

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

**APPLICATION NO. A/YL-TYST/852**

<b><u>Applicant</u></b>	: Mao Shing Management Company Limited represented by Top Bright Consultants Limited
<b><u>Site</u></b>	: Lots 749 (Part), 753 (Part), 754 (Part) , 757 (Part) , 758 (Part), 759 (Part), 760 S.A (Part), 760 S.B (Part), 761, 762, 763, 771 (Part) and 796 (Part) in D.D 117, Kung Um Road, Yuen Long, New Territories
<b><u>Site Area</u></b>	: About 3,275 m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Draft Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/11
<b><u>Zoning</u></b>	: “Undetermined” (“U”)
<b><u>Application</u></b>	: Temporary Warehouse for Storage of Clothes and Household Products for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for the temporary warehouse for storage of clothes and household products for a period of 3 years (**Plan A-1a**). The Site is currently occupied mainly by vacant warehouse structures but with workshop activities in one structure producing paper craft without valid planning permission (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site was the subject of 6 previous applications (No. A/YL-TYST/47, 288, 376, 443, 654 and 742) for various warehouse and/or open storage uses. Except for Application No. A/YL-TYST/47, which was rejected by the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) on 25.9.1998, the other 5 applications (No. A/YL-TYST/288, 376, 443, 654 and 742) were approved with conditions by the Board on review or the Committee on a temporary basis. Among these, Applications No. A/YL-TYST/654 and 742 by the same applicant as the current application for similar warehouse use were revoked due to non-compliance with time-limited approval conditions. Compared with the last application (No. A/YL-TYST/742), the current application is submitted by the same applicant for warehouse use (but

without logistics centre) on a smaller site with different development parameters. For Members' information, application No. A/YL-TYST/871 for temporary warehouse for storage of clothes and shoes products by the same applicant at the adjacent site, which is also covered by previous Application No. A/YL-TYST/742, will also be considered at this meeting (**Plans A-1a and A-1b**).

- 1.3 The Site is accessible from Kung Um Road to its east through a local track via the ingress/egress at the southeastern boundary of the Site (**Drawing A-1 and Plan A-2**). According to the applicant, the applied development is for storage of clothes and household products, including tissue paper and kitchen paper towels, etc. The applicant undertakes that there will be no repairing, cleaning, dismantling and workshop activities to be carried out, and no plastic waste, electronic waste and used electrical appliances to be stored at the Site. Also, the applicant claims that only medium goods vehicles (MGVs) under 24 tonnes will be used. Plans showing the vehicular access leading to the Site, site layout, landscape proposal, existing drainage plan, and fire service installations (FSIs) proposal submitted by the applicant are shown in **Drawings A-1 to A-5** respectively.
- 1.4 The major development parameters of the application are summarized as follows:

Site Area	3,275m <sup>2</sup> (about)
Total Floor Area (Non-domestic)	About 1,606m <sup>2</sup>
No. of Structures	9 (for warehouse, meter room and water tank uses)
Height of Structure	1.5m to 5m (1 to storeys)
Parking Spaces/ Loading/Unloading Spaces	3 private car parking spaces 2 MGV parking spaces
Operation Hours	9:00 a.m. to 6:00 p.m. Mondays to Saturdays 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 25.7.2017 **(Appendix I)**
- (b) Supplementary Planning Statement **(Appendix Ia)**
- (c) Further Information dated 28.8.2018 providing a new FSIs proposal **(Appendix Ib)**
- (d) Further Information dated 15.11.2018 providing a new drainage proposal **(Appendix Ic)**
- (e) Further Information dated 9.3.2018 providing a new run-in/out proposal, a revised drainage proposal and a fencing proposal **(Appendix Id)**

- 1.6 On 22.9.2017 and 12.1.2018, the Committee agreed to defer a decision on the application for 2 months each time, as requested by the applicant's representative. On 9.3.2018, further information (**Appendix Id**) was received and the application is submitted to the Committee for consideration at this meeting.

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in Section 6 of the Supplementary Planning Statement (**Appendix Ia**). They can be summarized as follows:

- (a) The site is zoned "U" on the OZP pending further detailed studies on both drainage and traffic impacts and the preparation of detailed layout plan. The area to the west of Shan Ha Tsuen has also been recommended in the Yuen Long Plain Development Statement for open storage use. The subject application for temporary warehouse is in line with the planning intention of the "U" zone.
- (b) The site falls within the study area of a study commissioned by the Planning Department and Civil Engineering and Development Department to examine and optimize the development potential of degraded brownfield land in Yuen Long South for housing purpose and other uses. As the future land use of the site is under investigation, temporary use of the site would not frustrate the future development in the area.
- (c) The Board has previously approved 7 similar applications covering the Site from 2005 to 2015, which indicates that the applied development is acceptable within the "U" zone. The land use and planning circumstances for the current application remain unchanged since the previous approval of planning application. The Board's approval of other similar applications within the same "U" zone in recent years indicates that the subject area is suitable for storage uses on a temporary basis.
- (d) According to the Town Planning Board Guidelines for "Application for Open Storage and Port Back-up Uses" (TPB PG-No. 13E), the Site falls within "Category 1" area. As the proposed use is not expected to cause significant environmental and traffic impacts, the application should be given favourable consideration.
- (e) The proposed development is compatible with the surrounding environment, which is mainly filled with open storage yards, warehouses and workshops.
- (f) There will be no drainage, traffic, environmental or visual impacts. Provision of drainage facilities was completed under previous planning permissions; approximately 8 delivery trips made by MGVs are expected per day; and fencing and screen planting will be provided to soften the appearance of the development.

## **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 a notice near the entrance of the Site and sending the notice to the Shap Pat Heung Rural Committee through registered post. Detailed information would be deposited at the meeting for Members' inspection.

#### **4. Background**

The Site is the subject of planning enforcement action on unauthorized storage use. Enforcement Notice was issued on 31.5.2017 requiring the concerned parties to discontinue the unauthorized development (UD) on the Site by 31.7.2017. As the UD has not been discontinued upon expiration of the Enforcement Notice, enforcement action and prosecution against the notice recipients are now being proceeded.

#### **5. Previous Applications**

- 5.1 The Site was involved in 6 previous applications (No. A/YL-TYST/47, 288, 376, 443, 654 and 742) for temporary warehouse and/or open storage uses covering different site extents. Details of the applications are summarized in **Appendix II** and the boundaries of the sites are shown on **Plan A-1b**.
- 5.2 Application No. A/YL-TYST/47 for temporary open storage by a different applicant was rejected by the Committee on 25.9.1998 when the site was zoned "GB" on the draft Tong Yan San Tsuen OZP No. S/YL-TYST/1.
- 5.3 Applications No. A/YL-TYST/288 and 376 for temporary warehouse and open storage uses were approved with conditions for a period of 3 years by the Board on review and by the Committee on 21.10.2005 and 18.1.2008 respectively; however, both approvals were revoked subsequently due to non-compliance with approval conditions.
- 5.4 Application No. A/YL-TYST/443 for temporary warehouse and open storage of building materials and miscellaneous goods for period of 3 years by a different applicant covering the western portion of the Site was approved with conditions on 21.8.2009. All conditions were subsequently complied with.
- 5.5 Application No. A/YL-TYST/654 for temporary warehouse and open storage of building materials and miscellaneous goods and Application No. A/YL-TYST/742 for temporary warehouse for storage of clothes and household products and logistics centre, both by the same applicant as the current application, were approved with conditions on a temporary basis for 3 years by the Committee on 3.1.2014 and 17.7.2015 respectively. Whilst the applicant complied with the approval condition requiring the provision of fire extinguishers under Application No. A/YL-TYST/654, no report for compliance had been submitted for the remaining conditions. As for Application No. A/YL-TYST/742, no report for compliance had been submitted for any approval condition. Consequently, the approvals were revoked on 3.7.2014 and 17.10.2015 respectively due to non-compliance with approval conditions requiring the provision of boundary fence, the submission of a condition record of existing drainage facilities, and the submission and implementation of run-in/out, tree preservation and landscape, and FSIs proposals.

- 5.6 Compared with the last application (No. A/YL-TYST/742), the current application is submitted by the same applicant for warehouse use (but without logistics centre) on a smaller site with different development parameters.

## **6. Similar Applications**

- 6.1 A total of 86 similar applications for various types of temporary warehouse with or without open storage and/or ancillary site office/workshop uses in this part of the “U” zone had been considered by the Committee since the promulgation of TPB PG-No. 13E on 17.10.2008. Details of the applications are summarized in **Appendix III** and the locations of the sites are shown on **Plan A-1a**.
- 6.2 There are 85 applications approved mainly on similar considerations that the development were not incompatible with the surrounding uses; the developments were generally in line with TPB PG-No. 13E (for cases involving open storage uses only); significant environmental impact on the surrounding areas not anticipated; and the concerns of relevant government departments could be addressed by imposing approval conditions. However, amongst these approved applications, 29 were revoked due to non-compliance with approval conditions.
- 6.3 There is one application (No. A/YL-TYST/478) rejected by the Board on review mainly on the grounds that approval of application with repeated non-compliances would set an undesirable precedent.
- 6.4 For Members’ information, Application No. A/YL-TYST/871 for temporary warehouse for storage of clothes and shoes by the same applicant at the adjacent site and Application No. A/YL-TYST/891 for temporary warehouse for storage of machinery, spare parts and construction material, both within the same part of the “U” zone on the OZP, will also be considered at this meeting (**Plan A-1a**).

## **7. The Site and Its Surrounding Areas (Plans A-1a and A-2 to A-4c)**

- 7.1 The Site is:
- (a) accessible from Kung Um Road to its east through a local track to its southeast (**Plan A-2**);
  - (b) hard paved and fenced off with corrugated metal sheets; and
  - (c) currently occupied mainly by vacant warehouse structures but with workshop activities in one structure producing paper craft without valid planning permission.
- 7.2 The surrounding areas have the following characteristics:
- (a) mixed with warehouses, open storage/storage yards, workshops, plant nursery, grave, elderly home, scattered residential structures, and some unused land;
  - (b) scattered residential structures are found in its vicinity with the nearest one located about 15m to its southeast (**Plan A-2**);

- (c) there is a warehouse located to its north and an open storage yard with ancillary warehouse to its west operating under valid planning permission No. A/YL-TYST/836 and 860 respectively; and
- (d) the other warehouses, open storage/storage yards and workshops in its vicinity are mostly suspected unauthorised developments subject to enforcement action taken by the Planning Authority.

## **8. Planning Intention**

The planning intention of the “U” zone is to cater for the continuing demand for open storage, which cannot be accommodated in conventional godown premises. However, Kung Um Road is insufficient to cater for the heavy goods vehicular traffic from the proposed development. The area is therefore zoned “U” pending further detailed studies on the infrastructural impacts and the preparation of detailed layout plan.

## **9. Comments from Relevant Government Departments**

9.1 The following government departments have been consulted and their views on the application are summarized as follows:

### **Land Administration**

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

- (a) The Site consists of Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) Lots No. 749 and 753, 754 and 760B, 758 and 759, 761, and 762 in D.D.117 are covered by Short Term Waivers (STWs) No. 4481, 4482, 4483, 4484, and 4485 respectively to permit structures erected thereon for the purpose of “Temporary Warehouse for Storage of Clothes and Household Products and Logistics Centre”.
- (c) The Site is accessible to Kung Um Road via GL and private land. Her office does not provide maintenance work for GL involved and does not guarantee any right-of-way.
- (d) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (e) Should planning approval be given to the planning application, the STW holders will need to apply to her office for modification of the STW if there is any irregularities on the respective STW sites and the lot owner(s) of the lot without STW will need to apply to her office to permit the structures to be erected or regularize any irregularities on site. Such application(s) will be consider by her department acting in the capacity of the landlord

or the lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium of fee, as may be imposed by her department.

### **Traffic**

#### 9.1.2 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 shall 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, vehicle queuing and reverse movement of vehicles on public road are allowed.
- (d) He has no comment on using the existing location of the run-in/out as indicated in the further information submitted by the applicant (**Appendix Id**) from the traffic engineering viewpoint. Comment from the Highways Department on the condition of the concrete surface of the run-in/out should be sought.

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

- (a) The access arrangement should be commented by the Transport Department.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (c) His department shall not be responsible for the maintenance of any access connecting the Site and Kung Um Road.
- (d) He has no adverse comment on the submitted run-in/out proposal (**Appendix Id**).

### **Environment**

#### 9.1.4 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 15 metres to its southeast) (**Plan A-2**), and environmental nuisance is expected.

- (b) There was no substantiated environmental complaint concerning the Site received in the past 3 years.
- (c) Should the planning application be approved, the applicant should also be advised to follow the relevant mitigation measures and requirements in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites”.

### **Landscape**

#### 9.1.5 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) He considers the landscape proposal (**Drawing A-3**) is acceptable for implementation.
- (b) The applicant is reminded that for tree planting, a minimum 1.2m soil depth should be reserved and 1m diameter of tree pit should be provided. Fence and/or kerb or bollard should be constructed with a minimum distance of 1m around the planting areas to guard against damage to the trees and shrubs. The applicant is reminded to follow the ‘Technical Note on the Submission and Implementation of Landscape Proposals for Compliance with Conditions for Approved Applications for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’, and also guidelines promulgated by Development Bureau on tree care and maintenance: ([http://www.greening.gov.hk/en/tree\\_care/tree\\_maintenance.html](http://www.greening.gov.hk/en/tree_care/tree_maintenance.html)).

### **Drainage**

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

- (a) Based on the drainage proposal submitted (**Appendix Id**), apparently the applicant would maintain the same drainage facilities as those implemented under previous Application No. A/YL-TYST/443. He has no objection in principle to the development from the public drainage point of view and no adverse comment on the submitted drainage proposal. Nevertheless, the applicant should be reminded to note the following:
  - (i) The applicant should maintain the drainage facilities as those implemented under previous Application No. A/YL-TYST/443 on site in accordance with the agreed drainage proposal.
  - (ii) The applicant is required to rectify the drainage system if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall



indemnify claims and demands arising out of damage or nuisance caused by a failure of the drainage system.

- (iii) The development should neither obstruct overland flow nor adversely affect any existing natural streams, village drains, ditches and the adjacent areas.
  - (iv) The applicant should consult DLO/YL, LandsD and seek consent from the relevant lot owners for any works to be carried out outside his lot boundary before commencement of the drainage works.
- (b) Should the application be approved, approval conditions requiring the applicant to maintain the existing drainage facilities and to submit a condition record of the existing drainage facilities to the satisfaction of the Director of Drainage Services or of the Board should be stipulated.

### **Fire Safety**

#### 9.1.7 Comments of the Director of Fire Services (D of FS):

- (a) The FSIs proposal submitted by the applicant (**Appendix Ib and Drawing A-5**) is considered acceptable to his department.
- (b) The applicant is advised that the installation/maintenance/modification/repair work of FSI shall be undertaken by a registered Fire Service Installation Contractor (RFSIC). The RFSIC shall after completion of the installation/maintenance/modification/repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to him.

### **Water Supply**

#### 9.1.8 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) He has no objection to the application subject to the following comments.
- (b) For provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to his department's standards.
- (c) The water mains in the vicinity of the Site cannot provide the standard pedestal hydrant.

**Building Matters**

9.1.9 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 used proposed in the application.
- (b) The applicant's attention is drawn to the following points:
  - (i) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are unauthorized building works (UBW) under the BO and should not be designated for any proposed use under the application.
  - (ii) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.
  - (iii) Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
  - (iv) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively.
  - (v) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of B(P)R at the building plan submission stage.

**Others**

9.1.10 Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) He has no particular comment on the application from electricity supply safety aspect.
- (b) However, in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with

planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

9.1.11 Comments of the Chief Engineer/Cross-Boundary Infrastructure and Development, Planning Department (CE/CID, PlanD):

- (a) CEDD and PlanD jointly commissioned the “Planning and Engineering Study for Housing Sites in Yuen Long South (YLS) – Investigation” (the Study). According to the Recommended Outline Development Plan (RODP) of YLS promulgated on 8.8.2017, the Site falls within an area zoned as “Other Specified Uses” annotated “Sewage Treatment Works” (“OU(STW)”).
- (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. As regard the implementation programme of YLS, we would leave it for CEDD to advise.

9.1.12 Comments of Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD):

He has no objection to the captioned temporary use for 3 years, which should be considered in accordance with the provisions of the current OZP and existing infrastructure capacities. However, the Site falls within the boundary of YLS Development. According to the Study, to ensure timely and orderly implementation, the development of YLS and relevant site formation and infrastructure works would be implemented in four stages. The lot(s) concerned falls within a site under Stage 2 Works. While the detailed implementation programme for the project is still being formulated, based on the Study, it is envisaged that clearance of the Site in question will not be arranged before the first population intake of the YLS Development expected in 2027.

### **District Officer's Comments**

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

The local consultation has been completed and his office has not received any comments, from the village representatives in the vicinity regarding the application.

9.2 The following government departments have no comment to the application:

- (a) Director of Agriculture, Fisheries and Conservation (DAFC); and
- (b) Commissioner of Police (C of P).

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

On 1.8.2017, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 22.8.2017, two public comments from members of the public were received, objecting to the application on grounds of traffic (**Appendix IV-1**) and multiple revocations (**Appendix IV-2**).

## **11. Planning Considerations and Assessments**

11.1 The subject application is for proposed temporary warehouse for storage of clothes and household products at a Site zoned "U" on the OZP. The applied use is not in conflict with the planning intention of the "U" zone on the OZP which is generally intended to cater for the continuing demand for open storage which cannot be accommodated in conventional godown premises 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. Whilst the Site falls within an area zoned as "OU(STW)" on the RODP of YLS promulgated on 8.8.2017, CE/CID of PlanD does not raise objection to the application and PM(W) of CEDD has no objection to the proposed temporary use for 3 years. Approval of the application on a temporary basis of 3 years would not jeopardize the long-term development of the area.

11.2 The subject "U" zone is mainly occupied by similar warehouses, open storage/storage yards and workshops uses (**Plan A-2**). As such, the proposed development is not incompatible with the surrounding uses in the subject "U" zone.

11.3 There is no adverse comment on the application from concerned government departments, except DEP. DEP does not support the application as there are sensitive receivers of residential use in the vicinity of the Site, with the nearest one located about 15m to its southeast (**Plan A-2**), and environmental nuisance is expected. However, there has been no environmental complaint concerning the Site received in the past 3 years. To address the concerns on the possible environmental nuisances generated by the temporary use and the technical concerns of other concerned government departments, relevant approval conditions are recommended in paragraph 12.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and

unauthorized development 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 “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize any potential environmental impact and to keep the Site clean and tidy at all times.

- 11.4 Given previous approvals for similar uses had been granted to the Site and 85 similar applications have been approved in this part of the same “U” zone, approval of the current application is in line with the previous decisions. Nevertheless, the Site was involved in 2 previous approvals (No. A/YL-TYST/654 and 742) for similar warehouse use on a larger site by the same applicant, which were revoked due to non-compliance with approval conditions requiring the provision of boundary fence, the submission of a condition record of existing drainage facilities, and the submission and implementation of run-in/out, tree preservation and landscape, and FSIs proposals. For the current application, the applicant has submitted a fencing proposal, a run-in/out proposal (**Appendix Id**), an existing drainage plan (**Drawing A-4**), a landscape proposal (**Drawing A-3**), and an FSIs proposal (**Drawing A-5**). Concerned departments, including CHE/NTW, HyD, C for T, CE/MN, DSD, CTP/UD&L, PlanD and D of FS, have accepted the relevant proposals or have no adverse comments on the application. In view of this, sympathetic consideration may be given to the application. However, shorter compliance period is recommended in order to closely monitor the progress on compliance with associated approval conditions. Moreover, should the application be approved, the applicant will be advised that should he fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 11.5 There are 2 public comments received, which object to the application for the reasons as summarized in paragraph 10 above. The planning considerations and assessments above are relevant.

## **12. Planning Department’s Views**

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department considers that the proposed temporary warehouse for storage of clothes and household products could be tolerated for a period of 3 years.
- 12.2 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 4.5.2021. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

### Approval conditions

- (a) no operation between 9:00p.m. and 7:00a.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, cleaning, dismantling or other workshop activities, as proposed by the applicant, are allowed on the Site at any time during the planning approval period;
- (d) no storage or handling (including loading and unloading) of plastic waste, electronic waste and used electrical appliances, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (e) no open storage activities, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (f) 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;
- (g) no vehicle is allowed to queue back to or reverse onto/from public road at any time 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 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 4.8.2018;
- (j) the provision of boundary fencing within **3** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 4.8.2018;
- (k) the implementation of the accepted landscape proposal within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 4.11.2018;
- (l) the implementation of the accepted 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 4.11.2018;
- (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;
- (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; and
- (o) upon the expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

### Advisory clauses

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

12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

- (a) the applicant fails to demonstrate that the proposed development would not generate adverse environmental impact on the surrounding areas; and
- (b) approval of the application with repeated non-compliances with approval conditions would set an undesirable precedent for other similar applications.

### **13. Decision Sought**

13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.

13.2 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.

13.3 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.

### **14. Attachments**

<b>Appendix I</b>	Application Form received on 25.7.2017
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix Ib</b>	Further Information dated 28.8.2018 providing a new FSIs proposal
<b>Appendix Ic</b>	Further Information dated 15.11.2018 providing a new drainage proposal
<b>Appendix Id</b>	Further Information dated 9.3.2018 providing a new run-in/out proposal, a revised drainage proposal and a fencing proposal
<b>Appendix II</b>	Previous Applications Covering the Application Site
<b>Appendix III</b>	Similar Applications in this Part of the "U" Zone on the Tong Yan San Tsuen OZP since the Promulgation of TPB PG-No. 13E
<b>Appendices IV-1 and IV-2</b>	Public Comments received during the Statutory Publication Period
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Vehicular Access leading to the Site
<b>Drawing A-2</b>	Proposed Layout Plan

<b>Drawing A-3</b>	Proposed Landscape Plan
<b>Drawing A-4</b>	Existing Drainage Plan
<b>Drawing A-5</b>	Proposed Fire Service Installations 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 to A4-c</b>	Site Photos

**PLANNING DEPARTMENT  
MAY 2018**