

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

**APPLICATION NO. A/YL-LFS/372**

- Applicant** : Teng Fei Consultancy Company represented by Allgain Land Administrators (Hong Kong) Limited
- Site** : Lots 1620 (Part), 1621 (Part), 1622 (Part), 1623 (Part), 1624, 2698, 2699, 2700 (Part), 2703, 2704 (Part), 2705 (Part), 2706, 2707, 2708 (Part), 2709 (Part) and 2710 in D.D. 129, Lau Fau Shan, Yuen Long
- Site Area** : About 5,560 m<sup>2</sup> (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/9
- Zoning** : “Green Belt” (“GB”)
- Application** : Proposed Temporary Public Vehicle Park (Medium Goods Vehicle) 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 public vehicle park (medium goods vehicle) for a period of 3 years (**Plans A-1a and A-1b**). The Site falls within an area zoned “GB” on the Approved Lau Fau Shan and Tsim Bei Tsui OZP No. S/YL-LFS/9. According to the Notes of the OZP for “GB” zone, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently hard-paved and vacant (**Plans A-4a and A-4b**).
- 1.2 The Site involves 7 previous planning applications for various uses (**Plan A-1b**). Amongst them, 4 applications (No. A/YL-LFS/40, 74, 155 and 173) were approved with conditions while the other 3 were rejected (Applications No. A/YL-LFS/31, 357 and 358). Details of the previous applications are at paragraph 6 and **Appendix III**. Compared with the last application No. A/YL-LFS/358, the current application was submitted by the same applicant for different use (temporary open storage of construction materials in the last application) on a smaller site with different layout and development parameters.

1.3 The Site is accessible via New Sha Kong Wai Road leading to Tin Wah Road (**Drawing A-1 and Plans A-1b and A-3**). The ingress/egress point is located at the northeastern boundary of the Site (**Drawing A-2 and Plan A-2**). As shown on **Drawing A-2**, 38 parking spaces for medium goods vehicle (11m x 3.5m) are proposed on the Site. The operation hours of the proposed car park are from 7 a.m. to 7 p.m. from Mondays to Sundays including public holidays.

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

- (a) Application Form received on 18.9.2020 with development proposal and plans (**Appendix I**)
- (b) Further Information received on 15.10.2020 clarifying the operation hours of the Site (**Appendix Ia**)  
(*exempted from publication and recounting requirements*)

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

The justifications put forth by the applicant in support of the application are detailed at **Appendices I and Ia**. They are summarized as follows:

- (a) The proposed use is to meet the demand for medium goods vehicle parking spaces from the lorry drivers who are living in Sha Kong Wai and Tin Shui Wai nearby.
- (b) Given the previous approved applications (No. A/YL-LFS/40 and 74) and hard paved condition at the Site since 1999, the applied use will only fully utilise the land use of the Site.
- (c) Given that similar applications (No. A/YL-LFS/339, 341 and 364) in the vicinity for public vehicle park use have been granted, approval of this application should be given.
- (d) The proposed drainage plan indicates that the applicant will make an effort to minimize the possible impact to the 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 posting site notice and sending notice to the Ping Shan Rural Committee by a registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Background**

The Site is subject to three active enforcement cases (No. E/YL-LFS/500, 501 and 502) (**Plan A-2**) and the alleged unauthorized development (UD) is storage use (including

deposit of containers) and parking of vehicles. Reinstatement Notices were issued on 15.9.2020 to the concerned lot owners requiring them to remove hard paving and to grass the land by 15.12.2020. The Site will be kept under close monitoring for further action.

## **5. Town Planning Board Guidelines**

The Town Planning Board Guidelines for “Application for Development within the Green Belt zone under Section 16 of the Town Planning Ordinance” (TPB PG-No. 10) are relevant to the application. The relevant assessment criteria are summarized as follows and detailed at **Appendix II**.

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

## **6. Previous Applications**

6.1 The Site involves 7 previous applications (No. A/YL-LFS/31, 40, 74, 155, 173, 357 and 358) (**Plan A-1b**) for pond filling and development of golf driving range, temporary golf driving range, recreational use, public utility installation, temporary public vehicle park and temporary open storage of construction materials respectively. 4 of them (Applications No. A/YL-LFS/40, 74, 155 and 173) were approved with conditions while the other 3 (Applications No. A/YL-LFS/31, 357 and 358) were rejected by the Rural and New Town Planning Committee (the

Committee)/the Board respectively<sup>1</sup>. Details of these applications and the Committee's/Board's decisions are summarized at **Appendix III** and their locations are shown on **Plan A-1b**.

- 6.2 Application No. A/YL-LFS/31 (covering the Site and the land to its north, south and east with a total site area of about 3.53 ha) for pond filling and development of golf driving range with ancillary private club, conservation and recreational facilities was rejected upon review by the Board on 18.12.1998 mainly on the grounds of not in line with the planning intention of the "GB" zone, insufficient information to demonstrate no significant environmental, drainage and flooding impacts on the surrounding areas, unacceptable proposed vehicular access arrangement and undesirable precedent.
- 6.3 Application No. A/YL-LFS/40 (covering the Site and the land to its south and east with a total site area of about 2.2 ha) for temporary golf driving range with ancillary pro-shop, storage area, washroom and parking area (38 car parking spaces, 2 coach parking spaces and 1 loading/unloading space) for a period of 3 years was approved by the Committee on 28.5.1999 mainly on the considerations that the application was temporary in nature and all technical issues had been addressed, the proposed use was not incompatible with the surrounding land use, there would be no significant traffic impact to the area and relevant departments had no adverse comments on the application.
- 6.4 Application No. A/YL-LFS/74 (covering the Site and the land to its north, south and east with a total site area of about 3.4 ha) for recreational use (i.e. proposed extension to the "Tin Shui Wai Greenfield Garden" (including flea market for green/environmental friendly products)) for a period of 3 years was approved by the Board upon review on 8.3.2002 mainly on the considerations that similar use (i.e. Application No. A/YL-LFS/39) (**Plan A-1b**) for recreational uses including barbecue spot, playground, refreshment kiosk, visitor centre, public car park (140 car parking spaces and 10 coach parking spaces) and ancillary uses (i.e. the Tin Shui Wai Greenfield Garden) had been approved within the same "GB" zone.
- 6.5 Application No. A/YL-LFS/357 (covering the southern portion of the Site and the land to its south with a total site area of about 1.6 ha) for temporary public vehicle park (private car, medium goods vehicle, heavy goods vehicle and container vehicle) for a period of 3 years was rejected by the Committee on 6.3.2020 mainly on the grounds of not in line with the planning intention of the "GB" zone, the TPB PG-No. 10, the then TPB PG-No. 13E for "Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance" and undesirable precedent.
- 6.6 Application No. A/YL-LFS/358 (covering the Site and the land to its north and east with a total site area of about 1 ha) for temporary open storage of construction materials for a period of 3 years was rejected by the Committee on 6.3.2020 mainly on the grounds of not in line with the planning intention of the "GB" zone, the TPB

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<sup>1</sup> The two previous applications (No. A/YL-LFS/155 and 173) for public utility installation (PUI) (telecommunications radio base station) (covering the north-eastern corner of the Site with an area of 24m<sup>2</sup>) were approved in 2007 and 2008. In view of the small scale of the PUI, the applications are not mentioned in this Section.

PG-No. 10, the then TPB PG-No. 13E for “Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” and undesirable precedent.

- 6.7 Compared with the last application No. A/YL-LFS/358, the current application was submitted by the same applicant for different use (temporary public vehicle park (medium goods vehicle) in this application) on a smaller site with different layout and development parameters.

## **7. Similar Applications**

- 7.1 Within the same “GB” zone, there are 2 similar applications (No. A/YL-LFS/341 and 364) for temporary public vehicle park use. Details of the application and the Committee’s decision is summarized at **Appendix IV** while the locations are shown on **Plan A-1a**.
- 7.2 Application No. A/YL-LFS/341 for proposed temporary public vehicle park for private cars for a period of 3 years was approved by the Committee on 31.5.2019 mainly on the considerations that the proposed development (involving the provision of 65 private car parking spaces) was not incompatible with the surrounding area and land uses which mainly comprise recreational development with public vehicle park for private cars/ coaches; the proposed development would not generate adverse ecological, environmental, traffic, drainage and landscape impacts on the surrounding areas; and there were no adverse comment from concerned Government departments.
- 7.3 Application No. A/YL-LFS/364 for proposed temporary public vehicle park (private car and light goods vehicle) for a period of 3 years was approved by the Committee on 26.6.2020 mainly on the grounds of not jeopardizing the long-term planning intention of the “GB” zone, not incompatible with the surrounding land uses, not involving clearance of vegetation, no adverse comment from other concerned Government departments and outside the wetland buffer area.

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

- 8.1 The Site is:
- (a) currently hard-paved and vacant; and
  - (b) accessible from Tin Wah Road via New Sha Kong Wai Road which is a local road with about 6-8m wide (**Drawing A-1 and Plans A-1b and A-3**).
- 8.2 The surrounding areas have the following characteristics (**Plans A-1a to A-4b**):
- (a) to its immediate south is parking of vehicles and to the further southwest are residential dwellings (the closest residential dwelling is about 108m away) in Sha Kong Wai;

- (b) to its west is fallow agricultural land;
- (c) to its immediate north is vacant land and to its further northeast is a pond and temples; and
- (d) to its immediate east is vacant land and the “Open Space (1)” zone with presence of fish ponds and vegetation; and to its further east across Tin Ying Road is the nullah and a public housing development named Tin Chak Estate.

## **9. Planning Intention**

The planning intention of “GB” 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. However, limited development may be permitted if they are justified on strong planning grounds.

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

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

### **Land Administration**

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

- (a) The Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) The private land (PL) with Lot No. 1621 in D.D. 129 is covered by a Short Term Waiver (STW) No. 3367 to permit structures for the purpose of “Radio Base Station”.
- (c) Should planning approval be given to the planning application, the STW holder(s) will need to apply to his office for modification of the STW conditions where appropriate. Moreover, the lot owner(s) of the lot(s) without STW will need to apply to his office for permitting the structures to be erected or regularize any irregularity on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Application(s) for any of the above will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such applications will be approved. If such applications are approved, it will be subject to such terms and conditions, including among others the payment of

rent or fee, as may be imposed by LandsD.

### **Traffic**

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

- (a) He has no adverse comment on the application from traffic engineering point of view.
- (b) Sufficient manoeuvring space shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads.
- (c) The local track leading to the Site is not under TD's purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site.

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

- (a) The access arrangement should be commented by TD.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (c) HyD shall not be responsible for the maintenance of any access connecting the Site and Tin Wah Road.

### **Environment**

#### 10.1.4 Comment of the Director of Environmental Protection (DEP):

- (a) He has no adverse comment on the application as there is no sensitive receiver within 100m from the site boundary nor within 50m from the access road.
- (b) No environmental complaint pertaining to the Site has been received in the past three years.
- (c) Should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" ("COP").

### **Drainage**

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

- (a) He has no in-principle objection to the application from drainage

point of view. His comments on the drainage plan are detailed at **Appendix VI**.

- (b) Should the Board consider that the application is acceptable from planning point of view, he would suggest that a condition should be stipulated requiring the applicant to submit a revised drainage proposal, and to implement and maintain the proposed drainage facilities to his satisfaction.

### **Landscaping**

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

- (a) According to the aerial photo of 2019 and the site photos taken on 25.9.2020, the Site is mainly hard paved with temporary structures scattered across the Site. Some trees of common species are observed within the northeastern site boundary. The Site is located in an area of rural coastal plains landscape character predominated by tree clusters, grave and open storage yards with village houses in the vicinity. A similar planning application No. A/YL-LFS/364 for the proposed temporary public vehicle park (private car and light goods vehicle) to the immediate south of the Site was approved by the Board on 26.6.2020. The applied use is considered not entirely incompatible with the landscape character of the surrounding area. In view that significant adverse landscape impact arising from the proposed development is not envisaged, she has no objection to the planning application from the landscape planning perspective.
- (b) In view that the Site is not facing any prominent public frontage and that there are existing trees in the surrounding areas of the Site, it is considered appropriate to impose an approval condition to maintain all existing trees within the Site in good condition for the duration of the planning approval period should the application be approved by the Board.

### **Nature Conservation**

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

- (a) Although the Site falls within the “GB” zone, it is paved and disturbed. It appears to be an unauthorized use without obtaining planning approval from the Board. Presumably, history of the Site and planning intention of the “GB” zone would be taken into account when considering the application.
- (b) Should the application be approved, the applicant should adopt good site practices to avoid causing disturbance or pollution to ponds to the east of the Site during operation.



## **Fire Safety**

### 10.1.8 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval.
- (c) The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans.
- (d) The applicant is reminded that if the proposed structure(s) is required to comply with the BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

## **District Officer's Comments**

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

His office has not received any comment from the locals on the application.

### 10.2 The following Government departments have no comment on the application:

- (a) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (b) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (c) Head of Geotechnical Engineering Office, CEDD (H(GEO), CEDD);
- (d) Principal Project Coordinator/Special Duty, DSD (PPC/SD, DSD);
- (e) Director of Electrical and Mechanical Services (DEMS);
- (f) Director of Leisure and Cultural Services (DLCS);
- (g) Commissioner of Police (C of P); and
- (h) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

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

11.1 On 25.9.2020, the application was published for public inspection. During the statutory public inspection period, 148 public comments were received. Amongst the public comments received, 126 of them support the application (including individuals (**Appendices V-1 to V-3**) and drivers (123 in standard letter in **Appendix V-4**)) and the other 22 (including a district councilor (**Appendix V-5**),

Kadoorie Farm and Botanic Garden (**Appendix V-6**), World Wide Fund for Nature Hong Kong (**Appendix V-7**), Designing Hong Kong Limited (**Appendix V-8**), villagers of Sha Kong Wai (5 in standard letter in **Appendix V-9**) and individuals (8 in standard letter in **Appendix V-10**, 3 in standard letter in **Appendices V-11**, and 2 in **Appendices V12 and V-13**) raise objection to the application. All the public comments received are deposited at the meeting for Members' inspection.

11.2 Major reasons of supporting the application (**Appendices V-1 and V-4**) are:

the demand for medium goods vehicle parking in the district is high due to the abundance of open storage sites and logistics centres in the area and the lack of medium goods vehicle parking spaces in the district. Besides, many lorry drivers live in Tin Shui Wai. So a medium goods vehicle park is required to meet the local demand.

11.3 Major reasons of objection to the application (**Appendices V-5 to V-13**) are:

- (a) the proposed development is not in line with the planning intention of the "GB" zone;
- (b) the proposed use will generate adverse traffic, environmental, drainage, sewerage and visual impacts, air and noise pollution and lead to degradation of the surrounding environment;
- (c) there is a lack of relevant impact assessments to support the application;
- (d) the Site involves unauthorized development and the Board should not encourage "destroy first, build later" attitude; and
- (e) approval of the application would set an undesirable precedent for similar applications within the same "GB" zone.

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

12.1 The application is for proposed temporary public vehicle park (medium goods vehicle) for a period of 3 years. The Site is zoned "GB" on the OZP. The planning intention of "GB" zone is to define 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. However, limited development may be permitted if they are justified on strong planning grounds. While the proposed development is not in line with the planning intention of the "GB" zone, approval of the application on a temporary basis would not jeopardize the long-term planning intention of the "GB" zone.

12.2 The Site is situated in an area of rural coastal plains landscape character predominated by tree clusters, grave and open storage yards with village houses in the vicinity (**Plans A-2 and A-3**). The proposed use is considered not entirely incompatible with the surrounding land uses.

12.3 According to the TPB PG-No.10, the design and layout of any development should be compatible with the surrounding areas and should not affect the existing

landscape. CTP/UD&L, PlanD has no objection to the application in view that a similar planning application No. A/YL-LFS/364 for proposed temporary public vehicle park (private car and light goods vehicle) to the immediate south of the Site has been approved by the Board in June 2020 and significant adverse landscape impact arising from the proposed development is not envisaged. The Site and its adjoining area had been formed and were once used for recreational use with ancillary car/coach parking spaces with planning approvals (Applications No. A/YL-LFS/40 and 74). The Site is currently paved and vacant and the proposed development does not involve clearance of vegetation. DAFC has no strong view on the application from nature conservation point of view.

- 12.4 There is no adverse comment from other concerned Government departments, including DEP, C for T, CE/MN of DSD and D of FS. The proposed development will unlikely create significant adverse environmental, traffic, drainage and fire safety impacts to the surrounding areas. To minimize any possible environmental impacts and nuisance on the surrounding developments, and to address the technical requirements of the concerned Government departments, relevant approval conditions are recommended in paragraph 13.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorized development on the Site will be subject to enforcement action by the Planning Authority. Should the planning application be approved, the applicant will be advised to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize the possible environmental impacts on the nearby sensitive receivers.
- 12.5 Given that two previous approvals (Applications No. A/YL-LFS/40 and 74) for recreational development with ancillary car/coach parking spaces and two similar applications (No. A/YL-LFS/341 and 364) for public vehicle park (private cars/light goods vehicle) to the immediate and further south of the Site have been granted, approval of the current application is considered in line with the Committee’s previous decisions. Whilst the last two previous applications (No. A/YL-LFS/357 and 358) for public vehicle park (private car, medium goods vehicle, heavy goods vehicle and container vehicle) and temporary open storage of construction materials were rejected by the Committee mainly on grounds of involving the use/parking of heavy goods vehicles and container vehicles as well as the open storage use, the current application is different in that it only involves parking of 38 medium goods vehicles and no open storage use will be involved.
- 12.6 A total of 148 public comments in which 126 supporting and 22 objecting to the application were received mainly on the grounds as summarized in paragraph 11 above. The planning considerations and assessments in the paragraphs 12.1 to 12.5 are relevant.

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

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comments mentioned in paragraph 11 above, the Planning Department has no objection to the application.

- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years until **6.11.2023**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

*Approval Conditions*

- (a) no operation from 7:00 p.m. to 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on the Site at any time during the planning approval period;
- (c) a notice shall be posted at a prominent location of the Site to indicate that no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at all times during the planning approval period;
- (d) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public roads at any time during the planning approval period;
- (f) the existing trees within the Site shall be maintained in good condition at all times during the planning approval period;
- (g) the submission of a revised 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 **6.5.2021**;
- (h) in relation to (g) above, the implementation of the revised drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **6.8.2021**;
- (i) the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (j) the submission of a fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **6.5.2021**;
- (k) in relation to (j) above, the implementation of the fire service installations proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **6.8.2021**;

- (l) the provision of fencing of 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 **6.5.2021**;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (g), (h), (j), (k) or (l), is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon the expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

#### Advisory Clauses

The recommended advisory clauses are attached at **Appendix VI**.

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

the proposed use is not in line with the planning intention of the "Green Belt" zone, which 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. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

## **14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse the planning permission.
- 14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

**15. Attachments**

<b>Appendix I</b>	Application Form received on 18.9.2020 with development proposal and plans
<b>Appendix Ia</b>	Further Information received on 15.10.2020 clarifying the operation hours of the Site
<b>Appendix II</b>	Relevant Extracts of Town Planning Board Guidelines for Application for Development within the Green Belt Zone (TPB PG-No. 10)
<b>Appendix III</b>	Previous Applications covering the Site
<b>Appendix IV</b>	Similar Application within the same “GB” Zone
<b>Appendices V-1 to V-13</b>	Public Comments
<b>Appendix VI</b>	Advisory Clauses
<b>Drawing A-1</b>	Location Plan with Vehicular Access
<b>Drawing A-2</b>	Proposed Layout Plan
<b>Drawing A-3</b>	As-built Drainage Plan
<b>Plan A-1a</b>	Location Plan with Similar Application
<b>Plan A-1b</b>	Previous Application Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
NOVEMBER 2020**