

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

**APPLICATION NO. A/YL-TYST/1034**

- Applicant** : Forest Development and Construction Company Limited represented by Metro Planning and Development Company Limited
- Site** : Lot 1368 (Part) in D.D. 119 and Adjoining Government Land (GL), Yuen Long, New Territories
- Site Area** : 1,920 m<sup>2</sup> (about) (including about 90 m<sup>2</sup> of GL (about 4.7%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plans** : Draft Tong Yan San Tsuen (TYST) Outline Zoning Plan (OZP) No. S/YL-TYST/13 currently in force  
Approved TYST OZP No. S/YL-TYST/12 at the time of submission
- Zonings** : Area shown as ‘Road’ (about 55%) and “Residential (Group A)3” (“R(A)3”) (about 45%) on the draft TYST OZP No. S/YL-TYST/13 currently in force  
*[Restricted to a maximum plot ratio of 7 and building height of 160mPD for the “R(A)3” zone]*  
“Undetermined” (“U”) on the then approved TYST OZP No. S/YL-TYST/12 at the time of submission
- Application** : Temporary Warehouse for Storage of Construction Materials and Electronic Goods 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 construction materials and electronic goods for a period of 3 years (**Plan A-1a**). The Site falls within an area partly shown as ‘Road’ (about 55%) and partly zoned “R(A)3” (about 45%) on the draft TYST OZP No. S/YL-TYST/13 currently in force. According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years 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. Furthermore, all uses or developments within area shown as ‘Road’ require planning permission from the Board. The Site is currently

occupied by the applied use without valid planning permission (**Plans A-2 and A-4**).

- 1.2 The Site involves 8 previous applications (No. A/YL-TYST/27, 141, 153, 265, 519, 665, 827 and 892) for temporary warehouse or various open storage with or without ancillary workshop uses (**Plan A-1b**). The last application (No. A/YL-TYST/892) for proposed temporary warehouse for storage of construction materials and pet goods was approved with conditions for a period of 3 years by the Rural and New Town Planning Committee (the Committee) of the Board on 4.5.2018. However, the planning permission was revoked on 4.8.2020 due to non-compliance with time-limited approval conditions on submission and implementation of fire service installations (FSIs) proposal. Compared with the last application, the current application is submitted by the same applicant for similar warehouse use on the same site with similar site layout and slightly different development parameters.
- 1.3 According to the applicant, the proposal is for storage of construction materials (including pvc pipes, tiles and sanitary wares) as well as packed brand new electronic goods (such as tablets, mobile phones and computers). No open storage, repairing, dismantling, spraying, cleansing, workshop activities and storage/handling (including loading and unloading (L/UL)) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or electronic waste will be carried out at the Site. Plans showing the vehicular access leading to the Site, site layout, landscape and tree preservation proposal, as-built drainage facilities and FSIs proposal submitted by the applicant are at **Drawings A-1 to A-5** respectively.
- 1.4 The major development parameters of the previously approved application and the current application are summarised as follows:

<b>Major Development Parameters</b>	<b>Previously Approved Application No. A/YL-TYST/892 (a)</b>	<b>Current Application No. A/YL-TYST/1034 (b)</b>	<b>Difference (b)-(a)</b>
Applied Use	Proposed Temporary Warehouse for Storage of Construction Materials and Pet Goods for a Period of 3 Years	Temporary Warehouse for Storage of Construction Materials and Electronic Goods for a Period of 3 Years	Change in Stored Items
Site Area	About 1,920 m <sup>2</sup> (including GL of about 90 m <sup>2</sup> )		---
Total Floor Area (Non-domestic)	1,420 m <sup>2</sup>	1,470 m <sup>2</sup>	+50 m <sup>2</sup> (+3.5%)
No. and Height of Structures	2 <ul style="list-style-type: none"> <li>• one for warehouse (9m, 1 storey)</li> <li>• one for toilet (3m, 1 storey)</li> </ul>	3 <ul style="list-style-type: none"> <li>• one for warehouse (9m, 1 storey)</li> <li>• one for site office (7m, 2 storeys)</li> <li>• one for toilet (3m, 1 storey)</li> </ul>	+1 (+50%)
No. of Parking Space	Nil		---

<b>Major Development Parameters</b>	<b>Previously Approved Application No. A/YL-TYST/892 (a)</b>	<b>Current Application No. A/YL-TYST/1034 (b)</b>	<b>Difference (b)-(a)</b>
No. of L/UL Space	1 (for medium/heavy goods vehicle) (11m x 3.5m)		---
Operation Hours	7:00 a.m. to 7:00 p.m., with no operation on Sundays and Public Holidays	9:00 a.m. to 5:00 p.m., with no operation on Sundays and Public Holidays	Shorter operation hours

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

- (a) Application Form with annex and plans received on 28.5.2020 (**Appendix I**)
- (b) Further Information (FI) received on 9.7.2020 (**Appendix Ia**) responding to departmental comments
- (c) FI received on 10.7.2020 clarifying the proposed operation (**Appendix Ib**)
- (d) FI received on 30.9.2020 providing a FSIs proposal (**Appendix Ic**)  
*[(b) to (d) exempted from publication and recounting requirements]*

1.6 In light of the special work arrangement for government departments due to the novel coronavirus infection, the meeting originally scheduled for 24.7.2020 for consideration of the application was rescheduled, and the Board agreed to defer consideration of the application and the application was scheduled for consideration by the Committee on 1.9.2020. On 1.9.2020, the Committee agreed to defer a decision on the application for a period of two months, as requested by the applicant. On 30.9.2020, FI (**Appendix Ic**) was received and the application is submitted to the Committee for consideration at this meeting.

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are mainly detailed in the Application Form and the FI (**Appendices I to Ic**). They can be summarised as follows:

- (a) The Site was the subject of previous planning permissions since 1998. All approval conditions imposed to the last application (No. A/YL-TYST/892) had been complied with except for the conditions on the submission and implementation of FSIs proposal. As new structure has been erected after approval of the last application, a new application is needed before the FSIs proposal could be implemented.
- (b) The proposal is in line with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13F), as the Site falls within Category 1 areas.

- (c) The temporary proposal is in line with the current planning intention. A number of open storage and port back-up uses have been approved by the Board in the vicinity of the Site and their planning circumstances are similar to that of the Site. Therefore, the development is compatible with the surrounding environment. Besides, there is a shortage of land for port back-up uses in Tong Yan San Tsuen.
- (d) There will be minimal traffic, visual, environmental and drainage impacts arising from the proposal.

### **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 site notice 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. For GL, the requirements as set out in TPB PG-No. 31A are not applicable.

### **4. Background**

- 4.1 At the time of the submission of the application, the Site fell within an area zoned “U” on the then approved TYST OZP No. S/YL-TYST/12. Subsequently, the draft TYST OZP No. S/YL-TYST/13 was gazetted under section 5 of the Town Planning Ordinance (the Ordinance). The Site now falls within an area partly shown as ‘Road’ (about 55%) and partly zoned “R(A)3” (about 45%) on the draft TYST OZP No. S/YL-TYST/13 currently in force (**Plan A-1a**).
- 4.2 The Site is currently not subject to planning enforcement action.

### **5. Previous Applications**

- 5.1 The Site involves 7 approved previous applications (No. A/YL-TYST/27, 153, 265, 519, 665, 827 and 892) and one rejected previous application (No. A/YL-TYST/141) for temporary warehouse or various open storage with or without ancillary workshop uses covering different extents of the Site. Details of the previous applications are summarised in **Appendix II** and the boundaries of the sites are shown on **Plan A-1b**.

#### ***Rejected Application (1 case)***

- 5.2 Application No. A/YL-TYST/141 for temporary open storage of construction machinery and materials was rejected by the Board on review in 2001 for the reason that there were potential adverse environmental and drainage impacts.

#### ***Approved Applications (7 cases)***

- 5.3 Application No. A/YL-TYST/27 for open storage of construction materials, application No. A/YL-TYST/153 for temporary open storage of construction machineries and materials, application No. A/YL-TYST/265 for temporary open

storage of construction machinery and materials and recycling materials, and applications No. A/YL-TYST/519, 665 and 827 for temporary open storage of construction machinery and materials, recycling materials and used electrical appliances with ancillary workshop were all approved by the Committee between 1998 and 2017 each for a period ranging from 2 to 3 years, mainly on the considerations that the proposals were generally not incompatible with the surrounding areas; approval of the application on a temporary basis would not frustrate the long-term development of the area; and departmental concerns could be addressed by imposing approval conditions.

- 5.4 The last application (No. A/YL-TYST/892) for proposed temporary warehouse for storage of construction materials and pet goods was approved with conditions for a period of 3 years by the Committee on 4.5.2018 mainly on similar considerations as those specified in paragraph 5.3 above. However, the planning permission was revoked on 4.8.2020 due to non-compliance with time-limited approval conditions on submission and implementation of FSIs proposal.
- 5.5 Compared with the last application (No. A/YL-TYST/892), the current application is submitted by the same applicant for similar warehouse use on the same site with similar site layout and slightly different development parameters.

## **6. Similar Applications**

There are 7 similar applications (No. A/YL-TYST/746, 770, 771, 907, 990, 991 and 1040) for various temporary warehouse uses within/straddling the same “R(A)3” zone<sup>1</sup> on the draft TYST OZP No. S/YL-TYST/13 since 2015. They were all approved with conditions by the Committee between 2015 and 2020, mainly on similar considerations that the developments were not incompatible with the surrounding uses and the concerns of relevant departments could be addressed by imposing approval conditions. Details of the applications are summarised at **Appendix III** and their locations are shown on **Plan A-1a**.

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

7.1 The Site is:

- (a) accessible via a local track leading from Kung Um Road to its east (**Drawing A-1, Plans A-2 and A-3**);
- (b) paved and fenced off; and
- (c) currently occupied by the applied use without valid planning permission.

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

- (a) comprise predominately warehouses and open storage/storage yards (with/without workshop or parking of vehicles) intermixed with scattered residential structures, an orchard, agricultural land, shrubland and vacant land/structures;

---

<sup>1</sup>The first six similar applications were approved prior to the rezoning of the sites to “R(A)3” on the draft TYST OZP No. S/YL-TYST/13.

- (b) there are residential structures in the vicinity of the Site with the nearest one located about 10m to its northeast;
- (c) to its immediate west is a nullah flanked by Lam Tai East Road and Lam Tai West Road;
- (d) to the northwest and south of the Site are areas zoned “R(A)3” and “U” on the OZP respectively; and
- (e) except for four open storage yards (with/without workshop) operating with valid planning permissions (No. A/YL-TYST/931, 953, 1001 and 1003) in the vicinity of the Site, the other warehouses, open storage/storage yards and parking of vehicles in the vicinity are suspected unauthorised developments (UD) subject to enforcement action taken by the Planning Authority.

## **8. Planning Intention**

The planning intention of the “R(A)3” zone is primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building.

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

9.1 The following government departments have been consulted and their views on the application and public comments, where relevant, are summarised as follows:

### **Land Administration**

9.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site comprises GL and 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) Within the Site, the GL and Lot 1368 in D.D. 119 are currently covered by Short Term Tenancy (STT) No. 2863 and Short Term Waiver (STW) No. 4207 respectively to permit structures erected thereon for the purpose of “Temporary Open Storage of Construction Machinery and Materials, Recycling Materials and Used Electrical Appliances with Ancillary Workshop Activities”.
- (c) Should planning approval be given to the subject planning application, the STW/STT holder(s) will need to apply to her office for modification of the STW/STT conditions where appropriate. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by her department acting in the

capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by her department.

### **Traffic**

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

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

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

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

### **Nature Conservation**

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

- (a) She has no strong view on the application from nature conservation point of view as the Site has been hard-paved and occupied for the similar applied use as the previous planning approval.
- (b) Should the application be approved, the applicant is advised to adopt good site practices and implement necessary measure to avoid affecting the watercourses in the vicinity of the Site.

### **Environment**

#### 9.1.5 Comments of the Director of Environmental Protection (DEP):

- (a) He does not support the application as there are sensitive receivers of residential use in the vicinity (with the nearest one located about 10m to the northeast of the Site) (**Plan A-2**) and the applied use will cause traffic of heavy vehicles; environmental nuisance is expected.

- (b) There was no substantiated environmental complaint concerning the Site received in the past three years.
- (c) Should the planning application be approved, the applicant should be advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Use” (Code of Practice) to minimise any potential environmental nuisances on the surrounding areas.

### **Drainage**

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

- (a) He has no objection in principle to the development.
- (b) Based on the submission (**Drawing A-4** and **Appendix I**) enclosed in the application, apparently the applicant would maintain the same drainage facilities as those implemented under previous planning application No. A/YL-TYST/892.
- (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/892 and the submission of records of the existing drainage facilities on site to the satisfaction of the Director of Drainage Services or of the Board should be stipulated.

### **Fire Safety**

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

- (a) He has no objection in principle to the proposal and the submitted FSIs proposal (**Drawing A-5**) is considered acceptable.
- (b) The applicant should be reminded of the detailed comments at **Appendix V**.

### **Building Matters**

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

- (a) As there is no record of approval granted by the Building Authority for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application.
- (b) The applicant should be reminded of the detailed comments at **Appendix V**.



### **Long-Term Development**

#### 9.1.9 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 Revised Recommended Outline Development Plan (RODP) of YLS promulgated in May 2020, the Site falls within an area partly zoned “Special Residential – Zone 1 – Public Rental Housing (with Commercial)” (“RS(1)c”) and partly 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.

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

- (a) The western part of the Site falls within the boundary of YLS development – Stage 2 Phase 1 (the project). Based on the latest programme of the project, the land clearance at the Site is planned to commence in mid-2022 subject to Executive Council’s (ExCo’s) authorisation on land resumption and Finance Committee’s (FC’s) funding approval of the project by Q4 2021 and Q1 2022 respectively.
- (b) He has no objection to the application for temporary use for three years on the understanding that the programme of land resumption would follow the project programme notwithstanding the validity period of the planning permission to be granted and an advisory clause that ‘the Site might be subject to land resumption for the implementation of the YLS development – Stage 2 Phase 1 which might take place at any time before the expiry of the temporary planning permission and thus the applicant shall be advised not to carry out any substantial works in view of the planned YLS development – Stage 2 Phase 1’ is incorporated to remind the applicant that the land might be resumed at any time during the planning approval period. He will give sufficient notice to relevant department(s) for early resumption of the Site if his works commence early.
- (c) The eastern part of the Site falls within the boundary of YLS development - Stage 2 Phase 2. The land resumption and clearance programme of the project is subject to ExCo’s authorisation on land resumption and FC’s funding approval of

the project. Land clearance operation at the eastern part of the Site is tentatively targeted to commence in 2024. Thus, the applicant shall be reminded that extension of the planning permission for the eastern part of the Site may not be supported in future and shall be advised not to carry out any substantial works within the eastern part of the Site in view of the planned YLS development - Stage 2 Phase 2.

### **District Officer's Comments**

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

His office has not received any feedback from the locals.

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

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

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

On 5.6.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, three public comments were received from a member of Yuen Long District Council (YLDC), an individual and a village representative of Muk Kiu Tau Tsuen. The member of YLDC objected to the application mainly on grounds that there would be adverse land contamination and traffic impacts on the surrounding areas, the proposal would undermine the rural character and approval of the application would encourage other similar applications (**Appendix IV-1**). The individual questioned the long-term development plans for the area (**Appendix IV-2**). The village representative of Muk Kiu Tau Tsuen objected to the application mainly on the ground that the proposal with high traffic flow would lead to traffic congestion on Kung Um Road and hence affect the nearby residents (**Appendix IV-3**).

## **11. Planning Considerations and Assessments**

11.1 The application is for temporary warehouse for storage of construction materials and electronic goods for a period of 3 years. Subsequent to the receipt of the application by the Board, the draft TYST OZP No. S/YL-TYST/13 covering the Site was gazetted under section 5 of the Ordinance on 10.7.2020. The Site currently falls within an area partly shown as 'Road' (about 55%) and partly zoned "R(A)3" (about 45%) on the draft TYST OZP No. S/YL-TYST/13.

11.2 The "R(A)3" zone on the draft TYST OZP No. S/YL-TYST/13 is intended primarily for high-density residential developments. Whilst the applied use is not in line with the planning intention of the "R(A)3" zone and partly falls within an area shown as 'Road', PM(W), CEDD has no objection to the 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. However, should the application

be approved, the applicant should be reminded that the Site might be subject to land resumption for the implementation of the YLS Development – Stage 2 Phase 1 which might take place at any time before the expiry of the temporary planning permission and no substantial works shall be carried out at the Site in view of the planned YLS Development – Stage 2 Phase 1 and Stage 2 Phase 2.

- 11.3 The surrounding areas comprise predominantly warehouses and open storage/storage yards (**Plan A-2**). While there are residential structures in the vicinity, the development is generally not incompatible with the surrounding uses.
- 11.4 There is no adverse comment on the application from concerned government departments, except DEP. DEP does not support the application as there are sensitive receivers of residential use in the vicinity of the Site (with the nearest one located about 10m to the northeast 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. Furthermore, relevant approval conditions are recommended in paragraph 12.2 below to minimise any potential environmental nuisances or to address the local concerns and the technical requirements of other concerned government departments. Any non-compliance with the approval conditions will result in revocation of the planning permission and UD on the Site will be subject to enforcement action by the Planning Authority. Should the planning application be approved, the applicant will also be advised to follow the latest Code of Practice to minimise any potential environmental impact on the surrounding areas.
- 11.5 The Site involves 8 previous applications. The last application (No. A/YL-TYST/892) for a similar warehouse use was approved with conditions by the Committee on 4.5.2018 for a period of 3 years. Subsequently, the planning permission was revoked on 4.8.2020 due to non-compliance with time-limited approval conditions on submission and implementation of FSIs proposal. The current application is submitted by the same applicant with similar site layout and the Site is currently occupied by the applied use. Nevertheless, the applicant has submitted FSIs proposal for the current application (**Drawings A-5**) which has been accepted by D of FS. As such, sympathetic consideration may be given to the current application. Should the application be approved, shorter compliance periods are recommended in order to closely monitor the progress on compliance with associated approval conditions. The applicant will be advised that should it fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration would unlikely be given to any further application.
- 11.6 Given that one previous approval for warehouse use has been granted to the Site and seven similar applications within/straddling the subject “R(A)3” zone have been approved, approval of the current application is generally in line with the Committee’s previous decisions.
- 11.7 There were three public comments received during the statutory publication period as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.6 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 above, the Planning Department considers that the temporary warehouse for storage of construction materials and electronic goods could be tolerated for a period of 3 years.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years until 20.11.2023. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval conditions

- (a) no operation between 5:00 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 vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) the existing trees on the Site shall be maintained at all times during the planning approval period;
- (e) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities on the Site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 20.2.2021;
- (g) the implementation of the accepted fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 20.5.2021;
- (h) if any of the above planning conditions (a), (b), (c), (d) or (e) 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
- (i) if any of the above planning conditions (f) or (g) 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**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:

- (a) the applied use is not in line with the planning intention of the “R(A)3” zone which is primarily for high-density residential developments. No strong planning justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis; and
- (b) the applicant fails to demonstrate that the development would not generate adverse environmental impact on the surrounding areas.

### **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**

<b>Appendix I</b>	Application Form with annex and plans received on 28.5.2020
<b>Appendix Ia</b>	FI received on 9.7.2020
<b>Appendix Ib</b>	FI received on 10.7.2020
<b>Appendix Ic</b>	FI received on 30.9.2020
<b>Appendix II</b>	Previous Applications covering the Site
<b>Appendix III</b>	Similar Applications within/straddling the “R(A)3” Zone on the TYST OZP since 2015
<b>Appendices IV-1 to IV-3</b>	Public Comments received during the Statutory Publication Period
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Vehicular Access Plan
<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>Drawing A-5</b>	FSIs Proposal
<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

**Plan A-4**

Site Photos

**PLANNING DEPARTMENT  
NOVEMBER 2020**