

RNTPC Paper No. A/YL-TYST/935
For Consideration by
the Rural and New Town
Planning Committee
on 18.1.2019

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/935

<u>Applicant</u>	: Tang Mo Pun represented by Metro Planning and Development Company Limited
<u>Site</u>	: Lots 2428RP (Part), 2429 S.D (Part), 2704 S.A & S.B (Part), 2705 (Part), 2712 S.A (Part), 2712 S.B (Part), 2713 (Part), 2714 (Part), 2716 RP (Part), 2717 RP (Part) and 2718 RP (Part) in D.D. 1204 and adjoining Government Land, Shan Ha Tsuen, Yuen Long, New Territories
<u>Site Area</u>	: 4,008m ² (about) (including about 88 m ² of Government land)
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/12
<u>Zoning</u>	: “Undetermined” (“U”)
<u>Application</u>	: Temporary Open Storage of Construction Machinery and Construction Materials with Ancillary Workshop and Office for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary open storage of construction machinery and construction materials with ancillary workshop and office for a period of 3 years. The Site falls within an area zoned “Undetermined” (“U”) on the approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/12. 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 a valid planning permission as previous application permission (Application No. A/YL-TYST/768) lapsed on 18.12.2018 (**Plans A-1a and A-1b**).
- 1.2 The Site was involved in seven previous applications (No. A/YL-TYST/110, 458, 516, 564, 626, 768 and 838) covering sites of different extents. The previous application (No. A/YL-TYST/768) covering almost the same site as the current application for the same development, was approved with conditions by the Rural

and New Town Planning Committee (the Committee) of the Board for a period of 3 years on 18.12.2015 (**Plan A-1b**). All the time-limited approval conditions under the previous application (A/YL-TYST/768) have been complied with and the permission lapsed on 18.12.2018. Details of the previous applications are at paragraph 6 and **Appendix III**. Compared with the previous application (No. A/YL-TYST/768), the current application is submitted by the same applicant for the same open storage use with same site layout on almost the same site with the same development parameters.

1.3 The Site is accessible via a local track from Shan Ha Road to its west and is partitioned into 2 compartments with separate ingresses/egresses at its northern and northwestern peripheries (**Plans A-2 and A-3 and Drawing A-1**). According to the applicant, the items stored at the Site include metal pipes, I-beams, cranes and elevated platforms. The on-site temporary structures are mainly for site office, guard room and storage uses with ancillary workshop at Structure 1 for welding of metal (**Drawing A-2**). No heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, is allowed to enter the Site. No storage and handling (including loading and unloading) of used electrical appliances, electronic and computer wastes will be carried out within the Site. A 2.5m-high corrugated metal sheets boundary fence has been erected along the site periphery. The applicant also undertakes to preserve and maintain the condition of all existing trees on-site and to maintain the as-built drainage facilities. Plans showing the vehicular access leading to the Site, site layout, landscape and tree preservation proposal and as-built drainage facilities submitted by the applicant are at **Drawings A-1 to A-4**.

1.4 The major development parameters of the previously approved application and the current application are summarized as follows:

Major Development Parameters	Previously Approved Application No. A/YL-TYST/768 (a)	Current Application No. A/YL-TYST/935 (b)	Difference (b)-(a)
Applied Use	Temporary Open Storage of Construction Machinery and Construction Materials with Ancillary Workshop and Office for a Period of 3 Years		
Site Area	3,978 m ²	4,008 m ²	+30 m ²
Total Floor Area (Non-domestic)	614 m ²		---
No. of Structures	5		---
Height of Structures	3.5m to 6.5m (1 storey)		---
Parking Spaces	4 (for private cars/light goods vehicles)		---
Loading/Unloading Space	1 (for medium goods vehicle)		---
Operation Hours	8:00 a.m. to 11:00 p.m. with no operation on Sundays and Public Holidays	9:00 a.m. to 11:00 p.m. with no operation on Sundays and Public Holidays	Changed from 8am to 9am

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

- (a) Application Form received on 27.11.2018 (Appendix I)
- (b) Supplementary Planning Statement (Appendix Ia)

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in Section 3 of the Supplementary Planning Statement in **Appendix Ia**. They can be summarized as follows:

- (a) The applicant claims that he is a law-abiding person and has shown his sincerity by complying with all the planning conditions in the previous approved application (Application No. A/YL-TYST/768).
- (b) According to the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13E), the Site falls within Category 1 areas and is considered suitable for open storage and port back-up uses. Preliminary technical assessments on traffic, drainage, visual and environmental aspects are provided in the submission to demonstrate that the development would not generate adverse impacts on the surrounding areas. It is considered that the development should have fulfilled the guidelines to a large extent and should be given favorable consideration by the Board.
- (c) The development is in line with the planning intention of the “U” zone which is to cater for the continuing demand for open storage uses which cannot be accommodated in conventional godown premises. The subject “U” zone is mainly occupied by open storage uses to the north, south and east. There are also a number of similar applications (e.g. Applications No. A/YL-TYST/769, 817, 826, 838, 853, 895 and 897) which were approved by the Board in the same “U” zone. Therefore, the development is in line with the planning intention of the “U” zone and is compatible with the surrounding environment. Taking into consideration that there is a shortage of land for open storage purpose in Tong Yan San Tsuen and the storage items at the Site are bulky and cannot be easily accommodated in conventional industrial and godown premises, sympathetic consideration of the application is sought.
- (d) There will be minimal environmental, drainage and traffic impacts. A number of environmental mitigation measures including restrictions on operation hours and use of heavy good vehicles exceeding 24 tonnes and container tractor/trailer are proposed. The applicant will undertake to preserve and maintain the condition of all the existing trees on-site and to maintain the as-built drainage facilities at his own expense. The negligible increase in traffic would not aggravate the traffic condition of Shan Ha Road and nearby road networks.

3. **Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s

Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting a notice of the application outside the Site and sending the notice to the Ping Shan Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines 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 use in the Site is not subject to planning enforcement action. Follow-up investigation will be taken upon expiry of the current planning permission if the subject application is not approved by the Board.

6. Previous Applications

- 6.1 The Site was involved in 7 previous applications (No. A/YL-TYST/110, 458, 516, 564, 626, 768 and 838) for temporary open storage use with or without ancillary workshop and office submitted by various applicants covering sites of different extents. 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/110 for temporary open storage of construction materials and machinery covering a larger site was approved with conditions by the Committee on 25.8.2000 for a period of 2 years on the consideration that the proposed development was in line with the planning intention of the “U” zone. However, the planning approval was revoked on 25.5.2001 due to non-compliance with the approval conditions on the landscaping and drainage aspects.
- 6.3 Applications No. A/YL-TYST/458 and 516 for similar temporary open storage uses covering larger sites were approved with conditions by the Committee each for a period of 1 year on 9.10.2009 and 28.1.2011 respectively on the considerations that the applications were generally in line with TPB PG-No. 13E in that the temporary approval of the application would not frustrate the long-term use of the area; the proposed development was not incompatible with the surrounding areas; Government departments consulted generally had no adverse comment on the application; and the concerns of relevant departments were technical in nature which could be addressed through the imposition of approval conditions. However, both planning permissions were revoked on 9.8.2010 and 24.6.2011 respectively due to non-compliance with approval conditions on the implementation of drainage facilities and prohibiting open storage within 20m from the northern and western boundaries of the Site adjoining the “Village Type Development” (“V”) zone respectively.

- 6.4 Application No. A/YL-TYST/564 for temporary open storage of construction machinery, construction materials and recycled materials (including metal and plastic) with ancillary workshop covering a larger site was rejected by the Board on review on 31.8.2012 for reasons that the applicant could not demonstrate that the development would not generate adverse environmental, drainage and fire safety impacts on the surrounding areas or such impacts could be addressed through the imposition of approval conditions; there were adverse departmental comments on the application; and approval of the application with repeated non-compliances would set an undesirable precedent thus nullifying planning control.
- 6.5 Applications No. A/YL-TYST/626, 768 and 838 for similar open storage were approved with conditions for a period of 3 years by the Committee on 21.12.2012, 18.12.2015 and 26.5.2017 respectively on similar considerations as those for Applications No. A/YL-TYST/458 and 516. All the time-limited approval conditions have been complied with and the planning permissions were valid up to 21.12.2015, 18.12.2018 and 26.5.2020 respectively. Application No. A/YL-TYST/458 covers a larger site, Application No. A/YL-TYST/768 covers almost the same site as the current application and Application No. A/YL-TYST/838 only covers a very small part of the Site.
- 6.6 Compared with the previous application (No. A/YL-TYST/768), the current application is submitted by the same applicant on almost the same site with same site layout and development parameters.

7. Similar Applications

- 7.1 A total of 128 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 127 applications for temporary 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, 25 were revoked due to non-compliance with approval conditions.
- 7.3 1 application was rejected mainly on the reasons, amongst others, that approval of the application with repeated non-compliances would set an undesirable precedent.
- 7.4 For Members' information, Application No. A/YL-TYST/937 for temporary open storage of construction materials and machinery, vehicle spare parts and recyclable materials (including plastic goods, paper and metal) with ancillary workshop and office for a period of 3 years 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 from Shan Ha Road to its west;
- (b) paved and fenced off;
- (c) currently partitioned into 2 compartments by corrugated metal fencing and occupied for the applied uses; and
- (d) currently not covered by valid planning permission as the previous application applied for the same open storage use lapsed on 18.12.2018.

8.2 The surrounding areas have the following characteristics (**Plan A-2**):

- (a) mixed with open storage/storage yards and residential structures;
- (b) there are residential structures in its vicinity with the nearest one located to its further east on the other side of the existing nullah/access road (about 60m away);
- (c) to its east, southeast and northeast across the Lam Tei West/East Road and to its west, northwest and southwest are open storage yards operated within planning approvals under Applications No. A/YL-TYST/775, 838, 840, 853, 875, 882, 895 and 897) (**Plan A-2**);
- (d) the “V” zone of Shan Ha Tsuen is located about 120m to the west of the Site (**Plan A-1a**);
- (e) about 15m to its east is a nullah with Lam Tai East Road and Lam Tai West Road on its sides; and
- (f) the other open storage/storage yards in the vicinity of the Site are mostly 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 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.

10. Comments from Relevant Government Departments

10.1 The following government departments have been consulted and their views on the application are summarised as follows:

Land Administration

10.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site comprises Government Land (GL) and Old Schedule Agriculture 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) Lot No. 2428 RP in D.D. 120 is covered by Short Term Wavier (STW) No. 3995 which permits the structure(s) erected thereon for the purpose of “Temporary Open Storage of Construction Machinery and Material”.
- (c) *Lot Nos. ~~Lots No. 2428RP,~~ 2704 S.A **and** & S.B, 2712 S.A, 2713, 2714 and GL all in D.D. 120 are covered by STWs No. 4367, 4368, 4369, 4370 and Short Term Tenancy (STT) No. 2938 respectively which permits the structure(s) erected thereon for the purpose of “Temporary Open Storage of Construction Machinery, Construction Material, Recyclable Materials (including Paper, Metal and Plastic) with Ancillary Workshop and Office”.*
- (d) The Site is accessible from Shan Ha Road via private land and GL. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site.
- (e) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (f) Should planning approval be given to the subject application, the STW/STT holder(s) will need to apply to his office for modification of the STW/STT conditions where appropriate. The owner(s) of the lots without STW will need to apply to his 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. Application(s) for any of the above 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/trailers, should be allowed to park or enter/exit the Site.
- (b) The land status of the access road/path/track leading to the Site from Sha Ha 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 to the Site from Shan Ha Road should be commented by the Transport Department.
- (b) Adequate drainage measure should be provided at the Site 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.

Natural Conservation and Agriculture

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

As the Site is paved and used for open storage for some years, he has no comment on the application from nature conservation point of view.

Environment

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

- (a) DEP does not support the application as there are sensitive receivers of residential use in the vicinity (with the nearest about 60m away to the east of Lam Tai East Road across the nullah) (**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 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

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

- (a) Based on the planning statement enclosed in the application (**Drawing A-4**), apparently the applicant would maintain the same drainage facilities as those implemented under previous planning application No. A/YL-TYST/768.
- (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 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

10.1.7 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 of provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of D of FS shall be added; and the applicant is advised to submit a valid fire certificate (FS 251) to his department for approval.
- (e) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Building Matters

10.1.8 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Buildings Department(BD), they are unauthorized buildings works (UBW) under the Buildings Department (BD), and should not be designated for any proposed use under the application.
- (b) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.
- (c) 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.
- (d) 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.
- (e) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

Others

10.1.9 Comments of the Chief Engineer/Cross-Boundary Infrastructure and Development, Planning Department (CE/CID, PlanD):

- (a) CEDD and PlanD jointly commissioned the "Planning and Engineering Study for Housing Sites in Yuen Long South (YLS) - Investigation" (the Study). According to the Recommended Outline Development Plan (RODP) of YLS promulgated on 8.8.2017, the Site falls within areas zoned as "Residential - Zone 1 (with Commercial)" ("R1c"), "Special Residential - Public Rental Housing (with Commercial)" ("RSc") and an area shown as 'Road'.
- (b) The objective of YLS is to transform the degraded rural land predominantly occupied by brownfield operations including open storage yards, warehouses and rural industrial uses into housing and other uses with supporting infrastructure and community

facilities, and to improve the existing environment. It is noted that the application is for temporary use for a period of 3 years. In considering the application for temporary uses, due consideration should be given on the possible implication on land clearance which would affect the future implementation of YLS. The implementation programme of YLS should be commented by CEDD.

10.1.10 Comments of 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 project boundary of the proposed Yuen Long South Development – Stage 2. The Yuen Long South 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 Yuen Long South Development – Stage 2 is formulated.

District Officer's Comments

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

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

11. Public Comment Received During the Statutory Publication Period

On 7.12.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 28.12.2018, no public comment was received from members of the public.

12. Planning Considerations and Assessments

12.1 The subject application is for temporary open storage of construction machinery and construction materials with ancillary workshop and office 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. Approval of the application on a temporary basis of 3 years would not jeopardise the long-term development of the area. Whilst the Site falls within the areas zoned

“R1c” and “RSc”, and area shown as ‘Road’ on the RODP of YLS promulgated on 8.8.2017, CE/CID of PlanD does not raise objection to the application and PM(W) of CEDD has no objection to the proposed temporary use for 3 years. Approval of the application on a temporary basis of 3 years would not jeopardise the long-term development of the area..

- 12.2 The subject “U” zone is mainly occupied by open storage and warehouse uses and similar uses are found in the vicinity of the Site. There are various open storage uses located to the east, southeast and northeast across the Lam Tei West/East Road and to its west, northwest and southwest 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.
- 12.3 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 60m to its east (**Plan A-2**), and environmental nuisance is expected. However, there has been no environmental complaint concerning the Site received in the past 3 years. To address the concerns on the possible environmental nuisances generated by the temporary use or to address the technical requirements of other concerned government departments, relevant approval conditions are recommended in paragraph 13.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorized development on the Site will be subject to enforcement action by the Planning Authority. Should the planning application be approved, the applicant will also be advised to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimise any potential environmental impact.
- 12.4 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.
- 12.5 The application is also generally in line with TPB PG-No. 13E in that the Site falls within Category 1 areas which are considered suitable for open storage and port back-up use; relevant proposals have been submitted to demonstrate that the proposed use would not generate adverse impacts; and the technical concerns of relevant government departments could be addressed through the implementation of approval conditions.
- 12.6 The approval conditions of previous application (No. A/YL-TYST/768) have been complied with by the applicant and the permission lapsed on 18.12.2018. As the Committee has approved 6 similar uses covering the Site and 127 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 were 2 applications rejected by the Committee mainly

on the grounds that, amongst others, approval of the application with repeated non-compliances would set an undesirable precedent.

- 12.7 There is no public comment received on the application during 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 construction machinery and construction materials with ancillary workshop and office could be tolerated for a period of 3 years.

13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years until 18.1.2022. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 11:00 p.m. and 9:00 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 workshop activities, except in Structure No. 1, as proposed by the applicant, are allowed at any time during the planning approval period;
- (d) no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, is allowed to be parked/stored on or enter/exit the Site, as proposed by the applicant, at any time during the planning approval period;
- (e) no storage or handling (including loading and unloading) of used electrical appliances and electronic and computer wastes, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse on public road at any time during the planning approval period;
- (g) all existing trees and landscape plantings within 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 existing boundary fence on the Site shall be maintained at all times during the planning approval period;
- (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 18.4.2019;

- (k) the provision of fire extinguisher(s) with a valid fire certificate (FS 251) within **6 weeks** from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 1.3.2019;
- (l) 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 18.7.2019;
- (m) in relation to (l) 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 18.10.2019;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) 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 (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 There is no strong reason to recommend rejection of the application.

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 27.11.2018
- Appendix Ia** Supplementary Planning Statement
- 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	Advisory Clauses
Drawing A-1	Plan showing the vehicular access leading to the Site
Drawing A-2	Proposed Layout Plan
Drawing A-3	Proposed Landscape & Tree Preservation Plan
Drawing A-4	As-built Drainage Plan
Plan A-1a and A-1b	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4a to A-4c	Site Photos

**PLANNING DEPARTMENT
JANUARY 2019**