

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/334

- Applicant** : Mr. WONG Kwok Wing represented by Metro Planning and Development Company Limited
- Site** : Lots 2177 (Part), 2178 (Part), 2193 (Part), 2194 (Part), 2195, 2196, 2197, 2198, 2199 (Part), 2200, 2201 (Part), 2203, 2204 S.A (Part), 2219 RP (Part), 2225 (Part), 2228 S.A (Part), 2228 S.B (Part), 2327 (Part), 2334 (Part), 2336 S.A (Part), 2336 S.B (Part), 2337 (Part), 2338, 2339 S.A (Part), 2340, 2341, 2342, 2343, 2344 S.A (Part), 2344 S.B (Part), 2344 S.C, 2349 (Part), 2350, 2351 (Part), 2352 (Part), 2353 (Part), 2364 (Part), 2365 (Part), 2366 S.A (Part), 2366 RP (Part), 2367, 2368, 2369, 2370, 2371, 2373 S.A, 2373 S.B, 2373 RP (Part), 2374, 2375, 2376 S.A, 2376 S.B (Part), 2376 S.C (Part), 2377, 2378 RP (Part) and 3450 (Part) in D.D. 129, Lau Fau Shan, Yuen Long
- Site Area** : 34,800 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/9
- Zoning** : “Residential (Group E)” (“R(E)”)
[No new development shall exceed a maximum plot ratio of 0.4 and a maximum building height of 3 storeys (9m) including carpark]
- Application** : Temporary Logistics Centre with Ancillary Canteen and 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 logistics centre with ancillary canteen and site office for a period of 3 years (**Plan A-1a**). The Site falls within an area zoned “R(E)”. According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for in terms of the OZP. The applicant currently seeks temporary permission for a period of 3 years. The Site is being used for the applied use without a valid planning permission.

1.2 The Site involves 24 previous applications (Applications No. A/YL-LFS/19, 35, 43, 47, 61, 79, 88, 95, 108, 119, 126, 138, 159, 171, 188, 196, 204, 226, 233, 251, 264, 265, 276 and 290) for various open storage/logistics centre uses (**Plan A-1b**). The last application (No. A/YL-LFS/290) for the same use submitted by the same applicant was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 26.8.2016 and was subsequently revoked on 26.1.2019 due to non-compliance with time-limited approval conditions on the implementation of landscape and tree preservation proposal and fire services installations (FSIs) proposal. Details of the previous applications are at paragraph 6 and **Appendix III**. Compared with the last application, the current application is submitted by the same applicant for the same use on the same site with similar development parameters.

1.3 A comparison of the major development parameters of the current application and the last approved application is as follows:

Major Development Parameters	Previous Approved Application (A/YL-LFS/290) (a)	Current Application (A/YL-LFS/334) (b)	Difference (b) – (a)
Applied Use	Temporary Logistics Centre with Ancillary Canteen and Site Office for a Period of 3 Years		-
Site Area	About 34,800 m ²		-
Total Floor Area	22,975 m ² (Non-domestic)	23,380 m ² (Non-domestic)	+405 m ² (+1.76%)
No. and Height of Structures	11	21	+10 [with additional structures for ancillary uses such as site offices, pump room, water tank, toilets, etc.]
• logistics centres	2 (not exceeding 11m, 1 storey)	2 (not exceeding 11m, 1 storey)	-
• logistics centre with guard room and site office	1 (not exceeding 11m, 2 storeys)	1 (not exceeding 11m, 2 storeys)	-
• converted container for meter room	1 (not exceeding 3m, 1 storey)	1 (not exceeding 3m, 1 storey)	-
• staff canteen and site office	1 (not exceeding 8m, 2 storeys)	1 (not exceeding 8m, 2 storeys)	-
• site office and toilet	1 (not exceeding 3m, 1 storey)	1 (not exceeding 3m, 1 storey)	-
• site offices	4 (not exceeding 8.5m, 2 storeys)	6 (not exceeding 6.5m, 2 storeys)	+2
• guard room	1 (1 storey)	1 (1 storey)	-
• pump room	0	1 (not exceeding 6m, 1 storey)	+1

Major Development Parameters	Previous Approved Application (A/YL-LFS/290) (a)	Current Application (A/YL-LFS/334) (b)	Difference (b) – (a)
• water tank	0	1 (not exceeding 5m, 1 storey)	+1
• toilets	0	4 (not exceeding 3m, 1 storey)	+4
• electricity meter room	0	2 (not exceeding 6m, 1 storey)	+2
No. of Loading/unloading Space	24 <ul style="list-style-type: none"> • 12 for container trailers • 12 for medium/heavy goods vehicles 		-
Operation Hours	8:00 a.m. to 8:00 p.m. from Mondays to Saturdays, no operation on Sundays and public holidays		-

1.4 The Site is accessible from Lau Fau Shan Road (**Plan A-2**). According to the applicant, no storage of recyclable materials, dismantling, assembling, repairing or other workshop activities would be carried out at the Site. The Site is proposed to divide into three logistics centres with staff canteen and site offices. The canteen would only serve the staff working on site.

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

- (a) Application Form received on 28.12.2018 (**Appendix I**)
- (b) Supplementary Planning Statement including a site plan, location plan, proposed layout plan, proposed landscape and tree preservation plan and proposed drainage plan (**Appendix Ia**)
- (c) Letters received on 2.1.2019 and 3.1.2019 clarifying the lots involved in the Site with revised plans (**Appendix Ib**)

1.6 The proposed layout plan, proposed landscape and tree preservation plan and proposed drainage plan submitted by the applicant are at **Drawings A-1 to A-3**.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the supplementary planning statement at **Appendix Ia**. They can be summarized as follows:

- 2.1 The Site is currently zoned “R(E)” which has not provided with adequate infrastructures for development, planning intention would be hardly realized in short term.
- 2.2 The Site falls within the ‘Category 2 Areas’ of the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). Previous applications for open storage/logistics use have been approved by the Board since 1998 demonstrating that the development generates minimal

impact to the surroundings. The development meets the Board's guidelines and favourable consideration should be given to the application.

- 2.3 The Site is the subject of previous planning approvals for the same logistics centre use. The scale, use and development parameters of the current application are similar to the last planning permission. The proposed development is compatible with the surrounding environment.
- 2.4 The last planning permission (No. A/YL-LFS/290) was approved with conditions for a period of 3 years for temporary logistics centre with ancillary canteen and site office on 26.8.2016. The applicant claims that he has attempted his best to comply with the approval conditions regarding the implementation of landscape and tree preservation proposal and FSIs proposal.
- 2.5 Open storage yards and port back-up activities are commonly found in the close proximity to the Site and a good number of them were approved by the Board on temporary basis. The Board's earlier decisions reflect that the development may be tolerated, provided that adequate prevention and mitigation measures are proposed to avoid degradation of the surrounding environment.
- 2.6 The Site is accessible from Lau Fau Shan Road. The traffic generated by the proposed development is not significant in both peak hours and in average to the traffic condition in the vicinity.
- 2.7 The proposed development would generate neither significant environmental nor noise disturbance to both the environment and residents in the area. Any potential problem could be addressed by imposing appropriate conditions. Noise mitigation measures have been implemented and maintained for the last planning approval under Application No. A/YL-LFS/290, including solid boundary walls of 2.5m were erected in front of some village houses adjacent to Lau Fau Shan Road, no workshop activities are proposed, ground surface is hard-paved avoiding fugitive dust impact and the operation hours will be restricted to the period from 8:00am to 8:00pm daily (no operation on Sunday and Public Holidays).
- 2.8 The applicant will maintain the implemented drainage facilities at the Site. The applicant has provided the condition record of the existing drainage facilities for the last planning permission and was considered acceptable by the Drainage Services Department (DSD). All drainage facilities will be provided and maintained by the applicant's own expense.

3. Compliance with the "Owner's Consent/Notification" Requirements

The applicant is not a "current land owner" but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the "Owner's Consent/Notification" Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31) by posting site notice and publishing on the newspapers. Detailed information would be deposited at the meeting for Members' inspection.

4. Background

The Site is not subject to any active enforcement action. Should there be sufficient evidence to prove that the use on the Site constitutes an unauthorized development under the Town Planning Ordinance, enforcement action would be instigated.

5. Town Planning Board Guidelines

On 17.10.2008, the Board promulgated the revised Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The Site falls entirely within Category 2 areas under the Guidelines. Relevant extracts of the Guidelines are attached at **Appendix II**.

6. Previous Applications

6.1 The Site is involved in 24 previous applications covering different site extents for temporary open storage/logistics centre uses from 1997 to 2016. 20 of these previous applications (Applications No. A/YL-LFS/19, 35, 43, 47, 61, 88, 126, 138, 159, 171, 188, 196, 204, 226, 233, 251, 264, 265, 276 and 290) were approved with conditions on a temporary basis mainly on the considerations that the applied use was not incompatible with the general character of the area, approval of the applications on a temporary basis would not frustrate the planning intention, the applied use was in line with the TPB PG-No. 13E in that there were previous planning approvals at the application sites, there were no adverse comments from the concerned Government departments and the technical concerns could be addressed by the approval conditions. Amongst these approved applications, 8 were subsequently revoked due to non-compliance with approval conditions regarding the submission and implementation of the landscape proposal and drainage proposal/flood mitigation measures; no cutting, dismantling, cleansing, repairing, recycling and workshop activity on the application sites and the stacking height of materials stored within 5m of the periphery of the application sites should not exceed the height of the boundary fence during the planning approval period.

6.2 Four applications (Applications No. A/YL-LFS/79, 95, 108 and 119) for temporary open storage uses from 2002 to 2004 were rejected mainly on grounds of insufficient information in the submission to demonstrate no adverse environmental, drainage and/or traffic impacts on the surrounding areas and not in line with the TPB PG-No.13E.

6.3 The last two applications covering the same site as the current application (Application No. A/YL-LFS/276 for temporary logistics centre, open storage of construction machinery and material, brand-new trailer with ancillary canteen and trailer park by a different applicant, and Application No. A/YL-LFS/276 for temporary logistics centre with ancillary canteen and site office by the same applicant) were approved by the Committee on 7.8.2015 and 26.8.2016 respectively for a period of 3 years. However, the planning permissions were subsequently revoked on 7.11.2016 and 26.1.2019 respectively due to

non-compliance with the approval conditions requiring the provision of fencing and/or implementation of the landscape and tree preservation proposal and the FSIs proposal.

- 6.4 As compared with the last approved application (No. A/YL-LFS/290), the current application is submitted by the same applicant for the same use on the same site with similar development parameters with an increase in GFA by about 405m² and additional 10 structures for ancillary uses such as site offices, pump room, water tanks, toilets, etc. Details of these previous applications are shown in **Appendix III** and their locations are shown on **Plan A-1b**.

7. **Similar Applications**

Within the same “R(E)” zone, there are two similar applications (Applications No. A/YL-LFS/267 and 297) for open storage/logistics centre uses for a period of 3 years. They were approved by the Committee in 14.11.2014 and 26.5.2017 respectively mainly on the considerations that the applied use was not incompatible with the surrounding uses, approval of the applications on a temporary basis would not frustrate the planning intention and the applied use was in line with the TPB PG-No. 13E in that there were no adverse comments from the concerned Government departments. However, Application No. A/YL-LFS/267 was subsequently revoked on 14.2.2017 due to non-compliance with approval condition regarding the implementation of the FSIs proposal. Details of the applications and the Committee’s decision are summarized at **Appendix IV** while the locations are shown on **Plan A-1a**.

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

8.1 The Site is:

- (a) currently being used for the applied use without a valid planning permission; and
- (b) accessible from Lau Fau Shan Road.

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

- (a) to its north and northwest are occupied by vehicle repair workshops, parking of container vehicles/trailers/lorries and open storage yards of construction materials/recyclable materials as well as scattered residential dwellings, cultivated agricultural land, fallow agricultural land and orchard;
- (b) to its west within the same “R(E)” zone are occupied by vehicle parks, warehouses and open storage yards of vehicle parts and sand;
- (c) to its east within the same “R(E)” zone are a logistics centre, a vacant school, agricultural land and unused land; and

- (d) to its south are areas zoned “Village Type Development” (“V”) which comprise the village of San Hing Tsuen (the closest residential dwelling is about 4m away to its south) and vehicle repair workshops.

9. Planning Intention

The “R(E)” zone is intended primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the Board. Whilst existing industrial uses will be tolerated, new industrial developments are not permitted in order to avoid perpetuation of industrial/residential interface problem.

10. Comments from Relevant Government Departments

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

Land Administration

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

- (a) Lot No. 3450 in D.D. 129 in the Site is held under New Grant No. 843 for private residential purposes only. Building Licence No. 247 was granted to Lot No. 2368 to permit erection of one building which shall not contain more than two storeys or 25 feet with roofed-over area not exceeding 600 sq. ft.
- (b) The remaining lots in the Site are Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government.
- (c) The private land of Lots No. 2177, 2193, 2194, 2374, 2377, 2195, 2198, 2197, 2199, 2200, 2341, 2201, 2203, 2336 S.B, 2340, 2344 S.C, 2349, 2351, 2352, 2353, 2373 RP, 2376 S.A, 2376 S.B, 2376 S.C and 3450 in D.D. 129 is covered by Short Term Waiver (STW) Nos. 4754, 4755, 4756, 4757, 4758, 4759, 4760, 4761, 4762, 4763, 4764, 4765, 4766, 4767, 4768, 4769, 4770, 4771, 4772 and 4773 to permit structures for “temporary logistics centre, open storage of construction machinery and material, brand-new trailer with ancillary canteen and trailer track” purposes.
- (d) The private land of Lots No. 2196, 2228 S.B, 2337, 2228 S.A, 2368, 2334, 2336 S.A, 2338, 2342, 2343, 2344 S.A, 2365, 2344 S.B, 2373 S.A and 2378 RP in D.D 129 are covered by STW Nos. 4302, 4304, 4305, 4306, 4307, 4308, 4309, 4310, 4311, 4312, 4316 and 4319 respectively to permit structures for “temporary open storage of metal ware, construction machinery and material, brand-new trailer with ancillary canteen and trailer track” purposes.

- (e) The private land of Lot No. 2219 RP in D.D. 129 is covered by STW No. 3944 to permit structures for “temporary open storage (marbles, construction materials, aluminium cans and frames, small-scale machinery, cars and lorries for export, mini raising platforms and ancillary workshop) and loading/unloading” purposes.
- (f) The Site is accessible from Lau Fau Shan Road through Government Land (GL). Her office provides no maintenance work for the GL involved and does not guarantee any right-of-way.
- (g) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (h) Should planning approval be given to the subject planning application, the STW holder will need to apply to her office for modification of the STW conditions where appropriate and the lot owner(s) of the lot(s) without STW will need to apply to her office for permitting the structures to be erected or to regularize any irregularities on the Site, if any. Besides, 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. Application(s) of 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 application(s) will be approved. If such application(s) is/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):

- (a) He has no adverse comment on the application from traffic engineering point of view.
- (b) Sufficient manoeuvring spaces shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from the public roads.

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

- (a) The access arrangement should be commented by Transport Department (TD).
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.

- (c) HyD shall not be responsible for the maintenance of any access connecting the Site and Lau Fau Shan Road.

Environment

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

- (a) He does not support the application as there are sensitive uses in the vicinity of the Site (the closest one being about 4m away to its south) and the applied use involves the use of heavy vehicles. Environmental nuisance is expected.
- (b) No substantiated environmental complaint pertaining to the Site has been received in the past three years.
- (c) Should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the latest "Code of Practice (COP) on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites".

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 application from drainage point of view.
- (b) Regarding the submitted drainage proposal, he has the following comments:
 - (i) Some of the existing channels/pipes were seen not in line with the drainage proposal, the applicant should ensure that the existing system will be modified to the submitted proposal.
 - (ii) Some bends on the peripheral channel are too sharp to allow a smooth channel flow, the applicant should consider adding catchpits or baffle walls so as to avoid spillage during change of flow direction.
 - (iii) Further to (ii) above, there are two sharp bends in the surface channel (1000x600mm) abutting an existing village footpath in the south. His office has incidentally received complaints about overflow at the bends, the applicant should review these sections of channels.
- (c) Should the Board consider that the application is acceptable from planning point of view, he would suggest that a condition should be stipulated in the approval letter requiring the applicant to submit a revised drainage proposal, to implement and maintain the proposed drainage facilities to the satisfaction of his department.

Fire Safety

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

- (a) He has no objection in principle to the proposal subject to FSIs being provided to the satisfaction of Director of Fire Services.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval.
- (c) The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans.
- (d) 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.

Landscaping

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

- (a) With reference to the aerial photo of 2018, it is observed that the applied use is already in operation. The Site is situated in an area of rural landscape character. Significant change to the landscape character arising from the application is not envisaged.
- (b) Having reviewed the submitted information, he considers the landscape proposal acceptable from the landscape planning perspective.
- (c) Should the application be approved by the Board, he would suggest the approval condition to implement the accepted landscape proposal to the satisfaction of the Director of Planning or of the Board.
- (d) The applicant is reminded that approval of the application under S.16 does not imply approval of tree works such as felling, transplanting or pruning under lease. The applicant shall be reminded to approach relevant authority /government department(s) direct to obtain the necessary approval for any proposed tree preservation or removal scheme involving trees within or outside the Site.

Nature Conservation

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

- (a) As the Site has been occupied for similar applied uses as previously approved, she has no adverse comment on the application from nature conservation point of view. Nevertheless, public complaint on suspected unauthorized tree felling, as well as unauthorized occupation of GL, noise and traffic nuisance at lots No. 2344 S.A., 2364 and 2365 in D.D. 129 and adjoining Government land was received in January 2018.
- (b) Should the application be approved, the applicant should ensure the trees and vegetation on adjoining GL would not be affected.

Building Matters

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

- (a) There is no record of approval by the Building Authority for the existing structures at the Site and Buildings Department (BD) is not in a position to offer comments on their suitability for the use proposed in the application.
- (b) If the existing structures (not being New Territories Exempted Houses) are erected on leased land without the approval of the BD, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the subject application.
- (c) 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.
- (d) Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (e) 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 respectively.

- (f) 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 Building (Planning) Regulations at the building plan submission stage.

Others

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

- (a) She has no objection to the application.
- (b) Existing water mains will be affected. The cost of any necessary diversion shall be borne by the proposed development.
- (c) The 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.

10.1.11 Comments of the Director of Food, Environment and Hygiene (DFEH):

- (a) No Food and Environmental Hygiene Department's (FEHD) facilities will be affected and such work and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding.
- (b) For any waste generated from the activity / operation, the applicant should arrange disposal properly at his own expenses.
- (c) Proper licence/permit issued by FEHD is required if there is any catering service/activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public.
- (d) His detailed comments on the operation of restaurant business are at **Appendix V**.

District Officer's Comments

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

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

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

- (a) Project Manager (West)/West Development Office, Civil Engineering and Development Department (PM(W)/WDO, CEDD);
- (b) Chief Engineer/Sewerage Projects, DSD (CE/SP, DSD);

- (c) Director of Electrical and Mechanical Services (DEMS);
- (d) Director of Leisure and Cultural Services (DLCS); and
- (e) Commissioner of Police (C of P).

11. Public Comment Received During Statutory Publication Period

On 8.1.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 29.1.2019, one public comment (**Appendix VI**) was received from an individual objecting to the application as the proposed development will create inefficient use of land resources and the logistics operations should be accommodated in multi-storey buildings.

12. Planning Considerations and Assessments

12.1 The current application is for temporary logistics centre with ancillary canteen and site office for a period of 3 years. The Site falls within “R(E)” zone, which is intended primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the Board. Whilst existing industrial uses will be tolerated, new industrial developments are not permitted in order to avoid perpetuation of industrial/residential interface problem. Although the applied use is not in line with the planning intention of “R(E)” zone, there is no known development proposal for the Site and the applied use is temporary in nature which could be tolerated in the interim.

12.2 The applied use is considered not incompatible with the surrounding land uses which mainly comprise public vehicle parks, workshops, open storage yards and some rural residential dwellings/structures (**Plan A-2**).

12.3 The Site falls entirely within Category 2 areas under the TPB PG-No. 13E. The following considerations in the Guidelines are relevant:

Category 2 areas: planning permission could be granted on a temporary basis up to a maximum period of 3 years, subject to no 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, where appropriate, should be submitted to demonstrate that the proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas.

12.4 The applied use is generally in line with the TPB PG-No. 13E in that there are previous planning approvals at the Site (**Plan A-1b**) and there is no adverse comment from the concerned Government departments except DEP. DEP does not support the application as there are sensitive uses in the vicinity of the Site (the closest one being about 4m away to its south) and the applied use involves the use of heavy vehicles, and environmental nuisance is expected. However, no substantiated environmental complaint has been received in the past three years. To minimize any possible environmental impacts and nuisance on the surrounding developments, and to address the technical requirements of the

concerned Government departments, relevant approval conditions are recommended in paragraph 13.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorized development on the Site will be subject to enforcement action by the Planning Authority. Should the planning application be approved, the applicant will be advised to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize the possible environmental impacts on the nearby sensitive receivers.

- 12.5 Given that 20 previous approvals for temporary open storage/logistics centre uses have been granted to the Site and 1 similar application has been approved within the same “R(E)” zone, approval of the current application is in line with the Committee’s previous decisions. Nevertheless, the previous approval (No. A/YL-LFS/290) for the same use by the same applicant was revoked due to non-compliance with the time-limited approval conditions requiring the implementation of the landscape and tree preservation proposal and FSIs proposal. For the current application, the applicant has undertaken to comply with the approval conditions to be imposed and has submitted a landscape and tree preservation proposal in support of the application (**Drawing A-2**). CTP/UD&L, PlanD has no in-principle objection to the application. D of FS also has no in-principle objection to the application subject to FSIs being provided to his satisfaction. Hence, approval conditions regarding the submission and implementation of FSIs proposal are recommended in paragraph 13.2. In view of this, sympathetic consideration may be given to the application. However, shorter compliance period is recommended in order to closely monitor the progress on compliance with approval conditions. Moreover, should the application is approved, the applicant will be advised that should he fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 12.6 There is one public comment received from the public (**Appendix VI**) objecting to the application on the grounds as summarized in paragraph 11 above. The planning considerations and assessments in the above paragraphs are relevant.

13. **Planning Department’s Views**

- 13.1 Based on the assessment made in paragraph 12 above and having taken into the public comment mentioned in paragraph 11 above, the Planning Department considers that the temporary logistics centre with ancillary canteen and site office could be tolerated for a period of 3 years.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years until **22.2.2022**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;

- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no storage of recyclable materials, dismantling, assembling, repairing or other workshop activities, as proposed by the applicant, are allowed on the Site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to public road or reverse onto/from the public road at any time during the planning approval period;
- (e) the submission of a revised drainage proposal within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **22.5.2019**;
- (f) in relation to (e) above, the implementation of the revised 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 **22.8.2019**;
- (g) in relation to (f) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (h) the implementation of the accepted landscape proposal within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **22.8.2019**;
- (i) the submission of fire service installations proposal within **3** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **22.5.2019**;
- (j) in relation to (i) above, the implementation 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 **22.8.2019**;
- (k) the provision of fencing within **3** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **22.5.2019**;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (g) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (m) if any of the above planning conditions (e), (f), (h), (i), (j) or (k) is not complied with by the above 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 VII**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:
approval of the application with non-compliance with approval conditions would nullify the statutory planning control and mechanism and set an undesirable precedent for other similar applications.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission for the planning 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 and Letter received on 28.12.2018
Appendix Ia	Supplementary Planning Statement including a site plan, location plan, proposed layout plan, proposed landscape and tree preservation plan and proposed drainage plan
Appendix Ib	Letters received on 2.1.2019 and 3.1.2019 clarifying the lots involved in the Site with revised plans
Appendix II	Extract of the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No.13E)
Appendix III	Previous Applications covering the Site
Appendix IV	Similar Applications within the "R(E)" Zone
Appendix V	Detailed comments of the Director of Food and Environmental Hygiene (DFEH)
Appendix VI	Public comment
Appendix VII	Advisory clauses
Drawing A-1	Proposed Layout Plan
Drawing A-2	Proposed Landscape and Tree Preservation Plan
Drawing A-3	Proposed Drainage Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Location Plan with Previous Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4b	Site Photos