

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/913

- Applicant** : Mr. Lam Chi Hang represented by Metro Planning and Development Company Limited
- Site** : Lots 1092 S.A, 1819 (Part) and 2008 S.H RP (Part) in D.D. 121 and adjoining Government Land (GL), Tong Yan San Tsuen, Yuen Long, New Territories
- Site Area** : 2,068m² (about) (including GL of about 8m²)
- Lease** : New Grant Lots (for the purpose of orchard use) for Lots 1819 and 2008 S.H RP in D.D. 121

Block Government Lease (demised for agricultural use) for Lot 1092 S.A in D.D. 121
- 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** : “Industrial (Group D)” (“I(D)”) [restricted to a maximum plot ratio of 1.6, maximum site coverage of 80% and maximum building height of 13m]
(No change to “I(D)” zone)
- Application** : Temporary Logistics Centre 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 logistics centre for a period of 3 years. The Site falls within an area zoned “I(D)” on the OZP. According to the Notes of the OZP for the “I(D)” zone, ‘logistics centre’ being regarded as ‘Cargo Handling and Forwarding Facility (Container Freight Station, Logistics Centre only)’ use is a Column 2 use that requires permission from the Town Planning Board (the Board). The Site is currently occupied for the applied use without valid planning permission (**Plans A-2, A-4a and A-4b**).

- 1.2 The Site was involved in two previous applications (No. A/YL-TYST/612 and 762) (**Plan A-1b**) for similar uses (i.e. warehouse with ancillary logistics centre and/or workshop) which were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 8.2.2013 and 6.11.2015 respectively for a period of 3 years. However, the planning permissions were subsequently revoked on 8.4.2015 and 6.2.2018 respectively due to non-compliance with time-limited approval conditions on drainage and/or fire safety aspects. Details of the previous applications are at paragraph 6 and **Appendix III**. Compared with the last application, the current application is submitted by a different applicant for the same ‘logistics centre’ use without ‘warehouse and ancillary workshop’ use on the same site with different development parameters and site layout.
- 1.3 The Site is accessible from Tong Yan San Tsuen Road to its east via a local track (**Plan A-3**). The applicant claims that site access to the Tong Tai Road is blocked by a third party (i.e. the proposed site access in application No. A/YL-TYST/762). The applicant proposes that only medium/heavy goods vehicles will enter the Site. Private cars will be prohibited from accessing the Site. The applicant proposes to provide additional notices to drivers on approach to the vehicular site access by the installation of a “SLOW” road marking on the carriageway. Also, the applicant will provide a lookout man at the site access when vehicles leave the Site to ensure the traffic on Tong Yan San Tsuen Road is safe. According to the applicant, the proposed logistics centre is for providing logistics support for the provisions business, including freight management, inventory control, storage and consolidation of goods for distribution. The proposed logistics centre involves forwarding of canned food, paper and document. It is anticipated that 10 full-time workers will be working at the Site. Plans showing the vehicular access leading to the Site, site layout, landscape and tree preservation proposal, drainage proposal, fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-5**.
- 1.4 The major development parameters of the previously approved application and the current application are compared as follows:

Major Development Parameters	Previously Approved Application No. A/YL-TYST/762 (a)	Current Application No. A/YL-TYST/913 (b)	Difference (b)-(a)
Applied Use	Temporary Warehouse for Storage of Provisions with Ancillary Workshop and Logistics Centre for a Period of 3 Years	Temporary Logistics Centre for a Period of 3 Years	Not applied for warehouse and ancillary workshop
Site Area	About 2,068 m ² (including about 8m ² of GL)		---
Total Floor Area (Non-domestic)	1,370 m ²	1,655m ²	+285m ² (+17.2%)
No. and Height	3	5	+2 structures

of Structures	<ul style="list-style-type: none"> • one for warehouse for storage of provisions, ancillary workshop and logistics centre uses (7.6m, 1 storey) • one for converted containers for site office use (3m, 1 storey) • one for toilet use (3m, 1 storey) 	<ul style="list-style-type: none"> • one for logistics centre use (7.6m, 1 storey) • two for site office use (6.5m and 7.6m, 2 storey) • one for toilet use (3m, 1 storey) • one for open shed for storage use (7.6m, 1 storey) 	(+40%)
Parking Spaces	2 (5m x 2.5m) (for Private Car/Light Goods Vehicle)	0	-2
Loading/Unloading Spaces	1 (11m x 3m) (for Goods Vehicle not exceeding 16 tonnes)	1 (for medium/heavy goods vehicle)	Different types of vehicles
Operation Hours	7:00 a.m. to 9:00 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 20.7.2018 **(Appendix I)**
- (b) Further Information received on 21.9.2018 providing responses to the comments of the government departments; and providing a new FSIs proposal, a revised site layout and a landscape and tree preservation proposal
[accepted but not exempted from publication and recounting requirements] **(Appendix Ia)**
- (d) Further Information received on 25.10.2018 clarifying the number of staff and the types of goods to be processed in the logistics centre
[accepted and exempted from publication and recounting requirements] **(Appendix Ib)**

1.6 On 7.9.2018, the Committee agreed to defer a decision on the application for 2 months, as requested by the applicant's representative. On 21.9.2018, further information was received (**Appendix Ia**) 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 the Section 9 of the Application Form at **Appendix I** and Further Information at **Appendices Ia, Ib and Ic**. They can be summarized as follows:

- (a) The Site is zoned “I(D)” on the OZP where warehouse and ancillary workshop are as-of-right uses. The logistics centre will provide logistics support for the provisions business, including freight management, inventory control, storage and consolidation of goods for distribution. The proposed development conforms to the planning intention of the “I(D)” zone.
- (b) The Site is situated within the “Category 1 Areas” according to the Town Planning Board Guidelines for Application for Open Storage and Port Back-up uses (TPB PG-No. 13E) and conforms to its requirements. Besides, the Site is subject to a previous application (No. A/YL-TYST/762) for similar use.
- (c) The proposed logistics centre involves forwarding of canned food, paper and document. It is anticipated that 10 full-time workers will be working at the Site.
- (d) The Site is abutting Tong Yan San Tsuen Road and therefore vehicle accessing the Site will make use of Tong Yan San Tsuen Road. Although there is another access at the back of the logistics centre leading to Tong Tai Road, it is blocked by a third party so that the applicant cannot make use of such access. The proposed access will be the same as the planning permission No. A/YL-TYST/721 for proposed dangerous goods godown which was accepted by TD.
- (e) Only medium/heavy goods vehicles will access the Site and no other type of vehicles, including private cars, will access the Site. Additional notices to drivers on approach to the vehicular site access by the installation of a “SLOW” road marking on the carriageway will be provided. Also, the applicant will provide a lookout man at the site access when vehicles leave the Site to ensure the traffic on Tong Yan San Tsuen Road is safe.
- (f) The operation hours of the site are from 7:00 a.m. to 9:00 p.m. Mondays to Saturdays with no operation on Sundays and public holidays. Landscape and tree preservation proposal (**Drawing A-3**), drainage proposal (**Drawing A-4**) and FSIs proposal (**Drawing A-5**) have been submitted in support of the application.

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 of the application outside the Site and sending the notice to the Ping Shan Rural Committee by registered post. 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) is 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

The use in the Site is under investigation. Should there be sufficient evidence to prove that the use on the Site constitutes an unauthorised development under the Town Planning Ordinance, enforcement action would be taken.

6. Previous Applications

6.1 The Site was involved in two previous applications (No. A/YL-TYST/612 and 762) for temporary warehouse for storage of provisions and ancillary logistics centre with/without ancillary workshop submitted by a same applicant who is a different applicant from the current application. They were approved with conditions for a period of 3 years by the Committee on 8.2.2013 and 6.11.2015 respectively. However, planning permission of both applications were revoked on 8.4.2015 and 6.2.2018 respectively due to non-compliance with time-limited approval conditions on submission and/or implementation of drainage and/or FSIs proposals. Details of the applications are summarised in **Appendix III** and the boundaries of the sites are shown on **Plan A-1**.

6.2 Compared to the last application (No. A/YL-TYST/762), the current application is submitted by a different applicant for the same 'logistics centre' use without 'warehouse and ancillary workshop' use on the same site with different development parameters and site layout (**Drawing A-2**).

7. Similar Application

There is no similar application within the same "I(D)" zone on the OZP.

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

8.1 The Site is:

- (a) accessible from Tong Yan San Tsuen Road to its east via a local track (**Plan A-3**);
- (b) paved and fenced-off; and
- (c) currently occupied for the applied use without valid planning permission (**Plans A-2, A-4a and A-4b**).

8.2 The surrounding areas have the following characteristics:

- (a) the surroundings comprise a mix of open storage/storage yards, warehouses, godown, workshops, a real estate agency, residential structures, a religious institution and vacant/unused land;

- (b) there are scattered residential structures in its vicinity and across Tong Yan San Tsuen Road on land zoned “Residential (Group B)1” (“R(B)1”) with the nearest one located to its immediate south (**Plan A-2**);
- (c) the godown located to its immediate southwest in the “I(D)” zone and the oil factory with open storage of oil to the north across Yuen Long Highway within the “I” zone are tolerated under the Town Planning Ordinance;
- (d) to the immediate southeast of the Site is an open storage yard of dangerous goods operating under valid planning application No. A/YL-TYST/721; and
- (e) the warehouses, storage yards, factory and car service workshop within the subject “I(D)” zone are mostly permitted uses. The other open storage yard and warehouses in the vicinity are suspected unauthorized development subject to enforcement action taken by the Planning Authority.

9. Planning Intention

The planning intention of the “I(D)” zone is primarily for industrial uses that cannot be accommodated in conventional flatted factories due to extensive land and/or high ceiling requirements. It is also intended for the redevelopment of existing informal industrial uses, which are operated in workshop premises in rural area, to properly designed permanent industrial buildings.

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 New Grant Lots and Old Scheduled Agricultural Lots (OSAL). Lots 1819 and 2008 S.H RP in D.D. 121 are New Grant Lots which shall not be used for any purpose other than as an orchard. Lot 1092 S.A is an OSAL held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) Lot 1092 S.A in D.D. 121 and the associated GL is covered by Short Term Waiver (STW) No. 431 and Short Term Tenancies (STT) No. 754 respectively which permits the structure(s) erected thereon for the purpose of “Cotton Factory”. Lot 1819 in D.D. 121 and the associated GL is covered by STW No. 4511 and STT No. 2975 respectively which permits the structure(s) erected thereon for the purpose of “Temporary Warehouse for Storage of Provisions with Ancillary Workshop and Logistic Centre”. Lot

2008 S.H RP is covered by STW No. 1806 which permits the structure(s) erected thereon for the purpose of “Animal Feeds Production Factory”.

- (c) The Site is accessible from Tong Yan San Tsuen Road via GL. Her office does not provide maintenance work for GL involved and does not guarantee any right-of-way over the GL to the Site.
- (d) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (e) Should the planning approval be given to the subject planning application, the STW/STT holder(s) will need to apply to her office for modification of the STW/STT conditions, where appropriate. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structures(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications for any of the above will be considered by her department acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(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) The applicant should paint “SLOW” road marking on Tong Yan San Tsuen Road as proposed by the applicant.
- (b) The applicant should provide a lookout man at the site access when vehicles leave the Site to ensure the traffic on Tong Yan San Tsuen Road is safe as proposed by the applicant.
- (c) The land status of the access road/path/track leading to the Site at Tong Yan San Tsuen Road shall be checked with the lands authority.
- (d) The management and maintenance responsibilities of the access road/path/track shall be clarified and consulted 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 Tong Yan San Tsuen Road.

Environment

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

- (a) In accordance with the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites”, he does not support the application as there are sensitive receivers, i.e. residential structures located to the south, and southeast of the Site (with the nearest one located to its immediate south) (**Plan A-2**) and the applied use will cause traffic of heavy vehicles, 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 should 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”.

Drainage

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

- (a) Based on the submitted drainage proposal (**Drawing A-4**), apparently the applicant would implement the same drainage facilities as those proposed under previous application No. A/YL-TYST/762.
- (b) In view 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 the application is acceptable from the planning point of view, approval conditions requiring the 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

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

- (a) He has no objection in principle to the application.
- (b) The FSIs proposal submitted by the applicant (**Drawing A-5**) is considered acceptable to his department. 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.
- (c) 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

10.1.7 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 the approval of his department, 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 the Site, prior approval and consent of his department 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 the B(P)R at the building plan submission stage.

Others

10.1.8 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 areas zoned as “Other Specified Uses” annotated “Storage Use 1” (“OU(SU)1”) and 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.

10.1.9 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 provision 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

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

His office has not received any comment from the locals regarding the application.

10.2 The following government departments have no comment on the application:

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

11. Public Comments Received During the Statutory Publication Periods

On 27.7.2018 and 5.10.2018, the application and the further information were published for public inspection respectively. During the first three weeks of the statutory public inspection periods, which ended on 17.8.2018 and 26.10.2018 respectively, two objecting public comments were received from a general public (**Appendix IV-1**) and a Yuen Long District Council Member (**Appendix IV-2**). The public considers that the Site should be used for public housing to meet the public housing needs. The Yuen Long District Council Member objects to the application on road safety aspect.

12. Planning Considerations and Assessments

12.1 The application is for temporary logistics centre at the Site zoned "I(D)" on the OZP. The applied use is not in conflict with the planning intention of the "I(D)" zone which is primarily for industrial uses that cannot be accommodated in conventional flatted factories due to extensive land and/or high ceiling requirements. Whilst the Site falls within an area zoned as "OU(SU)1" 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. 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 of the Site are mainly occupied by open storage/storage yards, warehouses, godowns and workshop uses. As such, the development is not incompatible with the surrounding uses in the subject "I(D)" zone comprising similar uses.

12.3 According to TPB PG-No. 13E, the Site falls within Category 1 areas. The following consideration in the 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; 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.

- 12.4 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, with the nearest one located to the immediate south of the Site (**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.
- 12.5 Previous approvals for the similar use had been granted to the Site. Approval of the subject application is considered in line with the Committee’s previous decisions. However, the 2 previous approvals for temporary warehouse for storage of provisions and ancillary logistics centre with/without ancillary workshop submitted by a different applicant under Applications No. A/YL-TYST/612 and 762 were revoked due to non-compliance with time-limited approval conditions on drainage and/or fire safety aspects in April 2015 and February 2018 respectively. For the current application, it was submitted by a different applicant and the applicant has submitted drainage and FSIs proposals (**Drawings A-4 and A-5**) which are accepted by CE/MN of DSD and D of FS respectively. In view of the above, sympathetic consideration may be given to this application. Nevertheless, it is noted that the site condition and proposed layout of the Site under the current application are similar to those under the previous revoked planning permissions No. A/YL-TYST/612 and 762. Besides, since the revocation of the last application (No. A/YL-TYST/762) on 6.2.2018, the structures on site remain unchanged and the Site has not been cleared before his application is made. Thus, 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 not be given to any further application.

- 12.6 There are two public comments (**Appendices IV-1 and IV-2**) received on the application during the statutory publication period as summarized in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.6 above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessment made in paragraph 12 above and having taken into account the public comments mentioned in paragraph 11, the Planning Department has no objection to the application.
- 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 16.11.2021. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 9:00 p.m. and 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) a "SLOW" road marking shall be painted on Tong Yan San Tsuen Road, as proposed by the applicant, at any time during the planning approval period;
- (d) a lookout man at the site access shall be provided when vehicles leave the Site, as proposed by the applicant, at any time during the planning approval period;
- (e) no vehicles other than medium/heavy goods vehicles, 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;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the existing boundary fencing on site shall be maintained at all times during the planning approval period;
- (h) the existing trees and landscape planting on the Site shall be maintained at all times during the planning approval period;
- (i) the implementation of the 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 16.5.2019;
- (j) in relation to (i) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;

- (k) 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 16.5.2019;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (j) 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
- (m) if any of the above planning conditions (i) 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 V**.

- 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 proposed 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 received on 20.7.2018
- Appendix Ia** Further Information received on 21.9.2018 providing responses to the comments of the government departments; and providing a new FSIs proposal, a revised site layout and a landscape and tree preservation proposal
- Appendix Ib** Further Information received on 25.10.2018 clarifying the number of staff and the types of goods to be processed in the logistics centre
- 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
Appendices IV-1 and IV-2	Public comments received during the statutory publication periods
Appendix V	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 & Tree Preservation Plan
Drawing A-4	Proposed Drainage Plan
Drawing A-5	Proposed FSIs Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2018**