

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/445

<u>Applicant</u>	:	Mr. LAM Chuen Yiu Angus
<u>Site</u>	:	Lots 4891 RP (Part), 4892 RP (Part), 4893 (Part) and 4894 in D.D. 116 and Adjoining Government Land (GL), Tai Tong Road, Yuen Long, New Territories
<u>Site Area</u>	:	520 m ² (about) (including about 50m ² of GL)
<u>Lease</u>	:	Block Government Lease (demised for agricultural purposes)
<u>Plan</u>	:	Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/16
<u>Zoning</u>	:	“Village Type Development” (“V”) [Restricted to a maximum building height of 3 storeys (8.23m)]
<u>Application</u>	:	Proposed Temporary Shop and Services (Interior Design and Decoration Engineering Company) 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 and services (interior design and decoration engineering company) for a period of 3 years (**Plan A-1**). According to the Notes of the OZP for the “V” zone, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is largely vacant and the main structures on the Site are currently used for the storage of furniture, and the remainder of the Site is currently used for parking of some vehicles (**Plans A-2, A-4a to A-4c**).
- 1.2 The Site is the subject of 6 previous planning applications (No. A/YL-TT/289, 302, 327, 344, 357 and 421) for various temporary shop and services use (including real estate agency, environmental consultancy and landscaping services, and building surveying consultancy) submitted by a different applicant. Applications No. A/YL-TT/289 and 302 were approved with conditions for a period of 3 years by the Rural and New Town Planning Committee (the Committee) of the Board, but both planning approvals were subsequently revoked due to non-compliance with associated approval conditions. Application No. A/YL-TT/327 was allowed for a period of 12 months by the Appeal Board Panel

(Town Planning) (TPAB) on appeal, yet the planning approval was also subsequently revoked due to non-compliance with associated approval conditions. The last three applications (No. A/YL-TT/344, 357 and 421) were rejected by the Board on review (No. A/YL-TT/344 and 421) and dismissed by TPAB (No. A/YL-TT/357) respectively. Compared with the last application (No. A/YL-TT/421), the current application is submitted by a different applicant for a similar shop and services use on the same site with similar site layout but different car parking layout.

- 1.3 The Site is accessible from Tai Tong Road to its west via a strip of GL (**Plan A-2**). According to the applicant, the proposed development aims to provide interior design and decoration engineering consultancy services to serve local residents. Within the proposed office, there will be a drawing room, stationary storage, and display cabinets showcasing decoration materials and interior design work samples. One tree near the Site entrance would be preserved. The site layout plan submitted by the applicant is at **Drawing A-1**.
- 1.4 The major development parameters of the previously rejected application and the current application are as follows:

Major Development Parameters	Previously Rejected Application No. A/YL-TT/421 (a)	Current Application No. A/YL-TT/445 (b)	Difference (b)-(a)
Proposed Use	Temporary Shop and Services (Building Surveying Consultancy) for a Period of 3 Years	Temporary Shop and Services (Interior Design and Decoration Engineering Company) for a Period of 3 Years	Change in subsumed use
Site Area	About 520m ² (including about 50m ² of Government land)		--
Total Floor Area (Non-domestic)	120.96m ²		--
No. of Structures	4 (for office, storage, toilet and covered car park use)		--
Height of Structures	2m to 3m (1 storey)		--
Parking Spaces	19 for Private Cars (5m x 2.5m)	12 for Private Cars (5m x 2.5m)	-7 (-36.8%)
Loading/Unloading Spaces	Nil		Nil
Operation Hours	8:00 a.m. to 8:00 p.m. daily	9:00 a.m. to 8:00 p.m. daily	Shorter Operation Hours

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

(a) Application Form received on 21.9.2018 **(Appendix I)**

- (b) Supplementary Information dated 2.10.2018 (**Appendix Ia**) clarifying the operation hours
- (c) Further Information dated 11.1.2019 providing (**Appendix Ib**) responses to comments of the Commissioner of Transport
[accepted and exempted from publication and recounting requirements]
- (d) Further Information dated 22.2.2019 clarifying the (**Appendix Ic**) dimension of the covered carpark
[accepted and exempted from publication and recounting requirements]

1.6 On 16.11.2018, the Committee agreed to defer a decision on the application for two months as requested by the applicant. On 11.1.2019, further information (**Appendix Ib**) was received and the application is submitted to the Committee for consideration at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in **Appendices I, Ia and Ib**. They can be summarised as follows:

- (a) The proposed development would be occupied by an interior design and decoration engineering company that offers interior design and decoration engineering services to the nearby residents. Only private cars would be parked at the Site.
- (b) The company aims to serve new residents moving into the Tai Tong Road area in recent years, which are predominantly the younger generation and small families, who demand better interior design services for their living environment.

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

The applicant is one of the “current land owners”. In respect of the other “current land owners”, the applicant has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by obtaining consent from the other “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is currently not subject to any enforcement action.

5. Previous Applications

- 5.1 The Site was involved in 6 previous applications (No. A/YL-TT/289, 302, 327, 344, 357 and 421) for various temporary shop and services on the same site. All 6 applications were submitted by the same individual who is different from the current applicant. Details of the applications are summarised in **Appendix II** and the location of the site is shown on **Plan A-1**.
- 5.2 Application No. A/YL-TT/289 for temporary shop and services (real estate agency) was approved with conditions for a period of 3 years by the Committee on 19.8.2011 on the consideration that the development was not incompatible with the surrounding land uses; the environmental nuisance generated would unlikely be significant in view of the small scale of the development and its frontage onto Tai Tong Road; temporary approval would not jeopardise the planning intention of the “V” zone; Government departments consulted had no adverse comments; and relevant departmental concerns could be addressed through the imposition of approval conditions. The planning approval was subsequently revoked on 19.2.2012 due to non-compliance with the approval conditions on the submission of run in/run-out, landscaping and tree preservation, drainage and fire services installation (FSI) proposals.
- 5.3 The subsequent application (No. A/YL-TT/302) for the same use as the previous was approved with conditions for a period of 3 years by the Committee on 20.4.2012 on similar considerations as for Application No. A/YL-TT/289. However, shorter compliance periods were proposed to monitor the progress on compliance with approval conditions in view of the previous revocation. Although the approval condition requiring the submission and implementation of FSIs within the specified time limit was complied with, the planning approval was subsequently revoked on 20.10.2013 due to non-compliance with other approval conditions on the submission and implementation of parking arrangement, run in/run-out, landscaping and tree preservation and drainage proposals.
- 5.4 Applications No. A/YL-TT/327 and A/YL-TT/344, both for the same use as the previous, were rejected by the Board on review on 24.10.2014 and 15.5.2015 respectively mainly on the grounds that the applicant had failed to demonstrate that the development would not cause adverse traffic, landscape and drainage impacts on the surrounding area, and approval of the application with repeated non-compliances with approval conditions would set an undesirable precedent for other similar applications, thus nullifying the statutory planning control mechanism. The applicant subsequently applied for appeal for application No. A/YL-TT/327, which was allowed by TPAB on 22.12.2015. Planning permission was granted for a period of 12 months instead of the three years sought, with conditions. Major considerations of the TPAB, amongst others, were that the Appellant had accepted all the suggested conditions and promised to comply with them; and it was very likely that the Appellant would remedy the issues and comply with the approval conditions to be imposed. However, the planning approval was subsequently revoked on 22.3.2016 due to non-compliance with approval conditions on the submission and implementation of parking arrangement, run in/run-out, landscaping and tree preservation and implementation of drainage proposal.
- 5.5 Application No. A/YL-TT/357 for shop and services (environmental consultancy

and landscaping services) was rejected by the Board on review on 3.6.2016 mainly on the same grounds as applications No. A/YL-TT/327 and A/YL-TT/344. Subsequently, the applicant applied for appeal and it was then dismissed by TPAB on 25.8.2017. The main considerations were that the application under appeal was the Appellant's fifth application. The Appellant was still unable to provide a convincing proposal to satisfy the requirements of relevant Government departments. The Appellant appeared to have no intention to seek professional assistance. The TPAB was not convinced that, if the appeal was allowed with conditions, the Appellant would be able to comply with relevant approval conditions within a reasonable period of time; and allowing the appeal would set an undesirable precedent, allowing other applicants to believe that even if an application was revoked due to non-compliance with approval conditions, they could continue to submit planning applications. Allowing these types of application was no different than extending the compliance period of approval conditions indefinitely.

- 5.6 The last application (No. A/YL-TT/421) for shop and services (building surveying consultancy) was rejected by the Board on review on 10.8.2018 mainly on the grounds that the applicant had failed to demonstrate that the development would not cause adverse traffic and landscape impacts on the surrounding area; and previous planning permissions granted to the applicant by the Committee/TPAB under Applications No. A/YL-TT/289, 302 and 327 were revoked due to non-compliance of the approval conditions. Approval of the application with repeated non-compliances with approval conditions would set an undesirable precedent for other similar applications, thus nullifying the statutory planning control mechanism.
- 5.7 Compared with the last application (No. A/YL-TT/421), the current application is submitted by a different applicant for a similar shop and services use (i.e. interior design and decoration engineering company) on the same site with similar site layout except for a different car parking layout.

6. Similar Applications

- 6.1 There are 5 similar applications (No. A/YL-TT/301, 343, 384, 418 and 429) within the subject "V" zone. Detailed information of the applications is at **Appendix III** and the locations are shown on **Plan A-1**.
- 6.2 Applications No. A/YL-TT/301, 343 and 418 for temporary shop and services (real estate agency) covering the adjoining site to the north were approved with conditions by the Committee each for a period of 3 years on 20.4.2012, 16.1.2015 and 12.1.2018 respectively. Whilst the planning permission under Application No. A/YL-TT/301 was revoked on 20.7.2014 due to non-compliance with approval conditions on parking arrangement, run in/run-out and landscape aspects, all the approval conditions were complied with under subsequent permission No. A/YL-TT/343. Renewal of this permission was later granted under Application No. A/YL-TT/418 for 3 years up to 16.1.2021.
- 6.3 Applications No. A/YL-TT/384 and 429 for temporary shop and services (local provision store with ancillary storage area and real estate agency) and temporary

eating place and shop and services (real estate agency) were approved with conditions by the Committee each for a period of 3 years on 29.7.2016 and 1.6.2018 respectively on the grounds that the development was not incompatible with the surrounding land uses; it could serve the demand in the area; and the proposed development would unlikely cause significant adverse environmental, traffic and drainage impacts to the surrounding areas.

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

7.1 The Site is:

- (a) accessible from Tai Tong Road to its west via a strip of GL;
- (b) paved and fenced off;
- (c) the main structures on the Site are currently used for the storage of furniture (**Plan A-4c**); and
- (d) the remainder of the Site is largely vacant and used for parking of some vehicles (**Plans A-4a to A-4b**).

7.2 The surrounding areas have the following characteristics:

- (a) predominately residential dwellings intermixed with car parks, storage yards, workshop, office, store, warehouse, a kindergarten, real estate agencies, refuse collection point (RCP), agricultural land and vacant/unused land;
- (b) to the immediate north of the site is a real estate agency, which is the subject of a valid planning approval (No. A/YL-TT/418) for temporary shop and services (real estate agency) use;
- (c) to the west of the site across Tai Tong Road in a different “V” zone is another temporary shop and services (real estate agency) operating with valid planning approval (No. A/YL-TT/455); and
- (d) except for the storage yard, kindergarten, RCP and store to the southwest, south and further south of the Site respectively which are tolerated under the Town Planning Ordinance, the other storage yard, workshop, office, warehouse and car parks in the vicinity of the Site are mostly suspected unauthorised developments subject to enforcement action taken by the Planning Authority.

8. Planning Intention

The planning intention of the “V” zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly

development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

9. Comments from Relevant Government Departments

9.1 The following Government departments have been consulted and their views on the application and the public comments received 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 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) No permission is given for occupation of GL (about 50m² subject to verification) included in the Site. Attention is drawn to the fact that any occupation of GL without government's prior approval is not allowed.
- (c) Lot No. 4892 RP and 4893 in D.D. 116 are covered by Short Term Waivers (STWs) No. 4340 and 4341 respectively to permit structures erected thereon for the purpose of "Temporary Shop and Services (Real Estate Agency)".
- (d) Portion of Lot No. 4891 RP in D.D. 116 is covered by STW No. 633 to permit structures erected thereon for the purpose of "Kindergarten".
- (e) The Site is accessible from Tai Tong Road via GL. Her office does not provide maintenance work for GL involved and does not guarantee any right-of-way over the GL to the Site.
- (f) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (g) There is one Small House application located within the boundary of the Site currently under processing.
- (h) Should planning approval be given to the subject planning application, the STW holder(s) will need to apply to her office for modification of the STW conditions where appropriate and the lot owner(s) of the lot(s) without STW will need to apply to her office to permit the structures to be erected or regularise any

irregularities on the Site, if any. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Furthermore, the applicant has to either exclude the GL portion from the Site or apply for a formal approval prior to the actual occupation of the GL portion. Applications for any of the above will be considered by her department acting in the capacity as 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 her department.

Traffic

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

- (a) Having reviewed the Further Information (**Appendix Ib**), he has no further comment on the application.
- (b) The applicant is reminded that sufficient space should be provided within the Site for manoeuvring of vehicles. In addition, no parking, vehicle queuing and reverse movement of vehicles on public road are allowed.

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

- (a) The access arrangement should be commented by the Transport Department (TD).
- (b) If the proposed run-in is agreed by TD, the applicant should construct a run-in/run-out at the access point at Tai Tong Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement.
- (c) Adequate drainage measures should be provided at the Site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (d) His department shall not be responsible for the maintenance of any access connecting the Site and Tai Tong Road.

Environment

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

The applicant is advised to follow the relevant mitigation measures and

requirement in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (Code of Practice) issued by the Environmental Protection Department (EPD) to minimise any potential environmental nuisance.

Landscape

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

- (a) According to her site visit on 28.12.2017 and aerial photo taken on 13.3.2018, the Site is situated in an area of rural landscape character dominated by village houses, temporary structures, open storage yards and scattered trees. The Site is currently occupied by a single-storey building. A mature *Bombax Ceiba* is identified within the site boundary facing Tai Tong Road.
- (b) As compared between the aerial photos taken on 1.11.2010 and 12.12.2011, the original vegetation was cleared and the Site was formed with some temporary structures implemented during this period. After site modification works completed in 2011, no major changes were observed according to the aerial photo records. Given that further adverse impact on landscape resource is not anticipated, and the proposed use is not incompatible with the surrounding landscape character, she has no objection to the application from the landscape planning perspective.
- (c) In view of the nature of the proposed uses, significant nuisance to adjacent neighbourhood is not foreseen. It is not necessary to impose a landscape condition as its effect on enhancing the quality of public realm is not apparent. Should the Board approve this application, the applicant should be advised to maintain the existing tree within the Site in good condition at all times during the planning approval period.
- (d) The applicant is reminded that approval of the landscape proposal under s.16 or approval condition does not imply approval of tree works such as felling/transplanting or pruning under lease. For any proposed tree preservation/removal scheme involving trees, the Applicant shall be reminded to approach relevant authority/government department(s) directly to obtain the necessary approval.
- (e) The Applicant is reminded of the importance of undertaking proper tree care for existing trees within the Site.

Drainage

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

- (a) He has no objection in principle to the proposed development from the public drainage point of view.
- (b) Should the Board consider that the application is acceptable from the planning point of view, approval conditions should be stipulated requiring the submission of a drainage proposal and the implementation and maintenance of the drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board.

Fire Safety

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

- (a) He has no objection in principle to the proposal subject to 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. In addition, the applicant should be advised on the following points:
 - (i) The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy.
 - (ii) The location of where the proposed FSIs to be installed should be clearly marked on the layout plans.
- (c) However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Building Matters

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

- (a) As there is no record of approval by the Building Authority for the existing structures at the application site, we are not in a position to offer comments on their suitability for the use proposed in the application.
- (b) The applicant's attention is drawn to the following points:
 - (i) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of BD, they are unauthorised building works

(UBW) under the BO and should not be designated for any proposed use under the captioned application.

- (ii) 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.
- (iii) 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 UBW. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (iv) 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.
- (v) 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.

Others

- 9.1.9 Comments of the Chief Engineer/Cross-Boundary and Infrastructure Development, Planning Department (CE/CID, PlanD):

CEDD and PlanD jointly commissioned the "Planning and Engineering Study for Housing Sites in Yuen Long South (YLS) - Investigation" (the Study). The Site falls within the "Study Area" of YLS but outside the development area. There is no adverse comment on the application from the perspective of the Study.

District Officer's Comments

- 9.1.10 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

The local consultation has been completed and his office has not received any comments, from the village representatives in the vicinity, regarding the application.

- 9.2 The following Government departments have no comment on the application:

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Comments of the Director of Electrical and Mechanical Services (DEMS);
- (d) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD); and
- (e) Commissioner of Police (C of P).

10. Public Comment Received During Statutory Publication Period

On 5.10.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 26.10.2018, a public comment was received raising concerns on the application (**Appendix IV**) due to repeated revocation and rejections in the past, and that the commercial operation would be incompatible with the “V” zone.

11. Planning Considerations and Assessments

- 11.1 The Site falls within an area zoned “V” on the Tai Tong OZP. Whilst the applied use is not totally in line with the planning intention of the “V” zone, which is primarily intended for development of Small Houses by indigenous villagers, it is noted that the temporary proposed use is mainly to serve the local villagers for meeting such demand in the area. As advised by DLO/YL, LandsD, one Small House application has been received within the Site. Nevertheless, approval of the temporary shop and service (interior design and decoration engineering company) on a temporary basis for three years would not frustrate the long term planning intention of the area.
- 11.2 The Site, abutting two public roads, is considered not incompatible with the surrounding uses which are predominantly rural residential mixed with real estate agencies, kindergarten, agricultural land, vacant/unused land and scattered vehicle parks and storage (**Plan A-2**).
- 11.3 There is no adverse comment on the application from concerned government departments and significant adverse traffic, landscape and drainage impacts on the surrounding area are not envisaged. Furthermore, relevant approval conditions are also recommended in paragraph 12.2 to address the technical requirements of the concerned departments and to minimise any possible environmental concerns arising from the applied use. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorised development on the Site will be subject to enforcement action by the Planning Authority. Should the application be approved, the applicant will also be advised to follow the Code of Practice in order to minimise any potential environmental impact.
- 11.4 Given that three previous approvals for similar shop and services use have been granted to the Site and *fourfive* similar applications have been approved for various shop and services uses within the same “V” zone, approval of the subject application is considered in line with the Committee’s previous decisions.

Although the three aforementioned planning approvals have all been revoked due to non-compliance of approval conditions, and the Site is also the subject of three applications for shop and services use rejected by the Board on review/dismissed on appeal by the TPAB, all these previous applications were submitted by another individual different from the current applicant. Besides, according to our records, the shop and services use at the Site has ceased operation since around 2015. The current application could be considered afresh with sympathetic consideration given.

- 11.5 There is one public comment received on the application during the statutory publication period raising concerns on the application (**Appendix IV**). The considerations and assessments in paragraphs 11.1 to 11.4 are also relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment as mentioned in paragraph 10 above, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years until 8.3.2022. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 8:00p.m. and 9:00a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (c) the submission of a run in/out proposal within **6** months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 8.9.2019;
- (d) in relation to (c) above, the implementation of run in/out proposal within **9** months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 8.12.2019;
- (e) the submission of a drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 8.9.2019;
- (f) in relation to (e) above, the implementation of the 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 8.12.2019;

- (g) in relation to (f) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) all existing trees and landscape plantings within the Site shall be maintained at all times during the planning approval period;
- (i) 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 8.9.2019;
- (j) in relation to (i) 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 8.12.2019;
- (k) if any of the above planning conditions (a), (b), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (l) if any of the above planning conditions (c), (d), (e), (f), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

Advisory clauses

The recommended advisory clauses are 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 intention of the "V" zone which is primarily intended for development of Small Houses by indigenous villagers. No strong planning justification has been given in the submission to justify a departure from the planning intention, 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 received on 21.9.2018
Appendix Ia	Supplementary Information dated 2.10.2018 clarifying the operation hours
Appendix Ib	Further Information dated 11.1.2019 providing responses to comments of the Commissioner of Transport
Appendix Ic	Further Information dated 22.2.2019 clarifying the dimension of the covered carpark
Appendix II	Previous Applications covering the Application Site
Appendix III	Similar Applications within the same “V” Zone on the OZP
Appendix IV	Public comment received during the statutory publication period
Appendix V	Recommended Advisory Clauses
Drawing A-1	Site Layout Plan
Plan A-1	Location Plan with Previous and Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4c	Site Photos

**PLANNING DEPARTMENT
MARCH 2019**