

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKL/633

<u>Applicant</u>	Mr. CHAN Kwok Che represented by Mr WONG Sun Wo William
<u>Site</u>	Lots 2264 and 2265 (Part) in D.D. 76, Ta Kwu Ling, New Territories
<u>Site Area</u>	About 820 m ²
<u>Lease</u>	Block Government Lease (demised for agricultural use)
<u>Plan</u>	Approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP) No. S/NE-TKL/14
<u>Zoning</u>	“Agriculture” (“AGR”)
<u>Application</u>	Proposed Temporary Rural Workshop (Furniture Processing) with Ancillary Warehouse for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary rural workshop (furniture processing) with ancillary warehouse for a period of three years (**Plan A-1**). The Site falls within an area zoned “AGR” on the approved Ping Che and Ta Kwu Ling OZP No. S/NE-TKL/14. According to the Covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years within “AGR” zone 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. The Site is currently used for private vehicle parking purpose with a valid planning permission up to 17.8.2021 under application No. A/NE-TKL/590.
- 1.2 According to the applicant, the current application is submitted to facilitate the relocation of his workshop at Lot 2240 S.J ss.3 in D.D. 96 in Kwu Tung. Since his Kwu Tung workshop is affected by the Kwu Tung North New Development Area (KTN NDA) development, the concerned parcel of land would need to be resumed and reverted to the Government by the end of 2021.
- 1.3 The proposed temporary development at the Site includes a 1-storey structure of about 8m in height with a total floor area of about 200m² for furniture processing workshop at the south-west, and a mobile toilet with a total floor area of 15m² at the north-west. Two private parking spaces (2.5m x 5m each), one parking space for light goods vehicle (7m x 3.5m), and one parking space for medium goods vehicle (11m x 3.5m) would be provided and for share use with the adjoining workshop operated and owned by the same applicant (**Drawing A-1** and **Plan A-2**).

- 1.4 The Site is accessible from Sha Tau Kok Road – Ma Mei Ha Section (**Plan A-2**) via the adjoining workshop. Since the adjoining workshop is owned by the applicant, consent has been given to the access to the Site through the circulation of the adjoining workshop. The operation hours of the Site are between 8:30 a.m. and 5:30 p.m. on Mondays to Saturdays and there would be no operation on Sundays and public holidays. The site layout plan, drainage plan and landscape plan submitted by the applicant are at **Drawings A-1 to A-3** respectively.
- 1.5 The Site, in part or in whole, is involved in five previous planning applications. The latest planning application No. A/NE-TKL/590 for temporary private vehicle park for light goods vehicle and heavy goods vehicle and loading/unloading area supporting the adjoining workshop was approved on 17.8.2018 by the Rural and New Town Planning Committee (the Committee). Details of these previous applications are set out in paragraph 5 below.
- 1.6 In support of the application, the applicant has submitted the following documents:
- | | |
|--|------------------------|
| (a) Application form received by the Board on 31.12.2019 | (Appendix I) |
| (b) Supplementary information received on 3.1.2020 | (Appendix Ia) |
| (c) Further Information received on 4.2.2020 | (Appendix Ib) |
| (d) Further Information received on 6.2.2020 | (Appendix Ic) |
| (e) Further information received on 11.2.2020 | (Appendix Id) |
- 1.7 In light of the special work arrangement for Government departments due to the novel coronavirus infection, the meeting originally scheduled for 21.2.2020 for consideration of the application has been rescheduled, and the Board has agreed to defer consideration of the application. The application is now scheduled for consideration by the Rural and New Town Planning Committee (the Committee) at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the attachments at **Appendices I to Id**. They can be summarised as follows:

Effort in Identifying Suitable Site for Relocation

- (a) the applicant has spent effort in identifying suitable site for relocation of his workshop in Kwu Tung to pave the way for the Government's KTN NDA development;
- (b) whilst the applicant has tried to relocate his workshop to a number of alternative sites in Hung Lung Hang, Ta Kwu Ling North, Kwan Tei, Man Kam To and Lin Ma Hang etc., those sites were considered not suitable or impracticable due to various issues such as ownership, accessibility, easement or environmental problem. Though the Site locates away from the applicant's existing occupation in Kwu Tung, it is directly accessible via Sha Tau Kok Road – Ma Mei Ha Section without causing adverse traffic impact on the surroundings;

The Applied Use is the Same as the Affected Business in Kwu Tung

- (c) the proposed temporary development involves furniture processing workshop such as processing of wooden doors, kitchen cabinet, wardrobe, false ceiling and ancillary warehouse use. The applied use is the same as the affected business in Kwu Tung. The area of the Site (i.e. about 820m²) is also similar to the area of the applicant's original business in Kwu Tung (i.e. about 800m²);

No Adverse Environmental Impact on the Surroundings

- (d) the proposed workshop locates away from the nearest domestic structures at the northeast and northwest of the Site (**Plan A-2**);
- (e) the Site is the subject of a previously approved application No. A/NE-TKL/590 for temporary private vehicle park (providing two parking spaces and two loading/unloading spaces for light goods vehicle and heavy goods vehicle). Under the current proposal, four parking spaces (including two for private parking spaces, one for light goods vehicle and one for medium goods vehicle) would be provided and for share use with the adjoining workshop under the ownership of the same applicant. In comparison, no heavy vehicle parking is proposed under the current proposal (**Appendix Ic**);
- (f) to address EPD's concerns on possible environmental nuisance, the applicant undertakes to provide the following mitigation measures:
 - (i) workshop activities and loading/unloading activities would only be carried out inside a fully enclosed structure;
 - (ii) individual noisy machinery would be placed in the central portion inside the structure and would be equipped with noise enclosure; and
 - (iii) enclosure with dust extractors for individual equipment would be provided and exhaust of the dust extraction would be directed to the south of the Site to avoid affecting domestic premises to the north of the Site.

No Adverse Traffic Impact on the Surroundings

- (g) the proposed temporary development would generate entry/exit of private cars and light goods vehicles with about 6 vehicle trips and 4 vehicle trips per day respectively. The Site will only allow entry/exit of medium goods vehicles between 10:00 a.m. to 4:00 p.m. with about 6 vehicle trips per week to avoid causing traffic impact on Sha Tau Kok Road. To ensure traffic safety, traffic sign would be provided at Sha Tau Kok Road; and
- (h) the proposed temporary development is accessible via the Sha Tau Kok Road which is a dual 2-lane carriageway to its immediate southeast and the traffic congestion in the area has been relieved since the opening of the Heung Yuen Wai Highway opened to traffic. As such, the proposed temporary development would not cause adverse traffic impact on the surroundings.

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

The applicant is one of the “current land owners” and 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 obtaining consent from the other “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The application site is not involved in any active enforcement cases.

5. Previous Applications

- 5.1 The Site, in part or in whole, is involved in five previous applications (No. A/NE-TKL/70, 98, 141, 566 and 590).
- 5.2 Planning applications No. A/NE-TKL/70, 98 and 141 for temporary open storage were rejected by the the Committee or the Board on review between July 1998 and July 2000 mainly on the ground that open storage uses should be encouraged to be located to areas zoned “Open Storage” and “Industrial (Group D)” and that the approval of open storage uses would set an undesirable precedent for other similar applications.
- 5.3 Planning application No. A/NE-TKL/566 for temporary workshop and warehouse was rejected by the Committee in June 2017 mainly on the grounds that there were adverse comments from Transport Department (TD) and Environmental Protection Department (EPD) and the applicant failed to demonstrate that the proposed development would not cause adverse traffic and environmental impacts on the surrounding area.
- 5.4 Planning application No. A/NE-TKL/590 for temporary private vehicle park for a period of 3 years was approved by the Committee on 17.8.2018 mainly on the considerations that the approval of the application on a temporary basis for a period of three years would not frustrate the long term planning intention of the “AGR” zone; Government departments consulted had no major adverse comment on or no objection to the applications; and concerns of the Government departments can be addressed through the implementation of approval conditions.
- 5.5 Details of these previous applications are summarized at **Appendix II** and their locations are shown on **Plan A-1**.

6. Similar Applications

- 6.1 There are four similar applications for temporary workshop falling partly within “AGR” zone in the vicinity of the Site in the Ping Che and Ta Kwu Ling area (**Plan A-1**).
- 6.2 Applications No. A/NE-TKL/345, 376 and 481 and 602 for temporary furniture repair workshop / vehicle repair workshop etc. involving the same site fall largely

within “OS” zone with a very minor portion encroaching onto adjoining “AGR” zone. Those applications were approved by the Committee between April 2011 and October 2018 mainly on the considerations that the proposed developments were not incompatible with the surrounding land uses and were not expected to have adverse environmental, drainage and traffic impacts; the application sites were the subjects of previous planning approvals; and the approval conditions had been complied with.

6.3 Details of these similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

7. The Site and Its Surrounding Areas (Plans A-1 to A-2, aerial photo on Plan A-3 and site photos on Plans A-4a and A-4b)

7.1 The Site is:

- (a) mainly flat, formed and paved; and
- (b) accessible from Sha Tau Kok Road – Ma Mei Ha through the adjoining site which is used as a rural workshop (**Plan A-2**).

7.2 The surrounding areas have the following characteristics:

- (a) to the north is Tan Shan River running from the east to west, and to the further north are a warehouse, vacant land and a few domestic structures (**Plan A-2**);
- (b) to the west is a plant nursery and to the east is a workshop which is operated by the applicant; and
- (c) to the south is Sha Tau Kok Road – Ma Mei Ha and across the road are an open storage yard, a vacant temporary structure and a temporary domestic structure.

8. Planning Intention

The planning intention of the “AGR” zone is intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

9. Comments from Relevant Government Departments

9.1 The following Government departments have been consulted and their views on the application and/or the public comment received are summarised as follows:

Policy Support

9.1.1 Comments of Secretary for Development (SDEV):

- (a) the current application is to facilitate relocation of a rural workshop displaced by the government-led KTN NDA project. As the KTN NDA has no land reserved for accommodating affected brownfield operations

including the rural workshop, the applicant and other displaced operators need to identify relocation sites elsewhere should they wish to re-establish their businesses. Site search has not been easy for the applicant given the limited supply of private land in the area with the right zoning or operational requirements for his rural workshop;

- (b) the Site proposed in the current application is the only one considered suitable and practicable after an extensive site search carried out by the applicant. The proposed rural workshop is not incompatible with the surrounding land uses; will not cause adverse traffic or environmental impacts on the neighbouring area; and is of similar scale of the existing operation to be displaced by the KTN NDA;
- (c) the land freed up by the displaced workshop will together with other cleared land be redeveloped into the KTN NDA, capable of providing about 43,600 housing units in phases starting from 2024 onward. Facilitating relocation of affected brownfield operations including the rural workshop is crucial to the smooth clearance for and implementation of the NDA project; and
- (d) from the perspective of ensuring timely delivery of the housing yield in the NDA and providing operating space for displaced brownfield operations still needed by the community, he fully supports the application.

Land Administration

9.1.2 Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) the Site comprises private lots and they are Old Schedule lot held under the Block Government lease (demised for agricultural use) without any guarantee of right of access. The applicant should make his own arrangement for acquiring access, and there is no guarantee that any adjoining Government land will be allowed for the vehicle access of the proposed use;
- (b) the development schedule indicates a mobile toilet will be erected on the Site. The applicant should note that any proposed toilet facilities should meet current health requirements;
- (c) the applicant proposed vehicles entering into the Site would gain access through Lot 2263 S.B RP in D.D. 76 (**Plan A-2**). In this regard, the applicant has to obtain consent from the respective lot owner(s) by himself. The Government does not guarantee any right of way and access to the Site; and
- (d) the applicant shall apply to his office for a Short Term Waiver (STW) covering all the actual occupation area. The application for STW will be considered by Government in its landlord's capacity and there is no guarantee that they will be approved. If the STW is approved, their commencement date would be backdated to the first date of occupation and they will be subject to such terms and conditions to be imposed

including payment of waiver fee/rent and administrative fees as considered appropriate by his office.

Traffic

9.1.3 Comments of the Commissioner for Transport (C for T):

- (a) based on the further information submitted by the applicant (**Appendices Ib and Ic**), it is considered the traffic impact is tolerable from the traffic engineering point of view;
- (b) he has no further comments on the further information (**Appendices Ib and Ic**) on the proposed traffic management measures i.e. provision of traffic signs for pedestrian safety at Sha Tau Kok Road; and
- (c) should the application be approved, the applicant is required to submit and implement the traffic management measures as proposed by the applicant.

Environment

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

- (a) he has no in-principle objection to the application subject to the undertaking of the mitigation measures as proposed by the applicant in paragraph 2(f) and noting that the operation hours of the Site are between 8:30 a.m. and 5:30 p.m. on Mondays to Saturdays and there would be no operation on Sundays and public holidays; and
- (b) there are domestic structures about 65m to 85m away from the Site. Please note that “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (COP) is applicable to the subject planning applications for temporary use, including but not limited to the environmental measures regarding dust and noise nuisance, and sewage.

Landscape

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

- (a) she has no objection to the application from the landscape planning point of view;
- (b) according to aerial photo of 2018, the site is located in an area of rural fringe landscape character comprises temporary structures, vegetated areas and village houses. The proposed temporary development under this application is considered not entirely incompatible with the landscape character in its close proximity;
- (c) the Site is hard paved with no significant landscape resource observed within the site, therefore, significant adverse impact on existing landscape resources arising from the application is not anticipated; and

- (d) since there is no major public frontage along the site boundary, it is considered not necessary to impose a landscape condition as its effect on enhancing the quality of public realm is not apparent.

Agriculture

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

- (a) he does not support the application from agricultural point of view as the Site possesses potential for agricultural rehabilitation; and
- (b) he has no comment on the proposed use from nature conservation point of view. Nevertheless, the Site is adjacent to Tan Shan River to the north (**Plan A-2**). Should the proposed use be approved, the applicant should be reminded to perform good site practices so as not to pollute or affect the nearby watercourse.

Drainage

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

- (a) he has no in-principle objection to the application from the public drainage viewpoint;
- (b) should the application be approved, a condition should be included to request the applicant to submit and implement a drainage proposal for the Site to ensure that it will not cause adverse impact to the adjacent area. In their submission, the applicant requires assessing and identifying the project's potential drainage impacts and demonstrate in their submission with the implementation of necessary mitigation measures, the project will not cause an unacceptable increase in the risk of flooding in areas upstream of, adjacent to or downstream of the development;
- (c) the Site is in an area where no public sewerage system is available; and
- (d) his advisory comments to the application are at **Appendix V**.

Fire Services

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

- (a) he has no in-principle objection to the application subject to fire service installations (FSIs) and water supplies for fire-fighting being provided to his satisfaction;
- (b) in consideration of the design/ nature of the proposed use, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his satisfaction;
- (c) the applicant should be advised that the layout plans should be drawn to

scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSIs to be installed should be clearly marked on the layout plans; and

- (d) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.

Building Matters

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

- (a) he has no objection in-principle under the Buildings Ordinance (BO) to the proposed use on the application site;
- (b) there is no record of submission of the proposed building/ structure to the Building Authority (BA) for approval; and
- (c) his advisory comments to the application are at **Appendix V**.

District Officer's Comments

9.1.10 Comments of the District Officer (North), Home Affairs Department (DO(N), HAD):

he has consulted the locals regarding the application. The Vice-chairman of Fanling District Rural Committee (FDRC) objected the proposals on the grounds that the Site locates closely to the river and would cause water pollution; the proposed development would cause environmental pollution to the surrounding and threaten the health of the local villagers. The incumbent North District Council (NDC) member of the subject constituency, Fanling Hung Shing Temple Management Committee, the Indigenous Inhabitant Representative (IIR) of Hung Leng, the Resident Representative (RR) of Hung Leng have no comment on the application. The IIR and RR of Ko Po did not respond by the deadline.

9.2 The following Government departments have no comment on / no objection to the application:

- (a) Chief Engineer/Construction, Water Supplies Department;
- (b) Chief Highway Engineer/New Territories East, Highways Department; and
- (c) Project Manager (North), North Development Office, Civil Engineering and Development Department.

10. Public Comments Received During Statutory Publication Period (Appendix IV)

On 7.1.2020, the application was published for public inspection. During the statutory public inspection period, five public comments were received. A NDC member indicates no comment on the application. The 1st Vice-Chairman and 2nd Vice-Chairman of FDRC object to the application on the grounds that the Site locates closely to the river and would cause water pollution; the proposed development would cause environmental pollution to the

surrounding and threaten the health of the local villagers. Designing Hong Kong and an individual object to the application on the grounds that the proposed development is not in line with the planning intention of the “AGR” zone; one similar application was rejected at the Site; there is active farmland next to the Site; the approval of the application would set an undesirable precedent for similar applications; and storage of construction materials/workshop activities at the Site were not allowed under the previously approved application for temporary private vehicle park.

11. Planning Considerations and Assessments

- 11.1 The application is for a proposed temporary rural workshop (furniture processing) with ancillary warehouse for a period of 3 years in an area zoned “AGR” on the OZP. The proposed temporary use is not in line with the planning intention of the “AGR” zone, which is intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes (**Plan A-1**). It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. Since the Site has potential for agricultural rehabilitation, DAFC does not support the application from agriculture point of view. Nevertheless, the Site had been hard paved and formed and has been used for a temporary private vehicle park under Application No. A/NE-TKL/590 with a valid planning permission up to August 2021, it is considered that the approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “AGR” zone.
- 11.2 According to the applicant, this application is to facilitate the relocation of a furniture processing workshop at Kwu Tung affected by the KTN NDA development. Whilst the applicant has spent effort in identifying suitable site to relocate of his workshop to a number of alternative locations, those sites were considered not suitable or impracticable due to various issues such as ownership, accessibility, easement or environmental problem. Though the Site locates away from the applicant’s original occupation in Kwu Tung, the area of the Site is similar to applicant’s original business location in Kwu Tung, and it is directly accessible via Sha Tau Kok Road – Ma Mei Ha Section without causing adverse traffic impact to the surroundings. The Site is also adjacent to a workshop, which is an “existing use” tolerated under the Town Planning Ordinance and currently operated by the same applicant. According to the applicant, the parking spaces as provided in the proposed temporary development would be shared with the adjoining workshop, and the circulation area of the adjoining workshop also provides the access for the proposed temporary development from Sha Tau Kok Road – Ma Mei Ha Section. Noting that the proposed Site in the current application is the only one considered suitable and practicable after an extensive site search carried out by the applicant and the proposed rural workshop is of similar scale of the existing operation to be displaced by the KTN NDA, SDEV fully supports the application from the perspective of ensuring timely delivery of the housing yield in the NDA and providing operating space for displaced brownfield operations still needed by the community. In this regard, sympathetic consideration might be given to the application.
- 11.3 The Site is currently paved and used for car parking purpose with a valid planning permission. The approval of the application would not result in a significant change to the existing character of the Site. Moreover, the proposed temporary development is considered not entirely incompatible with the surrounding land uses, which are of rural fringe landscape character predominated by vacant land,

warehouse/open storage uses, fallow agricultural land and temporary structures (**Plans A-2 and A-3**). CTP/UD&L, PlanD has no objection to the application from the landscape planning point of view as the Site is hard paved with no significant landscape resource observed within the Site, therefore, significant adverse impact on existing landscape resources arising from the application is not anticipated.

- 11.4 C for T, upon review of the further information submitted by the applicant (**Appendix Ib**), considered that the vehicular trips as generated by the proposed temporary development is tolerable. As the applicant undertake the proposed pedestrian safety measures i.e. provision of traffic signs, she has no further comment on the application from the traffic engineering point of view. DEP also has no in-principle objection to the application as the applicant has undertaken to implement relevant mitigation measures; and the operation hours of the proposed temporary development will be confined to Mondays to Saturdays from 8:30 a.m. to 5:30 p.m. Should the application be approved, relevant approval conditions in relation to the submission and implementation of the environmental mitigation measures are recommended. The applicant will also be advised to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by DEP. Other relevant Government departments consulted, including CE/MN of DSD, D of FS and CE/C of WSD, have no adverse comment on/no objection to the application.
- 11.5 The Site is the subject of five previous applications. Of them, three (No. A/NE-TKL/70, 98 and 141) were rejected on the ground that the approval of open storage uses would set an undesirable precedent for other similar applications. Application No. A/NE-TKL/566 for temporary workshop was rejected mainly on the grounds of adverse traffic and environmental impacts with objections from TD and EPD. The latest planning application No. A/NE-TKL/590 for temporary private vehicle park was approved in August 2018 mainly on the grounds that concerned Government departments particularly TD had no major adverse comment on the application and the concerns of EPD could be addressed through the implementation of the relevant approval conditions.
- 11.6 There are four similar applications for temporary workshop which fall partly within "AGR" zone in the vicinity of the Site (**Plan A-1**). Applications No. A/NE-TKL/345, 376 and 481 and 602 for temporary furniture repair workshop / vehicle repair workshop etc. involving the same site fall largely within "OS" zone with a very minor portion within "AGR" zone were approved by the Committee between April 2011 and October 2018.
- 11.7 Regarding the adverse public comments and local objection conveyed by DO(N), HAD, the Government departments' comments and planning assessments above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and taking into account the local objections conveyed by DO(N), HAD and public comments in paragraphs 9.1.10 and 10 above respectively, the Planning Department considers that the temporary use under the application 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 30.3.2023. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) no operation between 5:30 p.m. and 8:30 a.m. on Mondays to Saturdays, 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) 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 30.9.2020;
- (d) 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 30.9.2020;
- (e) in relation to (d) above, the provision of drainage facilities 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 30.12.2020;
- (f) the submission of traffic management measures within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 30.9.2020;
- (g) in relation to (f) above, the implementation of traffic management measures identified therein within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 30.12.2020;
- (h) the submission of proposals for fire service installations and water supplies for firefighting 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 30.9.2020;
- (i) in relation to (h) above, the implementation of proposals for fire service installations and water supplies for firefighting 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 30.12.2020;
- (j) the submission of proposals for environmental mitigation measures within 6 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by 30.9.2020;
- (k) in relation to (j) above, the implementation of proposals for environmental mitigation measures identified therein within 9 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by 30.12.2020;

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

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 proposed temporary development is not in line with the planning intention of the "AGR" zone, which is intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong justification in the submission for a departure from such planning intention, even on a temporary basis; and
- (b) the approval of the application will set an undesirable precedent for similar applications within the same "AGR" zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

13. Decision Sought

13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.

13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.

13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application Form with Attachments received on 31.12.2019
Appendix Ia	Supplementary information received on 2.1.2020
Appendix Ib	Further information received on 4.2.2020

Appendix Ic	Further information received on 6.2.2020
Appendix Id	Further information received on 11.2.2020
Appendix II	Previous s.16 Applications
Appendix III	Similar s.16 Applications
Appendix IV	Public Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Site Layout Plan
Drawing A-2	Landscape Proposal
Drawing A-3	Plan of Swept Path Analysis
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MARCH 2020**