

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/933

- Applicant** : Billion Rising (Hong Kong) Building Materials Limited
represented by Goldrich Planners and Surveyors Limited
- Site** : Lots 638 RP (Part), 638 S.A RP, 1031, 1032 S.A, S.B & S.C,
1033 S.B, 1033 S.D (Part), 1868 RP, 1868 S.A RP, 1868 S.B in
D.D. 121, Tong Yan San Tsuen, Yuen Long, New Territories
- Site Area** : 3,744.6 m² (about)
- Lease** : Block Government Lease (demised for agricultural use) (for
Lots 638 RP (Part), 638 S.A RP, 1031, 1032 S.A, S.B & S.C,
1033 S.B, 1033 S.D (Part) in D.D. 121)
- New Grant No. 808 (for Lot 1868 RP, 1868 S.A RP, 1868 S.B in
D.D. 121)
- Plan** : Approved Tong Yan San Tsuen OZP No. S/YL-TYST/12
- Zoning** : “Residential (Group B) 1” (“R(B)1”)
[Restricted to maximum plot ratio of 1, maximum site coverage of 40% and
maximum building height of 4 storeys over single-storey car park (15m)]
- Application** : Proposed Temporary Shop and Services (Outdoor Motor-vehicle
Showroom) 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 (outdoor motor-vehicle showroom) for a period of 3 years (**Plan A-1**). According to the Notes of the OZP for the “R(B)” zone, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently used for open storage of vehicles without valid planning permission.
- 1.2 The Site was involved in one previous application (No. A/YL-TYST/915) for the same proposed use, which was rejected by the Rural and New Town Planning Committee (the Committee) of the Board on 21.9.2018 (**Plan A-1**). Details of the previous application are at **paragraph 5** and **Appendix II**. Compared with the last application, the current application is submitted by the same applicant for the

same motor-vehicle showroom use on a smaller site with different site layout and development parameters.

- 1.3 The Site is accessible via a local track leading from Sha Tseng Road to its north (**Plans A-2 and A-3 and Drawing A-1**). According to the applicant, the proposed outdoor motor-vehicle showroom is for the display of about 100 new and/or second-hand private cars. No structure is proposed to be built on site and staff and car dealers will be working in a mobile office which is a converted medium goods vehicle to be parked at the Site. 6 private car parking spaces are provided on site. The operation hours of the Site will be from 11:00 a.m. to 9:00 p.m. daily. No car beauty, car washing, car repairing, car dismantling or other workshop activities will be conducted on the Site. The vehicular access plan and the proposed site layout plan are shown at **Drawings A-1 and A-2** respectively.
- 1.4 The major development parameters of the previously rejected application and the current application are summarized as follows:

Major Development Parameters	Previously Rejected Application No. A/YL-TYST/915 (a)	Current Application No. A/YL-TYST/933 (b)	Difference (b)-(a)
Applied Use	Proposed Temporary Shop and Services (Motor-vehicle Showroom) for a Period of 3 Years	Proposed Temporary Shop and Services (Outdoor Motor-vehicle Showroom) for a Period of 3 Years	Same proposed use
Site Area	8,540 m ²	3,744.6 m ²	-4,795.4 m ² (-56.2%)
No. of Private Car to be Displayed	250	100	-150 (-60%)
No. of Private Car Parking Space	14	6	-8 (-57.1%)
Mobile Office Parking Space	1		---
Operation Hours	11:00 a.m. to 9:00 p.m. daily		---

- 1.5 In support of the application, the applicant has submitted the following document:
Application Form with Justification received on 12.11.2018 (**Appendix I**)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Justification statement enclosed in the Application Form (**Appendix I**). They can be summarized as follows:

- (a) The Site is zoned “R(B)1” on the OZP. ‘Shop and Services’ is a Column 2 use in “R(B)” zone and a planning application for the proposed use is required.

- (b) The proposed use provides a venue for the display of new and/or second-hand private cars. It can create employment opportunities to the local residents and fulfill the local demand for private cars.
- (c) No car beauty, car washing, car repairing, car dismantling or other workshop activities will be conducted on the Site.
- (d) There are two approved applications for shop and services use (application No. A/YL-TYST/820 and 859) in the same “R(B)1” zone .
- (e) The Site, particularly the access area at the site frontage and 5 m strip of the area beyond the access gate, is properly paved to avoid any fugitive dust impacts due to vehicle movements. Moreover, any noisy operations in the Site are prohibited during sensitive hours.
- (f) Sufficient manoeuvring space will be provided within the Site and no queueing, reversing and manoeuvring of vehicles out of the Site is required. Given a relatively low trip generation and attraction rates, no significant adverse traffic impact is anticipated.
- (g) The Site is bounded by existing trees and no structure is proposed, hence significant visual impact is not anticipated.

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 a notice on the Site and sending the notice to the Ping Shan Rural Committee through registered post. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is subject to planning enforcement action against unauthorized development (UD) involving open storage use. Enforcement Notice (EN) was issued on 31.8.2018 requiring discontinuation of the UD. The recent site inspection after EN expiration on 30.11.2018 revealed that the UD at the Site was not discontinued. The Planning Authority is monitoring the case and if the UD is not discontinued in the subsequent site inspections, prosecution action will be followed.

5. Previous Application

- 5.1 The Site was involved in one previous application (No. A/YL-TYST/915) for proposed temporary shop and services (motor-vehicle showroom) for a period of 3 years. Details of the application are summarised in **Appendix II** and the boundary of the Site is shown on **Plan A-1**.
- 5.2 The previous application, submitted by the same applicant, was rejected by the Committee on 21.9.2018 on the considerations that the proposed development is not in line with the planning intention of the “R(B)1” zone and no strong planning

justification has been given in the submission for a departure from the planning intention even on a temporary basis; and the scale of the proposed motor-vehicle showroom is excessive, and the applicant fails to demonstrate the need for the proposed development in the area.

- 5.3 Compared with the previous application, the current application is submitted by the same applicant for the same motor-vehicle showroom use on a smaller site with different site layout and development parameters.

6. Similar Applications

- 6.1 There are nine similar applications for various ‘shop and services’ use within the same “R(B)1”, or straddling the adjacent “Residential (Group D)” (“R(D)”) or “Government, Institution or Community” (“G/IC”) zones. Details of the application are at **Appendix III** and the locations are shown on **Plan A-1**.
- 6.2 Application No. A/YL-TYST/473 for temporary retail shop for selling stationery and paper products; application No. A/YL-TYST/709 for proposed temporary eating place (small restaurant) and shop and services (convenience store/supermarket and laundry and real estate agency); application No. A/YL-TYST/799 for proposed temporary shop and services (retail shop for hardware groceries); applications No. A/YL-TYST/445, 622 and 767 for temporary carpet shop and wholesale of carpet at sites straddling the subject “R(B)1” and adjacent “G/IC” zones; applications No. A/YL-TYST/785 and 859 for proposed temporary shop and services (real estate agency) at a site to the northwest of the Site; and application No. A/YL-TYST/820 for proposed temporary shop and services (retail shop for metal and home appliances) at a site to the northeast of the Site straddling the subject “R(B)1” and adjacent “R(D)” zones, were all approved with conditions on temporary basis for period of 1 or 3 year(s) by the Committee on similar considerations that the long-term planning intention of the zoned use would not be frustrated; the development is not incompatible with the surrounding land uses; and the concerns of relevant government departments could be addressed by imposing approval conditions. However, amongst these approvals, three were subsequently revoked due to non-compliance with approval conditions.

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

- 7.1 The Site is:
- (a) accessible via a local track leading from Sha Tseng Road to its north (**Plan A-3**);
 - (b) fenced off and largely paved; and
 - (c) currently used for open storage of vehicles without valid planning permission.
- 7.2 The surrounding areas have the following characteristics:
- (a) comprise mainly residential developments/structures intermixed with open storage/storage yards, warehouses, carpark/parking of vehicles,

canteen, orchard, plant nursery, cultivated agricultural land, vacant structure/land, and unused land;

- (b) to its north, further west and northwest across Tong Yan San Tsuen Road and to its further west within the “R(B)1” zone are residential developments, including Greenville Residence, Windsor Villa, Marbella Gardens and The Parkhill (**Plan A-3**);
- (c) to its immediate east and southeast are cultivated agricultural land and unused land. To its further southeast in the area within the “R(D)” zone is a mix of residential structures, orchards, plant nursery, vacant structure/land and unused land;
- (d) to its immediate west is open storage of vehicles;
- (e) to its immediate northwest is an area mainly covered with vegetation intermixed with warehouses, residential structures, carpark/parking of vehicles, storage yard, orchard and vacant structure; and
- (f) the warehouses, open storage/storage yards, warehouses, carpark/parking of vehicles and canteen in its vicinity are suspected UDs subject to enforcement action taken by the Planning Authority.

8. Planning Intention

The planning intention of the “R(B)” zone is intended primarily for sub-urban medium-density residential developments in rural areas where commercial uses serving the residential neighbourhood 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 are summarized 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 (OSALs) (for Lots 638 RP (Part), 638 S.A RP, 1031, 1032 S.A, S.B & S.C, 1033 S.B, 1033 S.D (Part) in D.D. 121) and private lots (for Lots 1868 RP, 1868 S.A RP, 1868 S.B in D.D. 121) held under New Grant No. 808. The OSALs were 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) The Site is accessible from Sha Tseng Road via government land (GL) and private land. 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 owner(s) will need to apply to her office to permit the structures to be erected or regularize any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications of 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 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

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

- (a) The land status of the access road/path/track leading to the Site at Sha Tseng Road shall be checked with the lands authority.
- (b) The management and maintenance responsibilities of the access road/path/track should be clarified and consulted with the relevant management and maintenance authorities accordingly.
- (c) The applicant is reminded that sufficient space within the Site shall be provided for manoeuvring of vehicles. In addition, no parking, 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.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (c) His department shall not be responsible for the maintenance of any access connecting the Site and Sha Tseng Road.

Environment

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

- (a) He does not support the application as there are sensitive receivers of residential use in the vicinity and environmental nuisance is expected.

- (b) There was no substantiated environmental complaint concerning the Site received in the past 3 years.
- (c) Should the planning application be approved, the applicant should also be advised to follow the relevant mitigation measures and requirements in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites”.

Landscape

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

- (a) The Site is involving proposed temporary shop and services (outdoor motor-vehicle showroom) within an area zoned “R(B)1” on the approved Tong Yan San Tsuen OZP No. S/YL-TYST/12 for a period of 3 years. The Site was subject to one previous rejected application (No. A/YL-TYST/915) that she has no objection to the application from the landscape planning point of view.
- (b) With reference to the information submitted and aerial photo taken in August 2018, the Site is generally vacant with some existing trees along and in the proximity of its boundary. Significant landscape impact arising from the proposed use on the area is not anticipated. Therefore, she has no objection to the application from the landscape planning perspective.
- (c) Since the Site is surrounded by dense woodland and there is no major public frontage along the boundary, it is considered 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 all the existing trees and landscape plantings within the Site at all times during the planning approval period.
- (d) The applicant is advised that the approval of the landscape proposal does not imply approval of tree works such as pruning, transplanting and felling under lease. Tree removal applications should be submitted direct to DLO for approval.
- (e) The applicant is reminded of the importance of undertaking proper tree care for the existing trees. Useful information published by the Greening, Landscape & Tree Management Section, Development Bureau on general tree maintenance and tree risk management is available for reference in the following links:
 - 護養樹木的簡易圖解:
http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf

- 樹木管理手冊:
https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html
- 樹木風險評估及管理安排:
https://www.greening.gov.hk/tc/tree_care/tra_arrangements.html
- 護養樹木 保障安全:
http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Chinese_Leaflet_Big_font_size_v1_2012_03_29.pdf
- 減低樹木風險的樹木護養簡易圖解：
[http://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk\(eng\).pdf](http://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk(eng).pdf)

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 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 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 fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. 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 Buildings 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 his department, they are unauthorized 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 his department to effect their removal in accordance with his department'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 his department should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
 - (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 Infrastructure and Development, Planning Department (CE/CID, PlanD):

- (a) CEDD and PlanD jointly commissioned the “Planning and Engineering Study for Housing Sites in Yuen Long South (YLS) – Investigation” (the Study). According to the Recommended Outline Development Plan (RODP) of YLS promulgated on 8.8.2017, the Site falls within areas zoned as “Residential - Zone 5” (“R5”), “Green Belt (1)” (“GB(1)”) and an area shown as ‘Road’.
- (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.

9.1.10 Comments of the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD):

- (a) He has no objection to the application.
- (b) However, the Site falls within the boundary of the proposed YLS Development- Stage 4. The YLS Development would provide land to meet the medium to long term housing needs of Hong Kong and its detailed implementation programme with phasing and packaging of works for YLS Development is being formulated.

District Officer’s Comments

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

His office has not received any comment from the locals on the application.

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

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

10. Public Comments Received During the Statutory Publication Period

On 20.11.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 11.12.2018, three public comments were received from members of the public and a Yuen Long District Councilor, objecting to the application. The two public members object to/ do not support

the application mainly on the grounds that the proposed use is an UD and is a 'built-and-apply' case; the proposed use is excessive in scale and there is no such huge demand nearby; the proposed use may cause nuisance, environmental pollution and traffic safety problem to the surroundings; and it would adversely affect the supply of land suitable for residential development (**Appendices IV-1 and IV-3**). The Yuen Long District Councilor objects to the application on the ground that there is no change in planning circumstances since the previous rejected application (**Appendix IV-2**).

11. Planning Considerations and Assessments

- 11.1 The subject application is for proposed temporary shop and services (outdoor motor-vehicle showroom) at the Site zoned "R(B)1" on the OZP. The proposed outdoor motor-vehicle showroom for outdoor display of about 100 new and/or second-hand private cars is more akin to open storage of vehicles. The proposed development is not entirely in line with the planning intention of the "R(B)" zone which is primarily for sub-urban medium-density residential developments in rural areas where commercial uses serving the residential neighborhood may be permitted on application to the Board. No information is given by the applicant about the need for an outdoor motor-vehicle showroom to serve the residential neighborhood. Hence, there is no strong planning justification given in the submission for a departure from the planning intention of the "R(B)" zone even on a temporary basis.
- 11.2 The proposed development, which occupies an area of about 3,744 m² for outdoor displaying of 100 private cars, is relatively excessive in scale. Whilst the Committee has approved 9 similar applications with conditions on temporary basis for various shop and services uses including retail shop for selling stationery and paper products (No. A/YL-TYST/473), eating place (small restaurant) and shop and services (convenience store/supermarket and laundry and real estate agency) (No. A/YL-TYST/709); retail shop for hardware groceries (No. A/YL-TYST/799); carpet shop and wholesale of carpet (No. A/YL-TYST/445, 622 and 767); real estate agency (No. A/YL-TYST/785 and 859); and retail shop for metal and home appliances (No. A/YL-TYST/820), they are of relatively small scale (about 168 m² to 1,893 m²) compared with the current application (about 3,744 m²).
- 11.3 Despite the proposed development is not entirely incompatible with the surrounding uses which mainly comprise residential developments/structures intermixed with open storage/storage yards, warehouses, carpark/parking of vehicles, canteen, orchards, plant nursery, cultivated agricultural land, vacant structure/land, and unused land (**Plans A-2 and A-3**), the warehouses, open storage/storage yards, warehouses, carpark/parking of vehicles and canteen in its vicinity are suspected UDs subject to enforcement action taken by the Planning Authority.
- 11.4 The Site is the subject of a previous application (No. A/YL-TYST/915) submitted by the same applicant for the same use on a larger site which was rejected by the Committee on 21.9.2018 on the considerations that the proposed development is not in line with the planning intention of the "R(B)1" zone and no strong planning justification has been given in the submission for a departure from the planning intention even on a temporary basis; and the scale of the proposed motor-vehicle showroom is excessive, and the applicant fails to demonstrate the need for the

proposed development in the area. Whilst the applied site area has reduced from 8,540m² to 3,744 m² and the number of cars to be displayed on the Site has reduced from 250 to 100, the applicant has not provided strong planning justification for a departure from the planning intention of “R(B)1” zone and has not demonstrated the need for the proposed development in the area. It is considered that the concern of the Committee on the large scale of and the need for the proposed moto-vehicle showroom has not been fully addressed.

- 11.5 The Site is currently used for open storage of vehicles without valid planning permission and is subject to planning enforcement action against UD involving open storage use. It is noted that the UD has not been discontinued even the enforcement notice was issued by the Planning Authority on 31.8.2018. Besides, having regard to the nature, scale and layout of the proposed development, it is more akin to open storage of vehicles. The Site would fall within Category 4 areas under the Town Planning Board Guidelines No. 13E for “Application for Open Storage and Port Back-up Uses” promulgated by the Board on 17.10.2008. Planning applications for open storage uses would normally be rejected except under exceptional circumstances on Category 4 areas. No previous approval has been granted at the Site and there is adverse departmental comment (i.e. DEP) on the application. The approval of the application which is akin to open storage use, even on a temporary basis, would set an undesirable precedent for similar applications to proliferate into the “R(B)1” zone, causing degradation to the surrounding environment.
- 11.6 DEP does not support the application as there are sensitive receivers of residential use in the vicinity and environmental nuisance is expected. Other concerned government departments have no adverse comments on the application.
- 11.7 There are three public comments received on the application during the statutory publication period objecting to/ not supporting the application for reasons as summarized in paragraph 10 above. The above planning considerations and assessment are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments as mentioned in paragraph 10 above, the Planning Department does not support the application for the following reasons:
- (a) the proposed development is not in line with the planning intention of the “R(B)1” zone, which is intended primarily for sub-urban medium-density residential developments. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
 - (b) the scale of the proposed outdoor motor-vehicle showroom is excessive, and the applicant fails to demonstrate the need for the proposed development in the area; and
 - (c) approval of the application, even on a temporary basis, would set an undesirable precedent for similar uses to proliferate into the “R(B)1” zone.

The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

- 12.2 Alternatively, 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 4.1.2022. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 9:00 p.m. and 11:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no car beauty, car washing, car repairing, car dismantling or other workshop activities, as proposed by the applicant, are allowed on the Site at any time during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) all existing trees and landscape plantings within the Site shall be maintained at all times during the planning approval period;
- (e) the provision of boundary fence on the Site within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 4.7.2019;
- (f) 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 4.7.2019;
- (g) in relation to (f) 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 4.10.2019;
- (h) in relation to (g) above, the implemented drainage facilities on 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 4.7.2019;
- (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 4.10.2019;
- (k) if any of the above planning conditions (a), (b), (c), (d), 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 (e), (f), (g), (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 at **Appendix V**.

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 Justification received on 12.11.2018
Appendix II	Previous Application covering the Site
Appendix III	Similar Applications within the subject "R(B)1" on the Tong Yan San Tsuen OZP
Appendices IV-1 to IV-3	Public comments received during the statutory publication period
Appendix V	Recommended Advisory Clauses
Drawing A-1	Vehicular Access Plan
Drawing A-2	Proposed Site Layout Plan
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
JANUARY 2019**