

APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1093

- Applicant** : Mr. YEUNG Lai Wing represented by Metro Planning and Development Company Limited
- Site** : Lot 2712 S.B (Part) in D.D. 120, Lots 1639 (Part), 1640 (Part), 1649 (Part), 1650 (Part), 1664 (Part), 1665, 1666 (Part), 1667 (Part), 1668 (Part), 1669 (Part), 1673 (Part), 1674 (Part), 1675, 1676 S.A&B (Part) in D.D. 121 and Adjoining Government Land (GL), Shan Ha Tsuen, Yuen Long, New Territories
- Site Area** : 9,600m² (about) (including GL of about 278m² (about 2.9%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Tong Yan San Tsuen (TYST) Outline Zoning Plan (OZP) No. S/YL-TYST/13
- Zonings** : “Residential (Group A) 3” (“R(A)3”) (about 77.9%);
[Restricted to a maximum plot ratio of 7 and a maximum building height of 160mPD]

“Open Space” (“O”) (about 15.5%); and

area shown as ‘Road’ (about 6.6%)
- Application** : Renewal of Planning Approval for Temporary Open Storage and Warehouse for Storage of Recyclable Materials (Plastic and Metal), Open Storage of Mobile Toilets, and Open Storage of Construction Machinery and Material for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval to use the application site (the Site) for temporary open storage and warehouse for storage of recyclable materials (plastic and metal), open storage of mobile toilets, and open storage of construction machinery and material for a period of 3 years (**Plan A-1a**). Although the applied use is neither a Column 1 or 2 use in the “R(A)” and “O” zones, according to the Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years requires planning permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for under the Notes of the OZP. The covering Notes of the OZP also states

that all uses or developments within areas shown as 'Road' require planning permission from the Board. The Site is currently occupied by the applied use with valid planning permission under application No. A/YL-TYST/897 (**Plans A-2, A-4a to A-4c**).

- 1.2 The Site involves six previous applications for various temporary storage uses with/without other uses. The last application (No. A/YL-TYST/897) for the same use as the current application was approved with conditions for a period of 3 years by the Rural and New Town Planning Committee (the Committee) of the Board on 15.6.2018. All the time-limited approval conditions under the last application had been complied with and the permission is valid up to 15.6.2021. Compared with the last application, the current application is submitted by the same applicant for the same use on the same site with the same site layout and development parameters.
- 1.3 According to the applicant, the construction machinery and materials to be stored include concrete pipes, bricks, barricades, miniature excavators and electric generators, etc., while the recycled material to be stored will be confined to recyclable bottles. No heavy goods vehicles, including container trailers/tractors, will enter the Site. The applicant pledges not to store or handle used electrical appliances, computer/electronic parts or any other types of electronic wastes on site. No dismantling, cutting, compacting, cleansing and other workshop activities will be carried out at the Site. Plans showing the vehicular access leading to the Site, site layout, landscape and tree preservation proposal, as-built drainage facilities and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-5** respectively.
- 1.4 The major development parameters of the current application are the same as the previously approved application No. A/YL-TYST/897, which are summarised as follows:

Major Development Parameters	Previously Approved Application No. A/YL-TYST/897	Current Application No. A/YL-TYST/1093
Applied Use	Temporary Open Storage and Warehouse for Storage of Recyclable Materials (Plastic and Metal), Open Storage of Mobile Toilets, and Open Storage of Construction Machinery and Material for a Period of 3 Years	
Site Area	About 9,600m ² (including GL of about 278m ²)	
Total Floor Area (Non-domestic)	About 1,398m ²	
No. and Height of Structures	12 • for site office, open shed for storage, warehouse, toilet, changing room and electricity metre room (3m-8m, 1-2 storey(s))	
No. of Loading/Unloading Spaces	2 (for medium goods vehicle) (11m x 3.5m each)	
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 with annex and plans received on 1.4.2021 (Appendix I)
- (b) Supplementary Information received on 9.4.2021 clarifying the site boundary (Appendix Ia)
- (c) Further Information (FI) received on 19.4.2021 providing FSIs proposal and certificates, and clarifying the site layout and operation (Appendix Ib)
- (d) FI received on 20.5.2021 clarifying the proposed operation (Appendix Ic)
[(c) and (d) 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 the Application Form (Appendix I). They can be summarised as follows:

- (a) The Site has been the subject of five previous planning permissions since 2006. All the approval conditions imposed to the last application (No. A/YL-TYST/897) had been complied with.
- (b) The proposal is in line with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13F).
- (c) The temporary proposal would not jeopardise the long-term planning intentions. A number of open storage yards and port back-up uses have been approved by the Board in the vicinity of the Site and their planning circumstances are similar to that of the Site. The proposal is compatible with the surrounding environment. Besides, there is a shortage of land for port back-up purpose in TYST.
- (d) There will be minimal traffic, environmental and drainage impacts arising from the proposal.

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 site notice and sending the notice to the Ping Shan 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. Town Planning Board Guidelines

- 4.1 On 27.3.2020, the Board promulgated the revised TPB PG-No. 13F. The Site falls within Yuen Long South (YLS) Development Area. The criteria for New Development Areas (NDAs) (including potential development areas) under the

Guidelines are applicable. Relevant extracts of the Guidelines are attached at **Appendix II**.

- 4.2 The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34C) are also relevant to the application. The relevant assessment criteria are at **Appendix III**.

5. Background

The Site is currently not subject to planning enforcement action.

6. Previous Applications

- 6.1 The Site involves six previous applications for various temporary storage uses with/without other uses covering different extents of the Site. The application sites of all six previous applications were zoned “Undetermined” on previous versions of the OZP at the time of consideration by the Committee. Details of the applications are summarised in **Appendix IV** and the boundaries of the sites are shown on **Plan A-1b**.

Rejected Application (1 Case)

- 6.2 Application No. A/YL-TYST/146 for temporary storage of building materials for a period of 3 years was rejected by the Committee in 2001 mainly on the considerations that there were potential adverse environmental and drainage impacts; and the vehicular access arrangement was unclear.

Approved Applications (5 Cases)

- 6.3 Applications No. A/YL-TYST/282, 416, 588, 731 and 897 for various temporary storage uses with/without ancillary workshop were approved with conditions each for a period of 3 years by the Committee between 2006 and 2018, mainly on the considerations that the proposals were not incompatible with the surrounding uses; the proposals would not frustrate the long-term development of the area; and the concerns of relevant government departments could be addressed by imposing approval conditions. All the time-limited approval conditions of the last application (No. A/YL-TYST/897) have been complied with and the planning permission is valid up to 15.6.2021.
- 6.4 Compared with the last application (No. A/YL-TYST/897), the current application is submitted by the same applicant for the same use on the same site with the same site layout and development parameters. Notwithstanding the above, the zoning of the Site has since been amended to mainly “R(A)3” and “O” when the draft TYST OZP No. S/YL-TYST/13 was gazetted on 10.7.2020.

7. Similar Applications

- 7.1 A total of 33 similar applications for various temporary open storage and/or

warehouse uses with/without ancillary uses within/straddling the subject “R(A)3” and “O” zones had been considered by the Committee since 2015. Details of the applications are summarised in **Appendix V** and the locations of the sites are shown on **Plan A-1a**.

- 7.2 Out of the 33 similar applications, 32 were approved¹ mainly on similar considerations that the developments were not incompatible with the surrounding uses and the concerns of relevant departments could be addressed by imposing approval conditions. However, the planning permissions for 5 of them were subsequently revoked due to non-compliance with approval conditions.
- 7.3 The remaining application (No. A/YL-TYST/1058) was rejected by the Committee in 2020 mainly on the grounds that the applied use was not in line with TPB PG-No. 13F in that the applicant could not demonstrate that the continued operation of the applied use would not generate adverse environmental impact on the surrounding areas.

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

- 8.1 The Site is:
- (a) accessible from Shan Ha Road to its northwest via a local track (**Drawing A-1, Plans A-2 and A-3**);
 - (b) paved and fenced off; and
 - (c) currently occupied by the applied use with valid planning permission under application No. A/YL-TYST/897 (**Plans A-2 and A-4a to A-4c**).
- 8.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):
- (a) predominantly open storage/storage yards, with scattered residential structures, parking of vehicles, a vehicle repair workshop, shrubland and vacant land/structures;
 - (b) there are residential structures in the vicinity of the Site with the nearest one located about 20m to its southwest;
 - (c) to its immediate east is Lam Tai West Road and a nullah;
 - (d) to the further west and southwest of the Site are areas zoned “Village Type Development” (“V”) and “V(1)” respectively on the OZP; and
 - (e) except for five open storage/storage yards operating with valid planning permissions in the vicinity (No. A/YL-TYST/925, 935, 942, 994 and 1014), the other open storage/storage yards, parking of vehicles and vehicle repair workshop in the vicinity are suspected unauthorised developments (UD) subject to enforcement action taken by the Planning Authority.

¹ The first 29 similar applications were approved prior to the rezoning of the sites to “R(A)3” and/or “O” on the subject OZP.

9. Planning Intentions

- 9.1 The planning intention of the “R(A)” zone is primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building.
- 9.2 The planning intention of the “O” zone is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

10. Comments from Relevant Government Departments

- 10.1 The following Government departments have been consulted and their views on the application and public comments, where relevant, 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 GL and 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. No permission is given for occupation of GL included in the Site except Short Term Tenancy (STT) No. 2986. Any occupation of GL without Government’s prior approval is not allowed.
- (b) Within the Site, Lots 1666 & 1667, 1639, 1664, 1673, 1674, 1675 and 1676 S.A&B in D.D. 121 are covered by Short Term Waivers (STWs) No. 4548, 4552, 4554, 4558, 4559, 4560 and 4561 respectively, whereas portion of GL therein is covered by STT No. 2986 to permit structures erected thereon for the purposes of “Temporary Open Storage of Construction Machinery and Materials, Scrap Vehicles, Vehicle Parts, Mobile Toilets and Recyclable Materials (including Metal, Paper and Plastic Goods) with Ancillary Workshop”.
- (c) Should planning approval be given to the subject planning 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. Furthermore, the applicant has to either exclude the GL portion from the Site or apply for a formal approval prior to the actual occupation of the GL portion without STT. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. 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 rent or fee, as may be imposed by her department.

Traffic

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

- (a) The land status of the access road/path/track leading to the Site from Shan Ha Road shall be checked with the lands authority.
- (b) The management and maintenance responsibilities of the access road/path/track should be clarified and consulted with the relevant management and maintenance authorities accordingly.
- (c) 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) 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 Shan Ha Road.

Environment

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

- (a) He does not support the application as there are sensitive receivers of residential use in the vicinity (with the nearest one located about 20m to its southwest) (**Plan A-2**), and the applied use will cause traffic of heavy vehicles; environmental nuisance is expected.
- (b) With respect to the public concerns on noise, odour and water pollution arising from the applied use, no substantiated environmental complaint concerning the Site was received in the past 3 years.
- (c) Should the 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 Use” (Code of Practice) and Practice Note for Professional Person (ProPECC) PN 5/93 “Drainage Plans subject to Comment by the Environmental Protection Department” to minimise any potential environmental

nuisance. Moreover, it is the obligation of the applicant to comply with all relevant ordinances in Hong Kong.

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, apparently the applicant would maintain the same drainage facilities as those implemented under the previous planning application No. A/YL-TYST/897.
- (c) Should the Board consider that the application is acceptable from the planning point of view, approval conditions requiring the maintenance of the drainage facilities implemented under application No. A/YL-TYST/897 and the submission of records of the existing drainage facilities on site to the satisfaction of the Director of Drainage Services or of the Board should be stipulated.

Building Matters

10.1.6 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 should be reminded of the detailed comments at **Appendix VII**.

Fire Safety

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

He has no objection in principle to the renewal application subject to the existing FSIs implemented on the Site being maintained in efficient working order at all times.

Open Space

10.1.8 Comments of the Director of Leisure and Cultural Services (DLCS):

- (a) He has no objection in principle to the application for three years.
- (b) The Site is not on the priority list for development agreed by the Yuen Long District Council. His department has no plan to develop the Site into public open space at present.

Long-Term Development

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

- (a) The Civil Engineering and Development Department (CEDD) and PlanD jointly commissioned the “Planning and Engineering Study for Housing Sites in YLS – Investigation”. According to the Revised Recommended Outline Development Plan of YLS promulgated in May 2020, the Site falls partly within an area zoned “Special Residential – Zone 1 – Public Rental Housing (with Commercial)”, partly within an area zoned as “Local Open Space”, and partly within 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.

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

- (a) He has no objection to the subject application for temporary use for three years.
- (b) A very small portion in southwestern part of the Site falls within the boundary of YLS Development – Stage 1 (the project). To meet the target first population intake under the project by Q4 of 2028, land clearance at this portion of the Site is planned to commence in mid 2022 subject to Executive Council’s (ExCo’s) authorisation on land resumption and Finance Committee’s (FC’s) funding approval of the project by Q4 2021 and Q1 2022 respectively. The programme of land resumption would follow the project programme notwithstanding the validity period of the planning permission to be granted.
- (c) The majority of the Site falls within the boundary of YLS Development - Stage 2 Phase 2. The land resumption and clearance programme of the project is subject to ExCo’s authorisation on land resumption and FC’s funding approval of the project. Land clearance operation at this portion of the Site 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 in view of the planned YLS Development – Stage 2 Phase 2.
- (d) Should the application be approved by the Board, the applicant should be advised that the Site might be subject to land resumption for the implementation of the YLS Development – Stage 1 which

might take place at any time before the expiry of the temporary planning permission. No substantial works should be carried out in view of the planned YLS Development – Stage 1 and Stage 2 Phase 2. His department will give sufficient notice to relevant department(s) for early resumption of the Site if his department's works commence early.

District Officer's Comments

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

His office has not received any locals' comment on the subject application and have no comment from departmental point of view.

10.2 The following Government departments have no comment on the application:

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

11. Public Comments Received During Statutory Publication Period

11.1 On 13.4.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period, a total of 207 public comments were received from individuals. Amongst which, 200 raised objection and the remaining seven expressed adverse comments on the application. A full set of public comments will be deposited at the meeting for Members' inspection.

11.2 Amongst the 207 objections/adverse comments, 196 comments were based on six sets of standard comments and some with additional individual comments (extracted samples of a similar nature are at **Appendices VI-1 to VI-6**), while the remaining 11 comments are extracted at **Appendices VI-7 to VI-17**. The salient issues of the objections and adverse comments are summarised as follows:

Adverse Environmental, Traffic and Fire Safety Impacts

- (a) The recycling operation has caused environmental pollution (including toxic fumes, and noise and odour pollution) to the detriment of nearby residents, and the water pollutants from the Site will have ecological implications to the Mai Po Wetland in the downstream area.
- (b) The proposal will destroy the tranquil living environment, aggravate traffic congestion and pose fire safety risks on the surrounding area.

Other Issues

- (c) The applied use is incompatible with the village type developments nearby.

- (d) The recycling operation has regularly violated relevant environmental regulations and planning conditions², which demonstrates the operator's lack of respect for law and order. The enforcement actions by relevant authorities are incapable of curbing the on-going environmental nuisances.
- (e) Continuation of the applied use would undermine the long-term planning intention for the area.

12. Planning Considerations and Assessment

- 12.1 The application is for renewal of planning approval for temporary open storage and warehouse for storage of recyclable materials (plastic and metal), open storage of mobile toilets, and open storage of construction machinery and material for a period of 3 years at a site mainly zoned "R(A)3" (about 77.9%), partly zoned "O" (about 15.5%) and within an area shown as 'Road' (about 6.6%) on the OZP. The planning intentions of the "R(A)" and "O" zones are primarily for high-density residential developments and provision of outdoor open-air public space respectively. Although the applied use is not in line with the planning intentions of the "R(A)" and "O" zones, and the Site falls within YLS Development, CE/CID, PlanD does not raise objection to the application and PM(W), CEDD and DLCS have no objection to the application for three years. Approval of the application on a temporary basis of three years would not jeopardise the long-term development of the Site. Nevertheless, should the application be approved, it is suggested to include an advisory clause to remind the applicant that the Site may be resumed by the Government at any time during the planning approval period for the implementation of YLS Development – Stage 1.
- 12.2 The surrounding areas comprise predominantly open storage/storage yards (**Plan A-2**). While there are residential structures in the vicinity, the development is generally not incompatible with the surrounding uses.
- 12.3 The Site falls within the YLS Development Area. For applications in NDAs (including potential development areas), the following considerations in the TPB PG-No. 13F are relevant:

For existing open storage and port back-up uses with previous planning approval(s) and/or permitted under the previous OZPs, sympathetic consideration may be given to the application (irrespective of whether the application is submitted by the applicant of previous approval or a different applicant) until the concerned site is required for implementation of NDA development, provided that the relevant approval conditions, if any, have been complied with. Technical assessments, where appropriate, should be submitted to demonstrate that the continued operation of the current uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas and the concerns of the departments and local residents, if any, can be addressed through the implementation of the approval conditions. In view of the impending

² Some public comments alleging violation of relevant environmental regulations and planning conditions (such as those extracted at **Appendices VI-1 to VI-3**) appear to be directed at an adjoining recycling operation previously covered by planning applications No. A/YL-TYST/895 (revoked in 2020 due to violation of restrictions on operation hours) and 1058 (rejected by the Committee in 2020 mainly on environmental grounds) (**Plan A-1a**), which shared the same ingress/egress as the Site.

implementation of NDAs, new open storage and port back-up uses are generally not encouraged to infiltrate into the NDAs. There is a general presumption against such uses at greenfield areas and/or at sites with land use compatibility issue, e.g. in close proximity to existing residential dwellings which may be subject to environmental nuisances caused by the open storage and port back-up uses.

- 12.4 The application is generally in line with TPB PG-No. 13F in that the Site falls within the YLS Development Area and previous planning approvals for similar open storage uses have been given under the previous OZPs; all time-limited approval conditions of the last application have been complied with; relevant proposals have been submitted to demonstrate that the applied use would not generate adverse impacts on the surrounding areas; and the local concerns and technical concerns of relevant departments could be addressed through the imposition of approval conditions.
- 12.5 The application is also generally in line with TPB PG-No. 34C in that approval of the application would not pre-empt the long-term development of the Site; all the time-limited approval conditions under the last application No. A/YL-TYST/897 had been complied with; and the three year approval period sought is reasonable and of the same timeframe as the previous approval.
- 12.6 There is no adverse comment on the application from concerned government departments, except DEP. DEP does not support the application as there are sensitive receivers of residential use in the vicinity of the Site (with the nearest one located about 20m to its southwest) (**Plan A-2**), and the applied use will cause traffic of heavy vehicles; environmental nuisance is expected. However, there has been no substantiated environmental complaint concerning the Site received in the past 3 years. Furthermore, relevant approval conditions are recommended in paragraph 13.2 below to minimise any potential environmental nuisances or to address the local concerns and 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 keep the Site clean and tidy at all times and to follow ProPECC PN 5/93, as well as the latest Code of Practice to minimise any potential environmental impact on the surrounding areas.
- 12.7 Given that five previous approvals for various temporary storage uses with/without other uses have been granted to the Site and 32 similar applications within/straddling the subject “R(A)3” and “O” zones have been approved since 2015, approval of the current application is generally in line with the Committee’s previous decisions.
- 12.8 There are 207 public comments objecting to or raising adverse comments on the application received during the statutory publication period as summarised in paragraph 11. While the majority of the objections/adverse comments received on the application were concerned with environmental nuisances arising from alleged workshop activities at the Site, no such activities are proposed in the current application and corresponding approval condition is imposed to this effect. The planning considerations and assessments in paragraphs 12.1 to 12.7 above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12, and having taken into account the public comments summarised in paragraph 11 above, the Planning Department considers that the temporary open storage and warehouse for storage of recyclable materials (plastic and metal), open storage of mobile toilets, and open storage of construction machinery and material could be tolerated for a further 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 and be renewed from 16.6.2021 to 15.6.2024. 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 or public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no dismantling, cutting, compacting, cleansing or other workshop activities, as proposed by the applicant, are allowed on the Site at any time during the planning approval period;
- (d) 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;
- (e) no heavy goods vehicles, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to be parked/stored on or enter/exit the Site 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) the existing boundary fencing on the Site shall be maintained at all times during the planning approval period;
- (h) the existing trees on 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 commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 16.9.2021;

- (k) the existing fire service installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h), (i) or (k) 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 the above planning condition (j) 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.

[Approval conditions (a) to (f) and (h) to (j) are the same as those under the permission for application No. A/YL-TYST/897, condition (g) has been inserted and condition (k) has been updated as per the current proposal, and the reinstatement clause is deleted to accord with the department's latest requirements.]

Advisory clauses

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

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

- (a) the applied use is not in line with the planning intentions of the "R(A)" and "O" zones, which are primarily for high-density residential developments and provision of outdoor open-air public space respectively. No strong planning justification has been given in the submission to justify a departure from the planning intentions, even on a temporary basis; and
- (b) the applicant fails to demonstrate that the development would not generate adverse environmental impact on the surrounding area.

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 with annex and plans received on 1.4.2021
Appendix Ia	Supplementary Information received on 9.4.2021
Appendix Ib	FI received on 19.4.2021
Appendix Ic	FI received on 20.5.2021
Appendix II	Relevant Extracts of TPB PG-No. 13F
Appendix III	Relevant Extracts of TPB PG-No. 34C
Appendix IV	Previous Applications covering the Site
Appendix V	Similar Applications within/straddling the subject “R(A)3” and “O” Zones on the TYST OZP
Appendices VI-1 to VI-17	Public Comments received during the Statutory Publication Period (extracted)
Appendix VII	Recommended Advisory Clauses
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	Landscape and Tree Preservation Proposal
Drawing A-4	As-built Drainage Plan
Drawing A-5	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 to A-4c	Site Photos

**PLANNING DEPARTMENT
MAY 2021**