

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/957

- Applicant** : Mr. TANG Mo Pun represented by Metro Planning and Development Company Limited
- Site** : Lots 2387 RP (Part), 2388 (Part), 2389 (Part), 2391 (Part), 2407 (Part), 2408 (Part), 2409 S.B (Part), 2410 (Part), 2411 S.AB & C (Part), 2412, 2413, 2414, 2415 (Part) and 2419 (Part) in D.D. 120, Tong Yan San Tsuen, Yuen Long, New Territories
- Site Area** : 5,900m² (about)
- 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”)
- Application** : Temporary Warehouse for Storage of Exhibition Materials and Construction Materials and Open Storage of Construction Machinery and Construction Materials with Ancillary Office and Repair Workshop for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary warehouse for storage of exhibition materials and construction materials and open storage of construction machinery and construction materials with ancillary office and repair workshop for a period of 3 years (**Plan A-1a**). According to the Notes of the OZP for the “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 and A-4a to A-4g**).
- 1.2 The Site was the subject of 10 previous applications (No. A/YL-TYST/15, 62, 78, 150, 280, 293, 367, 454, 628 and 775) for various permanent/temporary open storage uses and/or vehicle repair workshop with or without ancillary repair workshop and/or site office uses. The last application (No. A/YL-TYST/775) for the similar open storage use was approved with conditions for a period of 3 years by the Rural and New Town Planning Committee (the Committee) of the Board on 22.1.2016. All the approval conditions have been complied with and the planning

permission has since lapsed on 23.1.2019. Details of the previous applications are at paragraph 6 and **Appendix III**. Compared with the last application, the current application is submitted by the same applicant for a similar use with additional warehouse use on a slightly larger site with a different site layout.

1.3 The Site is accessible via a local track leading from Kung Um Road to its east (**Plan A-3** and **Drawing A-1**). The Site is currently portioned into 10 compartments with main ingress/egress provided at the western periphery and 3 other ingress/egress leading from/to adjoining lots provided at its north-eastern, eastern and south-eastern peripheries (**Plan A-2** and **Drawing A-2**). According to the applicant, seven compartments (sites 3 to 9) are used for open storage of construction machinery and construction material including I-beams, electric generators, elevated platforms, scaffolding and barricades, with or without workshop/ancillaries office. The remaining three compartments are for warehouses for the storage of exhibition material including booths, desks, chairs, and glass for exhibition panel, etc. A small repairing workshop for repairing the on-site construction machinery is proposed at compartment No.7 (**Plan A-2**). No storage and handling of hazardous electrical/electronic appliances/components, including cathode-ray tubes, will be carried out on the Site. In addition, no heavy goods vehicles (HGV) exceeding 24 tonnes, including container tractor/trailer, are allowed to enter/be parked at the Site. Also, the applicant undertakes to maintain all existing drainage facilities in good condition and at his own expense. Plans showing the vehicular access leading to the Site, site layout, site layout with proposed structures, landscaping and tree preservation proposal and as-built drainage facilities submitted by the applicant are at **Drawings A-1 to A-5**.

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

Major Development Parameters	Previous Approved Application No. A/YL-TYST/775 (a)	Current Application No. A/YL-TYST/957 (b)	Difference (b)-(a)
Applied Use	Temporary Open Storage of Construction Machinery and Construction Materials with Ancillary Office and Repair Workshop for a Period of 3 Years	Temporary Warehouse for Storage of Exhibition Materials and Open Storage of Construction Machinery and Construction Materials with Ancillary Office and Repair Workshop for a Period of 3 Years	Additional Warehouse Use for Storage of Exhibition Materials
Site Area	5,723m ² (about) <ul style="list-style-type: none"> • Uncovered Area: 5,013m² (about) • Covered Area: 710m² (about) 	5,900m ² (about) <ul style="list-style-type: none"> • Uncovered Area: 4,581m² (about) • Covered Area: 1,319m² (about) 	+177m ² (+3.1%) -432m ² (-8.6%) +609m ² (+85.8%)
Total Floor Area (non-domestic)	790m ² (about)	1,399m ² (about)	+609m ² (+77.1%)

No. and Height of Structures	11 <ul style="list-style-type: none"> • one warehouse for storage of construction materials (5m, 1 storey) • two for storage of construction materials (3.5m, 1 storey) • seven for ancillary site office/ open shed (3.5-7.5m, 1-2 storey(s)) • one for meter room (3.5m, 1 storey) 	13 <ul style="list-style-type: none"> • four warehouses for storage of exhibition/construction materials (5-7.5m, 1 storey) • six for ancillary site office/ open shed (3.5-7.5m, 1-2 storey(s)) • one for storage of construction materials (3.5m, 1 storey) • one for meter room (3.5m, 1 storey) • one for toilet (3m, 1 storey) 	+2
Parking Spaces	1 (5m x 2.5m) (for private car and light goods vehicle)	2 (5m x 2.5m) (for private car)	+1
Loading/ Unloading Spaces	2 (11m x 3.5m) (for medium goods vehicle)		---
Operation Hours	7:00 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 following documents:

- (a) Application Form received on 11.3.2019 **(Appendix I)**
- (b) Supplementary Planning Statement **(Appendix Ia)**
- (c) Supplementary Information received on 18.3.2019 submitting a revised landscape and tree preservation proposal **(Appendix Ib)**
- (d) Further Information received on 23.4.2019 clarifying the operational details of the Site and updating the applied use **(Appendix Ic)**
[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 3 of the Supplementary Planning Statement at **Appendix Ia** and Further Information at **Appendix Ic**. They can be summarised as follows:

- (a) The Site is the subject of a previously approved application (No. A/YL-TYST/775). All the planning conditions imposed have been complied with. It shows that the applicant is a sincere and law-abiding person in complying with the approval conditions imposed by the Board.

- (b) A number of open storage yards have been approved by the Board in the vicinity (e.g. applications No. A/YL-TYST/787, 840, 848, 882 and 888). The proposed development is compatible with the surrounding environments which mainly consist of open storage yards. Therefore, similar treatment should be given to the current application.
- (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 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. The development should have fulfilled the guidelines to a large extent.
- (d) The proposed development conforms to the planning intention of the “U” zone. Taking into consideration the shortage of land for open storage purpose in Tong Yan San Tsuen, sympathetic consideration of the application is sought.
- (e) The development will not cause adverse environmental, drainage, landscape or traffic impacts. The applied development would not affect the traffic condition of Kung Um Road especially that the Site is in operation with planning permission since 2005. The applicant has planted trees along the periphery fencing to upgrade the visual environment.

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

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting a notice of the application outside the Site and sending the notice to the Shap Pat Heung Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13E) are relevant to the application. The Site falls within Category 1 areas under TPB PG-No. 13E promulgated by the Board on 17.10.2008. The relevant extract of the Guidelines is attached at **Appendix II**.

5. Background

The Site is currently not subject to planning enforcement action.

6. Previous Applications

- 6.1 The Site was involved in 10 previous applications (No. A/YL-TYST/15, 62, 78, 150, 280, 293, 367, 454, 628 and 775) for various permanent/temporary open storage uses with or without site office and/or ancillary repair workshop. Details of the applications are summarised in **Appendix III** and the boundaries of the sites are shown on **Plan A-1b**.

- 6.2 Applications No. A/YL-TYST/15, 62, 78 and 150 for permanent/temporary open storage of construction/building machinery and/or materials were approved with conditions by the Committee on 5.9.1997, 2.7.1999, 10.9.1999 and 2.11.2001 respectively for a period ranging from 12 months to 2 years. For applications No. A/YL-TYST/78 and 150, the planning permissions were subsequently revoked on 10.6.2000 and 2.2.2002 respectively due to non-compliance with approval conditions.
- 6.3 Application No. A/YL-TYST/280 for proposed temporary open storage of building materials and machinery with vehicle repair workshop and ancillary office for a period of 3 years was rejected by the Committee on 4.3.2005 on the consideration that the proposed development did not comply with the then TPB PG-No. 13C in that the proposal was considered not compatible with the nearby residential structures, there were adverse departmental comments on the application and there was insufficient information to demonstrate no adverse environmental, traffic and drainage impacts on the surrounding areas.
- 6.4 Applications No. A/YL-TYST/293, 367 and 454 for proposed or renewal of temporary open storage of construction machinery, construction material and home appliance (for the latter application only) with or without ancillary repair workshop were approved with conditions for a period ranging from 2 to 3 years by the Board on review on 4.11.2005 and by the Committee on 2.11.2007 and 18.9.2009 respectively. However, the planning permission of application No. A/YL-TYST/367 was subsequently revoked on 2.1.2009 due to non-compliance with the approval condition on the submission of fire service installations (FSIs) proposal.
- 6.5 Application No. A/YL-TYST/628 for proposed temporary vehicle repair workshop and open storage of construction machinery, construction materials and home appliance with ancillary office and repair workshop was approved with conditions for a period of 3 years by the Committee on 25.1.2013.
- 6.6 The last application (No. A/YL-TYST/775) for temporary open storage of construction machinery and construction materials with ancillary office and repair workshop was approved with conditions for a period of 3 years by the Committee on 22.1.2016. All the approval conditions have been complied with and the planning permission has since lapsed on 23.1.2019.
- 6.7 Compared with the last application, the current application is submitted by the same applicant for a similar use with additional warehouses on a slightly larger site with a different site layout.

7. Similar Applications

- 7.1 A total of 178 similar applications for various types of temporary open storage and/or warehouse uses with/without ancillary workshop/site office uses in this part of the “U” zone had been considered by the Committee or the Board on review since the promulgation of TPB PG-No. 13E on 17.10.2008. Details of the applications are summarised in **Appendix IV** and the locations of the sites are shown on **Plan A-1a**.
- 7.2 Out of the 178 similar applications, 176 of which 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, 41 were revoked due to non-compliance with approval conditions.

- 7.3 The remaining two applications (No. A/YL-TYST/542 and 564) were rejected by the Committee and the Board on review respectively mainly on the grounds, amongst others, that approval of the application with repeated non-compliances would set an undesirable precedent for other similar planning permissions for temporary uses, thus nullifying the statutory planning control system.

8. The Site and Its Surrounding Areas (Plans A-1a to A-4g)

8.1 The Site is:

- (a) accessible via a local track leading from Kung Um Road to its east (**Plan A-3**);
- (b) paved and largely fenced off;
- (c) currently partitioned into 10 compartments for the applied use without valid planning permission.

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

- (a) mixed with open storage/storage yards, warehouses, vehicle repair workshops, scattered residential structures, cultivated agricultural land, and vacant land/structures;
- (b) there are existing residential structures in the vicinity of the Site with the nearest one located less than 5m to the immediate south (**Plan A-2**);
- (c) about 50m to its east is the “Village Type Development” (“V”) zone of Tin Liu Tsuen (**Plan A-1a**);
- (d) five open storage yards are located to the south, immediate east, immediate south, northwest and further north of the Site, which are operating with valid planning permissions under applications No. A/YL-TYST/840, 848, 882, 888 and 952 respectively. A warehouse is located to the further south of the Site which is operating with valid planning permission under application No. A/YL-TYST/875; and
- (e) except for the aforementioned operations operating under valid permissions, the remaining open storage/storage yards, warehouses and vehicle repair workshop in the vicinity of the Site are suspected unauthorised development (UD) subject to enforcement action taken by the Planning Authority.

9. Planning Intention

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

10. Comments from Relevant Government Departments

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

Land Administration

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

- (a) The Site comprises 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) Within the Site, Lots 2407, 2408 (Portion), 2409 S.B (Portion) and 2419 (Portion) in D.D. 120 are covered by Short Term Waivers (STWs) Nos. 3593, 3594, 3595 and 3596 respectively which permit structures erected thereon for the purpose of “open storage of construction machinery, construction materials, metal ware and vehicle spare parts and ancillary use”. Lot 2387 RP in D.D. 120 is covered by STW No. 4939 which permits structures erected thereon for the purpose of “temporary warehouse for storage of construction machinery and construction material”.
- (c) The Site is accessible from Kung Um Road via government land (GL) and private land. Her office provides no maintenance works for the GL involved 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 planning application, the STW(s) holder(s) will need to apply to her office for modification of the STW(s) conditions where appropriate. The owner(s) of the lot(s) without STW(s) will need to apply to her office to permit the structures to be erected or regularise any irregularities on site, if any. 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 as landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by her department.
- (f) The programme of land resumption would follow the project office’s programme notwithstanding the validity period of the planning permission to be granted.

Traffic

10.1.2 Comments of the Commissioner for Transport (C for T):

- (a) *It is noted that n*No HGV exceeding 24 tonnes, including container tractor/trailer, *are ~~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 Kung Um Road should be checked with the lands authority.
- (c) The management and maintenance responsibilities of the access road/path/track should 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 should be commented by the Transport Department.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (c) His department shall not be responsible for the maintenance of any access connecting the Site and Kung Um Road.

Environment

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

- (a) DEP does not support the application as there are sensitive receivers of residential use in the vicinity (with the nearest one situated less than 5m to its south) (**Plan A-2**) and the applied use will cause traffic of heavy vehicles; 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 latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (Code of Practice).

Drainage

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

- (a) He has no objection in principle to the proposed development.

- (b) Based on the planning statement enclosed in the application, the applicant would maintain the same drainage facilities as those implemented under previous planning application No. A/YL-TYST/775.
- (c) 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 submission of a 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

10.1.6 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 also 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 FSI to be installed should be clearly marked on the layout plans.
 - (iii) The good practice guidelines for open storage attached in **Appendix V** should be adhered to.
- (c) Moreover, having considered the nature of the open storage, an approval condition requiring the provision of fire extinguisher(s) within 6 weeks from the date of planning approval should be incorporated if the application is approved. To address this approval condition, the applicant is required to submit a valid fire certificate (FS 251) to his department for approval.
- (d) 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

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

- (a) As there is no record of approval by the Building Authority for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application.

- (b) The applicant's attention is drawn to the following points:
- (i) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the 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 the 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

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

- (a) Civil Engineering and Development Department (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 areas zoned as "Special Residential – Public Rental Housing (with commercial)" ("RSc") and "Local Open Space" ("LO") and an area shown as 'Road'.
- (b) The objective of YLS is to transform the degraded rural land predominantly occupied by brownfield operations including open storage yards, warehouses and rural industrial uses into housing and other uses with supporting infrastructure and community facilities, and to improve the existing environment. It is noted that the application is for temporary use for a period of 3 years. In considering the application for temporary uses, due consideration

should be given on the possible implication on land clearance which would affect the future implementation of YLS.

10.1.9 Comments of the Project Manager (West), CEDD (PM(W), CEDD):

- (a) The Site falls within the boundary of YLS Development – Stage 1. To meet the target first population intake by Q1 of 2028, land clearance of the Site is planned to commence in Q3 of 2021 subject to Executive Council’s authorisation on land resumption and Finance Committee’s funding approval of the YLS development by early 2021 and mid 2021 respectively.
- (b) He objects to the application unless there is restriction on the period of the proposed use/development of the Site till September 2021 only. His department will give sufficient notice to relevant department(s) for early termination of the Site if his works commence early. The applicant shall be reminded that extension beyond September 2021 is unlikely to be supported in future. The applicant shall also be reminded that the proposed vehicular access to the Site (**Drawing A-1**) would no longer be available after September 2021.

District Officer’s Comments

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

His office has not received any feedback from the locals on the application.

10.2 The following government departments have no comment to the application:

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Director of Electrical and Mechanical Services (DEMS);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (d) Commissioner of Police (C of P).

11. Public Comment Received During the Statutory Publication Period

On 19.3.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 9.4.2019, no public comment was received.

12. Planning Considerations and Assessments

12.1 The subject application is for temporary warehouse for storage of exhibition materials and construction materials and open storage of construction machinery and construction materials with ancillary office and repair workshop for a period of 3 years at a 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. While

the Site falls within areas zoned as “RSc”, “LO” and areas shown as ‘Road’ on the RODP of YLS promulgated on 8.8.2017, CE/CID of PlanD does not raise objection to the application. PM(W), CEDD objects to the application unless the period of the proposed development is granted till September 2021 only in view of the programme of the YLS Development. However, DLO/YL, LandsD advises that the programme of land resumption would follow the project office’s programme notwithstanding the validity period of the planning permission to be granted. As such, approval of the application on a temporary basis of 3 years would not jeopardise the long-term development of the area. Should the application be approved, the applicant should be advised that the Site and site access 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 surrounding areas comprise mainly open storage/storage yards, warehouses and vehicle repair workshops (**Plan A-2**). Although there are residential structures nearby, the proposal is generally not incompatible with the surrounding uses.

12.3 According to TPB PG-No. 13E, the Site falls within Category 1 areas. The following guidelines are relevant:

Category 1 areas are considered suitable for open storage and port back-up uses. Favourable consideration will normally be given to applications within these areas, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments should be submitted if the proposed uses may cause significant environmental and traffic concerns.

The application is generally in line with TPB PG-No. 13E in that the Site falls within Category 1 areas which are considered suitable for open storage and port back-up use; and the technical concerns of relevant government departments could be addressed through the implementation of approval conditions.

12.4 There is no adverse comment on the application from concerned government departments, except DEP and PM(W), CEDD as mentioned in paragraph 12.1. DEP does not support the application as there are sensitive receivers of residential use in the vicinity of the Site (with the nearest one situated less than 5m to its south) (**Plan A-2**) and the applied use will cause traffic of heavy vehicles; 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 and 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 UD 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 impact, and to keep the Site clean and tidy at all times.

12.5 All the approval conditions of the latest previous application (No. A/YL-TYST/775) have been complied with, with the planning permission having lapsed on 23.1.2019. Given that 9 previous approvals for similar open storage uses have been granted to the Site and 176 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. There was one previous application rejected mainly due to insufficient information to demonstrate no adverse environmental, traffic and drainage impacts on the surrounding areas. There were also two similar applications in this part of the "U" zone rejected mainly on the grounds, amongst others, that approval of the application with repeated non-compliances would set an undesirable precedent for other similar planning permissions for temporary uses, thus nullifying the statutory planning control system. However, such considerations are not applicable to the current application.

12.6 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 warehouse for storage of exhibition materials and construction materials and open storage of construction machinery and construction materials with ancillary office and repair workshop could be tolerated for a period of 3 years.

13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years until 3.5.2022. 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 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no workshop activities, except in compartment No. 7, as proposed by the applicant, are allowed at any time during the planning approval period;
- (d) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site, as proposed by the applicant, at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) no storage or handling (including loading and unloading) of electrical appliances and electronic/computer parts (including cathode-ray tubes) is allowed on the Site, as proposed by the applicant, at any time during the planning approval period;
- (g) the existing boundary fencing on the Site shall be maintained at all times during the planning approval period;

- (h) all existing trees 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 3.8.2019;
- (k) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within **6** weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 14.6.2019;
- (l) the submission of fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 3.11.2019;
- (m) in relation to (l) 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 3.2.2020;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (o) if any of the above planning conditions (j), (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

Advisory clauses

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

13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applicant fails to demonstrate that the development would not generate adverse environmental impact on the surrounding areas.

14. Decision Sought

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

14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.

14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix I	Application Form received on 11.3.2019
Appendix Ia	Supplementary Planning Statement
Appendix Ib	Supplementary Information received on 18.3.2019 submitting a revised landscape and tree preservation proposal
Appendix Ic	Further Information received on 23.4.2019 clarifying the operational details of the Site and updating the applied use
Appendix II	Relevant extract of the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E)
Appendix III	Previous Applications covering the Site
Appendix IV	Similar applications in this part of the “U” zone on the OZP since the promulgation of TPB PG-No. 13E
Appendix V	The Good Practice Guidelines for Open Storage Sites
Appendix VI	Recommended Advisory Clauses
Drawing A-1	Site Plan showing vehicular access leading to the Site
Drawing A-2	Site Layout Plan
Drawing A-3	Layout Plan with Proposed Structures
Drawing A-4	Landscape and Tree Preservation Proposal
Drawing A-5	Proposed Drainage Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4g	Site Photos

**PLANNING DEPARTMENT
MAY 2019**