

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/YL-TYST/919

- Applicant** : Mr. CHEUNG Kam Kwong represented by Goldrich Planners & Surveyors Ltd.
- Site** : Lots 322 S.A (Part), 323 (Part), 324 (Part) and 1421 (Part) in D.D. 119, Tong Yan San Tsuen, Yuen Long, New Territories
- Site Area** : 2,445.7m² (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 Outline Zoning Plan (OZP) No. S/YL-TYST/12 (currently in force)
- Zoning** : “Undetermined” (“U”) (about 89.3%)

“Village Type Development” (“V”) (about 10.7%)
[Restricted to a maximum building height of 3 storeys (8.23m)]

(No change to “U” and “V” zones)
- Application** : Renewal of Planning Approval for Temporary “Open Storage of Construction Materials, Machinery and Scrap Metals (with Ancillary Office)” for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary open storage of construction materials, machinery and scrap metal with an ancillary site office at the application site (the Site) for a further period of 3 years (**Plan A-1a**). The Site is currently occupied for the applied use with valid planning permission under Application No. A/YL-TYST/753 until 5.10.2018 (**Plans A-2, A-4a to A-4c**).
- 1.2 The Site is subject to 7 previous applications (No. A/YL-TYST/208, 250, 352, 486, 539, 613 and 753) for various temporary open storage use. All the time-limited approval conditions under the last application (No. A/YL-TYST/753) have been complied with and the permission is valid up to

5.10.2018. Details of the previous application are at paragraph 6 below and **Appendix IV**. Compared with the last application, the current application is submitted by the same applicant for the same use on the same site, and the development parameters and site layout are slightly revised due to operation needs.

- 1.3 The Site is accessible via a local track leading from Shan Ha Road to its northwest with an ingress/egress provided at the northwestern corner of the Site (**Plan A-2** and **Drawing A-1**). According to the applicant, no dismantling and other workshop activities would be carried out on the Site. No used electronic appliance, television, computer monitor, computer/electronic parts or any other electronic waste would be stored at the Site. Besides, no heavy goods vehicles exceeding 24 tonnes, including container trailers and tractors, would access to the Site. Plans showing vehicular access leading to the Site, site layout, tree preservation plan, and as-built drainage plan submitted by the applicant are at **Drawings A-1 to A-4** respectively.
- 1.4 A comparison of the major development parameters of the application and the last approved application is as follows:

Major Development Parameters	Previously Approved Application A/YL-TYST/753 (a)	Current Application A/YL-TYST/919 (b)	Difference (b)-(a)
Site Area	2,445.7 m ²	2,445.7 m ²	-
Total Floor Area and Height of Structure	302.9m ²	302.9m ²	-
- Container Storeroom & Office	43.2 m ² (5.2m; 2 storeys)	64.8 m ² (5.2m; 2 storeys)	+ 21.6 m ²
- Container Storeroom	28.8 m ² (2.6m; 1 storey)	28.8 m ² (2.6m; 1 storey)	-
- Open Shed 1 (Storage of scrap metal)	94.9 m ² (4.6m; 1 storey)	73.3 m ² (4.6m; 1 storey)	- 21.6 m ²
- Open Shed 2 (Shelter)	100 m ² (4.6m; 1 storey)	100 m ² (4.6m; 1 storey)	-
- Open Shed 3 (Storage of machinery)	36 m ² (4.6m; 1 storey)	36 m ² (4.6m; 1 storey)	-
Covered Area	288.5m ²	274.1m ²	- 14.4 m ²
Plot Ratio	0.124	0.124	-
Site Coverage	11.8%	11.2%	- 0.6%
Number of Structures	5	5	-

Loading/Unloading Spaces	1 (for medium goods vehicle)
Operation Hours	7:00 a.m. to 6:00 p.m. with no operation on Sundays and Public Holidays

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

- (a) Application Form received on 14.8.2018 with Appendix **(Appendix I)** and Plans
- (b) Further Information received on 28.9.2018 clarifying that **(Appendix Ia)** no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers are allowed on site and providing a revised site plan

[accepted and exempted from publication and recounting requirements]

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Appendix attached to the Application Form (**Appendix I**). They can be summarized as follows:

- (a) The Site is subject to seven previous planning permissions (No. A/YL-TYST/208, 250, 352, 486, 539, 613 and 753). The current planning application under Application No. A/YL-TYST/753 will expire on 5.10.2018, the applicant would like to seek renewal of planning approval to continue the current use. All the approval conditions of the latest permission have been complied with.
- (b) The site falls within areas zoned “U” (about 89.3%) and “V” (about “10.7%) on the OZP. The planning intention of the “U” zone for the areas is to cater for the continuing demand for open storage uses which cannot be accommodated in conventional godown premises. Only a small portion of the Site falls within an area zoned “V” which is intended for development of Small Houses (SHs) by indigenous villagers. However, the Site is buffered by a local track and will not further encroach onto the “V” zone. There is no schedule for SHs development on the Site. Thus, the approval of the application will not frustrate the long-term planning intention of the “V” zone.
- (c) The Site falls within “Category 1 areas” under Town Planning Board Guidelines No. 13E which are considered suitable for open storage and port back-up uses. As such, the applied use is in line with the planning intention.
- (d) The development parameters have slightly changed due to operation needs.
- (e) The proposed development is compatible with the surroundings as there are several open storage yards around the Site. No complaint has been received since the Site is operated.

- (f) The Site is landscaped and the existing trees and drainage facilities are well maintained. No dismantling and other workshop activities will be carried out on the Site and no used electrical appliances, television, computer monitor, computer/electronic parts or other electronic waste will be stored on site. The vehicle trips are not frequent (about 2 to 4 trips per day) and there is adequate space for vehicular manoeuvring within the site. Besides, no heavy goods vehicles exceeding 24 tonnes, including container trailers and tractors are allowed to enter the Site. As such, no adverse impact to the surrounding areas is expected.

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 through registered post. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

- 4.1 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 largely falls within Category 1 areas (i.e. about 89.3% of the Site in “U” zone) with a minor portion falling within Category 4 areas (i.e. 10.7% of the Site in “V” zone) under TPB PG-No. 13E promulgated by the Board on 17.10.2008. The relevant extract of the Guidelines is attached at **Appendix II**.
- 4.2 The Town Planning Board Guidelines for “Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development” (TPB PG-No. 34B) are relevant to the application. The relevant assessment criteria are attached at **Appendix III**.

5. Background

The Site is currently not subject to planning enforcement action.

6. Previous Applications

- 6.1 The Site was involved in seven previous applications (No. A/YL-TYST/208, 250, 352, 486, 539, 613 and 753) for open storage of construction materials, machinery, scrap metal, furniture and/or plastic materials (with/without ancillary site office) submitted by various applicants covering largely the same site straddling the “V” zone. Details of the applications are summarized in **Appendix IV** and the boundary of the concerned sites is shown on **Plan A-1b**.
- 6.2 Applications No. A/YL-TYST/208, 250, 352, 486, 539 and 613 were approved with conditions for a period of 1 to 3 years by the Committee on 25.7.2003, 24.9.2004, 11.5.2007, 13.8.2010, 22.7.2011 and 5.10.2012 on the considerations that the applied uses were generally in line with TPB PG-No. 13E (or the then TPB PG-No.13C or 13D); the developments were not incompatible with the

surrounding uses; approval on a temporary basis would not frustrate the long-term planning intention of the “U” zone; there was no imminent need for SH development within the “V” zone portion of the Site; the concerns of relevant Government departments could be addressed by imposing approval conditions; and/or other relevant departments had no adverse comments on the applications. However, Applications No. A/YL-TYST/208 and 486 were subsequently revoked on 25.1.2004 and 5.7.2011 respectively due to non-compliance with approval conditions on the landscape and drainage aspects or the condition which prohibited the storage of electronic waste on the site.

- 6.3 The last application (No. A/YL-TYST/753) was approved with conditions for a period of 3 years by the Committee on 18.9.2015 on similar considerations as those for the previous applications. All the time-limited approval conditions have been complied with the validity of the planning permission up to 5.10.2018.
- 6.4 Compared with the last application, the current application is submitted by the same applicant for the same use on the same site, and the development parameters and site layout are slightly revised due to operation needs.

7. Similar Applications

- 7.1 A total of 125 similar applications for various types of storage with/without ancillary 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 summarised in **Appendix V** and the locations of the sites are shown on **Plan A-1a**.
- 7.2 There are 123 applications approved mainly on similar considerations 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, 26 were revoked due to non-compliance with approval conditions.
- 7.3 There are two applications rejected mainly on the grounds that the developments did not comply with TPB PG-No. 13E in that there was insufficient information in the submissions to demonstrate that the developments would not generate adverse environmental, drainage and fire safety impacts on the surrounding areas and approval of the application with repeated non-compliances would set an undesirable precedent for other similar planning permissions for temporary uses, nullifying statutory planning control.
- 7.4 For Members’ information, Application No. A/YL-TYST/895 for temporary warehouse and open storage for storage of recyclable materials (plastic and metal) with ancillary workshop for a period of 3 years to the northeast of the Site within the same part of the "U" zone on the OZP will also be considered at this meeting (**Plan A-1a**).

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

8.1 The Site is:

- (a) accessible via a local track leading from Shan Ha Road;
- (b) paved and fenced off; and
- (c) currently occupied by the applied use with valid planning permission under Application No. A/YL-TYST/753.

8.2 The surrounding areas have the following characteristics:

- (a) intermixed with open storage/storage yards, a vehicle repair workshop, a site office, parking of lorry and tractor, a logistics centre, scattered residential structures, vacant land/structures, unused land;
- (b) there are scattered residential structures in its vicinity with the nearest one located to its west (about 15m away) (**Plan A-2**);
- (c) the main village cluster of Shan Ha Tsuen is at about 200m to its northwest (**Plans A-1a and A-3**);
- (d) there are five open storage yards located to its north, south and southwest, and a warehouse located to its northeast which are operated with planning approvals under Applications No. A/YL-TYST/835, 906, 846, 845 and 794 respectively; and
- (e) except for the five open storage yards and warehouse operated with valid planning permission, the other open storage/storage yards, parking of lorry and tractor, logistics centre and vehicle repair workshop in the vicinity are suspected unauthorized development subject to enforcement action taken by the Planning Authority.

9. Planning Intention

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

9.2 The planning intention of the “V” zone is to designate both existing recognised villages and areas of land considered for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services.

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 Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) There is no Small House (SH) application received or under processing on the Site. However, there are 3 approved SH applications and 1 SH application under processing within a radius of 30m of the Site.
- (c) Lot No. 323 in D.D.119 is covered by Short Term Waiver (STW) No. 3225 to permit structures erected thereon for the purpose of “ancillary use to storage of scrap metal and construction materials”.
- (d) Lot No. 324 in D.D.119 is covered by STW No. 3457 to permit structures erected thereon for the purpose of “open storage of construction materials, scrap metal and furniture (with ancillary site office)”.
- (e) The Site is accessible from Shan Ha Road via Government land (GL) and private land. Her office does not provide maintenance work for GL involved and does not guarantee any right-of-way over the GL to the Site.
- (f) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (g) Should planning approval be given to the subject planning application, the STW holder(s) will need to apply to her office for modification of the STW conditions where appropriate and the lot owner(s) of the lot(s) without STW will need to apply to her office for permit the structures to be erected or regularize any irregularities on site. Such application(s) will be considered by LandsD 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 LandsD.

Traffic

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

- (a) No heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, should be allowed to park or enter/exit the Site.
- (b) Land status of the access road/path/track leading to the Site from Shan Ha Road should be checked with the lands authority.
- (c) The management and maintenance responsibilities of the access road/path/track shall be clarified and consulted with the relevant management and maintenance authorities accordingly.
- (d) The applicant is reminded that sufficient space should be provided within the Site for manoeuvring of vehicles. In addition, no parking, vehicle queuing and reverse movement of vehicles on public road are allowed.

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 Shan Ha Road.

Environment

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

- (a) He does not support the application as there are sensitive receivers of residential use in the vicinity (with the nearest one located 15m to the west of the Site) (**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 should also be advised to follow the relevant mitigation measures and requirements in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites”.

Drainage

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

- (a) Based on the drainage proposal/planning statement enclosed in the application (**Drawing A-4**), apparently the applicant would

maintain the same drainage facilities as those maintained under previous planning application No. A/YL-TYST/753.

- (b) In view of the above, he has no objection in principle to the proposed development. Should the Board consider that the application is acceptable from the planning point of view, approval conditions requiring the maintenance of the drainage facilities implemented and the submission of records of the existing drainage facilities on site to the satisfaction of the Director of Drainage Services or of the Board should be stipulated.

Fire Safety

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

- (a) He has no objection in principle to the proposal subject to 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 should also 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 attached good practice guidelines for open storage (**Appendix VI**).

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 his satisfaction 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.

- (c) However, 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 (BA) 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 are erected on leased land without the approval of the BD, they are unauthorized under the BO and should not be designated for any proposed use under the captioned application.
 - (ii) Before any new building works (including containers/open storage sheds as temporary buildings) are to be carried out on Site, prior approval and consent of the BA should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
 - (iii) For UBW erected on leased land, enforcement action may be taken by the BA 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 application site under 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 of YLS promulgated on 8.8.2017, the Site falls within an area partly zoned as "Special Residential – Public Rental Housing (with Commercial)" ("RSc"), "Local Open Space" ("LO") and an area shown as 'Road', and partly falls outside the development area of YLS.
- (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):

- (a) He has no objection to the captioned temporary use for 3 years, which should be considered in accordance with the provisions of the current OZP and existing infrastructure capacities.
- (b) However, part of the Site located within “U” zone 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 locals on the application.

10.2 The following government departments have no comment on 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 21.8.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 11.9.2018, one public comment was received, objecting to the application on the grounds that the proposed use would cause disturbance and fire hazard to the residential developments in the vicinity, and also cause adverse traffic impact and pollution to the surroundings.

12. Planning Considerations and Assessments

- 12.1 According to TPB PG-No. 13E, majority of the Site falls within Category 1 areas (i.e. about 89.3% in the “U” zone) with a minor portion straddling the Category 4

areas (i.e. about 10.7% in the “V” zone). The following considerations 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.

Category 4 areas: applications would normally be rejected except under exceptional circumstances. For applications on sites with previous planning approvals, and subject to no adverse departmental comments and local objections, sympathetic consideration may be given if the applicants have demonstrated genuine efforts in compliance with approval conditions of the previous planning applications and included in the applications relevant technical assessments/proposals to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. The intention is however to encourage the phasing out of such non-conforming uses as early as possible. A maximum period of 2 years may be allowed upon renewal of planning permission for an applicant to identify suitable sites for relocation. No further renewal of approval will be given unless under very exceptional circumstances and each application for renewal of approval will be assessed on its individual merit.

- 12.2 The current application is for renewal of the planning permission under previous Application No. A/YL-TYST/753 for temporary open storage of construction materials, machinery and scrap metal with ancillary site office. The majority of the Site (about 89.3%) falls within an area zoned “U” on the OZP, i.e. Category 1 areas under TPB PG-No. 13E, with only a minor portion (about 10.7%) straddling the adjacent “V” zone, i.e. Category 4 areas. 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 partly zoned as “RSc” and partly “LO” 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 for the remaining minor portion of the Site (about 10.3%) falling within the “V” zone, this portion of land has been included in 7 previously approved applications (paragraph 6 above refers) and DLO/YL of LandsD advises that there is no SH application within this part of the “V” zone currently. As such, the continuation of the applied use for a further period of 3 years would not frustrate the long-term use of the area nor affect the land availability for village type development.
- 12.3 The surrounding areas of the Site are mainly occupied by open storage and warehouse uses. There are open storage yards and warehouse located in the vicinity of the Site that are operated with planning approvals (**Plan A-2**). As such, the development is not incompatible with the surrounding uses in the subject “U” zone comprising similar uses.

- 12.4 The application is generally in line with TPB PG-No. 34B in that there has been no material change in planning circumstances since the granting of the previous approval under Application No. A/YL-TYST/753; the approval conditions have been complied with; and the 3-year approval period sought is of the same timeframe as the previous approval. The application is also generally in line with TPB PG-No. 13E in that the concerns of relevant government departments are technical in nature which can be addressed through the implementation of approval conditions; and there are similar applications in this part of the “U” zone (**Plan A-1a**) that have been approved
- 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 15m to the west 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 and the technical concerns 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 “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 Given that the Committee has approved seven applications (No. A/YL-TYST/208, 250, 352, 486, 539, 613 and 753) for the similar use covering the same site and 123 other similar applications in the same part of the “U” zone, approval of the renewal application is also in line with the Committee’s previous decisions.
- 12.7 There is one public comment received on the application during the statutory publication period. 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 assessments made in paragraph 12 and having taken into account the public comment as mentioned in paragraph 11 above, the Planning Department considers that temporary open storage of construction materials, machinery and scrap metal with ancillary site office could be tolerated for a further 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 further period of 3 years from 6.10.2018 to 5.10.2021. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation between 6:00 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 dismantling or other workshop activities, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (d) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (e) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to enter/exit the Site 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) all existing trees and landscape plantings on the Site shall be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (i) the submission of a condition record of the existing drainage facilities on the Site within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 6.1.2019;
- (j) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within **6** weeks from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 17.11.2018;
- (k) the submission of a fire service installations proposal within **6** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 6.4.2019;
- (l) in relation to (k) above, the implementation of the fire service installations proposal within **9** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 6.7.2019;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and

- (o) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

[Approval conditions are the same as those under the permission for Application No. A/YL-TYST/753.]

Advisory clauses

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

- 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 14.8.2018
Appendix Ia	Further Information received on 28.9.2018 clarifying that no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers are allowed on site and providing a revised site plan
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	Relevant extract of the Town Planning Board Guidelines for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34B)
Appendix IV	Previous Applications Covering the Application Site
Appendix V	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 VI	Good Practice Guidelines for Open Storage Sites
Appendix VII	Public Comment
Appendix VIII	Recommended Advisory Clauses
Drawing A-1	Vehicular Access Plan
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 A-4c	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2018**