 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 comment, 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 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) Within the Site, Lots 2357 S.B RP and 2358 RP in D.D. 120 are currently covered by Short Term Waiver (STW) No. 4535 to permit structures erected thereon for the purpose of “Temporary Open Storage of Construction Materials (Gravels, Bricks, Sand, Cement in Bags and Paints) with Ancillary Vehicle Repair Workshop”.
- (c) Should planning approval be given to the application, the STW holder(s) will need to apply to her office for modification of the STW conditions where appropriate. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. 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(s) 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.
- (d) 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 the Director of Environmental Protection (DEP):

- (a) He does not support the application as there are sensitive receivers of residential use in the vicinity (with the nearest one located about 65m to the south 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 potential land contamination arising from the development (**Appendix VI**), 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. As the applied use would involve storage of chemicals and vehicle repair workshop activities, the applicant should be reminded, if the application is approved, to implement mitigation measures to avoid water and soil contamination from the proposed use including the following as specified in Annex I of the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Use” (Code of Practice):
  - (i) Bunds should be provided to contain any spillage of chemical storage and the chemical storage area should be properly hard-paved.
  - (ii) Measures such as waste minimisation, recycling or reuse of effluent should be implemented as far as practicable on the Site.
  - (iii) Drainage channels and an oil interceptor should be installed to reduce pollutants from the site run-off.
  - (iv) Materials stored in the open area which may leak out oil or chemical waste should be placed on non-slip heavy duty

membrane and properly covered with water proofing sheet to avoid any soil contaminations.

- (c) Nevertheless, it is the obligation of the applicant to comply with all relevant ordinances in Hong Kong, including the 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 drainage proposal/planning statement enclosed in the application (**Drawing A-4** and **Appendix I**), the applicant would maintain the same drainage facilities as those implemented under previous planning application No. A/YL-TYST/679.
- (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/679 and 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.

### **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 service installations (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**

#### 10.1.7 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 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) The Site does not abut on a specified street of not less than 4.5m wide and 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**

#### 10.1.8 Comments of the Chief Engineer/Cross-Boundary Infrastructure and Development, Planning Department (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 mainly falls within an area shown as ‘Road’ and partly falls within an area zoned “Other Specified Uses” annotated “Refuse Collection Point and Sewage Pumping Station” (“OU(RCP&SPS)”).

- (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.

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

- (a) 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**

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

His office has not received any comment from the village representatives in the vicinity regarding the application.

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

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Director of Electrical and Mechanical Services (DEMS);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (d) Commissioner of Police (C of P).

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

On 20.3.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one public comment (**Appendix VI**) was received from a member of the Yuen Long District Council objecting to the proposal on the grounds that there would be adverse environmental, land contamination and traffic impact on the surrounding areas; the proposal would undermine the health and welfare of the nearby residents; and approval of similar applications would encourage brownfield proliferation.

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

- 12.1 The application is 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 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 generally 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 mainly falls within an area shown as ‘Road’ and partly falls within an area zoned “OU(RCP&SPS)” 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. 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, the development 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 the nearest one located about 65m to its south) (**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 follow the latest Code of Practice in order to minimise any potential environmental impact on the surrounding areas, and to keep the Site clean and tidy at all times.

12.6 Given that 13 previous approvals for similar uses have been granted to the Site and 155 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 were also nine similar applications in this part of the “U” zone rejected mainly on the grounds that there was insufficient information to demonstrate that the proposal would not generate adverse impacts on the surrounding areas or approval of the application with repeated non-compliances would set an undesirable precedent for other similar planning permissions for temporary uses, thus nullifying the statutory planning control system. The latter consideration is not applicable to the current application as recent planning approvals concerning the Site had not been revoked. As for the former consideration, the environmental concerns could be addressed by way of approval conditions and advisory clauses as per paragraph 12.5 above. With the imposition of relevant approval conditions and advisory clauses, it is considered that the extent of potential environmental impact from the applied use could be minimised and suitably controlled.

12.7 There was one objecting public comment received during the statutory publication period as summarised in paragraph 11 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 comment as mentioned in paragraph 11 above, the Planning Department considers that the temporary open storage of construction materials (gravels, bricks, sand, cement in bags and paints) with vehicle repair workshop 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 9:00 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 workshop activities, except for the vehicle repair workshop at Structure No. 8, as proposed by the applicant, are allowed on the Site at any time during the planning approval period;
- (d) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site, as proposed by the applicant, at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) all existing trees within the Site shall be maintained at all times, as proposed by the applicant, 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**

<b>Appendix I</b>	Application Form with annexes and plans received on 13.3.2020
<b>Appendix Ia</b>	Supplementary Information dated 18.3.2020
<b>Appendix Ib</b>	FI dated 2.4.2020
<b>Appendix II</b>	Relevant extract of TPB PG-No. 13F
<b>Appendix III</b>	Previous Applications covering the Site
<b>Appendix IV</b>	Similar Applications in this part of the “U” zone on the OZP
<b>Appendix V</b>	The Good Practice Guidelines for Open Storage Sites
<b>Appendix VI</b>	Public Comment received during the Statutory Publication Period
<b>Appendix VII</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Vehicular Access Plan
<b>Drawing A-2</b>	Site Layout Plan
<b>Drawing A-3</b>	Tree and Landscape Preservation Proposal
<b>Drawing A-4</b>	Drainage Proposal
<b>Plan A-1a</b>	Location Plan with Similar Applications
<b>Plan A-1b</b>	Previous Applications Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to A-4c</b>	Site Photos