

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1024

- Applicant** : Cosmos Gem Limited represented by PlanArch Consultants Limited
- Site** : Lot Nos. 369RP (Part), 370RP (Part), 371S.A (Part), 371S.B (Part), 381RP (Part), 382RP, 383RP, 384, 385, 386, 387, 388, 389RP, 390RP, 391RP (Part), 439RP (Part), 440 (Part), 444 (Part), 445 (Part), 446, 447, 448, 449, 450S.A, 450S.B, 450S.C, 451, 452, 453, 454, 455, 456, 457, 458 (Part), 459 (Part), 471 (Part), 472, 473, 474, 475S.A (Part), 475S.A ss.1 (Part) and 475S.B (Part) in D.D. 119 and adjoining Government Land (GL), Tong Yan San Tsuen, Yuen Long, New Territories
- Site Area** : 21,110 m² (about) (including about 110 m² of GL)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/12
- Zoning** : “Undetermined” (“U”)
- Application** : Proposed Temporary Logistics Centre and Open Storage of Building/Recycling Materials, Construction Machinery, Used Electrical/Electronic Appliances and Parts with Ancillary Workshop Activities for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary logistics centre and open storage of building/recycling materials, construction machinery, used electrical/electronic appliances and parts with ancillary workshop activities for a period of 3 years (**Plan A-1a**). According to the covering Notes of the OZP for the “U” zone, all uses or development except those specified in the Notes require permission from the Town Planning Board (the Board). The Site is currently mainly occupied by open storage use with valid planning permission under application No. A/YL-TYST/896 and partly vacant (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site involves 10 previous applications for various temporary open storage with/without rural workshop and/or ancillary packaging activities or workshop uses (**Plan A-1b**). The last application (No. A/YL-TYST/896) for temporary open

storage of building/recycling materials, construction machinery, used electrical/electronic appliances and parts with ancillary workshop activities was approved with conditions for a period of 3 years by the Rural and New Town Planning Committee (the Committee) of the Board on 15.6.2018. All the approval conditions had been complied with and the permission is valid until 15.6.2021. Compared with the last application, the current application is submitted by the same applicant for the same open storage use but with newly proposed logistics centre on a slightly smaller site with different site layout and development parameters.

1.3 According to the applicant, the Site will be partitioned into 4 compartments with main ingress/egress at the south-eastern periphery (**Drawing A-2** and **Plan A-2**). The logistics centre is to provide logistics support for business (such as storage and consolidation of goods for distribution) at structures No. 24 and 25 in compartment Nos. 1 and 2 (**Drawing A-2**). The open storage of building materials (including metal bars), recycling materials (including paper, metal and plastic), construction machinery (including tower crane parts and excavators) and used electrical/electronic appliances (including air-conditioners and fans) and parts (including motors from construction machinery) will take place at the remaining compartments No. 3 and 4. The ancillary workshop activities for the open storage of recycling materials, i.e. dismantling, sorting and packaging activities, will take place at structures No. 17 to 21, 23, 24 and 26 (**Drawing A-2**). No ancillary workshop activities are allowed outside the concrete-paved covered structures on the Site. No dismantling/other workshop activities involving used electrical/electronic appliances and parts and storage/handling of cathode-ray tubes and any other types of electronic waste will be carried out within the Site. The applicant also pledges to maintain the existing footpath across the Site for free public passage (**Drawing A-2** and **Plan A-2**), and maintain/preserve all existing drainage facilities/trees at their own expense. The plans showing the vehicular access leading to the Site, site layout and landscape and tree preservation proposal submitted by the applicant are at **Drawings A-1** to **A-3** respectively.

1.4 The major development parameters of the previously approved application and the current application are summarised as follows:

Major Development Parameters	Previous Approved Application No. A/YL-TYST/896 (a)	Current Application No. A/YL-TYST/1024 (b)	Difference (b)-(a)
Applied Use	Temporary Open Storage of Building/Recycling Materials, Construction Machinery, Used Electrical/Electronic Appliances and Parts with Ancillary Workshop Activities for a Period of 3 Years	Proposed Temporary Logistics Centre and Open Storage of Building/Recycling Materials, Construction Machinery, Used Electrical/Electronic Appliances and Parts with Ancillary Workshop Activities for a Period of 3 Years	With Newly Proposed Logistics Centre
Site Area	21,222 m ² (about) (including about 110 m ² of GL)	21,110 m ² (about) (including about 110 m ² of GL)	-112 m ² (-0.5%)

Total Floor Area (non-domestic)	4,344 m ² (about)	6,510 m ² (about)	+2,166 m ² (+49.9%)
No. and Height of Structures	39 • for ancillary office, shelter for storage and ancillary workshop (3-6m, 1-2 storey(s))	25 • for logistics centre, ancillary office, shelter for storage and ancillary workshop (4-12m, 1-2 storey(s))	-14 (-35.9%) +1-6m (+33.3%-100%)
No. of Parking Space	Nil		---
No. of Loading/ Unloading Spaces	11 (16m x 3.5m) (for container vehicles)		---
Operation Hours	8:00 a.m. to 9:00 p.m., with no operation on Sundays and Public Holidays		---

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

- (a) Application Form received on 12.5.2020 **(Appendix I)**
- (b) Supplementary Planning Statement **(Appendix Ia)**
- (c) Supplementary Information received on 15.5.2020 clarifying the proposed operation with replacement pages of the Application Form **(Appendix Ib)**
- (d) Supplementary Information received on 18.5.2020 clarifying the proposed operation **(Appendix Ic)**
- (e) Further Information (FI) received on 19.6.2020 responding to departmental comments with a replacement page of the Application Form, vehicular access plan and photo of the existing run-in/out at Kung Um Road **(Appendix Id)**
- (f) FI received on 23.6.2020 clarifying the proposed operation **(Appendix Ie)**
- (g) FI received on 26.6.2020 clarifying the proposed operation **(Appendix If)**
- (h) FI received on 3.7.2020 clarifying the proposed operation **(Appendix Ig)**
[(e) to (h) are accepted and exempted from publication and recounting requirements]

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Section 4 of the Supplementary Planning Statement, the Supplementary Information and FI **(Appendices Ia to Ig)**. They can be summarised as follows:

- (a) The Site has been the subject of previous planning permissions since 2003. All planning conditions imposed to the last application (No. A/YL-TYST/896) have been complied with. There has been no change in planning circumstances since the approval of the last application, hence favourable considerations should be given to the current application.
- (b) According to the Town Planning Board Guidelines for “Application for Open

Storage and Port Back-up Uses” (TPB PG-No.13F), the Site falls within Category 1 areas which are considered suitable for open storage/port back-up uses. The proposed logistics centre will be able to meet market demand for such use.

- (c) The temporary proposal is in line with the planning intention of the “U” zone and will not frustrate the long-term development of the area. There is no major residential development in the vicinity and a number of open storage yards near the Site have been approved by the Board. Therefore, the development is compatible with the surrounding environment.
- (d) No adverse traffic, environmental, landscape, fire safety and drainage impacts arising from the proposal are envisaged. Proper fire service installations (FSIs) were installed in compliance with the Fire Services Department’s requirements. Adequate space for manoeuvring of vehicles will be provided, hence no queuing of traffic on public road will be resulted. Relevant environmental mitigation measures in the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Use” (Code of Practice) will be followed.

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

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting a notice of the application outside the Site and published notices in local newspapers. 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

The Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13F) are relevant to the application. The Site falls within Category 1 areas under TPB PG-No. 13F promulgated by the Board on 27.3.2020. The relevant extract of the Guidelines is attached at **Appendix II**.

5. Background

The Site is currently not subject to planning enforcement action.

6. Previous Applications

- 6.1 The Site involves 10 previous applications (No. A/YL-TYST/27, 194, 297, 309, 427, 556, 587, 726, 802 and 896) for various temporary open storage with/without rural workshop and/or ancillary packaging activities or workshop uses covering different extents of the Site. Details of the applications are summarised in **Appendix III** and the boundaries of the sites are shown on **Plan A-1b**.
- 6.2 Out of these 10 previous applications, one application (No. A/YL-TYST/297) for temporary open storage of building/recycling materials (except electronic waste) and construction machinery, mainly covering the area to the southwest of the Site,

was rejected by the Committee on 29.7.2005 mainly on the considerations that there were potential adverse environmental and drainage impacts; and the proposal did not comply with the then TPB PG-No.13 in that no previous approval had been granted at the site, the proposal was not compatible with the residential structures along the access road and there were adverse departmental comments from the Director of Environmental Protection (DEP).

- 6.3 Application No. A/YL-TYST/27 for temporary open storage of construction materials, applications No. A/YL-TYST/194, 309, 427, 587 and 726 for temporary open storage of building/recycling materials and construction machinery (and wasted electrical/electronic appliances for the latter two applications) with/without ancillary packaging activities, application No. A/YL-TYST/556 for temporary open storage of building materials, construction machinery, recycling materials (metal, plastic and paper) and used electrical/electronic appliances and parts with ancillary workshop activities and application No. A/YL-TYST/802 for temporary rural workshop and open storage of building materials were all approved with conditions by the Committee between 1998 and 2016 for a period ranging from 2 to 3 years. The applications were approved mainly on the considerations that the proposals were generally in line with the then TPB PG-No. 13 (or its later version); not incompatible with the surrounding uses in the subject “U” zone; approval of the application on a temporary basis would not frustrate the long-term development of the area; and the concerns of relevant government departments could be addressed by imposing approval conditions. However, the planning approval for planning application No. A/YL-TYST/802 was subsequently revoked in 2017 due to non-compliance with approval conditions.
- 6.4 The last application (No. A/YL-TYST/896) for temporary open storage of building/recycling materials, construction machinery, used electrical/electronic appliances and parts with ancillary workshop activities was approved with conditions for a period of 3 years by the Committee on 15.6.2018 mainly on similar considerations as those stated in paragraph 6.3 above. All the approval conditions had been complied with and the planning permission is valid until 15.6.2021.
- 6.5 Compared with the last application, the current application is submitted by the same applicant for the same open storage use but with newly proposed logistics centre on a slightly smaller site with different site layout and development parameters.

7. Similar Applications

- 7.1 There is no similar application for logistics centre in this part of the “U” zone. However, there are 148 similar applications for various types of temporary open storage uses with or without warehouse and/or ancillary workshop/site office uses in this part of the “U” zone considered by the Committee or the Board on review since 2008. Details of the applications are summarised in **Appendix IV** and the locations of the sites are shown on **Plan A-1a**.
- 7.2 Out of the 148 similar applications, 146 were approved mainly on similar considerations that the developments were not incompatible with the surrounding uses and the concerns of relevant departments could be addressed by imposing approval conditions. However, the planning permissions for 32 of them were subsequently revoked due to non-compliance with approval conditions.

- 7.3 The remaining two applications (No. A/YL-TYST/542 and 564) were rejected by the Committee in 2011 and the Board on review in 2012 respectively mainly on the reason that approval of application with repeated non-compliances would set an undesirable precedent for other similar planning permissions for temporary uses, thus nullifying the statutory planning control system, amongst others.
- 7.4 For Members' information, application No. A/YL-TYST/1028 for temporary open storage of sundries for a period of 3 years within the subject "U" zone on the OZP will also be considered at this meeting (**Plan A-1a**).

8. Planning Intention

The planning intention of the "U" zone is to cater for the continuing demand for open storage, which cannot be accommodated in conventional godown premises. However, Kung Um Road is insufficient to cater for the heavy goods vehicular traffic generated from the proposed development. The area is therefore zoned "U" pending further detailed studies on the infrastructural impacts and the preparation of detailed layout plan.

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

9.1 The Site is:

- (a) accessible via a local track leading from Kung Um Road to its east (**Drawing A-1, Plans A-2 and A-3**);
- (b) paved and fenced-off; and
- (c) currently mainly occupied by open storage use with valid planning permission under application No. A/YL-TYST/896 and partly vacant.

9.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

- (a) comprise predominantly open storage/storage yards with warehouse, workshops, graves, shrubland and vacant land/structures;
- (b) to its immediate north is a nullah flanked by Lam Tai West Road and Lam Tai East Road;
- (c) to the northwest and southeast of the Site are areas zoned "Green Belt" and "Residential (Group C)" on the OZP respectively; and
- (d) except for two open storage/storage yards operating with valid planning permissions (No. A/YL-TYST/847 and 953), the other open storage/storage yards, warehouse and workshops in the vicinity are suspected unauthorised developments (UD) subject to enforcement action taken by the Planning Authority.

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 District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site comprises GL and Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) Within the Site, the GL is currently covered by Short Term Tenancy (STT) No. 3003, while Lots 391RP, 383RP, 384&445, 385&451, 386, 387, 388, 389RP&390RP, 446, 447, 450 S.A, 450 S.B&450 S.C, 452, 457, 458, 474, 475 S.A and 475 S.A ss.1 in D.D. 119 are currently covered by Short Term Waivers (STWs) No. 4611 to 4626 respectively to permit structures erected thereon for the purpose of “Temporary Open Storage of Building/Recycling Materials, Construction Machinery and Used Electrical/Electronic Appliances and Parts with Ancillary Packaging Activities”. Lots 370RP&381RP, 369RP, 371 S.A, 371 S.B and 440 and 475 S.B in D.D 119 are currently covered by STWs No. 4188 to 4191, 4347 and 4350 respectively to permit structures erected thereon for the purposes of “Temporary Open Storage of Construction Machinery and Materials, Recycling Materials and Used Electrical Appliances with Ancillary Workshop Activities” and “Temporary Open Storage of Building Materials, Construction Machinery, Recycling Materials (Metal, Plastic and Paper) and Used Electrical/Electronic Appliances and Parts with Ancillary Workshop Activities” respectively.
- (c) Should planning approval be given to the subject planning application, the STW/STT holder(s) will need to apply to her office for modification of the STW/STT conditions where appropriate and the lot owner(s) of the lot(s) without STW will need to apply to her office to permit the structures to be erected or regularise any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by her department acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by her department.

Traffic

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

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

- (c) The applicant is reminded that sufficient space should be provided within the Site for manoeuvring of vehicles. In addition, no parking, queuing and reverse movement of vehicles on public road are allowed.

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

- (a) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (b) His department shall not be responsible for the maintenance of any access connecting the Site and Kung Um Road.

Environment

10.1.4 Comments of the DEP:

- (a) He does not support the application as the proposed use will cause traffic of heavy vehicles and the heavy vehicle traffic is expected to travel along the access road within 50m from the nearest sensitive receivers of residential uses; environmental nuisance is expected.
- (b) There was no substantiated environmental complaint concerning the Site received in the past three years.
- (c) Should the planning application be approved, the applicant should be advised to follow the relevant mitigation measures and requirements in the latest Code of Practice to minimise any potential environmental nuisances.

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 development.
- (b) Based on the planning statement enclosed in the application (**Appendix Ia**), apparently the applicant would maintain the same drainage facilities as those implemented under previous application No. A/YL-TYST/896.
- (c) Should the Board consider that the application is acceptable from the planning point of view, approval conditions requiring the maintenance of the existing drainage facilities implemented under application No. A/YL-TYST/896 and the submission of records of the existing drainage facilities on site to the satisfaction of the Director of Drainage Services or of the Board should be stipulated.

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 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 observe the good practice guidelines at **Appendix V** and be reminded of the detailed comments at **Appendix VII**.
- (c) Moreover, having considered the nature of the open storage, an approval condition requiring the provision of fire extinguisher(s) within 6 weeks from the date of planning approval should be incorporated if the application is approved. To address this approval condition, the applicant is required to submit a valid fire certificate (FS 251) to his department for approval.

Building Matters

10.1.7 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 for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application.
- (b) The applicant should be reminded of the detailed comments at **Appendix VII**.

Long-Term Development

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

- (a) The Civil Engineering and Development Department (CEDD) and PlanD jointly commissioned the “Planning and Engineering Study for Housing Sites in Yuen Long South (YLS) – Investigation”. According to the Revised Recommended Outline Development Plan (RODP) of YLS promulgated in May 2020, the Site mainly falls within an area zoned “Residential - Zone 2 (with Commercial)” (“R2c”) and an area shown as ‘Road’, with minor portions zoned “Other Specified Uses” (“OU”) annotated “Hillside River Corridor with Scenic Cycle Track” and “District Open Space” (“DO”).
- (b) The objective of YLS is to transform the degraded rural land predominantly occupied by brownfield operations including open storage yards, warehouses and rural industrial uses into housing and other uses with supporting infrastructure and community facilities, and to improve the existing environment. It is noted that the application is for temporary use for a period of 3 years. In considering the application for temporary uses, due consideration should be given on the possible implication on land clearance which would affect the future implementation of YLS.

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

- (a) He has no objection to the application.
- (b) However, based on the preliminary project boundary of the proposed YLS Development, the Site falls within the boundary of the proposed YLS Development – Stage 3. The YLS Development would provide land to meet the medium to long term housing needs of Hong Kong and its detailed implementation programme with phasing and packaging of works for YLS Development is being formulated.

District Officer's Comments

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

His office has not received any comment from locals.

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

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

11. Public Comment Received During the Statutory Publication Period

On 19.5.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one public comment was received from an individual (**Appendix VI**) questioning the long-term development plans for the area.

12. Planning Considerations and Assessments

12.1 The application is for proposed temporary logistics centre and open storage of building/recycling materials, construction machinery, used electrical/electronic appliances and parts with ancillary workshop activities for a period of 3 years at a site zoned “U” on the OZP. The proposed use is generally not in conflict with the planning intention of the “U” zone which is intended for open storage use but is designated with this zoning mainly due to concerns of the capacity of Kung Um Road. In this regard, C for T has no adverse comment on the application. While the Site mainly falls within an area zoned “R2c” and an area shown as ‘Road’, with minor portions zoned “OU” annotated “Hillside River Corridor with Scenic Cycle Track” and “DO”, on the Revised RODP of YLS, CE/CID, PlanD does not raise objection to the application and PM(W), CEDD has no objection to the proposed temporary use for 3 years. As such, approval of the application on a temporary basis of 3 years would not jeopardise the long-term development of the area.

12.2 The surrounding areas comprise predominantly open storage/storage yards and workshops (**Plan A-2**). The proposal is generally not incompatible with the surrounding uses in the subject “U” zone.

- 12.3 According to TPB PG-No. 13F, the Site falls within Category 1 areas. The following guidelines are relevant:
- Category 1 areas are considered suitable for open storage and port back-up uses. 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.
- 12.4 The application is generally in line with TPB PG-No. 13F in that the Site falls within Category 1 areas which are considered suitable for open storage and port back-up use; there are no local objections on the application; and the technical concerns of relevant government departments could be addressed through the implementation of approval conditions.
- 12.5 There is no adverse comment on the application from concerned government departments, except DEP. DEP does not support the application as the proposed use will cause traffic of heavy vehicles and the heavy vehicle traffic is expected to travel along the access road within 50m from the nearest sensitive receivers of residential uses, and environmental nuisance is expected. However, there has been no environmental complaint concerning the Site received in the past 3 years. Furthermore, relevant approval conditions are recommended in paragraph 13.2 below to minimise any potential environmental nuisances or to address the technical requirements of other concerned government departments. Any non-compliance with the approval conditions will result in revocation of the planning permission and UD on the Site will be subject to enforcement action by the Planning Authority. Should the planning application be approved, the applicant will also be advised to keep the Site clean and tidy at all times and to follow the latest Code of Practice to minimise any potential environmental impact on the surrounding areas.
- 12.6 Given that 9 previous approvals for open storage uses have been granted to the Site and 146 similar applications for open storage uses have been approved in this part of the “U” zone, approval of the current application is generally in line with the Committee’s previous decisions. There was one previous application (No. A/YL-TYST/297) rejected by the Committee in 2005 mainly on the considerations that there was potential adverse drainage and environmental impacts; and the proposal did not comply with the then TPB PG-No.13 in that no previous approval had been granted at the site. For the current application, as per the planning assessments above, the Site is subject to 9 previous approvals for open storage uses, the environmental concerns could be addressed by way of approval conditions and advisory clauses, and the proposal is considered not incompatible with the surrounding uses and generally in line with the prevailing TPB PG-No. 13F. There were also two similar applications in this part of the “U” zone rejected mainly on the grounds, amongst others, that approval of the application with repeated non-compliances would set an undesirable precedent for other similar planning permissions for temporary uses, thus nullifying the statutory planning control system. However, such considerations are not applicable to the current application, as all the time-limited approval conditions under the last application (No. A/YL-TYS/896) had been complied with.

12.7 There was one public comment received during the statutory publication period as summarised in paragraphs 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.6 are relevant.

13. Planning Department's Views

13.1 Based on the assessments made in paragraph 12, and having taken into account the public comment as summarised in paragraph 11, the Planning Department considers that the proposed temporary logistics centre and open storage of building/recycling materials, construction machinery, used electrical/electronic appliances and parts with ancillary workshop activities for a period of 3 years 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 10.7.2023. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 9:00 p.m. and 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 dismantling/other workshop activities involving used electrical/electronic appliances and parts and storage/handling of cathode-ray tubes and any other types of electronic waste, 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 or reverse onto/from public road at any time during the planning approval period;
- (e) all existing trees within the Site shall be maintained at all times during the planning approval period;
- (f) free public access to the existing footpath within the Site, as proposed by the applicant, shall be allowed at all times during the planning approval period;
- (g) the existing boundary fencing on the Site shall be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (i) the submission of a condition record of the existing drainage facilities on the Site 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 10.10.2020;

- (j) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within **6** weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 21.8.2020;
- (k) 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 10.1.2021;
- (l) in relation to (k) 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 10.4.2021;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (n) if any of the above planning conditions (i), (j), (k) or (l) 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 at **Appendix VII**.

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

the applicant fails to demonstrate that the development would not generate 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 12.5.2020
Appendix Ia	Supplementary Planning Statement
Appendix Ib	Supplementary Information received on 15.5.2020
Appendix Ic	Supplementary Information received on 18.5.2020

Appendix Id	FI received on 19.6.2020
Appendix Ie	FI received on 23.6.2020
Appendix If	FI received on 26.6.2020
Appendix Ig	FI received on 3.7.2020
Appendix II	Relevant extract of TPB PG-No. 13F
Appendix III	Previous Applications covering the Site
Appendix IV	Similar Applications in this part of the “U” zone
Appendix V	The Good Practice Guidelines for Open Storage Sites
Appendix VI	Public Comment Received During the Statutory Publication Period
Appendix VII	Recommended Advisory Clauses
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	Landscape and Tree Preservation Proposal
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
JULY 2020**