

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-FTA/189

- Applicant** : Times Fame Development Limited represented by Mr. KWOK Chi Man
- Site** : Lot 189 RP in D.D. 52 and Adjoining Government Land, Sheung Shui Wa Shan, Sheung Shui, New Territories
- Site Area** : About 4,800 m² (including Government Land of about 340 m²)
- Leases** : (a) Block Government Lease (demised for agricultural use) (about 92.9% of the Site)
(b) Government Land (about 340 m² or 7.1% of the Site)
(c) Letter of Approval (L of A) No. L6197 for the erection of temporary structures for the use of chicken sheds and watchman shed.
- Plan** : Approved Fu Tei Au and Sha Ling Outline Zoning Plan (OZP) No. S/NE-FTA/16
- Zonings** : (i) “Other Specified Uses” annotated “Port Back-Up” (“OU(PBU)”) (about 4,550.4 m² or 94.8% of the Site)
(ii) “Agriculture” (“AGR”) (about 244.8 m² or 5.1% of the Site)
(iii) “Green Belt” (“GB”) (about 4.8 m² or 0.1% of the Site)
- Application** : Proposed Temporary Logistics Warehouse for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary logistics warehouse for a period of three years at the application site (the Site) (**Plan A-1**). The Site falls within an area largely zoned “OU(PBU)” (about 94.8%) with minor portions falling with “AGR” (about 5.1%) and “GB” (about 0.1%) zones on the approved Fu Tei Au and Sha Ling OZP No. S/NE-FTA/16.
- 1.2 According to the Notes of the OZP, whilst warehouse (excluding dangerous goods godown) in the “OU(PBU)” zone is a Column 2 use requiring planning permission, there is no provision for such use in “AGR” and “GB” zones. Notwithstanding that, the Covering Notes of the OZP provide that temporary use not exceeding a period of 3 years requires permission from the Town Planning Board (the Board). The Site is largely vacant

with some vacant container-converted structures found on the Site.

- 1.3 According to the information submitted by the applicant, the proposed development comprises two structures with a total floor area of 4,776 m², i.e. Structures 1 and 2 (**Drawing A-1**). The Structure 1 comprises of two parts, i.e. Parts A and B, which is for storage use. Part A is a two-storey structure with total floor area of 3,262 m² and an extended rain shelter of 250 m² at the southern part; and Part B is a single-storey structure with floor area of 1,210 m² and an extended rain shelter of 38 m² at the eastern part. Structure 2 is a single-storey structure of 16 m² at the eastern part of the Site being used for washroom. A total of eight loading/unloading spaces are provided for 5 heavy goods vehicles and 3 container vehicles at the southern and eastern boundaries of the Site respectively. There are two ingress/egress points located at the southern and eastern of the Site. The proposed operation hours are from 8:00 a.m. to 8:00 p.m. from Mondays to Saturdays and there will be no operation on Sundays and public holidays. All vehicular traffic is restricted to be carried out within non-peak hours (i.e. 10:00 a.m. to 12:00 p.m. and 2:00 p.m. to 4:00 p.m.). A plan showing the vehicular access leading to the Site and layout of the Site is at **Drawing A-1**.
- 1.4 The Site is the subject of a previous application No. A/NE-FTA/21 for container trailer park with ancillary vehicle repair workshop use submitted by different applicant. The application was approved with conditions by the Rural and New Town Planning Committee (the Committee) in October 1998 for a period of three years. Details of the previous application are set out in paragraph 5 below.
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application form with attachments received on 28.1.2019 (**Appendix I**)
 - (b) Letter dated 7.3.2019 requesting for deferment of consideration of the application (**Appendix Ia**)
 - (c) FI received on 29.3.2019 (**Appendix Ib**)
 - (d) FI received on 8.5.2019 (**Appendix Ic**)
- 1.6 At the request of the applicant (**Appendix Ia**), the Committee of the Board agreed on 22.3.2019 to defer making a decision on the application for two months pending the preparation of further information (FI) to address comments from the Transport Department (TD). The applicant submitted FI in response to the comments from TD on 29.3.2019 (**Appendix Ib**). The application is scheduled or consideration by the Committee on 17.5.2019.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in Part 9 of the application form at **Appendix I**, and the FI at **Appendix Ib**. They can be summarized as follows:

- (a) a large portion of the Site falls within the “OU(PBU)” zone on the Fu Tei Au and Sha Ling OZP and the proposed warehouse use under the application is in line with the planning intention for port back-up uses of this zone;
- (b) the Site falls largely within Category 1 area under the Town Planning Board Guidelines No. 13E. Favourable consideration should be given to this application;

- (c) the proposed development is temporary in nature and the proposed use is compatible with the surrounding land uses as the Site is surrounded by port back-up uses;
- (d) the Site is mainly used for temporary warehouse use and no workshop activities would be involved. Adverse noise and environmental impacts are not anticipated. There would not be any flammable or harmful materials at Site that would cause adverse environmental impacts to the area;
- (e) the Site is already formed with provision of basic infrastructure (i.e. water and electricity supply) and no tree felling, filling/excavation of land or disruption to water source would be required; and
- (f) spaces have been reserved for loading/unloading activities at the Site and visitor parking would not be provided. There is adequate space for manoeuvring within the Site and no queuing of vehicles outside the Site is anticipated. The submitted swept path analysis has demonstrated that the development under application would not generate significant traffic impacts to the surrounding environment.

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 taking reasonable steps to give notification to the owner including sending notice to the Sheung Shui District Rural Committee by registered mail and posting notice at the Site. For the adjoining Government land, TPB PG-No.31A is not applicable to the application. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

According to the advice of the Chief Town Planner/Central Enforcement and Prosecution, Planning Department (CTP/CEP, PlanD), the Site is currently not a subject of any active enforcement action.

5. Previous Application

- 5.1 The Site is the subject of a previous planning application No. A/NE-FTA/21 for container trailer park with ancillary vehicle repair workshop. The application was approved with conditions by the Committee in October 1998 for a period of three years mainly on the considerations that the proposed development was generally in line with the planning intention of “OU(PBU)” zone; the proposed use was compatible with the surrounding areas and would not have significant adverse environmental, traffic and drainage impacts.
- 5.2 Details of the previous application are at **Appendix II** and the location is shown on **Plan A-1**.

6. Similar Applications

- 6.1 There are five similar applications (No. A/NE-FTA/124, 155, 157, 158 and 180) for

proposed temporary warehouse/ warehouse developments with ancillary uses within/partly within the “OU(PBU)” zone in the vicinity of the Site (**Plan A-1**). Four applications (No. A/NE-FTA/124, 155, 157 and 158) involving four sites were approved with conditions by the Committee between 2013 and 2016 mainly on the consideration that the uses were generally in line with the planning intention of “OU(PBU)” zone; the developments were compatible with the surrounding land uses; and the technical concerns of Government departments could be addressed through the implementation of relevant approval conditions. Applications No. A/NE-FTA/124 and 158 were revoked on 19.10.2013 and 4.12.2016 respectively due to non-compliance with approval conditions.

6.2 Application No. A/NE-FTA/180 for temporary warehouse and storage of clothing with ancillary facilities was rejected by the Committee in October 2017 mainly on the considerations that the applicant failed to demonstrate in the submission that the development would have no adverse traffic impact on the surrounding area.

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

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

7.1 The Site is:

- (a) partially hard-paved and fenced off (**Plan A-4**);
- (b) occupied with some temporary vacant container-converted structures; and
- (c) accessible via a local track to Man Kam To Road (**Plan A-1**).

7.2 The surrounding areas have the following characteristics:

- (a) to the immediate north is vegetated hillslope within “GB” zone with some graves (**Plan A-2**);
- (b) to the immediate east are some temporary structures;
- (c) to the immediate south across the local track are fallow agriculture land, warehouse and vacant land;
- (d) to the immediate southwest across the local track are some village houses and open storage of construction materials under planning application No. A/NE-FTA/160;
- (e) to the immediate west are the sites of open storage and warehouse under planning application No. A/NE-FTA/157; and
- (f) to the immediate northwest is vacant land with some temporary structures and to the further north are sites of warehouse and open storage uses.

8. Planning Intentions

- 8.1 The planning intention of the “OU(PBU)” zone in the Fu Tei Au and Sha Ling area is intended primarily for accommodating the anticipated increasing cross-boundary freight traffic, especially the parking of container vehicles, including container trailers and tractors, and other port back-up uses.
- 8.2 The planning intention of the “AGR” zone in the Fu Tei Au and Sha Ling area 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.
- 8.3 The planning intention of the “GB” zone in the Fu Tei Au and Sha Ling area 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.

9. Comments from Relevant Government Departments

- 9.1 The following Government departments have been consulted and their views on the application are summarised as follows:

Land Administration

- 9.1.1 Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):
 - (a) the Site comprises Lot 189 RP in D.D. 52 and adjoining Government land. The Lot is an Old Schedule Lot held under the Block Government Lease (demised for agriculture use) without any guaranteed right of access. The applicant should make his own arrangement for acquiring access. The Government shall accept no responsibility in such arrangement;
 - (b) the occupation area is larger than that of the application area;
 - (c) the existing structures on the Site were erected without approval from his office. These structures are not acceptable under the Leases concerned. His office reserves the right to take enforcement actions against the structures concerned;
 - (d) Letter of Approval No. L6197 was issued for the erection of temporary structures on the application lot for the use of chicken sheds and watchman shed. However, the permitted uses were breached;
 - (e) unauthorised structures/fencing were erected on the Government Land (GL) adjoining the Site. His office reserves the right to take land control actions against the unauthorised occupation of GL;
 - (f) the southern side of the Site would be affected by WSD’s Waterworks Reserve (WWR). Advice from WSD should be sought as appropriate; and
 - (g) if the planning application is approved, the owner of the lot concerned shall apply to his office for a Short Term Waiver (STW) and Short Term

Tenancy (STT) covering all the actual occupation area. The application for STW and STT will be considered by Government in its landlord's capacity and there is no guarantee that they will be approved. If the STW/STT are 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

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

- (a) having reviewed the further information submitted by the applicant (**Appendix Ib**), which included the requested swept path analysis to demonstrate the vehicles can manoeuvre within the Site without reversing on to the local track and at the proposed ingress/egress, exact width and location of the vehicular access points, class of vehicles, no. of parking spaces, he has no further comment on and no objection to the application from the traffic engineering point of view; and
- (b) Hung Kiu San Tsuen Road located between the Site and Man Kam To Road is a local village track and is not under Transport Department's management. In this regard, the land status of the access leading to the Site should be checked with the relevant lands authority.

Environment

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

- (a) he does not support the application since the closest domestic structures are located at the south of the Site (approximately 40.5 m from the Site) and the proposed temporary use is expected to generate traffic of heavy vehicles;
- (b) there was no environmental complaint against the Site during the past three years;
- (c) should there be any sewage generated from the proposed temporary uses, proper treatment and disposal should be provided as per "Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses (CoP)". The applicant should be reminded of S(1) of Notes to Annex I in CoP that 'In case of unavailability of public sewer, a septic tank and soakaway (STS) pit should be provided'. The design, construction, operation and maintenance of STS should follow ProPECC PN 5/93 and be certified by Authorised Person; and
- (d) should the application be approved, the applicant should be reminded of his obligation to comply with all environmental protection/ pollution control ordinances, in particular Water Pollution Control Ordinance and Waste Disposal Ordinance, and to follow relevant environmental measures given in the CoP during construction and operation stages of the proposed use.

Landscape Aspect

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

- (a) she has no objection to the application from the landscape planning perspective;
- (b) based on the aerial photo of 2017 on **Plan A-3**, the Site is situated in an area of rural landscape character surrounded by temporary structure, open storages and clustered tree groups. According to her site record, the Site is mainly hard paved with small patches of wild grass, a few temporary structures and containers are observed within the Site. Beside wild grass, only some existing trees of common species are found in the Site near the northwest boundary (**Plan A-4**). Significant adverse impact arising from the temporary use under the application on existing landscape resources is not anticipated;
- (c) since the Site has no major public frontage, it is not necessary to impose a landscape condition as its effect on enhancing the quality of public realm is not apparent;
- (d) should the application be approved by the Board, the applicant should be advised to maintain all existing trees within the Site at all times during the planning approval period; and
- (e) the applicant should be advised of the following:
 - (i) the applicant should review if *Ficus Microcarpa* (細葉榕), which is a tree species with aggressive root system, is suitable for the Site with limited space as shown on the proposed landscape plan (**Drawing A-2**);
 - (ii) the approval of application does not imply approval of tree works such as pruning, transplanting and felling under lease. Tree removal applications should be submitted direct to DLO/N, LandsD for approval; and
 - (iii) useful information published by the Greening, Landscape & Tree Management Section, Development Bureau on general tree maintenance and tree risk management is available for reference on its website.

Drainage

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

- (a) he has no objection in-principle to the application;
- (b) the Site is in an area where no public sewerage connection is available; and
- (c) 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 drainage impact to the adjacent area.

Building Matters

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

- (a) there is no record of submission of the proposed building/structure to the Building Authority (BA) for approval and BD is not in a position to offer comments on their suitability for the use related to the application;
- (b) the applicant's attention is drawn to the following points:
 - (i) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent from BA should be obtained, otherwise they are unauthorized building works (UBW). An authorized person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (ii) for UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO;
 - (iii) in connection with (i) above, the site shall be provided with means of obtaining access thereto from a street under Building (Planning) Regulations (B(P)Rs) 5 and emergency vehicular access shall be provided under B(P)Rs 41D; and
 - (iv) if the Site is not abutting on a specified street having a width not less than 4.5 m, the development intensity shall be determined by the BA under B(P)Rs 19(3) at the building plan submission stage.

Fire Safety

9.1.7 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) being provided to satisfaction of his department;
- (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 be also 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 FSI to be installed should be clearly marked on the layout plans;

- (c) having considered the nature of the use, an approval condition on provision of fire extinguisher(s) within 6 weeks from the date of planning approval is recommended for inclusion in the planning permission. To address this condition, the applicant should submit a valid fire certificate (FS 251) to his department for approval; and
- (d) the applicant is reminded that if the proposed structure(s) is required to comply with the Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Water Supply

9.1.8 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) he has no objection to the application;
- (b) part of the Site encroaches the Waterworks Reserve (WWR);
- (c) no structures shall be built or materials stored within 1.5 m from the centre line(s) of water main(s) shown on the **Plan A-2**. Free access shall be made available at all times for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works;
- (d) no trees or shrubs with penetrating roots may be planted within the WWR or in the vicinity of the water main(s). No change of existing site condition may be undertaken within the aforesaid area without the prior agreement of the Director of Water Supplies. Rigid root barriers maybe required if the clear distance between the proposed tree and the pipe is 2.5 m or less, and the barrier must extend below the invert level of the pipe;
- (e) no planting or obstruction of any kind except turfing shall be permitted within the space of 1.5 m around the cover of any valve or within a distance of 1 m from any hydrant outlet;
- (f) tree planting may be prohibited in the event that the Director of Water Supplies considered that there is any likelihood of damage being caused to water mains; and
- (g) the applicant should be advised to submit site formation works for his approval prior to commencement of works.

Agriculture and Nature Conservation

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

- (a) the agricultural activities are active in its vicinity and agricultural infrastructures such as road access and water source are available. The Site can be used for other agricultural activities such as greenhouses, plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, the application is not supported from the agricultural point of view.

- (b) from nature conservation point of view, he has no adverse comment on the application regarding the minor portions falls within “GB” zone. Should the application be approved, the applicant should be reminded to perform good site practice so as not to disturb the wooded area at the “GB” zone to the north of the Site.

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 North District Council (NDC) member of the subject constituency cum Indigenous Inhabitant Representatives (IIR) of Sheung Shui Heung objects to the application mainly on the consideration that the heavy traffic generated by the proposed development would cause air pollution and threaten the safety of the local residents and is possible to disturb the underground water facilities. The Chairman of Sheung Shui District Rural Committee, the remaining two IIRs and Resident Representative (RR) of Sheung Shui Heung, and the IIR and RR of Wa Shan Tsuen have no comment on the application.

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

- (a) Project Manager (North), North Development Office, Civil Engineering and Development Department (PM(N), CEDD); and
- (b) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD).

10. Public Comments Received During Statutory Publication Period

On 12.2.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, 5 public comments were received (**Appendix IV**). A NDC member and 2 individuals object to the application mainly on the grounds that the proposed development would have adverse environmental impacts on the surrounding areas; the heavy traffic generated by the proposed development would cause air pollution and threaten the safety of local residents. The Chairman of Sheung Shui District Rural Committee and one individual have no comment on the application but the individual also expressed concern on the portion of Government land that the proposed development would bring adverse landscape impacts to the surroundings.

11. Planning Considerations and Assessments

11.1 The Site falls within an area largely zoned “OU(PBU)” (about 94.8%) on the approved Fu Tei Au and Sha Ling OZP No. S/NE-FTA/16. The temporary logistics warehouse use under application is considered generally in line with the planning intention of the “OU(PBU)” zone which is primarily for accommodating the anticipated increasing cross-boundary freight traffic, especially the parking of container vehicles, including container trailers and tractors, and other port back-up uses.

- 11.2 For the minor portions of the Site falling within the with “AGR” (about 5.1%) and “GB” (about 0.1%) zones on the OZP, the proposed use is not in line with the planning intention of the “AGR” and “GB” zones which is to retain and safeguard good 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; and 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. DAFC does not support the application from the perspective of agricultural development and has no adverse comment on the application regarding the minor portion falls within “GB” zone. Nevertheless, given its temporary nature and small in scale, 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” and “GB” zones.
- 11.3 The proposed warehouse is considered not incompatible with the surrounding land uses, which comprise mainly warehouses, open storage yards and some temporary structures (**Plan A-3**). The Site is mainly hard paved with small patches of wild grass, only some existing trees of common species are found in the Site near the northwest boundary. Since significant adverse impact arising from the temporary use under the application on existing landscape resources is not anticipated, CTP/UD&L, PlanD has no objection from landscape planning perspective. Other Government departments consulted, including C for T, D of FS, CE/C of WSD and CE/MN of DSD, have no objection to or no adverse comment on the application.
- 11.4 DEP does not support the application as there are sensitive receivers, i.e. domestic structures, in the vicinity of the Site (**Plan A-2**). However, there was no environmental complaint against the Site in the past three years. To address the concern of DEP on possible environmental nuisance to be generated by the temporary use under application, approval conditions restricting the operation hours, prohibiting operation on Sundays and public holidays, and prohibiting vehicle repairing, dismantling or workshop activities at the Site are recommended. The applicant would also be advised to follow the environmental mitigation measures as set out in the revised CoP.
- 11.5 The Site is the subject of one previously approved application No. A/NE-FTA/21 for temporary container trailer park with ancillary workshop which was approved on October 1998 for a period of three years mainly on the grounds that the use under application was in line with the planning intention of the “OU(PBU)” zone; and the applied use is generally compatible with the surrounding areas and would not have significant adverse environmental, traffic and drainage impacts.
- 11.6 There are five similar applications (No. A/NE-FTA/124, 155, 157, 158 and 180) involving four sites for temporary warehouse/ warehouse developments within / partly within in the vicinity of the Site (**Plan A-1**). Except for application No. A/NE-FTA/180 rejected in October 2017 mainly on the consideration that the applicant fails to demonstrate in the submission that the development would have no adverse traffic impact on the surrounding areas, all other four were approved with conditions by the Committee between 2013 and 2016 mainly on the consideration that the uses were generally compatible with the planning intention of “OU(PBU)” zone; the developments were compatible with the surrounding land uses; and the technical concerns of Government departments could be addressed through the implementation of relevant approval conditions. The planning circumstance of the current application is similar to the similar applications.
- 11.7 Regarding the adverse public comments as detailed in paragraph 10 and the local

objections conveyed by DO(N) in paragraph 9.1.10 above, the Government department's comments and the planning assessment 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 has no objection to the application.
- 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 17.5.2022. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) no operation between 8:00 p.m. and 8:00 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 car washing, vehicle repair, dismantling, paint spraying or other workshop activities is allowed on the Site at any time during the planning approval period;
- (d) all vehicles entering and exiting the Site during the planning approval period shall be restricted to non-peak hours (i.e. 10:00 a.m. to 12:00 p.m. and 2:00 p.m. to 4:00 p.m.), as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (e) the maintenance of all existing trees within the Site at all times during the planning approval period;
- (f) 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 17.11.2019;
- (g) the submission of 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 17.11.2019;
- (h) in relation to (g) 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 17.2.2020;
- (i) the provision of fire extinguisher(s) 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 28.6.2019;
- (j) 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 17.11.2019;

- (k) in relation to (j) 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 17.2.2020;
- (l) 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
- (m) if any of the above planning conditions (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.

Advisory Clauses

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

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

the applicant fails to demonstrate that the proposed development would not cause 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 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 Attachment received on 28.1.2019
Appendix Ia	Letter dated 7.3.2019 requesting for deferment of consideration of the application
Appendix Ib	FI received on 29.3.2019
Appendix Ic	FI received on 8.5.2019
Appendix II	Previous s.16 Application
Appendix III	Similar s.16 Applications within or partly within the "OU(PBU)" zone in the vicinity of the Site in the Fu Tei Au and Sha Ling area
Appendix IV	Public Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Site Layout Plan
Drawing A-2	Landscape Proposal
Drawing A-3	Drainage Proposal
Plan A-1	Location Plan

Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MAY 2019**