

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL**  
**FOR TEMPORARY USE**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-TYST/952**

- Applicant** : Mr. TANG Tin Chi represented by Metro Planning and Development Company Ltd.
- Site** : Lots 2361 (Part), 2362 (Part), 2363 (Part), 2364 (Part), 2365 (Part), 2366 RP (Part), 2370, 2371, 2372 (Part) and 2374 (Part) in D.D. 120 and Adjoining Government Land (GL), Tong Yan San Tsuen, Yuen Long, New Territories
- Site Area** : 3,715m<sup>2</sup> (about) (including GL of about 24m<sup>2</sup>)
- 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** : Renewal of Planning Approval for Temporary “Open Storage of Construction Machinery with Ancillary Site Office” for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning approval for temporary open storage of construction machinery with ancillary site office at the application site (the Site) for a further period of 3 years (**Plan A-1**). According to the 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 occupied for the applied use with valid planning permission under application No. A/YL-TYST/787 up to 22.4.2019 (**Plans A-2 and A-4a to A-4c**).
- 1.2 The Site was involved in 11 previous applications (No. A/DPA/YL-TYST/74, A/YL-TYST/269, 270, 271, 272, 273, 294, 372, 466, 634 and 787) for proposed house or various temporary open storage uses with or without vehicle repair workshop. The last application (No. A/YL-TYST/787) for the same open storage use was approved with conditions for a period of 3 years by the Rural and New Town Planning Committee (the Committee) of the Board on 22.4.2016 with validity up to 22.4.2019. Details of the previous applications are at paragraph 6 and **Appendix IV**. Compared with the last application, the current application is

submitted by the same applicant for the same use on the same site, and the development parameters and the site layout remain unchanged.

- 1.3 The Site is accessible via a local track leading from Kung Um Road to its east (**Plan A-3 and Drawing A-1**). According to the applicant, the Site is intended for open storage of construction machinery such as cranes and electricity generators. No repairing, dismantling, maintenance, cleaning or other workshop activities will be carried out at the Site. In addition, no heavy goods vehicles exceeding 24 tonnes, including container tractor/trailer, are allowed to enter/be parked at the Site. Also, no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or other electronic wastes will be carried out at the Site. The applicant undertakes to maintain all the existing trees and drainage facilities at his own expense. Plans showing the vehicular access leading to the Site, site layout, landscape and tree preservation proposal and as-built drainage facilities submitted by the applicant are at **Drawings A-1 to A-4**.
- 1.4 The major development parameters of the previously approved application and the current application are largely the same and summarised as follows:

<b>Major Development Parameters</b>	<b>Previous Approved Application No. A/YL-TYST/787</b>	<b>Current Application No. A/YL-TYST/952</b>
Site Area	3,715m <sup>2</sup> (about) (including GL of about 24m <sup>2</sup> )	
Total Floor Area (Non-domestic)	About 297m <sup>2</sup>	
No. and Height of Structures	4 <ul style="list-style-type: none"> <li>• One open shed with converted containers beneath for site office (4.5m, 1 storey)</li> <li>• One for open shed with converted containers beneath for site office and toilet (4.5m, 1 storey)</li> <li>• One for toilet and storage use (3m, 1 storey)</li> <li>• One for toilet (3m, 1 storey)</li> </ul>	
Parking Spaces	2 (5m x 2.5m) (for private cars/light goods vehicles)	2 (5m x 2.5m) (for private cars)
Loading/ Unloading Spaces	2 (11m x 3.5m) (for medium goods vehicles)	
Operation Hours	9:00 a.m. to 7:00 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 8.2.2019 **(Appendix I)**
  - (b) Supplementary Planning Statement **(Appendix Ia)**
  - (c) Further information received on 14.3.2019 undertaking that no storage or handling (including loading and unloading) of used electrical appliances, **(Appendix Ib)**

computer/electronic parts (including cathode-ray tubes) or other electronic wastes will be carried out at the Site  
*[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 the Supplementary Planning Statement at **Appendix Ia**. They can be summarised as follows:

- (a) The Site is the subject of five previously approved applications since 2006. The previous application (No. A/YL-TYST/787) is for the same applied use as the current application. The planning circumstances remain unchanged since the last approval in 2016.
- (b) The development is compatible with the surrounding areas and in line with the planning intention of the “U” zone. 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 area which is considered suitable for open storage and port back-up uses.
- (c) A number of open storage yards have been approved by the Board in the vicinity of the Site. The Site adjoins a similar open storage yard with approved planning application (No. A/YL-TYST/888). Similar treatment should be given to the current application. Besides, there is a shortage of land for open storage purpose in Tong Yan San Tsuen.
- (d) The development will not cause adverse environmental, drainage, landscape or traffic impacts. There will be minimal traffic impact due to the static nature of the development. Construction machinery will be stored at least 1m away from existing trees. The existing trees at the Site will be preserved at the applicant’s own cost and any dead trees within the Site will be replaced if discovered. The applicant will maintain all existing drains within the Site at his own expense and ensure that they are in good condition.

## **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. Town Planning Board Guidelines**

- 4.1 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**.

- 4.2 The Town Planning Board Guidelines for “Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development” (TPB PG-No. 34B) are also relevant to the application. The relevant assessment criteria are attached at **Appendix III**.

## 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/DPA/YL-TYST/74, A/YL-TYST/269, 270, 271, 272, 273, 294, 372, 466, 634 and 787) for proposed house or various temporary open storage uses with or without vehicle repair workshop covering different extent of the Site. Details of the applications are summarised in **Appendix IV** and the boundaries of the sites are shown on **Plan A-1b**.
- 6.2 Application No. A/DPA/YL-TYST/74 for proposed 2-storey house on Lot 2372 in D.D. 120 (about 240m<sup>2</sup>) was approved with conditions by the Committee on 15.12.1995 when the Site fell within “Unspecified Use” area on the draft Tong Yan San Tsuen Development Permission Area (DPA) Plan No. DPA/YL-TYST/1. The development was not commenced and the planning approval lapsed on 15.12.1997.
- 6.3 Applications No. A/YL-TYST/269, 270, 271, 272 and 273 for various temporary vehicle repair workshops or open storage of used computers or construction materials use were either rejected by the Committee on 28.1.2005 or by the Board on review on 3.6.2005, on the grounds that the developments were incompatible with the nearby residential structures; non-compliance with the then TPB PG-No.13C; and insufficient information to demonstrate no adverse environmental and/or drainage impact(s) on the surrounding areas.
- 6.4 Application No. A/YL-TYST/294 for temporary open storage of construction materials was approved with conditions by the Board on review on 20.1.2006 for a period of 2 years mainly on the consideration that the site was re-classified to Category 1 areas under the then TPB PG-No.13D; the application no longer involved vehicle repair workshop use; and the concerns of relevant departments could be addressed through the implementation of approval conditions. A shorter approval period of 2 years was granted in order to closely monitor the situation. The subsequent renewal application No. A/YL-TYST/372 was also approved by the Committee on 18.1.2008 for a period of 2 years.
- 6.5 Application Nos. A/YL-TYST/466 and 634 for temporary open storage of construction machinery, construction materials and recycled materials including paper, plastic and metal with or without ancillary site office were approved with conditions by the Committee each for a period of 3 years on 19.3.2010 and 3.5.2013 respectively mainly on similar considerations.
- 6.6 The last application (No. A/YL-TYST/787) for temporary open storage of construction machinery with ancillary site office for a period of 3 years was approved by the Committee on 22.4.2016. All the time-limited conditions have been complied with and the permission is valid up to 22.4.2019.

- 6.7 Compared with the last application, the current application is submitted by the same applicant for the same use on the same site, and the development parameters and the site layout remain unchanged.

## 7. Similar Applications

- 7.1 A total of 135 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 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 V** and the locations of the sites are shown on **Plan A-1a**.
- 7.2 Out of the 135 similar applications, 133 of which were approved mainly on similar considerations that the developments were not incompatible with the surrounding open storage/warehouse uses and the concerns of relevant departments could be addressed by imposing approval conditions. However, amongst these approved applications, 28 were 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 and the Board on review respectively mainly on the reasons, 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.

## 8. The Site and Its Surrounding Areas (Plans A-1a to A-4c)

- 8.1 The Site is:
- (a) in proximity to Yuen Long Highway and accessible via a local track leading from Kung Um Road to its east (**Plan A-3**);
  - (b) paved and fenced off; and
  - (c) currently occupied for the applied use with valid planning permission under application No. A/YL-TYST/787 up to 22.4.2019.
- 8.2 The surrounding areas have the following characteristics (**Plan A-2**):
- (a) comprise mainly of open storage yards intermixed with some warehouses, vehicle repair workshops, residential structures including a village resite area known as Tin Lung Tsuen (**Plan A-1b**), a logistics centre, some cultivated agricultural land and vacant land;
  - (b) there are existing residential structures in its vicinity with the nearest one located to the immediate southwest of the Site;
  - (c) some warehouses, open storage yards and vehicle repairing workshops are located to the east, southwest, south and west of the Site, which are operating with valid planning permissions under applications No. A/YL-TYST/841, 808, 848 and 888 respectively; and
  - (d) except for the aforementioned operations operating under valid permissions, the other warehouses, open storage yards, vehicle repair workshop and

logistics centre in the vicinity of the Site are suspected unauthorised development (UD) 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 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.

## **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 prior approval of the Government.
- (b) Lot No. 2366 RP in D.D. 120 is covered by Short Term Waiver (STW) No. 3146 to permit structures erected thereon for the purpose of “Vehicle Repair Workshop, Storage of Construction Machinery and Materials and Ancillary Use”.
- (c) Lot No. 2361 & 2362, 2363, 2364 and 2365 & 2370 are covered by STW No. 3972, 3973, 3974 and 3975 respectively, while the GL is covered by Short Term Tenancy (STT) No. 2808, to permit structures erected thereon for the purpose of “Temporary Open Storage of Construction Machinery, Construction Materials and Recyclable Materials, including Paper, Plastic and Metal with Ancillary Site Office”.
- (d) The Site is accessible from Kung Um Road via GL. Her office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site.
- (e) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (f) Should planning approval be given to the subject planning application, the STW/STT holder(s) will need to apply to her office for modification of the STW/STT conditions where appropriate. The owner(s) of the lot(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. 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(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.

- (g) The programme of land resumption would follow the project office's programme notwithstanding the validity period of the planning permission to be granted.

### **Traffic**

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

- (a) The working hours should be restricted from 9:00 a.m. to 7:00 p.m. from Monday to Saturday and no operation on Sunday and public holiday as proposed by the applicant.
- (b) No heavy goods vehicle, including container tractor/trailer, should be allowed to park or enter/exit the Site.
- (c) The land status of the access road/path/track leading to the Site from Kung Um Road should be checked with the lands authority.
- (d) The management and maintenance responsibilities of the access road/path/track should be clarified with the relevant management and maintenance authorities accordingly.
- (e) 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) 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) DEP does not support the application as there are sensitive receivers of residential use in the vicinity (with the nearest one located to the immediate southwest of the Site) (**Plan A-2**) and the applied use will cause traffic of heavy vehicles; environmental nuisance is expected.
- (b) There was no environmental complaint concerning the Site received in the past 3 years.
- (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 the Environmental Aspects of Temporary Uses and Open Storage Sites” (Code of Practice).

### **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 proposed development.
- (b) Based on the as-built drainage plan enclosed in the application (**Drawing A-4**), the applicant would maintain the same drainage facilities as those implemented under the previous planning application No. A/YL-TYST/787.
- (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/787 and the submission of a condition record of the existing drainage facilities on the 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 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. In addition, the applicant should also 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 FSI to be installed should be clearly marked on the layout plans.



- (iii) The good practice guidelines for open storage attached in **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 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.
- (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**

#### 10.1.7 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 structures existing at the Site, he is not in a position to offer comments on their suitability for the use related to 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 approval of BD, they are unauthorised building works (UBW) under BO and should not be designated for any proposed use under the application.
  - (ii) For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing works or UBW on the Site under BO.
  - (iii) Before any new building works (including containers/open sheds as temporary buildings) are to be carried out in the Site, the prior approval and consent of BD should be obtained, otherwise they are UBW. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with 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 (B(P)R) respectively.
  - (v) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be

determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

**Others**

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

- (a) Civil Engineering and Development Department (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 Site falls within an area zoned as “District Open Space” (“DO”) and 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.

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

- (a) It is noted that the northern part of the Site falls within the boundary of YLS development – Stage 1 (the project), while the remaining part of the Site falls within the boundary of Stage 2 development.
- (b) To meet the target first population intake under the project by Q1 of 2028, land clearance of the northern part of the Site is planned to commence in Q3 of 2021 subject to Executive Council’s authorisation on land resumption and Finance Committee’s funding approval of the project by early 2021 and mid 2021 respectively.
- (c) He objects to the application unless there is restriction on the period of use/development of the northern part till September 2021 only. His department will give sufficient notice to relevant department(s) for earlier termination of the northern part of the Site if his works commence early. The applicant shall also be reminded that the proposed vehicular access to the Site via the northern part of the Site (**Drawing A-1**) would no longer be available after September 2021. Alternative vehicular access to the Site shall also be proposed by the applicant for his agreement.

**District Officer’s Comments**

10.1.10 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.

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

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

## 11. **Public Comment Received During the Statutory Publication Period**

On 15.2.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 8.3.2019, no public comment was received.

## 12. **Planning Considerations and Assessments**

12.1 The subject application is for renewal of planning permission under previous application No. A/YL-TYST/787 for temporary open storage of construction machinery with ancillary site office for a period of 3 years at a site zoned “U” on the OZP. The applied use is not in conflict with the planning intention of the “U” zone 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. While the Site falls within an area zoned as “DO” and 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. PM(W), CEDD objects to the application unless the period of the proposed use/development by the applicant is granted till September 2021 only in view of the programme of the YLS development. However, DLO/YL advises that the programme of land resumption would follow the project programme notwithstanding the validity period of the planning permission to be granted. As such, approval of the application on a temporary basis would not jeopardise the long-term development of the area. Should the application be approved, the applicant should be advised that the Site may be subject to land resumption for the implementation of YLS which may take place at any time before the expiry of the temporary planning permission.

12.2 The surrounding areas comprise mainly of warehouses intermixed with some open storage yards, vehicle repair 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.

12.3 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.

The application is 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; and the technical concerns of relevant government departments could be addressed through the implementation of approval conditions.

- 12.4 The application is generally in line with TPB PG-No. 34B in that there has been no material change in planning circumstances since the granting of the previous approval under application No. A/YL-TYST/787; the approval conditions have been complied with; and the 3-year approval period sought is reasonable and of the same timeframe as the previous approval.
- 12.5 There is no adverse comment on the application from concerned government departments, except DEP and PM(W), CEDD as mentioned in paragraph 12.1. 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 southwest of the Site (**Plan A-2**) and the applied use will cause traffic of heavy vehicles; environmental nuisance is expected. However, there has been no environmental complaint concerning the Site received in the past 3 years. To address the concerns on the possible environmental nuisances generated by the temporary use and 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 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 follow the Code of Practice in order to minimise any potential environmental impact, and to keep the Site clean and tidy at all times.
- 12.6 Given that 5 previous approvals for the similar open storage use has been granted to the Site and 133 similar applications have been approved in this part of the “U” zone, approval of the current application is in line with the Committee’s previous decisions. There were 5 previous applications and 2 similar applications in this part of the “U” zone rejected on the grounds that, amongst others, conflict with TPG PG-No. 13E (or its earlier version) in that the development was incompatible with the surrounding residential use and/or there were adverse departmental comments on the application, insufficient information to demonstrate no adverse environmental/drainage/fire safety impacts, or 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 renewal application.
- 12.7 There is no public comment received on the application during 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 with ancillary site office could be tolerated for a further 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 23.4.2019 to 22.4.2022. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (d) no repairing, dismantling, maintenance, cleansing or any other workshop activities, as proposed by the applicant, are allowed on the Site at any time during the planning approval period;
- (e) no heavy goods vehicles exceeding 24 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) the existing boundary fencing on the Site shall be maintained at all times during the planning approval period;
- (h) all existing trees within the Site shall be maintained at all times during the planning approval period;
- (i) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (j) the submission of a condition record of the existing drainage facilities on the Site within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 23.7.2019;
- (k) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within **6** weeks from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 4.6.2019;
- (l) the submission of fire service installations proposal within **6** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 23.10.2019;

- (m) in relation to (l) above, the implementation of fire service installations proposal within **9** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 23.1.2020;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) 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
- (o) if any of the above planning conditions (j), (k), (l) or (m) 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.

*[Approval conditions (a) to (f) and (i) to (m) are the same as those under the permission for application No. A/YL-TYST/787, while conditions (g) and (h) are updated and the reinstatement clause is deleted.]*

#### 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 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**

- |                    |   |
|--------------------|---|
| <b>Appendix I</b>  | Application Form received on 8.2.2019   |
| <b>Appendix Ia</b> | Supplementary Planning Statement  |
| <b>Appendix Ib</b> | Further information received on 14.3.2019 undertaking that no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or other electronic wastes will be carried out at the Site |

<b>Appendix II</b>	Relevant extract of the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E)
<b>Appendix III</b>	Relevant extract of the Town Planning Board Guidelines for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34B)
<b>Appendix IV</b>	Previous Applications covering the Site
<b>Appendix V</b>	Similar applications in this part of the “U” zone on the OZP since the promulgation of TPB PG-No. 13E
<b>Appendix VI</b>	The Good Practice Guidelines for Open Storage Sites
<b>Appendix VII</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Plan showing the location of the site
<b>Drawing A-2</b>	Site Layout Plan
<b>Drawing A-3</b>	Landscape and Tree Preservation Proposal
<b>Drawing A-4</b>	As-Built Drainage Plan
<b>Plan A-1a</b>	Location Plan with Similar Applications
<b>Plan A-1b</b>	Previous Applications Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to A-4c</b>	Site Photos

**PLANNING DEPARTMENT  
MARCH 2019**