

RNTPC Paper No. A/YL-PS/568
For Consideration by
the Rural and New Town
Planning Committee
on 7.9.2018

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/568

- Applicant** : Golden Hope Investments Limited represented by Metro Planning and Development Company Limited
- Site** : Lot 255 RP (Part) in D.D. 122, Ping Shan, Yuen Long, New Territories
- Site Area** : About 1,470m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Ping Shan Outline Zoning Plan No. S/YL-PS/17
- Zoning** : “Government, Institution or Community” (“G/IC”)
- Application** : Proposed Temporary Shop for Retail and Wholesale of Construction Materials 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 shop for retail and wholesale of construction materials for a period of 3 years (**Plan A-1**). According to the Notes for “G/IC” zone on the OZP, “Shop and Services” is a Column 2 use which requires permission from the Town Planning Board (the Board). The applicant currently seeks temporary permission for a period of 3 years.
- 1.2 The Site is related to three previous applications (Nos. A/YL-PS/8, 23 and 503) for temporary public vehicle park use/proposed temporary shop and wholesale of construction materials use. The last Application No. A/YL-PS/503 for proposed temporary shop and wholesale of construction materials for a period of 3 years was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 18.12.2015. However, the permission was revoked on 18.5.2018 due to non-compliance with the implementation of fire service installations (FSIs) proposal. Details of the previous applications are summarized at paragraph 5 below and at **Appendix II**.

1.3 A comparison of the major development parameters of the current application and the last approved application is as follows:

Major Development Parameters	Last Approved Application (A/YL-PS/503) (a)	Current Application (A/YL-PS/568) (b)	Difference (b) – (a)
Site area	About 1,296m ²	About 1,470m ²	+ 174m ² (+ 13.4%)
Applied Use	Proposed Temporary Shop and Wholesale of Construction Materials for a Period of 3 Years	Proposed Temporary Shop for Retail and Wholesale of Construction Materials for a Period of 3 Years	No change
Total floor area	<u>Warehouse</u> <ul style="list-style-type: none"> Structure 1: Shops 1 & 2 – 660m² Structure 2: Fire services pump house & water tank – 35m² 	<u>Warehouse</u> <ul style="list-style-type: none"> Structure 1: Shop 1 – 650m² (including a 320m² rain shelter) Shop 2 – 670m² (including a 340m² rain shelter) Structure 2: Fire services pump house & water tank – 50m² 	<ul style="list-style-type: none"> + 660m² (+100%) + 15m² (+42.9%)
No. of structures	<p>2</p> <ul style="list-style-type: none"> Structure 1: 2 shops Structure 2: Fire services pump house and water tank 	<p>2</p> <ul style="list-style-type: none"> Structure 1: 2 shops including rain shelters Structure 2: Fire services pump house and water tank 	Addition of rain shelters under current application
Maximum height of structures	8.5m; 1 storey	8.5m; 1 storey	No change
No. of parking spaces	Nil	Nil	No change
Loading/unloading spaces	<p>4</p> <ul style="list-style-type: none"> Private cars and light goods vehicles (7m x 3.5m) 	<p>4</p> <ul style="list-style-type: none"> Private cars and light goods vehicles (7m x 3.5m) 	No change
Operation hours	9:00 a.m. to 7:00 p.m. daily	9:00 a.m. to 7:00 p.m. daily	No change

- 1.4 The Site is directly accessible from Tsui Sing Road (**Drawing A-1** and **Plan A-3**). According to the applicant, the GFA for shop 1 and shop 2 are the same as the last planning application. The additional GFA for shop 1 and shop 2 belong to the rain shelter. No vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activities will be carried out at the Site. No medium and heavy goods vehicles are allowed to be parked/stored on or enter/exit the Site.
- 1.5 The vehicular access plan, proposed layout plan, proposed landscape and tree preservation plan, as-built drainage plan, catchment plan, proposed fencing plan and fire service installations layout plan are at **Drawings A-1** to **A-7** respectively.
- 1.6 In support of the application, the applicant has submitted the following documents:
- (a) Application form and supplementary information received on 20.7.2018 **(Appendix I)**
 - (b) Drainage proposal, estimated traffic generation, vehicular access plan, proposed layout plan, proposed landscape and tree preservation plan, as-built drainage plan, catchment plan, proposed fencing plan and fire service installations layout plan **(Appendix Ia)**
 - (c) Letter of 16.8.2018 clarifying that the proposed use would not involve transportation and/or storage of dusty construction materials **(Appendix Ib)**
(accepted and exempted from publication and recounting requirement)
 - (d) Email of 22.8.2018 clarifying that no non-road mobile machinery (NRMM) will be used at the Site **(Appendix Ic)**
(accepted and exempted from publication and recounting requirement)
 - (e) Letter of 23.8.2018 providing the updated proposed layout plan and proposed fencing plan; clarifying the GFA for the shops; providing reasons for previous non-compliance with the approval condition; and confirming that no vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activities will be carried out at the Site and no medium and heavy goods vehicles are allowed to be parked/stored on or enter/exit the Site **(Appendix Id)**
(accepted and exempted from publication and recounting requirement)

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the justification at **Appendices Ia** to **Id**. They can be summarized as follow:

- (a) The Site is subject to a previous planning Application No. A/YL-PS/503 for exactly the same use approved in 2015. As the implementation of fire service installations proposal was yet to complete under the last planning permission and

the covered area of the structure has been increased, the applicant submits a fresh application for the consideration of the Board.

- (b) There is a strong demand for construction materials for home decoration in the area. The proposed location allows wholesale trade so that the exhibition of construction materials such as sanitary ware and tiles is possible. The proposed development is subdivided into 2 smaller wholesale and retail shops so that they could serve the clients by supplying different types of construction material.
- (c) The Site is not owned by Government so that the acquisition of land for “G/IC” use takes time. As such, the temporary conversion of the Site for another use would be a prudent use of scarce land resource.
- (d) The proposed development is temporary in nature and it would not jeopardize the long term planning intention of the “G/IC” zone.
- (e) The nature, form and layout of the proposed development are compatible with the surrounding environment. It would not affect the character of the surrounding environment.
- (f) The Board has approved similar shop and wholesale uses in the “G/IC” zone adjoining the Site.
- (g) The applicant has provided trees and drainage facilities at the Site for the last planning application. No adverse traffic, environmental, landscape and drainage impacts are foreseen.
- (h) The proposed use would not involve transportation and/or storage of dusty construction materials.
- (i) The applicant only had five months for the erection of the temporary structure and the implementation of fire service installations proposal after approval of the Short Term Waiver in early 2018, thus resulting in non-compliance with the implementation of fire service installations. The applicant has already implemented the fire service installations proposal according to the accepted scheme for the last planning permission.

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 notice of the application outside the Site and sending registered mail to Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is not subject to planning enforcement action.

5. Previous Applications

- 5.1 The Site is involved in three previous Application Nos. A/YL-PS/8, 23 and 503. Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.
- 5.2 Application Nos. A/YL-PS/8 and 23 covering a larger site for temporary private car/container vehicle park for a period of 12 months and temporary public lorry, car and container trailer park for a period of 12 months were rejected by the Committee on 20.6.1997 and the Board on review on 12.6.1998 respectively on grounds of not in line with the planning intentions of “G/IC” and “V” zones; incompatible with the village settlements; insufficient information on access road and landscaping aspects; and undesirable precedent.
- 5.3 Application No. A/YL-PS/503 for proposed temporary shop and wholesale of construction materials for a period of 3 years was approved with conditions by the Committee on 18.12.2015 on grounds of not jeopardizing the long-term planning intention of the “G/IC” zone; not incompatible with the surrounding land use; no objection or no adverse comment on the application; and in line with the previous decisions of the Committee. However, the permission was revoked on 18.5.2018 due to non-compliance with the implementation of fire service installations proposal.
- 5.4 Compared with the last Application No. A/YL-PS/503, the current application is submitted by the same applicant for the same use on a slightly larger site (+13.4%) with a similar layout and same GFA for the shops.

6. Similar Applications

- 6.1 There are four similar applications (Nos. A/YL-PS/483, 530, 531 and 555) for temporary shop and wholesale of construction materials use within the same “G/IC” zone. Details of the similar applications are summarized at **Appendix III** and their locations are shown on **Plan A-1**.
- 6.2 Application Nos. A/YL-PS/483, 530, 531 and 555 for proposed temporary shop and warehouse of construction materials for a period of 3 years were approved with conditions by the Committee on 17.7.2015, 13.1.2017, 13.1.2017 and 16.3.2018 respectively. The main considerations were that temporary approval of the application would not jeopardise the long-term development of the sites; not incompatible with the surrounding areas; and no objection or adverse comment from government departments. The planning permissions for Application Nos. A/YL-PS/483 and 530 were subsequently revoked.

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

- 7.1 The Site is:
- (a) currently occupied by a vacant structure; and
 - (b) accessible from Tsui Sing Road.

7.2 The surrounding areas have the following characteristics:

- (a) to the northwest is Tin Shui Wai West Rail Substation;
- (b) to the northeast across Long Tin Road is a logistics centre covered by valid planning permission (No. A/YL-PS/514);
- (c) to the south is a construction site covered by an approved application (No. A/YL-PS/531) for proposed temporary shop and wholesale of construction materials;
- (d) to the southwest is a site used for parking of vehicles covered by an approved application (No. A/YL-PS/555) for proposed temporary shop and wholesale of construction materials; and
- (e) to the west is unused land.

8. Planning Intention

The “G/IC” zone is intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments.

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/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site comprises an Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) Lot No. 255 RP in D.D. 122 is covered by STW No. 4856 to permit temporary structures erected thereon for the purpose of “Temporary Shop and Wholesale of Construction Materials”. The commencement date of STW No. 4856 is 24.11.2017 and the planning permission with planning application no. A/YL-PS/503 is relevant.
- (c) The Site is accessible from Tsui Sing Road via GL. His office does not provide maintenance work for GL involved and does not guarantee any right-of-way over the GL to the Site.

- (d) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (e) 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. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications for any of the above will be considered by the LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by the LandsD.

9.1.2 Comments of the Chief Estate Surveyor/Railway Development, Lands Department (CES/RD, LandsD):

As the Site partly falls within West Rail Protection Boundary, the comments from MTRCL on the application should be sought.

Building Matters

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

- (a) There is no submission record received in his office for the structure existing at the Site.
- (b) Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are unauthorized building works (UBW) under the Buildings Ordinance (BO). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (c) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.
- (d) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively.
- (e) If the Site does not abut on a specified street of not less than 4.5m

wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

Environment

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

- (a) 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 Environment Aspects of Temporary Uses and Open Storage Sites” (“COP”) to minimize any potential environmental nuisance. The applicant is reminded that it is his obligation to meet the statutory requirements under relevant pollution control ordinances and provide necessary mitigation measures.
- (b) It was noted from the further information submitted by the applicant that the proposed use would not involve transportation and/or storage of dusty construction materials.
- (c) There was one substantiated environmental complaint regarding construction noise arisen from construction works and Non-road Mobile Machinery (NRMM) without proper labelling received in 2018 pertaining to the Site. The applicant has clarified that construction of the temporary structure has been completed and no NRMM will be used under the application.

Traffic

9.1.5 Comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD):

- (a) He has no adverse comment on the application from traffic engineering point of view.
- (b) Sufficient manoeuvring spaces 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.

9.1.6 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) Currently, only the section of Tsui Sing Road of about 120m abutting Ping Ha Road is maintained by HyD. Please note that HyD shall not be responsible for the maintenance of any access connecting the Site and the section of Tsui Sing Road being maintained by HyD. Presumably, the relevant departments will provide their comments.

Railway

- 9.1.7 Comments of the Chief Engineer/Railway Development 2-2/Railway Development Office, Highways Department (CE/RD2-2/RDO, HyD):

The Site falls within the protection boundary of the West Rail Line. As the operation of the existing railway system is not under the jurisdiction of his office, he has no comment on the submissions from railway development viewpoint. However, MTRCL should be consulted with respect to operation, maintenance, safety and future construction of the existing railway network.

Drainage

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

- (a) He notes that the drainage proposal was generally identical to the one submitted under the previous approved application no. A/YL-PS/503 on which he had no adverse comment. He has no objection in principle to the proposed development from a drainage point of view.
- (b) Should the Board consider that the application is acceptable from the planning point of view, he would suggest that a condition should be stipulated in the approval letter requiring the applicant to implement and maintain the proposed drainage facilities to the satisfaction of his Division.

Fire Safety

- 9.1.9 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 the satisfaction of the D of FS.
- (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) However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Landscape

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

- (a) With reference to site records and aerial photo of 2018, the Site is currently hard-paved ground with around 12 no. of trees. The Site is situated in an area of urban fringe landscape character. In consideration of the previously approved Application No. A/YL-PS/503, significant change to the landscape character arising from the application is not envisaged. Hence he has no objection to the application from the landscape planning perspective.
- (b) It is noted that the proposed trees are located in close proximity to the existing surface U-channel as indicated in the As-built Drainage Plan. The applicant is advised that a minimum soil provision of 1m (W) x 1m (L) x 1.2m (D) should be provided for each new tree planting. The applicant may refer to the “Technical Note on the Submission and Implementation of Landscape Proposals for Compliance with Conditions for Approved Application for Open Storage and Port Back-up Uses” published by PlanD for more information.
- (c) Should the Board approve the application, he would suggest the following landscape condition to be included with the planning approval:

Submission and implementation of a landscape proposal to the satisfaction of the Board or of the Director of Planning.
- (d) In consideration of the site constraints and use, the applicant may wish to propose tree species with less vigorous root system or short life span habit in lieu of *Ficus microcarpa* should any tree require replacement.

Others

9.1.11 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) No Food and Environmental Hygiene Department's (FEHD) facilities will be affected and such work and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding.
- (b) For any waste generated from the works/operations, the applicant should arrange its disposal properly at his own expenses.
- (c) Proper licence/permit issued by FEHD is required if there is any catering service/activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public.

District Officer's Comments

9.1.12 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.

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

- (a) Antiquities and Monuments Office, Leisure and Cultural Services Department (AMO, LCSD);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Commissioner of Police (C of P);
- (d) Director of Agriculture, Fisheries and Conservation (DAFC);
- (e) Director of Electrical and Mechanical Services (DEMS);
- (f) Director of Leisure and Cultural Services (DLCS);
- (g) Director of Social Welfare (DSW);
- (h) Government Property Agency (GPA);
- (i) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD); and
- (j) Secretary for Education (SED).

10. Public Comments Received During Statutory Publication Period

On 27.7.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 17.8.2018, two public comments were received; with one objecting to the application on the grounds of not in line with the intention of the "G/IC" zone; and another one expressing views that there is strong demand for public housing and the Site should be developed into public housing use (**Appendices IV-1 and IV-2**).

11. Planning Considerations and Assessments

- 11.1 The Site falls within the “G/IC” zone, the planning intention of which is intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments. The proposed development is not in line with the planning intentions of the “G/IC” zone. However, there is not yet any programme/known intention to implement the zoned use on the Site for the time being. Temporary approval of the application for a period of 3 years would not jeopardise the long-term planning intentions of the “G/IC” zone.
- 11.2 The Site and its surrounding areas are predominantly occupied by vehicle parks (**Plan A-2**). The proposed development is considered not incompatible with the surrounding land uses.
- 11.3 Relevant government departments, including AC for T/NT of TD, DEP, CE/MN of DSD and CTP/UD&L of PlanD have no objection to or adverse comment on the application. The proposed use will unlikely create significant adverse traffic, environmental, drainage and landscape impacts to the surrounding areas. To minimize any potential environmental nuisances and to address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorized development on Site will be subject to enforcement action by the Planning Authority. Should the application be approved, the applicant will be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimise the possible environmental impacts on the nearby sensitive receivers.
- 11.4 The Committee has approved one previous application for the same use at the Site and four similar applications within the same “GIC” zone. Approval of the current application is in line with the previous decisions of the Committee.
- 11.5 The last Application No. A/YL-PS/503 submitted by the same applicant for the same use was revoked due to non-compliance with the time-specific approval condition on the implementation of fire service installations proposal. The applicant explained that he only had five months for the erection of the temporary structure and the implementation of fire service installations proposal after approval of the Short Term Waiver in early 2018, thus resulting in non-compliance with the implementation of fire service installations. For the current application, the applicant has submitted a fire service installations layout plan. D of FS has no objection to the application. Sympathetic consideration may be given to the current application. Nevertheless, shorter compliance periods are recommended in order to closely monitor the progress of compliance with approval conditions. Should the application be approved, the applicant should be advised that should the applicant fail to comply with any of the approval

conditions again resulting in the revocation of planning permission, sympathetic consideration would not be given to any of the application.

- 11.6 There are two public comments received as summarised in paragraph 10 above. The planning considerations and assessments above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department considers that the proposed temporary shop for retail and wholesale of construction materials 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 7.9.2021. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 7:00 p.m. and 9:00 a.m. is allowed on the Site, as proposed by the applicant, during the planning approval period;
- (b) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site, as proposed by the applicant, at any time during the planning approval period;
- (c) no vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the Site, as proposed by the applicant, at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the implementation of the accepted drainage proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **7.3.2019**;
- (f) in relation to (e) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (g) the submission of a fire service installations proposal within **3** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **7.12.2018**;
- (h) in relation to (g) above, the implementation of the fire service installations proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **7.3.2019**;

- (i) the submission of a landscape proposal within **3** months from the date of the planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **7.12.2018**;
- (j) in relation to (i) above, the implementation of the landscape proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **7.3.2019**;
- (k) the provision of boundary fencing on the Site within **3** months from the date of the planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **7.12.2018**;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (f) 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 (e), (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 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 V**.

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

the development is not in line with the planning intentions of the "G/IC" zone which is intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. The applicant fails to demonstrate the proposed temporary shop for retail and wholesale of construction materials would not generate adverse environmental nuisance on the surrounding areas. No strong planning justification has been given in the submission for a departure from the planning intentions, even on a temporary basis.

13. Decision Sought

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

- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application form and supplementary information received on 20.7.2018
Appendix Ia	Drainage proposal, estimated traffic generation, vehicular access plan, proposed layout plan, proposed landscape and tree preservation plan, as-built drainage plan, catchment plan, proposed fencing plan and fire service installations layout plan
Appendix Ib	Letter of 16.8.2018 clarifying that the proposed use would not involve transportation and/or storage of dusty construction materials
Appendix Ic	Email of 22.8.2018 clarifying that no non-road mobile machinery (NRMM) will be used at the Site
Appendix Id	Letter of 23.8.2018 providing the updated proposed layout plan and proposed fencing plan; clarifying the GFA for the shops; providing reasons for previous non-compliance with the approval condition; and confirming that no vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activities will be carried out at the Site and no medium and heavy goods vehicles are allowed to be parked/stored on or enter/exit the Site
Appendix II	Previous Applications covering the Site
Appendix III	Similar Applications within the Same "G/IC" Zone on the draft Ping Shan OZP No. S/YL-PS/17
Appendices IV-1 and IV-2	Public comments received during the statutory publication period
Appendix V	Advisory Clauses
Drawing A-1	Vehicular Access Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	Proposed Landscape and Tree Preservation Plan
Drawing A-4	As-built Drainage Plan
Drawing A-5	Catchment Plan
Drawing A-6	Proposed Fencing Plan
Drawing A-7	Fire Service Installations Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4b	Site Photos