

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1059

- Applicant** : Mr. TSUI Yat Wah represented by Ever United Planning and Development Limited
- Site** : Lots 369RP (Part), 370RP (Part), 371S.A (Part), 371S.B (Part), 381RP (Part), 382RP, 383RP, 384, 385, 386, 387, 388, 389RP, 390RP, 391RP (Part), 439RP (Part), 440 (Part), 444 (Part), 445 (Part), 446, 447, 448, 449, 450 S.A, 450 S.B, 450S.C, 451, 452, 453, 454, 455, 456, 457, 458 (Part), 459 (Part), 471 (Part), 472, 473, 474, 475 S.A (Part), 475S.A ss.1 (Part) and 475S.B (Part) in D.D 119 and Adjoining Government Land (GL), Tong Yan San Tsuen, Yuen Long, New Territories
- Site Area** : 21,110 m² (about) (including about 110 m² of GL (about 0.5%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/13
- Zoning** : “Undetermined” (“U”)
- Application** : Proposed Temporary Warehouse for Storage of Electronic Goods and Open Storage of Building/Recycling Materials, Construction Machinery, Used Electrical/Electronic Appliances and Parts with Ancillary Workshop Activities for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary warehouse for storage of electronic goods and open storage of building/recycling materials, construction machinery, used electrical/electronic appliances and parts with ancillary workshop activities for a period of 3 years (**Plan A-1a**). According to the covering Notes of the OZP for the “U” zone, all uses or development except those specified in the Notes require permission from the Town Planning Board (the Board). The Site is currently mainly occupied by open storage use with valid planning permission under application No. A/YL-TYST/1024 until 10.7.2023 and partly vacant (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site involves 11 previous applications for various temporary logistics centre and/or open storage with/without rural workshop and/or ancillary packaging activities or workshop uses (**Plan A-1b**). The last application (No. A/YL-TYST/1024) for proposed temporary logistics centre and open storage of

building/recycling materials, construction machinery, used electrical/electronic appliances and parts with ancillary workshop activities was approved with conditions for a period of 3 years by the Rural and New Town Planning Committee (the Committee) of the Board on 10.7.2020. Compared with the last application, the current application is submitted by a different applicant for a partly different use on the same site with different site layout and development parameters.

1.3 According to the applicant, the proposed warehouse is for storage of electronic goods (such as air-conditioners, fans and motors) and open storage of building materials (including metal bars), recycling materials (including paper, metal and plastic), construction machinery (including tower crane parts and excavators) and used electrical/electronic appliances (including air-conditioners and fans) and parts (including motors from construction machinery). The ancillary workshop activities, i.e. dismantling, sorting and packaging of recycled materials, will take place at structures No. 7, 8, 9, 10, 11, 12 and 15 (**Drawing A-2**). No ancillary workshop activities and storage or handling of electronic appliances and parts will be carried out outside the concrete-paved covered structures on the Site. No repairing, spraying, cleansing and storage/handling (including loading and unloading (L/UL)) of cathode-ray tubes and any other types of electronic waste will be carried out within the Site. The applicant also pledges to maintain the existing footpath across the Site for free public passage (**Drawing A-2** and **Plan A-2**), and maintain/preserve all existing drainage facilities/trees at his own expense. Plans showing the vehicular access leading to the Site, site layout and landscape and tree preservation proposal submitted by the applicant are at **Drawings A-1** to **A-3** respectively.

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

Major Development Parameters	Previous Approved Application No. A/YL-TYST/1024 (a)	Current Application No. A/YL-TYST/1059 (b)	Difference (b)-(a)
Applied Use	Proposed Temporary Logistics Centre and Open Storage of Building/Recycling Materials, Construction Machinery, Used Electrical/Electronic Appliances and Parts with Ancillary Workshop Activities for a Period of 3 Years	Proposed Temporary Warehouse for Storage of Electronic Goods and Open Storage of Building/Recycling Materials, Construction Machinery, Used Electrical/Electronic Appliances and Parts with Ancillary Workshop Activities for a Period of 3 Years	Partly Different Use
Site Area	About 21,110 m ² (including GL of about 110 m ²)		---
Total Floor Area (non-domestic)	6,510 m ² (about)	7,281 m ² (about)	+771 m ² (+11.8%)
No. and Height of Structures	25 • for logistics centre, office, and shelter for storage and ancillary workshop	16 • for warehouse, shelter for storage and ancillary workshop, office, meter room,	-9 (-36%)

	(4-12m, 1-2 storey(s))	pump room, water tank, guard room and toilet (3-12m, 1-2 storey(s))	
No. of Parking and L/UL Spaces	11 (16m x 3.5m) (for container vehicles)		---
Operation Hours	8:00 a.m. to 9:00 p.m., with no operation on Sundays and Public Holidays		---

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

- (a) Application Form received on 23.10.2020 **(Appendix I)**
- (b) Supplementary Planning Statement **(Appendix Ia)**
- (c) Supplementary Information received on 28.10.2020 clarifying the proposed operation **(Appendix Ib)**
- (d) Further Information (FI) received on 27.11.2020 responding to departmental comments **(Appendix Ic)**
- (e) FI received on 4.12.2020 clarifying the proposed operation **(Appendix Id)**
[(d) and (e) exempted from publication and recounting requirements]

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Supplementary Planning Statement, Supplementary Information and FI (**Appendices Ia to Id**). They can be summarised as follows:

- (a) The Site has been the subject of previous planning permissions since 2003. All planning conditions imposed to the previous planning permission (No. A/YL-TYST/896) have been complied with. There is no change in planning circumstances since the approval of the last application. As the demand for logistics activities is unstable under the current economic circumstances, the current application for warehouse is submitted to replace the approved logistics centre under the last application (No. A/YL-TYST/1024) and to meet relevant fire safety requirements.
- (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) in that the Site falls within Category 1 areas; previous planning permissions have been granted to the Site; and relevant proposals have been submitted in support of the application.
- (c) The temporary proposal is in line with the planning intention of the “U” zone and will not frustrate the long-term development of the area. There is no major residential development in the vicinity of the Site and the area is predominated by open storage yards and warehouse uses approved by the Board. Therefore, the development is compatible with the surrounding environment. Furthermore, there is a shortage of land for open storage in Tong Yan San Tsuen.
- (d) No adverse traffic, environmental, landscape and drainage impacts arising from the proposal are envisaged. Relevant environmental mitigation measures in the “Code of Practice on Handling the Environmental Aspects of Temporary Uses

and Open Storage Use” (Code of Practice) will be followed.

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

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting site notice and published notices in local newspapers. Detailed information would be deposited at the meeting for Members’ inspection. For GL, the requirements as set out in TPB PG-No. 31A are not applicable.

4. Town Planning Board Guidelines

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

5. Background

The Site is currently not subject to planning enforcement action.

6. Previous Applications

6.1 The Site involves 10 previous approved applications (No. A/YL-TYST/27, 194, 309, 427, 556, 587, 726, 802, 896 and 1024) and one previous rejected application (No. A/YL-TYST/297) for various temporary logistics centre and open storage with/without rural workshop and/or ancillary packaging activities or workshop uses covering different extents of the Site. Details of the applications are summarised in **Appendix III** and the boundaries of the sites are shown on **Plan A-1b**.

Rejected Application (1 Case)

6.2 Application No. A/YL-TYST/297 for temporary open storage of building/recycling materials (except electronic waste) and construction machinery, mainly covering a minor portion at the southern corner of the Site, was rejected by the Committee in 2005 on the grounds that there were potential adverse environmental and drainage impacts; and the proposal did not comply with the then TPB PG-No.13 in that no previous approval had been granted to the site, the proposal was not compatible with the residential structures along the access road and there were adverse departmental comments on the application.

Approved Application (10 Cases)

6.3 Applications No. A/YL-TYST/27, 194, 309, 427, 556, 587, 726, 802 and 896 for temporary open storage with/without rural workshop and/or ancillary packaging activities or workshop were all approved with conditions by the Committee between 1998 and 2018 each for a period ranging from 2 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 version); not incompatible with the surrounding uses; approval of the application on a temporary

basis would not frustrate the long-term development of the area; and the concerns of relevant government departments could be addressed by imposing approval conditions. However, the planning approval for planning application No. A/YL-TYST/802 was subsequently revoked in 2017 due to non-compliance with approval conditions.

- 6.4 The last application (No. A/YL-TYST/1024) for proposed temporary logistics centre and open storage of building/recycling materials, construction machinery, used electrical/electronic appliances and parts with ancillary workshop activities was approved with conditions for a period of 3 years by the Committee on 10.7.2020 mainly on similar considerations as those stated in paragraph 6.3 above. The time-limited approval conditions on submission and implementation of FSIs proposal are pending and the permission is valid until 10.7.2023.
- 6.5 Compared with the last application (No. A/YL-TYST/1024), the current application is submitted by a different applicant for a partly different use on the same site with different site layout and development parameters.

7. Similar Applications

- 7.1 There are 101 similar applications for various types of temporary open storage uses with or without warehouse and/or ancillary workshop/site office uses within/straddling the “U” zone considered by the Committee since 2015. Details of the applications are summarised in **Appendix IV** and the locations of the sites are shown on **Plan A-1a**.
- 7.2 Out of the 101 similar applications, 98 were approved mainly on similar considerations that the developments were not incompatible with the surrounding uses and the concerns of relevant departments could be addressed by imposing approval conditions. However, the planning permissions for 25 of them were subsequently revoked due to non-compliance with approval conditions.
- 7.3 The remaining three applications (No. A/YL-TYST/922, 926 and 943) were rejected by the Committee in 2018 and 2019 on the grounds that approval of application with repeated non-compliances would set an undesirable precedent for other similar planning permissions for temporary uses, thus nullifying the statutory planning control system.
- 7.4 For Members’ information, application No. A/YL-TYST/1060 for proposed temporary warehouse for storage of electronic parts, construction materials and vehicle parts for a period of 3 years within the same “U” zone will also be considered at this meeting (**Plan A-1a**).

8. Planning Intention

- 8.1 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.
- 8.2 According to the Explanatory Statement of the OZP, under the “Planning and Engineering Study for Housing Sites in Yuen Long South (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.

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

9.1 The Site is:

- (a) accessible via a local track leading from Kung Um Road to its east (**Drawing A-1, Plans A-2 and A-3**);
- (b) paved and fenced-off; and
- (c) currently mainly occupied by open storage use with valid planning permission under application No. A/YL-TYST/1024 and partly vacant (**Plans A-4a and A-4b**).

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

- (a) comprise predominantly open storage/storage yards with carparks, graves, shrubland and vacant land/structures;
- (b) to its immediate north is a nullah flanked by Lam Tai West Road and Lam Tai East Road;
- (c) to the northwest, north and southeast of the Site are areas zoned “Green Belt”, “Open Space” and “Residential (Group C)” on the OZP respectively; and
- (d) except for four open storage/storage yards operating with valid planning permissions (No. A/YL-TYST/953, 1003, 1017 and 1042), the other open storage/storage yards and carparks in the vicinity are suspected unauthorised developments (UD) subject to enforcement action taken by the Planning Authority.

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 is currently covered by Short Term Tenancy (STT) No. 3003, while Lots 391RP, 383RP, 384&445, 385&451, 386, 387, 388, 389RP&390RP, 446, 447, 450 S.A, 450 S.B&450 S.C, 452, 457, 458, 474, 475 S.A and 475 S.A ss.1 in D.D. 119 are currently covered by Short Term Waivers (STWs) No. 4611 to 4626

respectively to permit structures erected thereon for the purpose of “Temporary Open Storage of Building/Recycling Materials, Construction Machinery and Used Electrical/Electronic Appliances and Parts with Ancillary Packaging Activities”. Lots 370RP&381RP, 369RP, 371 S.A, 371 S.B, 440 and 475 S.B in D.D 119 are currently covered by STWs No. 4188 to 4191, 4347 and 4350 respectively to permit structures erected thereon for the purposes of “Temporary Open Storage of Construction Machinery and Materials, Recycling Materials and Used Electrical Appliances with Ancillary Workshop Activities” and “Temporary Open Storage of Building Materials, Construction Machinery, Recycling Materials (Metal, Plastic and Paper) and Used Electrical/Electronic Appliances and Parts with Ancillary Workshop Activities” respectively.

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

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

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

Environment

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

- (a) He does not support the application as 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; 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 to minimise any potential environmental nuisances.

Drainage

10.1.5 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection in principle to the development.
- (b) Based on the planning statement enclosed in the application (**Appendix Ia**), apparently the applicant would maintain the same drainage facilities as those implemented under previous application No. A/YL-TYST/1024.
- (c) Should the Board consider that the application is acceptable from the planning point of view, approval conditions requiring the maintenance of the existing drainage facilities implemented under application No. A/YL-TYST/1024 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 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 V** and be reminded of the detailed comments 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 YLS Study. According to the Revised Recommended Outline Development Plan (RODP) of YLS promulgated in May 2020, the Site mainly falls within an area zoned “Residential - Zone 2 (with Commercial)” (“R2c”) and an area shown as ‘Road’, with minor portions zoned “Other Specified Uses” (“OU”) annotated “Hillside River Corridor with Scenic Cycle Track” and “District Open Space” (“DO”).
- (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 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 (ExCo’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 any substantial works shall not be carried out in view of the planned YLS development – Stage 2 Phase 2.
- (c) Besides, the vehicular access to the Site (**Drawing A-1**) falls within

the boundary of YLS development – Stage 2 Phase 1 (the project) for which the land clearance is planned to commence in mid-2022 subject to ExCo’s authorisation on land resumption and Finance Committee’s funding approval of the project by Q4 2021 and Q1 of 2022 respectively. Therefore, the applicant shall be reminded that the proposed vehicular access to the Site would be in conflict with the proposed roadworks under the project. Future access to the Site shall be proposed by the applicant for his agreement in due course.

District Officer’s Commentss

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

His 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 Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Director of Agriculture, Fisheries and Conservation (DAFC); and
- (d) Commissioner of Police (C of P).

11. Public Comments Received During the Statutory Publication Period

On 30.10.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, three public comments were received from individuals. The first two individuals objected to the application mainly on the grounds that the proposal with traffic of heavy vehicles will undermine the safety and living quality of the villagers; the proposal does not represent efficient use of land resources; and the proposal would undermine the long-term development plans for the area (**Appendices VI-1** and **VI-2**). The remaining individual opined that the applicant should provide information to demonstrate that the proposal would not generate land contamination and adverse impacts on environmental hygiene (**Appendix VI-3**).

12. Planning Considerations and Assessments

12.1 The application is for proposed temporary warehouse for storage of electronic goods and open storage of building/recycling materials, construction machinery, used electrical/electronic appliances and parts with ancillary workshop activities for a period of 3 years at a site zoned “U” on the OZP. The proposed use is generally not in conflict with the planning intention of the “U” zone which is intended for open storage use but is designated with this zoning mainly due to concerns of the capacity of Kung Um Road. In this regard, C for T has no adverse comment on the application. While the Site mainly falls within an area zoned “R2c” and an area shown as ‘Road’, with minor portions zoned “OU” annotated “Hillside River Corridor with Scenic Cycle Track” and “DO”, on the Revised RODP of YLS, CE/CID, PlanD does not raise objection to the application and PM(W), CEDD has no objection to the proposed temporary use for 3 years. As such, approval of the application on a temporary basis of 3 years would not jeopardise the long-term development of the area.

- 12.2 The surrounding areas comprise predominantly open storage/storage yards (**Plan A-2**). The proposal is generally not incompatible with the surrounding uses in the subject “U” zone.
- 12.3 According to TPB PG-No. 13F, the Site falls within Category 1 areas. The following guidelines are relevant:
- Category 1 areas are considered suitable for open storage and port back-up uses. Favourable consideration will normally be given to applications within these areas, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments should be submitted if the proposed uses may cause significant environmental and traffic concerns.
- 12.4 The application with proposed open storage use is generally in line with TPB PG-No. 13F in that the Site falls within Category 1 areas which are considered suitable for open storage and port back-up use; and local concerns and technical requirements of relevant government departments could be addressed through the implementation of approval conditions.
- 12.5 There is no adverse comment on the application from concerned government departments, except DEP. DEP does not support the application as 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 hence environmental nuisance is expected. However, there has been no substantiated 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 concerns of the locals or 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 keep the Site clean and tidy at all times and to follow the latest Code of Practice to minimise any potential environmental impact on the surrounding areas.
- 12.6 Given that 10 previous approvals for open storage uses have been granted to the Site and 98 similar applications for warehouse and/or open storage uses within/straddling the “U” zone have been approved, approval of the current application is generally in line with the Committee’s previous decisions. There was one previous application (No. A/YL-TYST/297) rejected by the Committee in 2005, which only covered a minor portion of the Site and the planning circumstances are different from the current application. There were also three similar applications within the “U” zone rejected by the Committee mainly on the grounds that approval of the application with repeated non-compliances would set an undesirable precedent for other similar planning permissions for temporary uses, thus nullifying the statutory planning control system. However, such consideration is not applicable to the current application as the latest previous planning permissions have not been revoked.
- 12.7 There were three public comments received during the statutory publication period as summarised in paragraphs 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.6 are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12, and having taken into account the public comments as summarised in paragraph 11, the Planning Department considers that the proposed temporary warehouse for storage of electronic goods and open storage of building/recycling materials, construction machinery, used electrical/electronic appliances and parts with ancillary workshop activities could be tolerated for a period of 3 years.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years until 18.12.2023. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 9:00 p.m. and 8:00 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 repairing, spraying, cleansing and storage/handling of cathode-ray tubes and any other types of electronic waste, as proposed by the applicant, are allowed on the Site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) all existing trees within the Site shall be maintained at all times during the planning approval period;
- (f) free public access to the existing footpath within the Site, as proposed by the applicant, shall be allowed at all times during the planning approval period;
- (g) the existing boundary fencing on the Site shall be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (i) the submission of a condition record of the existing drainage facilities on the Site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 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 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**.

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

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

14. Decision Sought

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

15. Attachments

Appendix I	Application Form received on 23.10.2020
Appendix Ia	Supplementary Planning Statement
Appendix Ib	Supplementary Information received on 28.10.2020
Appendix Ic	FI received on 27.11.2020
Appendix Id	FI received on 4.12.2020
Appendix II	Relevant extract of TPB PG-No. 13F
Appendix III	Previous Applications covering the Site
Appendix IV	Similar Applications within/straddling the "U" Zone on the Tong Yan San Tsuen OZP since 2015

Appendix V	The Good Practice Guidelines for Open Storage Sites
Appendices VI-1 to VI-3	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
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**