

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/449

<u>Applicant</u>	:	Alpha Star Enterprises Limited represented by R-riches Property Consultants Limited
<u>Site</u>	:	Lots 1466 (Part), 1467 (Part), 1470 S.A, 1470 S.B (Part), 1471, 1472, 1474, 1477 S.A, 1477 S.A ss.1 (Part), 1477 S.B, 1477 S.B ss.1, 1477 S.B ss.2 S.A, 1477 S.B ss.2 S.B, 1477 S.B ss.2 RP, 1477 S.B ss.3 S.A, 1477 S.B ss.3 RP, 1477 S.B ss.4, 1477 S.B ss.5, 1477 S.B ss.6, 1479 (Part), 1480 (Part), 1481, 1483 (Part), 1484 S.A (Part), 1484 S.B, 1484 S.C, 1484 S.D, 1484 S.E, 1484 S.F, 1484 S.G, 1485 and 1486 (Part) in D.D. 117 and adjoining Government Land (GL), Tai Tong, Yuen Long
<u>Site Area</u>	:	34,493 m ² (about)(including about 8,656.2 m ² of GL)
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/16
<u>Zoning</u>	:	“Open Storage” (“OS”) (about 96.84%) “Recreation” (“REC”) (about 3.16%)
<u>Application</u>	:	Proposed Temporary Wholesale Trade (Metal Ware) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary wholesale trade (metal ware) for a period of 3 years at the application site (the Site) (**Plan A-1**). The Site falls within an area mainly zoned “OS” (about 96.84%) with a minor portion zoned “REC” (3.16%) on the OZP. According to the Notes of the OZP, ‘Wholesale Trade’ is a Column 2 use in “OS” zone which requires planning permission from the Town Planning Board (the Board). The Covering Notes of the OZP also states that temporary use or development of any land or building not exceeding a period of three years within the zones requires planning permission from the Board notwithstanding that the use or development is not provided for under the Notes of the OZP. The Site is currently mainly used for open storage yards, warehouse, workshop and parking of vehicles, and partly vacant (**Plans**

A-2, A-3, A-4a to A-4e).

- 1.2 The Site was the subject of eight previous applications (No. A/YL-TT/33, 34, 35, 66, 152, 220, 251 and 322) for different uses and submitted by different applicants covering different extent of the Site. Details of the previous applications are at paragraph 5 and **Appendix II**.
- 1.3 The Site is accessible via a local track connecting to Tai Tong Shan Road to its northeast (**Plans A-2 and A-3**). According to the applicant, the proposed development would be operated by metal ware wholesaler, supplying metal screws, pipes and beams, etc. Septic tank would be used in accordance with the requirements of the relevant Practice Note for Professional Persons. Fire services installation (FSI) proposal and drainage proposal would be submitted and implemented after the application is approved by the Board. The employees are expected to take public transport to Kiu Hing Road and walk to and from the Site (**Plan A-1a**). The future operator will provide a fleet of goods vehicle, which will obey the vehicle restrictions as assigned. The run in/out of the Site would be 12m in width. The Plans showing the vehicular access leading to the Site and site layout submitted by the applicant are at **Drawings A-1 and A-2** respectively.
- 1.4 The major development parameters of the application are summarised as follows:

Major Development Parameters	Application No. A/YL-TT/449
Site Area	About 34,493 m ²
Total Floor Area (Non-domestic)	About 25,625 m ²
No. of Structures	2 (for wholesale trade of metal ware, fire service water tank, and ancillary site office)
Height of Structures	8.23m (1-2 storey)
Parking Space	1 (for private car)
Loading/ Unloading Spaces	8 (for light goods vehicle) 4 (for container vehicle)
Operation Hours	10:00 a.m. to 5:00 p.m. daily
Estimated No. of Employees	10

- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with appendix and plans received on 31.10.2018 (**Appendix I**)
- (b) Supplementary Information received on 5.11.2018 clarifying the site area (**Appendix Ia**)

- (c) Further Information received on 24.12.2018 responding to the comments of the Environmental Protection Department (EPD) **(Appendix Ib)**
[accepted and exempted from publication and recounting requirements]
- (d) Further Information received on 15.2.2019 providing clarification on boundary fencing and parking restrictions **(Appendix Ic)**
[accepted and exempted from publication and recounting requirements]

1.7 On 21.12.2018, the Committee agreed to defer a decision on the application for two months as requested by the applicant's representative. On 24.12.2018, further information (**Appendix Ib**) was received and the application is submitted to the Committee for consideration at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the appendix attached to the Application Form in **Appendix I** and the Further Information in **Appendices Ib and Ic**. They can be summarised as follows:

- (a) The proposed development is in line with the planning intention of "OS" zone. No manufacturing, workshop, retail, and car washing or car repairing activities will be carried out on Site.
- (b) The proposed development will not be opened to the general public.
- (c) Not more than 11 vehicles will enter/exit the Site per hour. There would be no parking of vehicles outside operating hours to minimise any environmental impact on the surrounding. Boundary fencing will also be provided to minimise any nuisance to any surrounding sensitive receivers.
- (d) There is sufficient space within the Site for manoeuvring of vehicles. No queuing and reverse movement of vehicles will be carried out on public road.

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 publishing a notice of the application in three local newspapers and sending the notice to the Shap Pat Heung Rural Committee through registered post. Detailed information would be deposited at the meeting for Members' inspection.

4. **Background**

The Site is currently not subject to any enforcement action.

5. **Previous Applications**

- 5.1 The Site was the subject of eight previous planning applications (No. A/YL-TT/33, 34, 35, 66, 152, 220, 251 and 322) for different uses and submitted by different applicants covering different extent of the Site. Except for Application No. A/YL-TT/66 which was rejected by the Committee of the Board, the other seven applications were all approved with conditions by the Committee. Details of the previous applications are summarised at **Appendix II** and the boundaries of the Sites are shown on **Plan A-1b**.
- 5.2 Application No. A/YL-TT/33 for open storage of plant and machinery at a site overlapping the northwestern portion of the Site was approved with conditions by the Committee on 5.6.1998 mainly on the grounds that the development was generally in line with the planning intention of “OS” zone; the development generally complied with the TPB Guidelines on Application for Open Storage and Port Back-up Uses; and there was no adverse departmental comments. Applications No. A/YL-TT/34 and 35 for temporary open storage of construction machinery and materials at sites overlapping the southwestern portion of the Site (straddling the subject “OS” and the then adjacent “Agriculture” zones) were approved with conditions by the Committee on 5.6.1998 each for a period of 12 months on similar considerations as Application No. A/YL-TT/33.
- 5.3 Application No. A/YL-TT/66 for temporary open storage of aggregates and asphalt concrete batching plant for a period of three years at a site overlapping the northwestern portion of the Site was rejected by the Committee on 14.1.2000 for the reason that there was insufficient information in the submission to demonstrate that the proposed asphalt concrete batching plant would not cause adverse environmental impacts on the residential uses in the vicinity.
- 5.4 Application No. A/YL-TT/152 for proposed temporary warehouse for storage of packaged electricity generators and compress machines for plastic materials for a period of three years, and Applications No. A/YL-TT/220 and 251 both for temporary cargo handling and forward facility (logistics centre) were approved with conditions by the Committee on 13.2.2004, 30.11.2007 and 4.12.2009 respectively on similar considerations as Application No. A/YL-TT/33 and the proposed developments were compatible with the surrounding land uses. However, the planning permission No. A/YL-TT/152 was revoked on 13.2.2005 due to non-compliance with the approval conditions in relation to painting the proposed temporary structure on the Site dark green, the provision of drainage facilities, and the implementation of the landscape, and emergency vehicular access (EVA) and FSIs proposals. Planning permission No. A/YL-TT/220 was also revoked on 30.8.2008 due to non-compliance with the approval conditions in relation to the implementation of landscape and FSIs proposals.

5.5 The last Application No. A/YL-TT/322 for temporary container vehicle park for a period of three years was approved with conditions by the Committee on 7.3.2014 on similar considerations as Applications No. A/YL-TT/152, 220 and 251. Compared with the last application, the current application is submitted by a different applicant for different use on a much larger site. All the approval conditions of the last application had been complied with and the planning permission had lapsed on 8.3.2017.

6. Similar Application

6.1 There was one similar application (No. A/YL-TT/401) for proposed temporary wholesale trade (drinks) and storage and ancillary office for a period of three years in the same “OS” zone. Details of the application is summarised in **Appendix III** and the location of the site is shown on **Plan A-1a**.

6.2 Application No. A/YL-TT/401 was approved with conditions by the Committee of the Board on 12.5.2017 mainly on the grounds that the proposed development would not jeopardise the long-term planning intention of the “OS” zone; the proposed development was not incompatible with the surrounding areas; and adverse impacts were not anticipated.

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

7.1 The Site is:

- (a) accessible via a local track connecting to Tai Tong Shan Road to its northeast (**Plans A-2 and A-3**);
- (b) largely unpaved and unfenced; and
- (c) currently used as open storage yards for various items (including recycling materials and construction material), warehouse, vehicle repair workshop, parking of vehicles, and partly vacant (**Plans A-2 to A-4e**).

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

- (a) mainly occupied by open storage yards mixed with workshops, residences, graves, parking of vehicles, warehouse, a racing circuit for model cars, and some vacant structures/land;
- (b) to the north across a local track are open storage yards for pipes and construction machinery (with workshop) and graves;
- (c) to the immediate east is a warehouse and some unused land;
- (d) to its immediate west are residential structure, storage and workshop; and
- (e) to its immediate south is a “REC” zone with some residential structures, a racing circuit for model cars, open storage yard for metal, construction

- (a) machinery repairing workshop and graves.

8. Planning Intentions

- 8.1 The majority part of the Site falls within an area zoned “OS” (about 96.84%). The planning intention of the “OS” zone is primarily for the provision of land for appropriate open storage uses and to regularise 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.
- 8.2 A minor part of the Site falls within an area zoned “REC” (about 3.16%). The planning intention of the “REC” zone is primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism.

9. Comments from Relevant Government Departments

- 9.1 The following Government departments have been consulted and their views are summarised as follows:

Land Administration

- 9.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):
- (a) The Site comprises GL and an Old Schedule Agricultural Lot held under Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
 - (b) Portion of GL within the Site is covered by Short Term Tenancy (STT) No. 3106 for the purpose of Warehouse (excluding Dangerous Goods Godown) and no permission is given for occupation of GL (about 7,356.2m² subject to verification, i.e. 8,656.2m² less the area of STT No. 3106) included in the Site. Any occupation of GL without Government’s prior approval is not allowed.
 - (c) Within the Site, Lots 1477 S.B ss.3 RP and 1477 S.B ss.6 in D.D. 117 are covered by Short Term Waiver (STW) No. 1902 to permit a covered godown for storage of iron bars.
 - (d) Lots 1477 S.B and 1477 S.B ss.2 S.B in D.D. ~~119~~ 117 are covered by STW No. 4670 to permit temporary container vehicle park.
 - (e) Lots 1470 S.A and 1471, 1470 S.B and 1472 in D.D. ~~119~~ 117 are covered by STWs No. 4786, 4787 and 4788 respectively to permit Warehouse (excluding Dangerous Goods Godown).

- (f) The Site is accessible from Tai Tong Shan Road via GL and private land. Her office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site.
- (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/STT holder(s) will need to apply to her office for modification of the STW/STT conditions where appropriate. The owner(s) of the lot without STW will need to apply to her office to permit the structures to be erected or regularise any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Furthermore, the applicant has to either exclude the GL portion from the Site or apply for a direct grant STT for use of the Site. Applications for any of the above will be considered by her department acting in the capacity as landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by her department.

Traffic

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

- (a) The applicant is reminded that sufficient space within the Site should be provided for manoeuvring of vehicles. In addition, no parking, queuing and reverse movement of vehicles on public road are allowed.
- (b) The land status of the access road/path/track leading to the Site from Tai Tong Shan Road should be checked with the lands authority.
- (c) The management and maintenance responsibilities of the access road/path/track should be clarified with the relevant management and maintenance authorities accordingly.

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

- (a) The access arrangement should be commented by the Transport Department.
- (b) Adequate drainage measures should be provided at the site access

to prevent surface water flowing from the Site to nearby public roads/drains.

- (c) His department shall not be responsible for the maintenance of any access connecting the Site and Tai Tong Shan Road.

Environment

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

- (a) DEP does not support the application as there are sensitive receivers of residential use in the vicinity (with the nearest one located about 10m to the immediate west of the Site) (**Plan A-2**), and environmental nuisance is expected.
- (b) The applicant has clarified that the proposed use is not a wholesale market.
- (c) There was one substantiated environmental complaint concerning the Site received in the past 3 years. The complaint concerns the dumping of waste on private lots, but was not related to environmental nuisance generated from the applied use.
- (d) Should the planning application be approved, the applicant should be advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (Code of Practice) issued by the EPD to minimise any potential environmental nuisance.

Landscape

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

- (a) With reference to the aerial photo of 2018, the Site is mainly hard paved with a number of trees in the northern portion of the Site. Existing trees are observed to the north, east and southwest of the Site. The Site is situated in an area of rural landscape character dominated by open storage yards. The proposed use is not incompatible with the surrounding landscape character. Hence she has no objection from the landscape planning perspective.
- (b) In consideration that the Site is not adjoining any prominent public frontage and screened by existing trees, should the Board approve this application, it is opined that the inclusion of a landscape condition is not necessary.
- (c) The applicant is advised that approval of the application by the Board does not imply approval of the tree works such as pruning,

transplanting and/or felling under lease. The applicant is reminded to approach relevant authority/government department(s) direct to obtain the necessary approval on tree works.

Drainage

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

- (a) He has no objection in principle to the proposed development from the public drainage point of view.
- (b) In view of the large site for the application, should the Board consider that the application is acceptable from the planning point of view, conditions requiring (i) the submission of a Drainage Impact Assessment (DIA) Report and (ii) the implementation and maintenance of the drainage facilities proposed in the DIA Report for the development to the satisfaction of the Director of Drainage Services or of the Board should be stipulated.

Fire Safety

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

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

Building Matters

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

- (a) As there is no record of approval by the Building Authority for the existing structures at the Site, he is not in a position to offer

comments on their suitability for the use proposed in the application.

- (b) The applicant's attention is drawn to the following points:
- (i) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Buildings Department (BD), they are unauthorised building works (UBW) under the BO and should not be designated for any proposed use under the application.
 - (ii) For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.
 - (iii) Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of BD should be obtained, otherwise they are UBW. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
 - (iv) The Site shall be provided with means of obtaining access thereto from a street and EVA in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively.
 - (v) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

Others

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

CEDD and PlanD jointly commissioned the "Planning and Engineering Study for Housing Sites in Yuen Long South (YLS) - Investigation" (the Study). The Site falls within the "Study Area" of YLS but outside the development area of YLS. There is no adverse comment on the application from the perspective of the Study.

- 9.1.10 Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) The applicant shall approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is

any underground cable and/or overhead line within or in the vicinity of the Site. Based on the cable plans and the relevant drawings obtained, if there is underground cable and/or overhead line within or in the vicinity of the Site, the applicant shall carry out the following measures:

- (i) For the Site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV or above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with CLP Power is necessary.
- (ii) Prior to establishing any structure within the Site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask CLP Power to divert the underground cable and/or overhead line away from the vicinity of the proposed structure.
- (iii) The Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation shall be observed by the applicant when carrying out works in the vicinity of the electricity supply lines.

District Officer’s Comments

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

The local consultation was completed and his office has not received any comments from the village representatives in the vicinity regarding the application.

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

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (c) Director of Agriculture, Fisheries and Conservation (DAFC); and
- (d) Commissioner of Police (C of P).

10. Public Comments Received During the Statutory Publication Period

10.1 On 13.11.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 4.12.2018, 110 public comments were received from members of the public. Among the 110 public comments, 85 of them were supportive, while 25 of them raised objections to the application.

- 10.2 Three Yuen Long District Council members (**Appendices IV-2 to IV-4**), the Chairman of Shap Pat Heung Rural Committee (**Appendix IV-5**), the vice-chairman of Shap Pat Heung District Resident Association (**Appendix IV-6**), 26 village representatives (**Appendices IV-7 and IV-8**), 7 representatives of the local storage and logistic industry (**Appendix IV-9**), and 47 members of the public (**Appendix IV-10**) supported the application on the main reasons that the proposed development is in line with the planning intention, is temporary in nature, would help consolidate the current piecemeal open storage yards, provide space for the relocation of related industries due to the forthcoming YLS development, would bring in job opportunities, and no adverse impact is envisaged as the proposed development is far from residences.
- 10.3 24 members of the local public (**Appendices IV-11 to IV-12**) raised objection to the proposed development for the main reasons that the Site is an example of “destroy first, apply later”, occupation of GL would be detrimental to its public usage, destruction of nearby open spaces, that there were fire risk and land contamination associated with a recycling centre (though the current applied use is for wholesale trade (metal ware) for a period of 3 years), worsening of traffic condition, adverse environmental and drainage impact, and would create undesirable precedent. Two owners of some land lots within the Site raised objection on the reasons that they were not notified about the proposed development, they did not agree with the proposed development, and that part of the GL included in the proposed development was the run in/out of their private lot (**Appendix IV-1**).

11. Planning Considerations and Assessments

- 11.1 The subject application is for proposed temporary wholesale trade (metal ware) at a Site which is mainly zoned “OS” (about 96.84%) on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘Wholesale Trade’ is a Column 2 use in the “OS” zone which requires planning permission from the Board, however, uses similar in nature to the current applied use, such as ‘Cargo Handling and Forwarding Facility (not elsewhere specified)’ and ‘Warehouse (excluding Dangerous Goods Godown)’ are always permitted within the “OS” zone and no permission from the Board is required. The subject proposed wholesale trade (metal ware) use under a single large covered structure would be akin to a warehouse or cargo handling and forwarding facility use. Although the current proposed wholesale trade use may induce comparatively more traffic as compared to a warehouse, nevertheless, C for T did not raise objection on the current application. The planning intention of the “OS” zone is primarily for the provision of land for appropriate open storage uses and the applied use is not entirely incompatible with this planning intention. Moreover, as the application is for temporary use of the Site for three years only, approval of the application on a temporary basis would not jeopardise the long-term planning intention for the Site.
- 11.2 The surrounding area comprises mainly of open storage yards intermixed with workshops, residences, graves, parking of vehicles, warehouse, a racing circuit for model cars and some vacant structures/lands (**Plan A-2**). The proposed development is not incompatible with the surrounding uses.
- 11.3 There is no adverse comment on the application from concerned Government

departments, except DEP. DEP does not support the application as there are sensitive receivers of residential use in the vicinity of the Site (**Plan A-2**) with heavy vehicles involved, and environment nuisance is expected. Although the Site was subject to a substantiated environmental complaint regarding dumping of waste on private lots, it was not related to environmental nuisance generated from the applied use. Relevant approval conditions are recommended in paragraph 12.2 to address the concerns on the possible environmental nuisances generated by the temporary use or to address the public concerns and/or technical requirements of other concerned government departments. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorised development on the Site will be subject to enforcement action by the Planning Authority. Should the planning application be approved, the applicant will also be advised to follow the Code of Practice in order to minimise any potential environmental impact, and to keep the Site clean and tidy at all times.

- 11.4 The Site is the subject of eight previous applications, including three applications (Applications No. A/YL-TT/152, 220 and 251) for temporary warehouse for storage of packaged electricity generators and compress machines for plastic materials, and temporary cargo handling and forward facilities (logistics centres), which were approved with conditions by the Committee on 13.2.2004, 30.11.2007 and 4.12.2009 respectively. The Committee has also approved one similar application for wholesale trade in the subject "OS" zone. As such, approval of this application is in line with the Committee's previous decisions. There was one previous application for open storage of aggregates and asphalt concrete batching plant rejected by the Committee on 14.1.2000 mainly on the grounds that, among others, the proposed use would cause adverse environmental impact on the residential uses in the vicinity.
- 11.5 There are 85 supportive public comments and 25 public comments raising objection to the application as summarised in paragraph 10 above. The planning assessments and considerations in paragraphs 11.1 to 11.4 above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments as mentioned in paragraph 10 above, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years until 22.2.2022. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 5:00 p.m. and 10:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no manufacturing, retail, car washing, car repairing or other workshop activities, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;

- (c) no vehicle is allowed to queue back to or reverse onto/from public road, as proposed by the applicant, at any time during the planning approval period;
- (d) no vehicle is allowed to be parked/stored on the Site between 5:00 p.m. and 10:00 a.m., as proposed by the applicant, during the planning approval period;
- (e) the provision of boundary fence 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 22.8.2019;
- (f) the submission of a drainage impact assessment 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 implementation of the drainage facilities proposed in the drainage impact assessment 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 22.11.2019;
- (h) in relation to (g) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (i) the submission of a 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;
- (j) in relation to (i) above, the implementation of the fire service installations proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 22.11.2019;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (l) if any of the above planning conditions (e), (f), (g), (i) or (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.

Advisory clauses

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

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

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

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reasons for rejection should be given to the applicant.

14. Attachments

Appendix I	Application Form with appendix and plans received on 31.10.2018
Appendix Ia	Supplementary Information received on 5.11.2018 clarifying the site area
Appendix Ib	Further Information received on 24.12.2018 responding to the comments of EPD
Appendix Ic	Further Information received on 15.2.2019 providing clarification on boundary fencing and parking restriction
Appendix II	Previous Applications covering the Application Site
Appendix III	Similar Application within the same "OS" zone on the OZP
Appendices IV-1 to IV-12	Public comments received during the statutory publication period
Appendix V	Recommended Advisory Clauses
Drawing A-1	Proposed Vehicular Access Plan
Drawing A-2	Proposed Layout Plan
Plan A-1a	Location Plan with Similar Application
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4e	Site Photos