

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

Application No. A/YL-ST/538

<u>Applicant</u>	:	Rising Sun Motors Limited
<u>Site</u>	:	Lots 204 RP (Part), 331 S.B RP (Part), 332 S.B RP, 333 S.B RP (Part), 356 (Part), 357 (Part), 358 (Part), 359 (Part) and 361 S.B (Part) in D.D. 105 and Adjoining Government Land (GL), San Tin, Yuen Long
<u>Site Area</u>	:	2,058 m ² (including about 816 m ² of GL)
<u>Lease</u>	:	Block Government Lease (demised for agricultural use) (no structures are allowed to be erected without prior approval of the Government)
<u>Plan</u>	:	Approved San Tin Outline Zoning Plan (OZP) No. S/YL-ST/8
<u>Zoning</u>	:	“Residential (Group D)” (“R(D)”)
<u>Application</u>	:	Temporary Retail Shop (Container Tractors, Medium Goods Vehicles, Vehicle Parts and Building Materials) 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 retail shop (container tractors, medium goods vehicles (MGV), vehicle parts and building materials) for a period of 3 years (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires permission from the Town Planning Board (the Board), notwithstanding that the use or development is not provided for in terms of the OZP. The Site is currently used for the applied use without valid planning permission.
- 1.2 The Site (in whole or in part) is the subject of 8 previous applications (Nos. A/YL-ST/98, 164, 174, 184, 296, 370, 429 and 484). The last application No. A/YL-ST/484 submitted by the same applicant for the same use was approved by the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) on 5.2.2016 for a period of 3 years (**Plan**

A-1). All approval conditions have been complied with. The planning permission lapsed on 6.2.2019.

1.3 As shown on the layout plan at **Drawing A-1** and **Plan A-2**, the Site is accessible from the south off Castle Peak Road - San Tin. A comparison of the major development parameters of the developments under the previous Application No. A/YL-ST/484 and the current application is as follows:

Major Development Parameters	Previously Approved Application No. A/YL-ST/484 (a)	Current Application No. A/YL-ST/538 (b)	Difference (b) – (a)
Applied use	Temporary retail shop (container tractors, MGV, vehicle parts and building materials) for a period of 3 years	Same	-
Site area	2,058 m ² (including 816m ² of GL)	Same	-
Total Floor area	About 794m ²	915m ²	+121m ²
No. of Structures	7 in total: <ul style="list-style-type: none"> • 2 site offices • 2 for sale of vehicle parts • 3 for sale of building materials 	8 in total: <ul style="list-style-type: none"> • 2 site offices • 2 for sale of vehicle parts • 3 for sale of building materials • 1 for storage of tools 	+1 for storage of tools
Height of structures	1-2 storey(s) (2.4m-5.5m)	Same	-
No. of Vehicle Parking Spaces	9 in total: <ul style="list-style-type: none"> • 7 for container tractors/MGV • 2 for private cars 	7 in total: <ul style="list-style-type: none"> • 5 for container tractors/MGV • 2 for private cars (for staff/visitors) 	-2 for container tractors/ MGV
Operation Hours	8:00a.m. to 8:00p.m. Monday to Saturday, no operation on Sunday and public holidays	Same	-

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

- (a) Application Form received on 14.2.2019 **(Appendix I)**
- (b) Further Information received on 18.3.2019 providing responses to departmental comments **(Appendix Ia)**

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Part 9 of the Application Form at **Appendix I**. They can be summarized as follows:

- (a) The proposed development is in line with the planning intention of the “R(D)” zone and the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13E).
- (b) The applied use could satisfy the demand for shop and services in the local community.
- (c) The proposed development is compatible with the surrounding land uses.
- (d) Applications of similar uses on the Site have previously been approved. All approval conditions of the last application No. A/YL-ST/484 have been complied with.
- (e) The proposed development will not have adverse environmental, drainage and traffic impacts on the surrounding areas.

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 GL, the “owner’s consent/notification” requirements as set out in TPB PG-No. 31A are not applicable.

4. Town Planning Board Guidelines

Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C)

- 4.1 According to 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.
 - (b) An ecological impact assessment (EcoIA) would need to be submitted for application for planning permission within the WBA. However,

some local and minor uses and temporary uses are exempted from the requirement of EcoIA.

- (c) Applications for new open storage or port back-up uses within the WBA, whether temporary or permanent, would normally not be allowed in view of the adverse disturbances of such activities on birds, in particular for such uses involving filling of contiguous ponds. However, open storage or container back-up uses located close to the Lok Ma Chau Crossing and without involving pond filling might be sympathetically considered by the Board in view of the genuine need to facilitate cross-boundary movements of goods in the area.

Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13E)

- 4.2 TPB PG-No.13E provides guidelines for open storage and port back-up uses, and the applied use conforms to the definition of open storage activities under the categories of “storage of construction materials” and “storage of vehicles and vehicle parts for sale or disposal”. The Site falls within Category 2 areas under the guidelines. The following criteria are relevant:

Technical assessments, where appropriate, should be submitted to demonstrate that the proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. Subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions, planning permission could be granted on a temporary basis up to a maximum period of 3 years.

5. Background

The Site is not the subject of any enforcement action. The applied use on the Site is related to a previous planning approval just expired recently.

6. Previous Applications

- 6.1 There are 8 previous applications (Nos. A/YL-ST/98, 164, 174, 184, 296, 370, 429 and 484) covering the Site. Six applications (Nos. A/YL-ST/98, 184, 296, 370, 429 and 484) were approved by the Committee while two (Nos. A/YL-ST/164 and 174) were rejected.
- 6.2 Application No. A/YL-ST/98 for temporary vehicle repair workshop and canteen was approved by the Committee on 8.10.1999 for a period of 12 months mainly on the consideration that the proposed development was considered not incompatible with the surrounding land uses and would not frustrate the long-term planning intention of the “R(D)” zone.

- 6.3 Applications Nos. A/YL-ST/164 and 174 for temporary vehicle repair workshop were rejected by the Committee on 16.2.2001 and 7.9.2001 respectively, mainly for the reasons that there was insufficient information to demonstrate that the proposed developments would not cause adverse environmental, drainage and sewerage impacts.
- 6.4 Application No. A/YL-ST/184 for temporary vehicle repair workshop (tyre and electronic parts only) was approved by the Committee on 1.3.2002 for a period of 3 years mainly on the consideration that the proposed development was considered not incompatible with the surrounding land uses and would not frustrate the long-term planning intention of the “R(D)” zone.
- 6.5 Application Nos. A/YL-ST/296, 370 and 429 for similar temporary sales office for container tractors and MGVs and related uses were approved by the Committee on 13.1.2006, 10.7.2009 and 25.1.2013 respectively for periods of 3 years mainly for the same considerations as mentioned in paragraph 6.4.
- 6.6 The last Application No. A/YL-ST/484 submitted by the same applicant for the same temporary use was approved by the Committee on 5.2.2016 for a period of 3 years mainly for the same considerations as mentioned in paragraph 6.4. All approval conditions, including those in relation to the submission of photographic records of drainage facilities, submission and implementation of fire service installations (FSIs) and buffer zone proposals, the implementation of tree preservation proposal, and provision of boundary fencing have been complied with. The planning permission lapsed on 6.2.2019.
- 6.7 Details of these applications are summarized at **Appendix II**. Their locations are shown on **Plan A-1**.

7. Similar Applications

- 7.1 Since 2009, there are 8 applications mainly for similar uses for retail shops and open storage of motor vehicles/vehicle parts for sale within the same “R(D)” zone on the OZP (**Plan A-1**). All these applications were approved by the Committee mainly on the consideration that the proposed developments were considered not incompatible with the surrounding land uses and would not frustrate the long-term planning intention of the “R(D)” zone.
- 7.2 Details of these applications are summarized at **Appendix III**. Their locations are shown on **Plan A-1**.

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

- 8.1 The Site is:
- (a) accessible from the south off Castle Peak Road - San Tin;

- (b) currently used for the applied use without valid planning permission; and
- (c) within the WBA of Deep Bay area.

8.2 The surrounding areas mainly comprise open storage yards, vehicle repair workshops, container vehicle and goods vehicle parks, and logistics related uses. Some of the open storage yards and container vehicle and goods vehicle park are suspected unauthorized developments subject to enforcement action by the Planning Authority:

- (a) to the immediate east are open storage yard of container tractors for sale, vehicle repair workshop approved under Application No. A/YL-ST/510 and open storage yard for scrap metal;
- (b) to the south and southwest across Castle Peak Road - San Tin are cycle track under construction by Civil and Engineering Development Department (CEDD), open storage yard for scrap metal, and warehouses and parking of container and goods vehicles;
- (c) to the immediate north is a cargo handling and forwarding facilities and open storage yard for containers with vehicle repair workshop approved under Application No. A/YL-ST/525; and
- (d) to the west are storage yard for building materials and residential dwelling (the nearest is at about 37m west of the Site). To the northwest is a logistic centre with other vehicle services approved under Application No. A/YL-ST/512.

9. Planning Intention

The “R(D)” zone is intended 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.

10. Comments from Relevant Government Departments

10.1 The following Government departments have been consulted and their views on the application 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 Block Government Lease which contains the

restriction that no structures are allowed to be erected without the prior approval of the Government.

- (b) The private land of Lot Nos. 332 S.B RP, 357, 333 S.B RP, 356 and 358 in D.D. 105 are covered by Short Term Waiver (STW) No. 2986, 2987 and 2988 respectively to permit structures for the purpose of “Motor Vehicle Repair Workshop (Tyre and Electronic Parts only)”.
- (c) The GL of the Site is covered by Short Term Tenancy (STT) No. 2470 for the purpose of “Temporary Retail Shop (Container Tractors, Medium Goods Vehicle, Forklifts and Building Materials)”.
- (d) The Site is accessible from Castle Peak Road - San Tin through GL. His Office provides no maintenance work for the GL involved and does not guarantee right-of-way.
- (e) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (f) Should the planning approval be given to the application, the STT/STW holders will need to apply to his office for modification of the STT/STW conditions where appropriate. Moreover, the lot owner of the lots without STW will need to apply to his office for permitting the structures to be erected or regularize any irregularities on site, if any. Besides, given the applied use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications for any of the above will be considered by 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 applications are approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD.

Traffic

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

- (a) He has no comment on the application.
- (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 Transport Department (TD).
- (b) If the access arrangement is agreed by TD, the applicant should construct a run in/out at the access point at the Castle Peak Road - San Tin 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. The detailed design of the run-in/out should be submitted to HyD for agreement before commencement of any works.
- (c) HyD 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. The relevant departments will provide comments, if any.
- (d) 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/RD 2-2, RDO, HyD):

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

Environment

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

- (a) In accordance with the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”, he does not support the application as the applied use will generate traffic of heavy vehicles and the Site is within 100m from the nearest sensitive use (i.e. residential dwelling at about 37m west of the Site) and environmental nuisance is expected (**Plan A-2**).
- (b) There was no environmental complaint related to the Site in the past 3 years.

Nature Conservation

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

He has no comment on the application from nature conservation point of view as the Site has been hard-paved and used for similar applied uses as previously approved.

Fire Safety

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

- (a) He has no objection in principle to the application subject to FSIs being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The applicant should 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 (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Building Matters

10.1.8 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 (BA) for the existing structures at the Site and the Buildings Department (BD) is not in a position to offer comments on their suitability for the use applied in the application.
- (b) If the existing structures (not being New Territories Exempted Houses) are erected on leased land without approval of the BD, they are unauthorized building works (UBW) under the BO and should not be designated for any applied 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) 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 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

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

- (a) He has no in-principle objection to the application from drainage operation and maintenance point of view.
- (b) He notes that the application is related to previous planning application No. A/YL-ST/484. The applicant should provide DSD the approved drainage proposal under planning application No. A/YL-ST/484 (with approval letter) for reference, and a set of latest record photographs showing the completed drainage works (including internal conditions of the drains) with corresponding photograph locations marked clearly on the approved drainage plan for reference. DSD will inspect the completed drainage works jointly with the applicant with reference to a comprehensive set of photographs.
- (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, LandsD 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 drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage facilities on site under proper maintenance at all times.

Landscape

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

- (a) He notes that the Site is located within a landscape non-sensitive zoning area and no significant landscape impact is envisaged.
- (b) With reference to the landscape drawing (Figure 6 of application form in **Appendix I**), existing trees along the southern and eastern boundary of the Site are proposed to be preserved. Should the application be approved by the Board, he suggests including the following condition in planning approval:

Existing trees within the Site shall be maintained in healthy condition at all times during the approval period.

- (c) The applicant is reminded that no material shall be stored and no vehicle shall be parked within 1m of any tree to prevent damage to tree trunk/branches and soil compaction around the tree base.

Others

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

- (a) He has no comment on the application.
- (b) The applicant is reminded that obstruction to the vicinity would not be tolerated and stringent enforcement action would be taken when necessary.

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

If the proposal involves any commercial/trading activities, its state should not as to be a nuisance or injurious or dangerous to health and surrounding environment. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses.

District Officer's Comments

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 shall be submitted to the Board direct, if any.

10.2 The following Government department has no comment on the application:

- (a) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (b) Project Manager (West) (PM(W)), 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 22.2.2019, the application was published for public inspection. During the first 3 weeks of the statutory public inspection period which ended on 15.3.2019, no comment was received.

12. Planning Considerations and Assessments

12.1 The application is for temporary retail shop (container tractors, MGV, vehicle parts and building materials) for a period of 3 years. The Site falls within "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. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board. The applied use is not in line with the planning intention of the "R(D)" zone. However, approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the "R(D)" zone as there is no immediate development proposal for the Site.

- 12.2 The Site is accessible from the south off Castle Peak Road - San Tin. The applied use is not incompatible with the surrounding land uses, comprising mainly open storage yards, vehicle repair workshops, logistics centre, container vehicle park, and cargo handling and forwarding facilities.
- 12.3 The Site falls within the WBA of the TPB 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 as the Site has been hard-paved and used for retail shop and open storage based on previous application No. A/YL-ST/484 which has been revoked.
- 12.4 The application is in line with the TPB PG-No. 13E in that the Site falls within the Category 2 areas where 6 previous planning approvals (Application Nos. A/YL-ST/98, 184, 296, 370, 429 and 484) for vehicle related retail uses and vehicle repair shops had been granted. The last Application No. A/YL-ST/484 submitted by the same applicant for the same use of the current application was approved by the Committee on 5.2.2016 for a period of 3 years. All approval conditions have been complied with. The planning permission lapsed on 6.2.2019
- 12.5 Concerned Government departments, including C for T, D of FS, CE/MN of DSD and CTP/UD&L of PlanD, have no objection to or no adverse comment on traffic, fire safety, drainage and landscape aspects respectively. DEP does not support the application as there are residential dwellings within 100m from the boundary of the Site (i.e. the nearest dwelling is at about 37m to the west of the Site) and environmental nuisance is expected. Nevertheless, there was no environmental complaint related to the Site in the past 3 years. To mitigate any potential environmental impacts, approval conditions on restricting the operation hours, prohibiting workshop related activities and requiring the maintenance of boundary fencing, existing trees and drainage facilities are recommended in paragraphs 13.2 (a) to (g) below. The technical requirements of DSD, FSD and HyD could be addressed by approval conditions as recommended in paragraph 13.2 (h) to (j) 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 Environmental Aspects of Temporary uses and Open Storage Sites” to minimize the possible environmental impacts.
- 12.6 The Site is subject of 6 previous applications approved by the Committee for similar vehicle related retail use. Since 2009, the Committee has approved 8 applications for similar uses for retail shops and open storage of motor vehicles/vehicle parts for sale within the same “R(D)” zone. Approval of the current application is in line with the previous decisions of the Committee for similar uses in the area.
- 12.7 There is no public comment on the application received during the statutory

publication period.

13. Planning Department's Views

- 13.1 Based on the assessment made in paragraph 12, the Planning Department considers that the temporary retail shop (container tractors, MGV, vehicle parts and building materials) could be tolerated for a period of 3 years.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years until 12.4.2022. 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 8:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no car washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the Site at all times during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from the subject site at any time during the planning approval period;
- (e) the boundary fencing on the Site shall be maintained at all times during the planning approval period;
- (f) the existing trees within the Site shall be maintained in healthy condition at all times during the approval period;
- (g) the drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) the submission of a photographic record of the existing drainage facilities within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 12.7.2019;
- (i) the submission of 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 12.10.2019;
- (j) in relation to (i) above, the implementation of 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 12.1.2020;

- (k) 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 12.10.2019;
- (l) in relation to (k) above, the provision of the run-in/out within **9** months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 12.1.2020;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f) 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; and
- (n) if any of the above planning conditions (h), (i), (j), (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 IV**.

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

the occupation of the Site for temporary retail shop (container tractors, medium goods vehicles, vehicle parts and building materials) is not in line with the planning intention of the "R(D)" zone. 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 14.2.2019
Appendix Ia	Further Information received on 18.3.2019 providing responses to departmental comments
Appendix II	Previous s.16 Applications Covering the Application Site
Appendix III	Similar Applications within the “R(D)” Zone on the Approved San Tin Outline Zoning Plan No. S/YL-ST/8 since 2009
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Landscape and Tree Preservation Proposal
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4c	Site Photo

**PLANNING DEPARTMENT
APRIL 2019**