

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/941

- Applicant** : Mr. YEUNG Ka Wing represented by Metro Planning and Development Company Limited
- Site** : Lots 1265 (Part), 1266 (Part), 1269 (Part), 1270 (Part), 1271 (Part), 1272 (Part), 1273 (Part), 1275 RP (Part), 1276 (Part), 1277 S.A, 1277 RP (Part), 1279 S.B ss.1 S.F, 1279 S.B ss.2 (Part), 1279 S.B ss.3 in D.D. 119 and Adjoining Government Land, Pak Sha Tsuen, Yuen Long, New Territories
- Site Area** : 9,095 m² (about) (including about 238 m² of Government Land (GL))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/12
- Zoning** : “Undetermined” (“U”) (about 98.9%)
“Residential (Group C)” (“R(C)”) (about 1.1%)
[Restricted to a maximum plot ratio of 0.4 and maximum building height of 3 storeys (9m)]
- Application** : Temporary Warehouse for Storage of Construction Materials, Food Provisions and Electronic Products 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 warehouse for storage of construction materials, food provisions and electronic products for a period of 3 years. The Site mainly falls within an area zoned “U” (about 98.9%) with a minor portion within an area zoned “R(C)” on the OZP. According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of 3 years within the zones requires planning permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for under the Notes of the OZP. The Site is currently occupied for the applied use without valid planning permission (**Plans A-2, A-4a to A-4f**).

- 1.2 The Site was involved in four previous applications (No. A/YL-TYST/328, 409, 565 and 773) for similar temporary warehouse uses (**Plan A-1**), which were approved with conditions for a period of 3 years by the Rural and New Town Planning Committee (the Committee) of the Board on 1.9.2006, 23.1.2009, 20.1.2012 and 18.12.2015 respectively. All the approval conditions under the last application had been complied with and the planning permission had lapsed on 19.12.2018. Details of the previous applications are at paragraph 5 and **Appendix II**. Compared with the last application, the current application is submitted by the same applicant for the same warehouse use with the same site layout on the same site with the same development parameters, except that additional item will be stored (i.e. food provisions) in one of the structures.
- 1.3 The Site is accessible via a local track leading from Kung Um Road to its east (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, no repairing, dismantling, cleaning or other workshop activities will be carried out on the Site. In addition, no medium or heavy goods vehicles exceeding 5.5 tonnes, including container trailers and tractors, are allowed to be parked/stored or enter/exit the Site. The applicant undertakes to maintain the existing trees as well as drainage and fire service installations (FSIs) at the Site. Plans showing the vehicular access leading to the Site, site layout, tree preservation and landscape proposal and the as-built drainage facilities on-site submitted by the applicant are at **Drawings A-1 to A-4** respectively.
- 1.4 The major development parameters of the previously approved application (No. A/YL-TYST/773) and the current application are the same, except that additional item will be stored (i.e. food provisions) in Structure 5 (**Drawing A-2**). They are summarised as follows:

Applied Use	Temporary Warehouse for Storage of Construction Materials, Food Provisions and Electronic Products for a Period of 3 Years
Site Area	About 9,095 m ²
Total Floor Area (Non-domestic)	About 6,491 m ²
No. and Height of Structures	9 <ul style="list-style-type: none"> • Structures 1&2: warehouses for storage of electronic products (6.8m, 1 storey) • Structure 3: open shed (rain shelter) (6m, 1 storey) • Structure 4: warehouse for storage of construction materials (6.8m, 1 storey) • Structure 5: covered access and warehouse for storage of construction materials (under application No. A/YL-TYST/773 and the current application) and food provisions (under the current application) (6.8m, 1 storey) • Structure 6: warehouse for storage of food provisions (6.8m, 1 storey) • Structure 7 warehouse for storage of construction materials and toilet (6.8m, 1 storey) • Structure 8: FSIs (pump house) (3.5m, 1 storey) • Structure 9: FSIs (water tank) (3.5m, 1 storey)

Parking Space	1 (for private car)
Loading/Unloading Spaces	2 (for light goods vehicles)
Operation Hours	9:00 a.m. to 7:00 p.m. from Mondays to Saturdays with no operation on Sundays and public holidays

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

- (a) Application Form with Estimated Traffic Generation and Plans received on 4.12.2018 **(Appendix I)**
- (b) Further Information received on 10.1.2019 responding to the comments from the Water Services Department (WSD) **(Appendix Ia)**
[accepted and exempted from publication and recounting requirements]

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Section 9 of the Application Form at **Appendix I** and further information at **Appendix Ia**. They can be summarised as follows:

- (a) The Site is the subject of four previous planning permissions for similar use since 2006. The development proposal is about the same as the previous planning permission No. A/YL-TYST/773, except the use of some structures have been changed (such as Structure 5). The applicant has complied with all planning conditions imposed in the last planning permission. Being a law-abiding person, positive recognition should be given to the applicant.
- (b) With reference 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 (almost the entire site falls within “U” zone) which is considered suitable for open storage and port back-up uses.
- (c) The development is temporary in nature and would not affect the long term planning intention of the “U” zone.
- (d) Similar developments in the proximity of the Site have been granted with planning permissions.
- (e) The development would generate insignificant environmental, visual, traffic and drainage impacts. The applicant undertakes to maintain the existing drainage facilities, FSIs and all existing trees at the Site, as well as to replace all missing/dead trees at the Site. No repairing, dismantling, cleaning or other workshop activities would be carried out at the Site. No medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/ trailer will be allowed to park/store on or enter/exit the Site. The traffic generated by the proposed development would be insignificant and would not impact Kung Um Road.

- (f) A waterworks reserve within 1.5m from the centerline of the water main shall be provided to WSD. No structure shall be built or materials stored within the waterworks reserve. Free access shall be made available at all time for staff of the Director of Water Supplies and their contractor to carry out construction, inspection, operation, maintenance and repair works. No trees or shrubs with penetrating roots may be planted within the waterworks reserve or in the vicinity of the water main. The Government shall not be liable for any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of 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. Background

The Site is currently not subject to planning enforcement action.

5. Previous Applications

- 5.1 The site was involved in four previously approved applications (No. A/YL-TYST/328, 409, 565 and 773) for similar temporary warehouse uses. Details of the applications are summarised in **Appendix II** and the locations of the sites are shown on **Plan A-1**.
- 5.2 Applications No. A/YL-TYST/328 and 409 (for temporary warehouse for storage of sanitary ware and metal ware) and application No. A/YL-TYST/565 (for temporary warehouse for storage of sanitary ware, metal ware, machinery and spare parts) were approved with conditions each for a period of 3 years by the Committee on 1.9.2006, 23.1.2009 and 20.1.2012 respectively on the consideration that the development was not incompatible with the surrounding areas; adverse environmental impact was not anticipated since the items stored were within enclosed warehouse structures; the drainage and landscape concerns could be addressed by the imposition of approval conditions; and relevant government departments consulted had no adverse comments. However, the former planning permission was revoked on 1.11.2007 due to non-compliance with approval condition on implementation of landscaping proposal.
- 5.3 The last application (No. A/YL-TYST/773) for temporary warehouse for storage of construction materials, food provisions and electronic products was approved with conditions for a period of 3 years by the Committee on 18.12.2015 on similar considerations as those for applications No. A/YL-TYST/328, 409 and 565. All the approval conditions had been complied with and the planning permission had lapsed on 19.12.2018.

- 5.4 Compared with the last application, the current application is submitted by the same applicant for the same warehouse use with the same site layout on the same site with the same development parameters, except that additional item will be stored (i.e. food provisions) in Structure 5 (**Drawing A-2**).

6. Similar Applications

- 6.1 A total of 103 similar applications for various types of temporary warehouse with/without open storage and/or ancillary workshop/ site office uses in this part of the “U” zone had been considered by the Committee since the promulgation of TPB PG-No. 13E on 17.10.2008. Details of the applications are summarised in **Appendix III** and the locations of the sites are shown on **Plan A-1**.
- 6.2 Out of these 103 similar applications, 100 were approved mainly on similar considerations that the developments were not incompatible with the surrounding open storage/ warehouse uses and the concerns of relevant departments could be addressed by imposing approval conditions. However, amongst these approved applications, 36 were subsequently revoked due to non-compliance with approval conditions.
- 6.3 The remaining three applications (No. A/YL-TYST/478, 922 and 926) were rejected by the Committee/ the Board on review on 22.10.2010, 2.11.2018 and 7.12.2018 respectively, on the same grounds that approval of application with repeated non-compliances would set an undesirable precedent for other similar planning permissions for temporary uses thus nullifying the statutory planning control mechanism, amongst other grounds.
- 6.4 For Members’ information, Application No. A/YL-TYST/943 for temporary warehouse for storage of construction materials for a period of 3 years to the south of the Site within the same part of the “U” zone on the OZP will also be considered at this meeting (**Plan A-1**).

7. The Site and Its Surrounding Areas (Plans A-1 to A-4f)

- 7.1 The Site is:
- (a) accessible via a local track leading from Kung Um Road to its east;
 - (b) paved and partly fenced off; and
 - (c) currently occupied for the applied use without valid planning permission.
- 7.2 The surrounding areas have the following characteristics (**Plan A-2**):
- (a) comprise predominately of warehouses and open storage yards intermixed with some scattered residential structures, car repairing use, fallow agricultural land and unused land;
 - (b) the scattered residential structures are to the northeast, southeast, southwest and northwest of the Site. The nearest one is located to its immediate southeast (**Plan A-2**);

- (c) there are 5 warehouses to the south, southeast, northwest and west of the Site within the “U” zone which are operated with valid planning permissions under applications No. A/YL-TYST/796, 798, 833, 843 and 928 respectively; and
- (d) the other warehouses, open storage yards and car repairing use in the vicinity are suspected unauthorised developments subject to enforcement action taken by the Planning Authority.

8. Planning Intention

- 8.1 As the site almost falls entirely within the “U” zone (about 98.9%), the application is assessed against the planning intention of the “U” zone.
- 8.2 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. Comments from Relevant Government Departments

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

Land Administration

- 9.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):
 - (a) The Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
 - (b) The GL within the Site is covered by Short Term Tenancy (STT) No. 2710, Lot 1265 in D.D.119 is covered by Short Term Waiver (STW) No. 3829, Lots 1270 and 1271 are covered by STW No. 3830, Lot 1266 is covered by STW No. 3831, Lot 1272 is covered by STW No. 3832, Lots 1273, 1275 RP, 1277 S.A and 1277 RP are covered by STW No. 3833, and Lot 1276 is covered by STW No. 4492 to permit structures erected thereon for the purpose of “Warehouse of storage of sanitary ware, metal ware, machinery and spare parts”.
 - (c) The Site is accessible from Kung Um Road via GL and private land. Her office provides no maintenance work for GL involved and does not guarantee 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 STT/STW holder(s) will need to apply to her office for modification of the STT/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 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

9.1.2 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 operation hours should be restricted from 9:00 a.m. to 7:00 p.m. from Mondays to Saturdays, and no operation on Sundays and public holidays as proposed by the applicant.
- (c) The land status of the access road/path/track leading to the Site from Kung Um Road shall be checked with the lands authority.
- (d) The management and maintenance responsibilities of the access road/path/track shall be clarified and consulted with the relevant management and maintenance authorities accordingly.
- (e) 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.

9.1.3 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

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

- (a) There was no environmental complaint concerning the Site received in the past three years.
- (b) According to the information provided by the applicant, no repairing, dismantling, cleaning or other workshop activities would be carried out on the Site.
- (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” (Code of Practice) to minimise any potential environmental nuisances.
- (d) The applicant should be reminded of his obligation to comply with all relevant environmental pollution control ordinance and to apply for the licence/ permit for disposal of e-waste as defined under the Waste Disposal Ordinance as necessary.

Landscape

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

- (a) The Site falls within an area zoned “U” and “R(C)” on the approved Tong Yan San Tsuen OZP No. S/YL-TYST/12, with the current application seeking approval for proposed temporary warehouse for a period of 3 years. The Site was subject to 4 previous approved applications (No. A/YL-TYST/328, 409, 565 and 773) for similar warehouse uses.
- (b) With reference to the information submitted and her previous site record of application No. A/YL-TYST/773, the temporary warehouse is already in use and some existing trees are found along the site boundary that are proposed to be preserved in this application. Therefore, she has no objection to the application from the landscape planning perspective.
- (c) Since the Site is surrounded by other temporary open storage sites and there is no major public frontage along the boundary, it is not necessary to impose a landscape condition as its effect on enhancing the quality of public realm is not apparent. Should the Board approve this application, the applicant should be advised to maintain all the existing trees and landscape plantings within the Site at all times during the planning approval period.
- (d) The applicant is advised that the approval of the landscape proposal does not imply approval of tree works such as pruning,

transplanting and felling under lease. Tree removal applications should be submitted direct to DLO for approval.

(e) The applicant is reminded of the importance of undertaking proper tree care for the existing trees. Useful information published by the Greening, Landscape & Tree Management Section, Development Bureau on general tree maintenance and tree risk management is available for reference in the following links:

- Pictorial Guide for Tree Maintenance (護養樹木的簡易圖解):
http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf
- Handbook on Tree Management (樹木管理手冊):
https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html
- Tree Risk Assessment and Management Arrangement (樹木風險評估及管理安排):
https://www.greening.gov.hk/tc/tree_care/tra_arrangements.html
- Minimising Tree Risks (護養樹木 保障安全):
http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Chinese_Leaflet_Big_font_size_v1_2012_03_29.pdf
- Pictorial Guide for Tree Maintenance to Reduce Tree Risks (減低樹木風險的樹木護養簡易圖解):
[http://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk\(eng\).pdf](http://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk(eng).pdf)

Drainage

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

- (a) Based on the drainage proposal 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/773.
- (b) In view of the above, he has no objection in principle to the applied development. Should the Board consider that the application is acceptable from the planning point of view, approval conditions requiring the maintenance of the existing drainage facilities 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.

Water Supply

9.1.7 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) He has no objection to the application and the further information at **Appendix Ia**.
- (b) It is noted in the further information at **Appendix Ia** that the applicant would undertake that a waterworks reserve within 1.5m from the centerline of the water main shall be provided to WSD; no structure shall be built or materials stored within the waterworks reserve; free access shall be made available at all time for staff of the Director of Water Supplies and their contractor to carry out construction, inspection, operation, maintenance and repair works; no trees or shrubs with penetrating roots may be planted within the waterworks reserve or in the vicinity of the water main; and government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site.

Fire Safety

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

- (a) He has no objection in principle to the proposal subject to FSIs being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In addition, the applicant should be advised on the following points:
 - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans.
- (c) However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Building Matters

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

- (a) As there is no record of approval by the Building Authority for the existing structures on the Site, he is not in a position to offer

comments on their suitability for the use proposed in the application.

- (b) The applicant's attention is drawn to the following points:
- (i) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of BD, they are unauthorised building works (UBW) under the BO and should not be designated for any proposed use under the application.
 - (ii) For UBW erected on leased land, enforcement action may be taken by 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 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 Authorised 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

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

- (a) CEDD and PlanD jointly commissioned the "Planning and Engineering Study for Housing Sites in Yuen Long South (YLS) – Investigation". According to the Recommended Outline Development Plan (RODP) of YLS promulgated on 8.8.2017, the Site mainly falls within areas zoned as "Residential- Zone 2 (Subsidised Sale Flats with Commercial)" ("R2(SSF)c") and an area shown as 'Road', and only a minor portion 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.

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

He 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

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

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

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

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Director of Electrical and Mechanical Services (DEMS); and
- (c) Commissioner of Police (C of P).

10. Public Comment Received During the Statutory Publication Period

On 14.12.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 4.1.2019, one objecting public comment (**Appendix IV**) was received from a general public who considered that the Board should discontinue the brownfield use.

11. Planning Considerations and Assessments

11.1 The subject application is for temporary warehouse for storage of construction materials, food provisions and electronic products at the Site falling largely within the “U” zone (about 98.9%) with an insignificant portion (about 1.1%) straddling the adjoining “R(C)” zone 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 largely falls within the areas zoned “R2(SSF)c” 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. Approval of the application on a temporary basis of 3 years would not jeopardise the long-term development of the area.

- 11.2 The subject “U” zone is mainly occupied by warehouses intermixed with open storage/storage yards and workshop uses, and similar uses are found in the vicinity of the Site (**Plan A-2**). The development is thus not incompatible with the surrounding uses in the subject “U” zone.
- 11.3 There is no adverse comment on the application from concerned government departments and there has been no environmental complaint concerning the Site received in the past three years. Furthermore, relevant approval conditions are recommended in paragraph 12.2 to minimise any potential environmental nuisances or to address the technical requirements of other concerned government departments. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorised development on the Site will be subject to enforcement action by the Planning Authority. Should the planning application be approved, the applicant will also be advised to follow the Code of Practice in order to minimise any potential environmental nuisances.
- 11.4 Given that four previous approvals for similar temporary warehouse uses have been granted to the Site and 100 similar applications have been approved in this part of the “U” zone, approval of the current application is in line with the Committee’s previous decisions.
- 11.5 There is one objecting public comment (**Appendix IV**) received on the application during the statutory publication period as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.4 above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10, the Planning Department considers that the temporary warehouse for storage of construction materials, food provisions and electronic products could be tolerated for a period of 3 years.
- 12.2 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 1.2.2022. 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 repairing, dismantling, cleaning or other workshop activities, as proposed by the applicant, are allowed on the Site at any time during the planning approval period;
- (d) no open storage activities are allowed on 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 electrical appliances, computer/ electronic parts (including cathode-ray tubes) or any other types of electronic waste are allowed on the Site, as proposed by the applicant, 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 parked/stored on or enter/exit 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, as proposed by the applicant, at any time during the planning approval period;
- (h) all existing trees and landscape plantings within the Site shall be maintained at all times during the planning approval period;
- (i) the existing drainage facilities 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 1.5.2019;
- (k) the submission of a fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 1.8.2019;
- (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 1.11.2019;
- (m) 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
- (n) if any of the above planning conditions (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

Advisory clauses

The recommended advisory clauses are at **Appendix V**.

12.3 There is no strong reason to recommend rejection of the application.

13. Decision Sought

13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.

13.2 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.

13.3 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.

14. Attachments

Appendix I	Application Form with Estimated Traffic Generation and Plans received on 4.12.2018
Appendix Ia	Further Information received on 10.1.2019 responding to the comments from WSD
Appendix II	Previous Applications covering the Site
Appendix III	Similar Applications in this Part of the “U” Zone on the OZP since the Promulgation of TPB PG-No. 13E
Appendix IV	Public comment received during the statutory publication period
Appendix V	Recommended 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-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4a to A-4f	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2019**