

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/364

- Applicant** : Teng Fei Consultancy Company represented by Allgain Land Administrators (Hong Kong) Limited
- Site** : Lots 2704 (Part), 2705 (Part), 2708 (Part), 2709 (Part), 2713 (Part), 2714 (Part), 2716 (Part), 2717 (Part), 2718, 2719 (Part), 2720 (Part), 2721 (Part), 2727 (Part), 2728 (Part), 2729 (Part), 2730, 2731, 2732 (Part), 2754 (Part), 2755 (Part) and 2756 (Part) in D.D. 129, Lau Fau Shan, Yuen Long
- Site Area** : About 7,200 m² (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 (Private Car and Light 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 (private car and light 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 4 previous planning applications (**Plan A-1b**) for pond filling and development of golf driving range (Application No. A/YL-LFS/31); temporary golf driving range (Application No. A/YL-LFS/40); recreational use (proposed extension to the “Tin Shui Wai Greenfield Garden” (including flea market for green/environmental friendly products))(Application No. A/YL-LFS/74); and temporary public vehicle park (private car, medium goods vehicle, heavy goods vehicle and container vehicle)(Application No. A/YL-LFS/357) respectively. The

first and the last applications were rejected while the other two applications were approved. Details of the previous applications are at paragraph 6 and **Appendix III**. Compared with the last application No. A/YL-LFS/357, the current application was submitted by the same applicant for different public vehicle park use (only for private cars and light goods vehicles in this application) on a smaller site.

1.3 The Site is accessible via New Sha Kong Wai Road leading to Tin Wah Road (**Drawing A-1 and Plans A-1a and A-3**). The ingress/egress point is located at the southeastern boundary of the Site (**Drawings A-2 and A-3 and Plan A-2**). As shown on **Drawing A-2**, 76 parking spaces for private cars (5m x 2.5m) and 22 parking spaces for light goods vehicles (5m x 2.5m) are proposed on the Site. The operation hours of the proposed car park are from 7 a.m. to 11 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 8.5.2020 with development proposal and plans (**Appendix I**)
- (b) Further Information received on 29.5.2020 providing responses to the comment of the Transport Department (TD) regarding the estimated trip generation and attraction (*accepted and exempted from publication and recounting requirements*) (**Appendix Ia**)

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) Given the similar application (No. A/YL-LFS/341) in the vicinity, the applied use can help meet the parking demand from the residents in Sha Kong Wai and Tin Shui Wai nearby.
- (b) Given the previous approved applications (No. A/YL-LFS/40 and 74) at the Site since 1999, the applied use will only fully utilise the land use of the Site.
- (c) The proposed drainage plan as well as landscape and tree preservation plan indicate 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 two active enforcement cases (No. E/YL-LFS/498 and 499) (**Plan A-2**) and the alleged unauthorized development (UD) is storage use (including deposit of containers), parking of vehicles and fuel filling station. Both Enforcement Notices (EN) were issued to the registered land owners on 3.2.2020 requiring the UD to be discontinued by 3.4.2020. Site inspections on 29.4.2020 and 19.6.2020 revealed that the UD was discontinued. 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 4 previous applications (No. A/YL-LFS/31, 40, 74 and 357) (**Plan A-1b**) for pond filling and development of golf driving range, temporary golf driving range, recreational use and temporary public vehicle park respectively. 2 of them (Applications No. A/YL-LFS/40 and 74) were approved with conditions while the

other 2 were rejected (Applications No. A/YL-LFS/31 and 357) by the Rural and New Town Planning Committee (the Committee)/the Board respectively. 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 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 north 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 south and north 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 Site and the land to its east 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 Compared with the last previous application No. A/YL-LFS/357, the current application was submitted by the same applicant for parking of private cars and light goods vehicles only 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/118

and 341) for parking of vehicle uses. Details of the applications and the Committee's/Board's decisions are summarized at **Appendix IV** while the locations are shown on **Plan A-1a**.

- 7.2 Application No. A/YL-LFS/118 for temporary vehicle park for private cars and light goods vehicles was rejected by the Committee on 21.11.2003 mainly on the grounds that the proposed development was not in line with the planning intention of the "GB" zone, the proposed development did not comply with the then TPB-PG No. 12B for "Application for Developments within Deep Bay Area" in that there was insufficient information to demonstrate no adverse impacts on the ecological integrity and ecological values of the adjoining fish ponds as well as those within the Deep Bay area, there was no information to demonstrate no adverse drainage, traffic and landscape impacts on the surrounding area and undesirable precedent.
- 7.3 Application No. A/YL-LFS/341 for proposed temporary public vehicle park for private cars 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 on a site of about 0.4 ha) 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.

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-1a and A-3**).
- 8.2 The surrounding areas have the following characteristics (**Plans A-1a to A-4b**):
- (a) to its immediate south is a pond and unused land; and to its further south is a recreational development named the "Tin Shui Wai Greenfield Garden" which is related to planning permission (Application No. A/YL-LFS/39);
 - (b) to its immediate west is fallow agricultural land; and to the further southwest are residential dwellings (the closest residential dwelling is about 49m away) in Sha Kong Wai;
 - (c) to its immediate north is vacant land and to its immediate northeast is scrubland; and
 - (d) to its immediate east is 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 Yan 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) Should planning approval be given to the planning application for temporary use, the lot owner(s) will need to apply to his office to permit 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 application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by 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.
- (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) His comments on the submitted drainage plan are detailed at **Appendix V**.
- (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, the area within the Site is hard paved without significant vegetation observed. The applied use appears to be already in operation. The Site is situated in an area of rural landscape character predominated by tree clusters and village houses. The applied use of extensive hard paved area providing a significant number of parking spaces for private cars and light goods

vehicles is considered not compatible with the landscape character of the surrounding area. Although there is another extensive hard-paved parking area to the immediate north of the Site, the area is the subject of another planning application (No. A/YL-LFS/358) for temporary open storage of construction materials use which was also rejected by the Board on 6.3.2020.

- (b) Approval of the application would encourage other similar developments to the area. The cumulative impact of which would result in a general degradation of the landscape quality of the surrounding environment and undermine the integrity of the “GB” zone. In view of the above, she has reservation on the application from landscape planning perspective.

Nature Conservation

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

The Site falls within the “GB” zone. It is noted from the aerial photo of January 2018 that the Site was paved and disturbed, and was used as a vehicle park which is the same as the applied use under the application. 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.

Building Matters

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

- (a) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Building Authority (BA), they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application.
- (b) For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with the prevailing 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.
- (c) Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with 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) The Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

Fire Safety

10.1.9 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 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

10.1.10 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) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (b) Head of Geotechnical Engineering Office, CEDD (H(GEO), CEDD);
- (c) Principal Project Coordinator/Special Duty, DSD (PPC/SD, DSD);
- (d) Director of Electrical and Mechanical Services (DEMS);
- (e) Director of Food and Environmental Hygiene (DFEH);
- (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 8.5.2020, the application was published for public inspection. During the statutory public inspection period, 83 public comments were received. Amongst the public comments received, 68 of them (67 in standard letter in **Appendix VI-1** and one in **Appendix VI-2**) support the application and 15 (including Hong Kong Bird Watching Society (**Appendix VI-3**), Kadoorie Farm and Botanic Garden (**Appendix VI-4**), Designing Hong Kong (**Appendix VI-5**) and individuals (11 in standard letter in **Appendix VI-6** and one in **Appendix VI-7**)) 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 VI-1 and VI-2**) are:

The demand for private car and light 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 parking space in the public housing estate. So a large scale vehicle park is required to address the local demand.

11.3 Major reasons of objection to the application (**Appendices VI-3 to VI-7**) are:

- (a) the proposed development is not in line with the planning intention of the "GB" zone;
- (b) the proposed use is not in line with the TPB PG-No. 10;
- (c) the proposed use will generate adverse traffic and environmental impacts, light pollution and lead to degradation of the surrounding environment;
- (d) 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 (private car and light 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. This strip of "GB" zone where the Site is located mainly serves as a buffer between the Tin Shui Wai New Town to its east and the natural landscape of vegetated hill slopes to its west (**Plan A-1a and Plan A-3**). 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 landscape character predominated by scrubland, recreational development with public vehicle park (i.e. the Tin Shui Wai

Greenfield Garden under Application No. A/YL-LFS/39 with the provision of 64 car parking spaces) and village settlements (**Plans A-1b and A-3**). The proposed use is considered not 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. Although CTP/UD&L, PlanD has reservation on the application in view that the Site involves extensive hard paving area and approval of the application would encourage other similar applications to the area, it is observed that previous approvals (Applications No. A/YL-LFS/40 and 74) have been granted for the Site and its adjoining area in 1999 and 2002 for recreational uses with parking spaces and the Site and its adjoining area had subsequently been formed and were once used for the approved developments. 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 DAFC, DEP, C for T, CE/MN of DSD and D of FS. The proposed development will unlikely create significant adverse ecological, 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 car park (provision of 38 car parking spaces and 2 coach parking spaces under No. A/YL-LFS/40 and provision of 140 car parking spaces and 10 coach parking spaces under No. A/YL-LFS/74) and a similar application (No. A/YL-LFS/341) for public vehicle park (provision of 65 private car parking spaces) have been granted, approval of the current application is considered in line with the Committee’s previous decisions. Although the last previous application (No. A/YL-LFS/357) and a similar application (No. A/YL-LFS/118) for public vehicle park were rejected by the Committee, they were rejected mainly on grounds of involving parking of heavy goods vehicles and container vehicles or insufficient information to demonstrate no adverse impacts on the ecological integrity and ecological values of the adjoining fish ponds as well as those within the Wetland Buffer Area (WBA). It should be noted that the current application only involves parking of private cars and light goods vehicles and falls outside the WBA.
- 12.6 A total of 83 public comments in which 68 supporting and 15 objecting 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 26.6.2023. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation from 11:00 p.m. to 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no 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 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 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 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 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 26.12.2020;
- (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 26.12.2020;
- (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 26.3.2021;
- (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 **26.12.2020**;

- (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 **26.3.2021**;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e) 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;
- (m) if any of the above planning conditions (f), (g), (h), (j) or (k) 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
- (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 VII**.

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

- (a) the proposed use is not in line with the planning intention of the "Green Belt" ("GB") 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; and
- (b) approval of the application would encourage other similar development to the area. The cumulative impact of which would result in a general degradation of the landscape quality of the surrounding environment and undermine the integrity of the "GB" zone.

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

Appendix I	Application Form received on 8.5.2020 with development proposal and plans
Appendix Ia	Further Information received on 29.5.2020 providing responses to the comment of the Transport Department regarding the estimated trip generation and attraction
Appendix II	Relevant Extracts of Town Planning Board Guidelines for Application for Development within the Green Belt Zone (TPB PG-No. 10)
Appendix III	Previous Applications covering the Site
Appendix IV	Similar Applications within the same "GB" Zone
Appendix V	Detailed comments of CE/MN, DSD
Appendices VI-1 to VI-7	Public Comments
Appendix VII	Advisory Clauses
Drawing A-1	Location Plan with Vehicular Access
Drawing A-2	Proposed Layout Plan
Drawing A-3	Proposed Landscape & Tree Preservation Plan
Drawing A-4	Proposed Drainage Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
JUNE 2020**