

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-HTF/1096

- Applicant** : Green Dynamic Technology Limited represented by New Creation Consultant Engineering Company Limited
- Site** : Lots 130 (Part), 131, 132 (Part), 260 (Part), 261, 262, 263, 264 and 268 in D.D.128 and adjoining Government Land (GL), Lau Fau Shan, Yuen Long
- Site Area** : 12,563 m² (about) (including about 600 m² of GL)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ha Tsuen Fringe Outline Zoning Plan (OZP) No. S/YL-HTF/12
- Zoning** : “Agriculture” (“AGR”) (about 86%)
“Residential (Group D)” (“R(D)”) (about 14%)
[No development including redevelopment for ‘Flat’ and ‘House’ (except ‘New Territories Exempted Houses’) uses shall result in a development and/or redevelopment in excess of a maximum plot ratio of 0.2 and a maximum building height of 2 storeys (6m).]
- Application** : Temporary Plastic Bottle Recycling Centre with Workshop and Ancillary Office 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 plastic bottle recycling centre with workshop and ancillary office for a period of 3 years. The Site falls within an area zoned “Agriculture” (“AGR”) and “Residential (Group D)” (“R(D)”) on the Approved Ha Tsuen Fringe Outline Zoning Plan (OZP) No. S/YL-HTF/12 (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of 3 years within the zones requires planning permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for under the Notes of the OZP.
- 1.2 The Site involves 7 previous applications (No. A/YL-HT/64, 77, 368, 391, 453, 744 and A/YL-HTF/1093) for temporary workshop for recycling plastic waste or/and open storage uses, which were all rejected by the Rural and New Town Planning Committee (the Committee) or the Board. The last application (No. A/YL-HTF/1093) for the same use by the same applicant was rejected by the

Committee on 1.2.2019. On 4.3.2019, the applicant, under section 17(1) of the Ordinance applied for a review of the Committee's decision to reject the application and subsequently withdrew the review application on 19.6.2019. The Site is currently used for the applied use without valid planning permission (**Plans A-2 and A-4a to 4c**).

- 1.3 The Site is accessible via two local tracks, one from Deep Bay Road and one from Kai Pak Ling Road and the applicant's proposed ingress/egress is located at the south-western boundary of the Site leading to Kai Pak Ling Road (**Drawing A-1**). As shown on the proposed layout plan at **Drawing A-1**, 5 temporary structures with a total floor area of about 3,246 m² and building height of 4.6m each are proposed including 1 plastic bottle breaker workshop, 1 plastic pellet-making workshop, 1 temporary storage of plastic pellets and 2 temporary offices and staff rest rooms. The applicant indicates that 5 private car parking spaces and 2 loading/unloading spaces for medium goods vehicles not exceeding 24 tonnes will be provided on the Site. According to the applicant, the operation hours are from 8:00 a.m. to 6:30 p.m. from Mondays and Saturdays with no operation on Sundays and public holidays. Plans showing site layout, drainage proposal and landscape proposal submitted by the applicant are at **Drawings A-1 to A-3**.
- 1.4 In support of the application, the applicant has submitted application form on 30.7.2019 with layout plan, landscape plan and drainage plan (**Appendix I**).

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in para. 9 of the application form (**Appendix I**). They can be summarized as follows:

- (a) The applied use serves as local recycling industry to recycle the plastic bottles into plastic pellets in order to relieve the landfill burden and promote green industry.
- (b) The operation hours are from 8:00 a.m. to 6:30 p.m. from Mondays and Saturdays with no operation on Sundays and public holidays.

3. Compliance with the "Owner's Consent/Notification" Requirements

The applicant is not the "current land owner" and has also 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, publishing notice on 3 local newspapers and sending registered post to Ha Tsuen Rural Committee. Detailed information would be deposited at the meeting for Members' inspection.

4. Background

The Site is a subject of planning enforcement action on unauthorized storage and workshop uses. Enforcement Notice was issued on 25.10.2018 requiring the concerned landowners to discontinue the unauthorized development (UD) by 25.11.2018. The recent site inspection revealed that the UD at the Site was not discontinued. If the requirement of the statutory notice has not been complied with upon expiry of the notice, the concerned parties are subject to prosecution action.

5. Previous Applications

- 5.1 The Site involves 7 previous applications (No. A/YL-HT/64, 77, 368, 391, 453, 744 and A/YL-HTF/1093) for various open storage and workshop uses. Details of these previous applications are summarized at **Appendix II** and their locations are shown on **Plan A-1b**.
- 5.2 Applications No. A/YL-HT/64 and 77 for temporary open storage of construction materials and construction machinery/water pipes for a period of 12 months were rejected by the Committee/the Board on review on 8.1.1999 and 9.7.1999 respectively. Applications No. A/YL-HT/368 and 391 for temporary workshop for recycling plastic waste and open storage of plastic raw materials for a period of 3 years were rejected by the Committee/the Board on review on 14.1.2005 and 16.9.2005 respectively. Application No. A/YL-HT/453 for temporary open storage of construction materials (steel and scrap metal) for a period of 3 years was rejected by the Board on review on 10.11.2006. Application No. A/YL-HT/744 for temporary open storage of used electronic appliances and parts for a period of 3 years was rejected by the Committee on 2.9.2011.
- 5.3 The last application (A/YL-HTF/1093) for temporary plastic bottle recycling centre with workshop and ancillary office for a period of 3 years was rejected by the Committee on 1.2.2019. On 4.3.2019, the applicant, under section 17(1) of the Ordinance applied for a review of the Committee's decision to reject the application and subsequently withdrew the review application on 19.6.2019.
- 5.4 The rejection reasons for these applications are similar including, amongst others, that the development was not in line with the planning intention of the "AGR" and/or "R(D)" zones; the development was not compatible with the rural neighborhood; the development was not in line with the TPB PG-No.13E (or the then 13C or 13D) that there were adverse departmental comments and insufficient information to demonstrate no environmental, traffic, drainage and/or landscape impacts; and the approval of the application would set an undesirable precedent for applications for similar developments.

6. Similar Applications

- 6.1 There are two similar applications (Nos. A/YL-HT/967 and A/YL-HTF/1085) for recycling workshop and centre uses within the same "AGR" or "R(D)" zone on the OZP. Details of these applications are summarized at **Appendix III** and the locations of these application sites are shown on **Plan A-1a**.
- 6.2 Application No. A/YL-HT/967 for temporary recyclable collection centre (including plastics and metals), which falls slightly within the subject "AGR" zone and mainly within the adjoining "GB" zone, for a period of 3 years was rejected mainly on grounds that the proposed development was not in line with the planning intentions of "AGR" and "GB" zones; the proposed development is not compatible with the existing rural neighborhood and landscape character; there was insufficient information in the submission to demonstrate that the development would not have adverse drainage, landscape and environmental impacts on the surrounding areas; the approval of the application would set an undesirable precedent for other similar planning applications, and the cumulative effect of which would result in adverse environmental and traffic impact and a general degradation of the environment of the area.

- 6.3 Application No. A/YL-HTF/1085 for temporary recyclable collection centre for garment, cloth and waste paper use, which falls within the subject “R(D)” zone, for a period of 3 years was approved with conditions by the Committee on 4.5.2018 on the considerations that the development was not incompatible with the surrounding areas and no objection or adverse comments from relevant Government departments. The application was revoked on 4.8.2019 due to non-compliance with approval conditions on drainage, landscape and fire services installation aspects.

7. The Site and Its Surrounding Areas (Plan A-2 to Plan A-4a to 4c)

7.1 The Site is:

- (a) currently being used for the applied use without valid planning permission; and
- (b) accessible via two local tracks from Deep Bay Road and Kai Pak Ling Road.

7.2 The surrounding areas have the following characteristics:

- (a) to its north and north-east are open storage yards for construction materials, construction machinery, parking of heavy vehicles and metal yards while to its north-west is another open storage yard for construction materials and workshop;
- (b) to its east is a residential structure (the closest one is about 10 m away), a grave, some vacant land and warehouses while to its further east is an open storage yard for recycling materials (**Plan A-2**). To its further northwest across Deep Bay Road is some village cluster of Sha Kong Tsuen (**Plan A-3a**);
- (c) to its south are a warehouse and workshop, an open storage yard for construction materials and some residential structures; and
- (d) to its west is a warehouse, and to its further south-west is vacant land.

8. Planning Intentions

- 8.1 The planning intention of the “ARG” zone is to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.
- 8.2 The planning intention of 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.

9. Comments from Relevant Government Departments

- 9.1 The following Government departments have been consulted and their views on the application and public comments are summarized as follows:

Land Administration

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

- (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 (about 600 m² subject to verification) included in the Site. The act of occupation of GL without Government's prior approval is not allowed. With the implementation of the tightened arrangements for handling regularization applications, LandsD will no longer accept application for regularization of new or extension of unlawful occupation of GL or erection of new structures which is found commenced on or after 28 March 2017.
- (c) The Site is accessible from Deep Bay Road and Kai Pak Ling Road through GL and private lot(s). His office provides no maintenance works to the GL involved and does not guarantee any right-of-way over the GL to the Site.
- (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 owner(s) of the lot(s) without Short Term ***Waiver Tenancy*** will need to apply to his office for permitting the structures to be erected or regularize 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 regularization 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 the LandsD 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 the LandsD.

Traffic

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

- (a) The applicant shall advise the road width of the local track connecting the Site to the Kai Pak Ling Road.
- (b) The local track leading to the Site is not under Transport Department's (TD) purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site.

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

- (a) The access arrangement should be commented by TD.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to the nearby public roads/drains.
- (c) HyD shall not be responsible for the maintenance of any access connecting to the Site.

Nature Conservation

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

- (a) Although the Site is currently occupied by temporary structures, it has high potential for agricultural rehabilitation in terms of greenhouse cultivation and nursery. In this connection, his office does not support the subject application from agricultural point of view.
- (b) It is noted that '*Taxus chinensis*' (紅豆杉樹) is proposed to be planted along the boundary of the Site. Since this species is an exotic species, it is preferable to plant native species instead, should the application be approved due to other consideration and landscape planning is considered necessary.

Environment

9.1.5 Comment of the Director of Environmental Protection (DEP):

- (a) DEP does not support the application as there are sensitive receivers of residential use in the vicinity (with the nearest one situated about 10 m to its east) (**Plan A-2**) and environmental nuisance is expected.
- (b) There are a total of 24 complaints pertaining to the Site in the past three years, of which there are 9 substantiated air pollution complaints, 1 substantiated noise complaint, 1 substantiated water pollution complaint and 2 substantiated waste pollution complaints.
- (c) Should the planning application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the latest "Code of Practice (COP) on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites".

Landscape

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

- (a) The Site is located to the east of Deep Bay Road and it lies mainly in the area of "AGR" zone and partly in "R(D)" zone. The Site is subject to the last rejected planning application (No. A/YL-HTF/1093) for temporary plastic bottle recycling centre with workshop and ancillary

office. The current application seeks planning approval for the same use for a period of 3 years.

- (b) With reference to the aerial photo of 2018, it is observed that the Site is hard paved and used as open storage of construction machinery with some large temporary structures. Existing trees are observed along the north and east of the site boundary and existing scattered trees at the south eastern portion. The Site is situated in an area of rural landscape character disturbed by open storage yards and temporary structures. The proposed use is not entirely compatible with the surrounding landscape character.
- (c) When comparing the aerial photos of 2015 (**Plan A-3b**) and 2018 (**Plan A-3a**), it is noted that the north eastern and eastern portions were originally vegetated with trees and shrubs but are now occupied by a large temporary structure or storage of construction machinery. Hence, landscape impact had taken place.
- (d) It is noted that the applicant proposes to plant 56 new trees along the northern and south western boundaries, and another 200 new trees amongst other existing trees at the south eastern part of the Site (**Drawing A-3**). Although the size and plant spacing of the proposed new trees were not provided for consideration, the proposal to plant 200 new trees within an area of 450m² (with existing trees) is considered impractical.
- (e) The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. Approval of the application would set an undesirable precedent attracting other incompatible uses to proliferate in the area and encouraging other similar applications to modify the Site prior to planning permission is obtained. The cumulative impact of which would be degradation of the integrity of the “AGR” zone and the rural landscape character in general. Hence, he has reservation on the application from the landscape planning perspective.
- (f) Should the Board approve this application, in consideration that the Site is not facing any prominent public frontage and there are existing trees along the northern boundary, the condition to maintain all existing vegetation within the Site in good condition for duration of approval planning period is opined adequate and appropriate.
- (g) The applicant is reminded that approval of the application under S.16 does not imply approval of tree works such as felling, transplanting or pruning under lease. The applicant shall be reminded to approach relevant authority /government department(s) direct to obtain the necessary approval for any proposed tree preservation or removal scheme involving trees within or outside the Site.

Drainage

9.1.7 Comments of the Chief Engineer/Mainland North, DSD (CE/MN, DSD):

- (a) He has no objection in principle to the proposed application from a drainage point of view and his advisory comments are at **Appendix V**; and
- (b) Should the Board consider that the application is acceptable from planning point of view, he would suggest a condition should be stipulated in the approval letter requiring the applicant to submit a revised drainage proposal, to implement and to maintain the proposed drainage facilities to the satisfaction of the Director of Drainage Services or of the Board.

Building Matters

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

- (a) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Buildings Department (BD), they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the captioned application.
- (b) 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 application site under the BO.
- (c) Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling) are to be carried out on 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.
- (d) 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 respectively.
- (e) 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 Building (Planning) Regulation at the building plan submission stage.

Fire Safety

9.1.9 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.
- (c) The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans.
- (d) 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.

Others

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

- (a) No Food and Environmental Hygiene Department's (FEHD) facilities will be affected and such work and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding;
- (b) Proper licence / permit issued by FEHD is required if there is any catering service / activities regulated by the Director of Food and Environmental Hygiene under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public; and
- (c) For any waste generated from the such work / operation, the applicant should arrange disposal properly at their own expenses.

District Officer's Comments

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

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

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

- (a) Antiquities and Monuments Office (AMO);
- (b) Project Manager/New Territories West, Civil Engineering and Development Department (PM/NTW, CEDD);
- (c) Chief Engineer/Sewerage Projects, DSD (CE/SP, DSD)
- (d) Director of Electrical and Mechanical Services (DEMS);
- (e) Director of Leisure, Cultural and Services (DLCS);
- (f) Commissioner of Police (C of P); and
- (g) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

10. Public Comments Received During Statutory Publication Period

On 6.8.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 27.8.2019, 11 public comments were received from Kadoorie Farm & Botanic Garden Corporation (KFBG), the Hong Kong Bird Watching Society (HKBWS), World Wide Fund for Nature Hong Kong (WWF), Designing Hong Kong (DHK), 2 District Councilors, a signed letter from the villagers of Sha Kong Tsuen and 4 individuals objecting to the application (**Appendix IV**). The main objecting reasons are summarized below:

- (a) the applied use is not in line with the planning intention of the “AGR” zone;
- (b) no previous approval had been granted for the Site;
- (c) the applied use is not compatible with rural neighborhood and associated with unauthorized development. The Board should not encourage “develop first, apply later”;
- (d) there were numerous complaints from the residents of Tin Shui Wai on the bad odor generated from the storage and workshop of recyclable materials in the Ha Tsuen and Lau Fau Shan areas;
- (e) there is insufficient information in the submission to demonstrate that the proposed use will not have significant impacts on the environment, ecology, sewerage and traffic in the area; and
- (f) approval of the application would set an undesirable precedent for similar applications and cumulative effect of which would result in general degradation of the environment of the area.

11. Planning Considerations and Assessments

11.1 The subject application is for temporary plastic bottle recycling centre with workshop and ancillary office at the Site mainly zoned “AGR” (about 86%) with a small portion straddling on the adjacent “R(D)” zone (about 14%) on the OZP. The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. The planning intention of “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. The applied temporary plastic bottle recycling centre with workshop and ancillary office use is not in line with the planning intentions of the “AGR” and “R(D)” zones. In this regard, DAFC does not support the application from the agricultural point of view as the Site is considered having high potential for agricultural rehabilitation in terms of greenhouse cultivation and nursery. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis.

11.2 The Site is situated in an area of rural landscape character disturbed by open storage yards and temporary structures (**Plan A-3a**). Besides, village cluster of Sha Kong Tsuen is located to its further north and northwest. In this regard,

CTP/UD&L, PlanD has reservation on the application from the landscape planning perspective. The proposed use is not entirely compatible with the surrounding landscape character. The approval of the application would set an undesirable precedent attracting other incompatible uses to proliferate in the area and encouraging other similar applications to modify the Site prior to planning permission is obtained. The cumulative impact of which would be degradation of the integrity of the “AGR” zone and the rural landscape character in general.

- 11.3 DEP also does not support the application as there are sensitive receivers of residential use in the vicinity of the Site, with the nearest one located about 10m to its east (**Plan A-2**), and environmental nuisance is expected. There are also 24 complaints in respect of air, noise, water and waste pollutions concerning the Site received in the past 3 years. The applicant fails to demonstrate the applied use would not have adverse environmental impact to the surrounding area.
- 11.4 The Site is subject of 7 previous applications (No. A/YL-HT/64, 77, 368, 391, 453 744 and A/YL-HTF/1093) for various open storage and workshop uses which were rejected by the Committee/the Board on review from 1999 to 2019 mainly on the grounds, inter alia, that the development was not in line with the planning intention of the “AGR” and “R(D)” zones; the development was not compatible with the rural neighborhood; there were adverse departmental comments and insufficient information to demonstrate no environmental, traffic, drainage and/or landscape impacts. Although the Committee has approved a similar application (A/YL-HTF/1085) for temporary recyclable collection centre for garment, cloth and waste paper use within the subject “R(D)” zone in 2018, the current application is different in nature which involves the recycling of plastic bottle and workshop uses. Relevant departments, including AFCD, EPD and CTP/UD&L, PlanD do not support/have reservation on the current application. Rejecting this application is in line with the Committee’s previous decision.
- 11.5 There were 11 public comments objecting to the application mainly on grounds stated in paragraph 10. The planning considerations and assessments in paragraphs 11.1 to 11.4 are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10, the Planning Department does not support the application for temporary plastic bottle recycling centre with workshop and ancillary office for the following reasons.
 - (a) the applied development is not in line with the planning intentions of the “AGR” and “R(D)” zone. The planning intention of the “ARG” zone is to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and also to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. The planning intention of 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. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;

- (b) the applicant fails to demonstrate that the proposed development would not generate adverse environmental impact on the surrounding areas; and
- (c) approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications for other developments within the “AGR” zone, the cumulative effect of which will result in a general degradation of the rural environment.

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 **20.9.2022**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no operation from 6:30 p.m. to 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 vehicle exceeding 24 tonnes, as proposed by the applicant, is allowed to enter/exit or to be parked/stored on the Site at any time during the planning approval period;
- (d) the submission of the 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 **20.3.2020**;
- (e) in relation to (d) 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 **20.6.2020**;
- (f) in relation to (e) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (g) the existing vegetation within the Site shall be maintained in good condition at all times during the planning approval period;
- (h) the submission of a fire service installations proposal within **6** months from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by **20.3.2020**;
- (i) in relation to (h) above, the implementation of the fire service installations proposal within **9** months from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by **20.6.2020**;
- (j) provision of fencing of 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 **20.3.2020**;

- (k) if any of the above planning conditions (a), (b), (c), (f) or (g) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (l) if any of the above planning conditions (d), (e), (h), (i) or (j) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (m) upon expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

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 30.7.2019 with site plan, layout plan, landscape plan and drainage plan
Appendix II	Previous Applications covering the Site
Appendix III	Similar Applications within the same “AGR” and “R(D)” zone
Appendix IV	Public Comments
Appendix V	Advisory Clauses
Drawing A-1	Proposed Layout Plan
Drawing A-2	Proposed Drainage
Drawing A-3	Proposed Landscape Plan
Plans A-1a to A-1b	Location Plan
Plan A-2	Site Plan
Plans A-3a to 3b	Aerial Photo
Plans A-4a to 4c	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2019**