

Withdrawn by Applicant

RNTPC Paper No. A/YL-TYST/977A
For Consideration by
the Rural and New Town
Planning Committee
on 17.1.2020

APPLICATION FOR PERMISSION UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/977

- Applicant** : Queen Million Investments Limited represented by PlanPlus Consultancy
- Site** : Lot 2611 S.A (Part) in D.D. 124 and Adjoining Government Land (GL), Tan Kwai Tsuen, Yuen Long, New Territories
- Site Area** : 1,520m² (about) (including about 340 m² of GL)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/12
- Zonings** : “Residential (Group D)” (“R(D)”) (about 79.47%)
[Restricted to maximum plot ratio (PR) of 0.2 and maximum building height (BH) of 2 storeys (6m)]
- “Residential (Group B)1” (“R(B)1”) (about 19.84%)
[Restricted to maximum PR of 1, maximum site coverage of 40% and maximum BH of 4 storeys over single-storey car park (15m)]
- “Government, Institution or Community” (“G/IC”) (about 0.69%)
- Application** : Proposed Temporary Shop and Services 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 for a period of 3 years (**Plan A-1a**). According to the Notes of the OZP for the “R(D)” and “R(B)1” zones, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently paved and largely occupied by a vacant warehouse structure (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site was the subject of two previous applications (No. A/YL-TYST/701 and 918) for warehouse and similar shop and service uses which were rejected by the Rural and New Town Planning Committee (the Committee) of the Board on

12.12.2014 and 5.10.2018 respectively (**Plan A-1b**). Details of the previous applications are summarised in paragraph 5 below and **Appendix II**. Compared with the last application, the current application is submitted by the same applicant for a similar use, with similar site layout and development parameters on largely the same site.

1.3 According to the applicant, the proposed shop is for retailing and delivery of gardening equipment (including plant pots, small machinery and tools) and outdoor furniture (including tables, benches, sun loungers and outdoor trampolines, etc.) (**Appendices Ic and Id**). It is mainly intended to serve the residents of the Tan Kwai Tsuen area. The larger floor area and higher headroom of the vacant warehouse structure would enable the display and storage of bulky products, and create a pleasant shopping experience (**Drawing A-3**). No open storage activities and storage or sale of powered mechanical equipment and gardening chemicals, including pesticides and herbicides, will be carried out within the Site. No medium or heavy goods vehicle will be attracted to the Site. The applicant also undertakes to provide and maintain all the drainage facilities at his own expenses. Façade treatments through painting (where nearby residents and members of the Rosary Church will be invited to participate) and landscape buffer to enhance the visual appeal of the retail shop and its interface with the Rosary Church will be provided (**Drawings A-3 to A-5**). Plans showing the site layout, drainage proposal and photomontages submitted by the applicant are provided at **Drawings A-1 to A-10** respectively.

1.4 The major development parameters of the application are summarised as follows:

Major Development Parameters	Previously Rejected Application No. A/YL-TYST/918 (a)	Current Application No. A/YL-TYST/977 (b)	Difference (b)-(a)
Applied Use	Proposed Temporary Shop and Service (Furniture and Cleaning Equipment) for a Period of 3 Years	Proposed Temporary Shop and Service for a Period of 3 Years	Change in Retailed Product
Site Area	About 1,500 m ² (including about 340 m ² of GL)	About 1,520 m ² (including about 340 m ² of GL)	+20 m ² (+1.3%)
Total Floor Area (Non-domestic)	1,000 m ²	1,020 m ²	+20 m ² (+2%)
PR	About 0.67		---
No. and Height of Structure	1 • one warehouse structure for retail shop with site office, staff room, rain shelter and toilet (7m, 1 storey)		---
No. of Parking Space	Nil		---

Major Development Parameters	Previously Rejected Application No. A/YL-TYST/918 (a)	Current Application No. A/YL-TYST/977 (b)	Difference (b)-(a)
No. of Loading/Unloading Space	1 (for light goods vehicle) (7 m x 3.5 m)		---
Operation Hours	9:00 a.m. to 7:00 p.m. daily	9:00 a.m. to 6:00 p.m. daily	Shorter operation hours

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

- (a) Application Form received on 23.7.2019 (Appendix I)
- (b) Supplementary Planning Statement with market study and letters from a former member of Yuen Long District Council (YLDC), a Village Representative (VR) of Tan Kwai Tsuen and The Catholic Diocese of Hong Kong (Appendix Ia)
- (c) Supplementary Information dated 26.7.2019 providing revised drawings and plans (Appendix Ib)
- (d) Further Information (FI) received on 21.11.2019 providing planning justifications, visual appraisal, replacement pages of the market study, aerial photos and product samples [accepted but not exempted from publication and recounting requirements] (Appendix Ic)
- (e) FI received on 7.1.2020 providing responses to departmental comments and replacement pages of the visual appraisal and product samples [accepted and exempted from publication and recounting requirements] (Appendix Id)

1.6 On 20.9.2019, the Committee agreed to defer a decision on the application for a period of two months, as requested by the applicant's representative. On 21.11.2019, FI (Appendix Ic) was received and the application is submitted to the Committee for consideration at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Section 5 of the Supplementary Planning Statement (Appendix Ia) and the FI at Appendices Ic and Id. They can be summarised as follows:

- (a) The proposal is in line with the planning intentions of the OZP, including the planning intention of the "R(D)" zone to upgrade the area. The aesthetic façade design with community engagement would strengthen the sense of identity of the neighbourhood. Also, it could serve any demand for the proposed use in the area and act as an interface between the dilapidated temporary structures and the new

residential developments. Furthermore, no significant traffic, environmental, drainage and sewerage impacts arising from the proposal are expected.

- (b) The proposal is compatible with the surrounding uses, including the nearby Rosary Church, Ying Yin Catholic Kindergarten, village office and residential developments. No pedestrian safety issue will be created as there is only limited traffic arising from the proposal and no vehicle exceeding 5.5 tonnes, including medium and heavy goods vehicle, will be allowed to enter the Site. Besides, the ingress/egress at Shui Fu Road would not conflict with the ingress/egress of the Rosary Church at a local track leading off Tan Kwai Tsuen Road. In this regard, The Catholic Diocese of Hong Kong has no objection to the proposal (**Appendix Ia**).
- (c) Based on the findings of the VA, with no alteration works proposed and the proposed façade treatments implemented, the overall visual impacts are negligible. Besides, the Site was occupied by structures with similar bulk as the current proposed structure when the first draft development permission area (DPA) plan was published (i.e. 18.6.1993) (**Plans A-3b** and **A-3c**). In this regard, the proposal will not lead to significant changes to the existing conditions of the Site and its surroundings.
- (d) Due to the concentration of higher income and middle-aged demographic profile, and the prevalence of flats/houses with balconies, gardens and/or roofs in the area, there is a genuine need for the proposed use as substantiated by the market study (**Appendices Ia** and **Ic**). There is currently no relevant shop in the area to meet such demand. In this regard, a former member of the YLDC and a VR of Tan Kwai Tsuen indicated their support to the proposal (**Appendix Ia**).
- (e) The proposal has duly taken into consideration the previous concerns on the last application raised by members of the public and the Board. A number of similar applications within the “R(D)” zone have been approved by the Committee. Similar consideration should be given to the current application.

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 obtaining consent from the “current land owner”. 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. Background

The Site is currently not subject to planning enforcement action.

5. Previous Applications

- 5.1 The Site was involved in two previous applications (No. A/YL-TYST/701 and 918). Details of the applications are summarised in **Appendix II** and the locations of the sites are shown on **Plan A-1b**.
- 5.2 Application No. A/YL-TYST/701 for proposed temporary warehouse for storage of construction material for a period of 3 years was rejected by the Committee on 12.12.2014 mainly on the grounds that the development was not in line with the planning intention of the “R(D)” zone; the applicant failed to demonstrate that the development would not generate adverse environmental impact on the surrounding areas; and the approval of the application would set an undesirable precedent.
- 5.3 Application No. A/YL-TYST/918 for proposed temporary shop and services (retail shop for furniture and cleaning equipment) for a period of 3 years was rejected by the Committee on 5.10.2018 mainly on the grounds that the development was not in line with the planning intention of the “R(D)” zone and no strong planning justification was given in the submission for a departure from the planning intention, even on a temporary basis.
- 5.4 Compared with the last application, the current application is submitted by the same applicant for a similar use, with similar site layout and development parameters on largely the same site.

6. Similar Applications

- 6.1 There are a total of 8 similar applications (No. A/YL-TYST/120, 569, 713, 755, 819, 824, 887 and 890) for similar temporary shop and services use in the subject “R(D)” and “R(B)1” zones with or without straddling other zones. Details of the applications are summarised in **Appendix III** and the locations of the sites are shown on **Plan A-1a**.
- 6.2 Application No. A/YL-TYST/120 for proposed temporary refreshment kiosk, applications No. A/YL-TYST/569, 713, 755, 819, 824 and 887 for proposed temporary real estate agency with or without eating place and application No. A/YL-TYST/890 for proposed retail shop for electrical appliances were all approved with conditions each for a period of 2 to 3 years by the Committee on 10.11.2000, 24.2.2012, 6.2.2015, 22.1.2016, 23.12.2016, 3.2.2017, 20.4.2018 and 4.5.2018 respectively. The applications were approved mainly on similar considerations that the uses were not incompatible with the surrounding environment; the development would not jeopardise the long-term planning intentions of the subject zones and would not generate adverse environmental impact on the surrounding areas; there were no adverse comments from relevant departments; and the departmental concerns on the application could be addressed by imposing approval conditions. However, planning permissions No. A/YL-TYST/569, 713, 755, 819 and 824 were subsequently revoked due to non-compliance with approval conditions.

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

7.1 The Site is:

- (a) accessible via Shui Fu Road to its north leading from Tan Kwai Tsuen Road to its west (**Plans A-2 and A-3a**); and
- (b) paved and largely covered by a vacant warehouse structure (**Plans A-2, A-4a and A-4b**).

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

- (a) comprise predominantly residential developments/structures intermixed with a church cum kindergarten (temporarily not in operation), a village office, parking of vehicles, storage yards, graves, a nullah, a latrine, woodland, agricultural land and vacant land/structures;
- (b) there are existing residential developments/structures in the vicinity of the Site, including Casa Regalia, Tan Kwai Garden and Osmanthus Gardens along Tan Kwai Tsuen Road;
- (c) to the immediate west are Rosary Church and Ying Yin Catholic Kindergarten (the latter is currently not in operation) within the subject “G/IC” zone; and
- (d) the aforementioned parking of vehicles and storage yards in the vicinity are suspected unauthorised developments (UD) subject to enforcement action taken by the Planning Authority.

8. Planning Intentions

8.1 The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

8.2 The planning intention of the “R(B)1” zone is 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 summarised as follows:

Land Administration

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

- (a) The Site comprises Old Schedule Agricultural Lot held under Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) No permission is given for occupation of GL (about 340m² subject to verification) included in the Site. The applicant's attention is drawn to the fact that the act of occupation of GL without Government's prior approval is not allowed. With the implementation of the tightened arrangements for handling regularisation applications, her department will no longer accept application for regularisation of new or extension of unlawful occupation of GL or erection of new structures which is found commenced on or after 28.3.2017.
- (c) The Site is accessible from Shui Fu Road through GL and private lot(s). Her office provides no maintenance works to the GL involved and does not guarantee any right-of-way to the Site.
- (d) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (e) Should planning approval be given to the application, the lot owner(s) of the lot(s) without Short Term Waiver will need to apply to her office for permitting the structures to be erected or to regularise any irregularities on site, if any. The applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Application(s) 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 from traffic engineering point of view.
- (b) Sufficient manoeuvring spaces shall be provided within the Site.

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) If the proposed run-in is agreed by the Transport Department, the applicant should provide the run in/out at Shui Fu Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement.
- (b) The proposed vehicular access arrangement may affect the existing U-channel abutting the Site. The modification details should be submitted for his comment.
- (c) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (d) His department shall not be responsible for the maintenance of any access connecting the Site and Shui Fu Road.

Environment

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

Should the planning application be approved, the applicant should be advised to follow relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any potential environmental nuisances on the surrounding areas.

Drainage

9.1.5 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 a drainage point of view.
- (b) He has the following comments on the submitted drainage proposal (**Appendix Ib** and **Drawing A-2**):
 - (i) Peripheral surface channels shall be provided along the site boundary to collect the surface runoff accrued on the Site and to intercept the overland flow from the adjacent lands.
 - (ii) The full alignment of the discharge path from the Site all the way down to the ultimate discharge point (e.g. a

well-established stream course/public drainage system) should be indicated clearly.

- (iii) The proposal should indicate how the runoff (the flow direction) within the Site would be discharged to the proposed u-channel.
 - (iv) The cover levels and invert levels of the proposed u-channels and catchpits/sand traps should be shown on the drainage plan.
 - (v) Cross sections showing the existing and proposed ground levels of the Site with respect to the adjacent areas should be given.
 - (vi) Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities.
 - (vii) Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit/sand trap.
 - (viii) Where walls or hoarding are erected and laid along the site boundary, adequate opening should be provided to intercept the existing overland flow passing through the Site.
 - (ix) The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.
 - (x) The applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works.
- (c) Notwithstanding the above, should the Board consider that the application is acceptable from the planning point of view, approval conditions requiring the submission of a revised drainage proposal, and the implementation and maintenance of the drainage facilities for the development to the satisfaction of the Director of Drainage Services or of the Board should be stipulated.

Urban Design

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

- (a) Considering the temporary nature of the proposed development and some aesthetic design treatments of building facades proposed by the applicant (**Drawings A-4 and A-5**), significant

adverse visual impact is not anticipated.

- (b) Nevertheless, she has the following observations/comments on the visual appraisal (**Appendix Ic**):
 - (i) Viewing Point (VP) 2 – The “planting strip on the building façade” that supposedly serve as a “landscape buffer” is not visible on the photomontages (**Drawing A-7**). The applicant should supplement the argument and justify the visual change of this VP as “slightly enhanced”.

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. In addition, the applicant should also be advised on the following points:
 - (i) The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy.
 - (ii) The location of where the proposed FSIs to be installed should be clearly marked on the layout plans.
- (c) However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Building Matters

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

- (a) As there is no record of approval by the Building Authority for the existing structures at the 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 BD, they are unauthorised building works (UBW) under the BO and should not be designated for any

proposed use under the application.

- (ii) For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.
- (iii) Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of BD should be obtained, otherwise they are UBW. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (iv) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively.
- (v) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

District Officer's Comments

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

His office has not received any feedback from the locals.

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

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

10. Public Comment Received During the Statutory Publication Periods

On 2.8.2019 and 29.11.2019, the application and the subsequent FI (**Appendix Ic**) were published for public inspection. During the respective three weeks of the statutory public inspection periods, which ended on 23.8.2019 and 20.12.2019, one public comment (**Appendix IV**) was received objecting to the application on the grounds that the current

proposal remains largely unchanged from the last application (No. A/YL-TYST/918) and hence the Committee's previous concerns shall remain valid, including those on land use incompatibility, excessive scale of the development, and the setting of undesirable precedents.

11. Planning Considerations and Assessments

- 11.1 The subject application is for proposed temporary shop and services for a period of three years at a site mostly zoned "R(D)" (79.47%) and partly zoned "R(B)1" (19.84%) on the OZP, with the latter portion being mostly GL serving as a vehicular access. The proposed development is generally not in line with the planning intention of the "R(D)" zone, which is intended primarily for low-rise and low-density residential development. Apart from the applicant's claim for market demand in the area, no strong planning justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis. Moreover, no justifications have been given to suggest why the proposed use must be located at the Site, instead of other more accessible, prominent and suitable sites in the locality.
- 11.2 The proposed retail shop would be carried out within a 7m-high structure with a floor area and PR of about 1,020m² and 0.67 respectively (**Plans A-4a and A-4b**). The proposed BH and PR exceed the prevailing restrictions for the "R(D)" zone (i.e. 6m and 0.2 respectively) and are considered excessive. Furthermore, despite the proposed façade treatment, the scale and bulk of the structure remains akin to a warehouse, which is not compatible with the predominately residential uses in the subject "R(D)" and "R(B)1" zones, as well as the sensitive uses (including a church-cum-kindergarten) in the adjoining "G/IC" zone (**Plan A-2**).
- 11.3 There is one previous application (No. A/YL-TYST/918) for similar temporary shop and services use at the Site, which was rejected by the Committee on 5.10.2018 mainly on the consideration that the use was not in line with the planning intention of the "R(D)" zone and no strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis. As there are no material changes in planning circumstances, rejecting the current application is generally in line with the Committee's previous decision. Although the Committee had approved 8 similar applications for shop and services use within/or straddling the subject "R(D)" and "R(B)1" zones, they are mostly real estate agencies and of a much smaller scale with floor areas ranging from 80m² to 226m² and BHs ranging from 3m to 5.5m (for the "R(D)" zone), which are in commensurate with their local clientele in the neighbourhood. The development scale of the current proposal, with a floor area of about 1,020m² and a BH of 7m, is considered excessive.
- 11.4 There is one objecting public comment received on the application during the statutory publication period as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.3 above are relevant.

12. Planning Department's Views

12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment as mentioned in paragraph 10 above, the Planning Department does not support the application for the following reasons:

- (a) the development is not in line with the planning intention of the “R(D)” zone which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. No strong planning justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis; and
- (b) the scale of the proposed retail shop is excessive and incompatible with the surrounding residential uses in the “R(D)” and “R(B)1” zones.

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 17.1.2023. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no open storage activities shall be carried out on the Site, as proposed by the applicant, at any time during the planning approval period;
- (c) no medium or heavy goods vehicles, including container tractor/trailer, as defined in the Road Traffic Ordinance, is allowed to be parked/stored on or enter/exit the Site, as proposed by the applicant, at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time 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 17.7.2020;
- (f) the submission of a run-in/out proposal within **6** months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 17.7.2020;
- (g) in relation to (f) above, the implementation of a run-in/out proposal within **9** months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 17.10.2020;
- (h) the submission of a revised drainage proposal within **6** months from the

date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 17.7.2020;

- (i) in relation to (h) above, the implementation of the revised 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 17.10.2020;
- (j) in relation to (i) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (k) 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 17.7.2020;
- (l) in relation to (k) 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 17.10.2020;
- (m) if any of the above planning conditions (a), (b), (c), (d) or (j) 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
- (n) if any of the above planning conditions (e), (f), (g), (h), (i), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

Advisory clauses

The recommended advisory clauses are attached at **Appendix V**.

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 reject the application, Members are invited to advise what reasons for rejection should be given to the applicant.
- 13.3 Alternatively, 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. Attachments

Appendix I	Application Form received on 23.7.2019
Appendix Ia	Supplementary Planning Statement with market study and letters from a former member of YLDC, a VR of Tan Kwai Tsuen and The Catholic Diocese of Hong Kong
Appendix Ib	Supplementary Information dated 26.7.2019 providing revised drawings and plans
Appendix Ic	FI received on 21.11.2019 providing planning justifications, visual appraisal, replacement pages of the market study, aerial photos and product samples
Appendix Id	FI received on 7.1.2020 providing responses to departmental comments and replacement pages of the visual appraisal and product samples
Appendix II	Previous Applications covering the Site
Appendix III	Similar Applications straddling/within the the same “R(D)” and “R(B)1” Zones on the OZP
Appendix IV	Public Comment received during the statutory publication periods
Appendix V	Recommended Advisory Clauses
Drawing A-1	Proposed Layout Plan
Drawing A-2	Proposed Drainage Plan
Drawings A-3 to A-10	Photomontages
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plans A-3a to A-3c	Aerial Photos
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
JANUARY 2020**