

RNTPC Paper No. A/YL-NTM/393
For Consideration by
the Rural and New Town
Planning Committee
on 1.11.2019

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-NTM/393

- Applicant** : Choi Lee Parking Limited represented by Top Bright Consultants Limited
- Site** : Lots 647 RP (Part) in D.D. 99, Lots 2950 (Part), 2951 (Part), 2953 RP (Part), 2970 RP (Part), 2971 RP (Part), 2972 (Part), 2975 (Part), 2976, 2977, 2978 RP, 2979, 2980, 2981 RP, 2982 RP (Part), 2983 RP (Part), 2986 RP, 2987 RP (Part), 2988 RP in D.D. 102, and Adjoining Government Land (GL), Ngau Tam Mei, Yuen Long
- Site Area** : About 7,511 m² (including GL of about 562 m² (7.5%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ngau Tam Mei Outline Zoning Plan (OZP) No. S/YL-NTM/12
- Zoning** : “Open Storage” (“OS”)
- Application** : Temporary Warehouse (Excluding Dangerous Goods Godown), Goods Vehicle Park (Not Exceeding 24 Tonnes) and Container Carrying Cargo Weighing Station with Ancillary Site Office and Staff Canteen 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 (excluding dangerous goods godown), goods vehicle park (not exceeding 24 tonnes) and container carrying cargo weighing station with ancillary site office and staff canteen for a period of 3 years (**Plan A-1a**). The Site falls within an area zoned “OS” on the approved Ngau Tam Mei OZP No. S/YL-NTM/12. According to the Notes for the “OS” zone, ‘warehouse (excluding dangerous goods godown’ is a Column 1 use which is always permitted. For goods vehicle park (not exceeding 24 tonnes) and container carrying cargo weighing station uses, temporary uses not exceeding a period of three years require planning permission from the Town Planning Board (the Board), notwithstanding that the use or development is not provided for in terms of the OZP. The Site is currently used for warehouse, parking of vehicles, ancillary staff canteen; and weighing station without valid planning permission.

- 1.2 The Site is the subject of 10 previous applications (Nos. A/YL-NTM/14, 23, 56, 93, 159, 208, 247, 260, 298 and 342), of which 9 were approved by the Rural and New Town Planning Committee (the Committee) of the Board. The last application No. A/YL-NTM/342 submitted by the same applicant for renewal of planning approval for temporary lorry and container tractor/trailer park with ancillary workshop and staff canteen covering a slightly smaller site (**Plan A-1b**) was approved with conditions by the Committee on 7.4.2017 for a period of 3 years. The planning permission is valid from 26.4.2017 to 25.4.2020. All approval conditions have been complied with.
- 1.3 The Site is accessible to Kwu Tung Road with its ingress and egress located at the north-western boundary of the Site. The layout plan is at **Drawing A-1**. The development parameters of the application are summarised as follows:

Major Development Parameters	
Site Area	About 7,511 m ² (GL of about 562 m ²)
Applied Use	Temporary Warehouse (Excluding Dangerous Goods Godown), Goods Vehicle Park (Not Exceeding 24 Tonnes) and Container Carrying Cargo Weighing Station with Ancillary Site Office and Staff Canteen for a Period of 3 Years
No. of Structure (No. of Storey, Building Height)	7 <ul style="list-style-type: none"> ● 1 warehouse (1 storey, 15m); ● 1 site office (2 storeys, 7m); ● 1 site office with staff canteen and 3 private car parking spaces (2 storeys, 7m); ● 1 shelter for container carrying cargo weighing station (1-2 storeys, 7.2m); ● 1 container for storage (1 storey, 2.5m); ● 1 open-sided shelter for storage (1 storey, 5.2m); and ● 1 open-sided shelter for storage with toilet (1 storey, 6m)
Total Floor Area	About 4,295 m ²
No. of Parking Spaces	<ul style="list-style-type: none"> ● 6 private car parking spaces; ● 4 light goods vehicle (LGV) parking spaces; and ● 7 medium goods vehicle (MGV) parking spaces
No. of Loading/Unloading Spaces	3 for MGVs
Operation Hours	7:00 a.m. to 11:00 p.m., weekdays and Saturdays, 10:00 a.m. to 5:00 p.m., Sundays and public holidays

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

- (a) Application Form received on 11.9.2019 (Appendix I)
- (b) Supplementary Planning Statement (Appendix Ia)
- (c) Further Information (FI) dated 16.10.2019 providing response to District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD)'s comments
(exempted from publication and recounting requirements) (Appendix Ib)
- (d) FI dated 25.10.2019 clarifying the height of the structures
(exempted from publication and recounting requirements) (Appendix Ic)

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Supplementary Planning Statement and FI at **Appendices Ia** and **Ib** respectively. They are summarized as follows:

- (a) The proposed development which is temporary in nature is in line with the planning intention of the “OS” zone. The proposed development is not incompatible with the surrounding land uses which are mainly warehouses, logistics centre and container vehicle park. The applicant commits that there will be no unlawful occupation of GL without Short Term Tenancy (STT).
- (b) In accordance with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of Town Planning Ordinance (TPB PG-No. 13E), the Site falls within “Category 1 Areas” which are considered tolerable for open storage and port back-up uses.
- (c) The Site is a preferred location for storage use due to its close proximity to the Lok Ma Chau boundary crossing. The storage, parking and supporting facilities on the Site could provide the much needed service for the cross-boundary trade.
- (d) The proposal would not have adverse drainage, traffic, visual and noise impacts on the surrounding areas. As periphery drainage channels would be provided, no adverse drainage impacts are anticipated. No additional traffic impact would be generated as there is a decrease in the number of parking spaces when compared to the last application No. A/YL-NTM/342. A trip generation of not more than 15 per hour for goods and container vehicles is anticipated. Moreover, there is an existing 2.5m high corrugated metal fencing and landscaping, which could minimize the visual impact and noise nuisance.
- (e) The approvals of similar applications within the same “OS” zone between 2013 and 2019 indicate that the Site is suitable for the proposed use. The Board has previously approved 9 applications for the similar uses on the Site. All the

approval conditions of the last application No. A/YL-NTM/342 had been complied with. Favourable consideration may be given to the current application.

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

The applicant is not a “current land owner” of the Site 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 notice to San Tin 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

TPB PG-No.13E provides guidelines for open storage and port back-up uses. The Site falls within Category 1 areas under the guidelines. The following criteria are relevant:

Category 1 areas: 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.

5. Background

The Site is not subject to active planning enforcement action. The uses on the Site would be subject to planning enforcement action if sufficient evidence is collected.

6. Previous Applications

6.1 The Site is the subject of 10 previous applications, of which one (No. A/YL-NTM/14) was rejected while 9 (Nos. A/YL-NTM/23, 56, 93, 159, 208, 247, 260, 298 and 342) were approved. Application Nos. A/YL-NTM/14, 23, 56 and 93 covering larger sites were submitted by a different applicant while application Nos. A/YL-NTM/159, 208, 247, 260, 298 and 342 on similar sites were submitted by the current applicant for similar uses.

6.2 Application No. A/YL-NTM/14 for temporary lorry park for a period of 12 months was rejected by the Committee on 24.1.1997 when the Site then fell within “Green Belt” (“GB”) and “OS” zones on the approved Ngau Tam Mei OZP No. S/YL-NTM/1. It was rejected mainly on the consideration that the proposed

development was not in line with the planning intention of the “GB” zone and the approval would set an undesirable precedent for similar applications.

- 6.3 Application Nos. A/YL-NTM/23 and 56 both for temporary lorry parks were approved with conditions by the Committee for periods of 12 months on 8.8.1997 and 12.3.1999 respectively. The applications were approved as the West Rail project had then become more certain and the area where the Site situated was sandwiched by the proposed West Rail alignment and the New Territories Circular Road, sympathetic consideration was hence given to the area for port back-up or open storage uses. The Site was rezoned to “OS” on Ngau Tam Mei OZP No. S/YL-NTM/4 on 29.9.2000.
- 6.4 The remaining 7 approved previous applications (Nos. A/YL-NTM/93, 159, 208, 247, 260, 298 and 342) for the same temporary lorry and container tractor/trailer parks with ancillary workshops and/or staff canteen were approved with conditions by the Committee or the Board (for application No. A/YL-NTM/208) for periods of 3 years between 2000 and 2017. The review application of A/YL-NTM/208 on relaxing the restriction on the operation hours on Sundays and public holidays was approved by the Board on 1.6.2007. The applications were approved mainly for the reasons that the proposed developments were not incompatible with the surrounding uses, in line with the planning intention of “OS” zone and TPB PG-No. 13C or 13D; and the approvals of the applications were in line with the Committee’s previous decisions. One of the approved applications (No. A/YL-NTM/247) was subsequently revoked due to non-compliance with approval conditions. For the last application No. A/YL-NTM/342, all approval conditions including the submission and implementation of drainage proposal, and the implementation of FSIs have been complied with. The planning permission is valid until 25.4.2020.
- 6.5 Details of these applications are summarized at **Appendix II**. Their locations are shown on **Plan A-1b**.

7. Similar Applications

- 7.1 There are 31 similar applications for temporary private car/container vehicle/lorry/tractor/trailer parks, container storage, cargo handling and forwarding facilities and open storage of construction materials, most of which involve ancillary repairing workshops uses, within the same “OS” zone on the Ngau Tam Mei OZP since the promulgation of TPB PG-No. 13E in 2008. However, there is no similar application for cargo weighing station within the same “OS” zone.
- 7.2 Amongst the 31 similar applications, 26 were approved with conditions by the Committee for reasons that the proposed developments were not incompatible with the surrounding uses, in line with the planning intention of “OS” zone and TPB PG-No. 13E; and the approvals of the applications were in line with the Committee’s previous decisions. Of the 26 approved applications, 9 of them were subsequently revoked due to non-compliance with approval conditions.

- 7.3 The remaining 5 similar applications were rejected by the Committee mainly on grounds that the developments were not in line with TPB PG-No. 13E in that the developments would have adverse environmental, drainage and agricultural impacts, and there were insufficient information or no technical assessment in the submission to demonstrate that the developments would not have adverse impacts on the surrounding areas.
- 7.4 Details of these 31 applications are summarized at **Appendix III**. Their locations are shown on **Plan A-1a**.

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

8.1 The Site is:

- (a) accessible from Kwu Tung Road to its north which is connected to San Tin Highway;
- (b) hard-paved and fenced off; and
- (c) currently used for warehouse, parking of vehicles, ancillary staff canteen, and weighing station without valid planning permission.

8.2 The surrounding areas are intermixed with storage yards, warehouses, vehicle parks, vehicle repair workshops, scattered residential dwellings and some unused land:

- (a) to its immediate north are storage yards;
- (b) to its immediate east are vehicle parks, vehicle repair workshops, warehouse, residential dwelling (the nearest is about 35m to its east), storage yard and ponds, and some unused land to its northeast;
- (c) to its immediate south is a warehouse; and
- (d) to its west and northwest are Kwu Tung Road, a nullah and an elevated road connecting to San Tin Interchange at its further northwest.

9. Planning Intention

The planning intention of the “OS” zone is primarily for the provision of land for appropriate open storage uses and to regularize the already haphazard proliferation of open storage uses. It provides for the orderly development of land for open storage uses that cannot be accommodated in conventional godown premises.

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 DLO/YL, LandsD:

- (a) Without recent inspection, his comments based on the applicant's information are as follows:
- (i) 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;
 - (ii) a portion of GL with an area of about 495 m² of the Site is covered by STT No. 2859 for the purpose of "Temporary Lorry and Container Tractor/Trailer Park with Ancillary Workshop and Staff Canteen";
 - (iii) no permission is given for occupation of the remaining GL with an area of about 67 m² (subject to verification) included in the Site. The act of occupation of the remaining GL without Government's prior approval is not allowed. With the implementation of the tightened arrangements for handling regularization applications, LandsD will no longer accept application for regularization of new or extension of unlawful occupation of GL or erection of new structures which is found commenced on or after 28 March 2017;
 - (iv) the private land of the following lots are covered by Short Term Waivers (STWs) as below:

STW No.	Lot No. (in D.D. 102)	Purposes
4790	2950 & 2953 RP	Vehicle Repair Workshop (Excluding Container and Container Vehicle Repair Yard), Warehouse (Excluding Dangerous Goods Godown and Container Storage) and Ancillary Vehicle Park (Excluding Container Vehicle)
4794	2951	

Besides, new structures without Government's prior approval are found erected on the private land which are work-in-progress. Termination letters have been issued to terminate the STWs with immediate effect. Details are provided as follow:

STW No. (Terminated)	Lot No. (in D.D. 99)	Purposes
4178	647 RP	Temporary Lorry and Container Tractor/Trailer Park with Ancillary Workshop and Staff Canteen
STW No. (Terminated)	Lot No. (in D.D. 102)	
4179	2971 RP	
4180	2972	
4181	2982 RP	
4182	2983 RP	
4183	2975, 2977 & 2980	
4184	2976, 2978 RP & 2986 RP	
4185	2981 RP & 2987 RP	

Provided that the concerned work-in-progress structures are self-demolished by the applicant to DLO's satisfaction, applications for fresh STWs will be considered. However, there is no guarantee that such applications will be approved.

- (v) the Site is accessible from Kwu Tung Road through both GL and private land. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over GL to the Site; and
 - (vi) the Site does not fall within Shek Kong Airfield Height Restriction Area.
- (b) Should planning approval be given to the application, the STT/STW holders will need to apply to his office for modification of the STT/STW conditions where appropriate. The applicant has to either exclude the remaining GL from the Site or apply for a formal approval prior to the actual occupation of the remaining GL. The lot owner(s) of the lot(s) without STW will need to apply to his office for permitting the structures to be erected or regularize any irregularities on site, if any. Given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications for any of the above will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such applications will be approved. If such applications are approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD.

Traffic

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

Should the application be approved, no vehicle is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period.

10.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) The access arrangement to the Site from Kwu Tung Road should be commented by TD.
- (b) His department is not/shall not be responsible for the maintenance of any access connecting the Site and Kwu Tung Road. Presumably, the relevant department will provide their comments to the applicant, if any.
- (c) Adequate drainage measures should be provided at the Site access to prevent surface water flowing from the Site to nearby public roads or exclusive road drains.

10.1.4 Comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD 2-2, RDO, HyD):

The Site falls within the administrative route protection for the proposed Northern Link (NOL), which is a recommended railway scheme under the Railway Development Strategy 2014. Although the programme and the alignment of the proposed NOL are still under review, those areas within the administrative route protection boundary may be required to be vacated at the time for the construction of the NOL and subject to nuisance, such as noise and vibration of the proposed NOL. He has no objection in principle to the application from the development point of view of the NOL, provided that the applicant is satisfied with the surrounding condition of nuisance taking into account the future construction, operation and maintenance of the NOL.

Environment

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

- (a) He does not support the application as there are sensitive receivers in the vicinity of the Site (the nearest residential dwelling is located at about 35m east of the Site) and environmental nuisance is expected. The applicant is advised to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by DEP.

- (b) No environmental complaint pertaining to the Site has been received over the past 3 years.

Nature Conservation

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

The Site falls within the “OS” zone on the approved Ngau Tam Mei OZP No. S/YL-NTM/12. Noting the Site has been hard-paved and used for similar purpose for some years, he has no strong view against the application from nature conservation point of view.

Fire Safety

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

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

Building Matters

10.1.8 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 following issues should be observed by the applicant:

- (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 unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application;
- (ii) for UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing 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 Authorized 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) Regulation (B(P)R) respectively; and
- (v) the Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

Drainage

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

- (a) He has no objection in principle to the application from drainage operation and maintenance point of view.
- (b) Should the application be approved, the applicant should be advised on the followings:
 - (i) the previous application No. A/YL-NTM/342 by the applicant covers a smaller site area within the current Site. In this respect, the application should be processed as a new case. The applicant shall submit a drainage submission to demonstrate how he will collect, convey and discharge rain water falling onto or flowing to his Site. A clear drainage plan showing full details of the existing drains and the proposed drains (e.g. cover and invert levels of pipes/catchpits/outfalls and ground levels justifying

waterflow etc.) with supporting design calculations and charts should be included. (Guideline on preparation of the drainage proposal is available in DSD homepage at http://www.dsd.gov.hk/EN/Files/Technical_Manual/dsd_guideline/Drainage_Submission.pdf). The applicant is reminded that approval of the drainage proposal must be sought prior to the implementation of drainage works on site;

- (ii) after completion of the required drainage works, the applicant shall provide a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan for DSD's reference. DSD will inspect the completed drainage works jointly with the applicant with reference to the set of photographs;
- (iii) the applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas;
- (iv) no public sewerage maintained by his office is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained;
- (v) the applicant is reminded that the proposed drainage works as well as the Site boundary should not cause encroachment upon areas outside his jurisdiction;
- (vi) the applicant should consult DLO/YL regarding all the proposed drainage works outside the Site boundary in order to ensure the unobstructed discharge from the Site in future; and
- (vii) all the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage facilities on site under proper maintenance during occupancy of the Site.

Landscape

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

In consideration that the Site is not located at landscape sensitive areas and there are some existing trees to the west outside the Site which act as landscape buffer to the adjacent road, it is opined that landscape condition is not recommended should the application be approved by the Board.

Water Supply

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

- (a) He has no objection to the application.
- (b) The following requirements shall be observed:
 - (i) existing water mains will be affected. The developer shall bear the cost of any necessary diversion works affected by the proposed development;
 - (ii) In case it is not feasible to divert the affected water mains, waterworks reserve with 1.5m measuring from the centerline of the affected water mains shall be provided to WSD. No structure shall be erected over this waterworks reserve and such area shall not be used for storage or car-parking purposes;
 - (iii) the Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorize; and
 - (iv) Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site.

Others

10.1.12 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) For any waste generate from such activity/operation, the applicant should arrange disposal at her own expenses.
- (b) Proper licence/permit issued by FEHD is required if there is any catering service/activities regulated by the Director of Food and Environmental Hygiene under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public.

District Officer's Comments

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

He has no comment on the application and the local comments should be submitted to the Board directly, if any.

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

- (a) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (b) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (c) Commissioner of Police (C of P); and
- (d) Director of Electrical and Mechanical Services (DEMS).

11. Public Comment Received During Statutory Publication Period

On 20.9.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 11.10.2019, no comment was received.

12. Planning Considerations and Assessments

12.1 The Site falls within Category 1 areas under the TPB PG-No. 13E. The following considerations in the Guidelines are relevant:

The Category 1 areas: 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.

12.2 The application is for temporary warehouse (excluding dangerous goods godown), goods vehicle park (not exceeding 24 tonnes) and container carrying cargo weighing station with ancillary site office and staff canteen for a period of 3 years. The proposed use is generally in line with the planning intention of the "OS" zone which is intended primarily for the provision of land for appropriate open storage uses and to regularise the already haphazard proliferation of open storage uses. The proposed use is considered not incompatible with the surrounding land uses which are mostly storage yards, vehicle parks, warehouses and workshops (**Plan A-2**).

12.3 The Site falls within Category 1 areas under the TPB PG-No. 13E where favorable considerations will normally be given to the application. The

development is in line with the TPB PG-No. 13E in that concerned Government departments including C for T, DAFC, CE/MN of DSD, D of FS and CTP/UD&L of PlanD have no objection to or no comment on the application on traffic, ecological, drainage, fire safety and landscape aspects respectively. The technical requirements from CE/MN of DSD and D of FS can be addressed by imposing the approval conditions recommended in paragraphs 13.2 (e) to (i) below should the Board decide to approve the application.

- 12.4 DEP does not support the application as there are sensitive receivers in vicinity of the Site (the nearest residential dwelling is located about 35m east of the Site) (**Plan A-2**), and environmental nuisance is expected. Nevertheless, there was no environmental complaint against the Site in the past 3 years. To address DEP's concern and mitigate any potential environmental impacts, approval conditions restricting the operation hours, traffic arrangement, and requiring the provision of fencing have been recommended in paragraphs 13.2 (a) to (d) below. Any non-compliance with these approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority. Besides, the applicant will also be advised to follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses'.
- 12.5 The Site is the subject of 9 approved previous applications for similar uses at the Site. Since 2008, the Committee has approved 26 similar applications involving vehicle/lorry/tractor/trailer parks, container storage, and cargo handling and forwarding facilities within the same "OS" zone based on similar considerations. Approval of the subject application is in line with the previous decisions of the Committee.
- 12.6 There is no public comment received on the application during the statutory publication period.

13. Planning Department's Views

- 13.1 Based on the assessments in paragraph 12, the Planning Department has no objection to the application.
- 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 1.11.2022. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation between 11:00 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 between 5:00 p.m. and 10:00 a.m. on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period;
- (d) the provision of boundary fencing on the Site within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 1.5.2020;
- (e) the submission of a drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 1.5.2020;
- (f) in relation to (e) above, the implementation of the drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 1.8.2020;
- (g) in relation to (f) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) 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 1.5.2020;
- (i) in relation to (h) above, the provision of fire service installations within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 1.8.2020;
- (j) if any of the above planning conditions (a), (b), (c) or (g) 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
- (k) if any of the above planning conditions (d), (e), (f), (h) or (i) 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 attached at **Appendix IV**.

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

The development is not in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses No. TPB PG-No.13E in that there are adverse comments from concerned Government departments and the applicant has failed to demonstrate that the proposed development would not cause 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 11.9.2019
Appendix Ia	Supplementary Planning Statement
Appendix Ib	FI dated 16.10.2019
Appendix Ic	FI dated 25.10.2019
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Application Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a & 4b	Site Photos