

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/873

- Applicant** : Ms. CHAN Yau Chi represented by Metro Planning and Development Company Limited
- Site** : Lot 1279 S.A (Part), 1298 (Part) and 1301 (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long, New Territories
- Site Area** : 760m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/11
- Zoning** : “Residential (Group C)” (“R(C)”) [restricted to a maximum plot ratio of 0.4 and a maximum building height of 3 storeys (9m)]
- Application** : Proposed Temporary Shop (Grocery Store) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary shop and services (grocery store) for a period of 3 years (**Plan A-1a**). According to the Notes of the OZP for the “R(C)” zone, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by a structure within which a minor portion is used for storage without valid planning permission (**Plans A-2, A-4a to A-4c**).
- 1.2 The Site was involved in 4 previous applications (No. A/YL-TYST/525, 586, 620 and 714) (**Plan A-1a**). The last 2 applications (No. A/YL-TYST/620 and 714) for similar shop and services uses by the same applicant were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 23.11.2012 and 6.2.2015 respectively. However, the planning permissions were subsequently revoked due to non-compliance with associated approval conditions. Details of the previous applications are at **Appendix II** and paragraph 5 below. Compared with the last application, the

current application is submitted by the same applicant for the same use on the same site with the same development parameters.

- 1.3 According to the applicant, the applied development comprises a grocery store, a staff room and store room, and a toilet. The operation hours are between 8:00 a.m. and 8:00 p.m. daily. Plans showing vehicular and pedestrian access leading to the Site, the proposed site layout, the proposed internal layout, the landscape and tree preservation proposal, the as-built drainage facilities, and the fire service installations (FSIs) proposal submitted by the applicant are shown in **Drawings A-1 to A-6** respectively.
- 1.4 The major development parameters are the same as the last approved application and are summarized as follows:

Site Area	760m ²
Total GFA (Non-domestic)	745m ²
No. of Structure	1
Uses	Grocery store, staff room and store room, and toilet
Height of Structure	6.5m (1 storey)
Operation Hours	8:00 a.m. to 8:00 p.m. daily

- 1.5 In support of the application, the applicant has submitted the following document:
- (a) Application form with plans received on 11.12.2017 **(Appendix I)**
 - (b) Further Information dated 15.1.2018 providing traffic generation and attraction rates **(Appendix Ia)**
 - (c) Further Information dated 21.3.2018 providing a new FSIs proposal **(Appendix Ib)**
 - (d) Further Information dated 21.3.2018 responding to public comment and providing a revised internal layout plan **(Appendix Ic)**
 - (e) Further Information dated 16.4.2018 providing a revised FSIs proposal **(Appendix Id)**
 - (f) Further Information dated 4.5.2018 clarifying background of the application **(Appendix Ie)**

- (g) Further Information dated 10.5.2018 clarifying background of the application and undertaking no storage activities **(Appendix If)**

1.6 On 9.2.2018, the Committee agreed to defer a decision on the application for 2 months as requested by the applicant's representative. On 22.3.2018, further information (**Appendices Ib and Ic**) was received and the application is submitted to the Committee for consideration at this meeting.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in Part 9 of the Application Form at **Appendix I** and the further information at **Appendices Ia to If**. They can be summarised as follows:

- (a) The proposed shop is a Column 2 use in "R(C)" zone. It would serve need of the local community, thus meeting the planning intention of "R(C)" zone. Approval of the current application would encourage the phasing out of undesirable land uses existing within the "R(C)" zone.
- (b) Subsequent to the rejection of the previous application for warehouse use (No. A/YL-TYST/586), the Site has been vacated. The applicant undertakes that no warehouse use will be carried out at the Site. The applicant has also successfully complied with the landscape and drainage conditions imposed to the last application.
- (c) The nature, form, scale and layout of the proposed development is compatible with the surrounding environment. No parking space is proposed.
- (d) The last planning permission No. A/YL-TYST/714 was revoked due to a communication gap between the applicant and the FSIs contractor whereby the FSIs contractor did not mention the requirement of the installation of a sprinkler system to the applicant. An FSIs proposal with sprinkler system has been submitted to support the current application. A registered fire service contractor will be commissioned to implement the FSIs proposal upon planning approval.
- (e) While the Site is subject to two previously approved planning applications since 2012, the respective proposals for grocery store with/without eating place were never put into operation due to difficulty to obtain licence or to get insured.
- (f) The storage currently taking place at the Site will be cleared upon planning approval.

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 notice of the application outside the Site and sending the notice to Shap Pat Heung Rural Committee through registered post. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The use in the Site is subject to investigation. Should a material change of use be identified and confirmed in the Site, which constitutes an unauthorized development under the Town Planning Ordinance, enforcement action would be instigated.

5. Previous Application

- 5.1 The Site was involved in 4 previous applications (No. A/YL-TYST/525, 586, 620 and 714) for either warehouse use or grocery store with/without eating place. Details of the applications are summarized in **Appendix II** and the boundaries of the sites are shown on **Plan A-1b**.
- 5.2 Application No. A/YL-TYST/525 for temporary warehouse for storage of construction materials (including wooden boards, metal goods and ceramic tiles) and advertising boards for a period of 3 years and Application No. A/YL-TYST/586 for temporary warehouse for storage of construction materials (including ceramic tiles) for a period of 2 years were rejected by the Committee on 18.3.2011 and by the Board on review on 16.11.2012 respectively for reasons that the development was not in line with the planning intention of the “R(C)” zone; it would generate adverse environmental impact on the nearby residential uses; and/or the vehicular access to the site was inadequate for the passage of heavy goods vehicles which the applicant proposed for the operation at the development.
- 5.3 Application No. A/YL-TYST/620 for temporary eating place and shop and services (grocery store) and Application No. A/YL-TYST/714 for temporary shop and services (grocery store), both submitted by the same applicant and situated on the same site as the current application, were approved by the Committee for a period of 3 years on 23.11.2012 and 6.2.2015 respectively on the consideration that, inter alia, that the developments could serve the locals; they were not incompatible with the surrounding environment; the use on a temporary basis would not jeopardize the long-term planning intention of the “R(C)” zone; and government departments consulted had no adverse comment on the application. Whilst the applicant had complied with approval conditions requiring the submission and implementation of landscape and drainage proposals under both planning permissions, as well as the submission of an FSIs proposal under the last approval, the planning permissions were eventually revoked on 23.12.2014 and 21.9.2016 respectively due to

non-compliance with the approval conditions requiring the submission and/or implementation of the FSIs proposal by the time limit.

- 5.4 Compared with the last application, the current application is submitted by the same applicant for the same use on the same site with the same development parameters. While the current proposal involves a minor change in internal layout, the major development parameters remain unchanged.

6. Similar Applications

- 6.1 A total of 7 similar applications for various shop and services uses within the subject “R(C)” zone had been considered by the considered by the Committee. Details of the applications are summarized in **Appendix III** and the locations of the sites are shown on **Plan A-1a**.
- 6.2 All applications were approved by the Committee with conditions on a temporary basis mainly on the consideration that the developments were considered not incompatible with the surrounding environment; approving the development on a temporary basis would not jeopardize the long-term planning intention of the “R(C)” zone; and departmental concerns could be addressed by way of approval conditions. However, amongst these approved applications, 6 were revoked due to non-compliance with approval conditions.

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

- 7.1 The Site is:
- (a) accessible via a local track and a footpath leading from Kung Um Road to its east and west respectively (**Plans A-1a and A-3**); and
 - (b) currently occupied by a structure within which a portion being used for storage.
- 7.2 The surrounding areas have the following characteristics:
- (a) mixed with warehouses, open storage/storage yards, office, orchard, scattered residential structures, and vacant and unused land;
 - (b) there are scattered residential structures in its vicinity, with the nearest one located to its immediate east (**Plan A-2**);
 - (c) about 90m to its further east within the subject “R(C)” zone is a low-density residential development known as One Hyde Park (**Plan A-1**);
 - (d) except the warehouse site at about 60m to its south in the “U” zone which is operated with planning permission under Application No. A/YL-TYST/773, the other warehouses and storage/open storage yards

in its vicinity are mostly suspected unauthorized developments subject to enforcement action taken by the Planning Authority.

8. Planning Intention

The planning intention of the “R(C)” zone is primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

9. Comments from Relevant Government Departments

9.1 The following government departments have been consulted and their views on the application and/or the public comments received are summarised as follows:

Land Administration

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

- (a) The Site comprises Old Schedule Agricultural 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) Lot No. 1279 S.A in D.D. 119 is covered by Short Term Waiver (STW) No. 3724 to permit structures erected thereon for the purpose of “Eating Place and Shop (Grocery Store)”.
- (c) Lot No. 1298 in D.D. 119 is covered by STW No. 3599 to permit structures erected thereon for the purpose of “Temporary Warehouse for Storage of Building Materials (Ceramic Tiles)”.
- (d) The Site is accessible to Kung Um Road via Government land (GL) and private land. Her office does not provide maintenance work for GL involved and does not guarantee any right-of-way to the Site.
- (e) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (f) Should planning approval be given to the application, the STW holder(s) will need to apply to her office for modification of the STW conditions if there is any irregularities on site and the lot owner(s) of lot(s) without STW will need to apply to her office for permit the structures to be erected or regularize any irregularities on site. Such application(s) will be considered by her department acting in the capacity as 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 required by her department.

Traffic

9.1.2 Commissioner for Transport (C for T):

- (a) The land status of the access road/path/track leading to the Site from Kung Um Road shall be checked with the lands authority.
- (b) The management and maintenance responsibilities of the access road/path/track shall be clarified and consulted with the relevant management and maintenance authorities accordingly.
- (c) The applicant is reminded that sufficient space should be provided within the Site for manoeuvring of vehicles. In addition, no parking, queuing and reverse movement of vehicles on public road are allowed.
- (d) Regarding the traffic concern raised by the public (**Appendix IV-1**), the traffic generation and attraction arising from the development as advised by the applicant is light and the proposed use is same as the previously approved application No. A/YL-TYST/714.

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 the Transport Department.
- (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) His department shall not be responsible for the maintenance of any access connecting the Site and Kung Um Road.

Environment

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

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

Nature Conservation

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

As the Site is paved and disturbed, he has no strong view on the application from nature conservation point of view. Should the application be approved, however, the applicant should be advised to adopt good site practices and implement necessary measures to avoid causing water pollution and disturbance to the nearby watercourse and its riparian vegetation.

Landscape

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

- (a) The Site is involving temporary shop (grocery store) within an area zoned “R(C)” on the draft Tong Yan San Tsuen OZP No. S/YL-TYST/11. The Site was the subject of 2 previous applications (No. A/YL-TYST/620 and 714) for shop and services with/without eating place approved by the Board with approval conditions applied. The current application is for planning permission for the similar use in the same site for a period of 3 years.
- (b) With reference to the information submitted there are two existing trees along the east boundary and will be preserved on site that significant landscape impact arising from the proposed use on the area is not anticipated. Therefore, she has no objection to the application from the landscape planning perspective.
- (c) Should the Board approve this application in view of the above, she would recommend the approval condition for maintenance of all existing trees and landscape plantings within the Site at all times be applied in the planning permission.
- (d) The applicant should be advised that fence and/or kerb or bollard should be constructed with a minimum distance of 1m around the planting areas to guard against damage to the trees. The applicant should make reference to “Technical Note on the Submission and Implementation of Landscape Proposals for Compliance with Conditions for Approved Applications for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance”.

Drainage

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

- (a) Further to the applicant's response, we have carried out a site inspection at the Site. It was observed that the existing drainage facilities provided were in accordance with the previously agreed drainage proposal under Application No. A/YL-TYST/714. However, it was found that these existing drainage facilities were not maintained properly (i.e. vegetation found along the surface channel).
- (b) In view of the situation, it is considered that the submission of a drainage proposal is not necessary for the time being if the existing drainage facilities are maintained properly. Should the Board consider that the application is acceptable from the planning point of view, approval conditions requiring the maintenance of the existing drainage facilities and submission of a condition record of the existing drainage facilities on the Site to the satisfaction of the Director of Drainage Services or of the Board should be stipulated.

Fire Safety

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

- (a) He has no objection in principle to the proposal subject to FSIs being provided to his satisfaction.
- (b) Furthermore, the FSIs proposal submitted by the applicant (**Appendix Id and Drawing A-6**) is considered acceptable to his department. The applicant is advised that the installation/maintenance/modification/repair work of FSIs shall be undertaken by a Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall after completion of the installation/maintenance/modification/repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to him.
- (c) In addition, 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.

Water Supply

9.1.9 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) He has no objection to the application subject to the following comments.
- (b) For provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to his department's standards.
- (c) The water mains in the vicinity of the Site cannot provide the standard pedestal hydrant.

Building Matters

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

- (a) As there is no record of approval by the Building Authority for the existing structures on the Site, he is not in a position to offer comments on their suitability for the use proposed in the application.
- (b) The applicant's attention is drawn to the following points:
 - (i) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of his department, they are unauthorized building works (UBW) under the BO and should not be designated for any proposed use under the application.
 - (ii) For UBW erected on leased land, enforcement action may be taken by his department to effect their removal in accordance with his department'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 BO.
 - (iii) Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of BD should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with BO.
 - (iv) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular

access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively.

- (v) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

Others

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

- (a) No facilities of his department will be affected and such activities and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding.
- (b) For any waste generated from the commercial/trading activities, the applicant should arrange disposal properly at her own expense.
- (c) Proper licence/permit issued by his department is required if there is any catering service or any activities regulated by him under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public.
- (d) In response to the concern over the application raised by a public (**Appendix IV-1**), his department will consider the ground situation and take appropriate enforcement action to tackle the alleged irregularity at public place if situation warrants.

9.1.12 Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) He has no particular comment on the application from electricity supply safety aspect.
- (b) However, in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

9.1.13 Comments of the Chief Engineer/Cross-boundary Infrastructure and Development, Planning Department (CE/CID, PlanD):

Civil Engineering and Development Department (CEDD) and PlanD jointly commissioned the “Planning and Engineering Study for Housing Sites in Yuen Long South (YLS) – Investigation” (the Study). The Site falls within the Study Area of YLS but outside the development area of YLS. Hence, the Site would not be affected by any development proposal under the Study.

District Officer’s Comments

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

The local consultation has been completed and his office has not received any comments from the village representatives in the vicinity regarding the application.

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

- (a) Project Manager (West), CEDD (PM(W), CEDD); and
- (b) Commissioner of Police (C of P).

10. Public Comments Received During Statutory Publication Period

10.1 On 19.12.2017, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 9.1.2018, a total of two public comments were received from members of the public.

10.2 The commenters object to the application on grounds of exacerbating littering, traffic and drainage issues (**Appendix IV-1**); and encouraging repeated non-compliance with approval conditions (**Appendix IV-2**).

11. Planning Considerations and Assessments

11.1 The subject application is for proposed temporary shop and services (grocery store) at a Site zoned “R(C)” on the OZP. The planning intention of the “R(C)” zone is primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board. Although the applied use is not entirely in line with the planning intention of the “R(C)” zone, it could serve some of the daily needs of the local residents and nearby residential developments as well as the workforce of the warehouses and storage/open storages yards in the vicinity. Since there is no known programme for long-term development of the site,

approval of the application on a temporary basis could be tolerated and would not jeopardize the long-term planning intention of the “R(C)” zone.

- 11.2 The proposed development, which is housed within a single-storey structure, is considered not incompatible with the surrounding environment which comprises a mix of residential structures/developments, warehouses and storage/open storage yards (**Plan A-2**).
- 11.3 Relevant government departments consulted, including C for T, DEP, CTP/UD&L, PlanD, CE/MN, DSD, D of FS and DFEH, have no objection to or adverse comment on the application. No adverse impacts on traffic, environmental, landscape, drainage, fire safety and environmental hygiene from the proposed development is expected. To address the technical requirements of concerned government departments, relevant approval conditions are recommended in paragraph 12.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission. Should the planning application be approved, the applicant will also be advised to follow the relevant mitigation measures and requirements in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize any potential environmental impact.
- 11.4 Given two previous approvals (No. A/YL-TYST/620 and 714) for same grocery store use with/without eating place had been granted to the Site and 7 similar applications have been approved in the same “R(C)” zone, approval of the current application is in line with the Committee’s previous decision. Nevertheless, the last two approvals were subsequently revoked due to non-compliance with time-limited approval conditions requiring the submission and/or implementation of the FSIs proposal. In this regard, as claimed by the applicant, the applied uses under the revoked permissions were not put into operation (**Appendix If**). According to the applicant, non-compliance with the approval condition requiring the implementation of the FSIs proposal was due to a communication gap between her and the FSIs contractor. In fact, the applicant has submitted an FSIs proposal (**Drawing A-6**), as well as a landscape and tree preservation proposal and an as-built drainage plan (**Drawings A-4 and A-5** respectively) for the current application. Concerned government departments, including D of FS, CTP/UD&L, PlanD and CE/MN, DSD, have all accepted the respective proposal. In view of the above, sympathetic consideration may be given to the application. However, shorter compliance period is recommended in order to closely monitor the progress on compliance with associated approval conditions. Moreover, should the application be approved, the applicant will be advised that should he fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 11.5 Should the application be approved, the applicant should be advised that the development/use not under application (i.e. storage use) which currently exists on the Site is not condoned by the approval.

- 11.6 There are two public comments received during the statutory publication period as summarised in paragraph 10. As regards the environmental hygiene, traffic and drainage concerns, the relevant government departments, including DFEH, C for T and CE/MN, DSD, have been consulted and they have no adverse comments on or objection to the application. As for the concern over repeated non-compliance with approval conditions, the planning considerations and assessments in paragraphs 11.1 to 11.5 above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments as mentioned in paragraph 10 above, the Planning Department considers that the temporary shop and services (grocery store) could be tolerated for a period of 3 years.
- 12.2 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 18.5.2021. 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 medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, is allowed to be parked/stored on or enter/exit the Site, as proposed by the applicant, at any time during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) the existing trees and landscape planting on the Site shall be maintained at all times during the planning approval period;
- (e) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 18.8.2018;
- (g) the implementation of the accepted 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 18.11.2018;
- (h) if any of the above planning conditions (a), (b), (c), (d) or (e) 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;

- (i) if any of the above planning conditions (f) or (g) 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; and
- (j) 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 V**.

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

- (a) the development is not in line with the planning intention of the "R(C)" zone which is primarily intended for low-rise, low-density residential developments. No strong planning justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis; and
- (b) approval of the application with repeated non-compliances with approval conditions would set an undesirable precedent for other similar applications, thus nullifying the statutory planning control mechanism.

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 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.

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

14. Attachments

Appendix I Application form with plans received on 11.12.2017

Appendix Ia Further Information dated 15.1.2018 providing traffic generation and attraction rates

Appendix Ib	Further Information dated 21.3.2018 providing a new FSIs proposal
Appendix Ic	Further Information dated 21.3.2018 responding to public comment and providing a revised internal layout plan
Appendix Id	Further Information dated 16.4.2018 providing a revised FSIs proposal
Appendix Ie	Further Information dated 4.5.2018 clarifying background of the application
Appendix If	Further Information dated 10.5.2018 clarifying background of the application and undertaking no storage activities
Appendix II	Previous applications covering the Site
Appendix III	Similar applications within the subject “R(C)” zone
Appendices IV-1 and IV2	Public comments received during statutory publication period
Appendix V	Recommended advisory clauses
Drawing A-1	Vehicular and Pedestrian Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	Internal Layout Plan
Drawing A-4	Landscape and Tree Preservation Plan
Drawing A-5	As-built Drainage Plan
Drawing A-6	FSIs Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site plan
Plan A-3	Aerial Photo
Plans A-4a to A-4c	Site Photos

**PLANNING DEPARTMENT
MAY 2018**