

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1058

- Applicant** : Hankang Recycling Limited represented by Metro Planning and Development Company Limited
- Site** : Lots 2704 S.A & S.B (Part), 2707, 2708, 2709, 2710 and 2711 in D.D. 120, Lots 1638, 1639 (Part), 1640 (Part), 1668 (Part), 1669 (Part), 1671, 1672, 1673 (Part), 1674 (Part) and 1676 S.A & B (Part) in D.D. 121 and Adjoining Government Land (GL), Shan Ha Tsuen, Yuen Long, New Territories
- Site Area** : 7,428 m² (about) (including GL of about 95 m² (about 1.3%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Tong Yan San Tsuen (TYST) Outline Zoning Plan (OZP) No. S/YL-TYST/13
- Zonings** : “Residential (Group A) 3” (“R(A)3”) (about 97.5%); and
[Restricted to a maximum plot ratio of 7 and a maximum building height of 160mPD]
“Open Space” (“O”) (about 2.5%)
- Application** : Temporary Warehouse and Open Storage for Storage of Recyclable Materials (Plastic and Metal) with Ancillary 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 warehouse and open storage for storage of recyclable materials (plastic and metal) with ancillary workshop for a period of 3 years (**Plan A-1a**). Although the proposal is neither a Column 1 or 2 use in the “R(A)3” and “O” zones, 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 9 previous applications for various temporary storage, open storage and/or warehouse with or without ancillary workshop uses (**Plan A-1b**).

The last application (No. A/YL-TYST/895) 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 5.10.2018. However, the planning permission was subsequently revoked on 26.6.2020 due to non-compliance with an approval condition on operation hours. Compared with the last application, the current application is submitted by the same applicant for the same use on a slightly larger site with largely the same site layout and development parameters.

- 1.3 According to the applicant, the associated workshop activities will be confined to classification of recycled iron and plastic bottles at Structure No. 4 (**Drawing A-2**). No storage and handling (including loading/unloading (L/UL)) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) and electronic waste will be carried out at the Site. In addition, no heavy goods vehicles, including container tractor/trailer, will enter the Site. Plans showing the vehicular access leading to the Site, site layout, landscape and tree preservation proposal, as-built drainage facilities 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 and the current application are summarised as follows:

Major Development Parameters	Previously Approved Application No. A/YL-TYST/895 (a)	Current Application No. A/YL-TYST/1058 (b)	Difference (b)-(a)
Applied Use	Temporary Warehouse and Open Storage for Storage of Recyclable Materials (Plastic and Metal) with Ancillary Workshop for a Period of 3 Years		---
Site Area	About 7,348 m ² (including GL of about 95 m ²)	About 7,428 m ² (including GL of about 95 m ²)	+80m ² (+1.1%)
Total Floor Area (Non-domestic)	About 4,644 m ²	About 4,724 m ²	+80m ² (+1.7%)
No. and Height of Structures	4 <ul style="list-style-type: none"> one for warehouse (9m, 1 storey) one for open shed for storage (9m, 1 storey) one for site office (7.5m, 2 storeys) one for classification facility (7.5m, 2 storeys) 	4 <ul style="list-style-type: none"> one for warehouse (6.5m, 1 storey) one for open shed for storage (7.5m, 1 storey) one for site office (7.5m, 2 storeys) one for classification facility (7.5m, 2 storeys) 	---
No. of Parking and L/UL Spaces	2 (for medium goods vehicle) (11m x 3.5m)	1 (for medium goods vehicle) (11m x 3.5m)	-1 (-100%)
Operation Hours	7:00 a.m. to 7:00 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 annex and plans received on 22.10.2020 (**Appendix I**)
- (b) Supplementary Information received on 28.10.2020 (**Appendix Ia**) clarifying the proposed operation
- (c) Further Information (FI) received on 1.12.2020 clarifying the proposed operation (**Appendix Ib**)
[exempted from publication and recounting requirements]

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are mainly detailed in the Application Form, Supplementary Information and FI (**Appendices I to Ib**). They can be summarised as follows:

- (a) The Site was the subject of previous planning permissions since 2006. All the time-limited approval conditions imposed to the last application (No. A/YL-TYST/895) had been complied with, except for the implementation of FSIs proposal¹. The applicant has submitted FSIs proposal to support the current application.
- (b) The proposal is in line with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13F) as the Site falls within Category 1 areas.
- (c) The temporary proposal would not jeopardise the long-term planning intention. A number of open storage and port back-up uses have been approved by the Board in the vicinity of the Site and their planning circumstances are similar to that of the Site. The proposal is compatible with the surrounding environment. Besides, there is a shortage of land for port back-up purpose in TYST.
- (d) There will be minimal traffic, environmental and drainage impacts arising from the proposal.

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 the 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.

¹ Prior to the implementation of the FSIs proposal to the satisfaction of relevant department(s), the planning permission for the last application No. A/YL-TYST/895 was revoked on 26.6.2020 due to non-compliance with an approval condition on operation hours.

4. Town Planning Board Guidelines

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**.

5. Background

The Site is subject to planning enforcement action against unauthorised development (UD) involving storage use and workshop use (**Plan A-2**). Enforcement Notice (EN) was issued to the concerned parties on 18.9.2020 requiring discontinuation of the UD (No. E/YL-TYST/866). The EN will expire on 18.12.2020.

6. Previous Applications

6.1 The Site involves 8 previous approved applications (No. A/YL-TYST/110, 282, 416, 458, 516, 588, 731 and 895) and 1 rejected application (No. A/YL-TYST/146) for various temporary storage, open storage and/or warehouse with or without ancillary workshop uses covering different extents of the Site. The application sites under all previous applications were zoned “Undetermined” (“U”) on previous versions of the OZP. Details of the applications are summarised in **Appendix III** and the boundaries of the sites are shown on **Plan A-1b**.

Rejected Application (1 Case)

6.2 Application No. A/YL-TYST/146 for temporary storage of building materials for a period of 3 years was rejected by the Committee in 2001 mainly on the considerations that there were potential adverse environmental and drainage impacts; and the vehicular access arrangement was unclear.

Approved Application (8 Cases)

6.3 7 previous applications (No. A/YL-TYST/110, 282, 416, 458, 516, 588 and 731) for various temporary open storage uses with or without ancillary workshop were approved with conditions by the Committee between 2000 and 2015 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 TPB PG-No. 13 (or its later versions); 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 permissions for applications No. A/YL-TYST/110, 458 and 516 were subsequently revoked between 2001 and 2011 due to non-compliance with approval conditions.

6.4 The last application (No. A/YL-TYST/895) for the same use as the current application was approved with conditions for a period of 3 years by the Committee on 5.10.2018 mainly on similar considerations as those stated in paragraph 6.3 above. However, the planning permission was subsequently revoked on 26.6.2020

due to non-compliance with an approval condition which stipulated that no operation shall take place on the site between 7:00 p.m. and 7:00 a.m.

- 6.5 Compared with the last application (No. A/YL-TYST/895), the current application is submitted by the same applicant for the same use on a slightly larger site with largely the same site layout and development parameters. Notwithstanding the above, the zoning of the Site has since been amended to mainly “R(A)3” and marginally “O” when the draft TYST OZP No. S/YL-TYST/13 was gazetted on 10.7.2020.

7. Similar Applications

There are 35 similar applications for various types of temporary open storage and/or warehouse with or without ancillary uses within/straddling the subject “R(A)3” and “O” zones² approved with conditions by the Committee since 2015, 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 five of the applications were subsequently revoked between 2016 and 2020 due to non-compliance with approval conditions. Details of the applications are summarised in **Appendix IV** and the locations of the sites are shown on **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 west (**Drawing A-1, Plans A-2 and A-3**);
- (b) largely paved and fenced off; and
- (c) currently occupied by the applied use without valid planning permission (**Plans A-4a and A-4b**).

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

- (a) predominantly open storage/storage yards with scattered residential structures, a plant nursery, shrubland and vacant land/structures;
- (b) the nearest residential cluster of Shan Ha is located about 50m to the west of the Site in an area zoned “Village Type Development” (“V”) on the OZP while the nearest residence is located about 30m to the west of the Site; and
- (c) except for four open storage yards in the vicinity operating with valid planning permissions (No. A/YL-TYST/897, 935, 942 and 1014), the other open storage/storage yards in the vicinity are suspected UD subject to enforcement action taken by the Planning Authority.

² The first 32 similar applications were approved prior to the rezoning of the sites to “R(A)3” and/or “O” on the subject OZP.

9. Planning Intention

The planning intention of the “R(A)3” zone is primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building.

10. Comments from Relevant Government Departments

10.1 The following government departments have been consulted and their views on the application and the public comments, where relevant, are summarised as follows:

Land Administration

10.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site comprises GL and Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) Within the Site, the GL, Lots No. 2707&2708, 2709 and 2711 in D.D. 120 and Lots No. 1638, 1639, 1640, 1671, 1672, 1673, 1674 and 1676 S.A&S.B in D.D. 121 are currently covered by Short Term Tenancy (STT) No. 2986 and Short Term Waivers (STWs) No. 4548, 4549, 4550, 4551, 4552, 4553, 4556, 4557, 4558, 4559 and 4561 respectively to permit structures erected thereon for the purpose of “Temporary Open Storage of Construction Machinery and Materials, Scrap Vehicles, Vehicle Parts, Mobile Toilets and Recyclable Materials (including Metal, Paper and Plastic Goods) with Ancillary Workshop”. Meanwhile, Lot 2704 S.A&S.B in D.D. 120 is currently covered by STW No. 4367 to permit structures erected thereon for the purpose of “Temporary Open Storage of Construction Machinery, Construction Materials, Recyclable Materials (including Paper, Metal and Plastic) with Ancillary Workshop and Office”.
- (c) Should planning approval be given to the subject planning application, the STW/STT holder(s) will need to apply to her office for modification of the STW/STT conditions where appropriate and the lot owner(s) of the lot(s) without STW will need to apply to her office 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 of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by her department.

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 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 Shan Ha 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 30m to the west of the Site) (**Plan A-2**) and the applied use will cause traffic of heavy vehicles; environmental nuisance is expected.
- (b) There were 16 substantiated complaints received by the Environmental Protection Department (EPD) in the past 3 years, which were related to machine noise, odour nuisance and water pollution from the Site. Six of them received since February 2018 were related to machine noise suspected to be emanated from the open shed for storage of recyclable material. After investigations, 2 Noise Abatement Notices (NANs) were issued in June 2018 and March 2019 respectively, and two prosecutions against the applicant of the current application were instigated. Subsequently, two summons were issued and the applicant pleaded guilty in March and July 2019 and was fined. For the other substantiated complaints, 7 were related to odour nuisance and 3 were related to water pollution from the Site. Investigations were conducted and no non-compliance under environmental pollution control ordinances was found. Hence, no enforcement action was undertaken.
- (c) Should the 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”, to comply with all relevant ordinances in Hong Kong, including the Air Pollution Control Ordinance, Noise Control Ordinance, and Water Pollution Control Ordinance, and to follow the Practice Note for Professional Person (ProPECC) PN 5/93 “Drainage Plans subject to Comment by the EPD” on drainage and sewage matters.

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 planning application No. A/YL-TYST/895.
- (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/895 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:

- (a) He has no objection in principle to the proposal subject to FSIs being provided to his satisfaction.
- (b) The applicant should observe the good practice guidelines at **Appendix V** and be reminded of the detailed comments on the submitted FSIs proposal at **Appendix VII**.
- (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 granted 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 VII**.

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 of YLS promulgated in May 2020, the Site falls within an area zoned “Special Residential - Zone 1 – Public Rental Housing (with Commercial)” (“RS(1)c”), “Local Open Space” (“LO”) and “Residential – Zone 1 (Subsidised Sale Flats with Commercial)” (“R1(SSF)c”).
- (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 subject application.
- (b) However, the Site 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 feedback from the locals.

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 Comments Received During the Statutory Publication Period

- 11.1 On 30.10.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, 214 public comments were received. Of which, 198 raised objection and the remaining 16 expressed adverse comments on the application. A full set of public comments will be deposited at the meeting for Members' inspection.
- 11.2 Objections were received from a village representative of Shan Ha (**Appendix VI-1**), a member of the Yuen Long District Council (**Appendix VI-2**), villagers of Shan Ha and various individuals (extracted samples of a similar nature are at **Appendices VI-3 to VI-20**). The remaining adverse comments were made by a villager of Lam Hau Tsuen and various individuals (extracted samples of a similar nature are at **Appendices VI-21 to VI-25**). The salient issues of the objections and adverse comments are summarised as follows:

Environmental Nuisance

- (a) The recycling operation under the last application had regularly violated the planning condition on operation hours and persistently generated adverse noise (such as from machine operation) and odour nuisances (such as pungent smell from the melting of plastics) to the residents in the adjacent "V" zone. Although the last application was revoked, the operation had not ceased and the environmental nuisances have persisted. The applicant did not submit noise impact assessment to support the current application.
- (b) The recycling operation has caused other environmental problems, such as water contamination and air pollution. The applicant did not submit air quality impact assessment and related assessments to support the current application. The proposal is not in line with the then TPB PG-No. 13D on the provision of sufficient buffers between potential sources of environmental nuisances and residences.

Other Concerns

- (c) The recycling operation would give rise to potentially toxic and/or carcinogenic fumes, which are detrimental to the health of nearby residents.
- (d) The enforcement and prosecution actions by the relevant authorities are incapable to curb the on-going environmental nuisances.
- (e) The use of heavy vehicles will further strain the capacity of the local road network, generate dust along the access road and undermine the safety and living quality of the villagers.
- (f) The proposal with storage of flammable materials will create adverse fire risk. The FSIs at the Site and the firefighting facilities in Shan Ha are inadequate to cope with the scale of the applied use.

- (g) Approval of the application will hinder the long-term development of the Site. The proposal should be relocated to other more suitable locations.
- (h) The applied use is incompatible with the village type developments nearby.

12. Planning Considerations and Assessments

- 12.1 The application is for temporary warehouse and open storage for storage of recyclable materials (plastic and metal) with ancillary workshop at a site predominately zoned “R(A)3” (about 97.5%) and marginally zoned “O” (about 2.5%) on the OZP. The applied use is not in line with the planning intention of the “R(A)3” zone, which is primarily for high-density residential developments. Although CE/CID, PlanD did not raise objection and PM(W), CEDD has no objection to the temporary use for three years, no strong planning justification has been given in the submission to justify a departure from the planning intention of the “R(A)3” zone, even on a temporary basis.
- 12.2 The surrounding areas comprise predominantly open storage/storage yards (**Plan A-2**). While the development is generally not incompatible with the surrounding uses, the nearest residential cluster of Shan Ha is located about 50m to the west of the Site in an area zoned “V” on the OZP (**Plan A-1a**) and the current proposed vehicular traffic would route through large parts of the subject “V” zone along substandard local tracks (**Drawing A-1**). 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 30m to its west) (**Plan A-2**) and along the proposed vehicular access, and the applied use will cause traffic of heavy vehicles; environmental nuisance is expected. Furthermore, there were 16 substantiated complaints received by EPD in the past 3 years, which were related to machine noise, odour nuisance and water pollution from the Site. For the substantiated complaints on noise, 2 NANs were issued in June 2018 and March 2019 respectively, and two prosecutions against the applicant of the current application were instigated. Two summons were issued and the applicant pleaded guilty in March and July 2019 and was subsequently fined. Given the history of substantiated environmental nuisances associated with the Site, the same applicant has not provided any information in the current application to demonstrate that the continued operation of the applied use would not generate adverse environmental impacts on the surrounding areas. Except for DEP, other concerned departments have no adverse comment/no comment on the application.
- 12.3 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.

- 12.4 The proposal is not in line with the TPB PG-No. 13F in that although the Site falls within the YLS Development Area and previous planning approvals for the same/similar storage uses have been given under the previous OZPs, the same applicant had failed to comply with the approval condition on operation hours of the previous approval which was subsequently revoked. Despite concerns from relevant department and the locals on the environmental implications associated with the continued operation of the applied use at the Site (such as noise, odour, water contamination and air pollution, etc.), there is no information in the submission to demonstrate that the continued operation of the applied use would not generate adverse environmental impacts on the surrounding areas, and that the concerns of local residents could be addressed through the implementation of approval conditions.
- 12.5 Although there were 8 previous approvals for storage uses granted to the Site, the respective application sites were zoned "U" at the time of consideration by the Committee. The Site now falls within an area mainly zoned "R(A)3" and marginally zoned "O" for the YLS Development, to which the latest considerations under the revised TPB PG-No. 13F as mentioned in paragraph 12.3 above now apply. Moreover, while there were several substantiated environmental complaints concerning the Site received within the three-year period prior to approval of the last application (No. A/YL-TYST/895), since the proposal under the last application came into operation, the substantiated environmental complaints concerning the Site had risen considerably to 16 cases in the past three years, which were related to machine noise, odour nuisance and water pollution from the Site. The environmental concern associated with the applied use is also reflected in the number of public comments received on the current application (i.e. 214, of which 198 were objecting comments and the remaining 16 adverse comments), which is in clear contrast to the last application (No. A/YL-TYST/895) when no public comments were received. Such changes in planning circumstances should be taken into account by the Committee when considering the implications of the continued operation of the applied use at the Site. There was one previous application (No. A/YL-TYST/146) rejected by the Committee in 2001 on the grounds, amongst other, that there was insufficient information to demonstrate that the proposal would not generate adverse environmental impact on the surrounding area. Such consideration is generally applicable to the current application.
- 12.6 There are 214 public comments, including 198 objecting comments, received on the application during the statutory publication period as summarised in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.5 above are relevant.

13. Planning Department's Views

13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments as mentioned in paragraph 11 above, the Planning Department does not support the application for the following reasons:

- (a) the applied use is not in line with the planning intention of the “R(A)3” zone which is primarily for high-density residential developments. 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 applied use is not in line with Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F) in that the applicant could not demonstrate that the continued operation of the applied use would not generate adverse environmental impact on the surrounding areas.

13.2 Alternatively, 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 18.12.2023. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 7:00 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) except for classification of recycled iron and plastic bottles at Structure No. 4, no other workshop activities and storage and handling (including loading/unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) and electronic waste, 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 18.3.2021;
- (j) the provision of fire extinguisher(s) 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 29.1.2021;
- (k) the submission of a 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 18.6.2021;
- (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 18.9.2021;
- (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**.

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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 14.3 Alternatively, 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.

15. Attachments

- Appendix I** Application Form with annex and plans received on 22.10.2020
- Appendix Ia** Supplementary Information received on 28.10.2020

Appendix Ib	FI received on 1.12.2020
Appendix II	Relevant extract of TPB PG-No. 13F
Appendix III	Previous Applications covering the Site
Appendix IV	Similar Applications within/straddling the Subject “R(A)3” and “O” Zones on the Tong Yan San Tsuen OZP since 2015
Appendix V	The Good Practice Guidelines for Open Storage Sites
Appendices VI-1 to VI-25	Public Comments Received During the Statutory Publication Period
Appendix VII	Recommended Advisory Clauses
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	Landscape and Tree Preservation Proposal
Drawing A-4	As-built Drainage Plan
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
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2020**