

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/939

- Applicant** : Mr. WONG Chong Yip represented by Metro Planning and Development Company Limited
- Site** : Lot 388 RP in D.D. 121 and Adjoining Government Land, Fui Sha Wai South Road, Yuen Long, New Territories
- Site Area** : 310 m² (about) (including about 125 m² of government land (GL))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/12
- Zoning** : “Comprehensive Development Area” (“CDA”)
[Restrict to a maximum gross floor area of 69,000m² (for the whole “CDA” zone) and a maximum building height of 17 storeys]
- Application** : Temporary Shop and Services (Convenience Store) 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 shop and services (convenience store) for a period of 3 years. According to the Notes of the OZP for “CDA” zone, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The majority of the Site is currently occupied by a residence with only a minor portion occupied by the applied use, both without valid planning permission (**Plans A-2, A-4a and A-4b**). The Site occupies about 1.3% of the entire “CDA” zone while the majority (about 70%) of the zone has been developed as a comprehensive residential development together with a kindergarten known as Uptown which was first approved in 1995.
- 1.2 The Site was involved in one previous application (No. A/YL-TYST/716) submitted by the same applicant for a similar applied use on the same site, 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 13.3.2015. However, the planning permission was subsequently revoked due to non-compliance with

time-limited approval conditions regarding the submission of a fire service installations (FSIs) proposal and the implementation of the landscape, drainage and FSIs proposals on 13.3.2016. Details of the previous application is summarised in paragraph 5 below and **Appendix II**. Compared with the previous application, the current application is submitted by the same applicant for a similar shop and services use with almost the same development parameters (except for two additional parking spaces for private car/light van) on the same site.

1.3 The Site is abutting Fui Sha Wai South Road to its east. According to the applicant, the application is proposed to serve the nearby residents by providing canned drinks, chips, biscuits, and confectionery, etc. The access area of the site frontage and a 5m strip of the area beyond the access gate has been hard paved to avoid any fugitive dust impact. As proposed by the applicant, all the existing trees within the Site will be preserved and maintained at his own expenses. The applicant also undertakes to provide and maintain all the drainage facilities at his own expenses. Adequate manoeuvring space is proposed within the Site and no vehicle queuing outside the Site will be allowed. Plans showing the site layout, proposed landscape plan, proposed drainage plan and proposed 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 and the current application are summarised as follows:

Major Development Parameters	Previously Approved Application No. A/YL-TYST/716 (a)	Current Application No. A/YL-TYST/939 (b)	Difference (b)-(a)
Applied Use	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	Temporary Shop and Services (Convenience Store) for a Period of 3 Years	Change in subsumed use
Site Area	310m ² (about)		---
Total Floor Area (Non-domestic)	255 m ² (about)		---
No. and Height of Structures	<p>3</p> <ul style="list-style-type: none"> • One for open shed (6.5 m, 1 storey) • One for real estate agency and meeting room (under the open shed) (5.5 m, 2 storeys) • One for toilet (3 m, 1 storey) 	<p>3</p> <ul style="list-style-type: none"> • One for open shed (6.5 m, 1 storey) • One for store room and site office for administrative use (under the open shed) (5.5 m, 2 storeys) • One for toilet (3 m, 1 storey) 	---
Parking Space	2 (5 m x 2.5 m) (for private car)	4 (5 m x 2.5 m) (for private car/light van)	+2
Operation Hours	9:00 a.m. to 8:00 p.m. daily		---

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

- (a) Application Form received on 3.12.2018 (Appendix I)
- (b) Supplementary Planning Statement (Appendix Ia)
- (c) Further Information received on 3.1.2019 proposing to increase the car parking spaces from 2 to 4 *[accepted but not exempted from publication and recounting requirements]* (Appendix Ib)
- (d) Further Information received on 8.1.2019 providing a FSIs proposal in support of the application *[accepted and exempted from publication and recounting requirements]* (Appendix Ic)
- (e) Further Information received on 30.1.2019 responding the comments of the Highways Department *[accepted and exempted from publication and recounting requirements]* (Appendix Id)
- (f) Further Information received on 23.1.2019 clarifying the site office use *[accepted and exempted from publication and recounting requirements]* (Appendix Ie)

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in Section 3 of the Supplementary Planning Statement (**Appendix Ia**). They can be summarised as follows:

- (a) The Site falls within the “CDA” zone which is mainly intended for comprehensive development/redevelopment of the area for residential use with the provision of open space, commercial and other supporting facilities, if any. The Site and the adjoining land were not acquired by the private development for comprehensive development due to land ownership problem. These plots of land are too small for comprehensive development and were left idle after the completion of a residential development in the subject “CDA” zone, named Uptown. The Site is considered appropriate for shop and services use to support the daily needs of the nearby residents and the temporary nature of the proposed use would not frustrate the planning intention of the “CDA” zone.
- (b) The Site is owned by Tso/Tong and its acquisition for comprehensive development was found impossible and was abandoned by the private developer. Should the subject application be refused by the Board, the Site would be left vacant and would likely generate environmental hygiene problems due to the lack of management. Should the application be approved, the applicant is willing to apply for a Short Term Waiver (STW) and Short Term Tenancy (STT).
- (c) The Site is generally surrounded by Uptown. Fui Sha Wai South Road and Hung Tin Road are located to its east and a refuse collection point (RCP) is located to

the south of the Site. The proposed development is clean, tidy and non-polluting in nature. The proposed development is not incompatible with the surrounding environment and would not affect the character of the area. Besides, there are similar applications for shop and services use in rural Yuen Long that had been approved by the Board.

- (d) It is estimated that the traffic generation would be insignificant to Fui Shan Wai South Road and the surrounding road network. Adequate manoeuvring space is proposed within the Site for the off-road turning of vehicles and there will be no vehicle queuing outside the Site. The proposed development would generate neither environmental nor noise disturbance and the applicant will implement measures with reference to the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” (Code of Practice). It is anticipated that the proposed development would not generate adverse drainage impact with the implementation of drainage facilities and all the proposed drainage facilities will be provided and maintained by the applicant at his own expense and be cleaned at regular intervals. Also, all the existing trees within the Site will be preserved and maintained at his own expenses.

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 of the application outside the Site and sending the notice to the Ping Shan Rural Committee by registered post. 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

The Site was involved in one previous application (No. A/YL-TYST/716) submitted by the same applicant for the a shop and services use on the same site with almost the same development parameters (except for two additional parking spaces for private car/light van). The previous application was approved with conditions by the Committee on 13.3.2015 on the consideration that the applied use would not jeopardise the long-term planning intention of the “CDA” zone; it was not incompatible with the surrounding; and no adverse comments were received from relevant government departments. However, the planning permission was subsequently revoked due to non-compliance with time-limited approval conditions regarding the submission of the FSIs proposal and the implementation of the landscape, drainage and FSIs proposals on 13.3.2016. Details of the application are summarised in **Appendix II** and the boundary of the Site is shown on **Plan A-1**.

6. Similar Application

There is no similar application for temporary shop and services (convenience store) use within the subject “CDA” zone on the OZP.

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

7.1 The Site is:

- (a) abutting Fui Sha Wai South Road to its northeast;
- (b) paved and partly fenced off; and
- (c) currently largely occupied by a residence with a minor portion used for the applied use without valid planning permission.

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

- (a) predominantly residential in character mixed with some parking of vehicles, scattered open storage yards, workshop, RCP and an electricity substation;
- (b) adjoining the Site to its immediate west in the same “CDA” zone is a residential development, known as Uptown, which comprises 7 towers and 37 houses. The Site is separated from this development by a boundary wall;
- (c) to its further north and northeast across the elevated Hung Tin Road are areas zoned “Government, Institution or Community” and “Village Type Development” on the OZP;
- (d) to its further southwest and west are existing and planned residential developments found in the “Residential (Group B)1” and “Residential (Group B)2” zones respectively; and
- (e) to its immediate south are an open storage of metal and workshop, parking of vehicles and a RCP. To its further southeast is an area with valid planning permission No. A/YL-TYST/870 for social welfare facility (residential care home for the elderly) use, but currently occupied by open storage yards and parking of vehicles. Together with other open storages yards, workshop and parking of vehicles in the vicinity, these operations are suspected unauthorised developments subject to enforcement action taken by the Planning Authority.

8. Planning Intention

The planning intention of the subject “CDA” zone is for comprehensive development/redevelopment of the area for residential use with the provision of open space, commercial and other supporting facilities, if any. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints.

9. Comments from Relevant Government Departments

9.1 The following government departments have been consulted and their views on the application 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 GL and an Old Schedule Agricultural Lot 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, Lot 388 RP in D.D. 121 is covered by STW No. 4513 permitting structures erected thereon for the purpose of temporary shop and services (real estate agency).
- (c) Major part of GL within the Site is a non-exclusive right of way in respect of STW No. 4513. A small part of GL within the Site is covered by STT No. 2977 to permit structures erected thereon for the purpose of temporary shop and services (real estate agency).
- (d) (i) According to the records, the Board had given a planning permission under Application No. A/YL-TYST/716 for Temporary Shop and Services (Real Estate Agency) at the Site in 2015. The relevant parties had subsequently obtained STW No. 4513 and STT No. 2977 from her office for the aforesaid planning permission.

(ii) Her office's recent site inspection to the Site found that no shop and service activities (real estate agency) could be found on site and only a real estate agency signage was hanged outside the existing structures. Furthermore, the existing structures were found used for domestic purposes which had seriously in breach of the permitted users of STW No. 4513 and STT No. 2977. Her office will take appropriate enforcement actions for STW No. 4513 and STT No. 2977 including termination of STW and STT.
- (e) The Site is accessible from Fui Sha Wai South Road via 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.
- (f) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (g) Should planning approval be given to the subject application, the owner of the lot and the applicant will need to apply to her office for STW and STT where appropriate. Besides, given the proposed use is temporary in nature, only application for 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 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

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

- (a) He has no adverse comment on the application and further information (**Appendix Ib**) provided by the Applicant from traffic engineering point of view.
- (b) The applicant is reminded that sufficient manoeuvring space should be provided within the Site. In addition, no vehicles are allowed to queue back to public roads or reverse onto/from public roads.

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) The proposed access will be across an existing u-channel. The applicant should design, construct and maintain the access, including the u-channel, without disruption to the existing drainage system to the satisfaction of his department. The applicant is reminded to submit the relevant access proposal for the further comment of his department. The applicant should also reinstate the u-channel and adjoining public road pavement to the satisfaction of his department when the planning approval is ended or revoked.
- (c) Adequate drainage measures should be provided at the Site to prevent surface water flowing from the Site to nearby public roads/drains.
- (d) His department shall not be responsible for the maintenance of any access connecting the Site and Fui Sha Wai Road South.

Environment

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

- (a) Should the planning application be approved, the applicant should be advised to follow the relevant mitigation measures and requirements in the Code of Practice to minimise any potential environmental nuisances.

- (b) The Applicant is reminded that sewage arising from the Site should be directed to nearby public sewer. If septic tank and soakaway system is used in case of unavailability of public sewer, its design and construction should follow the requirements of the Practice Note for Professional Persons (ProPECC PN) 5/93 “Drainage Plans subject to Comment by the Environmental Protection Department” and are duly certified by an Authorised Person (AP).

Landscape

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

- (a) The Site, located in Tong Yan San Tsuen along Fui Sha Wai South Road, falls within an area zoned “CDA” on the approved Tong Yan San Tsuen OZP No. S/YL-TYST/12, seeking approval for the proposed temporary shop and services for a period of 3 years. The Site is subject to a previously approved application (No. A/YL-TYST/716) for the similar uses.
- (b) The site area is about 310 m². With reference to the information submitted, the temporary shop and services is already in use and four existing trees within the Site is proposed to be preserved. Significant landscape impact arising from the continuous use on the area is not anticipated. Therefore, she has no objection to the application from the landscape planning perspective.
- (c) In view of the very limited space of the Site, it is not necessary to impose a landscape condition as its effect on enhancing the quality of public realm is not apparent. Should the Board approve the application, the applicant should be advised to maintain all the existing trees 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:
- Pictorial Guide for Tree Maintenance (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
 - Handbook on Tree Management (樹木管理手冊):

https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html

- Tree Risk Assessment and Management Arrangement (樹木風險評估及管理安排):
https://www.greening.gov.hk/tc/tree_care/tra_arrangements.html
- Minimising Tree Risks (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
- Pictorial Guide for Tree Maintenance to Reduce Tree Risks (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) According to the information submitted by the applicant, the drainage proposal was generally identical to the one submitted under the previous application No. A/YL-TYST/716 on which he had no adverse comment.
- (b) He has no objection in principle to the proposed development from a drainage point of view. Should the Board consider that the application is acceptable from the planning point of view, approval conditions requiring the implementation and maintenance of the proposed drainage facilities 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) The submitted FSIs proposal (**Drawing A-4**) is considered acceptable to his department.
- (c) The installation/maintenance/modification/repair work of the FSI 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 the Director of Fire Services.

- (d) 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) There is no record of approval by the Building Authority for the existing structures at the Site and the BD is not in a position to offer comments on their suitability for the use related to the application.
- (b) The applicant's attention is drawn to the following points:
- If the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of BD, they are unauthorised building works (UBW) under the BO and should not be designated for any approved use under the captioned application.
 - For UBW erected on leased land, enforcement action may be taken by 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.
 - Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the application site, prior approval and consent of BD should be obtained, otherwise they are UBW. An AP should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
 - 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.
 - 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):

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

District Officer’s Comments

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

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

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

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

10. Public Comments Received During the Statutory Publication Periods

On 11.12.2018 and 11.1.2019, the application and the further information were published for public inspection respectively. During the first three weeks of the statutory public inspection periods, which ended on 2.1.2019 and 1.2.2019 respectively, four public comments were received from two general public (**Appendices III-1 and III-2**) and a Yuen Long District Councillor (**Appendix III-3**). A public member (**Appendices III-1 and III-4**) objected to the application twice on the same grounds that the Site has never been used for shop and services (real estate agency) use since the approval of the last application No. A/YL-TYST/716 and was instead occupied for domestic use. Another public member (**Appendix III-2**) expressed concern on repeated non-compliances with approval conditions. The Yuen Long District Councillor objected to the application as there is no need for more real estate agency, though the current application is for shop and services (convenience store) use.

11. Planning Considerations and Assessments

11.1 The subject application is for temporary shop and services (convenience store) for a period of 3 years. The Site falls within an area zoned “CDA” on the OZP. The Site is a piece of residual land that was not acquired for the development of the existing comprehensive residential development (Uptown) covering the majority of the subject “CDA” zone and is not covered by the Master Layout Plan of the said development. Although the applied use is piecemeal and hence not entirely in line with the planning intention of the “CDA” zone which is primarily for comprehensive development/redevelopment of the area, there is currently no known programme for long-term development on the Site. Approval of the application on a temporary basis would not jeopardise the long-term planning intention of the “CDA” zone on the OZP.

- 11.2 The applied development, which comprises three temporary structures with a total floor area of about 255m² and height of 3m to 6.5m (1 to 2 storeys), is relatively small in scale (**Drawing A-1**). The proposed development is considered not incompatible with the surrounding uses which are predominantly residential in character mixed with some vehicle parks (**Plan A-2**).
- 11.3 There is no adverse comment on the application from concerned government departments consulted. In view of its small scale and temporary nature, significant adverse environmental, traffic, landscape and drainage impacts on the surrounding area are not envisaged. Furthermore, relevant approval conditions are recommended in paragraph 12.2 to minimise any potential environmental nuisances or to address the technical requirements of other concerned government departments. Any non-compliance with the approval conditions or material deviations from the applied use will result in revocation of the planning permission and unauthorised development on the Site will be subject to enforcement action by the Planning Authority. Should the planning application be approved, the applicant will also be advised to follow the Code of Practice in order to minimise any potential environmental nuisances.
- 11.4 The Site is the subject of a previous application for temporary shop and services (real estate agency) (No. A/YL-TYST/716) which was approved with conditions for a period of 3 years by the Committee on 13.3.2015. However, the planning permission was subsequently revoked due to non-compliance with time-limited approval conditions regarding the submission of the FSIs proposal and the implementation of the landscape, FSIs and drainage proposals on 13.3.2016. For the current application, it was submitted by the same applicant and the applicant has submitted landscape, drainage and FSIs proposals (**Drawings A-2 to A-4**) which are accepted by CTP/UD&L of PlanD, CE/MN of DSD and D of FS respectively. 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 There are four public comments objecting or expressing concerns to the application as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.4 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 mentioned in paragraph 10 above, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years until 22.2.2022. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 8:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (c) all existing trees within the Site shall be maintained at all times during the planning approval period;
- (d) the submission of a run-in/out proposal within **3** months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 22.5.2019;
- (e) in relation to (d) above, the implementation of the 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 22.8.2019;
- (f) the implementation of the accepted 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 22.8.2019;
- (g) in relation to (f) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) the implementation of the accepted 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 22.8.2019;
- (i) if any of the above planning conditions (a), (b), (c) or (g) 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;
- (j) if any of the above planning conditions (d), (e), (f) or (h) 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; and
- (k) upon expiry of the planning permission, the reinstatement of the existing u-channel and adjoining public road pavement to its original state to the satisfaction of the Director of Highways or of the Town Planning Board.

Advisory clauses

The recommended advisory clauses are 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 development was not in line with the planning intention of the "CDA" zone which was for comprehensive development/redevelopment of the area for residential use with the provision of open space, commercial and other supporting facilities, if any. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application Form received on 3.12.2018
Appendix Ia	Supplementary Planning Statement
Appendix Ib	Further Information received on 3.1.2019 proposing to increase the car parking spaces from 2 to 4
Appendix Ic	Further Information received on 8.1.2019 providing a FSIs proposal in support of the application
Appendix Id	Further Information received on 30.1.2019 responding the comments of the Highways Department
Appendix Ie	Further Information received on 31.1.2019 clarifying the site office use
Appendix II	Previous Application covering the Site
Appendices III-1 to III-4	Public Comments received during the statutory publication periods
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Proposed Layout Plan
Drawing A-2	Proposed Landscape and Tree Preservation Plan
Drawing A-3	Proposed Drainage Plan
Drawing A-4	Proposed Fire Service Installations Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2019**