

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

APPLICATION NO. A/YL-TT/471

- Applicant** : Man Sing Taxi and Public Light Bus Company Limited
- Site** : Lots 2865 RP and 2990 in D.D. 120, Tin Liu Tsuen, Yuen Long, New Territories
- Site Area** : About 1,146 m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/16
- Zoning** : “Open Space” (“O”)
- Application** : Temporary Office and Vehicle Park for Company Cars for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary office and vehicle park for company cars for a period of 3 years (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for under the Notes of the OZP. The Site is currently occupied by the applied use without valid planning permission (**Plans A-2, A-4a to A-4c**).
- 1.2 The Site was involved in one previous application (No. A/YL-TT/397) for the same use, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board for a period of 3 years on 3.2.2017. However, the application was subsequently revoked on 3.5.2019 due to non-compliance with time-limited approval conditions. Details of this previous application are summarised in paragraph 5 and **Appendix II**. Compared with the last application, the current application is submitted by the same applicant for the same use with largely the same site layout except slight changes in development parameters covering the same site.

1.3 According to the applicant, about two staff members are expected to work at the Site. The Site is mainly used as an office to manage the company's fleet of light buses and taxis. The open area of the Site is used for parking of light buses and taxis on rare occasions, such as during typhoons, when the vehicles might be unsafe if parked elsewhere. As such, the open area of the Site will be vacant for most of the time. The remaining area under the shed is for parking of private car and light goods vehicle (LGV) for staff members. No loading and unloading space will be provided within the Site and only the company's fleet of light buses and taxis could park at the Site. Plans showing the site layout, drainage proposal, landscape proposal and fire services installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-4** respectively.

1.4 The major development parameters of the previously approved application (No. A/YL-TT/397) and the current application are summarised as follows:

Major Development Parameters	Previously Approved Application No. A/YL-TT/397 (a)	Current Application No. A/YL-TT/471 (b)	Difference (b)-(a)
Site Area	About 1,146m ²		---
Total Floor Area (Non-domestic)	About 140m ²	About 155m ²	+15m ² (+11%)
No. of Structures	1 • One for shed atop some single-storey converted containers for office use	2 • One for shed atop some single-storey converted containers for office use • One for toilet	+1 (+100%)
Height of Structures	2-4m (1 storey)		---
No. of Parking Spaces (light buses, 8m x 3m each) (taxis, 5m x 2.5m each) (private car, 5m x 2.5m each) (LGV, 5m x 2.5m each)	10 (7) (2) (1) --	14 (8) (4) (1) (1)	+4 (+40%)
Operation Hours	11 a.m. to 7 p.m. on Mondays to Saturdays, 11 a.m. to 5 p.m. on Sundays and Public Holidays		---

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

- (a) Application Form with plans received on 30.5.2019 **(Appendix I)**
- (b) Supplementary Information received on 10.6.2019 **(Appendix Ia)** enclosing a revised site layout plan
- (c) Further Information received on 5.8.2019 providing **(Appendix Ib)** responses to departmental comments and landscape, drainage and run-in/out proposals

[accepted and exempted from publication and recounting requirements]

- (d) Further Information received on 26.9.2019 providing (Appendix Ic) further clarification on operation mode, FSI proposal and a further revised site layout plan
[accepted and exempted from publication and recounting requirements]

1.6 On 19.7.2019, the Committee agreed to defer a decision on the application for a period of two months, as requested by the applicant. On 5.8.2019, 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 Part 7 of the Application Form (Appendix I) and Further Information (Appendices Ib and Ic). They can be summarised as follows:

- (a) The Site was purchased in 2013 with the intention for the current applied use. The business operates a fleet of scheduled service (i.e. green) and non-scheduled service (i.e. red) minibuses and urban taxis, which operate off-site for most of the time. The light buses are primarily parked at a public transport terminus when they are not in operation. The open area of the Site is used for the parking of the company's fleet only on rare occasions, such as during typhoons.
- (b) The Site has been in operation for about five years. The FSIs and the run-in/out proposal for the last planning application (No. A/YL-TT/397) had been implemented to the satisfaction of the Director of Fire Services and accepted by the Director of Highways respectively.

3. **Compliance with the "Owner's Consent/Notification" Requirements**

The applicant is the sole "current land owner". Detailed information would be deposited at the meeting for Members' inspection.

4. **Background**

The Site is currently not subject to planning enforcement action.

5. **Previous Application**

5.1 The Site was involved in one previous application (No. A/YL-TT/397) for the same use which was approved with conditions by the Committee on 3.2.2017 for a period of 3 years. The application was approved mainly on

the considerations that there was no plan to develop the Site into public open space; approval of the application on a temporary basis would not jeopardise the long-term planning intention of the “O” zone; the development was not incompatible with the surrounding uses; and the technical concerns of relevant government departments could be addressed by imposing approval conditions. However, the planning permission was subsequently revoked on 3.5.2019 due to non-compliance with approval conditions requiring implementation of run-in/out, landscape and drainage proposals. Details of the application are summarised in **Appendix II** and the boundary of the application is shown on **Plan A-1**.

- 5.2 Compared with the last application, the current application is submitted by the same applicant for the same use with largely the same site layout except slight changes in development parameters covering the same site.

6. Similar Application

There is no similar application within the subject “O” zone.

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

7.1 The Site is:

- (a) abutting and accessible from Sham Chung Road to its north (**Plans A-2 and A-3**);
- (b) paved, fenced off and partly occupied by temporary structures; and
- (c) currently occupied by the applied use without valid planning permission.

7.2 The surrounding areas have the following characteristics (**Plans A-2**):

- (a) comprise predominantly vacant and unused land/structures, intermixed with open storage yards, parking of vehicles and fallow agricultural land;
- (b) an open nullah and Yuen Long Highway can be found to the further north of Sham Chung Road;
- (c) there are no residential structures in the vicinity of the Site; and
- (d) the aforementioned open storage yards and parking of vehicles in its vicinity are mostly suspected unauthorised development (UD) subject to enforcement action taken by the Planning Authority.

8. Planning Intention

The “O” zone is intended primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

9. Comments from Relevant Government Departments

9.1 The following Government departments have been consulted and their views on the application and public comments, where relevant, 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 Scheduled Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government.
- (b) The Site is accessible from Sham Chung Road via Government Land (GL). Her office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site.
- (c) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (d) Should planning approval be given to the subject planning application, the lot(s) owner(s) will need to apply to her office to permit the structures to be erected or regularise any irregularities on 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. 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(s) 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.
- (e) The programme of land resumption would follow the project office’s programme notwithstanding the validity period of the planning permission to be granted.

Traffic

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

- (a) He has no comment on the run-in/out proposal and the Further Information (**Appendix Ib**).
- (b) The land status of the parcel of land or slope in front of the vehicular ingress/egress of the Site shall be checked with the lands authority.
- (c) The management and maintenance responsibilities of the parcel of land or slope in front of the vehicular ingress/egress of the Site should be clarified and consulted with the relevant management and maintenance authorities accordingly.
- (d) The applicant is reminded that sufficient space should be provided within the Site for access and manoeuvring of vehicle. In addition, no parking, queuing and reverse movement of vehicles on public road are allowed.
- (e) His department shall not be responsible for the traffic management of any access connecting the Site and Sham Chung Road.

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

- (a) As the applicant proposed to construct the run-in/out in accordance with the HyD standard drawings, he has no comment on the application.
- (b) However, the submitted run-in/out proposal provided in the further information (**Appendix Ib**) is insufficient to address all his previous comments. The location detail, construction details, and removal or relocation of his department's affected facilities should be included in the proposal. A revised run-in/out proposal should be submitted for his comment if the Board approves the application.
- (c) The applicant should provide the run-in/out at Sham Chung 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.
- (d) The proposed run-in/out will affect the existing lamppost no. BD0254. His office's Lighting Division should be contacted for relocation of lamppost.
- (e) The applicant should relocate the existing gully abutting the proposed run-in/out to the satisfaction of his department.
- (f) Any damage to the public carriageway, footpath, road

drainage and other street furniture due to this application shall be made good to the satisfaction of his department at the applicant's cost.

- (g) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (h) His department shall not be responsible for the maintenance of any access connecting the Site and Sham Chung Road.

Environment

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

- (a) With respect to the public concern on the potential air quality impact from the proposed development (**Appendix III-1**), based on the application, the proposed development will comprise of 1 private car parking space, 1 LGV parking space, 8 light bus parking spaces and 4 taxi parking spaces. No heavy vehicle will be included and adverse air quality impact is not anticipated.
- (b) Nevertheless, he would like to remind that it is the obligation of the applicant to comply with all relevant ordinances in Hong Kong, including the Air Pollution Control Ordinance. In addition, the applicant is advised to follow the relevant mitigation measures and requirements in the revised "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" (Code of Practice) to minimise any potential environmental nuisance.
- (c) There was no environmental complaint concerning the Site received in the past 3 years.

Landscape

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

- (a) She has no objection on the application and considers the submitted landscape proposal (**Drawing A-3**) to be acceptable from landscape planning perspective.
- (b) With reference to the aerial photograph of 2018 (**Plan A-3**), it is observed that the Site is hard paved with some trees outside the northern boundary and south eastern boundary. An active farm is adjoining on the east of the Site, while a strip of buffer trees are observed across the road from the Site. The Site is situated in an area of rural fringe landscape character dominated by a mix of village houses, farmland

and open storage. In consideration of previous approved application No. A/YL-TT/397, significant change to the landscape character arising from the application is not envisaged.

- (c) Should the Board approve the application, a planning condition requiring the implementation of the approved landscape proposal to the satisfaction of the Director of Planning or of the Board should be stipulated.
- (d) The applicant is advised that approval of the planning application does not imply approval of the tree works such as pruning, transplanting and/or felling under lease. The applicant is reminded to approach relevant authority/government department(s) direct to obtain the necessary approval on tree works. Moreover, no parking or stacking of materials should take place within 1m of any trees.
- (e) The applicant is reminded of the importance of undertaking proper tree care for existing trees within the Site. Useful information published by the Greening, Landscape and Tree Management Section, Development Bureau on general tree maintenance and tree risk management is available for the applicant's reference.

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) He has the following comments on the submitted drainage proposal (**Appendix Ib**):
 - (i) Please advise the outlet of the 300mm surface channel from point B to point L (i.e. western side of the Site) as he notes that this part of the surface channel is not connecting to the catchpit at point G. In addition, the same surface channel from point C to point E and from point E to point G are in opposite direction according to the arrow on the drawing. Please clarify.
 - (ii) The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.
 - (iii) The applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any

drainage works to be carried out outside his lot boundary before commencement of the drainage works.

- (iv) The applicant should submit form HBP1 to his Division for application of technical audit for any proposed connection to his department's drainage facilities.
- (c) Despite the above, should the Board consider that the application is acceptable from the planning point of view, approval conditions on the submission and implementation of a revised drainage proposal and the maintenance of the implemented drainage facilities for the development to the satisfaction of the Director of Drainage Services or of the Board should be stipulated.

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) Furthermore, the submitted FSIs proposal (**Drawing A-4**) is considered acceptable to his department. The installation/ maintenance/ modification/ repair work of FSIs shall be undertaken by a Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall after completion of the installation/ maintenance/ modification/ repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to his department.
- (c) In addition, the applicant is reminded that if 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 Site, he is 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 the BD, they are unauthorised building works (UBW) under the BO and should not be designated for any proposed use under the 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 and land filling) 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 Director of Leisure and Cultural Services (DLCS):

- (a) She has no in-principle objection to the application as the Site involves private lots only and the applicant is the sole "current land owner".
- (b) The Site, which is zoned "O", is not on the priority list for development agreed by the Yuen Long District Council and she has no plan to develop the Site into public open space at present.

9.1.10 Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) There is a high pressure underground town gas transmission

pipeline (running along Yuen Long Highway) in the vicinity of the Site.

- (b) The project proponent/consultant/works contractor shall therefore liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of the existing or planned gas pipes/gas installations in the vicinity of the Site and any required minimum set back distance away from them during the design and construction stages of development.
- (c) The project proponent/consultant/works contractor is required to observe his department's requirements on the "Avoidance of Damage to Gas Pipes 2nd Edition" for reference.

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

- (a) The Civil Engineering and Development Department (CEDD) and PlanD jointly commissioned the "Planning and Engineering Study for Housing Sites in Yuen Long South (YLS) – Investigation". According to the Recommended Outline Development Plan (RODP) of YLS promulgated on 8.8.2017, the Site mainly falls within an area for proposed road and partly falls outside the development area of YLS.
- (b) The objective of YLS is to transform the degraded rural land predominantly occupied by brownfield operations including open storage yards, warehouses and rural industrial uses into housing and other uses with supporting infrastructure and community facilities, and to improve the existing environment. It is noted that the application is for temporary use for a period of 3 years. In considering the application for temporary uses, due consideration should be given on the possible implication on land clearance which would affect the future implementation of YLS.

9.1.12 Comments of the Project Manager (West), CEDD (PM(W), CEDD):

- (a) As it is confirmed that the programme of land resumption would follow the project programme notwithstanding the validity period of the planning permission to be granted and an advisory clause that "the Site and site access might be subject to land resumption for the implementation of the YLS development which might take place at any time before the expiry of the temporary planning permission" is incorporated to remind the applicant, he has no objection to the application for temporary use for three years.
- (b) The Site falls within the boundary of YLS development –

Stage 1. To meet the target first population intake under the project by Q1 of 2028, land clearance is planned to commence in Q3 of 2021 subject to Executive Council's authorisation on land resumption and Finance Committee's funding approval of the project by early 2021 and mid 2021 respectively. His department will give sufficient notice to relevant department(s) for early termination of the Site if his department's works commence early notwithstanding the validity period of the planning permission if so granted.

District Officer's Comments

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

Her office has not received any locals' comment on the application and she has no comment from departmental point of view.

9.2 The following departments have no comment on the application:

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Chief Engineer/Construction, WSD (CE/C, WSD); and
- (c) Commissioner of Police (C of P).

10. Public Comments Received During the Statutory Publication Period

On 11.6.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 2.7.2019, two public comments were received from a local resident (**Appendix III-1**) and a member of the general public (**Appendix III-2**) objecting to the application mainly on the grounds of increased flooding risk, traffic and road safety hazards, air pollution, and that approval of the application would encourage "destroy first, build later" cases.

11. Planning Considerations and Assessments

11.1 The subject application is for temporary office and vehicle park for company cars for a period of 3 years at a site zoned "O" on the OZP. Although the proposed development is not in line with the planning intention of the "O" zone, DLCS currently has no plans to develop the Site into public open space use. The Site also falls mainly within an area for proposed road on the RODP of YLS promulgated on 8.8.2017, however, CE/CID of PlanD do not raise objection to the application and PM(W), CEDD has no objection to the application on the understanding that the programme of land resumption would follow the project office's programme notwithstanding the validity period of the planning permission to be granted. As such, approval of the application on a temporary basis of 3 years would not jeopardise the planning intention of the "O" zone and the long-term development of the area. Should the application be approved, the applicant should be advised that the Site and site access may be subject

to land resumption for the implementation of YLS which may take place at any time before the expiry of the temporary planning permission.

- 11.2 The proposed development is considered not incompatible with the surrounding uses which are rural fringe in character predominantly with a major highway (i.e. Yuen Long Highway), nullah, open storage yards and parking of vehicles, intermixed with agricultural land and vacant land. There are no residential structures in the vicinity of the Site.
- 11.3 There is no adverse comment on the application from concerned government departments, including C for T, CE/MN, DSD and DEP. There has also been no environmental complaint concerning the Site received in the past 3 years. To address the technical requirements of other concerned government departments, relevant 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 UD 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 latest Code of Practice in order to minimise any potential environmental impact on the surrounding area and to reinstate the Site into an amenity area upon expiry of the planning permission.
- 11.4 The Site is the subject of one previous application for the same use (No. A/YL-TT/397), which was approved with conditions by the Committee on 3.2.2017 for a period of 3 years. Although the planning permission was subsequently revoked due to non-compliance with time-limited approval conditions requiring implementation of run-in/out, landscape and drainage proposals, the same applicant has submitted landscape, drainage and FSI proposals in the current application, accompanied by implementation record of the previously agreed run-in/out proposal (**Appendix Ib**). Concerned departments have no in-principle objection to the application. In view of the above, sympathetic consideration may be given to this application. Should the application be approved, shorter compliance periods are recommended in order to closely monitor the progress on compliance with associated approval conditions. The applicant will be advised that should he fail to comply with any of the approval conditions resulting in revocation of the planning permission, sympathetic consideration would unlikely be given to any further application.
- 11.5 Two public comments were received on the application during the statutory publication period as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.4 above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessment made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10, the Planning Department considers that the temporary office and vehicle park for company cars could be tolerated for a period of 3 years.

- 12.2 Should the Committee decide to approve the application, it is suggested that the planning permission shall be valid on a temporary basis for a period of 3 years until 4.10.2022. The following conditions of approval and advisory clauses are also suggested for Member's reference:

Approval conditions

- (a) no operation between 7:00 p.m. and 11:00 a.m., as proposed by the applicant, is allowed on the Site during the approval period;
- (b) in addition to (a) above, no operation between 5:00 p.m. and 7:00 p.m. on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the approval period;
- (c) no vehicle without valid license issued under the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the Site during the planning approval period;
- (d) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container trailers/tractors, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on or enter/exit the Site during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the existing boundary fencing on the Site shall be maintained at all times during the planning approval period;
- (g) the submission of a revised run-in/out proposal within **3** months from the date of the planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 4.1.2020;
- (h) in relation to (g) above, the implementation of the revised 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 4.4.2020;
- (i) the implementation of the agreed landscape proposal within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 4.4.2020;
- (j) the submission of a revised drainage proposal within **3** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 4.1.2020;
- (k) in relation to (j) above, the implementation of the 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 4.4.2020;

- (l) in relation to (k) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (m) the implementation of the agreed 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 4.4.2020;
- (n) if the above planning conditions (a), (b), (c), (d), (e), (f) or (l) is not complied with at any time during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (g), (h), (i), (j), (k) or (m) 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
- (p) upon 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 IV**.

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

The proposed development is not in line with the planning intention of the "O" zone, which is intended primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public. No strong planning justification has been given in the submission for 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 with plans received on 30.5.2019
Appendix Ia	Supplementary Information received on 10.6.2019 enclosing a revised site layout plan
Appendix Ib	Further Information received on 5.8.2019 providing responses to departmental comments and landscape, drainage and run-in/out proposals
Appendix Ic	Further Information received on 26.9.2019 providing clarification on operation mode, FSI proposal and a further revised site layout plan
Appendix II	Previous Application covering the Site
Appendices III-1 to III-2	Public Comments received during the Statutory Publication Period
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Site Layout Plan
Drawing A-2	Drainage Proposal
Drawing A-3	Landscape Proposal
Drawing A-4	FSI Proposal
Plan A-1	Location Plan with Previous Application
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4c	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2019**