

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/931

- Applicant** : Mr. TSOI Chuen Yeung represented by PlanArch Consultants Limited
- Site** : Lots 324 (Part), 325, 326 (Part), 327 S.E RP (Part), 1420 RP and 1421 (Part) in D.D. 119, Tong Yan San Tsuen, Yuen Long, New Territories
- Site Area** : 4,100m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/12
- Zoning** : “Undetermined” (“U”) (about 94%); and
“Village Type Development” (“V”) (about 6%)
[restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Temporary Open Storage of Recycling Materials (Metal, Plastic and Paper) and Used Electrical/Electronic Appliances and Parts with Ancillary Workshop and Packaging Activities for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary open storage of recycling materials (metal, plastic and paper) and used electrical/electronic appliances and parts with ancillary workshop and packaging activities for a period of 3 years at the application site (the Site). The Site falls mainly within an area zoned “Undetermined” (“U”) (about 94%) with a small portion within the “V” zone (about 6%) on the OZP. According to the Notes of the OZP for the “U” zone, all uses or development except those specified in the Notes require permission from the Town Planning Board (the Board). According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years within the zones on the OZP requires planning permission from the Board notwithstanding that the use or development is not provided for under the Notes of the OZP. The Site is currently occupied for the applied use with valid planning permission under application No. A/YL-TYST/906 which was approved with conditions for a period of 3 years by the Rural and New

Town Planning Committee (the Committee) of the Board on 17.8.2018 (**Plans A-2 and A-4**).

- 1.2 The Site was involved in 8 previous applications (No. A/YL-TYST/186, 296, 404, 489, 544, 603, 748 and 906) for temporary open storage of recycling materials and/or used electrical/electronic appliances and parts with/without ancillary packaging activities (**Plan A-1b**). Details of the previous applications are at paragraph 6 and **Appendix III**. Compared with the last application (A/YL-TYST/906), the current application is submitted by the same applicant for the same open storage use on the same site but with additional ancillary workshop use and three additional structures.
- 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 western periphery of the Site (**Plan A-3 and Drawing A-1**). According to the applicant, all the recycling materials, used electrical/electronic appliances and parts will only be stored and/or processed under shelter at Structures No. 2 to 14 and/or on paved area, and no loading/unloading activities will be carried out at Structures No. 1 and 2 near the entrance of the Site. No dismantling, repairing and cleansing, except ancillary workshop and packaging activities, will be carried out on the Site. Workshop activities will only take place at Structures No. 13 and 14. Plans showing the vehicular access leading to the Site, the site layout and the as-built drainage plan submitted by the applicant are at **Drawings A-1 to A-3** respectively.
- 1.4 A comparison of the major development parameters of the current application and the last approved application is as follows:

Major Development Parameters	Previously Approved Application No. A/YL-TYST/906 (a)	Current Application No. A/YL-TYST/931 (b)	Difference (b)-(a)
Applied Use	Temporary Open Storage of Recycling Materials (Metal, Plastic and Paper) and Used Electrical/Electronic Appliances and Parts with Ancillary Packaging Activities for a Period of 3 Years	Temporary Open Storage of Recycling Materials (Metal, Plastic and Paper) and Used Electrical/Electronic Appliances and Parts with Ancillary Workshop and Packaging Activities for a Period of 3 Years	With additional Ancillary Workshop
Site Area	4,100m ² (about)		---
	<ul style="list-style-type: none"> • Uncovered Area: 3,115m² (about) • Covered Area : 985m² (about) 	<ul style="list-style-type: none"> • Uncovered Area: 2,856m² (about) • Covered Area: 1,244m² (about) 	+259m ² (+26.3%) covered area
Total Floor Area (Non-domestic)	About 1,014m ²	About 1,304m ²	+290m ² (+28.6%)
No. and Height of Structures	12 • one for office and storage uses (2.4m, 2	15 • one for site office and storage uses (5.2m, 2	+3 structures

	<p>storeys) (Structure No. 1)</p> <ul style="list-style-type: none"> • six for storage use (2.4-3.9m, 1 storey) (Structures No. 2-6 and 10) • four for storage and packaging activities uses (3-5.5m, 1 storey) (Structures No. 7-9 and 11) • one for storage and resting room (4.75m, 1 storey) (Structure No. 12) 	<p>storeys) (Structure No. 1)</p> <ul style="list-style-type: none"> • six for storage use (2.4-3.9m, 1 storey) (Structures No. 2-6 and 10) • four for storage with ancillary packaging activities uses (3-5.5m, 1 storey) (Structures No. 7-9 and 11) • one for storage and resting room uses (4.75m, 1 storey) (Structure No. 12) • two for storage with ancillary workshop activities uses (5.5m, 1 storey) (Structures No. 13 and 14) • one for site office use (5.2m, 2 storeys) (Structure No. 15) 	
Car Parking Spaces	4 container tractor/trailer parking spaces		---
Operation Hours	7:00 a.m. to 11:00 p.m. Mondays to Saturdays with no operation on Sundays and public holidays	7:00 a.m. to 11:00 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 1.11.2018 **(Appendix I)**
- (b) Supplementary Planning Statement **(Appendix Ia)**
- (c) Supplementary Information received on 1.11.2018 **(Appendix Ib)** clarifying the use of Structure No. 1 and the floor area of Structure No. 15

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 **(Appendix Ia)**. They can be summarised as follows:

- (a) The development will provide space for temporary storage and processing of used electrical/electronic appliances and parts for recycling. No hazardous components will be stored and processed at the Site. All the used electrical/electronic appliances and parts will be sheltered from rain and handled under the covered structures and on paved areas to prevent groundwater contamination and avoid any possible adverse environmental impact. The

applied use will facilitate the recycling of waste electrical and electronic equipment (WEEE) and is therefore in line with the Government's environmental policy and programme to reduce the quantity of WEEE disposal at landfills.

- (b) Previous approvals (under Applications No. A/YL-TYST/186, 296, 404, 489, 544, 603, 748 and 906) for temporary open storage uses at the Site had been granted by the Board since 2002. There is no change in planning circumstances since the last approval. The applicant has demonstrated full compliance with the approval conditions of the previous applications. For the last application (No. A/YL-TYST/906), submissions were made to comply with relevant approval conditions. The approval condition on provision of fire extinguishers with valid fire certificate (FS251) has been complied with. The applicant can guarantee clean and tidy operation of the applied use and this shall merit favourable consideration of the current application.
- (c) According to the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Use (TPB PG-No. 13E), majority of the Site is located in Category 1 area which is considered suitable for open storage/port back-up uses while only an extremely minor portion falls within the Category 4 area.
- (d) The majority of the Site has long been zoned as "U" on the OZP and the development is in line with the planning intention of the "U" zone. Only about 6% of the Site falls within "V" zone which is located at the fringe area of Shan Ha Tsuen and is segregated from the village by an access road. The applied development is compatible with the surrounding areas which are intermixed with open storage yards and warehouses, and its temporary nature will not affect the concerned "V" zone.
- (e) No air or noise polluting activities, i.e. dismantling, repairing, cleansing or other workshop activities, except ancillary packaging activities, will be carried out within the Site. Environmental measures recommended in the "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" have been undertaken, such as paving of the Site, disposal of refuse in nearby refuse collection point, and restriction of night-time and holiday operation. There will be no loading/unloading activities at the two structures (i.e. Structures Nos. 1 and 2 as shown on **Drawing A-1**) near the entrance of the Site. The workshop activities will only carry out at Structures No. 13 and 14 which will be located near the eastern boundary of the Site and away from the ingress/egress and the residential dwellings in the nearby "V" zone to the west of the Site. Existing drainage facilities and peripheral planting will be maintained to minimise environmental nuisances to the surrounding areas.
- (f) The existing trees and landscape planting will be well-preserved and maintained to minimize any possible visual impact to the surroundings and enhance amenity in the surrounding areas. The additional structures will not affect the existing trees and landscaping planting.
- (g) The Site has clearly defined ingress/egress point and parking spaces for container vehicles. As the Site is for open storage use, traffic flow generated will be minimal. With adequate parking and loading/unloading spaces within the site, no queuing or waiting on local road is envisaged.

- (h) The applicant has proposed different operational measures with decent site management. Also, the Board has recently approved similar applications (No. A/YL-TYST/845, 846 and 847) in 2017 within the same “U” zone. Approval of the current 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 at the Site and publishing the notice in three 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 largely falls within Category 1 areas (i.e. about 94% of the site in “U” zone) with a minor portion falling within Category 4 areas (i.e. about 6% 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**.

5. Background

The Site is not subject to any planning enforcement action.

6. Previous Applications

- 6.1 The Site was involved in eight previous applications (No. A/YL-TYST/186, 296, 404, 489, 544, 603, 748 and 906) for temporary open storage of recycling materials and/or used electrical/electronic appliances and parts with/without ancillary packaging activities submitted by the same applicant on similar sites. Details of the applications are summarised in **Appendix III** and the boundaries of the sites are shown on **Plan A1-b**.
- 6.2 All the applications were approved with conditions for a period of 1 to 3 year(s) by the Committee on 13.12.2002, 29.7.2005, 18.7.2008, 10.9.2010, 2.9.2011, 24.8.2012, 7.8.2015 and 17.8.2018 respectively on the consideration that the applied uses were generally in line with TPB PG-No. 13E (or the then TPB PG-No. 13D); the developments were not incompatible with the surrounding uses; the applied uses were not in conflict with the planning intention of the “U” zone; approval on a temporary basis would not frustrate the long-term provision of land for small houses; there was no imminent need for small house 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, the planning permissions granted under Applications No. A/YL-TYST/404 and 489 were subsequently revoked on 15.6.2010 and 22.7.2011 respectively due to non-compliance with the condition(s) which prohibit the storage of electronic waste and/or carrying out of workshop activities on the site. For the last application (No. A/YL-TYST/906), time-limited approval conditions regarding

the submission of a condition record of the existing drainage facilities, as well as submission and implementation of the fire service installations (FSIs) proposal are still not complied with.

- 6.3 Compared with the last application (No. A/YL-TYST/906), the current application is submitted by the same applicant for the same open storage use on the same site but with additional ancillary workshop use and three additional structures.

7. Similar Applications

- 7.1 A total of 127 similar applications for various types of temporary open storage uses with or without warehouse and/or ancillary workshop uses in this part of the “U” zone had been considered by the Committee or the Board on review since the promulgation of TPB PG-No. 13E on 17.10.2008. Details of the applications are summarized in **Appendix IV** and the locations of the sites are shown on **Plan A-1a**.
- 7.2 There are 125 applications 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, 26 were revoked due to non-compliance with approval conditions.
- 7.3 The other 2 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-4b)

- 8.1 The Site is:
- (a) accessible via a local track leading from Shan Ha Road to its northwest (**Plans A-2 and A-3**);
 - (b) paved and fenced off; and
 - (c) currently occupied for the applied use with a planning permission under application No. A/YL-TYST/906 with validity up to 17.8.2021.
- 8.2 The surrounding areas have the following characteristics:
- (a) mixed with open storage yards, warehouses, parking of vehicles, scattered residential structures, vacant small houses, and vacant and unused land;
 - (b) there are scattered residential structures in its vicinity with the nearest one located to its west (about 20m away) (**Plan A-2**);
 - (c) to its east at an elevated level is a nullah with Lam Tai East Road and Lam Tai West Road on its sides;

- (d) there are open storage yards located to the north, northeast and south of the Site operating under valid planning permissions No. A/YL-TYST/794, 835, 846 and 919;
- (e) except for the open storage yards covered by valid planning permissions, the other open storage yards, warehouses, parking of vehicles are suspected unauthorized developments subject to enforcement action taken by the Planning Authority.

9. Planning Intentions

- 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 generated 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 recognized villages and areas of land considered suitable for village expansion. Land within the zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within the 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 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 324 in D.D. 119 is covered by Short Term Waiver (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)”.
- (c) Lots 325 and 326 in D.D. 119 are covered by STWs No. 3134 and 3135 respectively to permit structures erected thereon for the purpose of “Storage and Ancillary Use”.
- (d) The Site is accessible from Shan Ha Road via government land (GL) and private land. Her office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site.

- (e) According to her record, there is no Small House (SH) application approved or under processing within the Site. In the vicinity (about 30m) of the Site, 5 SH applications have been approved and 1 SH application is received and under processing.
- (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. The owner(s) of the lot 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 as landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by her department.

Traffic

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

- (a) The land status of the access road/path/track leading to the Site from Shan Ha Road shall be checked with the lands authority.
- (b) The management and maintenance responsibilities of the access road/path/track shall be clarified and consulted with the relevant management and maintenance authorities accordingly.
- (c) The applicant is reminded that sufficient space within the Site should be provided for manoeuvring of vehicles. In addition, no vehicle queuing, parking 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) According to the information provided by the applicant, the recycling materials, used electrical and electronic appliances and parts will be loaded/unloaded, processed and stored under shelter on paved area only. There will be no dismantling, repairing, cleaning, except ancillary workshop for grinding wire cables and packaging activities. Together with the proper handling of the recycled materials, the above proposed measures are considered appropriate in preventing soil and ground water contamination and should be properly implemented.
- (b) However, in accordance with the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”, he does not support the application as there are sensitive receivers of residential use in the vicinity (with the nearest one located about 20m west of the Site) (**Plan A-2**), and environmental nuisance is expected.
- (c) There is no environmental complaint concerning the Site received in the past 3 years.
- (d) 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” to minimize any potential environmental nuisances.
- (e) The applicant should be reminded of his obligation of the compliance with all relevant environmental pollution control ordinance and to apply for the licence/ permit for disposal of e-waste as defined under the Waste Disposal Ordinance as necessary.

Landscape

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

- (a) The Site located in Tong Yan San Tusen, falls within an area zoned “U” and “V” on the approved Tong Yan San Tsuen OZP No. S/YL-TYST/12, seeking approval for the proposed temporary open storage with ancillary workshop and packaging activities for a period of 3 years. The Site is subject to 8 previous approved applications (No. A/YL-TYST/186, 296, 404, 489, 544, 603, 748 and 906) for similar open storage uses.
- (b) The site area is about 4,100m². With reference to the information submitted and aerial photo taken in August 2018, the temporary open storage is already in use and some existing trees along the eastern boundary are proposed to be preserved.

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

- (c) Since the Site is surrounded by other temporary open storage sites and there is no major public frontage along the boundary, it is considered not necessary to impose a landscape condition as its effect on enhancing the quality of public realm is not apparent. Should the Board approve this application, the applicant should be advised to maintain all the existing trees and landscape plantings within the Site at all times during the planning approval period.
- (d) The applicant is advised that the approval of the landscape proposal does not imply approval of tree works such as pruning, transplanting and felling under lease. Tree removal applications should be submitted direct to DLO for approval.
- (e) The applicant is reminded of the importance of undertaking proper tree care for the existing trees. Useful information published by the Greening, Landscape & Tree Management Section, Development Bureau on general tree maintenance and tree risk management is available for reference in the following links:
 - 護養樹木的簡易圖解:
http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf
 - 樹木管理手冊:
https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html
 - 樹木風險評估及管理安排:
https://www.greening.gov.hk/tc/tree_care/tra_arrangements.html
 - 護養樹木 保障安全:
http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Chinese_Leaflet_Big_font_size_v1_2012_03_29.pdf
 - 減低樹木風險的樹木護養簡易圖解:
[http://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk\(eng\).pdf](http://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk(eng).pdf)

Nature Conservation

10.1.6 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) As the Site has been hard-paved and occupied for the same applied uses as previously approved, he has no comment on the application from nature conservation point of view.
- (b) Should the application be approved, the applicant is advised to adopt good site practices and implement necessary measure to avoid affecting the watercourses within (if any) and in vicinity of the Site.

Drainage

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

- (a) Based on the Supplementary Planning Statement (**Appendix Ia**) enclosed in the application, apparently the applicant would maintain the same drainage facilities as those implemented under previous application No. A/YL-TYST/906.
- (b) In view of the above, he has no objection in principle to the applied 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 implemented under application No. A/YL-TYST/906 and the submission of condition record 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

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

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

10.1.9 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 unauthorised 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 his department to effect their removal in accordance with his department'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

10.1.10 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 “Special Residential – Public Rental Housing (with Commercial)” (“RSc”), “Local Open Space” (“LO”), “District Open Space” (“DO”) 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.

10.1.11 Comments of the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD):

- (a) He has no objection to the application.
- (b) However, the Site falls within the boundary of the proposed YLS Development- Stage 2. The YLS Development would provide land to meet the medium to long term housing needs of Hong Kong. The applicant shall be reminded that extension of the planning permission may not be supported in future when the detailed implementation programme of works in the Site under YLS Development- Stage 2 is formulated.

District Officer’s Comments

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

His office has not received any comment from the locals on 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) Commissioner of Police (C of P); and
- (c) Director of Electrical and Mechanical Services (DEMS).

11. Public Comment Received During the Statutory Publication Period

On 9.11.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 30.11.2018, no public comment was received.

12. Planning Considerations and Assessments

12.1 The application is for temporary open storage of recycling materials (metal, plastic and paper) and used electrical/electronic appliances and parts with ancillary workshop and packaging activities. The majority of the Site (about 94%) falls within an area zoned “U” with only a minor portion (about 6%) straddling the adjacent “V” zone. The applied use is not in conflict with the planning intention of the “U” zone which is generally intended for open storage use but is designated with this zoning mainly due to concerns of the capacity of Kung Um Road. In this regard, C for T has no adverse comment on the application. Whilst the Site falls within an area zoned as “RSc”, “LO”, “DO” and an area shown as ‘Road’ on the RODP of YLS promulgated on 8.8.2017 and partly outside the development area of YLS, 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 6%) falling within the “V” zone, this portion has been included in the eight 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, approval of the application on a temporary basis of 3 years would not jeopardize the long-term development of the area nor affect the land availability for village type development.

12.2 The surrounding areas of the Site are mainly occupied by open storage and warehouse uses. There are open storage yards located to the north, northeast and south of the Site that 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, majority of the Site falls within Category 1 areas (i.e. about 94% in the “U” zone) with a minor portion straddling the Category 4 areas (i.e. about 6% in the “V” zone). 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.

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.

- 12.4 The application is generally in line with TPB PG-No. 13E in that the majority of the Site (about 94%) falls within Category 1 areas which are considered suitable for open storage and port back-up use; relevant proposals have been submitted to demonstrate that the proposed use would not generate adverse impacts; and the technical concerns of relevant government departments could be addressed through the implementation of approval conditions.
- 12.5 There is no adverse comment on the application from concerned government departments, except DEP. DEP does not support the application as there are sensitive receivers of residential use in the vicinity of the Site, with the nearest one located about 20m to its west (**Plan A-2**), and environmental nuisance is expected. However, there has been no environmental complaint concerning the Site received in the past 3 years. To address the concerns on the possible environmental nuisances generated by the temporary use or to address the technical requirements of other concerned government departments, relevant approval conditions are recommended in paragraph 13.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorised 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 minimise any potential environmental nuisances.
- 12.6 As the Committee has approved eight similar uses covering the Site and 125 similar applications for open storage uses in the vicinity of the Site, approval of the subject application is considered in line with the Committee’s previous decisions.
- 12.7 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 above, the Planning Department considers that the temporary open storage of recycling materials (metal, plastic and paper) and used electrical/electronic appliances and parts with ancillary workshop and 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 21.12.2021. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation between 11:00 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 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;
- (d) no dismantling, repairing and cleansing activities, except ancillary workshop and packaging activities, as proposed by the applicant, are allowed on the Site at any time during the planning approval period;
- (e) no loading/unloading activities are allowed at Structures No. 1 and 2 on 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 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 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 21.3.2019;
- (j) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within **6 weeks** from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 1.2.2019;
- (k) the submission of 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 21.6.2019;
- (l) in relation to (k) above, the implementation of 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 21.9.2019;
- (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; and

- (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.

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 1.11.2018
Appendix Ia	Supplementary Planning Statement
Appendix Ib	Supplementary Information received on 1.11.2018 clarifying the use of Structure No. 1 and the floor area of Structure No. 15
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	Location Plan with Vehicular Access
Drawing A-2	Layout Plan
Drawing A-3	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 and A-4b	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2018**