

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

**APPLICATION NO. A/YL-TYST/943**

<b><u>Applicant</u></b>	: Mr CHEUNG Hang Choi represented by Metro Planning and Development Company Limited
<b><u>Site</u></b>	: Lots 1258 (Part) and 1267 (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long, New Territories
<b><u>Site Area</u></b>	: 1,410 m <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 Warehouse for Storage of Construction Materials 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 for a period of 3 years. The Site falls within an area zoned “Undetermined” (“U”) on the OZP. 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 (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site was involved in four previous applications (No. A/YL-TYST/450, 580, 719 and 797) for similar/the same temporary warehouse uses (**Plan A-1b**), which were approved with conditions for a period of 3 years by the Committee on 18.9.2009, 30.3.2012, 27.3.2015 and 15.7.2016 respectively, but all planning permissions were subsequently revoked on 18.10.2011, 30.8.2013, 27.9.2016 and 15.10.2018 respectively due to non-compliance with approval conditions on the implementation of drainage proposal and/or submission and/or implementation of fire service installations (FSIs) proposal. Details of the previous applications are summarised in paragraph 5 below and **Appendix II**. Compared with the last application (No. A/YL-TYST/797), the current application is submitted by the

same applicant for the same applied use on the same site with an additional water tank and a pump room as part of the FSIs measures.

1.3 The Site is accessible from Kung Um Road to its east via a local track with an ingress/egress provided at the western periphery of the Site (**Plan A-3**). According to the applicant, the Site has been hard-paved and the construction materials to be stored at the Site are mainly related to interior decoration works including tiles, marble, drain pipes and metal pipes. No sand and excavated material will be stored at the Site. No repairing, dismantling, spraying and workshop uses and no handling of hazardous electrical/electronic appliances/components, including cathode-ray tubes (CRT), CRT computer monitor/television sets and CRT equipment will be carried out on the Site. All loading and unloading activities will be carried out within the Site. Only light goods vehicle not exceeding 5.5 tonnes will access the Site and no vehicle exceeding 5.5 tonnes, including medium and heavy goods vehicle, container trailers and tractors, will be allowed to enter the Site. Plans showing the vehicular access leading to the Site, site layout, tree preservation proposal, as-built drainage proposal 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 summarised as follows:

<b>Major Development Parameters</b>	<b>Previously Approved Application No. A/YL-TYST/797 (a)</b>	<b>Current Application No. A/YL-TYST/943 (b)</b>	<b>Difference (b)-(a)</b>
Applied Use	Temporary Warehouse for Storage of Construction Materials for a Period of 3 Years		---
Site Area	About 1,410 m <sup>2</sup>		---
Total Floor Area (Non-domestic)	900 m <sup>2</sup>	945 m <sup>2</sup>	+45 m <sup>2</sup> (+5%)
No. and Height of Structure	1 • for warehouse (not exceeding 11m, 1 storey)	3 • for warehouse (not exceeding 11m, 1 storey) • for water tank being part of FSIs (not exceeding 5m, 1 storey) • for pump room being part of FSIs (not exceeding 5m, 1 storey)	+2
Loading/Unloading Space	1 (for light goods vehicle)		---
Operation Hours	7:00 a.m. to 9:00 p.m., Mondays to Saturdays, with no operation on Sundays and Public Holidays	9:00 a.m. to 7:00 p.m., Mondays to Saturdays, with no operation on Sundays and Public Holidays	Shorten the operation hours

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

- (a) Application Form received on 20.12.2018 (Appendix I)
- (b) Supplementary Planning Statement (Appendix Ia)

## 2. Justifications from the Applicant

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

- (a) For the previous planning permission No. A/YL-TYST/797, the applicant has complied with all planning conditions except planning condition concerning the implementation of FSIs proposal. The previous planning permission No. A/YL-TYST/797 was revoked because the direct line for the FSIs to be provided by the Hong Kong Telecom (HKT) had not been installed although the applicant had applied for it for a long time. The provision of direct line by HKT is out of the applicant's control so he wishes to submit a fresh application for the consideration of the Board especially given the pump room and water tank for the FSIs system has been already completed at the Site.
- (b) The Site is subject to previous planning permissions. The approved uses were very similar to the applied use of the current application. Regarding planning permission No. A/YL-TYST/719, 3 occupants of adjoining warehouses submitted a single planning application for the consideration of the Board in order to share the cost of the installation of FSIs. However, due to dispute amongst the land owners, the current applicant proposed a new application No. A/YL-TYST/797 to the Board for consideration.
- (c) According to the Town Planning Board Guidelines for "Application for Open Storage and Port Back-up Uses" (TPB PG-No.13E), the Site falls within Category 1 areas and is considered suitable for open storage and port back-up uses. Preliminary technical assessments on traffic, drainage, visual and environmental aspects have been provided in the submission to demonstrate that the development would not generate adverse impacts on the surrounding areas. It is considered that the development should have fulfilled the guidelines to a large extent and should be given favorable consideration by the Board.
- (d) The subject "U" zone is mainly occupied by warehouses intermixed with some open storage yards. There are also a number of similar applications (e.g. applications No. A/YL-TYST/765, 773, 796, 798, 806, 843, 876 and 893) which were approved by the Board in the proximity of the Site. Therefore, the development is compatible with the surrounding environment. The proposed development is also in line with the planning intention of the "U" zone. 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.
- (e) There will be minimal traffic, environmental and drainage impacts. The negligible increase in traffic would not aggravate the traffic condition of Kung Um Road and nearby road networks. The proposed development involves only storage of

construction materials and is a clean, tidy and non-polluting use. The applicant would like to propose environmental mitigation measures such as using hard-paved surfaces, imposing restrictions on operation hours and workshop activities, preserving existing trees and following the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Use' where applicable. 375mm surface U-channel has been provided along the northern site periphery and the implementation was accepted by the Drainage Services Department for the previous planning permission No. A/YL-TYST/797. All the proposed drainage facilities will be maintained by the applicant at his own expense.

### **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 not subject to planning enforcement action.

### **5. Previous Applications**

- 5.1 The Site was the subject of 4 previous applications (No. A/YL-TYST/450, 580, 719 and 797) covering different extent of areas for temporary warehouse for storage of various items. Details of the applications are summarised in **Appendix II** and the boundaries of the sites are shown on **Plan A-1b**.
- 5.2 Applications No. A/YL-TYST/450 and 580 for temporary warehouse for storage of metal ware, machinery, spare parts, construction materials and/or exhibition materials covering a major part of the current application site were approved with conditions for a period of 3 years by the Committee on 18.9.2009 and 30.3.2012 respectively mainly on the considerations that the development was not incompatible with the surrounding areas; and departmental concerns could be addressed by imposition of approval conditions. However, both planning permissions were revoked on 18.10.2011 and 30.8.2013 respectively due to non-compliance with implementation of drainage proposal and submission and implementation of FSIs proposal.
- 5.3 Application No. A/YL-TYST/719 which was submitted by the same applicant of the current application, for temporary warehouse for storage of construction material, exhibition material and furniture covering a much larger site was approved with conditions for a period of 3 years by the Committee on 27.3.2015 mainly on similar consideration as those for applications No. A/YL-TYST/450 and 580. However, the planning permission was also revoked on 27.9.2016 due to non-compliance with approval conditions on the implementation of drainage and FSIs proposals.

- 5.4 The last application (No. A/YL-TYST/797) for the same applied use as the current application on the same Site was approved with conditions for a period of 3 years by the Committee on 15.7.2016 on similar consideration as those for applications No. A/YL-TYST/450, 580 and 719. However, the planning permission was also revoked on 15.10.2018 due to non-compliance with approval conditions on the implementation of FSIs proposal.
- 5.5 Compared with the last application, the current application is submitted by the same applicant for the same applied use on the same site with an additional water tank and a pump room as part of the FSIs measures.

## **6. Similar Applications**

- 6.1 A total of 102 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 II** and the locations of the sites are shown on **Plan A-1a**.
- 6.2 There are 99 approved applications for various types of temporary warehouse with/without open storage and/or ancillary workshop/ site office uses. They are 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, 33 were 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 statutory planning control mechanism, amongst other grounds.
- 6.4 For Members’ information, Applications No. A/YL-TYST/941 for temporary warehouse for storage of construction materials, food provisions and electronic products for a period of 3 years to the north of the Site within the same part of the “U” zone and partly straddling the adjacent “Residential (Group C)” zone on the OZP will also be considered at this meeting (**Plan A-1a**).

## **7. The Site and Its Surrounding Areas (Plans A-1a to A-4b)**

- 7.1 The Site is:
- (a) accessible via a local track leading from Kung Um Road to its east (**Drawing A-1 and Plan A-3**);
  - (b) paved and formed; 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) predominately warehouses, intermixed with open storage yards, vehicle repair workshops, scattered residential structures and vacant structures;
- (b) scattered residential structures are found in its vicinity with the nearest one located about 60m to its east;
- (c) to its immediate south and further northwest are 2 warehouses for storage of construction materials operating under valid planning permissions No. A/YL-TYST/796 and 928 respectively; and
- (d) the other warehouses, open storage yards and vehicle repair workshops in the vicinity are suspected unauthorised developments subject to enforcement action taken by the Planning Authority.

## **8. Planning Intention**

The planning intention of the “U” zone is to cater for the continuing demand for open storage, which cannot be accommodated in conventional godown premises. However, Kung Um Road is insufficient to cater for the heavy goods vehicular traffic generated from the proposed development. The area is therefore zoned “U” pending further detailed studies on the infrastructural impacts and the preparation of detailed layout plan.

## **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) Lot 1267 (Portion) in D.D. 119 is covered by Short Term Wavier (STW) No. 3584 to permit structure(s) erected thereon for the purpose of ‘temporary warehouse for storage of exhibition materials and construction materials’. Lot 1258 in D.D. 119 is covered by STW No. 4291 to permit structure(s) erected thereon for the purpose of ‘temporary warehouse for storage of construction material, exhibition material and furniture’.
- (c) The Site is accessible from Kung Um Road via government land (GL) and private land. Her office does not provide 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 application, the STW holder(s) will need to apply to her office for modification of the STW conditions where appropriate. Besides, given the proposed use is temporary in nature, only application for regularisation 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 of the 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 substantiated environmental complaint concerning the Site received in the past three years.
- (b) Should the planning application be approved, the applicant should be advised to follow the relevant mitigation measures and requirements in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any potential environmental nuisances.

### **Drainage**

#### 9.1.5 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 maintained under previous planning application No. A/YL-TYST/797.
- (b) He has no objection in principle to the applied development from the drainage point of view. Should the Board consider that the application is acceptable from the planning point of view, approval conditions requiring the maintenance of the existing drainage facilities implemented under application No. A/YL-TYST/797 and 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**

#### 9.1.6 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the application 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**

#### 9.1.7 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 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 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.
  - (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 the BO.
  - (iv) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively.
  - (v) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

### **Others**

#### 9.1.8 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 (YLS) – Investigation". According to the Recommended Outline Development Plan (RODP) of YLS promulgated on 8.8.2017, the

Site falls within an area zoned “Amenity” (“A”), “Residential - Zone 2 (Subsidised Sale Flats with Commercial)” (“R2(SSF)c”) 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.

9.1.9 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**

9.1.10 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) 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).

**10. Public Comment Received During the Statutory Publication Period**

On 28.12.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 18.1.2019, one objecting public comment (**Appendix IV**) was received from a Yuen Long District Council Member who considers that the current application should be rejected in view of the 4 previous revocations pertaining to the Site and the applicant has failed to demonstrate sufficient commitment to comply with the relevant approval conditions.

## **11. Planning Considerations and Assessments**

- 11.1 The subject application is for temporary warehouse for storage of construction materials at the Site zoned “U” on the OZP. 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 “A”, “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 workshops, 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 The Site is the subject of four previously revoked planning permissions (No. A/YL-TYST/450, 580, 719 and 797) for warehouse use covering different extent of areas, of which the latter two applications (No. A/YL-TYST/719 and 797) were submitted by the same applicant as the current application. Although the applied use is not incompatible with the surrounding uses in the area and the concerned government departments have no adverse comment on the application, the applicant must demonstrate that the potential adverse impacts and risks arising from the development could be adequately mitigated. As such, approval conditions in relation to the landscaping, drainage and fire safety aspects were imposed in the four previously approved applications. However, the applicants of planning permissions No. A/YL-TYST/450, 580, 719 and 797 were unable to comply with the approval conditions, of which the applicant of the current application was unable to comply with the approval conditions regarding on the implementation of drainage and/or FSIs proposals within the specified time limits repeatedly since the granting of the first planning approval at the Site to the applicant (No. A/YL-TYST/719) in 2015. At the compliance stage for the previous planning permission, the current applicant had proposed various FSIs, such as hose reel system, fire pump, sprinkler system, fire alarm system, emergency lighting and portable fire extinguishers, as well as to automatically link the fire alarm and sprinkler systems to the Fire Service Communication Centre by direct line. That FSIs proposal was accepted by D of FS, yet, it was not properly and fully implemented by the current applicant as duplicated power supplies and direct line were not provided as per the on-site inspection by D of FS. The applicant has explained in the current application that the provision of direct line by HKT is out of control of the applicant and the pump room and water tank for the FSIs system has already been completed at the Site. However, no FSIs proposal was submitted in the current application to demonstrate potential fire risk would be adequately mitigated. Besides, since the revocation of the last application (No. A/YL-TYST/797) on 15.10.2018, the structures on site remain unchanged and the Site has not been cleared before this application is made. In view of the above, the applicant has not sincerely demonstrated that he will implement the FSIs proposal if the application is approved. It is doubtful that the potential fire risk could be duly addressed by way of imposing approval

conditions. Under such circumstances, the development could cause adverse fire safety impacts on the surrounding areas. Approval of the application with repeated non-compliances with approval conditions would set an undesirable precedent for other similar applications, thus nullifying the statutory planning control mechanism.

11.4 Although 99 similar applications have been approved in this part of the “U” zone, there are also three similar applications for temporary warehouse (with or without open storage use) rejected by the Board on review/the Committee on the same grounds that approval of application with repeated non-compliances would set an undesirable precedent, amongst other grounds. Rejecting this application would be 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 above, the Planning Department does not support the application for the following reason:

four previous planning permissions granted on the Site by the Board were revoked due to non-compliance of the approval conditions, two of which were submitted by the same applicant as the current application. Approval of the application with repeated non-compliances with approval conditions would set an undesirable precedent for other similar applications, thus nullifying the statutory planning control mechanism.

12.2 Alternatively, 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 up to 1.2.2022 but with shorter compliance periods to monitor the fulfilment of the approval conditions. The following conditions of approval with shorter compliance periods 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 storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;

- (d) no repairing, dismantling or other workshop activities, as proposed by the applicant, shall be carried out on the Site at any time during the planning approval period;
- (e) 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;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) all existing trees within the Site shall be maintained at all times, as proposed by the applicant, during the planning approval period;
- (h) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (i) the submission of a condition record of the existing drainage facilities on the Site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 1.5.2019;
- (j) the submission of a fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 1.5.2019;
- (k) in relation to (j) above, the implementation of the 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) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (m) if any of the above planning conditions (i), (j) or (k) 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**.

**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**

<b>Appendix I</b>	Application Form received on 20.12.2018
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix II</b>	Previous Applications covering the Site
<b>Appendix III</b>	Similar Applications in this Part of the “U” Zone on the OZP since the Promulgation of TPB PG-No. 13E
<b>Appendix IV</b>	Public comment received during the statutory publication period
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Plan showing the vehicular access leading to the Site
<b>Drawing A-2</b>	Site Layout Plan
<b>Drawing A-3</b>	Tree Preservation Plan
<b>Drawing A-4</b>	As-built Drainage Plan
<b>Plan A-1a</b>	Location Plan with Similar Applications
<b>Plan A-1b</b>	Previous Applications Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
FEBRUARY 2019**