

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

**APPLICATION NO. A/YL-TYST/937**

- Applicant** : Hang Sing Limited represented by Metro Planning and Development Company Limited
- Site** : Lots 1433 S.A (Part), 1433 S.B, 1433 S.C (Part), 1433 S.D (Part), 1433 RP (Part), 1434 RP (Part), 1438 S.A RP (Part), 1438 S.B RP (Part), 1438 S.D (Part), 1438 S.E (Part), 1438 S.F, 1438 S.G, 1438 S.H (Part) and 1438 RP (Part) in D.D.119 and Lot 1658 S.C (Part) in D.D. 121, Shan Ha Tsuen, Yuen Long, New Territories
- Site Area** : 1,310m<sup>2</sup> (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen Outline Zoning Plan No. S/YL-TYST/12
- Zoning** : “Undetermined” (“U”) (about 97.4 %)  
  
“Village Type Development (“V”) (about 2.6 %)  
[restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : 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

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) 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. The Site is currently occupied for the applied use without a valid planning permission as previous application permission lapsed on 18.12.2018 (**Plans A-1a and A-1b**).
- 1.2 The Site was involved in five previous applications (No. A/YL-TYST/327, 422, 451, 617 and 769) for various temporary open storage with/without ancillary workshop. The last application (No. A/YL-TYST/769) 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 last application have been complied with and the permission lapsed on 18.12.2018. Details of the previous application are at paragraph 6 and **Appendix III**. Compared with the last application, the current application is submitted by the same applicant for the same open storage use with same site layout on the same site with similar development parameters.

- 1.3 The Site is accessible via a local track from Shan Ha Road to its northwest and is partitioned into 3 compartments. Each compartment will have an individual ingress/egress leading to the local track (**Drawing A-2** and **Plans A-2** and **A-3**). According to the applicant, no dismantling, cleansing, repairing, paint spraying or workshop activities, except the ancillary workshop for packing and classification of the recyclable materials at Structure 2 (**Drawing A-2**), will be carried out at the Site. The other structures on site are for site office and guard room uses. There will be no open storage within the “V” zone portion of the Site at all times. No medium goods vehicles and heavy goods vehicles exceeding 5.5 tonnes and container tractor/trailer will be used for the operation of the Site. Also, no electronic wastes and used electrical appliances would be stored at the Site. 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:

<b>Major Development Parameters</b>	<b>Previously Approved Application No. A/YL-TYST/769 (a)</b>	<b>Current Application No. A/YL-TYST/937 (b)</b>	<b>Difference (b)-(a)</b>
Applied Use	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		---
Site Area	About 1,310 m <sup>2</sup>		---
Total Floor Area (Non-domestic)	290 m <sup>2</sup>	210 m <sup>2</sup>	-80 m <sup>2</sup>
No. of Structures	3		---
Height of Structures	4m to 6.5m (1 to 2 storeys)	4m to 6.5m (1 storey)	-1 storey
Loading/Unloading Space	1 (for private car/light goods vehicle)		---
Operation Hours	9:00 a.m. to 7:00 p.m. with no operation on Sundays and Public Holidays		---

- 1.5 In support of the application, the applicant has submitted the application form received on 30.11.2018 (**Appendix I**).

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in Part 9 of the Application Form in **Appendix I**. They can be summarized as follows:

- (a) The Site was involved in 5 planning applications (No. A/YL-TYST/327, 422, 451, 617 and 769) for open storage use and approval was granted since 2006. The applicant of the current planning application is the same as the last planning permission (No. A/YL-TYST/769) and has complied with all the planning conditions imposed on the last planning permission. Also, the planning circumstances pertaining to the Site remains unchanged since the approval of the last planning permission in 2015.
- (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 largely within Category 1 areas and is considered suitable for open storage and port back-up uses. Preliminary technical assessment on traffic aspect has been provided in the submission to demonstrate that the development would not generate significant amount of traffic. It is considered that the development should have fulfilled the guidelines to a large extent.
- (c) The proposed development conforms to the planning intention of the “U” zone. Only a very small portion of the Site encroaches onto the adjoining “V” zone. There are also a number of open storage yards which have been approved by the Board (e.g. Applications No. A/YL-TYST/794, 795, 817 and 826). Similar treatment should be given to the current application. Taking into consideration that there is a shortage of land for open storage purpose in Tong Yan San Tsuen, sympathetic consideration of the application is sought.
- (d) There will be minimal environmental, drainage and traffic impacts. No open storage will be carried out within the “V” zone at all times in order to mitigate the environmental nuisances generated by the development. Drainage facilities are complied with the drainage condition imposed to previous planning permission. 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 largely within Category 1 areas (i.e. about 97.4% of the Site in the “U” zone) with a minor portion falling within Category 4 areas (i.e. about 2.6% of the Site in the “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 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 5 previous applications (No. A/YL-TYST/327, 422, 451, 617 and 769) for various temporary open storage uses with/without ancillary workshop. The first three applications were submitted by various applicants whereas the last two applications were submitted by the same applicant as the current application. 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/327 for temporary open storage of generators on a site straddling the subject “U” and “V” zones was approved with conditions for a period of 2 years by the Committee on 18.8.2006 on the considerations that the proposed development was generally in line with the then TPB PG-13D; the concerns of relevant Government departments could be addressed by imposing approval conditions; and no open storage use was proposed within the “V” zone portion of the site. All the time-limited approval conditions have been complied with and the planning permission lapsed on 19.8.2008.
- 6.3 Applications No. A/YL-TYST/422, 451, 617 and 769 for temporary open storage of generators and/or construction materials and recyclable materials (including plastic goods, paper and metal) with or without ancillary workshop on slightly different sites were approved with conditions each for a period of 3 years by the Committee on 17.4.2009, 4.9.2009, 9.11.2012 and 18.12.2015 respectively on the considerations that the applied uses were generally in line with TPB PG-No. 13E in that the development was not incompatible with the surrounding areas; there were similar planning approvals in the area; other relevant departments (except DEP) had no adverse comments on the applications; the relevant departmental concerns could be addressed by imposition of approval conditions; and there was no local objection. However, the planning permission of application No. A/YL-TYST/422 was revoked on 26.6.2009 due to the non-compliance with approval condition of prohibiting the carrying out of dismantling, repairing, cleansing and workshop activities on the site. For the last three applications (No. A/YL-TYST/451, 617 and 769), all the approval conditions had been complied with and the planning permissions were valid up to 4.9.2012, 9.12.2015 and 18.12.2018 respectively.
- 6.4 Compared with the last application (No. A/YL-TYST/769), the current application is submitted by the same applicant for the same use on the same site, with similar development parameters.

## **7. Similar Applications**

- 7.1 A total of 129 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, 26 were revoked due to non-compliance with approval conditions.
- 7.3 The other 2 applications were 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/935 to the north of the current application for temporary open storage of construction machinery and construction materials 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-1 to A-4c)**

- 8.1 The Site is:
- (a) accessible via a local track from Shan Ha Road to its northwest (**Plan A-3**);
  - (b) paved and fenced off;
  - (c) currently partitioned into 3 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) the surrounding areas are mixed with open storage yards, warehouse, car park, residential structures and some vacant/unused land;
  - (b) there are residential structures in its vicinity with the nearest one located about 5m away to the west of the Site;
  - (c) the main village cluster of Shan Ha Tsuen is at about 375m to its northwest (**Plan A-1a**);

- (d) about 20m to its east is a nullah with Lam Tai East Road and Lam Tai West Road on its sides;
- (e) there are 3 open storage yards located to northeast, southeast and south which are operated with planning approvals under Applications No. A/YL-TYST/817, 826 and 795; and
- (f) the other open storage yards, warehouse and car park in the vicinity of the Site are mostly 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 this zone is primarily intended for development of Small Houses by indigenous villagers.

## **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 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) Lots No. 1433 S.C, 1433 S.B and 1433 RP in D.D. 119 are covered by Short Term Waviers (STWs) No. 4932 and 4933 respectively which permits the structure(s) erected thereon for the purpose of “Temporary Open Storage of Construction Material and Machinery, Vehicle Spare Parts and Recyclable Materials (including Plastic Goods, Paper and Metal) with Ancillary Workshop and Office”.
- (c) The Site is accessible from Shan Ha Road via private land and Government Land (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.

- (d) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (e) Should planning approval be given to the subject application, the STW holder(s) will need to apply to his office for modification of the STW 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 medium or heavy goods vehicle exceeding 5.5 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 Shan 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 hard-paved and occupied for the same applied use as previously approved, 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 one situated about 5m to its west) (**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/769.
- (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) 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) 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.
- (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) 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.
- (d) 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 YLS Study). According to the Recommended Outline Development Plan of YLS promulgated on 8.8.2017, the Site mainly falls within areas zoned as "Residential - Zone 6" ("R6") and "Local Open Space" ("LO"), 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. As regard the implementation programme of YLS, the advice of CEDD should be sought.

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

- (a) It is noted that majority of the Site falls within the boundary of Yuen Long South Development - Stage 1 (the project). To meet the target commencement of site formation works at the Site by Q2 of 2022, land clearance of the Site is planned to commence in Q3 of 2021 subject to Executive Council's authorization on land resumption and Finance Committee's funding approval of the project by early 2021 and mid 2021 respectively. Hence, he objects to the application unless the period of the proposed use/development by the applicant is granted till September 2021 only. Anyway, he will give sufficient notice to relevant department(s) for early termination of the Site if his works commence early. The applicant shall also be reminded that extension of the proposed use/development beyond September 2021 is unlikely to be supported in future.
- (b) Subsequently, CEDD is advised that the programme of land resumption would follow the project programme notwithstanding the validity period of the planning permission be granted and an advisory clause that 'the Site might be subject to land resumption for the implementation of the Yuen Long South Development which might take place at any time before the expiry of the temporary planning permission' is incorporated to remind the

applicant that the land might be resumed at any time during the planning approval period. He has no further comment on the application.

### **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 materials and machinery, vehicle spare parts and recyclable materials (including plastic goods, paper and metal) with ancillary workshop and office at the Site mainly zoned "U" (about 97.4%) on the OZP, i.e. Category 1 areas under TPB PG No. 13E, with only a minor portion (about 2.6%) straddling the adjacent "V" zone, i.e. Category 4 areas. The applied use is not in conflict with the planning intention of the "U" zone on the OZP which is generally intended for open storage use but is designated with this zoning mainly due to concerns of the capacity of Kung Um Road. In this regard, C for T has no adverse comment on the application. Whilst the Site falls within an area zoned as "R6" and "LO" on the RODP of YLS promulgated on 8.8.2017 and partly falls outside the development area of YLS, CE/CID of PlanD does not raise objection to the application. PM(2) of CEDD has no further comments on the application as the programme of land resumption would follow the project programme notwithstanding the validity period of the planning permission to be granted. As such, approval of the application on a temporary basis would not jeopardize the long-term development of the area. Should the application be approved, the applicant should be advised that the Site may be subject to land resumption for the implementation of YLS which may take place at any time before the expiry of the temporary planning permission.

12.2 The subject "U" zone is mainly occupied by open storage and warehouse uses and similar uses are found in the vicinity of the Site. There are various open storage uses located to the northeast, southeast and south 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 5m 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 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 majority of the Site falls within Category 1 areas (i.e. about 97.4% in the “U” zone) with a minor portion straddling the Category 4 areas (i.e. about 2.6% 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: applicants 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 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.

12.5 The application is generally in line with TPB PG-No. 13E in that the majority of the Site (about 97.4%) 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 last application (No. A/YL-TYST/769) have been complied with by the applicant and the permission lapsed on 18.12.2018. As the Committee has approved 5 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 are 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 materials and machinery, vehicle spare parts and recyclable materials (including plastic goods, paper and metal) with workshop and ancillary 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 7:00 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 open storage within the "Village Type Development" zone, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (d) no dismantling, cleansing, repairing, paint spraying or other workshop activities, except ancillary packing and classification of the recyclable materials activities at Structure No. 2 of the Site, as proposed by the applicant, are allowed on the Site at any time during the planning approval period;
- (e) no storage of electrical wastes and used electrical appliances, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (f) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be accessed the Site, as proposed by the applicant, at any time during the planning approval period;

- (g) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (h) the existing boundary fencing on the Site shall be maintained at all times during the planning approval period;
- (i) all existing trees and landscape plantings within the Site shall be maintained at all times during the planning approval period;
- (j) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (k) 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;
- (l) 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;
- (m) 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;
- (n) in relation to (m) 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;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h), (i) or (j) 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
- (p) if any of the above planning conditions (k), (l), (m) or (n) 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**

<b>Appendix I</b>	Application Form received on 30.11.2018
<b>Appendix II</b>	Relevant extract of the Town Planning Board Guidelines 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 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>	Advisory Clauses
<b>Drawing A-1</b>	Plan showing the vehicular access leading to the Site
<b>Drawing A-2</b>	Proposed Layout Plan
<b>Drawing A-3</b>	Proposed Landscape & Tree Preservation Plan
<b>Drawing A-4</b>	As-built Drainage Plan
<b>Plan A-1a and A-1b</b>	Location Plan
<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**