

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-TYST/985**

- Applicant** : Mr. WONG Ping Ngong
- Site** : Lot 657 RP in D.D. 121, Long Hon Road, Yuen Long, New Territories
- Site Area** : 812 m<sup>2</sup> (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/12
- Zonings** : “Residential (Group D)” (“R(D)”) (about 74%)  
*[Restricted to a maximum plot ratio of 0.2 and maximum building height of 2 storeys (6m)]*  
  
“Green Belt” (“GB”) (about 26%)
- Application** : Temporary Open Storage of Construction Equipment, Recycling of Used Electrical/Electronic Appliances with Ancillary Site Office and Packaging Activities for a Period of 3 Years and Filling of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary open storage of construction equipment, recycling of used electrical/electronic appliances with ancillary site office and packaging activities for a period of 3 years and filling of land (**Plan A-1**). Although the proposed use is neither a Column 1 or 2 use in the “R(D)” and “GB” zones, the Covering Notes of the OZP stipulate that temporary use or development of any land or buildings not exceeding a period of three years within the zones requires planning permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for under the Notes of the OZP. Any filling of land (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works) within the “GB” zone also requires planning permission from the Board. The Site comprises two portions bisected by a local track (i.e. the northern portion and the southern portion falling within the “R(D)” and “GB” zones respectively). The northern portion of the Site is currently occupied by the applied use without valid planning permission while the southern portion of the Site is largely vacant (**Plans A-2, A-4a and A-4b**).

1.2 According to the applicant, the Site is proposed for storage of construction equipment (including generators, forklifts, scaffolding materials, containers and handy tools) and recycling of used electrical/electronic appliances. No workshop activities, except packaging and recycling activities, will be carried out within the Site. Plan showing the site layout submitted by the applicant is at **Drawing A-1**.

1.3 The major development parameters of the application are summarised as follows:

<b>Site Area</b>	About 812 m <sup>2</sup>	
<b>Total Floor Area (Non-domestic)</b>	280 m <sup>2</sup>	
<b>Proposed Height of Land Filling</b>	0.1 m (Covering the whole Site)	
<b>No. and Height of Structures</b>	5	
	Northern Portion	Southern Portion
	<ul style="list-style-type: none"> <li>• one structure with shelter for site office, power supply room and storage of miscellaneous materials (3.5m, 1 storey)</li> <li>• one structure for recycling of used electric appliances and ancillary packaging activities (7m, 1 storey)</li> <li>• one structure for recycling and storage of electric/electronic appliances (7m, 1 storey)</li> </ul>	<ul style="list-style-type: none"> <li>• two structures for recycling and storage of electric/electronic appliances (2.5m, 1 storey)</li> </ul>
<b>No. of Parking Spaces</b>	2 (for private cars)	
<b>No. of Loading/ Unloading Spaces</b>	2 (one each for medium and heavy goods vehicles)	
<b>Operation Hours</b>	7:00 a.m. to 7:30 p.m. Mondays to Saturdays, and occasionally on Sundays and Public Holidays	

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

- (a) Application Form received on 10.9.2019 **(Appendix I)**
- (b) Further Information (FI) dated 17.10.2019 clarifying the proposed operation and stored items **(Appendix Ia)**  
*[accepted and exempted from publication and recounting requirements]*
- (c) FI dated 23.10.2019 providing traffic generation data **(Appendix Ib)**  
*[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 Part 7 of the Application Form at **Appendix I** and the FI at **Appendix Ia** respectively. They can be summarised as follows:

- (a) The applicant has no knowledge in agriculture, which is a practice that is no longer profitable in Hong Kong. The demand for open storage is increasing but the supply is insufficient. The Site should be utilised to create employment opportunities, which could also generate land revenue for the government.
- (b) Basic infrastructures, including drainage, sewerage and power supply, etc., are insufficient to cater for residential development in the area.

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

The applicant is the sole “current land owner”. 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 Development within the Green Belt Zone under Section 16 of the Town Planning Ordinance” (TPB PG-No. 10) are relevant to this application. The relevant assessment criteria are summarised as follows and extracted at **Appendix II**:

- (a) there is a general presumption against development (other than redevelopment) in “GB” zone. In general, the Board will only be prepared to approve applications for development in the context of requests to rezone to an appropriate use;
- (b) an application for new development in “GB” zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds;
- (c) the design and layout of any proposed development should be compatible with the surrounding area. It should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, or cause any adverse visual impact on the surrounding environment;
- (d) the proposed development should not overstrain the capacity of existing and planned infrastructure such as sewerage, roads and water supply. It should not adversely affect drainage or aggravate flooding in the area; and
- (e) the vehicular access road and parking provision proposed should be appropriate to the scale of the development and comply with relevant standards. Access and parking should not adversely affect existing trees or other natural landscape features.

4.2 The Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13E) are also relevant to the application. The northern and southern portions of the Site fall within Category 3 and 4 areas respectively

under TPB PG-No. 13E promulgated by the Board on 17.10.2008. The relevant extract of the Guidelines is attached at **Appendix III**.

## **5. Background**

The Site is subject to planning enforcement action against unauthorised development (UD) involving storage use. Enforcement Notices (E/YL-TYST/832 and 833) were issued on 17.9.2019 and 26.6.2019 respectively requiring discontinuation of the UD. Recent site inspection revealed that the UDs of E/YL-TYST/832 and E/YL-TYST/833 were continued and discontinued respectively. Further site inspection(s) will be arranged and prosecution action may be followed as appropriate.

## **6. Previous Application**

There is no previous planning application covering the Site.

## **7. Similar Applications**

- 7.1 There are five similar applications (No. A/YL-TYST/462, 536, 576, 585 and 670) for various types of temporary open storage uses with or without warehouse and/or ancillary workshop/site office/caretaker's room uses within the "R(D)" zone and no similar application within the "GB" zone, since the promulgation of TPB PG-No. 13E on 17.10.2008. There were also four similar applications (No. A/YL-TYST/262, 545, 574 and 598) for temporary recycling facility/recyclable collection centre uses within the "R(D)" zone. Details of the applications are summarised in **Appendix IV** and the locations of the sites are shown on **Plan A-1a**.
- 7.2 Applications No. A/YL-TYST/462, 536, 576, 585 and 670 were rejected by the Board on review or by the Rural and New Town Planning Committee (the Committee) of the Board on 6.11.2009, 8.7.2011, 13.7.2012, 31.8.2012 and 10.10.2014 respectively, mainly on the grounds that the proposed development was not in line with the TPB PG-No.13E and the planning intention of the "R(D)" zone; there was insufficient information to demonstrate that the development would not generate adverse environmental/traffic/landscape impacts on the surrounding areas; and approval of the application would set an undesirable precedent.
- 7.3 Application No. A/YL-TYST/262 for temporary recycling facility use was rejected by the Committee of the Board on 3.12.2004, mainly on the grounds that the proposed development was not compatible with the surrounding uses; and there the development would generate adverse environmental, landscape, drainage and traffic impacts on the surrounding areas. Applications No. A/YL-TYST/545, 574 and 598 for temporary recyclable collection centre uses, which were considered akin to open storage use, were rejected by the Board on review or by the Committee on 16.12.2011, 1.2.2013 and 18.1.2013 respectively, on similar grounds as those stated in paragraph 7.2 above.
- 7.4 For Members' information, application No. A/YL-TYST/984 for temporary open storage of construction equipment and materials with ancillary site office for a period of 3 years and filling of land to the northeast of the Site within the subject "GB" zone on the OZP submitted by the same applicant as the current application will also be considered at this meeting (**Plan A-1**).

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

### 8.1 The Site is:

- (a) accessible via a local track leading from Long Hon Road to its northeast (**Plan A-3a** and **Drawing A-1**);
- (b) bisected by a local track into two portions (i.e. the northern portion and the southern portion falling within the “R(D)” and “GB” zones respectively). The northern portion of the Site is currently occupied by the applied use without valid planning permission while the southern portion of the Site is largely vacant; and
- (c) largely paved and fenced-off.

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

- (a) rural in character with mainly open storage/storage yards intermixed with scattered residential structures, parking of vehicles, warehouse, shrubland, agricultural land and vacant structures to the northern side of the local track in the subject “R(D)” zone;
- (b) predominantly shrubland and agricultural land intermixed with open storage/storage yards, a warehouse, graves and vacant land to the southern side of the local track in the subject “GB” zone;
- (c) there are residential structures in the vicinity of the Site with the nearest one located to the immediate east of the northern portion of the Site; and
- (d) except for an open storage yard to the north of the Site (within the “R(D)” zone), the other warehouses, open storage yards and parking of vehicles in the vicinity of the Site are suspected UD subject to enforcement action taken by the Planning Authority.

## **9. Planning Intentions**

9.1 The planning intention of the “R(D)” zone is intended primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

9.2 The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

## **10. Comments from Relevant Government Departments**

10.1 The following government departments have been consulted and their views on the application and public comments, where relevant, 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 an Old Schedule Agricultural Lot 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) The Site is accessible from Long Hon Road via Government Land (GL). Her office provides no maintenance work for GL involved and does not guarantee any right-of-way over the GL to the Site.
- (c) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (d) Should planning approval be given to the subject planning application, the lot owner(s) will need to apply to her office to permit the structures to be erected or regularise any irregularities on the 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 as the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of 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 from Long Hon 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, queuing and reverse movement of vehicles on public road are allowed.

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

- (a) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (b) His department shall not be responsible for the maintenance of any access connecting the Site and Tong Yan San Tsuen 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 situated to the immediate east of the northern portion of the Site) (**Plan A-2**) and the applied use will cause traffic of heavy vehicles; environmental nuisance is expected.
- (b) For disposal of e-waste under the definition of the Waste Disposal Ordinance, the applicant is reminded to apply for the necessary licence/permit. It is the obligation of the applicant to meet the statutory requirements under relevant pollution control ordinances and provide necessary mitigation measures.
- (c) Should the planning application be approved, the applicant should be advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (Code of Practice) to minimise any potential environmental nuisances. As the applied use would involve recycling of used electrical/electronic appliances and ancillary packaging activities, the applicant should be reminded to implement the following mitigation measures as stated in Annex I of the Code of Practice to avoid water and soil contamination from the applied use:
  - (i) Bunds should be provided to contain any spillage of chemical storage and the chemical storage area should be properly hard-paved.
  - (ii) Drainage channels and an oil interceptor should be installed to reduce pollutants from the site run-off.
  - (iii) Materials stored in the open area which may leak out oil or chemical waste should be placed on the non-slip heavy duty membrane and properly covered with water proofing sheet to avoid any soil contaminations.
- (d) With respect to the public concerns (**Appendix VI-6**) on the water pollution and noise nuisances from the proposed development, he noted that the Site is currently occupied by the applied use. According to the complaint record, no substantiated complaint concerning the Site was received in the past 3 years. Based on the Application Form (**Appendix I**), the operation hour will be 7:00 a.m. – 7:30 p.m. from Mondays to Saturdays and occasionally on Sundays and public holidays. Should the planning application be

approved, approval condition restricting operation hours should be imposed.

### Landscape

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

- (a) She has reservations on the application from landscape planning perspective.
- (b) The Site is located in an area of miscellaneous rural fringe landscapes. The northern part of the Site in the “R(D)” zone is surrounded by warehouses and open storage yards. The southern part of the Site in the “GB” zone is surrounded by natural woodland and a few open storage yards. With reference to her site visit on 3.10.2019, both the northern and southern parts of the Site are mostly hard-paved, occupied by some temporary structures, and without major existing vegetation within its boundary.
- (c) It is noted from aerial photos of 2014, 2015 and 2018 (**Plans A-3d, A-3c and A-3a** respectively) that the southern part of the Site within the “GB” zone had been extensively modified during this period, and existing vegetation atop had been cleared. Landscape impact has taken place. Although further adverse landscape impact on the surrounding area is not anticipated, the proposed development, if approved, would set an undesirable precedent to encourage similar site modification and vegetation clearance prior to planning approval. The cumulative impact of such approval would further degrade the landscape quality of the surrounding environment and the integrity of the subject “GB” zone.
- (d) Should the Board approve the application, approval conditions requiring the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the Board should be stipulated.

### Nature Conservation

10.1.6 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) The northern portion of the Site falls within “R(D)” zone but the southern portion of the Site falls entirely within “GB” zone. Based on past aerial photo of 24.6.2016 (**Plan A-3b**), the southern portion of the Site was largely vegetated. However, aerial photo of 13.3.2018 (**Plan A-3a**) revealed that the southern portion of the Site was already paved. The applicant also indicated in the application that the current use of the Site is the applied use.
- (b) The Board should take into account the history of the Site, especially if it is a “Destroy First, Build Later” case which should be deterred, and if approving the subject application would set an



undesirable precedent in encouraging similar UD in the area, when considering the subject application.

### **Drainage**

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

- (a) He has no objection in principle to the proposed development from the public drainage point of view.
- (b) Should the Board consider that the application is acceptable from the planning point of view, approval conditions requiring the submission of a drainage proposal and the implementation and maintenance of the drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board should be stipulated.

### **Fire Safety**

10.1.8 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 V** 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**

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

- (a) As there is no record of approval granted by the Building Authority (BA) 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) The excavation and backfilling works should be carried out under the supervision of a competent person.
  - (ii) The applicant's attention is drawn to Building (Minor Works) Regulation that excavation with a depth between 0.3m to 3m falls within the items of Class I or Class II minor works and is subject to the Minor Work Control System. The excavation works should be supervised by competent persons, who are Professional and/or Prescribed Registered Contractor.
  - (iii) Adequate precautionary measures and suitable working procedures should be adopted in carrying out the above works to safeguard the stability of any building, structure, land, street or services. Any precautionary measures, which involves new building works, are subject to the regulation stated in paragraph 10.1.9 (b) (vii) below.
  - (iv) When any natural, formed or man-made land has due to any cause been rendered so dangerous or liable to become so dangerous that it will collapse, or be likely to collapse, and thereby will cause, or will be likely to cause, a risk of injury to any person or damage to any property, enforcement action may be taken by the BD.
  - (v) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BA, they are unauthorised building works (UBW) under the BO and should not be designated for any proposed use under the application.
  - (vi) 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.
  - (vii) Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are UBW. An

Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.

- (viii) The two sites shall be considered as two separate sites and 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.
- (ix) The two sites do not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

### Others

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

- (a) The Civil Engineering and Development Department (CEDD) and PlanD jointly commissioned the “Planning and Engineering Study for Housing Sites in Yuen Long South (YLS) – Investigation”. According to the Recommended Outline Development Plan (RODP) of YLS promulgated on 8.8.2017, the Site falls within an area zoned as “Local Open Space”, “Residential - Zone 5” and “Agriculture”, as well as an area 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.

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

- (a) He has no objection to the subject application.
- (b) However, ~~*the Site falls within the boundary of the proposed YLS Development – Stage 2. a narrow strip of the southern portion of the Site falls within the boundary of the proposed YLS Development – Stage 2 and the remaining part of the Site falls within the boundary of the proposed YLS Development – Stage 4.*~~ The YLS Development would provide land to meet the medium to long term housing needs of Hong Kong. The applicant shall be reminded that extension of the planning permission may not be supported in future when the detailed implementation programme of works in the Site under YLS Development – ~~*Stage 2*~~ *Stages 2 & 4* is formulated.

### District Officer’s Comments

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

His office has not received any feedback from the locals.

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

- (a) Director of Electrical and Mechanical Services (DEMS);
- (b) Head of Geotechnical Engineering Office, CEDD (H(GEO), CEDD);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (d) Commissioner of Police (C of P).

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

On 17.9.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 8.10.2019, six objecting public comments were received from the Kadoorie Farm and Botanic Garden Corporation (**Appendix VI-1**), the World Wide Fund For Nature Hong Kong (**Appendix VI-2**), Designing Hong Kong Limited (**Appendix VI-3**), The Hong Kong Bird Watching Society (**Appendix VI-4**), a member of the general public (**Appendix VI-5**) and a local (**Appendix VI-6**) raising objections to the application mainly on the grounds that the applied use is not in line with the TPB PG-No.13E and the planning intentions of the “R(D)” and “GB” zones; the Board should not approve “Destroy First, Build Later” application to legitimise brownfield operation; there were rejected application for open storage uses in the vicinity of the Site; approval of the application would set an undesirable precedent for other similar applications within the “GB” zone; the proposal is incompatible with the rural character of the area; and the development will generate adverse environmental (noise and land/water contamination) and drainage impacts on the surrounding areas.

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

12.1 The subject application is for temporary open storage of construction equipment, recycling of used electrical/electronic appliances with ancillary site office and packaging activities for a period of 3 years and filling of land at a site mainly zoned “R(D)” (about 74%, the northern portion of the Site) and partly zoned “GB” (about 26%, the southern portion of the Site) on the OZP. The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings while the planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. The applied use is not in line with the planning intentions of both the “R(D)” and “GB” zones. No strong planning justifications have been provided in the submission for a departure from the planning intentions, even on a temporary basis.

12.2 The surrounding area is predominantly rural in character with shrubland, agricultural land, vacant land/structures, scattered residential structures and open storage/storage yards, etc. to either sides of a local track (**Plan A-2** and **A-3a**). Although there are open storage yards, warehouses and parking of vehicles in the vicinity, most of them are suspected UD subject to enforcement action being taken by the Planning Authority. The proposed development is considered not compatible with the rural character of the area, particularly the shrubland and agricultural land to its east and further south within the subject “GB” zone.

12.3 According to TPB PG-No.10, there is a general presumption against development within the “GB” zone and an application for new development within “GB” zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds. The development should not affect the existing natural landscape and cause any adverse landscape impact on the surrounding areas. According to CTP/UD&L, PlanD, extensive site modification, clearance of vegetation and landscape impact had already taken place at the southern portion of the Site in the “GB” zone; she therefore has reservations on the applied use from landscape planning perspective. Overall, the applied use is not in line with TPB-PG No. 10.

12.4 According to TPB PG-No. 13E, the Site falls within Category 3 and 4 areas. The following guidelines are relevant:

Category 3 areas: applications would normally not be favourably considered unless the applications are on sites with previous planning approvals. Sympathetic consideration may be given if the applicants have demonstrated genuine efforts in compliance with approval conditions of the previous planning applications and included in the fresh applications relevant technical assessments/proposals to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. Planning permission could be granted on a temporary basis up to a maximum period of 3 years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions.

Category 4 areas: applications would normally be rejected except under exceptional circumstances. For applications on sites with previous planning approvals, and subject to no adverse departmental comments and local objections, sympathetic consideration may be given if the applicants have demonstrated genuine efforts in compliance with approval conditions of the previous planning applications and included in the applications relevant technical assessments/proposals to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. The intention is however to encourage the phasing out of such non-conforming uses as early as possible. A maximum period of 2 years may be allowed upon renewal of planning permission for an applicant to identify suitable sites for relocation. No further renewal of approval will be given unless under very exceptional circumstances and each application for renewal of approval will be assessed on its individual merit.

The application is not in line with TPB PG-No. 13E in that the Site falls within Category 3 and 4 areas where the Site was not involved in any previous approvals for open storage use; there are no exceptional circumstances to justify for the applied use; there are adverse comments from DEP and reservations from CTP/UD&L, PlanD on environmental and landscape aspects; there is local objection on the application (**Appendix VI-6**); and no proposals/assessments have been submitted to demonstrate that the proposal would not generate adverse landscaping and environmental impacts on the surrounding area.

12.5 There are nine similar applications for open storage uses (with or without warehouse and/or ancillary workshop/site office/caretaker’s room uses) and temporary recycling facility/recyclable collection centre uses within the same

“R(D)” zone, which were all rejected by the Committee/the Board on review mainly on the considerations that the proposal was not in line with TPB PG-No. 13E and the planning intention of the “R(D)” zone (except for A/YL-TYST/262); and there was insufficient information to demonstrate that the development would not generate adverse environmental/traffic/landscape impacts on the surrounding areas, etc. Approval of the current application would set an undesirable precedent and attract similar applications within the area. The cumulative impact would result in a general degradation of the rural landscape character of the area. Overall, rejecting the current application would be in line with the Committee/the Board’s previous decisions.

12.6 There were six objecting public comments received on the application during the statutory publication period as summarised in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.5 are relevant.

### **13. Planning Department’s Views**

13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments in paragraph 11, the Planning Department does not support the application for the following reasons:

- (a) the development is not in line with the planning intentions of the “R(D)” and “GB” zones which are primarily for improvement and upgrading of existing temporary structures within the rural areas into permanent buildings and for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl respectively. No strong planning justification has been given in the submission for a departure from the planning intentions, even on a temporary basis;
- (b) the applied use is incompatible with the rural character of the vicinity, particularly the shrubland and agricultural land within the “GB” zone;
- (c) the development is not in line with the Town Planning Board Guidelines No. 10 for Application for Development within the Green Belt Zone in that the development has affected the existing natural landscape and the applicant fails to demonstrate that the applied use would not cause adverse landscape impact on the surrounding area;
- (d) the development is not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that there are adverse departmental comments on environmental and landscape aspects and local objection on the application; and
- (e) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “R(D)” and “GB” zones. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

13.2 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 until 1.11.2022. The following approval conditions and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation between 7:30 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no workshop activities except recycling and packaging activities, as proposed by the applicant, are allowed on the Site at any time during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) the provision of boundary fencing on the Site within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 1.5.2020;
- (e) the submission of a landscape proposal within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 1.5.2020;
- (f) in relation to (e) above, the implementation of the landscape proposal within **9** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 1.8.2020;
- (g) the submission of a 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 1.5.2020;
- (h) in relation to (g) above, the implementation of the drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 1.8.2020;
- (i) in relation to (h) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (j) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within **6** weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 13.12.2019;
- (k) 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 1.5.2020;
- (l) in relation to (k) above, the implementation of the fire service installations proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 1.8.2020;
- (m) if any of the above planning conditions (a), (b), (c) 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;

- (n) if any of the above planning conditions (d), (e), (f), (g), (h), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) 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**.

**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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 14.3 Alternatively, 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.

**15. Attachments**

<b>Appendix I</b>	Application Form with plan received on 10.9.2019
<b>Appendix Ia</b>	FI dated 17.10.2019 clarifying the proposed operation and stored items
<b>Appendix Ib</b>	FI dated 23.10.2019 providing traffic generation data
<b>Appendix II</b>	Extract of Town Planning Board Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10)
<b>Appendix III</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 IV</b>	Similar applications in the “R(D)” zone on the OZP since the promulgation of TPB PG-No. 13E
<b>Appendix V</b>	The Good Practice Guidelines for Open Storage Sites
<b>Appendices VI-1 to VI-6</b>	Public comments received during the statutory publication period
<b>Appendix VII</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Site Layout Plan
<b>Plan A-1</b>	Location Plan with Similar Applications
<b>Plan A-2</b>	Site Plan



**Plans A-3a to A-3d**      Aerial Photos

**Plans A-4a and A-4b**      Site Photos

**PLANNING DEPARTMENT  
NOVEMBER 2019**