

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/983

<u>Applicant</u>	:	Wah Sang (China - Hong Kong) Limited represented by Metro Planning and Development Company Limited
<u>Site</u>	:	Lots 716 RP, 718 RP, 744 S.A, 744 S.B, 745 (Part), 746, 747 (Part), 749 (Part), 750, 751, 752 (Part), 753 (Part), 754 (Part), 755, 756 and 757 in D.D. 117 and Adjoining Government Land (GL), Kung Um Road, Yuen Long, New Territories
<u>Site Area</u>	:	9,424 m ² (about) (including about 985 m ² of GL)
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/12
<u>Zoning</u>	:	“Undetermined” (“U”)
<u>Application</u>	:	Temporary Warehouse for Storage of Electronic Goods with Ancillary Site Office for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary warehouse for storage of electronic goods with ancillary site office for a period of 3 years (**Plan A-1a**). 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 by the applied use without valid planning permission (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site was involved in 12 previous applications (No. A/YL-TYST/47, 248, 288, 300, 346, 376, 387, 402, 476, 684, 689 and 836) for various temporary warehouse and/or open storage uses covering different extents of the Site (**Plan A-1b**). Except applications No. A/YL-TYST/47 and 387 for various temporary open storage uses which were rejected by the Rural and New Town Planning Committee (the Committee) of the Board, the other 10 applications were approved with conditions by the Committee or by the Board on review. The last application (No. A/YL-TYST/836) for temporary warehouse for storage of home appliance and furniture and ancillary site office for a period of 3 years was approved with conditions by the Committee on 12.5.2017. However, the planning permission

under the last application was subsequently revoked on 12.8.2019 due to non-compliance with a time-limited approval condition concerning the implementation of drainage proposal. Details of the previous applications are summarised in paragraph 5 below and **Appendix II**. Compared with the last application (No. A/YL-TYST/836), the current application is submitted by the same applicant for similar warehouse use with largely the same site layout on largely the same site with similar development parameters.

- 1.3 According to the applicant, the warehouse is for storage of brand new electronic goods (including mobile phones, tablets and computer accessories). No open storage, dismantling, recycling, repairing, cleaning, assembling or other workshop activities and handling (including loading and unloading) of electronic waste and cathode-ray tubes will be carried out within the Site. The applicant also undertakes that all existing trees/drainage facilities within the Site will be preserved/maintained at his own expense. Plans showing the site layout, landscape and tree preservation proposal, drainage proposal and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-4** respectively.
- 1.4 The major development parameters of the previously approved application and the current application are summarised as follows:

Major Development Parameters	Previously Approved Application No. A/YL-TYST/836 (a)	Current Application No. A/YL-TYST/983 (b)	Difference (b)-(a)
Applied Use	Temporary Warehouse for Storage of Home Appliance and Furniture and Ancillary Site Office for a Period of 3 Years	Temporary Warehouse for Storage of Electronic Goods with Ancillary Site Office for a Period of 3 Years	Change in Items Stored
Site Area	About 9,668 m ² (including about 985 m ² of GL)	About 9,424 m ² (including about 985 m ² of GL)	-244 m ² (-2.5%)
Total Floor Area (Non-domestic)	5,458 m ²		---
No. and Height of Structures	6 • one for warehouse and site office (8.5m, 1-2 storeys) • one site office (7m, 2 storeys) • one pump room (4.5m, 1 storey) • one water tank (4.5m, 1 storey) • one toilet (3m, 1 storey) • one guard room (3m, 1 storey)		---
No. of Parking Space	---		---
No. of Loading/Unloading Spaces	3 (1 for container vehicle (16m x 3.5m) and 2 for medium/heavy goods vehicle (11m x 3.5m))		---
Operation Hours	7:00 a.m. to 9:00 p.m. Mondays to Saturdays, with no operation on Sundays and Public Holidays		---

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

- (a) Application Form received on 29.8.2019 (Appendix I)
- (b) Supplementary Planning Statement (Appendix Ia)
- (c) Further Information (FI) dated 12.9.2019 clarifying the proposed operation (Appendix Ib)
[accepted and exempted from publication and recounting requirements]
- (d) FI received on 7.11.2019 providing a condition record of existing drainage facilities and a FSIs proposal with fire certificates (Appendix Ic)
[accepted and exempted from publication and recounting requirements]
- (e) FI dated 26.11.2019 providing a full set of FSIs proposal with Fire Service (F.S.) Notes and fire certificates (Appendix Id)
[accepted and exempted from publication and recounting requirements]
- (f) FI dated 6.12.2019 providing a revised condition record of existing drainage facilities (Appendix Ie)
[accepted and exempted from publication and recounting requirements]

1.6 On 18.10.2019, the Committee agreed to defer a decision on the application for a period of two months, as requested by the applicant's representative. On 7.11.2019, FI (Appendix Ic) was received and the application is submitted to the Committee for consideration at this meeting.

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 (Appendix Ia) and the FIs at Appendices Ib to Ie. They can be summarised as follows:

- (a) The Site was the subject of previous planning permissions. Most of the approval conditions under the last application No. A/YL-TYST/836 had been complied with except for the implementation of drainage proposal, as the applicant required more time to widen the peripheral surface U-channel. The widening works has since been completed after revocation of the planning permission. Condition record of existing drainage facilities and a full set of FSIs proposal with F.S. Notes and fire certificates have been submitted in support of the current application.
- (b) According to the Town Planning Board Guidelines for "Application for Open Storage and Port Back-up Uses" (TPB PG-No.13E), the Site falls within Category 1 areas and is considered suitable for open storage and port back-up uses.
- (c) The proposed development is in line with the planning intention of the "U" zone. A number of open storage yards and warehouses have been approved by the Board in the vicinity of the Site. Therefore, the development is compatible with

the surrounding environment. Besides, there is a shortage of land for open storage purpose in Tong Yan San Tsuen.

- (d) There will be minimal traffic, environmental, visual and drainage impacts arising from the proposal. Adequate space for manoeuvring of vehicles will be provided within the Site. The applicant also undertakes to follow the environmental mitigation measures in the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Use” (Code of Practice), where applicable.

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. For GL, the requirements as set out in TPB PG-No. 31A are not applicable.

4. Background

The Site is currently not subject to planning enforcement action.

5. Previous Applications

- 5.1 The Site was the subject of 12 previous applications (No. A/YL-TYST/47, 248, 288, 300, 346, 376, 387, 402, 476, 684, 689 and 836) for various warehouse and/or open storage uses covering different extents of the Site. Details of the application are summarised in **Appendix II** and the boundaries of the sites are shown on **Plan A-1b**.
- 5.2 Out of these 12 previous applications, two applications (No. A/YL-TYST/47 and 387) were rejected by the Committee on 25.9.1998 and 9.5.2008 respectively. Application No. A/YL-TYST/47 for temporary open storage of new vehicles for re-export and application No. A/YL-TYST/387 for temporary open storage of used computers and accessories, submitted by different applicants, were rejected by the Committee mainly on the considerations that the development was not in line with the planning intention of the then “Green Belt” (“GB”) zone (for the former application only); non-compliance with the then/prevaling TPB PG-No.13; and insufficient information to demonstrate that the development would not generate adverse environmental and/or drainage impacts.
- 5.3 Applications No. A/YL-TYST/248, 288, 300, 346, 376, 476 and 689 for various temporary open storage uses with or without warehouse, submitted by different applicants and covering different extents of the Site, were approved with conditions for periods ranging from 1 to 3 years by the Board on review or by the Committee on 10.12.2004, 21.10.2005, 9.12.2005, 9.3.2007, 18.1.2008, 25.6.2010 and 8.8.2014 respectively, mainly on the considerations that the proposals were generally in line with the planning intention of the “U” zone; the

applied uses were generally not incompatible with the surrounding uses; and the technical concerns of relevant departments could be addressed by imposing approval conditions. However, planning permissions No. A/YL-TYST/288, 300, 376 and 476 were subsequently revoked on 21.7.2007, 9.6.2006, 7.11.2008 and 25.9.2011 respectively due to non-compliance with approval conditions.

- 5.4 Application No. A/YL-TYST/402 for temporary warehouse for storage of construction materials, covering the northwestern portion of the Site, and application No. A/YL-TYST/684 for temporary warehouse for storage of home appliance and furniture and ancillary site office, covering the northern portion of the Site, were submitted by the same applicant as the current application. The warehouse under the former application appears to have the same configuration as the corresponding part of the current proposed warehouse, while the warehouse under the latter application appears to be a substantial extension and is similar to that proposed in the current application. These applications were approved with conditions each for a period of 3 years by the Committee on 4.7.2008 and 22.8.2014 respectively based on similar considerations mentioned in paragraph 5.3 above. However, the applications were revoked on 4.8.2010 and 22.11.2016 respectively due to non-compliance with approval conditions on submission and/or implementation of FSIs proposal.
- 5.5 The last application (No. A/YL-TYST/836) was for temporary warehouse for storage of home appliance and furniture and ancillary site office submitted by the same applicant as the current application, and covering largely the same site. The subject warehouse was similar to the warehouse under application No. A/YL-TYST/684 albeit further extended, and is largely similar to the current proposal. The application was approved with conditions for a period of 3 years by the Committee on 12.5.2017 on similar considerations as those stated in paragraph 5.3 above. However, the application was revoked on 12.8.2019 due to non-compliance with approval condition on implementation of drainage proposal as the dimensions of some of the drains were not in line with the approved drainage proposal.
- 5.6 Overall, the last three applications for temporary warehouse use covering the Site (No. A/YL-TYST/402, 684 and 836) were submitted by the same applicant as the current application. Compared with the last application, the current application is submitted by the same applicant for similar warehouse use with largely the same site layout on largely the same site with similar development parameters.

6. Similar Applications

- 6.1 A total of 115 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 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 III** and the locations of the sites are shown on **Plan A-1a**.
- 6.2 Out of the 115 similar applications, 111 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, 40 were subsequently revoked due to non-compliance with approval conditions.

- 6.3 The remaining four applications (No. A/YL-TYST/478, 922, 926 and 943) were rejected by the Committee/the Board on review mainly on the grounds, amongst others, that approval of application with repeated non-compliances with approval conditions would set an undesirable precedent for other similar planning permissions for temporary uses, thus nullifying the statutory planning control system.

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

7.1 The Site is:

- (a) accessible from Kung Um Road via a short local track to its east (**Plan A-2**);
- (b) paved and fenced-off; and
- (c) currently occupied by the applied use without valid planning permission.

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

- (a) comprise predominately warehouses and open storage/storage yards intermixed with workshops, parking of vehicles, graves, scattered residential structures, a residential care home for the elderly (RCHE), unused land and some vacant land/structures;
- (b) there are residential structures in the vicinity with the nearest one located to its immediate east;
- (c) to its east across a nullah bisected by Kung Um Road and Pak Sha Shan Road is an area zoned “Other Specified Uses” (“OU”) annotated “Rural Use” under the approved Tai Tong OZP No. S/YL-TT/16;
- (d) there are warehouses and/or open storage yards located to the immediate north, immediate south, further north, southwest, further southwest, west and northwest of the Site which are operating with valid planning permissions under applications No. A/YL-TYST/816, 971, 917, 964, 860, 945 and 955 respectively; and
- (e) except for the aforementioned operations operating with valid planning permissions, the other warehouses, parking of vehicles, open storage/storage yards and workshops in the vicinity are suspected unauthorised developments (UD) 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) Within the Site, the GL is covered by Short Term Tenancy (STT) Nos. 2817 and 2825 to permit structures erected thereon for the purposes of ‘Temporary Warehouse for Storage of Home Appliance and Furniture and Ancillary Site Office’ and ‘Temporary Open Storage of Construction Machinery and Construction Materials’ respectively. Also, Lots 744 S.A, 744 S.B, 752, 755, 756&757, and 750&751 in D.D. 117 are covered by Short Term Waivers (STWs) Nos. 3999, 4000 and 4001 respectively to permit structures erected thereon for the purpose of ‘Temporary Warehouse for Storage of Home Appliance and Furniture and Ancillary Site Office’. Meanwhile, Lot 745 in D.D. 117 is covered by STW No. 4033 to permit structures erected thereon for the purpose of ‘Temporary Open Storage of Construction Machinery and Construction Materials’. Furthermore, Lots 747, 749&753 and 754 in D.D. 117 are covered by STWs Nos. 4479, 4481 and 4482 respectively to permit structures erected thereon for the purpose of ‘Temporary Warehouse for Storage of Clothes and Household Products and Logistics Centre’.
- (c) The Site is accessible from Kung Um Road via GL. Her office does not provide maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site.
- (d) The Site does not fall within the Shek Kong Airfield Height Restriction Area.
- (e) Should planning approval be given to the application, the STW/STT holder(s) will need to apply to her office for modification of the STW/STT conditions where appropriate and the lot owner(s) of the lot(s) without STW 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 of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application 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):

The applicant is reminded that sufficient space within the Site should be provided 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) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (b) 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) DEP does not support the application as there are sensitive receivers of residential use in the vicinity (with the nearest one situated to its immediate east) (**Plan A-2**) and the applied use will cause traffic of heavy vehicles; environmental nuisance is expected.
- (b) There was no substantiated environmental complaint concerning the Site received in the past three 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 to minimise any potential environmental nuisances.

Nature Conservation

9.1.5 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) As the Site is paved and disturbed, she has no strong view on the application from nature conservation point of view.

- (b) Should the application be approved, the applicant should be advised to adopt good site practices and implement necessary water pollution control measures in order to avoid affecting the existing watercourse in the vicinity of the Site.

Landscape

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

- (a) According to her record, the implementation of landscape works of the last application (No. A/YL-TYST/836) had been completed and the relevant approval condition was considered complied with. According to the planning statement (**Appendix Ia**) of the application, the existing trees will be retained in-situ. Therefore, should the Board approve this application, the applicant should be advised to maintain all existing trees within the Site in good condition at all times during the planning approval period.
- (b) The applicant is advised that the approval of the application does not imply approval of tree works such as pruning, transplanting and felling under lease. Tree removal applications should be submitted direct to DLO/YL, LandsD for approval.

Drainage

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

- (a) He has no objection in principle to the proposed development from the drainage point of view and has no adverse comment on the submitted drainage proposal (**Drawing A-3**).
- (b) His Division inspected the drainage facilities of the Site and considered that the implementation of the drainage facilities was satisfactory.
- (c) The applicant is reminded to maintain all drainage facilities on site in good condition and ensure that the development would neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and adjacent areas, etc. The applicant is required to rectify the drainage system at their own expense to the satisfaction of government parties concerned if they are found to be inadequate or ineffective during operation.

Fire Safety

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

- (a) The submitted FSIs proposal (**Drawing A-4**) is considered acceptable to his department.

- (b) The applicant is advised that the installation/maintenance/modification/repair work of FSIs shall be undertaken by a Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall after completion of the installation/maintenance/modification/repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to him.
- (c) 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 granted by the Building Authority (BA) 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 BA, 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, demolition and land filling) are to be carried out on the Site, prior approval and consent of the BA 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

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

- (a) The 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 mainly falls within areas zoned as “OU” annotated “Sewage Treatment Works”, “OU” annotated “Hillside River Corridor with Scenic Cycle Track” and “Local Open Space” (“LO”), as well as 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.

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

- (a) He has no objection to the subject application.
- (b) Part of the Site falls within the boundary of the proposed YLS Development - Stage 2 (the project). The land resumption and clearance programme of the project is subject to Executive in Council’s authorisation on land resumption and Finance Committee’s funding approval. Land clearance operation is tentatively targeted to commence in 2024. Thus, the applicant shall be reminded that extension of the planning permission may not be supported in future and no substantial works shall be carried out in view of the planned project.

District Officer’s Comments

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

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

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

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

10. Public Comments Received During the Statutory Publication Period

On 6.9.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 27.9.2019, two public comments from members of the Yuen Long District Council (**Appendices IV-1 and IV-2**) and one comment from the general public (**Appendix IV-3**) were received. The first comment raised objection on the ground that the application is subject to repeated non-compliances with approval conditions. The remaining two comments raised concerns on the type of items stored on the Site; and the area should be developed with multi-storey storage buildings in view of its industrial/commercial character.

11. Planning Considerations and Assessments

- 11.1 The subject application is for temporary warehouse for storage of electronic goods with ancillary site office 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. Whilst the Site falls within areas zoned as “OU” annotated “Sewerage Treatment Works”, “OU” annotated “Hillside Corridor with Scenic Cycle Track” and “LO”, as well as an area shown as ‘Road’ on the RODP of YLS promulgated on 8.8.2017, CE/CID, PlanD does not raise objection to the application and PM(W), CEDD has no objection to the proposed temporary use for 3 years. As such, approval of the application on a temporary basis of 3 years would not jeopardise the long-term development of the area.
- 11.2 The surrounding areas comprise mainly open storage/storage yards and warehouses (**Plan A-2**). Although there are residential structures and a RCHE nearby, the proposal is generally not incompatible with the surrounding major uses in the subject “U” zone.
- 11.3 There is no adverse comment on the application from concerned government departments, except DEP. DEP does not support the application as there are sensitive receivers of residential use in the vicinity of the Site (with the nearest one located to its immediate east) (**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. Furthermore, relevant approval conditions are recommended in paragraph 12.2 below to minimise any potential environmental nuisances and 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 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 latest Code of Practice to minimise any potential environmental impact on the surrounding area.

- 11.4 The Site was the subject of ten planning approvals for various open storage and/or warehouse uses covering different extents of the Site, though seven of which (No. A/YL-TYST/288, 300, 376, 402, 476, 684 and 836) were subsequently revoked due to non-compliance with approval conditions. Amongst these seven revoked applications, three (No. A/YL-TYST/402, 684 and 836) were submitted by the same applicant as the current application for similar warehouse uses. Since the granting of the first application in 2008, the current applicant has failed to comply with approval conditions concerning the submission and implementation of FSIs proposal (No. A/YL-TYST/402), implementation of FSIs proposal (No. A/YL-TYST/684), and implementation of drainage proposal (No. A/YL-TYST/836) resulting in three consecutive revocations. For the last application, the applicant did implement drainage facilities at the Site albeit some of the drains were constructed in the wrong dimensions as compared with the approved drainage proposal, eventually leading to the revocation of the planning permission. For the current application, the applicant has submitted landscape, drainage and FSIs proposals (**Drawings A-2 to A-4**). The submitted proposals have all been agreed and implemented to the satisfactions of CTP/UD&L of PlanD, CE/MN, DSD and D of FS. The applicant has therefore demonstrated tangible efforts in addressing the potential fire risk and drainage impacts of the proposal. Furthermore, approval conditions requiring maintenance of existing trees, FSIs and drainage facilities are recommended in paragraph 12.2 below to monitor the situation. In view of the above, sympathetic consideration may be given to this application. Furthermore, the applicant will be advised that should he fail to comply with any of the approval conditions resulting in revocation of the planning permission, sympathetic consideration would not be given to any further application.
- 11.5 Given that ten previous approvals for similar warehouse uses have been granted to the Site and 111 similar applications have been approved in this part of the “U” zone, approval of this application is generally in line with the Committee’s previous decisions. There are two previous applications rejected by the Committee mainly on the considerations, amongst others, that there was insufficient information to demonstrate that the then open storage uses would not generate adverse environmental and/or drainage impacts. However, the current proposal is for warehouse use and the applicant has pledged that no open storage activity will take place at the Site. There are four similar applications in this part of the “U” zone rejected by the Committee/the Board on review on the consideration that approval of application with repeated non-compliances would set an undesirable precedent, amongst others. Although relevant, this consideration is not entirely applicable to the current application as the applicant has submitted and implemented all relevant proposals to the satisfactions of relevant departments as detailed in paragraph 11.4 above.
- 11.6 There are three public comments including one objecting comment 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 11.5 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 comments mentioned in paragraph 10, the Planning Department considers that the temporary warehouse for storage of electronic goods with ancillary site office 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 up to 3.1.2023. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 9:00 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 open storage, dismantling, recycling, repairing, cleaning, assembling or other workshop activities and handling (including loading and unloading) of electronic waste and cathode-ray tubes, as proposed by the applicant, shall be carried out on the Site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) all existing trees within the Site shall be maintained at all times, as proposed by the applicant, during the planning approval period;
- (f) the existing boundary fencing on the Site shall be maintained at all times during the planning approval period;
- (g) the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) the existing fire service installations implemented on the Site should be maintained in efficient working order at all times during the planning approval period; and
- (i) 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.

Advisory clauses

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

12.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Member's reference:

- (a) seven previous planning permissions granted on the Site by the Board were revoked due to non-compliance of the approval conditions, three 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; and
- (b) the applicant fails to demonstrate that the development would not generate adverse environmental impact on the surrounding areas.

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 received on 29.8.2019
Appendix Ia	Supplementary Planning Statement
Appendix Ib	FI dated 12.9.2019 clarifying the proposed operation
Appendix Ic	FI received on 7.11.2019 providing a condition record of existing drainage facilities and a FSIs proposal with fire certificates
Appendix Id	FI dated 26.11.2019 providing a full set of FSIs proposal with F.S. Notes and fire certificates
Appendix Ie	FI dated 6.12.2019 providing a revised condition record of existing drainage facilities
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
Appendices IV-1 to IV-3	Public comments received during the statutory publication period
Appendix V	Recommended Advisory Clauses
Drawing A-1	Site Layout Plan

Drawing A-2	Landscape and Tree Preservation Plan
Drawing A-3	Drainage Plan
Drawing A-4	FSIs Proposal
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 and A-4b	Site Photos

**PLANNING DEPARTMENT
JANUARY 2020**