

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

**APPLICATION NO. A/YL-TYST/1039**

- Applicant** : Mr. CHEUNG Kam Kwong represented by Goldrich Planners and Surveyor Limited
- Site** : Lots 329 S.A ss.1 (Part), 329 S.A ss.2 (Part), 329 S.A ss.3 (Part), 329 RP, 330, 331 S.A, 331 S.B, 331 RP, 332 S.A, 332 S.B, 332 S.C, 332 S.D, 332 S.E, 332 RP and 333 in D.D. 119 and Adjoining Government Land (GL), Shan Ha Tsuen, Yuen Long, New Territories
- Site Area** : 5,343 m<sup>2</sup> (about) (including about 150 m<sup>2</sup> of GL)
- 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** : “Open Space” (“O”) (about 79%); and  
  
“Village Type Development” (“V”) (about 21%)  
*[Restricted to a maximum building height of 3 storeys (8.23m)]*  
  
on the draft TYST OZP No. S/YL-TYST/13 currently in force  
  
“Undetermined” (“U”) (about 79%) and “V” (about 21%) on the then approved TYST OZP No. S/YL-TYST/12 at the time of submission  
*[The “V” zoning and its development restriction remain unchanged on the current OZP]*
- Application** : 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

**1. The Proposal**

- 1.1 The applicant seeks 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 at the application site (the Site) (**Plan A-1a**). The Site falls within an area mainly zoned “O” (about 79%) and partly zoned “V” (about 21%) 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. The Site is currently occupied by the applied use without valid planning permission (**Plans A-2, A-4a and A-4b**).

- 1.2 The Site involves 8 previous applications for various temporary open storage with/without ancillary workshop and/or office uses (**Plan A-1b**). The last application (No. A/YL-TYST/845) 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 11.8.2017. All the approval conditions under the last application had been complied with and the planning permission lapsed on 12.8.2020. Compared with the last application, the current application is submitted by the same applicant for the same use with the same layout and development parameters on the same site.
  
- 1.3 According to the applicant, the Site is currently partitioned into 2 portions (i.e. the northern and southern portions) (**Drawing A-2, Plans A-4a and A-4b**). The northern portion is used for open storage of recycled scrap metal and the southern portion is used for open storage of construction materials, equipments and machinery and container site offices with ancillary repair activities. The stored items (including metal frames, tools, portable guard rooms, toilets and container offices) will be used in construction sites and stored at the Site when not in use. No dismantling, vehicle repairing, other workshop activities (except ancillary repairing or maintenance activities) and storage of used electrical appliances, computer/electronic parts or electronic waste will be carried out at the Site. Besides, the applicant undertakes that the stacking height of the container site offices will not exceed 3 units, and the existing trees/drainage facilities at the Site will be preserved/maintained. Plans showing the vehicular access leading to the Site, site layout, tree 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 No. A/YL-TYST/845 are the same as the current application, which are summarised as follows:

<b>Major Development Parameters</b>	<b>Previously Approved Application No. A/YL-TYST/845</b>	<b>Current Application No. A/YL-TYST/1039</b>
Applied Use	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	
Site Area	5,343 m <sup>2</sup> (about) (including about 150 m <sup>2</sup> of GL)	
Total Floor Area (Non-domestic)	About 29.28 m <sup>2</sup>	

<b>Major Development Parameters</b>	<b>Previously Approved Application No. A/YL-TYST/845</b>	<b>Current Application No. A/YL-TYST/1039</b>
No. and Height of Structures	2 <ul style="list-style-type: none"> <li>• one for container office (2.5m, 1 storey)</li> <li>• one for toilet (2.5m, 1 storey)</li> </ul>	
No. of Parking Spaces	4 (for private cars) (no fixed space)	
No. of Loading/ Unloading Spaces	2 (for heavy goods vehicles/container vehicles) (22.48m x 3.6m each)	
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 document:

- (a) Application Form with annexes and plans received on (Appendix I) 9.6.2020

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 (Appendix I). They can be summarised as follows:

- (a) The Site is the subject of previous planning approvals. All the time-limited approval conditions of the last application (No. A/YL-TYST/845) had been complied with. Given that previous applications and other similar applications have been approved in the vicinity and there is no significant change in planning circumstances, approval of the current application is line with the Committee's previous decisions.
- (b) Approval of the current application on a temporary basis will not frustrate the long-term planning intention of the area. The development is not incompatible with the surrounding uses including open storage yards and workshops.
- (c) The majority of the Site (about 79%) fell within Category 1 areas under the then Town Planning Board Guidelines No. 13E (TPB PG-No. 13E), which were considered suitable for open storage and port back-up uses. Although part of the Site zoned "V" (about 21%) fell within Category 4 areas, the applicant has complied with all the approval conditions of the last application (No. A/YL-TYST/845). Besides, this portion of the Site has been occupied by the applied use for over 10 years and its elongated configuration also renders it unfavourable for Small House development. The stream to the north of the Site also separates the Site from the residential structures in the "V" zone.

- (d) There will be no adverse visual, landscape, drainage and traffic impacts on the surrounding environment. Sufficient maneuvering space will be provided within the Site and no queuing, reversing and maneuvering of vehicles outside the Site is expected.

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

The applicant is one of the “current land owners” and 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. For GL, the requirements as set out in TPB PG-No. 31A are not applicable.

### **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). Majority of 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 mainly zoned “U” and partly zoned “V” 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 zoned “O” (about 79%) and partly zoned “V” (about 21%) 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/165, 192, 205, 317, 386, 530, 690 and 845) for various temporary open storage with/without ancillary workshop and/or office uses. Details of the previous applications are summarised in **Appendix IV** and the boundaries of the sites are shown on **Plan A-1b**.

- 6.2 Applications No. A/YL-TYST/165, 192, 205, 317, 386, 530 and 690 for temporary open storage of scrap metal for recycling with ancillary open-air workshop and/or container site office units were approved with conditions by the Committee each for a period ranging from 1 to 3 years between 2002 and 2014, mainly on the considerations that the proposals were generally in line with the then TPB PG-No. 13 (or its later version); 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/165 and 192 were revoked in 2002 and 2003 respectively due to non-compliance with approval conditions.
- 6.3 The last application (No. A/YL-TYST/845) for the same use as the current application was approved with conditions by the Committee for a period of 3 years on 11.8.2017 mainly on similar considerations as those specified in paragraph 6.2 above. All the approval conditions under the last application had been complied with and the planning permission lapsed on 12.8.2020.
- 6.4 Compared with the last application, the current application is submitted by the same applicant for the same use with the same layout and development parameters on the same site.

## **7. Similar Applications**

- 7.1 There are 31 similar applications for various temporary open storage uses within/straddling the same “O” zone<sup>1</sup> on the draft TYST OZP No. S/YL-TYST/13 since 2015. They were all approved with conditions each for a period of three years by the Committee between 2015 and 2020, 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 permission for five of them were subsequently revoked due to non-compliance with approval condition. Details of the applications are summarised at **Appendix V** and their locations are shown on **Plan A-1a**.
- 7.2 For Members’ information, application No. A/YL-TYST/1017 for 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 straddling the subject “O” 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-4b)**

- 8.1 The Site is:
- (a) accessible via a local track leading from Shan Ha Road to its northeast (**Drawing A-1, Plans A-2 and A-3**);

---

<sup>1</sup> All the similar applications were approved prior to the rezoning of the sites to “O” on the draft TYST OZP No. S/YL-TYST/13.

- (b) paved and largely 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 predominately open storage/storage yards and warehouses with scattered residential structures, parking of vehicles, pond, agricultural land, unused land and vacant land/structures;
- (b) there are residential structures in the vicinity of the Site with the nearest one located about 50m to its northeast;
- (c) to the immediate west and further south of the Site are areas zoned “Green Belt” and “U” respectively on the OZP; and
- (d) except for one open storage yard operating with valid planning permission (application No. A/YL-TYST/1001), the other open storage/storage yards, warehouses and parking of vehicles 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 “V” zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

## **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 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 the occupation of GL (about 150m<sup>2</sup> subject to verification) included in the Site. Any occupation of GL without Government's prior approval is not allowed.
- (c) Within the Site, Lots 329 RP and 330 in D.D. 119 are currently covered by Short Term Waivers (STWs) No. 3158 and 3159 respectively to permit the structures erected thereon for the purpose of "Ancillary Use to Storage of Scrap Metal for Recycling and Workshop".
- (d) 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. 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 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.
- (e) There is no Small House application approved within the Site.

### **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) DEP does not support the application as there are residential uses in the vicinity (with the nearest one located about 50m to the northeast of the Site) (**Plan A-2**) and the applied use will cause traffic of heavy vehicles; 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) to minimise any potential environmental nuisances on the surrounding areas.

### **Nature Conservation**

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

- (a) She has no strong view on the application from nature conservation point of view, noting that the Site is an existing paved area used for open storage purpose and the development would not involve tree felling or cause damage to the existing trees.
- (b) Should the application be approved, the applicant should be advised to adopt good site practices and implement necessary measures to avoid causing disturbance and water pollution to the nearby watercourses.

### **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 I**), apparently the applicant would maintain the same drainage facilities as those implemented under previous application No. A/YL-TYST/845.



- (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/845 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 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 observe the good practice guidelines at **Appendix VI** and be reminded of the detailed comments at **Appendix VIII**.
- (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.

### **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 by the Building Authority 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 should be reminded of the detailed comments at **Appendix VIII**.

### **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 YLS – Investigation”. According to the Revised Recommended Outline Development Plan (RODP) of YLS promulgated in May 2020, the Site partly falls within an

area zoned “District Open Space” (“DO”) and partly falls outside the Development Area of YLS.

- (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) He has no objection to the application.
- (b) However, the Site mainly falls within the boundary of YLS development - Stage 2 Phase 2. The land resumption and clearance programme of the project is subject to Executive Council’s authorisation on land resumption and Finance Committee’s funding approval of the project. Land clearance operation is tentatively targeted to commence in 2024. Thus, the applicant shall be reminded that extension of the planning permission may not be supported in future and shall be advised not to carry out any substantial works in view of the planned YLS development - Stage 2 Phase 2.

**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 locals.

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

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

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

On 16.6.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one public comment was received from an individual questioning the long-term development plans for the area (**Appendix VII**).

## 12. Planning Considerations and Assessments

- 12.1 The application is 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. 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 zoned “O” (about 79%) and partly zoned “V” (about 21%) on the draft TYST OZP No. S/YL-TYST/13.
- 12.2 The “O” and “V” 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 development of Small Houses by indigenous villagers respectively. Although the development is not in line with the aforesaid planning intentions, PM(W), CEDD has no objection to the proposed temporary use for 3 years as the majority of the Site zoned “O” is not expected to be resumed within the next 3 years for Stage 2 Phase 2 YLS Development. Furthermore, there is currently no Small House application approved at the Site. Approval of the application on a temporary basis of 3 years would not jeopardise the long-term development of the Site.
- 12.3 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.
- 12.4 The majority of the Site (about 79%) 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 majority of the Site falls within the YLS Development Area and previous planning approvals for similar open storage use 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; there were no local objections on the proposal; 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 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/845 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 there are sensitive receiver of residential use in the vicinity of the Site (with the nearest one located about 50m to the northwest of the Site) (**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 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 relevant environmental mitigation measures in 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 eight previous approvals for open storage uses have been granted to the Site and 31 similar applications have been approved in the subject "O" zone since 2015, approval of the application is in line with the Committee's previous decisions.
- 12.9 There is one public comment received on the application during the statutory publication period as summarised in paragraph 11. The planning considerations and assessments in paragraphs 12.1 to 12.8 above are relevant.

### **13. Planning Department's Views**

- 13.1 Based on the assessments made in paragraph 12, and having taken into account the public comment as mentioned in paragraph 11 above, the Planning Department considers that the temporary open storage of scrap metal for recycling, 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 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 dismantling, vehicle repairing, other workshop activities (except ancillary repairing or maintenance activities) and storage of used electrical appliances, computer/electronic parts or electronic waste, as proposed by the applicant, is 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) the existing boundary fencing on the Site shall be maintained at all times 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 drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) 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;
- (i) 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;
- (j) the submission of a 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;
- (k) in relation to (j) above, the implementation of the fire service installations proposal within **9** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 15.6.2021;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (m) if any of the above planning conditions (h), (i), (j) or (k) is not complied

with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

*[Approval conditions (a), (b), (d), (g), (h), (i), (j) and (k) are the same as those under the permission for application No. A/YL-TYST/845, conditions (c) and (f) have been updated as per the current proposal, condition (e) is inserted, and the stacking height restriction and reinstatement clause are deleted to accord with the department's 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 intentions of the "O" and "V" zones which are intended primarily for outdoor open-air public space for active and/or passive recreational uses and development of Small Houses by indigenous villagers respectively. No strong planning justification has been given in the submission to justify a departure from the planning intentions, 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**

<b>Appendix I</b>	Application Form with annexes and plans received on 9.6.2020
<b>Appendix II</b>	Relevant extract of TPB PG-No. 13F
<b>Appendix III</b>	Relevant extract of TPB PG-No. 34C
<b>Appendix IV</b>	Previous Applications covering the Site
<b>Appendix V</b>	Similar Applications within/straddling the subject "O" zone on the TYST OZP since 2015

<b>Appendix VI</b>	The Good Practice Guidelines for Open Storage Sites
<b>Appendix VII</b>	Public Comment received during Statutory Publication Period
<b>Appendix VIII</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 Preservation Proposal
<b>Drawing A-4</b>	Drainage Plan
<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 and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
SEPTEMBER 2020**