

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/898

- Applicant** : Mr. CHEUNG Kit Hung represented by Sun Cheong Management Consultant Limited
- Site** : Lot 1195 in D.D. 119, Tong Yan San Tsuen, Yuen Long, New Territories
- Site Area** : 1,860m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/11 (at the time of submission)
- Approved Tong Yan San Tsuen OZP No. S/YL-TYST/12 (currently in force)
- Zoning** : “Undetermined” (“U”)
(No change to the “U” zone)
- Application** : Temporary Open Storage of Construction Material with Ancillary Office for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary open storage of construction materials with ancillary office for a period of 3 years (**Plan A-1**). According to the Notes of the OZP for “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 occupied for the applied use without valid planning permission.
- 1.2 The Site is accessible via a local track leading from Kung Um Road to its east (**Plans A-2, A-3** and **Drawing A-1**). As proposed by the applicant, no container tractor/trailer, will be allowed to park or enter/exit the Site, and no parking, queuing and reverse movement of vehicles on public road will be allowed. The materials stored will mainly be iron frame, steel hollow section and galvanized steel sheet (90%), as well as wood board (10%). There are no open storage of combustibles. Plans showing the vehicular access leading to the Site, site layout, landscape and

tree preservation proposal, drainage proposal and fire services installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-5**.

- 1.3 The Site was involved in one previous application (No. A/YL-TYST/825) for the same applied use. The previous application was approved with conditions by the Board on 9.6.2017 for a period of 3 years. Subsequently, the approved application was revoked due to non-compliance with a time-limited approval condition regarding the provision of fire extinguisher(s) with valid fire certificate (FS 251) on 21.7.2017. Compared with the previous application, the current application is submitted by the same applicant for the same use with the same development parameters on the same site.
- 1.4 The major development parameters of the previously approved application and the current application are summarized as follows:

Major Development Parameters	Previously Approved Application No. A/YL-TYST/825 (a)	Current Application No. A/YL-TYST/898 (b)	Difference (b)-(a)
Applied Use	Temporary Open Storage of Construction Material with Ancillary Office for a Period of 3 Years		---
Site Area	1,860m ² (about)		---
	<ul style="list-style-type: none"> • Uncovered Area: 1,818m² (about) • Covered Area: 42m² (about) 		---
Total Floor Area (Non-domestic)	About 70m ²		---
No. and Height of Structures	3 <ul style="list-style-type: none"> • one for toilet uses (2.6m, 1 storey) • one for meter and storage room (2.6m, 1 storey) • one for site office and shelter (5.2m, 2 storeys) 		---
Loading/ Unloading Space	2 (for heavy goods vehicle)		---
Operation Hours	8:00a.m. to 6:00p.m. Mondays to Saturdays, with no operation on Sundays and public holidays	10:00a.m. to 4:00p.m. Mondays to Saturdays, with no operation on Sundays and public holidays	Shortened operation hours

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

- (a) Application Form received on 30.4.2018 **(Appendix I)**
- (b) Further information received on 15.8.2018 providing a landscape proposal in support of the application **(Appendix Ia)**
[accepted and exempted from publication and recounting requirements]
- (c) Further information received on 21.8.2018 providing appointment of authorized agent **(Appendix Ib)**

[accepted and exempted from publication and recounting requirements]

- (d) Further information received on 27.9.2018 providing response to the Commissioner for Transport (C for T)'s comments **(Appendix Ic)**
[accepted and exempted from publication and recounting requirements]
- (e) Further information received on 23.11.2018 providing a drainage plan and FSIs proposal in support of the application **(Appendix Id)**
[accepted and exempted from publication and recounting requirements]
- (f) Further information received on 24.12.2018 providing a revised drainage proposal and responding to the comments of Fire Services Department **(Appendix Ie)**
[accepted and exempted from publication and recounting requirements]
- (g) ***Further information received on 14.1.2019 providing clarifications in response to the comments of Drainage Services Department*** **(Appendix If)**
[accepted and exempted from publication and recounting requirements]

1.6 On 15.6.2018 and 5.10.2018, the Committee agreed to defer a decision on the application for 2 months respectively, as requested by the applicant's representative. On 23.11.2018, 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 9 of the Application Form in **Appendix I** and further information in **Appendices Ia to Ief**. They can be summarized as follows:

- (a) The Site is used for temporary open storage of construction materials, which mainly include iron frame, steel hollow section and galvanized steel sheet (90%), as well as wood board (10%). There are no open storage of combustibles.
- (b) The operation hours of the Site will be from 10:00a.m. to 4:00p.m. on Mondays to Saturdays, with no operation on Sundays and public holidays. The landscape proposal (**Drawing A-3**), the drainage proposal (**Drawing A-4**) and the FSIs proposal (**Drawing A-5**) have been submitted in support of the application.
- (c) An access for emergency vehicles would be provided to reach within 30m travel distance from all enclosed structures.
- (d) A total of four trips made by 30 tons trucks mounted with crane will enter/exit the Site for loading/unloading of goods on operational days (two for loading and two for unloading).
- (e) ***Overland flow would not be caused as there are space and hole in the bottom of the mental sheet of the boundary fence for water to flow out.***

3. Compliance with the "Owner's Consent/Notification" Requirements

The applicant is one of the “current land owners”. In respect of the other “current land owners”, the applicant 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 obtaining consent from the other “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines No. 13E 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 are attached at **Appendix II**.

5. Background

The Site is not subject to planning enforcement action.

6. Previous Application

The Site was involved in one previous application (No. A/YL-TYST/825) submitted by the same applicant for the same proposed use on the same site with the same development parameters. The previous application was approved with conditions by the Board on 9.6.2017 for a period of 3 years. Subsequently, the approved application was revoked due to non-compliance with a time-limited approval condition regarding the provision of fire extinguisher(s) with valid fire certificate (FS 251) on 21.7.2017. Details of the application are summarized in **Appendix III** and the boundary of the Site is shown on **Plan A-1**.

7. Similar Applications

7.1 A total of 46 similar applications for various types of temporary open storage with or without warehouse and/or ancillary workshop/site office 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-1**.

7.2 Of these 46 similar applications, 45 were approved mainly on similar considerations that they were generally in line with TPB PG-No.13E; the developments were not incompatible with the surrounding open storage/warehouse uses; and the concerns of relevant government departments could be addressed by imposing relevant approval conditions. However, amongst these approved applications, 16 were subsequently revoked due to non-compliance with approval conditions.

7.3 The remaining one similar application was rejected mainly on the grounds that the development would generate adverse environmental impact and was not compatible with the residential structures located in the vicinity.

7.4 For Members' information, application No. A/YL-TYST/936 for temporary open storage of recycling materials with ancillary workshop for a period of 3 years to the south of the Site within the same "U" zone on the OZP will also be considered at this meeting (**Plan A-1**).

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

8.1 The Site is:

- (a) accessible via a local track leading from Kung Um Road to its east;
- (b) paved and fenced off; and
- (c) currently occupied for the applied use (without ancillary office) without valid planning permission.

8.2 The surrounding areas have the following characteristics:

- (a) the surrounding areas comprise mainly of warehouses intermixed with some open storage and storage yards, vehicle repair workshops, vehicle park, scattered residential structures, vacant land/structures and unused land;
- (b) there are scattered residential structures in its vicinity with the nearest one located at about 20m to its southeast (**Plan A-2**);
- (c) there are 7 warehouses located to its southeast, south, west and northeast which are operated with planning approval under applications No. A/YL-TYST/801, 806, 831, 867, 879, 904 and 920. An open storage yard and a vehicle repair workshop located to the further northwest of the Site are operated with planning approval under applications No. A/YL-TYST/777 and 881 respectively; and
- (d) except for the aforementioned operations operating under valid planning permissions, the other warehouses, open storage and storage yards, vehicle repair workshops and vehicle park in the vicinity are suspected unauthorized developments subject to enforcement action taken 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 Site comprises an Old Schedule Agricultural Lot held under Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government.
- (b) The Site is accessible to Kung Um Road via government land (GL) and private land. Her office does not provide any maintenance works for the GL involved nor guarantee any right-of-way over the GL to the Site.
- (c) The Site does not fall within the Shek Kong Airfield Height Restriction Area.
- (d) Should planning approval be given to the subject planning application, the lot owner(s) 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 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(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 her department.

Traffic

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

- (a) He has no comment on the further information dated 27.9.2018 submitted by the applicant from traffic engineering viewpoint provided that an approval condition stating the operation hours are restricted from 10:00 a.m. to 4:00 p.m. from Mondays to Saturdays, and no operation on Sundays and public holidays.
- (b) No container tractor/trailer should be allowed to park or enter/exit the Site.
- (c) The land status of the access road/path/track leading to the Site from Kung Um Road should be checked with the lands authority.
- (d) The management and maintenance responsibilities of the access road/path/track should be clarified with the relevant management and maintenance authorities accordingly.
- (e) 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) 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.

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 about 20m to its southeast) (**Plan A-2**) with heavy vehicles involved; environmental nuisance is expected.
- (b) In the past 3 years, there was 1 substantiated environmental complaint received in 2016 regarding flytipping of construction and demolition waste on private lots. No malpractice was detected during site inspection and no legal action was initiated. The person in charge of the Site was advised about the requirement under the Waste Disposal Ordinance and the land owners were advised to take measures to prevent their sites from being improperly used.
- (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) She has no objection to the application from the landscape planning perspective.
- (b) She has no comment on the submitted landscape proposal. Should the Board approve this application, approval condition requiring the implementation of the accepted landscape proposal to the satisfaction of the Board or of the Director of Planning is recommended.

- (c) The applicant is reminded to conduct routine vegetation maintenance works, such as irrigating the trees and removing weeds regularly throughout the period. Fence and/or kerb or bollard should be constructed with a minimum distance of 1 m around the planting areas to guard against damage to the trees and shrubs. The applicant should make reference to “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”.
- (d) The applicant shall take reference to the following information/guideline published by the GLTM Section, DEVB for tree maintenance:
 - 私人物業樹木護理資料 Information About Tree Maintenance For Private Properties:
https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html
 - 護養樹木的簡易圖解 Pictorial Guide for Tree Maintenance:
http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf

Drainage

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

- (a) *He has no objection in principle to the proposed development from the public drainage point of view and no adverse comment on the submitted drainage proposal and the further information (Appendix If). Nevertheless, the applicant should be reminded to note the following:*
 - ~~(i) The details of the proposed hoard/peripheral wall, if any, should be shown on the proposed drainage plan for comment. It should be showed that the hoarding/peripheral wall would not obstruct overland flow and how the overland flow can be properly intercepted.~~
 - ~~(ii) Please be reminded that the development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.~~
 - (i) *The applicant should implement the drainage facilities 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 infective 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 would neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas.*
 - (iv) *The applicant should consult DLO/YL and seek consent from relevant lot owners for any works to be carried out outside his lot boundary before commencement of the drainage works.*
- ~~(b) Despite of the above, he has no objection in principle to the proposed development from the public drainage point of view.~~
- (c) Should the Board consider that the application is acceptable from the planning point of view, approval conditions requiring the ~~submission of a revised drainage proposal, and~~ implementation and maintenance of the *agreed* drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board should be stipulated.

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 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 be advised on the following points:*~~
 - ~~(i) *The layout plans 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.*~~
 - ~~(iii) *The good practice guidelines for open storage attached in Appendix IV should be adhered to.*~~
- (b) *The submitted FSIs proposal (Drawing A-5) is considered acceptable to his department. In addition, the applicant should be advised that the good practice guidelines for open storage attached in Appendix V should be adhered to.*
- (c) *The installation/ maintenance/ modification/ repair work of FSIs shall be undertaken by a Registered Fire Services 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 his department.*
- (ed) Due to 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 his satisfaction should be incorporated if the application is approved. To address this approval condition, the applicant is advised to submit a valid fire certificate (FS 251) to his department for approval.
- (de) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire services 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) As there is no record of approval by the Building Authority for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application.
- (b) The applicant'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 approval of the Buildings Department (BD), they are unauthorized building works (UBW) under 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 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 BO.
- (iii) 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 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 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 the B(P)R at the building plan submission stage.

Others

10.1.9 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 August 2017, the subject site falls within areas zoned as "Residential – Zone 2 (with Commercial)" ("R2c") "Other Specified Uses" annotated "Mixed Use" ("OU(MU)") and "Local Open Space" ("LO") as well as an area shown as 'Road'.
- (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.

10.1.10 Comments of the Project Manager (New Territories West), Civil Engineering and Development Department (PM(NTW), CEDD):

He has no objection to the subject application. However, the Site falls within the boundary of the proposed YLS Development – Stage 3. The YLS Development would provide land to meet the medium to long term housing needs of Hong Kong and its detailed implementation programme with phasing and packaging of works for YLS Development is being formulated.

District Officer's Comments

10.1.11 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 to the application:

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

11. Public Comment Received During the Statutory Publication Period

On 8.5.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 29.5.2018, no public comment was received.

12. Planning Considerations and Assessments

12.1 The application is for temporary open storage of construction material with ancillary office. The Site falls within an area zoned “U”. The applied use is not in conflict with the planning intention of the “U” zone 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. Whilst the Site falls within an area zoned as “R2c”, “OU(MU)”, “LO” and an area shown as ‘Road’ 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. As such, approval of the application on a temporary basis of 3 years would not jeopardize the long-term development of the area.

12.2 The surrounding areas comprise mainly warehouses intermixed with some open storage and storage yards, vehicle repair workshops, vehicle park, scattered residential structures and vacant land/structures. There are open storages uses located to the west and northeast of the Site which are operated with valid planning permissions (**Plan A-2**). As such, the development is not incompatible with the surrounding uses in the subject “U” zone comprising similar open storage uses.

- 12.3 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.

The application is 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 and the technical concerns of relevant government departments, including that of C of T, CE/~~M~~N, DSD, *D of FS* and CTP/UD&L, PlanD, could be addressed through the implementation of relevant approval conditions as recommended in paragraph 13.2. 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.

- 12.4 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 (**Plan A-2**) with heavy vehicles involved, and environmental nuisance is expected. Although the Site was subject to a substantiated environmental complaint regarding flytipping of construction and demolition waste on private lots, it was not related to environmental nuisance generated by the applied use. Besides, C of T has no comment on the proposal as the operation hours should be restricted from 10:00 a.m. to 4:00 p.m. from Mondays to Saturdays, and no operation on Sundays and public holidays as proposed by the applicant. No container tractor/trailer should be allowed to park or enter/exit the Site. Should the planning application be approved, the applicant will 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” in order to minimize any potential environmental impact, and to keep the Site clean and tidy at all times.
- 12.5 The Site is the subject of a previous application (No. A/YL-TYST/825), which was approved with conditions by the Board on 9.6.2017 for a period of 3 years. Subsequently, the approved application was revoked due to non-compliance with time-limited approval condition on fire safety aspect on 21.7.2017. For the current application, it was submitted by the same applicant and the applicant has submitted drainage and FSIs proposals (**Drawings A-4 and A-5**) *which were accepted by CE/MN of DSD and D of FS respectively*. In view of the above, sympathetic consideration may be given to this application. Should the application be approved, shorter compliance periods are recommended in order to closely monitor the progress on compliance with associated approval conditions. The applicant will be advised that should he fail to comply with any of the approval conditions resulting in revocation of the planning permission, sympathetic consideration would unlikely be given to any further application.
- 12.6 As the Committee has approved ~~41~~ **45** similar applications for open storage uses in the vicinity of the Site, approval of this application is in line with the Committee’s previous decisions. There is no public comment received on the application during the statutory publication periods.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 above, the Planning Department considers that the proposed temporary open storage of construction materials with ancillary office 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 18.1.2022. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 4:00 p.m. and 10:00 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 container tractor/trailer is allowed to park or enter/exit the Site, as proposed by the applicant, during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time, as proposed by the applicant, during the planning approval period;
- (e) 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 18.7.2019;
- ~~(f) — the submission of a revised drainage proposal 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 18.4.2019;~~
- (f) *in relation to (f) above*, the implementation of the *revised accepted* drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 18.7.2019;
- (g) in relation to ~~(f)~~ above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) 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 1.3.2019;
- ~~(i) — the submission of a revised fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 18.4.2019;~~
- (i) *in relation to (j) above*, the implementation of the *revised 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 18.7.2019;

- (j) if any of the above planning conditions (a), (b), (c), (d) or (~~hg~~) 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
- (k) if any of the above planning conditions (e), (f), (~~gh~~), *or* (i), ~~(j) or (k)~~ is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

Advisory clauses

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

- 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 reason(s) for rejection should be given to the applicant.

15. Attachments

- Appendix I** Application Form with plans received on 30.4.2018
- Appendix Ia** Further information received on 15.8.2018 providing a landscape proposal in support of the application
- Appendix Ib** Further information received on 21.8.2018 providing appointment of authorized agent
- Appendix Ic** Further information received on 27.9.2018 providing response to the Commissioner for Transport's comments
- Appendix Id** Further information received on 23.11.2018 providing a drainage plan and FSIs proposal in support of the application

Appendix Ie	Further information received on 24.12.2018 providing a revised drainage proposal and responding to the comments of Fire Services Department
Appendix If	<i>Further Information received on 14.1.2019 providing clarifications in response to the comments of Drainage Services Department</i>
Appendix II	Relevant extracts of Town Planning Board Guidelines No. 13E 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 Tong Yan San Tsuen OZP since the promulgation of TPB PG-No. 13E
Appendix V	The Good Practice Guidelines for Open Storage Sites
Appendix VI	Recommended Advisory Clauses
Drawing A-1	Plan showing the vehicular access leading to the Site
Drawing A-2	Site Layout Plan
Drawing A-3	Proposed Landscape Plan
Drawing A-4	Proposed Drainage Plan
Drawing A-5	FSIs proposal
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
JANUARY 2019**