

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-LFS/341**

- Applicant** : Mr. Mok Fook Keung represented by Metro Planning and Development Company Limited
- Site** : Lots 2750, 2751, 2762 RP, 2764 RP (Part), 2765 RP (Part), 2766 RP (Part), 2768 (Part) and 2771 in D.D. 129, Lau Fau Shan, Yuen Long
- Site Area** : About 3,786 m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/9 and Approved Tin Shui Wai OZP No. S/TSW/14
- Zoning** : “Green Belt” (“GB”) (about 99.7%)  
“Open Space (1)” (“O(1)”) (about 0.3%)
- Application** : Proposed Temporary Public Vehicle Park for Private Cars for a Period 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary public vehicle park for private cars for a period of 3 years (**Plan A-1**). The majority of the Site (99.7%) falls within an area zoned “GB” on the approved Lau Fau Shan and Tsim Bei Tsui OZP No. S/YL-LFS/9 and a minor portion of the Site (0.3%) falls within an area zoned “O(1)” on the approved Tin Shui Wai OZP No. S/TSW/14. According to the Notes of the corresponding OZPs for “GB” and “O(1)” zones, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The applicant currently seeks temporary permission for a period of 3 years. The Site is currently vacant and hard-paved.
- 1.2 Part of the Site (about 55%) involves 2 previous planning approvals (Applications No. A/YL-LFS/39 and 74) (**Plan A-1**) for recreational uses (including barbecue spot, playground, refreshment kiosk, visitor centre, public car park and ancillary uses) (i.e. the Greenfield Garden) (**Plan A-2**) and proposed temporary extension to the Greenfield Garden (including flea market for green/environmental friendly products) respectively. Details of the previous applications are at paragraph 6 and **Appendix II**.

1.3 The Site is accessible from Tin Wah Road via a local track (**Drawings A-1 and A-2, Plans A-1 and A-2**). The ingress/egress point is located at the southeastern boundary of the Site (**Drawing A-3 and Plan A-2**). As shown on **Drawing A-3**, 65 parking spaces for private cars and 1 one-storey temporary structure not exceeding 3m in height with a total floor area of 20m<sup>2</sup> for site office and toilet are proposed on the Site. According to the applicant, no light goods vehicle, medium goods vehicle and heavy goods vehicle, will be allowed to enter the Site. The operation hours of the Site are from 7:00a.m. to 11:00p.m. daily.

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

- (a) Application Form received on 3.4.2019 (Appendix I)
- (b) Supplementary Planning Statement including a site plan, vehicular access plan, proposed layout plan, proposed landscape and tree preservation plan and proposed drainage plan (Appendix Ia)

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed at **Appendices I and Ia**. They are summarized as follows:

- (a) The proposed development is temporary in nature and it would not jeopardize the planning intention of the “GB” zone.
- (b) There is insufficient supply to meet the exigent parking demand of Sha Kong Wai as only 10 public parking spaces are provided for private cars and light goods vehicles.
- (c) The proposed development is compatible with the surrounding environment.
- (d) The applicant would provide and maintain the proposed drainage facilities at the Site at his own expense.
- (e) The proposed development would not generate significant amount of traffic flow to nearby roads.

## **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. 31) by posting site notice and sending the notice to the Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

#### **4. Background**

The Site is not subject to any active enforcement action. Yet, the Site involved an expired enforcement action for alleged unauthorized development (UD) for parking in 2017. Enforcement Notice was issued on 20.3.2017 and Compliance Notice was issued on 6.9.2017.

#### **5. Town Planning Board Guidelines**

The Town Planning Board Guidelines for Application for Development within the Green Belt zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10) is relevant to the application. The relevant assessment criteria are summarized as follows:

- (a) There is a general presumption against development (other than redevelopment) in “GB” zone. In general, the Board will only be prepared to approve applications for development in the context of requests to rezone to an appropriate use;
- (b) An application for new development in “GB” zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds;
- (c) The design and layout of any proposed development should be compatible with the surrounding areas. It should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, and cause any adverse visual impact on the surrounding environment;
- (d) The proposed development should not overstrain the capacity of existing and planned infrastructure such as sewerage, road and water supply. It should not adversely affect drainage or aggravate flooding in the area; and
- (e) The vehicular access road and parking provision proposed should be appropriate to the scale of the development and comply with relevant standards. Access and parking should not adversely affect existing trees or other natural landscape features.

#### **6. Previous Applications**

6.1 Part of the Site (about 55%) is the subject of 2 previous applications (No. A/YL-LFS/39 and 74) for various recreational uses. Details of these applications and the Rural and New Town Planning Committee (the Committee)’s/Board’s decisions are summarized at **Appendix II** and their locations are shown on **Plan A-1**.

6.2 Application No. A/YL-LFS/39 (covering the southern portion of the Site and the land at its southwest in a much larger site context) in the subject “GB” zone and the adjoining “Village Type Development” (“V”) zone for recreational uses including barbecue spot, playground, refreshment kiosk, visitor centre, public car park<sup>1</sup> and ancillary uses (i.e. the Greenfield Garden) was approved by the

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<sup>1</sup> The application involved the provision of 64 car parking spaces for the proposed recreational use.

Committee on 14.5.1999 mainly on the considerations that the proposed development was primarily rural in character and would not affect the existing natural landscape within the “GB” zone; the agricultural use was mainly located within the “V” zone and the use was always permitted under the OZP; the visitors centre, refreshment kiosk, barbecue area and playground were relatively small in scale; the proposed development was considered compatible with the surrounding land-uses; the proposed development was not expected to generate adverse environmental and traffic impacts and there was no adverse comment from the concerned Government departments.

- 6.3 Application No. A/YL-LFS/74 (covering a minor portion on the northern side of the Site and the land at its north in a much larger site context) for recreational use (i.e. proposed extension to the Greenfield Garden (including flea market for green/environmental friendly products)<sup>2</sup>) for a period of 3 years was approved by the Board upon review on 8.3.2002 mainly on the consideration that similar use (Application No. A/YL-LFS/39) had been approved within the same “GB” zone. The planning permission was lapsed on 9.3.2005.

## 7. Similar Applications

- 7.1 Within the same “GB” zone, there are 6 similar applications (Applications No. A/YL-LFS/24, 50, 56, 86, 118 and 135) for recreational or parking of vehicle uses. Details of the applications and the Committee’s/Board’s decisions are summarized at **Appendix III** while the locations are shown on **Plan A-1**.
- 7.2 Application No. A/YL-LFS/56 for recreational development including garden, fishing ground, barbecue spot, refreshment kiosk, public car park (25 nos. of car parking spaces) with ancillary facilities, and Applications No. A/YL-LFS/86 and 135 for refreshment kiosk and car park uses (40 nos. of car parking spaces) were approved by the Committee/Board upon review on 28.7.2000, 14.6.2002 and 4.11.2005 respectively mainly on the considerations that the proposed development was not incompatible with the surrounding rural area; approvals had been given for the previous applications; the proposed development would not generate adverse traffic and environmental impacts to the area; there were no adverse comment from concerned Government departments and overnight accommodation was not included at the concerned site (particularly for Application No. A/YL-LFS/135). Amongst these approved applications, Application No. A/YL-LFS/135 was subsequently revoked on 20.12.2005 due to non-compliance with approval conditions regarding overnight accommodation including the erection of Mongolian tents and additional structures other than those shown on the layout plan at the concerned site.
- 7.3 Applications No. A/YL-LFS/24 and 50 for temporary vehicle park including container trailers, lorries or bulldozers, and Application No. A/YL-LFS/118 for temporary vehicle park for private cars and light goods vehicles were rejected by the Committee/the Board on 26.6.1998, 14.4.2000 and 21.11.2003 respectively mainly on the grounds that the proposed development was not compatible with the

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<sup>2</sup> The application involved the provision of 140 car parking spaces and 10 coach parking spaces for the proposed recreational use.

surrounding environment; the proposed development was not in line with the planning intention; there was insufficient/no information to demonstrate the development would have no adverse environmental, traffic and/or drainage and/or landscape impacts; the approval of the application would set an undesirable precedent for other similar applications; the cumulative effect of which would cause further degradation of the environment in the area; the proposed development did not comply with the then TPB-PG No. 12B for “Application for Developments within Deep Bay Area” in that there was insufficient information to demonstrate the proposed development would not result in the loss of ecological function of the pond or complement the ecological functions of the wetlands and fish ponds in and/or around the Deep Bay Area which the proposed development would set an undesirable precedent for unauthorized filling of ponds within the Wetland Buffer Area (WBA) (particularly for Application No. A/YL-LFS/118).

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

8.1 The Site is:

- (a) currently hard-paved, partly vegetated and vacant; and
- (b) accessible from Tin Wah Road via a local track (**Drawings A-1 and A-2, Plans A-1 and A-2**).

8.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

- (a) to its immediate south within the same “GB” is a recreational development named “Greenfield Garden” which is related to planning permission (Application No. A/YL-LFS/39);
- (b) to its immediate west within the same “GB” are vacant land and further west in the “V” zone are residential dwellings (the closest residential dwelling is about 47m away) in Sha Kong Wai;
- (c) to its immediate north within the same “GB” are vacant land and further north are open storage yard for construction materials and parking of vehicles; and
- (d) to its east crossing the Tin Ying Road is the nullah and a public housing development named Tin Yan Estate.

## **9. Planning Intention**

The planning intention of “GB” is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl, as well as to provide passive recreational outlets. There is a general presumption against development within this zone. However, limited development may be permitted if they are justified on strong planning grounds.

## **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 the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval from her office.
- (b) The Site is accessible from Tin Wah Road through Government Land (GL). Her office provides no maintenance works for the GL involved and does not guarantee any right-of-way.
- (c) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (d) Should planning approval be given to the subject planning application, the lot owner(s) will need to apply to her office to permit the structures to be erected or regularize any irregularity on site, if any. 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. 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(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**

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

- (a) He has no adverse comment on the application from traffic engineering point of view.
- (b) Sufficient manoeuvring space shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads.
- (c) The local track leading to the Site is not under Transport Department (TD)'s 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.

10.1.3 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 nearby public roads/drains.
- (c) HyD shall not be responsible for the maintenance of any access connecting the Site and Tin Wah Road.

**Environment**

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

- (a) No environmental complaint pertaining to the Site has been received in the past three years.
- (b) He has no adverse comment on the application. According to the submitted information, heavy vehicles and dusty operation are not expected on the Site.
- (c) Should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" ("COP").

**Drainage**

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

- (a) He has no objection in principle to the application from drainage point of view.
- (b) Should the Board consider that the application is acceptable from planning point of view, he would suggest that a condition should be stipulated in the approval letter requiring the applicant to submit a revised drainage proposal, to implement and maintain the proposed drainage facilities to the satisfaction of his department.
- (c) His detailed comments on the submitted drainage proposal are at **Appendix IV**.

**Fire Safety**

10.1.6 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 D of FS.
- (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 FSIs 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.

### **Landscaping**

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

- (a) With reference to the site photos of 2019 and aerial photo of 2018, it is observed that the Site is mainly vacant. Trees are generally found along the site periphery and at the northern portion of the Site. The Site is situated in an area of village landscape character. Significant change to the landscape character arising from the application is not envisaged. Hence, he has no objection to the application from the landscape planning point of view.
- (b) Should the application be approved by the Board, in consideration that the Site is not adjoining any prominent public frontage and there are existing trees screening the Site, the condition to maintain all existing trees within the Site in good condition for the duration of the approval period is considered adequate and appropriate.
- (c) It should be reminded that approval of the application by the Board does not imply the approval of tree works (such as felling/transplanting or pruning) and/or requirements under lease. Tree works applications should be submitted direct to DLO for approval.

### **Nature Conservation**

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

- (a) Based on the aerial photo of 2018, it is noted that the Site is largely paved. Nevertheless, the Site falls largely within “GB” zone, it

should be considered that if the proposed development is in line with the planning intention of “GB” zone.

- (b) Should the application be approved due to other considerations, the applicant is advised to adopt appropriate measures to avoid causing disturbance or pollution to the pond to the northwest of the Site.

### **Building Matters**

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

- (a) 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 unauthorized building works (UBW) under the Buildings Ordinance (BO). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (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 Site under the BO.
- (c) 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.
- (d) 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) Regulations at the building plan submission stage.

### **Others**

#### 10.1.10 Comments of the Director of Food, Environment and 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 DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public.

- (c) For any waste generated from such activity/operation, the applicant should arrange disposal properly at his own expenses.

### **District Officer's Comments**

10.1.11 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.

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

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

## **11. Public Comments Received During Statutory Publication Period**

On 12.4.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 3.5.2019, two public comments were received from the village representatives of Sha Kong Wai and an individual objecting to the application as the proposed development would destroy the "Feng Shui" of the village, create additional traffic flow to the area, set an undesirable precedent for similar applications and is not in line with the planning intention of the "GB" zone (**Appendices V-1 and V-2**).

## **12. Planning Considerations and Assessments**

12.1 The current application is for proposed temporary public vehicle park for private cars for a period of 3 years. The majority of the Site (99.7%) falls within an area zoned "GB" on the approved Lau Fau Shan and Tsim Bei Tsui OZP No. S/YL-LFS/9. The planning intention of "GB" is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl, as well as to provide passive recreational outlets. There is a general presumption against development within this zone. However, limited development may be permitted if they are justified on strong planning grounds. Whilst the proposed development is not entirely in line with the planning intention of the "GB" zone, the Site is currently vacant and hard-paved and the development does not involve clearance of vegetation. DAFC has no strong view on the application from nature conservation point of view.

12.2 The Site, covering an area of about 0.4 ha, is basically situated in an area sandwiched between two approved applications (i.e. No. A/YL-LFS/39 for

recreational uses (i.e. the Greenfield Garden) and No. A/YL-LFS/74 for temporary extension to the Greenfield Garden) in this part of the “GB” zone. The two approved applications are of relatively large scale, covering areas of about 4 ha and 3.4 ha respectively, and both are proposed for recreational use with the provision of parking spaces (i.e. 64 car parking spaces under No. A/YL-LFS/39 and 140 car parking spaces and 10 coach parking spaces under No. A/YL-LFS/74). Besides, part of the Site (about 55%) has been covered by the two approved applications (**Plan A-1**). The proposed public vehicle park of 65 private car parking spaces at the Site under the current application, in terms of nature and scale, is considered not incompatible with the surrounding area which is mainly occupied by the recreational uses to its immediate southwest and village settlements of the Sha Kong Wai to its further west (**Plan A-3**).

- 12.3 According to the TPB PG-No.10 for the Application for Developments within the “GB” Zone under Section 16 of the Town Planning Ordinance, the design and layout of any development should be compatible with the surrounding areas and should not affect the existing landscape. CTP/UD&L, PlanD points out that trees are generally found along the site periphery and at the northern portion of the Site and the Site is situated in an area of village landscape character. Significant change to the landscape character arising from the application is not envisaged. He has no objection to the application from the landscape planning point of view. In this regard, the proposed development is in line with the TPB PG-No. 10 in that the proposed development is compatible with the surrounding land uses which mainly comprise recreational development with public vehicle park and vacant land (**Plan A-2**).
- 12.4 There is no adverse comment from the concerned Government departments, including DAFC, DEP, C for T, CE/MN of DSD and CTP/UD&L, PlanD. The proposed development will unlikely create significant adverse ecological, environmental, traffic, drainage and landscaping impacts to the surrounding areas. To minimize any possible environmental impacts and nuisance on the surrounding developments, and to address the technical requirements of the concerned Government departments, relevant approval conditions are recommended in paragraph 13.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorized development on Site will be subject to enforcement action by the Planning Authority. Should the planning application be approved, the applicant will be advised to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize the possible environmental impacts on the nearby sensitive receivers.
- 12.5 Given that 2 previous approvals (No. A/YL-LFS/39 and 74) for recreational development with public vehicle park have been granted and 3 similar applications involving public car park (No. A/YL-LFS/56, 86 and 135) have been approved within the same “GB” zone, approval of the current application is considered in line with the Committee’s previous decisions. Although another three similar applications (No. A/YL-LFS/24, 50 and 118) for public vehicle park use in the same “GB” zone were rejected by the Committee/Board, they were rejected mainly on the ground of involving parking of heavy vehicles or insufficient information to demonstrate the proposed development would not

result in the loss of ecological function of the pond or complement the ecological functions of the wetlands and fish ponds within the WBA. It should be noted that the current application only involves parking of private cars and falls outside the WBA.

- 12.6 There are 2 public comments received from the public objecting to the application on the grounds as summarized in paragraph 11 above. The planning considerations and assessments in the above paragraphs are relevant.

### 13. Planning Department's Views

- 13.1 Based on the assessment made in paragraph 12 above and having taken into account the public comments mentioned in paragraph 11, 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 until **31.5.2022**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### Approval conditions

- (a) no operation from 11:00p.m. to 7:00a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no light goods vehicle, medium goods vehicle and heavy goods vehicle, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to enter the Site at any time during the planning approval period;
- (c) no vehicle without valid licence issued under the Road Traffic Ordinance, is allowed to be parked/stored on the Site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public roads at any time during the planning approval period;
- (e) the submission of a revised drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **30.11.2019**;
- (f) in relation to (e) 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 **29.2.2020**;
- (g) the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (h) all the existing trees within the Site shall be maintained in good condition at all times during the planning approval period;

- (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 **30.11.2019**;
- (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 **29.2.2020**;
- (k) if any of the above planning conditions (a), (b), (c), (d), (g) or (h) 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;
- (l) if any of the above planning conditions (e), (f), (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 the 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 VI**.

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

- (a) the proposed development is not in line with the planning intention of the "Green Belt" zone, which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl, as well as to provide passive recreational outlets and there is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis; and
- (b) approval of the application will set an undesirable precedent for similar applications within the "GB" zone, the cumulative effect of which will result in a general degradation of the environment of the "GB" zone.

**14. Decision Sought**

14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the planning 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 reasons for rejection should be given to the applicant.

**15. Attachments**

<b>Appendix I</b>	Application Form received on 3.4.2019
<b>Appendix Ia</b>	Supplementary Planning Statement including a site plan, vehicular access plan, proposed layout plan, proposed landscape and tree preservation plan and proposed drainage plan
<b>Appendix II</b>	Previous Applications covering the Site
<b>Appendix III</b>	Similar Applications within the same “GB” and “O(1)” Zones
<b>Appendix IV</b>	Detailed Comments of the Chief Engineer/Mainland North, Drainage Services Department
<b>Appendices V-1 and V-2</b>	Public Comments
<b>Appendix VI</b>	Advisory Clauses
<b>Drawing A-1</b>	Site Plan
<b>Drawing A-2</b>	Location Plan with Vehicular Access
<b>Drawing A-3</b>	Proposed Layout Plan
<b>Drawing A-4</b>	Proposed Landscape and Tree Preservation Plan
<b>Drawing A-5</b>	Proposed Drainage Plan
<b>Plan A-1</b>	Location Plan with Previous Applications and Similar Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
MAY 2019**