

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/877

<u>Applicant</u>	: Mr TANG Mo Pun represented by Metro Planning and Development Company Limited
<u>Site</u>	: Lots 2813 (Part), 2814 (Part), 2815 RP (Part) and 2816 RP (Part) in D.D. 120, Tong Yan San Tsuen, Yuen Long, New Territories
<u>Site Area</u>	: 818 m ² (about)
<u>Lease</u>	: Old Schedule Agricultural Lots held under Block Government Lease
<u>Plan</u>	: Draft Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/11
<u>Zoning</u>	: “Undetermined” (“U”)
<u>Application</u>	: Temporary Open Storage of Construction Materials and Metal Ware for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary open storage of construction materials and metal ware for a period of 3 years at the application site (the Site). The Site is currently occupied for the applied use without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The site was involved in 9 previous applications (No. A/YL-TYST/221, 229, 244, 274, 360, 452, 494, 559 and 711). The first 4 applications (No. A/YL-TYST/221, 229, 244 and 274) for various temporary open storage and vehicle park uses covering sites of different areas were rejected by the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) on 10.10.2003, 13.2.2004, 17.7.2004 and 28.1.2005. The last 5 applications (No. A/YL-TYST/360, 452, 494, 559 and 711) for temporary warehouse/storage uses covering the same site as the current application were approved with conditions by the Committee on 24.8.2007, 18.9.2009, 15.10.2010, 16.12.2011 and 6.2.2015 for periods of 1 to 3 years each time. The associated approval conditions of the last application (No. A/YL-TYST/771) have been complied with and the permission

lapsed on 7.2.2018. Compared with the last application (No. A/YL-TYST/771), the current application is submitted by the same applicant and involves a minor change in site boundary with reduction in site area from 861m² to 818m² (-43m²).

1.3 The Site is accessible via a local track leading from Kung Um Road to its east with an ingress/egress provided at its north-western corner. A pedestrian access with a man gate is also provided at south-western corner of the Site (**Plan A-2** and **Drawing A-2**). An area at the western part of the Site is designated for open storage of construction materials and metal ware (**Drawing A-2**). According to the applicant, a 2.5m high peripheral fencing has been erected on-site and the stacking height of the construction materials and metal ware within 5m of the Site boundary will be restricted to below the height of the boundary fencing. No medium and heavy goods vehicles exceeding 5.5 tonnes, including container trailer/ tractor, are allowed to enter the Site and no repairing, dismantling, cleaning and workshop activities will be carried out on Site. Plans showing vehicular access leading to the Site, site layout, tree preservation and landscape proposal and drainage proposal submitted by the applicant are at **Drawings A-1** to **A-4**.

1.4 A comparison of the major development parameters of the current application and the last approved application is as follows:

Major Development Parameters	Previously Approved Application No. A/YL-TYST/711 (a)	Current Application No. A/YL-TYST/877 (b)	Difference (b)-(a)
Applied Use	Temporary Open Storage of Construction Materials and Metal Ware		---
Site Area	861m ²	818m ²	-43m ²
Total Floor Area (Non-domestic)	About 319m ²		---
No. of Structures	4 (for office, storage and toilet uses)		---
Height of Structure	3m to 6.5m (1 to 2 storeys)		---
Loading/ Unloading Space	1		---
Parking Space	1 (for private car/light goods vehicle)	Nil	-1
Operation Hours	7:00 a.m. to 7:00 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 12.1.2018 **(Appendix I)**
- (b) Supplementary Planning Statement **(Appendix Ia)**

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Section 3 of the Supplementary Planning Statement at **Appendix Ia**. They can be summarized as follows:

- (a) The last planning permission (Application No. A/YL-TYST/711) for temporary storage of metal ware and construction materials was granted on 6.2.2015 for a period of 3 years. The applicant has complied with all the approval conditions, including the submission and implementation of proposals in respect of landscape and tree preservation, drainage facilities and fire service installations. The applicant seeks planning approval from the Board for the applied use for a period of 3 years.
- (b) The development conforms to the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The Site is situated within the Category 1 areas which 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. The Site has been granted with planning permissions for storage use since 2007. The proposed development would not generate adverse traffic, drainage, visual and environmental impacts on the surrounding areas. It is considered that the development should have fulfilled the guidelines to a large extent and should be given favourable consideration by the Board.
- (c) The Site is zoned “U” on the OZP. The proposed development is in line with the planning intention of the “U” zone which is to cater for the continuing demand for open storage uses which cannot be accommodated in conventional godown premises. Besides, there is a shortage of land for open storage use in Tong Yan San Tsuen (TYST) because the “Open Storage” (“OS”) zone is already fully occupied. As there is a pressing demand for open storage land and the subject “U” zone of TYST is considered generally satisfactory for open storage use as revealed in the Study on Port Back-up Land and Open Storage Requirements commissioned by the Government, the applicant seeks to solicit the Board to sympathetically approve the planning application.
- (d) The subject “U” zone is mainly filled with open storage uses and intermixed with vehicle repair workshops. Although the Site is closed to Tin Lung Tsuen (a non-indigenous village), there are a number of open storage yards and vehicle repairing workshops to the north and south of the Site and similar applications, including Applications No. A/YL-TYST/695, 791, 807 and 841 have been approved by the Board within the last 3 years. Therefore, the proposed development is compatible with the surrounding environment.
- (e) Insignificant traffic, environmental and drainage impacts are anticipated. As the Site is intended for open storage use and the size of the Site is insignificant, traffic generated by the proposed development is extremely insignificant. Besides, adequate space is provided within the Site for manoeuvring and

loading/unloading, and no queuing up of traffic nor aggravation of traffic conditions of Kung Um Road and nearby road network would be resulted. A number of environmental mitigation measures are also proposed, including restricting operation hours, prohibiting repairing, dismantling, cleaning and workshop use within the Site, restricting the type of vehicles entering the Site, providing boundary fencing, restricting the stacking height of construction materials within 5m of the Site boundary to below the height of the boundary fencing and storing materials (except bulky parts) inside the containers on the Site. The applicant also undertakes to maintain the existing trees (**Drawing A-3**) and drainage facilities on Site (**Drawing A-4**).

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 notice of the application outside 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. Town Planning Board Guidelines

The Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13E) are relevant to the application. The Site falls within Category 1 areas under TPB PG-No.13E promulgated by the Board on 17.10.2008. The relevant extract of the Guidelines is attached at **Appendix II**.

5. Background

Since the use currently on Site is not covered by a valid planning permission, investigation against the unauthorized development is in progress.

6. Previous Applications

6.1 The Site was involved in 9 previous applications (No. A/YL-TYST/221, 229, 244, 274, 360, 452, 494, 559 and 711). The first 4 applications (No. A/YL-TYST/221, 229, 244 and 274) for various temporary open storage and vehicle park uses covering sites of different areas were rejected by the Committee while the last 5 applications (No. A/YL-TYST/360, 452, 494, 559 and 711) for temporary warehouse/storage uses covering the same site as the current application were approved with conditions by the Committee for periods of 1 to 3 years each time. Details of the applications are summarized in **Appendix III** and the boundaries of the sites are shown on **Plan A-1b**.

6.2 Application No. A/YL-TYST/221 for proposed open storage of construction materials, metal and machinery and parking of empty oil tankers and container tractors and trailers with repair workshop was rejected by the Committee on

10.10.2003 for reasons that the application did not comply with the then Town Planning Board Guidelines No. 13C for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13C) in that the proposed development was incompatible with the village houses of Tin Lung Tsuen located to its southwest and there was no information in the submission to demonstrate that the proposed development would not generate adverse environmental, traffic, drainage and visual impacts on the surrounding areas.

- 6.3 Application No. A/YL-TYST/229 for temporary container tractor and trailer, empty oil tanker and trailer park for a period of 3 years and applications No. A/YL-TYST/244 and 274 for temporary open storage of used computers (and air-conditioners) for a period of 3 years were rejected by the Committee on 13.2.2004, 17.7.2004 and 28.1.2005 respectively for similar reasons as those for Application No. A/YL-TYST/221.
- 6.4 Applications No. A/YL-TYST/360, 452 and 494 for temporary warehouse or storage of plastic and metal ware uses submitted by different applicants were approved with conditions by the Committee on 24.8.2007 and 23.6.2009 and 15.10.2010 for a period of 1 or 3 years each time mainly on consideration that the various warehouse and storage uses were not in conflict with the planning intention of the “U” zone; relevant Government departments generally had no adverse comment on the application; the proposed development was considered not incompatible with the surrounding areas which already comprised a number of open storage yards, warehouses, workshops and vehicle parks; and/or the applicant had proposed mitigation measures to ameliorate the environmental impacts. However, the planning permissions of Applications No. A/YL-TYST/360 and 452 were revoked on 23.6.2009 and 9.4.2010 in breaching the approval conditions which prohibited open storage and workshop activities on the site.
- 6.5 Application Nos. A/YL-TYST/559 and 711 for proposed temporary storage of metal ware and construction materials for a period of 3 years each time were approved with conditions by the Committee on 16.12.2011 and 6.2.2015 respectively.
- 6.6 Compared with the last application (No. A/YL-TYST/771), the current application is submitted by the same applicant and involves a minor change in site boundary with reduction in area from 861m² to 818m² (-43m²). The major development parameters and site layout remain largely the same.

7. Similar Applications

- 7.1 A total of 122 similar applications for various types of temporary open storage uses with or without warehouse and/or ancillary workshop uses in this part of the “U” zone had been considered by the Committee or the Board on review since the promulgation of TPB PG-No. 13E on 17.10.2008. Details of the applications are summarized in **Appendix IV** and the locations of the sites are shown on **Plan A-1a**.

- 7.2 There are 120 applications for temporary open storage uses with or without warehouse and/or ancillary workshop uses approved mainly on similar considerations that they were generally in line with TPB PG-No. 13E in that the developments were not incompatible with the surrounding open storage/warehouse uses and the concerns of relevant Government departments could be addressed by imposing approval conditions. However, amongst these approved applications, 16 were revoked due to non-compliance with approval conditions.
- 7.3 The other 2 applications were rejected mainly on the grounds, amongst others, that approval of the application with repeated non-compliances would set an undesirable precedent.

8. The Site and Its Surrounding Areas (Plans A-1a, A-2 to A-4)

8.1 The Site is:

- (a) accessible via a local track leading from Kung Um Road;
- (b) paved and largely fenced off; and
- (c) currently occupied for the applied use without valid planning permission (**Plans A-2 and A-4**).

8.2 The surrounding areas have the following characteristics:

- (a) mixed with open storage yards, warehouses, storages, vehicle parks, workshops, residential structures, property estate agent and vacant land;
- (b) there are a number of scattered residential structures in its vicinity. A cluster of village houses of Tin Lung Tsuen is located to its southwest and the nearest one is situated about 20m to its west across the local track (**Plan A-2**). Some other residential structures are located to its further south within the “Village Type Development” (“V”) zone;
- (c) there are 3 open storage/warehouse sites located to immediate north, northwest and southwest of the Site which are operated with planning permission under Applications No. A/YL-TYST/791, 841 and 807; and
- (d) the other open storage yards, warehouses, workshops and vehicle parks in the vicinity are suspected unauthorized developments subject to enforcement action by the Planning Authority.

9. 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.

10. Comments from Relevant Government Departments

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

Land Administration

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

- (a) The private lots within the Site are Old Scheduled Agricultural Lots held under Block Government Lease under which no structures are allowed to be erected without prior approval from his office.
- (b) Within the Site, the private lots are currently covered by Short Term Waivers (STWs) Nos. 3949, 4321, 3950, 4322, 4749 and 4323 generally for temporary open storage/warehouse of construction machinery, construction materials and metal ware with ancillary site office.
- (c) The Site is accessible through an informal track on Government land and private land extended from Kung Um Road. Her office does not provide maintenance works for Government land involved nor guarantee any right-of-way.
- (d) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (e) Should approval be given to the application, the STW holder(s) will need to apply to her office for modification of the STW conditions if there are any irregularities on Site. Such application(s) will be considered by LandsD acting in the capacity as landlord or 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 or fee, as may be imposed by LandsD.

Traffic

10.1.2 Comments of the Commissioner for Transport (C for T):

- (a) The land status of the road/path/track leading to the Site from Kung Um Road should be checked with the lands authority.
- (b) The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands 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 no 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) The proposed access arrangement of the Site from Kung Um Road should be commented by the Transport Department (TD).
- (b) Adequate drainage measures should be provided at the Site access to prevent surface water running from the Site to the nearby public roads and drains.
- (c) 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) DEP does not support the application as there are sensitive receivers of residential use in the vicinity (with the nearest one situated about 20m to its west) (**Plan A-2**) and environmental nuisance is expected.
- (b) There was no environmental complaint concerning the Site received in the past 3 years.
- (c) Should the planning application be approved, the applicant will be advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites”.

Landscape

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

- (a) The Site involves warehouse for storages within an area zoned “U” on the OZP. It is the subject of 9 previous applications for open storage uses and that the current application is seeking planning permission for similar uses on same site for a period of 3 years.
- (b) With reference to the submitted information, there are some existing trees along the southwest site boundary and will be preserved on Site that significant landscape impact arising from

the proposed use on the area is not anticipated. Therefore, he has no objection to the application from the landscape planning perspective.

- (c) Should the Board approve this application in view of the above, approval condition requiring the maintenance of all existing trees and landscape plantings within the Site at all times during the planning approval period is recommended.
- (d) Other detailed comments are at **Appendix VI**.

Drainage

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

- (a) Based on the submitted drainage proposal, the applicant would maintain the same drainage facilities as those maintained under the previous planning applications.
- (b) In view of the above, he has no objection in principle to the proposed development. Should the application be approved, conditions should be stipulated requiring :
 - (i) maintenance of the existing drainage facilities; and
 - (ii) submission of records of the existing drainage facilities on Site to the satisfaction of the Director of Drainage Services or of the Board.

Fire Safety

10.1.7 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In addition, the applicant is advised on the following points:
 - (i) the layout plan should be drawn to scale and depicted with dimensions and nature of occupancy;
 - (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans; and
 - (iii) the good practice guidelines for open storage (**Appendix V**) should be adhered to.

- (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 to the satisfaction of D of FS should be added. To address this approval condition, the applicant should be advised to submit a valid fire certificate (FS 251) to his Department for approval.
- (d) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Building Matters

10.1.8 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) There is no record of approval by the Building Authority for the structures existing on the Site and BD is not in a position to offer comments on their suitability for the use related to the application.
- (b) The applicant's attention is drawn to the following points:
 - (i) If the existing structures are erected on leased land without approval of BD (not being a New Territories Exempted House), they are unauthorized building works (UBW) under the BO and should not be designated for any approved use under the subject 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 planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.
 - (iv) Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the 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 Regulation 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.

Water Supply

10.1.9 Comments of the Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2),WSD):

- (a) He has no objection to the application subject to his comments below.
- (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 WSD's standards.

Others

10.1.10 Comments of the Chief Engineer/Cross-boundary and Infrastructure 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 YLS Study). According to the Recommended Outline Development Plan of YLS promulgated on 8.8.2017, the Site falls within an area zoned as "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. He notes 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 regards the implementation programme of YLS, CEDD would be in a position to advise.

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

He has no objection to the application which is for temporary use for a period of 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 Yuen Long South Development. According to the YLS 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 lots concerned fall within a site under Stage 2 Works. While the detailed implementation programme for the project is still being formulated, based on the YLS 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

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

His office has not received any comment from the village representatives in the vicinity regarding the application.

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); and
- (c) Commissioner of Police (C of P).

11. Public Comment Received During the Statutory Publication Period

On 19.1.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 9.2.2018, no public comment was received.

12. Planning Considerations and Assessments

12.1 According to TPB PG-No. 13E, 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.

12.2 The application is for temporary open storage of construction materials and metal ware 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 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. Although the Site falls within the study boundary of the Planning and Engineering Study for Housing Sites in Yuen Long South, PM(NTW), CEDD has no objection to the application. As such, approval of the application on a temporary basis would not frustrate the long-term use of the area.

- 12.3 The subject “U” zone is mainly occupied by open storage/storage yards, warehouses, workshops, and similar uses are found in the vicinity of the Site. As such, the development is not incompatible with the surrounding uses in the subject “U” zone comprising similar open storage uses.
- 12.4 The application is also generally in line with TPB PG-No. 13E in that the Site falls within Category 1 areas which are considered suitable for open storage and port back-up use; relevant proposals have been submitted to demonstrate that the proposed use would not generate adverse impacts; and the technical concerns 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 there are sensitive receivers of residential use in the vicinity of the Site, with the nearest one located about 20m to its west (**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 or to address the technical requirements of other concerned Government departments, relevant approval conditions are recommended in paragraph 13.2 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 relevant mitigation measures and requirements set out in 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.
- 12.6 There is no public comment received on the application during the statutory publication period.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12, the Planning Department considers that the temporary open storage of construction materials and metal ware 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 2.3.2021. 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) no repairing, cleaning, dismantling or other workshop activities, as proposed by the applicant, shall be carried out on the Site at any time during the planning approval period;
- (d) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, is 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) the existing boundary fence on the Site shall be maintained at all times during the planning approval period;
- (g) the stacking height of the materials stored within 5m of the periphery of the Site shall not exceed the height of the boundary fence, as proposed by the applicant, at any time during the planning approval period;
- (h) all existing trees and plantings within the Site shall be maintained at all times during the planning approval period;
- (i) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (j) the submission of a condition record of the existing drainage facilities 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 2.6.2018;
- (k) the provision of fire extinguisher(s) with valid fire certificate (FS 251) 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 13.4.2018;
- (l) 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 2.9.2018;
- (m) in relation to (l) 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 2.12.2018;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or

- (i) 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;
- (o) if any of the above planning conditions (j), (k), (l) or (m) 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
- (p) 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 VII**.

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

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

14. Decision Sought

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

15. Attachments

- Appendix I** Application Form received on 12.1.2018
- Appendix Ia** Supplementary Planning Statement
- Appendix II** Relevant extract of the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No.13E)
- Appendix III** Previous Applications covering the Site
- Appendix IV** Similar applications in this part of the "U" zone on the OZP since the promulgation of TPB PG-NO. 13E
- Appendix V** The Good Practice Guidelines for Open Storage Sites

Appendix VI	Detailed departmental comments
Appendix VII	Recommended Advisory Clauses
Drawing A-1	Plan showing the vehicular access leading to the Site
Drawing A-2	Proposed Layout Plan
Drawing A-3	Proposed Tree Preservation Plan
Drawing A-4	As-built Drainage Plan
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 to 4b	Site Photos

**PLANNING DEPARTMENT
MARCH 2018**