

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-ST/534

- Applicant** : Asia Jet Limited represented by Metro Planning and Development Company Limited
- Site** : Lots 3 (Part) & 4 (Part) in D.D. 105 and adjoining Government Land (GL), San Tin, Yuen Long
- Site Area** : About 500m² (including about 60m² of GL)
- Lease** : Block Government Lease (demised for agricultural use) (no structures are allowed to be erected without the prior approval of the Government)
- Plan** : Approved San Tin Outline Zoning Plan (OZP) No. S/YL-ST/8
- Zoning** : “Other Specified Uses” annotated “Comprehensive Development to Include Wetland Restoration Area” (“OU(CDWRA)”)
- Application** : Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning approval for proposed temporary shop and services (real estate agency) for a period of 3 years at the application site (the Site) (**Plan A-1**). According to the Notes of the OZP, ‘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 parking of vehicles without valid planning permission.
- 1.2 The Site is subject of 10 previous applications (Nos. A/DPA/YL-ST/4 and 25, A/YL-ST/108, 161, 171, 172, 182, 253, 287 and 322) mainly for temporary vehicle park uses and residential developments (**Plan A-1**). Amongst them, 3 applications mainly for temporary container tractor/trailer park uses were approved. The last approved application No. A/YL-ST/253 for temporary container trailer/tractor park with ancillary office for a period of 3 years was

granted approval by Town Planning Appeal Board (TPAB) on 17.3.2006.

- 1.3 As shown on the layout plan at **Drawing A-1** and **Plan A-2**, the Site is accessible at the east via a local track off Castle Peak Road – San Tin. 3 structures respectively for the real estate agency, conference room and store room/toilet, 3 parking spaces and a 12m diameter manoeuvring area will be provided. The applicant has submitted a landscape proposal (**Drawing A-2**) and a drainage proposal (**Drawing A-3**) in support of the application. The major parameters of the application are summarized below:

Proposed Use	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years
Site Area	About 500m ² (including about 60m ² of GL)
Structures	3 structures 1 shop and services (real estate agency) (not exceeding 6m, 2 storeys), 1 conference room (not exceeding 3.5m, 1 storey), 1 store room and toilet (not exceeding 3m, 1 storey)
No. of Parking Spaces, Loading/Unloading Spaces	3 parking spaces (5m x 2.5m) for private car
Operation Hours	9:00a.m. to 8:00p.m. at all days including Sundays and Public Holidays

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

- (a) Application Form received on 16.11.2018 **(Appendix I)**
- (b) Planning Statement **(Appendix Ia)**

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in section 3 of the Planning Statement at **Appendix Ia**. They can be summarized as follows:

- (a) The proposed development is a temporary use which would not jeopardize the planning intention of “OU(CDWRA)” zone. The proposed development is partially in line with the planning intention of the zone which in part intends to “phasing out existing sporadic open storage of port back-up uses on degraded wetland”. Shop and services is a Column 2 use in the Notes of the OZP of “OU(CDWRA)” zone. The proposed development would serve the daily need of the adjacent landlords for leasing and sale of adjacent land lots and buildings.

- (b) The proposed development, which abuts the Castle Peak Road - San Tin Section, is compatible with the surrounding environment and would not affect the character of the surrounding environment, considering its scale, nature, layout and form. It is clean, tidy and free from nuisance.
- (c) The applicant is committed to undertake various measures on traffic, environment, landscape, sewerage treatment and drainage aspects. There would be no adverse traffic, environmental, landscape, sewerage and drainage impacts arising from the proposed development.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting site notice and sending notice to San Tin Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the “Owner’s Consent/Notification” Requirements as set out in TPB PG-No. 31A are not applicable.

4. Town Planning Board Guidelines

According to the Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C), the Site falls within the Wetland Buffer Area (WBA). The relevant assessment criteria are summarized as follows:

- (a) the intention of the WBA is to protect the ecological integrity of the fish ponds and wetland within the Wetland Conservation Area (WCA) and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds; and
- (b) within the WBA, for development or redevelopment which requires planning permission, an ecological impact assessment (EcoIA) would need to be submitted. Some local and minor uses (including temporary uses) are however exempted from the requirement of EcoIA.

5. Background

Part of the Site is subject to planning enforcement action against unauthorized development (UD) involving storage use (including deposit of containers), place for parking of vehicles and shop and services. Enforcement Notice was issued on 26.10.2018 requiring discontinuation of the UD. If the notice is not complied with, prosecution action may be taken. According to the previous site inspection of Chief Town Planner/Central Enforcement and Prosecution of Planning Department (CTP/CEP, PlanD), the shop and services use at the Site was for sales of vehicles, instead of real estate agency as proposed under the application.

6. Previous Applications

- 6.1 The Site is subject of 10 previous applications (Nos. A/DPA/YL-ST/4 and 25, A/YL-ST/108, 161, 171, 172, 182, 253, 287 and 322) submitted by different applicants mainly for temporary car park uses (6 applications) and residential development (4 applications).
- 6.2 Application Nos. A/YL-ST/108, 182 and 253 for temporary container tractor/trailer park and related use on slightly larger sites were approved on temporary basis by the Rural and New Town Planning Committee (the Committee) and/or TPAB on appeal on 28.1.2000, 19.11.2002 and 17.3.2006 respectively for periods of 6 months to 3 years mainly on the consideration that the uses on a temporary basis were not incompatible with the adjacent open storage uses and container trailer parks, and significant adverse traffic and drainage impacts on the area were not expected to be generated; and the applicant should be given time to look for an alternative site to continue his operation.
- 6.3 Application Nos. A/YL-ST/161, 171 and 322 for temporary container tractor/trailer and heavy goods vehicle park and related uses on slightly larger sites were rejected by the Committee and/or the Board on review on 2.2.2001, 7.7.2001 and 9.2.2007 respectively, mainly on the consideration that the developments were not in line with the planning intention of “OU(CDWRA)” zone; there was insufficient information to demonstrate that the developments would not have adverse environmental and traffic impacts on surrounding areas; the developments did not comply with the relevant TPB Guidelines; and the approval of the application would set undesirable precedent for other similar applications in “OU(CDWRA)” zone.
- 6.4 Application Nos. A/DPA/YL-ST/4 and 25 on much larger sites for residential and/or nature conservation developments were rejected on review by the Board on 16.7.1993 and 9.12.1994 respectively. Application Nos. A/YL-ST/172 and 287 on larger sites for proposed comprehensive residential development with wetland restoration were rejected by the Committee on 20.7.2001 and 27.2.2009 respectively (**Plan A-1**).
- 6.5 Details of these applications are summarized at **Appendix II**. Their locations are shown on **Plan A-1**.

7. Similar Application

There is no similar planning application for shop and services use within the same “OU(CDWRA)” zone.

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

- 8.1 The Site is:

- (a) located at the northern side of the Castle Peak Road – San Tin;
- (b) accessed by a local track connecting to Castle Peak Road – San Tin via an ingress/egress point at the eastern side of the Site;
- (c) currently used for parking of vehicles; and
- (d) located within the WBA of Deep Bay.

8.2 The surrounding land uses are mainly open storage yards, parking of vehicles, residential dwellings and unused/vacant land. Some of the storage and parking of vehicle uses are suspected UDs subject to enforcement action:

- (a) to the north and west are areas partly occupied by open storage yards for container, container trailer and vehicle parts, vehicle parks and unused/vacant land;
- (b) a few domestic units are found to its east and southeast across Castle Peak Road – San Tin. To the further east and southeast are car services yard and open storage yards for construction machinery and materials;
- (c) to its south across Castle Peak Road – San Tin is a vegetated knoll; and
- (d) to its further northeast is a fish pond.

9. **Planning Intention**

The planning intention of the “OU(CDWRA)” zone is to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area. It is also intended to phase out existing sporadic open storage of port back-up uses on degraded wetlands. Any new building should be located farthest away from Deep Bay.

10. **Comments from Relevant Government Departments**

10.1 The following Government departments have been consulted and their views on the application and public comment are summarized as follows:

Land Administration

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

- (a) The Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.

- (b) No permission is given for occupation of GL of about 60m² in area (subject to verification) included in the Site. The act of occupation of GL without Government's prior approval is not allowed.
- (c) The Site is accessible from Castle Peak Road - San Tin through both GL and private land. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way.
- (d) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (e) Should planning approval be given to the planning application, the lot owners will need to apply to his office to permit the structures to be erected or regularize any irregularity on site. 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. Furthermore, 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. Applications for any of the above will be considered by the LandsD 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 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 the LandsD.

Traffic

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

- (a) The Site is connected to the public road network via a section of a local access which is not managed by Transport Department (TD). The land status of the local access road should be clarified with the LandsD by the applicant. The management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.
- (b) Should the application be approved, the following condition should be incorporated:

No vehicle is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period.

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

- (a) The proposed access arrangement of the Site from Castle Peak Road - San Tin should be commented by TD.

- (b) His department does not and will not maintain any access connecting the Site and Castle Peak Road - San Tin. The applicant should be responsible for his own access arrangement. Presumably, the relevant departments will provide their comments, if any.
- (c) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

10.1.4 Comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD2-2, RDO, HyD):

The Site neither falls within any administrative route protection boundary, gazetted railway schemes boundary, nor railway protection boundary of heavy rail systems. He has no comment on the application from railway development viewpoint.

Environment

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

In accordance with the latest “Code of Practice on Handling the Environmental Aspects of Temporary uses and Open Storage Sites”, he has no objection to the application.

Nature Conservation

10.1.6 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

Noting that the Site is paved and disturbed, he has no comment on the application from nature conservation point of view.

Landscape

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

- (a) The Site, located to north of Castle Peak Road (San Tin Section), falls within an area zoned “OU(CDWRA)” on the approved OZP. The Site is the subject of 10 previous applications. The last Application No. A/YL-ST/322 for the proposed public vehicle park was rejected on review by the Board on 9.2.2007.
- (b) The surrounding area comprises of open storage, container vehicle park, temporary structures, tree groups and fish ponds. The proposed use is considered not incompatible with the existing landscape setting in proximity.
- (c) According to his site visit conducted on 29.11.2018, the Site was fenced off and hard paved with temporary structures erected. The

existing tree, *Ficus microcarpa* (細葉榕), at the eastern part of the Site was in good condition. Referring to the layout plan and his observation during site visit, the “Structure 1” was already built adjacent to the existing tree. As further adverse landscape impact arising from the proposed use is not anticipated, he has no objection to the application from landscape planning perspective.

- (d) In view that these existing trees outside the southern boundary of the Site have provided greening buffer to the Castle Peak Road (San Tin Section), should the Board approve the subject application, he would suggest including the following condition in planning approval:

The existing tree within the Site shall be maintained in healthy condition at all time during the approval period.

Advisory comments:

- (e) During the site visit conducted on 29.11.2018, a fallen tree was found at the southern corner of the Site. The applicant is reminded to seek LandsD’s approval for tree removal works.
- (f) The applicant may make reference to the following promulgated by the Greening, Landscape and Tree Management (GLTM) Section of Development Bureau (DEVB), for good horticultural practice:

提供足夠空間讓樹冠生長

https://www.greening.gov.hk/filemanager/content/images/tree_care/Provide_Adequate_Growing_Space_For_Future_Growth_Of_Canopy_c.jpg

在樹木與毗鄰建築物／構築物之間預留足夠的生長空間

https://www.greening.gov.hk/filemanager/content/images/tree_care/Provide_Sufficient_Growing_Space_Between_Trees_and_Adjacent_Buildings_Structures_c.jpg

減低樹木風險的樹木護養簡易圖解

[https://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk\(eng\).pdf](https://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk(eng).pdf)

樹木管理手冊

https://www.greening.gov.hk/filemanager/content/pdf/tree_care/handbook_TM/HTM_tc_Full_version.pdf

護養樹木的簡易圖解

https://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf

Fire Safety

10.1.8 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 the satisfaction of the D of FS.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. 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; and
 - (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans.
- (c) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123). Detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Building Matters

10.1.9 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 (BA) 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) If the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of the BD, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application.
- (c) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.
- (d) Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the Site,

prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.

- (e) 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.
- (f) 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.

Drainage

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

- (a) He has no objection in principle to the planning application from drainage operation and maintenance point of view.
- (b) He notes that the Site was under previous planning application No. A/YL-ST/322 rejected by the Board on 9.2.2007. Under current application, the applicant shall submit a drainage submission to demonstrate how he will collect, convey and discharge rain water falling onto or flowing to his Site. A clear drainage plan showing full details of the existing drains & the proposed drains (e.g. cover & invert levels of pipes/catchpits/outfalls and ground levels justifying waterflow etc.) with supporting design calculations & charts should be included. (For preparation of the drainage proposal, the Guideline on preparation of the drainage proposal is available in DSD homepage at http://www.dsd.gov.hk/EN/Files/Technical_Manual/dsd_guideline/Drainage_Submission.pdf for reference). The applicant is reminded that approval of the drainage proposal must be sought prior to the implementation of drainage works on site.
- (c) The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas.
- (d) The applicant is reminded that the proposed drainage proposal / works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction.
- (e) No public sewerage maintained by CE/MN, DSD is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained.

- (f) The applicant should consult DLO/YL regarding all the proposed drainage works outside the lot boundary in order to ensure the unobstructed discharge from the Site in future.
- (g) All the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage works on site under proper maintenance at all times.

Others

10.1.11 Comments of Commissioner of Police (C for P):

He has no comment in principle subject to no illegal parking.

10.1.12 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) If any Food and Environmental Hygiene Department (FEHD)'s facility is affected by the development, FEHD's prior consent must be obtained. Re provisioning of the affected facilities by the project proponent up to the satisfaction of FEHD may be required. The project proponent should provide sufficient amount of additional recurrent cost for management and maintenance of the re provisioned facilities to FEHD.
- (b) Proper licence / permit issued by FEHD is required if there is any food business / catering service / activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public and the operation of any business should not cause any obstruction.
- (c) If the proposal involves any commercial/trading activities, no environmental nuisance should be generated to the surroundings. For any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses.

District Officer's Comment

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

His office has no comment on the application and the local comments should be submitted to the Board directly, if any.

10.2 The following Government departments have no comment on the application:

- (a) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);

- (b) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (c) Director of Electrical and Mechanical Services (DEMS);
- (d) Director of Leisure and Cultural Services (DLCS); and
- (e) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

11. Public Comments Received During Statutory Publication Period

On 23.11.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 14.12.2018, three public comments were received from a Yuen Long District Councilor and two members of the public objecting to the application mainly on the consideration that basic circumstances had not been changed since the rejection of the previous application; there was no need for another real estate agency at the location; and the development would encourage brownfield use rather than the implementation of the planning intention of wetland restoration (**Appendix III**).

12. Planning Considerations and Assessments

- 12.1 The application is for a proposed temporary shop and services (real estate agency) for a period of 3 years. The Site falls within the “OU(CDWRA)” zone which is intended to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area. It is also intended to phase out existing sporadic open storage of port back-up uses on degraded wetlands. Any new building should be located farthest away from Deep Bay. According to the applicant, the proposed real estate agency could serve the daily need of adjacent landlords for leasing and sale of adjoining land lots and buildings. As there is no immediate permanent development proposal at the Site, approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “OU(CDWRA)” zone. The proposed temporary shop and services use, with only small scale structure of 1 to 2 storeys, is not incompatible with the surrounding land uses, comprising mainly of open storage yards, parking of vehicles and residential dwellings (**Plan A-2**).
- 12.2 The Site falls within the WBA of the TPB Guidelines PG-No. 12C and the guidelines specify that planning applications for temporary uses are exempted from the requirement of EcoIA. DAFC has no comment on the application from nature conservation point of view noting that the Site is paved and disturbed.
- 12.3 Other concerned Government departments, including DEP, CE/MN of DSD, C for T, D of FS and CTP/UD&L, PlanD have no objection to or no adverse comment on environmental, drainage, traffic, fire safety and landscape aspects. Their technical concerns could be addressed by approval conditions as recommended in paragraph 13.2 (e) to (h) below. To mitigate potential environmental impacts on the surrounding area, approval conditions restricting

the operation hours and activities of vehicles, maintenance of existing trees, and provision of boundary fencing are recommended in paragraph 13.2 (a) to (d) below. Non-compliance with any of the approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority. Besides, the applicant should be advised to follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize the possible environmental impacts.

- 12.4 The Site is the subject of 10 previous applications Nos. A/DPA/YL-ST/4 and 25, A/YL-ST/108, 161, 171, 172, 182, 253, 287 and 322 (**Plan A-1**) with 3 applications for temporary container tractor/trailer park and related uses approved by the Committee and/or TPAB on appeal mainly on the consideration that the uses on temporary basis were not incompatible with the adjacent open storage uses and container trailer parks; significant adverse traffic and drainage impacts on the area were not expected; and the applicant should be given time to look for an alternative site to continue his operation. For the remaining 7 applications which were rejected, 4 were for permanent residential developments at much larger sites, and 3 were for temporary container tractor/trailer and heavy good vehicle park and related uses. The applied uses are different from the current application. There is no similar application within the “OU(CDWRA)” zone.
- 12.5 There are three objecting public comments on the application raising concern that there was no need for another real estate agency at the location and the development would encourage brownfield use rather than the implementation of the planning intention of wetland restoration. The above planning assessments are of relevance.

13. Planning Department’s Views

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11 above, the Planning Department has no objection to the application.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years up to 4.1.2022. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation between 8:00p.m. and 9:00a.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 the Site at any time during the planning approval period;
- (c) the existing tree within the Site shall be maintained in healthy condition at all time during the approval period;

- (d) the provision of boundary fencing 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;
- (e) the submission of 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;
- (f) in relation to (e) above, the implementation of 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;
- (g) the submission of water supplies for fire fighting and 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;
- (h) in relation to (g) above, the implementation of water supplies for fire fighting and 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;
- (i) if any of the above planning conditions (a), (b) or (c) 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
- (j) if any of the above planning conditions (d), (e), (f), (g) 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.

Advisory clauses

The recommended advisory clauses are at **Appendix IV**.

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

the development is not in line with the planning intention of the "OU(CDWRA)" zone which is to encourage the phasing out of sporadic open storage and port back-up uses, and to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds. No strong planning justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis.

14. Decision Sought

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

15. Attachments

Appendix I	Application Form received on 16.11.2018
Appendix Ia	Planning Statement
Appendix II	Previous s.16 applications covering the application site
Appendix III	Public comments received during the statutory publication period
Appendix IV	Recommended advisory clauses
Drawing A-1	Layout Plan
Drawing A-2	Landscape Plan
Drawing A-3	Drainage Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos