

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/888

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| <u>Applicant</u> | : Mr. MOK Fook Nang represented by Metro Planning and Development Company Limited |
| <u>Site</u> | : Lots 2366 RP, 2367 and 2386 RP (Part) in D.D. 120, Tong Yan San Tsuen, Yuen Long, New Territories |
| <u>Site Area</u> | : 2,765m ² (about) |
| <u>Lease</u> | : Block Government Lease (demised for agricultural use) |
| <u>Plan</u> | : Draft Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/11 |
| <u>Zoning</u> | : “Undetermined” (“U”) |
| <u>Application</u> | : Temporary Open Storage of Construction Machinery and Materials and Vehicle Repair Workshop for a Period of 3 Years |

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary open storage of construction machinery and vehicle repair workshop for a period of 3 years at the application site (the Site). The Site is currently occupied for the applied use with valid planning permission under Application No. A/YL-TYST/734 (**Plans A-2 and A-4a to A-4c**).
- 1.2 The Site was involved in 11 previous applications (No. A/YL-TYST/15, 62, 63, 149, 150, 166, 198, 315, 437, 596 and 734) for various open storage use with/without vehicle repair workshop (**Plan A-1b**). All the applications were approved by the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) with conditions on a temporary basis for periods varying from 1 to 3 years. All time-limited approval conditions of the last application (No. A/YL-TYST/734) have been complied with and the permission is valid up to 5.6.2018. Compared with the last application (No. A/YL-TYST/734), the current application is submitted by the same applicant on the same site with different development parameters.
- 1.3 The Site is accessible via a local track leading from Kung Um Road to its east. According to the applicant’s submission, the Site is segregated into 2 portions (namely northern and southern portions) by a strip of government land (GL) and

the southern portion of the Site is accessible via the northern portion of the Site by means of an internal access (**Plan A-2 and Drawing A-2**). The Site would be used for open storage of small construction machineries such as electric generators and air-compressors and construction materials such as tiles, scaffolding and pre-cast surface U-channel mold; and vehicle repair activities would be carried out in part of the northern portion. The applicant proposes not to carry out spraying activities on the Site and not to allow access of heavy goods vehicles and container tractor/trailer. The location plan with vehicular access, the proposed layout plan, the proposed landscape and tree preservation plan, and the as-built drainage plan submitted by the applicant are at **Drawings A-1 to A-4** respectively.

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

| Major Development Parameters | Previously Approved Application No. A/YL-TYST/734 (a) | Current Application No. A/YL-TYST/888 (b) | Difference (b)-(a) |
|--|--|--|-------------------------------|
| Applied Use | Temporary Open Storage of Construction Machinery and Materials and Vehicle Repair Workshop for a Period of 3 Years | | --- |
| Site Area | 2,765m ² (about) | | --- |
| Total Floor Area (Non-domestic) | About 370m ² | About 420m ² | +50m ² (+14%) |
| No. of Structures | 8 (for office, open shed and rain shelter uses) | 9 (for office, open shed and rain shelter uses) | +1 |
| Height of Structure | 3m to 6m (1 to 2 storeys) | | --- |
| Parking Spaces/ Loading/Unloading Spaces | 2 private car/light goods vehicle parking spaces | 2 private car parking spaces 1 medium goods vehicle loading/unloading space | +1 |
| Operation Hours | 7:00 a.m. to 11:00 p.m. Mondays to Saturdays 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 28.2.2018 **(Appendix I)**
- (b) Supplementary Planning Statement **(Appendix Ia)**

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Section 3 of the Supplementary Planning Statement (**Appendix Ia**). They can be summarized as follows:

- (a) The current application is similar to the last planning permission (No. A/YL-TYST/734) in terms of use and site area. A fresh application is submitted

due to a slight increase in total floor area. The applicant has complied with all the planning conditions imposed to the last planning permission, which shows that he is a sincere and law-abiding person and such effort should be positively awarded by the Board.

- (b) The application conforms to the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPG PG-No.13E). Nine approvals have been previously granted the preliminary technical assessments on traffic, drainage, visual and environmental aspects have been provided to demonstrate that the applied use would not generate adverse impacts on the surrounding areas.
- (c) The Site is zoned “U” on the OZP. The proposed development is in line with the planning intention of the “U” zone which is to cater for the continuing demand for open storage uses which cannot be accommodated in conventional godown premises. Besides, there is a shortage of land for open storage use in Tong Yan San Tsuen (TYST) because the “Open Storage” (“OS”) zone is already fully occupied. As there is a pressing demand for open storage land and the subject “U” zone of TYST is considered generally satisfactory for open storage use as revealed in the Study on Port Back-up Land and Open Storage Requirements commissioned by the Government, the applicant seeks to solicit the Board to sympathetically approve the planning application.
- (d) The applied development is compatible with the surrounding in that it falls within an area mainly filled with open storage uses intermixed with vehicle repair workshops. A number of open storage yards and/or vehicle repair workshops have been approved by the Board under applications No. A/YL-TYST/717, 775, 787, 808, 840 and 848.
- (e) Insignificant environmental, visual, traffic and drainage impacts are anticipated. A number of environmental mitigation measures are proposed; the site will be fenced off and all existing trees on site will be preserved; no heavy goods vehicle exceeding 24 tonnes and container trailer/tractor will access the Site; and the existing drainage facilities will be maintained.

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 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. Town Planning Board Guidelines

The Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13E) are relevant to the application. The Site falls within Category 1 areas under TPB PG-No.13E promulgated by the Board on 17.10.2008. 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 was involved in 11 previous applications (No. A/YL-TYST/15, 62, 63, 149, 150, 166, 198, 315, 437, 596 and 734) for open storage use with/without vehicle repair workshop. Applications No. A/YL-TYST/63 and 149 covered the northern portion of the Site, whereas Applications No. A/YL-TYST/15, 62 and 150 covered the southern portion of the Site. The last 6 applications (No. A/YL-TYST/166, 198, 315, 437, 596 and 734) covered both the northern and southern portions. Details of the applications are summarised in **Appendix III** and the boundaries of the sites are shown on **Plan A1-b**.
- 6.2 Applications No. A/YL-TYST/15, 62 and 63 for open storage of construction/building materials and/or machinery were approved with conditions by the Committee on a temporary basis of 2 years on 5.9.1997, 2.7.1999 and 2.7.1999 respectively. Applications No. A/YL-TYST/149 and 150 for temporary open storage for construction machinery and materials with/without vehicle repair workshop were approved with conditions by the Committee on 2.11.2001 for 12 months, but were revoked on 2.2.2002 due to non-compliance with approval conditions.
- 6.3 Applications No. A/YL-TYST/166, 198, 315, 437, 596 and 734 for the same use as the current application were approved with conditions by the Committee on a temporary basis on 14.6.2002, 25.4.2003, 28.4.2006, 10.7.2009, 20.7.2012 and 5.6.2015 respectively. All the time-limited approval conditions of the last approval (No. A/YL-TYST/734) have been complied with and the planning permission is valid up to 5.6.2018.
- 6.4 Compared with the last application (No. A/YL-TYST/734), the current application is submitted by the same applicant on the same site with different development parameters.

7. Similar Applications

- 7.1 A total of 122 similar applications for various types of temporary open storage uses with or without warehouse and/or ancillary workshop uses in this part of the "U" zone had been considered by the Committee or the Board on review since the promulgation of TPB PG-No. 13E on 17.10.2008. Details of the applications are summarized in **Appendix IV** and the locations of the sites are shown on **Plan A-1a**.
- 7.2 There are 120 applications for temporary open storage uses with or without warehouse and/or ancillary workshop uses approved mainly on similar considerations that they were generally in line with TPB PG-No. 13E in that the developments were not incompatible with the surrounding open storage/warehouse uses and the concerns of relevant government departments could be addressed by imposing approval conditions. However, amongst these

approved applications, 26 were revoked due to non-compliance with approval conditions.

- 7.3 The other 2 applications were rejected mainly on the grounds that, amongst other, approval of the application with repeated non-compliances would set an undesirable precedent.

8. The Site and Its Surrounding Areas (Plans A-1a, A-2 to A-4d)

8.1 The Site is:

- (a) accessible via a local track leading from Kung Um Road to its east;
- (b) paved and largely fenced off;
- (c) comprises two portions (northern and southern portions) segregated by a strip of GL. The southern portion is accessible via an internal vehicular access running along the western periphery of the northern portion; and
- (d) currently partitioned into 7 compartments for the applied use with valid planning permission under Application No. A/YL-TYST/734.

8.2 The surrounding areas have the following characteristics:

- (a) predominantly open storage yards (with/without workshops) intermixed with a warehouse, scattered residential structures, vacant land and structures, and cultivated agricultural land;
- (b) to its immediate east of the northern portion are 2 open storage yards with one of them operating under valid planning permission No. A/YL-TYST/787;
- (c) to its east are 2 residential structures and a piece of cultivated agricultural land and to its further east is a row of village houses of Tin Lung Tsuen;
- (d) to its immediate south is a warehouse operating under planning permission No. A/YL-TYST/808 and to its further south and southeast are a number of open storage yards with some of them covered under valid planning permission No. A/YL-TYST/775;
- (e) to its west at an elevated level are Lam Tai East Road and Lam Tai West Road on the sides of a nullah;
- (f) to its southwest across Lam Tai East Road and Lam Tai West Road is an open storage operating under valid planning permission No. A/YL-TYST/853;
- (g) to its west and northwest across Lam Tai East Road is an area zoned "V" on the OZP where open storage yards, vacant land and structure are found; and
- (h) except for the open storage yards and the warehouse covered by valid planning permissions, the other open storage yards are suspected

unauthorized developments subject to enforcement action taken by the Planning Authority.

9. 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 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.

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) The Site comprises Old Schedule Agriculture Lots 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) Lot No. 2366 RP in D.D. 120 and Lots No. 2367 and 2386 RP are covered by Short Term Waiver (STW) No. 3146 and 3147 respectively to permit structures erected thereon for the purpose of “Vehicle Repair Workshop, Storage of Construction Machinery and Materials and Ancillary Use”.
- (c) The Site is accessible to Kung Um Road via GL. Her office does not provide maintenance work for GL involved and does not guarantee any right-of-way to the Site.
- (d) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (e) Should planning approval be given to the subject planning application, the STW holder(s) will need to apply to her office for modification of the STW conditions if there is any irregularities on site. Such application(s) 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(s) 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

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 at Kung Um Road shall be checked with the lands authority.
- (b) The management and maintenance responsibilities of the access road/path/track shall 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, vehicle 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) 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 Kung Um Road.

Environment

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

- (a) He does not support the application as there are sensitive receivers of residential use in the vicinity (with the nearest one located to its immediate east) (**Plan A-2**), and environmental nuisance is expected.
- (b) There was one substantiated air pollution complaint concerning the Site in 2017. The complaint was about odour nuisance from paint spraying activity at Che Nun Motors Repair Services. Although no malodour was scented during inspections, paint spraying equipment was found. The person-in-charge was briefed of the requirement of the Air Pollution Control Ordinance. He noted and understood all paint spraying activities were prohibited unless paint spraying room was installed. No paint spraying activities were noted in further inspections.
- (c) Should the planning application be approved, the applicant should also be advised to follow the relevant mitigation measures and requirements in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites”.

Landscape

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

- (a) The Site is located east of Lam Hau Tsuen and falls within an area zoned “U” on the draft TYST OZP No. S/YL-TYST/11. The Site was the subject of 11 previous planning applications. In the last approved planning application (No. A.YL-TYST/734), she had no objection from the landscape planning perspective with all approval conditions complied with. The current application seeks planning permission for the similar use for a period of 3 years.
- (b) Based on the information provided, the Site is surrounded by open storage sites, warehouses and carparks. The proposed use is not incompatible with the surrounding environment. There are some existing trees along the boundary and will be preserved on site that significant landscape impact from the proposed use on the area is not anticipated. There, she has no objection to the application form the landscape planning point of view.
- (c) Should the Board approve this application in view of the above, she would recommend the standard approval condition for maintenance of all existing trees and landscape plantings within the Site at all times be applied in the planning permission.
- (d) Other detailed comments are at **Appendix V**.

Drainage

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

- (a) Based on the drainage proposal enclosed in the application (**Drawing A-4**), apparently the applicant would maintain the same drainage facilities as those maintained under previous planning applications.
- (b) In view of the above, he has no objection in principle to the proposed development. 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 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

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

- (a) He has no objection in principle to the proposal subject to fire service installations (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. 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.
 - (iii) the good practice guidelines for open storage (**Appendix VI**) should be adhered to.
- (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 to his satisfaction should be added. To address this approval condition, the applicant should be advised to submit a valid fire certificate (FS 251) to his department for approval.
- (d) 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

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

- (a) As there is no record of approval by the Building Authority for the existing structure 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 BD, they are unauthorized 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 the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of 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 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 should be appointed as the co-ordinator for the proposed building works in accordance with the BO.

- (iv) The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 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 B(P)R at the building plan submission stage.

Others

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

- (a) He has no particular comment on the application from electricity supply safety aspect.
- (b) However, in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should 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 and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

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

- (a) CEDD and PlanD jointly commissioned the "Planning and Engineering Study for Housing Sites in Yuen Long South (YLS) - Investigation" (the Study). According to the Recommended Outline Development Plan (RODP) of YLS promulgated on 8.8.2017, the subject site falls within an area zoned as “District Open Space” (“DO”) and “Local Open Space” (“LO”) as well as areas shown as ‘Road’.
- (b) The objective of YLS is to transform the degraded rural land predominantly occupied by brownfield operations including open storage yards, warehouses and rural industrial uses into housing and other uses with supporting infrastructure and community

facilities, and to improve the existing environment. It is noted that the application is for temporary use for a period of 3 years. In considering the application for temporary uses, due consideration should be given on the possible implication on land clearance which would affect the future implementation of YLS. As regard the implementation programme of YLS, we would leave it for CEDD to advise.

10.1.11 Comments of Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD):

He has no objection to the captioned temporary use for 3 years, which should be considered in accordance with the provisions of the current OZP and existing infrastructure capacities. However, the captioned site falls within the boundary of YLS Development. According to the Study, to ensure timely and orderly implementation, the development of YLS and relevant site formation and infrastructure works would be implemented in four stages. The lot(s) concerned falls within a site under Stage 1 Works. While the detailed implementation programme for the project is still being formulated, based on the Study, it is envisaged that clearance of the Site in question will not be arranged before 2022.

District Officer's Comments

10.1.12 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.

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

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

11. Public Comment Received During the Statutory Publication Period

On 9.3.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 3.4.2018, no public comment was received.

12. Planning Considerations and Assessments

12.1 According to TPB PG-No. 13E, 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.

- 12.2 The application is for temporary open storage of construction machinery and vehicle repair workshop at the Site zoned “U” on the OZP. The applied use is not in conflict with the planning intention of the “U” zone on the OZP which is generally 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. Whilst the Site falls within an area zoned as “DO” and “LO” as well as areas shown as ‘Road’ on the RODP of YLS promulgated on 8.8.2017, CE/CID of PlanD does not raise objection to the application and PM(W) of CEDD has no objection to the proposed temporary use for 3 years. Approval of the application on a temporary basis of 3 years would not jeopardize the long-term development of the area.
- 12.3 The subject “U” zone is mainly occupied by open storage/storage yards, warehouses, workshops, and similar uses are found in the vicinity of the Site. As such, the development is not incompatible with the surrounding uses in the subject “U” zone comprising similar open storage uses.
- 12.4 The application is also generally in line with TPB PG-No. 13E in that the Site falls within Category 1 areas which are considered suitable for open storage and port back-up use; relevant proposals have been submitted to demonstrate that the proposed use would not generate adverse impacts; 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 there are sensitive receivers of residential use in the vicinity of the Site, with the nearest one located to the immediate east of the northern portion (**Plan A-2**), and environmental nuisance is expected. Whilst there was one substantiated environmental complaint concerning the Site received in 2017, as advised by DEP, no malodour was scented during the site inspection and no paint spraying activities were noted in subsequent inspections. In this regard, it should be noted that the applicant has proposed not to carry out spraying activities on the Site. To address the concerns on the possible environmental nuisances generated by the temporary use or to address the technical requirements of other 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 also be advised to follow the relevant mitigation measures and requirements set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize any potential environmental impact, and to keep the Site clean and tidy at all times.

- 12.6 As the Committee has approved 11 similar uses covering the Site and 120 similar applications for open storage uses in the vicinity of the Site, approval of the subject application is considered in line with the Committee's previous decisions.
- 12.7 There is no public comment received on the application during the statutory publication period.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12, the Planning Department considers that the temporary open storage of construction machinery and vehicle repair workshop 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 further period of 3 years from 20.4.2018 to 20.4.2021. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no paint spraying activities, as proposed by the applicant, are allowed on the Site at any time during the planning approval period;
- (d) no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the Site, as proposed by the applicant, at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the existing trees and landscape planting on the Site shall be maintained at all times during the planning approval period;
- (g) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) 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 20.7.2018;
- (i) 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 1.6.2018;

- (j) 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 20.10.2018;
- (k) in relation to (j) 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 20.1.2019;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (h), (i), (j) or (k) 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; and
- (n) upon the expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

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 Members' reference:

the applicant fails to demonstrate that the proposed 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

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| Appendix I | Application Form received on 28.2.2018 |
| Appendix Ia | Supplementary Planning Statement |
| Appendix II | Relevant extract of the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses |

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| | (TPB PG-No.13E) |
| Appendix III | Previous Applications covering the Site |
| Appendix IV | Similar applications in this part of the “U” zone on the OZP since the promulgation of TPB PG-NO. 13E |
| Appendix V | Detailed Departmental Comments |
| Appendix VI | The Good Practice Guidelines for Open Storage Sites |
| Appendix VII | Recommended Advisory Clauses |
| Drawing A-1 | Location Plan with Vehicular Access |
| Drawing A-2 | Proposed Layout Plan |
| Drawing A-3 | Proposed Landscape and Tree Preservation Plan |
| Drawing A-4 | As-Built Drainage Plan |
| Plan A-1a | Location Plan with Similar Applications |
| Plan A-1b | Previous Applications Plan |
| Plan A-2 | Site Plan |
| Plan A-3 | Aerial Photo |
| Plans A-4a to A-4d | Site Photos |

**PLANNING DEPARTMENT
APRIL 2018**