

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/925

<u>Applicant</u>	: Stepland Investments Limited represented by PlanArch Consultants Limited
<u>Site</u>	: Lots 2722 RP, 2724 (Part), 2727 (Part), 2728, 2729, 2730, 2731, 2732, 2733, 2734 RP (Part), 2735 (Part), 2736 RP (Part), 2737 RP (Part) and 2738 (Part) in D.D. 120 and Lots 1678 RP, 1679 RP, 1681 RP, 1682 (Part), 1683 (Part), 1684 (Part), 1685, 1686, 1687, 1688, 1689, 1690, 1691 (Part), 1692 and 1693 in D.D. 121, Tong Yan San Tsuen, Yuen Long, New Territories
<u>Site Area</u>	: 18,050m ² (about)
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Tong Yan San Tsuen OZP No. S/YL-TYST/12
<u>Zoning</u>	: “Undetermined” (“U”)
<u>Application</u>	: Temporary Open Storage of Building and Recycling Materials, Construction Machinery and Used Electrical/Electronic Appliances with Ancillary Packaging Activities 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 building and recycling materials, construction machinery and used electrical/electronic appliances with ancillary packaging activities for a period of 3 years. The Site falls within an area zoned “U” on the OZP. 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 (**Plans A-2 and A-4a to A-4g**).
- 1.2 The Site was involved in 9 previous applications (No. A/YL-TYST/200, 231, 239, 268, 374, 418, 547, 607 and 757) for similar temporary open storage use with/without ancillary packaging activities and parking of municipal vehicles (**Plan A-1b**) which were approved by the Rural and New Town Planning Committee (the Committee) of the Board. All the approval conditions with the

last application (No. A/YL-TYST/757) has been complied with and the permission was valid up to 23.10.2018. Details of the previous applications are at paragraph 6 and **Appendix III**. Compared with the last application (No. A/YL-TYST/757), the current application is submitted by the same applicant for the same applied use on a smaller site with different development parameters.

1.3 The Site is accessible from Kung Um Road to its east via a local track that traverses the adjoining open storage yard operated under Application No. A/YL-TYST/830 (**Drawing A-1 and Plans A-2 and A-3**). An ingress/egress point is provided at the southeastern boundary of the Site. According to the applicant, the recycling materials stored at the Site include metal, plastic and paper. All electrical and electronic parts will be loaded/unloaded and stored under shelters and on paved areas within the structures at the Site. No dismantling, repairing, cleansing or other workshop activities, except ancillary packaging activities, will be carried on the Site. Besides, there will be 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, outside the concrete-paved covered structures on the Site. No dusty operation, including cutting, grinding and polishing, will be carried out within the Site. Septic tanks and soakaway pits are provided within the Site. 2.5m-high corrugated iron fence wall is erected at the periphery of the Site. Plans showing the vehicular access leading to the Site and the site layout submitted by the applicant are at **Drawings A-1 and A-2** respectively.

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/757 (a)	Current Application No. A/YL-TYST/925 (b)	Difference (b)-(a)
Applied Use	Temporary Open Storage of Building and Recycling Materials, Construction Machinery and Used Electrical/Electronic Appliances with Ancillary Packaging Activities for a Period of 3 Years		--
Site Area	About 21,660 m ²	About 18,050 m ²	- 3,610 m ² (-20%)
Total Floor Area (Non-domestic)	5,629 m ²	5,684 m ²	+ 55m ² (+0.97%)
No. of Structures	23 (for storage and ancillary office uses and carrying out of packaging activities)	25 (for storage and ancillary office uses and carrying out of packaging activities)	+2 (+8%)
Height of Structures	- 3 structures: 3m, 1-storey - 5 structures: 4m, 1-storey - 13 structures: 5m, 1 to 2-storey - 2 structures: 6m,	- 3 structures: 3m, 1-storey - 6 structures: 4m, 1-storey - 10 structures: 5m, 1-storey - 3 structures: 6m, 1 to	+4m (+40%) (maximum height)

	1-storey	2-storey - 3 structures: 10m, 1-storey	
Loading/ Unloading Spaces	10 (for container vehicles) (16m x 3.5m)	10 (for heavy goods vehicles/container vehicles) (16m x 3.5m)	--
Operation Hours	7:00 a.m. to 7:00 p.m. from 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 3.10.2018 **(Appendix I)**
- (b) Supplementary Planning Statement **(Appendix Ia)**
- (c) Further Information received on 31.10.2018 providing responses to the Transport Department **(Appendix Ib)**
[accepted and exempted from publication and recounting requirements]
- (d) Further Information received on 6.11.2018 providing responses to the Environmental Protection Department **(Appendix Ic)**
[accepted and exempted from publication and recounting requirements]
- (e) Further Information received on 8.11.2018 confirming no workshop activities except ancillary packaging activities will be carried out on Site and no storage or handling of electronic waste outside the structures, as well as providing responses to the comments of the Transport Department **(Appendix Id)**
[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 Section 4 of the Supplementary Planning Statement at **Appendix Ia** and Further Information at **Appendices Ib, Ic and Id**. They can be summarized as follows:

- (a) The Site is zoned “U” on the OZP. The applied use is in line with the planning intention of the “U” zone and is compatible with the adjoining developments comprising open storage and workshop uses. There are similar applications in the vicinity of the Site that have been approved by the Board.
- (b) According to the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Use (TPB PG-No.13E), the Site is located within ‘Category 1 area’ which is considered suitable for open storage/port back-up uses.

- (c) Open storage use at the Site has been approved by the Board since 2003. All approval conditions of the last previous application have been complied with. There is no change in planning circumstances since the last approval, except the minor adjustments to the site boundary.
- (d) The applicant undertakes to carry out the mitigation measures set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites”. The site frontage and 5m strip of the area beyond the access gate is properly paved to avoid any fugitive dust impacts due to vehicle movements. The applied use is clean and tidy, and will not generate dust to the surrounding environment. All shelters will have roofed structures to ensure that no parts of the stored materials will be exposed under weather. These structures will also be concrete-paved for proper handling of stored materials to ensure no soil contamination will be caused to the area.
- (e) The development will not cause adverse drainage, visual and traffic impacts. Adequate drainage facilities are provided and well maintained. Dense peripheral planting is provided along the site boundary to minimize possible visual impact on the surroundings and to enhance amenity. The applicant has sought agreement to use the access road leading to the Site from the adjoining operator and traffic flow generated by the development is minimal (i.e. average 12 trips per hour throughout the day or 24 trips during peak hours). It is estimated daily and hourly traffic generation and attraction arising from the proposed development will not be more than that in the previous planning application. Considering the small scale and nature of the operation, only about 2-3 nos. of container vehicles per hour are used to and from the site throughout the day on average. It should be noted that the operation is well-managed with good track record throughout the years, and no adverse traffic impact or complaint is caused to the nearby road networks. The applicant will continue to uphold good management of the vehicles in the operation, to ensure that no adverse traffic impact would be caused. With adequate loading/unloading and manoeuvring spaces within the Site, no queuing or waiting of vehicles on public road is envisaged.
- (f) Numerous similar applications for open storage and workshop uses have been approved by the Board within the same “U” zone. The approval of the application will not set an undesirable precedent for similar applications.

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 on the Site and publishing the notice in 3 local newspapers. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13E) are relevant to the application. The Site falls within

Category 1 areas under TPB PG-No.13E promulgated by the Board on 17.10.2008. The relevant extract of the Guidelines is attached at **Appendix II**.

5. Background

The open storage use on the Site would be subject to planning enforcement action.

6. Previous Applications

- 6.1 The Site was involved in 9 previous applications (No. A/YL-TYST/200, 231, 239, 268, 374, 418, 547, 607 and 757) for similar temporary open storage use with/without ancillary packaging activities and parking of municipal vehicles covering sites of different boundaries submitted by the same applicant. Details of the applications are summarized in **Appendix III** and the boundaries of the sites are shown on **Plan A-1b**.
- 6.2 Application No. A/YL-TYST/200 for temporary open storage of building/recycling materials and construction machinery for a period of 3 years was approved with conditions by the Board on review on 22.8.2003 for 1 year on sympathetic consideration in that the noise impact of the development could be mitigated by restricting operation hours.
- 6.3 Application No. A/YL-TYST/231 for the same use under Application No. A/YL-TYST/200 but with different site boundary was rejected by the Board on review on 23.7.2004 on the grounds that the application did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses; there was insufficient information to demonstrate no adverse environmental and visual impacts on the surrounding areas.
- 6.4 Application No. A/YL-TYST/239 for minor amendment to the approved scheme under Application No. A/YL-TYST/200, including revision of the site boundary, was rejected by the Committee on 11.6.2004 on similar grounds as for Application No. A/YL-TYST/231 as well as failure to demonstrate no adverse drainage impact.
- 6.5 Application No. A/YL-TYST/268 for temporary open storage of building/recycling materials and construction machinery was approved with conditions by the Committee on 14.1.2005 for a period of 3 years mainly on the consideration that the development was considered not incompatible with the surrounding land uses; and departmental/local concerns could be addressed by way of approval conditions. Subsequently, the applicant applied for a review of the approval conditions which prohibited the storage of electrical appliances, television or computer monitors or parts and the carrying out of dismantling or workshop activities on the site. The review application was rejected by the Board on 6.5.2005 on environmental ground.
- 6.6 The subsequent 5 applications (No. A/YL-TYST/374, 418, 547, 607 and 757) for various temporary open storage use with/without ancillary packaging activities and parking of municipal vehicles were approved with conditions each for a period of 1 to 3 years on 18.1.2008, 27.3.2009, 23.9.2011, 21.9.2012 and 23.10.2015 mainly on the consideration that the development was generally in line

with the then TPB PG-No. 13D/13E; it was not incompatible with the surrounding land uses; and the departmental/local concerns could be addressed by imposition of approval conditions. However, the planning approval under application No. A/YL-TYST/418 was revoked on 8.7.2011 as the applicant had breached the approval condition which prohibited the carrying out of workshop activities on the site despite the other time-limited conditions had been satisfactorily complied with. All the approval conditions under the last application (No. A/YL-TYST/757) had been complied with and the permission expired on 23.10.2018.

- 6.7 Compared with the last application (No. A/YL-TYST/757), the current application is submitted by the same applicant for the same applied use on a smaller site with different development parameters.

7. Similar Applications

- 7.1 A total of 131 similar applications for various types of temporary open storage with or without warehouse uses and/or ancillary workshop uses in this part of the “U” zone had been considered by the Committee or the Board on review since the promulgation of TPB PG-No. 13E on 17.10.2008. Details of the applications are summarized in **Appendix IV** and the locations of the sites are shown on **Plan A-1a**.
- 7.2 There are 129 applications for open storage uses with or without warehouse and/or ancillary workshop uses approved mainly on similar considerations that they were generally in line with TPB PG-No. 13E in that the developments were not incompatible with the surrounding open storage/warehouse uses and the concerns of relevant government departments could be addressed by imposing approval conditions. However, amongst these approved applications, 27 were revoked due to non-compliance with approval conditions.
- 7.3 The other two applications were rejected mainly on the grounds that, amongst other, approval of the application with repeated non-compliances would set an undesirable precedent.

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

- 8.1 The Site is:
- (a) located at the fringe of the “U” zone and paved;
 - (b) accessible from Kung Um Road to its east via a local track that traverses the adjoining open storage yard operated under Application No. A/YL-TYST/830 (**Drawing A-1** and **Plans A-2 and A-3**); and
 - (c) currently partitioned into compartments for the applied use without valid planning permission (**Plans A-2 and A-4a to A-4g**).
- 8.2 The surrounding areas have the following characteristics:

- (a) predominantly open storage yards (with/without workshops), storage yards and vehicle repair workshops intermixed with scattered residential structures, canteen, car park and vacant/unused land;
- (b) scattered residential structures are found in the north, northeast, east, southeast of the Site (with the nearest located to its immediate north, northeast and southeast);
- (c) the “Village Type Development” (“V”) zone covering Tin Liu Tsuen is located to its immediate east (**Plan A-2**);
- (d) to the immediate northwest is a logistics centre which is operated without valid planning permission. This site is covered by a valid planning permission under application No. A/YL-TYST/875 for warehouse for storage of construction materials and electrical appliances; and
- (e) except for the 9 open storage yards which are operated with valid planning permissions under applications No. A/YL-TYST/768, 817, 830, 840, 848, 882, 895, 897 and 908, the other open storage/storage yards and vehicle repair workshops 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 Old Schedule Agriculture Lots 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) Lots 2722 RP, 2732, 2724, 2729, 2731, 2734, 2736 RP, 2737 RP and 2738 all in D.D. 120, and Lots 1678 RP, 1679 RP, 1681 RP, 1682, 1683, 1684, 1685, 1686, 1687 and 1688 all in D.D. 121 are covered by Short Term Waivers (STWs) Nos. 3802, 3803, 3804, 3805, 3806, 3807, 3808, 3809, 3810, 3811 and 3842 which permit the structures erected thereon for the purpose of ‘Open Storage of Building and Recycling Materials, Construction

Machinery, Used Electrical/Electronic Appliances, Cargo Compartments with Ancillary Packaging Activities and Parking Of Municipal Vehicles’.

- (c) The Site is accessible from Kung Um Road via Government land (GL) and private land. Her office does not provide maintenance works for the GL involved and does not guarantees 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 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 to permit the structures to be erected or regularize any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(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 will be approved. If such application 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.
- (f) The programme of land resumption would follow the project office's programme notwithstanding the validity period of the planning permission to be granted.

Traffic

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

- (a) He has no comment on the further information submitted (**Appendices Ib and Id**).
- (b) The land status of the access road/path/track leading to the Site from Kung Um Road shall 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, 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) He does not support the application as there are sensitive receivers of residential use in the vicinity (with the nearest located to its immediate north, northeast and southeast) (**Plan A-2**) and the development will cause traffic of heavy vehicles, and environmental nuisance is expected.
- (b) There was 1 non-substantiated complaint about waste disposal 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 planning statement (**Appendix Ia**) enclosed in the application, apparently the applicant would maintain the same drainage facilities as those implemented under previous planning application No. A/YL-TYST/757.
- (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 existing drainage facilities 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 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; and
 - (iii) attached good practice guidelines (**Appendix V**) for open storage should be adhered to.
- (c) Moreover, having considered the nature of the open storage, an approval condition requiring the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to 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.
- (d) 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 for the existing structure 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 the BD, they are unauthorized building works (UBW) under the BO and should not be designated for any proposed use under the application.

- (ii) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of 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 the BD should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (iv) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively.
- (v) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of B(P)R at the building plan submission stage.

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 an area zoned as "Special Residential – Public Rental Housing (with Commercial)" ("RSc"), "Local Open Space" ("LO") and 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):

It is noted that majority of the Site falls within the boundary of Stage 1 Work of the YLS development. To meet the target first population

intake by Q1 of 2028, land clearance of the Site is planned to commence in Q3 of 2021 subject to Executive Council's authorization on land resumption and Finance Committee's funding approval of the YLS development by early 2021 and mid 2021 respectively. Hence, he objects to the application unless the period of the proposed use/development by the applicant is granted till September 2021 only. His department will give sufficient notice to relevant department(s) for early termination of the Site if the works commence early. The applicant shall also be reminded that extension of the proposed use/development beyond September 2021 is unlikely to be supported in future.

District Officer's Comments

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

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

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

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) 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 12.10.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 2.11.2018, no public comment was received.

12. Planning Considerations and Assessments

12.1 The application is for temporary open storage of building and recycling materials, construction machinery and used electrical/electronic appliances with ancillary packaging activities at the Site zoned "U" on the OZP. The applied use is not in conflict with the planning intention of the "U" zone on the OZP which is generally intended for open storage use but is designated with this zoning mainly due to concerns of the capacity of Kung Um Road. In this regard, C for T has no adverse comment on the application. Whilst the Site falls within an area zoned as "RSc", "LO" and area shown as 'Road' on the RODP of YLS promulgated on 8.8.2017 and CE/CID of PlanD does not raise objection to the application, PM(W) of CEDD objects to the application unless the period of the proposed use/development by the applicant is granted till September 2021 only in view of the programme of the YLS development. However, DLO/YL advises that the programme of land resumption would follow the project programme notwithstanding the validity period of the planning permission to be granted. As such, approval of the application on a temporary basis would not jeopardize the

long-term development of the area. Should the application be approved, the applicant should be advised that the Site may be subject to land resumption for the implementation of YLS which may take place at any time before the expiry of the temporary planning permission.

12.2 The subject “U” zone is mainly occupied by open storage/storage yards, warehouses, workshops, and similar uses are found in the vicinity of the Site. There are open storage uses located to south, west, northwest and north 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 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 located to its immediate north, northeast and southeast (**Plan A-2**), and environmental nuisance is expected. 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 The approval conditions of last application (No. A/YL-TYST/757) have been complied with by the applicant and the permission expired on 23.10.2018. As the Committee has approved 9 similar uses covering the Site and 129 similar applications for open storage with or without warehouse uses in the vicinity of the Site, approval of the subject application is considered in line with the Committee’s previous decisions. There are two applications rejected by the Committee mainly on the grounds that, amongst other, approval of the application with repeated non-compliances would set an undesirable precedent.

- 12.6 There is no public comment received on the application during the statutory publication period.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12, the Planning Department considers that the temporary open storage of building and recycling materials, construction machinery and used electrical/electronic appliances with ancillary packaging activities 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 16.11.2021. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no dismantling, repairing, cleansing or other workshop activities, except ancillary packaging activities, as proposed by the applicant, are allowed on the Site at any time during the planning approval period;
- (d) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste, as proposed by the applicant, is allowed outside the concrete-paved covered structures on the Site at any time during the planning approval period;
- (e) no dusty operation including cutting, grinding and polishing, as proposed by the applicant, is allowed to be carried out at the open area of the Site;
- (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 trees and landscape planting 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 provision of boundary fence on the Site within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 16.5.2019;
- (j) the submission of a condition record of the existing drainage facilities on the Site 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 16.2.2019;

- (k) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within **6 weeks** from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 28.12.2018;
- (l) the submission of a fire service installations proposal within **6 months** from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 16.5.2019;
- (m) in relation to (l) above, the implementation of the fire service installations proposal within **9 months** from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 16.8.2019;
- (n) 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; and
- (o) if any of the above planning conditions (i), (j), (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

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 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 3.10.2018
- Appendix Ia** Supplementary Planning Statement
- Appendix Ib** Further Information received on 31.10.2018 providing

responses to the Transport Department

Appendix Ic	Further Information received on 6.11.2018 providing responses to the Environmental Protection Department
Appendix Id	Further Information received on 8.11.2018 confirming no workshop activities except ancillary packaging activities will be carried out on Site and no storage or handling of electronic waste outside the structures, as well as providing responses to the comments of the Transport Department
Appendix II	Relevant extract of the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No.13E)
Appendix III	Previous Applications covering the Site
Appendix IV	Similar Applications in this part of the “U” zone on the OZP since the promulgation of TPB PG-NO. 13E
Appendix V	The Good Practice Guidelines for Open Storage Sites
Appendix VI	Recommended Advisory Clauses
Drawing A-1	Site Plan with Vehicular Access
Drawing A-2	Proposed Layout 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-4g	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2018**