

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/922

<u>Applicant</u>	: Mr CHEUNG Chi Wai represented by Metro Planning and Development Company Limited
<u>Site</u>	: Lots 980 (Part), 981, 993 (Part) and 999 (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long, New Territories
<u>Site Area</u>	: 3,865 m 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 (at the time of submission) Approved Tong Yan San Tsuen OZP No. S/YL-TYST/12 (currently in force)
<u>Zoning</u>	: “Undetermined” (“U”) (No change to the “U” zone)
<u>Application</u>	: Temporary Warehouse for Storage of Exhibition Materials, Furniture, Wooden Products, Construction Materials and Vehicle and Electronic Parts for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary warehouse for storage of exhibition materials, furniture, wooden products, construction materials and vehicle and electronic parts for a period of 3 years. The Site falls within an area zoned “Undetermined” (“U”) on the OZP. According to the Notes of the OZP for “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 occupied for the applied use without valid planning permission (**Plans A-2, A-4a to A-4e**).
- 1.2 The Site was involved in four previous applications (No. A/YL-TYST/138, 526, 646 and 759) for temporary warehouse and/or open storage uses (**Plan A-1b**). The first application (No. A/YL-TYST/138) for temporary warehouse and open storage of vehicles and vehicle parts was rejected by the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) on 1.6.2001. The subsequent applications (No. A/YL-TYST/526, 646 and 759) were

approved with conditions for a period of 3 years by the Committee on 18.3.2011, 11.10.2013 and 23.10.2015 respectively, but all planning permissions were subsequently revoked on 18.4.2013, 11.5.2015 and 23.7.2016 due to non-compliance with approval conditions on the drainage and/or fire safety aspects. Details of the previous applications are summarized in paragraph 5 below and **Appendix II**. Compared with the last application, the current application is submitted by a different applicant for almost the same applied use (also applied for storage of electronic parts in the current application) on the same site with almost the same site layout and development parameters (i.e. additional 25 m² gross floor area (GFA) for Structure 10 Fire Services (FS) Water Tank in the current application).

- 1.3 The Site is accessible via a local track leading from Kung Um Road to its east (**Drawing A-1**). According to the applicant, the items stored on site include exhibition materials, furniture, wooden products (e.g. coffins and furniture), construction materials (e.g. marbles, ceramic tiles and sanitary ware) and vehicle and electronic parts. No open storage and no repairing, dismantling or other workshop activities will be carried out on the Site. Besides, no medium or heavy goods vehicles exceeding 5.5 tonnes, including container trailers and tractors, are allowed to enter the Site. The applicant also undertakes to maintain the existing trees on-site and to provide and maintain drainage facilities for the site at the applicant's own expense. Plans showing the vehicular access leading to the Site, site layout, tree preservation and landscape proposal, drainage proposal and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-5**.
- 1.4 The major development parameters of the previously approved application and the current application are summarized as follows:

Major Development Parameters	Previously Approved Application No. A/YL-TYST/759 (a)	Current Application No. A/YL-TYST/922 (b)	Difference (b)-(a)
Applied Use	Temporary Warehouse for Storage of Exhibition Materials, Furniture, Wooden Products, Construction Tools and Vehicle Parts for a Period of 3 Years	Temporary Warehouse for Storage of Exhibition Materials, Furniture, Wooden Products, Construction Materials and Vehicle and Electronic Parts for a Period of 3 Years	Also applied for storage of electronic parts in the current application
Site Area	About 3,865 m ²		Nil
Total Floor Area (Non-domestic)	2,975 m ²	3,000 m ²	+25 m ² (+0.8%) (additional 25 m ² for Structure 10 FS Water Tank)

No. and Height of Structure	10 • for 8 warehouse structures (Structures 1 to 8: 7m, 1 storey) • for a FS pump room and a FS water tank (Structures 9 and 10: 5m, 1 storey)	Nil
Loading/Unloading Space	9 (for private cars/light goods vehicles)	Nil
Operation Hours	7:00 a.m. to 7:00 p.m. from Mondays to Saturdays with no operation on Sundays and public holidays	Nil

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

- (a) Application Form received on 3.9.2018 **(Appendix I)**
- (b) Supplementary Planning Statement **(Appendix Ia)**
- (c) Further Information received on 18.10.2018 **(Appendix Ib)** providing a new FSIs proposal
[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 3 of Supplementary Planning Statement (**Appendix Ia**). They can be summarised as follows:

- (a) The 3 previous revocations under applications No. A/YL-TYST/526, 646 and 759 were not related to the current applicant. The applicant is the latest occupier of the Site. Nevertheless, the current applicant shows his sincerity to comply with the approval conditions by submitting relevant proposals on the tree preservation and landscape, drainage and fire safety aspects under the subject application (**Drawings A-3 to A-5**).
- (b) According to the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13E), the site falls within Category 1 areas and is considered suitable for open storage and port back-up uses. Preliminary technical assessments on traffic, drainage, visual and environmental aspects have been provided in the submission to demonstrate that the development would not generate adverse impacts on the surrounding areas. It is considered that the development should have fulfilled the guidelines to a large extent and should be given favorable consideration by the Board.
- (c) The subject “U” zone is mainly occupied by warehouses intermixed with some open storage yards and warehouses. There are also a number of similar applications (e.g. Applications No. A/YL-TYST/777, 851 and 891) which were approved by the Board in the same “U” zone. Therefore, the development is compatible with the surrounding environment. The proposed development is also in line with the planning intention of the “U” zone. Taking into consideration that there is a shortage of land for open storage purpose in Tong Yan San Tsuen and the storage items at the site are bulky and cannot be easily accommodated in

conventional godown, sympathetic consideration of the application is sought.

- (d) There will be minimal traffic, environmental and drainage impacts. The negligible increase in traffic would not aggravate the traffic condition of Kung Um Road and nearby road networks. The storage items will be stored within enclosed structures and measures (such as restrictions on operation hours and workshop and open storage activities) are proposed to mitigate the environmental nuisances generated by the development. The applicant will construct u-channel along the inner site periphery (**Drawing A-4**) and maintain the drainage facilities at his own expense.

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

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting a notice of the application outside the Site and sending the notice to the Shap Pat Heung Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The use in the Site is under investigation. Should there be sufficient evidence to prove that the use on the Site constitutes an unauthorised development under the Town Planning Ordinance, enforcement action would be taken.

5. Previous Applications

- 5.1 The site was involved in 4 previous applications (No. A/YL-TYST/138, 526, 646 and 759) for temporary warehouse/open storage uses submitted by different applicants. Details of the applications are summarized in **Appendix II** and the location of the site is shown on **Plan A-1b**.
- 5.2 Application No. A/YL-TYST/138 for temporary warehouse and open storage of vehicles and vehicle parts covering a smaller site of about 600m² was rejected by the Committee on 1.6.2001 on the grounds that the proposed development was not compatible with the surrounding residential structures and livestock farms; there was insufficient information to demonstrate no adverse environmental and drainage impacts; and there was no information on the provision of FSIs and water supply for fire-fighting.
- 5.3 Application No. A/YL-TYST/526 for temporary warehouse and open storage of exhibition materials, garments, construction materials, vehicle parts and marble with ancillary workshop was approved with conditions for a period of 3 years by the Committee on 18.3.2011 on the consideration that the development was not in conflict with the planning intention of the “U” zone; it was not incompatible with the surrounding areas; and the relevant departmental concerns could be addressed by imposition of approval conditions. However, the planning permission was subsequently revoked on 18.4.2013 due to non-compliance with approval conditions requiring the implementation of drainage proposal and the submission and implementation of FSIs proposal.

- 5.4 Application No. A/YL-TYST/646 submitted by the same applicant as in application No. A/YL-TYST/526 for almost the same use as the current application was approved with conditions for a period of 3 years by the Committee on 11.10.2013 on similar considerations as those for Application No. A/YL-TYST/526. Shorter compliance periods were imposed in order to monitor the progress of compliance with relevant approval conditions. However, the planning permission was revoked on 11.5.2015 due to non-compliance with approval conditions on the implementation of drainage and FSIs proposals.
- 5.5 The last application (No. A/YL-TYST/759) submitted by a different applicant for almost the same use on the same site, but with a slightly different site layout and development parameters as in application No. A/YL-TYST/646 was approved with conditions for a period of 3 years by the Committee on 23.10.2015 on similar considerations as those for Application No. A/YL-TYST/526, as well as sympathetic consideration was given due to the application was submitted by a different applicant and the applicant has submitted drainage and FSIs proposal. Shorter compliance periods were imposed in order to monitor the progress of compliance with relevant approval conditions. However, the planning permission was revoked on 23.7.2016 due to non-compliance with approval conditions on the implementation of drainage and FSIs proposals.
- 5.6 Compared with the last application (No. A/YL-TYST/759), the current application is submitted by a different applicant for almost the same applied use (also applied for storage of electronic parts in the current application) on the same site with almost the same site layout and development parameters (i.e. additional 25 m² GFA for Structure 10 Fire Services (FS) Water Tank in the current application).

6. Similar Applications

- 6.1 A total of 98 similar applications for various types of temporary warehouse with/without open storage and/or ancillary site office/workshop uses in this part of the “U” zone had been considered by the Committee since the promulgation of TPB PG-No. 13E on 17.10.2008. Details of the applications are summarised in **Appendix III** and the locations of the sites are shown on **Plan A-1a**.
- 6.2 There are 97 approved applications for temporary warehouse with/without open storage and/or ancillary site office/workshop uses. However, amongst these approved applications, 32 were revoked due to non-compliance with approval conditions.
- 6.3 There is one application rejected mainly on the grounds, amongst others, that approval of application with repeated non-compliances would set an undesirable precedent.

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

- 7.1 The Site is:
- (a) accessible via a local track leading from Kung Um Road to its east (**Drawing A-1 and Plan A-3**);

- (b) paved and elongated in shape and partitioned into different warehouse compartments; and
- (c) currently occupied for the applied use and workshop use without valid planning permission.

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

- (a) intermixed with warehouses, open storage/storage yards, workshops, scattered residential structures and vacant land;
- (b) there are scattered residential structures in its vicinity with the nearest located about 10m to its north and south ; and
- (c) the other warehouses, open storage/storage yards and workshops in the vicinity are suspected unauthorised developments subject to enforcement action taken by the Planning Authority.

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. Comments from Relevant Government Departments

9.1 The following government departments have been consulted and their views on the application 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 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) Lots 980, 981, 993 and 999 all in D.D. 119 are covered by Short Term Waivers (STWs) Nos. 3465, 3467 and 3468 which permit the structures erected thereon for the purposes of ‘Warehouse and Open Storage of Exhibition Materials, Marble, Garments, Construction Materials and Vehicle Parts’.
- (c) The Site is accessible from Kung Um Road via government land (GL). Her office does not provide maintenance work for GL involved and does not guarantee any right-of-way over the GL to the Site.

- (d) The Site does not fall within the Shek Kong Airfield Height Restriction Area.
- (e) Should planning approval be given to the application, the STW holder(s) will need to apply to her office for modification of the STW conditions where appropriate. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. 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(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) No medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailers, should be allowed to park or enter/exit the Site.
- (b) The land status of the access road/path/track leading to the Site from Kung Um Road shall be checked with the lands authority.
- (c) The management and maintenance responsibilities of the access road/path/track shall be clarified and consulted with the relevant management and maintenance authorities accordingly.
- (d) 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.

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 Kung Um Road.

Environment

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

- (a) There was no substantiated environmental complaint concerning the Site received in the past three years.
- (b) Regarding the proposed storage of electronic parts, according to the information provided by the applicant, the Site is hard-paved in concrete and the development is intended for storage only and no dismantling or workshop activity will be taken place at the site. The above measures as proposed by the applicant are essential and should be implemented in preventing land contamination.
- (c) Should the planning application be approved, the applicant should 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” issued by the Environmental Protection Department.
- (d) The applicant is reminded that it is his obligation of the compliance with all relevant environmental pollution control ordinance and to apply for the licence/ permit for disposal of e-waste as defined under the Waste Disposal Ordinance as necessary.

Drainage

9.1.5 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 and no adverse comment on the submitted drainage proposal (**Drawing A-4**).
- (b) The applicant should be reminded of the following:
 - (i) The applicant should implement the drainage facilities on site in accordance with the agreed drainage proposal.
 - (ii) The applicant is required to rectify the drainage system if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by a failure of the drainage system.
 - (iii) The proposed development would neither obstruct overland flow nor adversely affect any existing natural streams, village drains, ditches and the adjacent areas.
 - (iv) The applicant should consult DLO/YL and seek consent from relevant lot owners for any works to be carried out outside his lot boundary before commencement of the drainage works.

- (c) Should the Board consider that the application is acceptable from the planning point of view, approval conditions requiring the implementation and maintenance of the accepted drainage proposal to the satisfaction of the Director of Drainage Services or of the Board should be stipulated.

Fire Safety

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

- (a) He has no objection in principle to the application subject to FSIs being provided to his satisfaction.
- (b) He has the following comments on the submitted FSIs proposal (**Drawing A-5**):
 - (i) Source of secondary electrical supply shall be provided; and
 - (ii) There shall be sufficient hose reels to ensure that every part of the building (Structure 1) can be reached by a length of not more than 30m of hose reel tubing.
- (c) 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; and
 - (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans.
- (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

9.1.7 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 his department, 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 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 and land filling) are to be carried out on the Site, prior approval and consent of his department should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (iv) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations 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 Building (Planning) Regulation at the building plan submission stage.

Others

9.1.8 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 of YLS promulgated on 8.8.2017, the Site falls within an area zoned “Residential-Zone 2” (“R2”) 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.

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

- (a) We have 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.
- (b) However, the 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 3 Works. While the detailed implementation programme for the project is still being formulated, based on the P&E Study, it is envisaged that clearance of the site in question will not be arranged before the first population intake of the YLS Development expected in 2027.

District Officer's Comments

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

10. Public Comments Received During the Statutory Publication Period

On 11.9.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 2.10.2018, two objecting public comments (**Appendices IV-1 and IV-2**) were received from two Yuen Long District Council Members who consider that the current application should be rejected in view of the 3 previous revocations pertaining to the Site and the applicant's lack of sincerity to comply with the relevant approval conditions.

11. Planning Considerations and Assessments

11.1 The subject application is for temporary warehouse for storage of exhibition materials, furniture, wooden products, construction materials and vehicle and electronic parts 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 “R2” and “DO” 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 jeopardise the long-term development of the area.

- 11.2 The subject “U” zone is mainly occupied by warehouses intermixed with open storage/ storage yards and workshops, and similar uses are found in the vicinity of the site (**Plan A-2**). As such, the development is not incompatible with the surrounding uses in the subject “U” zone.
- 11.3 The Site is the subject of three previously revoked planning permissions (No. A/YL-TYST/526, 646 and 759) for almost the same warehouse use with/without open storage on almost the same site. Although the applied use is not incompatible with the surrounding uses in the area and the concerned government departments have no adverse comment on the application, the applicant must demonstrate that all potential adverse impacts arising from the development could be adequately mitigated. As such, approval conditions in relation to the landscaping, drainage and fire safety aspects were imposed in the three previously approved applications. However, the applicants of planning permissions No. A/YL-TYST/526, 646 and 759 were unable to comply with the approval conditions regarding submission and/or implementation of drainage proposal and FSIs proposal within the specified time limits repeatedly since the granting of the first planning approval at the Site (No. A/YL-TYST/526) in 2011. Whilst the applicant of the current application is different from those of the three previously approved applications and he also claimed that he is the latest occupier of the Site and not related to the previous applicants, it is noted that the site condition and proposed layout of the Site under the current application are almost the same as those under the previous revoked planning permissions No. A/YL-TYST/526, 646 and 759. Besides, since the revocation of the last application (No. A/YL-TYST/759) on 23.7.2016, the structures on site remain unchanged and the Site has not been cleared before this application is made. Furthermore, although the submitted drainage proposal (**Drawing A-4**) is accepted by CE/MN, DSD, the applicant has yet to address D of FS’s comments on the submitted FSIs proposal (**Drawing A-5**). In view of the above, the applicant has not sincerely demonstrated that he will implement the said proposal if the application is approved. It is doubtful that the potential fire risk could be duly addressed by way of imposing approval conditions. Under such circumstances, the development could cause adverse fire safety impacts on the surrounding areas. Approval of the application with repeated non-compliances with approval conditions would set an undesirable precedent for other similar applications, thus nullifying the statutory planning control mechanism.
- 11.4 Although 97 similar applications have been approved in this part of the “U” zone, there is also one application rejected by the Board mainly on the grounds, amongst others, that approval of application with repeated non-compliances would set an undesirable precedent.
- 11.5 There are two public comments (**Appendices IV-1 and IV-2**) received on the application during the statutory publication period as summarized in paragraph 10

above. The planning considerations and assessments 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 mentioned in paragraph 10, the Planning Department does not support the application for the following reason:

previous planning permissions granted on the Site by the Board under Applications No. A/YL-TYST/526, 646 and 759 were revoked due to non-compliance of the approval conditions. The applicant fails to demonstrate that the development would not pose fire risk on the surrounding area. Approval of the application with repeated non-compliances with approval conditions would set an undesirable precedent for other similar applications, thus nullifying the statutory planning control mechanism.

- 12.2 Alternatively, 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 up to 2.11.2021 but with shorter compliance periods to monitor the fulfilment of the approval conditions. The following conditions of approval with shorter compliance periods and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 7:00 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 repairing, dismantling or other workshop activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (d) no open storage, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (e) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site, as proposed by the applicant, at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) all existing trees and landscape plantings within the Site shall be maintained at all times during the planning approval period;
- (h) the implementation of the accepted drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 2.5.2019;

- (i) in relation to (h) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (j) the submission of a revised fire service installations proposal within **3** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 2.2.2019;
- (k) in relation to (j) above, the implementation of the revised 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 2.5.2019;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (i) 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
- (m) if any of the above planning conditions (h), (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.

Advisory clauses

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

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 reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application Form received on 3.9.2018
Appendix Ia	Supplementary Planning Statement
Appendix Ib	Further Information received on 18.10.2018 providing a new FSIs proposal
Appendix II	Previous Applications covering the Site
Appendix III	Similar Applications in this Part of the “U” Zone on the OZP since the Promulgation of TPB PG-No. 13E
Appendices IV-1 and IV-2	Public comments received during the statutory publication period

Appendix V	Recommended Advisory Clauses
Drawing A-1	Plan showing the vehicular access leading to the Site
Drawing A-2	Site Layout Plan
Drawing A-3	Proposed Tree Preservation and Landscape Plan
Drawing A-4	Proposed Drainage Plan
Drawing A-5	Proposed FSI Proposal
Plan A-1a	Location Plan with Similar Application
Plan A-1b	Previous Application Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4e	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2018**