

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-TYST/936**

<b><u>Applicant</u></b>	: Firefly Environmental Resources Recycle Limited represented by Top Bright Consultants Ltd.
<b><u>Site</u></b>	: Lots 1159 RP (Part), 1160 (Part), 1161, 1163 S.B (Part), 1164 RP (Part), 1174 (Part), 1175 (Part), 1181, 1182 and 1183 (Part) in D.D. 119, Kung Um Road, Yuen Long, New Territories
<b><u>Site Area</u></b>	: 8,043m <sup>2</sup> (about)
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/12
<b><u>Zoning</u></b>	: “Undetermined” (“U”)
<b><u>Application</u></b>	: Temporary Open Storage of Recycling Materials with Ancillary Workshop 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 recycling materials with ancillary workshop for a period of 3 years (**Plan A-1**). 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.
- 1.2 The Site is directly accessible from Kung Um Road via the main ingress/egress at the eastern part of the Site with an emergency exit provided at the north-eastern periphery (**Plans A-2, A-3 and Drawing A-1**). According to the applicant, the Site is mainly used for open storage of recyclable materials including plastic, metal and paper. It also involves ancillary workshop activities of consolidation, classification, dismantling and packaging of recyclable materials, which will be carried out under an open-sided canopy. The open storage activities are mainly located at the northern and western portions of the Site. As proposed by the applicant, no storage or handling of used electrical appliances, computer/electronic parts or any other types of electronic wastes will be allowed on the Site. Limited number of medium/heavy goods vehicle trips (about 5-6 trips) will be generated per day. Plans showing the

site layout and landscape and tree preservation proposal submitted by the applicant are at **Drawings A-1 and A-2**.

- 1.3 The Site was involved in 4 previous applications (No. A/YL-TYST/337, 381, 593 and 766) for temporary warehouse or open storage uses, which were approved with conditions for a period of 3 years by the Rural and New Town Planning Committee (the Committee) on 15.12.2006, 7.3.2008, 15.6.2012 and 4.12.2015 respectively (**Plan A-1**). However, the planning approvals of applications No. A/YL-TYST/337, 381 and 766 were subsequently revoked on 15.6.2008, 7.8.2009 and 4.11.2017 respectively due to non-compliance with approval conditions on vehicular access, drainage and fire safety aspects. Details of the previous applications are at paragraph 6 below and **Appendix III**. Compared with the last application, the current application is submitted by a different applicant for a different use.
- 1.4 The major development parameters of the previously approved application and the current application are summarized as follows:

<b>Major Development Parameters</b>	<b>Previously Approved Application No. A/YL-TYST/766 (a)</b>	<b>Current Application No. A/YL-TYST/936 (b)</b>	<b>Difference (b)-(a)</b>
Applied Use	Temporary Open Storage of Construction Materials with Ancillary Facilities (Including Site Office, Staff Restroom and Workshop) for a Period of 3 Years	Temporary Open Storage of Recycling Materials with Ancillary Workshop for a Period of 3 Years	No open storage of Construction Materials
Site Area	8,043m <sup>2</sup> (about)		---
	<ul style="list-style-type: none"> <li>• Uncovered Area: 7,429m<sup>2</sup> (about)</li> <li>• Covered Area: 614m<sup>2</sup> (about)</li> </ul>	<ul style="list-style-type: none"> <li>• Uncovered Area: 6,799m<sup>2</sup> (about)</li> <li>• Covered Area: 1,244m<sup>2</sup> (about)</li> </ul>	-630m <sup>2</sup> (-8.5%) +630m <sup>2</sup> (+103%)
Total Floor Area (Non-domestic)	About 657.5m <sup>2</sup>	About 1,244m <sup>2</sup>	+586.5m <sup>2</sup> (+89.2%)
No. and Height of Structures	4	11	+7 structures (+175%)
	<ul style="list-style-type: none"> <li>• one for site office and ancillary storage (5m, 2 storeys)</li> <li>• one for meter room (2.5m, 1 storey)</li> <li>• one for staff changing room and rest room (2.5m, 1 storey)</li> <li>• one for ancillary workshop with canopy (5m, 1 storey)</li> </ul>	<ul style="list-style-type: none"> <li>• one for storage of recyclable materials (5m, 1 storey)</li> <li>• one for ancillary site office and staff rest room (2.5m, 1 storey)</li> <li>• one for ancillary site office and storeroom (3.5m, 1 storey)</li> <li>• one for ancillary site office and washroom (2.5m, 1 storey)</li> <li>• two for ancillary workshop (6.7m, 1 storey)</li> </ul>	

		<ul style="list-style-type: none"> <li>• one for meter room (2.5m, 1 storey)</li> <li>• two for store room (2.5m, 1 storey)</li> <li>• one for washroom (2.5m, 1 storey)</li> <li>• one for ancillary site office (2.5m, 1 storey)</li> </ul>	
Parking Spaces	<ul style="list-style-type: none"> <li>• 2 (11m x 3.5m) (for medium/heavy goods vehicles)</li> <li>• 2 (5m x 2.5m) (for private cars)</li> </ul>	<ul style="list-style-type: none"> <li>• 6 (5m x 2.5m) (for private cars)</li> </ul>	+2
Loading/ Unloading Space	3	4 (11m x 3.5m) (for medium/heavy goods vehicle)	+1
Operation Hours	9:00a.m. to 6:00p.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 document:

- (a) Application Form received on 29.11.2018 **(Appendix I)**
- (b) Supplementary Planning Statement **(Appendix Ia)**
- (c) Supplementary information received on 29.11.2018 submitting a revised Layout Plan **(Drawing A-1)** **(Appendix Ib)**
- (d) Supplementary information received on 6.12.2018 clarifying that there would be 4 loading/unloading bays for medium/heavy goods vehicles **(Appendix Ic)**

## 2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Section 6 of the Supplementary Planning Statement in **Appendix Ia**. They can be summarized as follows:

- (a) The development is in line with the planning intention of the “U” zone. The Site is zoned “U” on the OZP and the area is pending further detailed studies and the preparation of detailed layout plan. The area to the west of Shan Ha Tsuen has also been recommended in the Yuen Long Plain Development Statement for open storage use. The subject application for temporary warehouse is in line with the planning intention of the “U” zone.
- (b) The Site falls within Stage 3 of the development schedule of the Yuen Long South (YLS) Development, whereby the clearance of the Site and its surrounding area will not be realised within the next 36 months. The temporary open storage use would not frustrate the future development within the area.

- (c) In view that there is a shortage of land for the recycling industry, the proposed development would contribute to achieving the government policy of waste recycling by private initiatives.
- (d) The Site falls within “Category 1 areas” under the Town Planning Board Guidelines No. 13E (TPB PG-No. 13E) which is considered suitable for open storage uses. The development complies with TPB PG-No. 13E in that neither adverse impacts nor adverse departmental comments/local objections are anticipated.
- (e) Part or whole of the Site has been approved on three previous occasions. The Board’s decision to approve the previous applications on the same site and a number of similar applications in the vicinity indicates that the proposed development is acceptable within the “U” zone.
- (f) All approval conditions imposed on the previous planning approval (No. A/YL-TYST/593) was complied with. Due to the relocation of the former operator before the expiry of the last application (No. A/YL-TYST/766), the last application was revoked. The current Applicant commits to comply with the approval conditions should the application be approved.
- (g) There is no sensitive receiver such as residential settlement in the immediate vicinity of the Site. The proposed development is compatible with other similar facilities in the immediate and adjacent areas in terms of its nature, land use and development intensity.
- (h) There will be no adverse environmental, visual, drainage or traffic impacts. The Site has been paved and fenced. Existing drainage facilities serving the Site were properly maintained by the applicant. Trip generation arising from the applied development will be low and heavy goods vehicles exceeding 24 tonnes and container tractor/trailer are not allowed to enter the Site.

### **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 Shap Pat Heung Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Town Planning Board Guidelines**

The Town Planning Board Guidelines No. 13E for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13E) 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 are attached at **Appendix II**.

## 5. **Background**

The Site is not subject to planning enforcement action except for a small portion at the west of the Site which is an unauthorized development and under enforcement action on unauthorized storage use for recycling materials. Enforcement Notice (EN) was issued on 12.11.2018 requiring the concerned landowners to discontinue the unauthorized development on site. The EN would expire on 11.2.2019. The case is under the Planning Authority's monitoring.

## 6. **Previous Applications**

- 6.1 The Site was involved in 4 previous applications (No. A/YL-TYST/337, 381, 593 and 766) for temporary warehouse or open storage uses, which were approved with conditions for a period of 3 years by the Committee on 15.12.2006, 7.3.2008, 15.6.2012 and 4.12.2015 respectively. Details of the applications are summarised in **Appendix III** and the boundaries of the Site are shown on **Plan A-1**.
- 6.2 Application No. A/YL-TYST/337 submitted by a different applicant for temporary warehouse for storage of old household electrical appliances and old computers covering the southern portion of the Site was approved with conditions for a period of 3 years by the Committee on 15.12.2006 mainly on the considerations that the development was not incompatible with the surrounding areas; the environmental concerns on the use and other departmental requirements/concerns could be addressed by imposing appropriate approval conditions. However, the planning permission was revoked on 15.6.2008 due to non-compliance with the approval condition requiring the submission of a vehicular access proposal.
- 6.3 The last 3 applications (No. A/YL-TYST/381, 593 and 766) were for temporary open storage of new household electrical appliances and furniture; temporary open storage of construction materials and machinery; and temporary open storage of construction materials with ancillary facilities respectively. The applications were approved by the Committee on 7.3.2008, 15.6.2012 and 4.12.2015 respectively on the consideration that the approval of the application would not frustrate the planning intention of the area; the applications were generally in line with TPB PG-No. 13E; and the concerns of relevant departments could be addressed by imposing relevant conditions. However, the planning approvals of applications No. A/YL-TYST/381 and 766 were subsequently revoked on 7.8.2009 and 4.11.2017 respectively due to non-compliance with approval conditions requiring the submission and implementation of fire service installations (FSIs) proposal and the implementation of drainage proposal.
- 6.4 Compared with the last application, the current application is submitted by a different applicant for a different open storage use on the same site with different site layout and development parameters (see comparison in paragraph 1.4 above).

## 7. **Similar Applications**

- 7.1 A total of 45 similar applications for various types of temporary open storage with or without warehouse and/or ancillary workshop/site office uses in this part of the

“U” zone had been considered by the Committee or the Board on review since the promulgation of TPB PG-No. 13E on 17.10.2008. Details of the applications are summarized in **Appendix IV** and the locations of the sites are shown on **Plan A-1**.

- 7.2 Of these 45 similar applications, 44 were approved mainly on similar considerations that they were generally in line with TPB PG-No.13E; the developments were not incompatible with the surrounding open storage/warehouse uses; and the concerns of relevant government departments could be addressed by imposing relevant approval conditions. However, amongst these approved applications, 17 were subsequently revoked due to non-compliance with approval conditions.
- 7.3 The remaining one similar application was rejected mainly on the grounds that the development would generate adverse environmental impact and was not compatible with the residential structures located in the vicinity.
- 7.4 For Members’ information, application No. A/YL-TYST/898 for temporary open storage of construction material with ancillary office for a period of 3 years to the north of the Site within the same “U” zone on the OZP will also be considered at this meeting (**Plan A-1**).

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

8.1 The Site is:

- (a) abutting and accessible from Kung Um Road via the main ingress/egress and emergency exit at the eastern and north-eastern boundaries respectively;
- (b) paved and fenced off; and
- (c) currently occupied for the applied use without valid planning permission.

8.2 The surrounding areas have the following characteristics:

- (a) comprise mainly of warehouses mixed with open storage yard, vehicle repair workshop, storages and vacant structures;
- (b) there are a few scattered residential structures in its vicinity with the nearest one located at about 30m to its south (**Plan A-2**);
- (c) there are 3 warehouses located to its immediate southwest, north and northeast which are operated with planning approval under Application No. A/YL-TYST/803, 831 and 867 respectively; and
- (d) across Kung Um Road to its east is an area zoned “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) on the approved Tai Tong OZP No. S/YL-TT/16.
- (e) Except for the aforementioned operations operating under valid planning permissions, the other open storage yard, vehicle repair workshop and storages in the vicinity 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 Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government.
- (b) Lots 1160 and 1161 in D.D. 119 are covered by Short Term Waiver (STW) No. 3665 and 3664 respectively to permit structures erected thereon for the purpose of “Open storage of construction materials and machinery and ancillary use”.
- (c) The Site is accessible from Kung Um Road via government land (GL) ~~and private land~~. Her office provides no maintenance works for the GL involved nor guarantees any right-of-way over the GL to the Site.
- (d) The Site does not fall within the 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. 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) No heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, should be allowed to park or enter/exit the Site.
- (b) The operation hours should be restricted from 9:00 a.m. to 6:00 p.m. from Mondays to Saturdays, and no operation on Sundays and public holidays as proposed by the applicant.
- (c) 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) In accordance with the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” (Code of Practice), he does not support the application as there are sensitive receivers of residential use in the vicinity (with the nearest one located about 30m southwest of the Site) (**Plan A-2**) with heavy vehicles involved; environmental nuisance is expected.
- (b) There was no environmental complaint concerning the Site received in the past three years.
- (c) Should the planning application be approved, the applicant will be advised to follow the relevant mitigation measures and requirements in the latest Code of Practice to minimize any potential environmental nuisances.

### **Drainage**



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

- (a) He has no objection in principle to the proposed development from the public drainage point of view.
- (b) Should the Board consider that the application is acceptable from the planning point of view, approval conditions requiring the submission of a drainage proposal, and implementation and maintenance of the drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board should be stipulated.

**Fire Safety**

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

- (a) He has no objection 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.
  - (iii) The good practice guidelines for open storage attached in **Appendix V** should be adhered to.
- (c) Due to 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 incorporated if the application is approved. To address this approval condition, the applicant is advised to submit a valid fire certificate (FS 251) to his department for approval.
- (d) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire services requirements will be formulated upon receipt of formal submission of general building plans.

**Building Matters**

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

- (a) As there is no record of approval by the Building Authority for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application.
- (b) The applicant's attention is drawn to the following points:
  - (i) If the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of the Buildings Department (BD), they are unauthorized building works (UBW) under 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 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 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 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 BO.
  - (iv) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively.
  - (v) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

### **Others**

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

- (a) CEDD and PlanD jointly commissioned the "Planning and Engineering Study for Housing Sites in Yuen Long South – Investigation" (the Study). According to the Recommended Outline Development Plan (RODP) of YLS promulgated on 8 August 2017, the subject site falls within areas zoned as "Education" ("E"), "Local Open Space" ("LO") and "District Open Space" ("DO"), and an area shown as 'Road'.

- (b) The objective of YLS is to transform the degraded rural land predominantly occupied by brownfield operations including open storage yards, warehouses and rural industrial uses into housing and other uses with supporting infrastructure and community facilities, and to improve the existing environment. It is noted that the application is for temporary use for a period of 3 years. In considering the application for temporary uses, due consideration should be given on the possible implication on land clearance which would affect the future implementation of YLS.

10.1.9 Comments of the Project Manager (New Territories West), Civil Engineering and Development Department (PM(NTW), CEDD):

His department has no objection to the subject application. However, the Site falls within the boundary of the proposed YLS Development – Stage 3. The YLS Development would provide land to meet the medium to long term housing needs of Hong Kong and its detailed implementation programme with phasing and packaging of works for YLS Development is being formulated.

**District Officer's Comments**

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

His office has not received any comment from the village representatives in the vicinity regarding the application.

10.2 The following Government departments have no comment to 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 11.12.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 2.1.2019, no public comment was received.

**12. Planning Considerations and Assessments**

- 12.1 The application is for temporary open storage of recycling materials with ancillary workshop. The Site falls within an area zoned “U”. 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 “E”, “LO” and “DO”, and

an area shown as 'Road' on the RODP of YLS promulgated on 8.8.2017, CE/CID of PlanD does not raise objection to the application and PM(W) of CEDD has no objection to the proposed temporary use for 3 years. As such, approval of the application on a temporary basis of 3 years would not jeopardize the long-term development of the area.

12.2 The surrounding areas comprise mainly of warehouses intermixed with open storage yard, vehicle repair workshop, storages, a few scattered residential structures and vacant structures. There are 3 warehouses located to its immediate southwest, north and northeast, which are operated with valid planning permissions (**Plan A-2**). As such, the development is generally not incompatible with the surrounding uses in the subject "U" zone comprising similar open storage and warehouse 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; relevant proposals have been submitted to demonstrate that the proposed use would not generate adverse impacts; and the technical concerns of relevant government departments including that of C of T, CE/MD, DSD and CTP/UD&L, PlanD, could be addressed through the implementation of approval conditions as 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.

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 (**Plan A-2**) with heavy vehicles involved; environmental nuisance is expected. However, there has been no environmental complaint concerning the Site received in the past three years. Should the planning application be approved by the Committee, in order to address the concerns on the possible environmental nuisances generated by the temporary use, the applicant will be advised to follow the relevant mitigation measures and requirements in the Code of Practice in order to minimize any potential environmental impact, and to keep the Site clean and tidy at all times (**Appendix VI**).

12.5 Given that four previous approvals have been granted to various parts of the Site for similar uses and 44 similar applications for open storage uses in the vicinity of the Site have been approved by the Committee or the Board on review, approval of this application is considered in line with the Committee's previous decisions.

12.6 There is no public comment received 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 with ancillary workshop 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 6:00 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 repairing, cleansing or other workshop activities, except ancillary workshop activities of consolidation, classification, dismantling and packaging of recycling materials, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (d) no storage or handling (including loading and unloading) of electronic waste and used electrical appliances, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (e) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site, as proposed by the applicant, at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the submission of a drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 18.7.2019;
- (h) in relation to (g) above, the implementation of the drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 18.10.2019;
- (i) in relation to (h) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (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 1.3.2019;

- (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 18.7.2019;
- (l) in relation to (k) 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 18.10.2019;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f) 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;
- (n) if any of the above planning conditions (g), (h), (j), (k) and (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and

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 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 with plans received on 29.11.2018
- Appendix Ia** Supplementary Planning Statement

<b>Appendix Ib</b>	Supplementary information received on 29.11.2018 submitting a revised Layout Plan
<b>Appendix Ic</b>	Supplementary information received on 6.12.2018 clarifying that there would be 4 loading/unloading bays for medium/heavy goods vehicles
<b>Appendix II</b>	Relevant extracts of Town Planning Board Guidelines No. 13E for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13E)
<b>Appendix III</b>	Previous Applications covering the Site
<b>Appendix IV</b>	Similar applications in this part of the “U” zone on the Tong Yan San Tsuen OZP since the promulgation of TPB PG-No. 13E
<b>Appendix V</b>	The Good Practice Guidelines for Open Storage Sites
<b>Appendix VI</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Site Layout Plan
<b>Drawing A-2</b>	Proposed Landscape and Tree Preservation Proposal
<b>Plan A-1</b>	Location Plan with Similar Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4a to A-4c</b>	Site Photos

**PLANNING DEPARTMENT  
JANUARY 2019**