

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

APPLICATION NO. A/YL-TYST/1017

- Applicant** : Mr. CHEUNG Kam Kwong represented by Goldrich Planners and Surveyors Limited
- Site** : Lots 348 RP (Part), 353 S.A RP (Part), 353 S.B (Part), 354 RP (Part), 355 (Part), 356, 357 (Part), 358 (Part) and 359 in D.D. 119, Tong Yan San Tsuen, Yuen Long, New Territories
- Site Area** : 4,684.1 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plans** : Draft Tong Yan San Tsuen (TYST) Outline Zoning Plan (OZP) No. S/YL-TYST/13 currently in force

Approved TYST OZP No. S/YL-TYST/12 at the time of submission
- Zonings** : Area shown as ‘Road’ (about 75.5%), “Open Space” (“O”) (about 18%) and “Undetermined” (“U”) (about 6.5%) on the draft TYST OZP No. S/YL-TYST/13 currently in force

“U” on the then approved TYST OZP No. S/YL-TYST/12 at the time of submission
- Application** : Renewal of Planning Approval for Temporary Open Storage of Construction Materials, Equipments and Machinery and Container Site Offices with Ancillary Repair Activities for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary open storage of construction materials, equipments and machinery and container site offices with ancillary repair activities for a period of 3 years at the application site (the Site) (**Plan A-1a**). The Site falls within an area mainly shown as ‘Road’ (about 75.5%) and partly zoned “O” (about 18%) and “U” (about 6.5%) on the draft TYST OZP No. S/YL-TYST/13 currently in force. According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years requires planning permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for under

the Notes of the OZP. Furthermore, all uses or developments within area shown as 'Road' require planning permission from the Board. The Site is currently occupied by the applied use without valid planning permission (**Plans A-2 and A-4**).

- 1.2 The Site involves 8 previous applications for various open storage with/without ancillary workshop uses (**Plan A-1b**). The last application (No. A/YL-TYST/842) for the same use as the current application was approved with conditions for a period of 3 years by the Rural and New Town Planning Committee (the Committee) of the Board on 23.6.2017. All the time-limited approval conditions under the last application had been complied with and the planning permission lapsed on 24.6.2020. Compared with the last application, the current application is submitted by the same applicant for the same use with largely the same site layout and development parameters on the same site, albeit with an additional loading/unloading (L/UL) space.
- 1.3 According to the applicant, the proposal is for open storage of construction materials, equipment and machinery and container site offices (with the stored items including metal frames, tools, portable guard rooms and toilets). No dismantling and other workshop activities, except ancillary repairing and maintenance activities, will be carried out at the Site. No heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, will be allowed to enter the Site. The applicant also undertakes that all existing drainage facilities/trees within the Site will be maintained/preserved. Plans showing the vehicular access leading to the Site, site layout, tree preservation and landscape proposal, drainage proposal and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-5** respectively.
- 1.4 The major development parameters of the previously approved application No. A/YL-TYST/842 are largely the same as the current application, which are summarised as follows:

Major Development Parameters	Previously Approved Application No. A/YL-TYST/842 (a)	Current Application No. A/YL-TYST/1017 (b)	Difference (b)-(a)
Applied Use	Temporary Open Storage of Construction Materials, Equipments and Machinery and Container Site Offices with Ancillary Repair Activities for a Period of 3 Years		---
Site Area	About 4,684.1 m ²		---
Total Floor Area (Non-domestic)	Nil		---
No. and Height of Structures	Nil		---
No. of Parking Space	Nil		---
No. of L/UL Space	Nil	1 (1 for medium goods vehicles) (11m x 3.5m)	+1 (+100%)

Operation Hours	7:00 a.m. to 11:00 p.m., with no operation on Sundays and Public Holidays	---
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1.5 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with appendix and plans received on 21.4.2020 **(Appendix I)**
- (b) Supplementary Information received on 27.4.2020 clarifying the proposed operation **(Appendix Ia)**
- (c) Further Information (FI) received on 11.5.2020 providing clarifications on the proposed operation and FSIs proposal **(Appendix Ib)**
- (d) FI received on 8.6.2020 providing a revised site layout plan, replacement pages of the Application Form and clarification on the proposed operation **(Appendix Ic)**
- (e) FI received on 16.7.2020 clarifying the proposed operation **(Appendix Id)**
[(c) and (e) exempted from publication and recounting requirements; (d) not exempted from publication and recounting requirements]

1.6 In light of the special work arrangement for government departments due to the novel coronavirus infection, the meeting originally scheduled for 7.8.2020 for consideration of the application has been rescheduled, and the Board has agreed to defer consideration of the application 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 detailed in the appendix of the Application Form, Supplementary Information and FI (**Appendices I to Id**). They can be summarised as follows:

- (a) The Site was subject to previous planning permissions. According to the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13F), the Site falls within Category 1 areas and was considered suitable for open storage uses. The proposal will not frustrate the long-term development of the area and is compatible with the surrounding uses.
- (b) There will be minimal traffic, landscape, visual and drainage impacts arising from the proposal. Adequate space for manoeuvring of vehicles will be provided.

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

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting site notice and sending notice to the Ping Shan

Rural Committee by registered post. Detailed information would be deposited at the meeting for Members' inspection.

4. Town Planning Board Guidelines

- 4.1 On 27.3.2020, the Board promulgated the revised Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F). The Site falls within Yuen Long South (YLS) Development Area. The criteria for New Development Areas (NDAs) (including potential development areas) under the revised Guidelines are applicable. Relevant extracts of the Guidelines are attached at **Appendix II**.
- 4.2 The Town Planning Board Guidelines for "Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development" (TPB PG-No. 34C) are also relevant to the application. The relevant assessment criteria are attached at **Appendix III**.

5. Background

- 5.1 At the time of the submission of the application, the Site fell within an area zoned "U" on the then approved TYST OZP No. S/YL-TYST/12. Subsequently, the draft TYST OZP No. S/YL-TYST/13 was gazetted under section 5 of the Town Planning Ordinance (the Ordinance). The Site now falls within an area mainly shown as 'Road' (about 75.5%) and partly zoned "O" (about 18%) and "U" (about 6.5%) on the draft TYST OZP No. S/YL-TYST/13 currently in force (**Plan A-1a**).
- 5.2 The Site is currently not subject to planning enforcement action.

6. Previous Applications

- 6.1 The Site involves 8 previous applications (No. A/YL-TYST/27, 109, 254, 353, 477, 651, 681 and 842) for various open storage with/without ancillary workshop uses covering different extents of the Site. Details of the previous applications are summarised in **Appendix IV** and the boundaries of the sites are shown on **Plan A-1b**.
- 6.2 Application No. A/YL-TYST/27 for open storage of construction materials, application No. A/YL-TYST/109 for temporary open storage of construction equipment and materials (metal scaffolding) and container site office units, applications No. A/YL-TYST/254 and 353 for temporary open storage of construction materials, and applications No. A/YL-TYST/477, 651 and 681 for temporary open storage of construction materials, equipments and machinery and container site offices with ancillary repairing activities were all approved with conditions by the Committee or the Board on review between 1998 and 2014 for periods ranging from 2 to 3 years, mainly on the considerations that the proposals were generally in line with the then TPB PG-No. 13 (or its later versions); approval of the application on a temporary basis would not frustrate the long-term development of the area; not incompatible with the surrounding uses; and the

concerns of relevant government departments could be addressed by imposing approval conditions. However, the planning permissions under applications No. A/YL-TYST/109 and 651 were subsequently revoked in 2000 and 2014 respectively due to non-compliance with approval conditions.

- 6.3 The last application (No. A/YL-TYST/842) for the same use as the current application was approved with conditions for a period of 3 years by the Committee on 23.6.2017 mainly on similar considerations as those stated in paragraph 6.2 above. All the time-limited approval conditions under the last application had been complied with and the planning permission lapsed on 24.6.2020. Compared with the last application, the current application is submitted by the same applicant for the same use with largely the same site layout and development parameters on the same site, albeit with an additional L/UL space.

7. Similar Applications

- 7.1 There are 41 similar applications for various temporary open storage uses with or without warehouse and/or ancillary workshop/site office uses within or straddling the subject “O” zone¹ and the northern part of the “U” zone considered by the Committee since 2015. All 41 applications were approved with conditions by the Committee 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 six of them were subsequently revoked between 2016 and 2020 due to non-compliance with approval conditions. Details of the applications are summarised in **Appendix V** and the locations of the sites are shown on **Plan A-1a**.
- 7.2 For Members’ information, application No. A/YL-TYST/1039 for renewal of planning approval for temporary open storage of scrap metal for recycling, construction materials, equipments and machinery and container site offices with ancillary repair activities for a period of 3 years straddling the subject “O” zone will also be considered at this meeting (**Plan A-1a**).

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

- 8.1 The Site is:
- (a) accessible via a local track leading from Shan Ha Road to its north (**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**):

¹All the similar applications within or straddling the subject “O” zone were approved prior to the rezoning of the sites to such zone on the draft TYST OZP No. S/YL-TYST/13.

- (a) predominately open storage/storage yards intermixed with a warehouse, a vehicle repair workshop, shrubland and vacant land/structure;
- (b) to the further north and immediate west are areas zoned “Village Type Development” and “Green Belt” respectively on the OZP; and
- (c) except for two open storage/storage yards operating with valid planning permissions (No. A/YL-TYST/953 and 1024), the other open storage/storage yards, warehouse and vehicle repair workshop in the vicinity are suspected unauthorised developments (UD) subject to enforcement action taken by the Planning Authority.

9. Planning Intentions

- 9.1 The planning intention of the “O” zone is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.
- 9.2 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. According to the Explanatory Statement of the OZP, under the “Planning and Engineering Study for Housing Sites in YLS – Investigation” (the YLS Study), this area falls within the remaining stages of the YLS Development and the existing operations would be gradually phased out in stages.

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) Lot No. 348RP in D.D. 119 is covered by Short Term Waiver (STW) No. 4036 to permit structures erected thereon for the purpose of “Temporary Open Storage of Construction Equipment and Materials (Metal Scaffolding) and Container Site Office Units with Ancillary Maintenance Work”.
 - (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 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. Applications for any of the above will be considered by her department acting in the capacity as 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.

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 Shan Ha Road should be checked with the lands authority.
- (b) The management and maintenance responsibilities of the access road/path/track should be clarified 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 Shan Ha Road.

Environment

10.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) He does not support the application as the applied use will cause traffic of heavy vehicles and the heavy vehicle traffic is expected to travel along the access road within 50m from the nearest sensitive receivers of residential uses; environmental nuisance is expected.
- (b) There was no substantiated environmental complaint concerning the Site received in the past three years.

- (c) Should the planning application be approved, the applicant should be advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Use” (Code of Practice) issued by the Environmental Protection Department to minimise any potential environmental nuisances on the surrounding areas.

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 Ia**), apparently the applicant would maintain the same drainage facilities as those maintained under previous application No. A/YL-TYST/842.
- (c) Should the Board consider that the application is acceptable from the planning point of view, approval conditions requiring the maintenance of the drainage facilities implemented under application No. A/YL-TYST/842 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.

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 and the FSIs proposal (**Drawing A-5**) is considered acceptable.
- (b) The applicant should be reminded of the detailed comments at **Appendix VIII** and adhere to the good practice guidelines for open storage in **Appendix VI**.
- (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.

Long-Term Development

10.1.7 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 YLS Study. According to the

Revised Recommended Outline Development Plan (RODP) of YLS promulgated in May 2020, the Site falls mainly within an area shown as 'Road' and partly zoned "District Open Space" ("DO") and "Local Open Space" ("LO").

- (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.

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

- (a) The Site mainly falls within the boundary of YLS development – Stage 2 (the project). Based on the latest programme of the project, the land clearance at the Site is planned to commence in mid-2022 subject to Executive Council's authorisation on land resumption and Finance Committee's funding approval of the project by Q4 2021 and Q1 2022 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 2 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 2' 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

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

Her office has not received any feedback from locals.

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

- (a) Director of Electrical and Mechanical Services (DEMS);
- (b) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (c) Director of Agriculture, Fisheries and Conservation (DAFC);

- (d) Chief Engineer/Project Management, DSD (CE/PM, DSD);
- (e) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
and
- (f) Commissioner of Police (C of P).

11. Public Comments Received During the Statutory Publication Periods

On 28.4.2020 and 16.6.2020, the application and the subsequent FI (**Appendix Ic**) were published for public inspection. During the respective three weeks of the statutory public inspection periods, two public comments were received from an individual (**Appendices VII-1 and VII-2**) questioning the long-term development plan for the area and opined that approval of the application would encourage brownfield proliferation.

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of the planning permission under previous application No. A/YL-TYST/842 for temporary open storage of construction materials, equipments and machinery and container site offices with ancillary repair activities for a period of 3 years. Subsequent to the receipt of the application by the Board, the draft TYST OZP No. S/YL-TYST/13 covering the Site was gazetted under section 5 of the Ordinance on 10.7.2020. The Site now falls within an area mainly shown as 'Road' (about 75.5%) and partly zoned "O" (about 18%) and "U" (about 6.5%) on the draft TYST OZP No. S/YL-TYST/13.
- 12.2 The "O" and "U" zones on the draft TYST OZP No. S/YL-TYST/13 are intended primarily for outdoor open-air public space for active and/or passive recreational uses and for open storage use respectively (the latter is designated as "U" zone mainly due to concerns of the capacity of Kung Um Road). Although the development is not in line with the planning intention of the "O" zone and falls mainly within an area shown as 'Road', PM(W), CEDD has no objection to the temporary use for 3 years. The development is also not in conflict with the planning intention of the "U" zone. Approval of the application on a temporary basis of 3 years would not jeopardise the long-term development of the area. However, should the application be approved, the applicant should be reminded that the Site might be subject to land resumption for the implementation of the YLS Development – Stage 2 which might take place at any time before the expiry of the temporary planning permission and no substantial works shall be carried out at the Site in view of the planned YLS Development – Stage 2.
- 12.3 The surrounding areas comprise predominantly open storage/storage yards (**Plan A-2**). The development is generally not incompatible with the surrounding uses.
- 12.4 The Site falls within the YLS Development Area. For applications in NDAs (including potential development areas), the following considerations in the TPB PG-No. 13F are relevant:

For existing open storage and port back-up uses with previous planning approval(s) and/or permitted under the previous OZPs, sympathetic consideration may be given to the application (irrespective of whether the application is submitted by the applicant of previous approval or a different applicant) until the concerned site is required for implementation of NDA development, provided that

the relevant approval conditions, if any, have been complied with. Technical assessments, where appropriate, should be submitted to demonstrate that the continued operation of the current uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas and the concerns of the departments and local residents, if any, can be addressed through the implementation of the approval conditions. In view of the impending implementation of NDAs, new open storage and port back-up uses are generally not encouraged to infiltrate into the NDAs. There is a general presumption against such uses at greenfield areas and/or at sites with land use compatibility issue, e.g. in close proximity to existing residential dwellings which may be subject to environmental nuisances caused by the open storage and port back-up uses.

- 12.5 The proposal is generally in line with the TPB PG-No. 13F in that the Site falls within the YLS Development Area and previous planning approvals for similar open storage uses have been given under the previous OZPs; all time-limited approval conditions of the previous application have been complied with; relevant proposals have been submitted to demonstrate that the proposal would not generate adverse impacts on the surrounding areas; and the technical concerns of the concerned departments could be addressed through the imposition of approval conditions.
- 12.6 The application is also generally in line with TPB PG-No. 34C in that approval of the application would not pre-empt the long-term development of the Site notwithstanding the majority of the Site has been rezoned as mentioned in paragraphs 12.1 and 12.2 above; all the time-limited approval conditions under the previous application No. A/YL-TYST/842 had been complied with; and the 3-year approval period sought is reasonable and of the same timeframe as the previous approval.
- 12.7 There is no adverse comment on the application from concerned government departments, except DEP. DEP does not support the application as the proposed use will cause traffic of heavy vehicles and the heavy vehicle traffic is expected to travel along the access road within 50m from the nearest sensitive receivers of residential uses, and 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 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.
- 12.8 Given that 8 previous applications for various open storage uses have been granted to the Site and 41 similar applications have been approved since 2015, approval of the renewal application is generally in line with the Committee's previous decisions.

- 12.9 There were two public comments received during the statutory publication periods as summarised in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.8 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 mentioned in paragraph 11 above, the Planning Department considers that the temporary open storage of construction materials, equipments and machinery and container site offices with ancillary repair activities 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 until 15.9.2023. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no dismantling or other workshop activities, except ancillary repairing and maintenance activities, as proposed by the applicant, are allowed on the Site at any time during the planning approval period;
- (d) no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on or enter/exit the Site 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) the existing trees within the Site shall be maintained at all times during the planning approval period;
- (g) the existing boundary fence 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 commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 15.12.2020;

- (j) the provision of fire extinguisher(s) with valid fire certificate (FS 251) 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 27.10.2020;
- (k) the implementation of the accepted 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 15.3.2021;
- (l) 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
- (m) if any of the above planning conditions (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 (a), (b), (c), (d), (e), (g), (h), (i), (j) and (k) are the same as those under the permission for application No. A/YL-TYST/842, condition (f) has been updated as per the current proposal, and the reinstatement clause and restriction on stacking height of containers are deleted to accord with the departments' latest requirements.]

Advisory clauses

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

13.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Member's reference:

- (a) the development is not in line with the planning intention of the "O" zone, which is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public. No strong planning justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis; and
- (b) 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 with appendix and plans received on 21.4.2020
Appendix Ia	Supplementary Information received on 27.4.2020
Appendix Ib	FI received on 11.5.2020
Appendix Ic	FI received on 8.6.2020
Appendix Id	FI received on 16.7.2020
Appendix II	Relevant extract of TPB PG-No. 13F
Appendix III	Relevant extract of TPB PG-No. 34C
Appendix IV	Previous Applications covering the Site
Appendix V	Similar Applications within or straddling the Subject “O” Zone and Northern Part of the “U” Zone on the TYST OZP since 2015
Appendix VI	The Good Practice Guidelines for Open Storage Sites
Appendices VII-1 and VII-2	Public Comments received during the Statutory Publication Periods
Appendix VIII	Recommended Advisory Clauses
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	Tree Preservation and Landscape Proposal
Drawing A-4	Drainage Proposal
Drawing A-5	FSIs Proposal
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2020**