

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/YL-TYST/1036

- Applicant** : Mr. TANG Mo Pun represented by Metro Planning and Development Company Limited
- Site** : Lots 2423 RP (Part), 2426 RP (Part), 2427, 2428 RP (Part), 2429 S.A, 2429 S.B, 2429 S.C, 2429 S.D (Part), 2429 RP, 2430, 2431 (Part), 2432 (Part), 2433 (Part), 2434 (Part), 2688 (Part), 2690 (Part), 2691, 2692 (Part), 2693 (Part), 2694, 2695, 2696 (Part), 2697, 2698 S.A (Part), 2698 S.B (Part), 2699 (Part), 2700 (Part) and 2701 (Part) in D.D. 120 and Adjoining Government Land (GL), Shan Ha Tsuen, Yuen Long, New Territories
- Site Area** : 6,250 m² (about) (including about 33m² of GL)
- Lease** : Block Government Lease (demised for agricultural use)
- Plans** : Draft Tong Yan San Tsuen (TYST) Outline Zoning Plan (OZP) No. S/YL-TYST/13 currently in force

Approved TYST OZP No. S/YL-TYST/12 at the time of submission
- Zonings** : “Open Space” (“O”) (about 66%);

“Residential (Group A)3” (“R(A)3”) (about 27%); and
[restricted to a maximum plot ratio of 7 and a maximum building height of 160mPD]

area shown as ‘Road’ (about 7%) on the draft TYST OZP No. S/YL-TYST/13 currently in force

“Undetermined” (“U”) on the then approved TYST OZP No. S/YL-TYST/12 at the time of submission
- Application** : Renewal of Planning Approval for Temporary Open Storage of Construction Machinery and Material for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval to use the application site (the Site) for temporary open storage of construction machinery and material for a further period of 3 years (**Plans A-1a**). The Site falls within an area mainly zoned “O” (about 66%) and partly zoned “R(A)3” (about 27%) with a minor portion within an area shown as ‘Road’ (about 7%) on the draft TYST OZP No.

S/YL-TYST/13 currently in force. According to the covering Notes of the OZP, temporary use or development of any land or buildings 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. Furthermore, all uses or developments within area shown as 'Road' require planning permission from the Board. The Site is currently occupied by the applied use with planning permission under application No. A/YL-TYST/853 valid until 26.9.2020 (**Plans A-2 and A-4**).

- 1.2 The Site was involved in 8 previous applications for proposed New Territories Exempted Houses (NTEHs) (Small Houses) or various temporary open storage uses with/without ancillary workshop uses. The last application (No. A/YL-TYST/853) for the same use as the current application was approved with conditions for a period of 3 years by the Rural and New Town Planning Committee (the Committee) of the Board on 26.9.2017. All the time-limited approval conditions under the last application had been complied with and the permission is valid up to 26.9.2020. Compared with the last application, the current application is submitted by the same applicant for the same use on the same site with the same site layout and development parameters.
- 1.3 According to the applicant, the construction machinery and material to be stored at the Site include cranes and steel frames. No repairing, dismantling, spraying, cleansing, other workshop activities and storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or electronic waste will be carried out at the Site. Also, no heavy goods vehicles exceeding 24 tonnes, including container trailers/tractors, will access the Site. Plans showing the vehicular access leading to the Site, site layout, tree preservation and landscape proposal, as-built drainage facilities and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-5** respectively.
- 1.4 The major development parameters of the previously approved application No. A/YL-TYST/853 are the same as the current application, which are summarised as follows:

Major Development Parameters	Previously Approved Application No. A/YL-TYST/853	Current Application No. A/YL-TYST/1036
Applied Use	Temporary Open Storage of Construction Machinery and Material for a Period of 3 Years	
Site Area	6,250 m ² (including GL of about 33m ²)	
Total Floor Area (Non-domestic)	About 519 m ²	
No. and Height of Structures	6 <ul style="list-style-type: none"> • five for site office with/without open shed (3-6.5m, 1-2 storey(s)) • one for toilet (3m, 1 storey) 	
No. of Parking Space	Nil	

Major Development Parameters	Previously Approved Application No. A/YL-TYST/853	Current Application No. A/YL-TYST/1036
No. of Loading/ Unloading Spaces	6 (4 for private car/light goods vehicles (5m x 2.5m) and 2 for medium goods vehicles (11m x 3m))	
Operation Hours	8:00a.m. to 11:00p.m., with no operation on Sundays and public holidays	

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

- (a) Application Form with annex and plans received on 1.6.2020 **(Appendix I)**
- (b) Supplementary Information received on 4.6.2020 clarifying the site area, site layout and proposed use **(Appendix Ia)**
- (c) Further Information (FI) received on 9.7.2020 providing FSIs proposal with fire certificates and clarification on site layout and proposed use **(Appendix Ib)**
- (d) FI received on 10.7.2020 clarifying the proposed operation **(Appendix Ic)**
[(c) and (d) exempted from publication and recounting requirements]

1.6 In light of the special work arrangement for government departments due to the novel coronavirus infection, the meeting originally scheduled for 24.7.2020 for consideration of the application has been rescheduled, and the Board has agreed to defer consideration of the application and the application is now scheduled for consideration by the Committee 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, Supplementary Information and FI (**Appendices I to Ic**). They can be summarised as follows:

- (a) The Site has been the subject of previous planning permissions since 2000. All the approval conditions imposed to the last application (No. A/YL-TYST/853) had been complied with.
- (b) The proposal was in line with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13F), as the Site fell within Category 1 areas.
- (c) The temporary proposal would not jeopardise the long-term planning intention. A number of open storage yards and port back-up uses have been approved by the Board in the vicinity of the Site and their planning circumstances are similar to that of the Site. The proposal is compatible with the surrounding environment. Besides, there is a shortage of land for port back-up purpose in TYST.

- (d) There will be minimal traffic, environmental and drainage impacts arising from the proposal.

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 registered post. Detailed information would be deposited at the meeting for Members’ inspection. For GL, the requirements as set out in TPB PG-No. 31A are not applicable.

4. Town Planning Board Guidelines

- 4.1 On 27.3.2020, the Board promulgated the revised Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F). The Site falls within Yuen Long South (YLS) Development Area. The criteria for New Development Areas (NDAs) (including potential development areas) under the revised Guidelines are applicable. Relevant extracts of the Guidelines are attached at **Appendix II**.
- 4.2 The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34C) are also relevant to the application. The relevant assessment criteria are at **Appendix III**.

5. Background

- 5.1 At the time of the submission of the application, the Site fell within an area zoned “U” on the then approved TYST OZP No. S/YL-TYSY/12. Subsequently, the draft TYST OZP No. S/YL-TYST/13 was gazetted under section 5 of the Town Planning Ordinance (the Ordinance). The Site now falls within an area mainly zoned “O” (about 66%) and partly zoned “R(A)3” (about 27%) with a minor portion within an area shown as ‘Road’ (about 7%) on the draft TYST OZP No. S/YL-TYST/13 currently in force (**Plan A-1b**).
- 5.2 The Site is currently not subject to planning enforcement action.

6. Previous Applications

- 6.1 The Site was involved in 8 previous applications (No. A/YL-TYST/110, 132, 458, 514, 516, 552, 696 and 853) for proposed NTEHs (Small Houses) or various temporary open storage uses with/without ancillary workshop uses covering different extents of the Site. Details of the applications are summarised in **Appendix IV** and the boundaries of the sites are shown on **Plan A-1b**.
- 6.2 Out of these 8 applications, application No. A/YL-TYST/132 for proposed four NTEHs (Small Houses) was rejected by the Committee in 2001 mainly on the

grounds of non-conformity with the Interim Assessment Criteria for Consideration of Application for NTEH/Small House Development in the New Territories; insufficient information to demonstrate that suitable sites within areas zoned “Village Type Development” (“V”) could not be made available for the proposed development; potential adverse drainage impact; and approval of the application would set an undesirable precedent.

- 6.3 Application No. A/YL-TYST/110 for temporary open storage of construction materials and machinery, application No. A/YL-TYST/458 for temporary open storage of construction machinery, construction materials and recycled materials including metal and plastic, application No. A/YL-TYST/514 for temporary open storage of used vehicles, application No. A/YL-TYST/516 for temporary open storage of household detergent, construction machinery/materials and recycled materials including paper, metal and plastic with ancillary workshop and applications No. A/YL-TYST/552, 696 and 853 for the same use as the current application were all approved with conditions each for a period ranging from 1 to 3 years by the Committee between 2000 and 2017. The applications were approved mainly on the considerations that the proposals were generally in line with the then TPB PG-No. 13 (or its later versions); not incompatible with the surrounding uses; would not frustrate the long-term development of the area; and the concerns of relevant government departments could be addressed by imposing approval conditions. However, the planning permissions under applications No. A/YL-TYST/110, 458, 514 and 516 were subsequently revoked between 2001 and 2011 due to non-compliance with time-limited approval conditions.
- 6.4 Compared with the last application (No. A/YL-TYST/853), the current application is submitted by the same applicant for the same use on the same site with the same site layout and development parameters.

7. Similar Applications

There are 30 similar applications for various temporary open storage uses with or without warehouse and/or ancillary workshop/site office uses in/straddling the subject “O” and “R(A)3” zones¹ approved with conditions by the Committee since 2015, mainly on similar considerations that the developments were not incompatible with the surrounding uses and the concerns of relevant departments could be addressed by imposing approval conditions. However, the planning permissions for five of them were subsequently revoked between 2016 and 2020 due to non-compliance with approval conditions. Details of the applications are summarised in **Appendix V** and the locations of the sites are shown on **Plan A-1a**.

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

- 8.1 The Site is:
- (a) accessible via a local track leading from Shan Ha Road to its west;
 - (b) paved and fenced off; and

¹ All the similar applications were approved prior to the rezoning of the sites to the “R(A)3” and/or “O” zones on the draft TYST OZP No. S/YL-TYST/13.

- (c) currently occupied by the applied use with valid planning permission under application No. A/YL-TYST/853 (**Plans A-2 and A-4**).

8.2 The surrounding areas have the following characteristics:

- (a) predominantly open storage/storage yards with scattered residential structures, orchard, agricultural land, unused land and vacant land/structures;
- (b) to its immediate northwest is an area zoned “V” on the OZP;
- (c) to its immediate east is a nullah flanked by Lam Tai West Road and Lam Tai East Road; and
- (d) except for three open storage yards in the vicinity operating with valid planning permissions (No. A/YL-TYST/935, 942 and 1014), the other open storage/storage yards in the vicinity are suspected unauthorised developments (UD) subject to enforcement action taken by the Planning Authority.

9. Planning Intentions

- 9.1 The planning intention of the “O” zone is 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.
- 9.2 The planning intention of the “R(A)3” zone is primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building.

10. Comments from Relevant Government Departments

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

Land Administration

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

- (a) The Site comprises GL and 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) Within the Site, the GL and Lots No. 2423RP, 2434, 2693 and 2694 in D.D. 120 are covered by Short Term Tenancy (STT) No. 2816 and Short Term Waivers (STWs) No. 3994 and 3996 to 3998 respectively to permit structures erected thereon for the purpose of “Temporary Open Storage of Construction Machinery and Material”, whereas Lot No. 2428RP in D.D. 120 is covered by STW No. 3995 to permit structures erected thereon for the purposes of “Temporary Open Storage of Construction Machinery, Construction Materials, Recyclable Materials (including Paper, Metal and Plastic) with Ancillary Workshop and

Office”.

- (c) Should the planning application be approved, the STW/STT holder(s) will need to apply to her office for modification of the STW/STT conditions where appropriate. The owner(s) of the lot(s) without STW will need to apply to her office to permit the structures to be erected or to 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. Applications for any of the above will be considered by her department 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 premium or fee, as may be imposed by her department.

Traffic

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

- (a) The land status of the access road/path/track leading to the Site from Shan Ha Road shall be checked with the lands authority.
- (b) The management and maintenance responsibilities of the access road/path/track shall be clarified with the relevant management and maintenance authorities accordingly.
- (c) The applicant is reminded that sufficient space should be provided within the Site for manoeuvring of vehicles. In addition, no parking, queuing and reverse movement of vehicles on public road are allowed.

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

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

Environment

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

- (a) He does not support the application as there are residential uses in the vicinity (with the nearest one located about 20m to the northwest of the Site) (**Plan A-2**) and the applied use will cause traffic of heavy vehicles; environmental nuisance is expected.
- (b) There was no substantiated environmental complaint concerning the Site received in the past three years.
- (c) Should the planning application be approved, the applicant should be

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 Use” (Code of Practice) to minimise any potential environmental nuisances.

Drainage

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

- (a) He has no objection in principle to the development from the public drainage point of view.
- (b) The applicant should note the detailed comments on the submitted drainage proposal at **Appendix VII**.
- (c) Should the application be approved, approval conditions requiring the submission, implementation and maintenance of revised drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board should be stipulated.

Building Matters

10.1.6 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 should be reminded of the detailed comments at **Appendix VII**.

Fire Safety

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

He has no objection in principle to the application subject to the existing FSIs implemented on the Site being maintained in efficient working order at all times.

Long-Term Development

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

- (a) Civil Engineering and Development Department (CEDD) and PlanD jointly commissioned the “Planning and Engineering Study for Housing Sites in YLS – Investigation”. According to the Revised Recommended Outline Development Plan of YLS promulgated in May 2020, the Site falls within an area partly zoned “Residential - Zone 1 (Subsidised Sale Flats with Commercial)” (“R1(SSF)c”) and “Local Open Space” (“LO”) and partly shown as ‘Road’.

- (b) The objective of YLS development 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 development.

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

- (a) He has no objection to the application.
- (b) The Site falls within the boundary of YLS development - Stage 2 Phase 2. The land resumption and clearance programme of the project is subject to Executive Council's authorisation on land resumption and Finance Committee's funding approval of the project. Land clearance operation is tentatively targeted to commence in 2024. Thus, the applicant shall be reminded that extension of the planning permission may not be supported in future and shall be advised not to carry out any substantial works in view of the planned YLS development - Stage 2 Phase 2.

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) Commissioner of Police (C of P);
- (b) Director of Electrical and Mechanical Services (DEMS);
- (c) Director of Agriculture, Fisheries and Conservation (DAFC); and
- (d) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

11. Public Comment Received During Statutory Publication Period

On 9.6.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one public comment from an individual was received questioning the long-term development plans for the area (**Appendix VI**).

12. Planning Considerations and Assessment

12.1 The application is for renewal of planning approval for temporary open storage of construction machinery and material for a period of 3 years. Subsequent to the receipt of the application by the Board, the draft TYST OZP No. S/YL-TYST/13 covering the Site was gazetted under section 5 of the Ordinance on 10.7.2020. The Site now falls within an area mainly zoned "O" (about 66%) and partly zoned "R(A)3" (about 27%) with a minor portion within an area shown as 'Road' (about

7%) on the draft TYST OZP No. S/YL-TYST/13.

12.2 The “O” and “R(A)3” zones on the draft TYST OZP No. S/YL-TYST/13 are intended primarily for outdoor open-air public space for active and/or passive recreational uses and high-density residential developments respectively. Although the development is not in line with the aforesaid planning intentions and falls partly within an area shown as ‘Road’, PM(W), CEDD has no objection to the proposed temporary use for 3 years as the Site is not expected to be resumed within the next 3 years for Stage 2 YLS Development. Approval of the application on a temporary basis of 3 years would not jeopardise the long-term development of the Site.

12.3 The surrounding areas comprise predominantly open storage/storage yards (**Plan A-2**). Although there are residential structures in the vicinity, the development is generally not incompatible with the surrounding uses.

12.4 The Site falls within the YLS Development Area. For applications in NDAs (including potential development areas), the following considerations in the TPB PG-No. 13F are relevant:

For existing open storage and port back-up uses with previous planning approval(s) and/or permitted under the previous OZPs, sympathetic consideration may be given to the application (irrespective of whether the application is submitted by the applicant of previous approval or a different applicant) until the concerned site is required for implementation of NDA development, provided that the relevant approval conditions, if any, have been complied with. Technical assessments, where appropriate, should be submitted to demonstrate that the continued operation of the current uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas and the concerns of the departments and local residents, if any, can be addressed through the implementation of the approval conditions. In view of the impending implementation of NDAs, new open storage and port back-up uses are generally not encouraged to infiltrate into the NDAs. There is a general presumption against such uses at greenfield areas and/or at sites with land use compatibility issue, e.g. in close proximity to existing residential dwellings which may be subject to environmental nuisances caused by the open storage and port back-up uses.

12.5 The proposal is generally in line with the TPB PG-No. 13F in that the Site falls within the YLS Development Area and previous planning approvals for similar open storage use have been given under the previous OZPs; all time-limited approval conditions of the previous application have been complied with; relevant proposals have been submitted to demonstrate that the proposal would not generate adverse impacts on the surrounding areas; and the technical concerns of the concerned departments could be addressed through the imposition of approval conditions.

12.6 The application is also generally in line with TPB PG-No. 34C in that approval of the application would not pre-empt the long-term development of the Site notwithstanding the Site has been rezoned as mentioned in paragraphs 12.1 and 12.2 above; all the time-limited approval conditions under the previous application No. A/YL-TYST/853 had been complied with; and the 3-year approval period sought is reasonable and of the same timeframe as the previous approval.

12.7 There is no adverse comment from concerned government departments, except

DEP. DEP does not support the application as there are sensitive receivers of residential use in the vicinity of the Site (with the nearest one located about 20m to its northwest) (**Plan A-2**), and the applied use will cause traffic of heavy vehicles; environmental nuisance is expected. However, no environmental complaint concerning the Site has been received in the past three years. Furthermore, relevant approval conditions are recommended in paragraph 13.2 to address the possible environmental nuisances or the technical requirements of the other concerned government departments. 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 planning application be approved, the applicant will also be advised to follow the relevant environmental mitigation measures in the latest Code of Practice in order to minimise any potential environmental impact on the surrounding areas and to keep the Site clean and tidy at all times.

- 12.8 Given that 7 previous approvals for open storage uses have been granted to the Site and 30 similar applications have been approved since 2015, approval of the current application is generally in line with the Committee's previous decisions. Although there was one previous application (No. A/YL-TYST/132) rejected by the Committee in 2001, it was for a different use (i.e. NTEHs (Small Houses)) and not related to the current application.
- 12.9 There is one public comment received on the application during the statutory publication period as summarised in paragraph 11. The planning considerations and assessments in paragraphs 12.1 to 12.8 above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12, and having taken into account the public comment mentioned in paragraph 11 above, the Planning Department considers that the renewal of planning approval for temporary open storage of construction machinery and material could be tolerated for a further period of 3 years.
- 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 from 27.9.2020 to 26.9.2023. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 11:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no repairing, dismantling, spraying, cleansing, other workshop activities and storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or electronic waste, as proposed by the applicant, shall be carried out on the Site at any time during the planning approval period;

- (d) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on or enter/exit the Site at any time 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) all existing trees within the Site shall be maintained at all times during the planning approval period;
- (g) the existing boundary fencing on the Site shall be maintained at all times during the planning approval period;
- (h) the existing fire services installations shall be maintained in efficient working order at all times during the planning approval period;
- (i) the submission of a revised drainage proposal within **6** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 27.3.2021;
- (j) in relation to (i) above, the implementation of the revised drainage proposal within **9** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 27.6.2021;
- (k) in relation to (j) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (k) 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
- (m) if any of the above planning conditions (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.

[Approval conditions (a), (b), (d) and (e) are the same as those under the permission for application No. A/YL-TYST/853, conditions (c), (f), (h), (i), (j) and (k) have been updated, condition (g) is inserted and the reinstatement clause is deleted to accord with the department's latest requirements.]

Advisory clauses

The recommended advisory clauses are 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 development is not in line with the planning intentions of the "O" and "R(A)3" zones which are intended primarily for outdoor open-air public space for active and/or passive recreational uses and high-density residential developments respectively. No strong planning justification has been given in

the submission to justify a departure from the planning intentions, even on a temporary basis; and

- (b) the applicant fails to demonstrate that the development would not generate adverse environmental impact on the surrounding areas.

14. Decision Sought

14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant 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 with annex and plans received on 1.6.2020
Appendix Ia	Supplementary Information received on 4.6.2020
Appendix Ib	FI received on 9.7.2020
Appendix Ic	FI received on 10.7.2020
Appendix II	Relevant Extracts of TPB PG-No. 13F
Appendix III	Relevant extracts of TPB PG-No. 34C
Appendix IV	Previous Applications covering the Site
Appendix V	Similar Applications within/straddling the subject "O" and "R(A)3" zones on the TYST OZP since 2015
Appendix VI	Public Comment received during the Statutory Publication Period
Appendix VII	Recommended Advisory Clauses
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	Tree Preservation and Landscape Proposal
Drawing A-4	As-built Drainage Plan
Drawing A-5	FSIs Proposal
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo

Plan A-4

Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2020**