

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL  
FOR TEMPORARY USE  
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-TYST/929**

- Applicant** : Mr. LAW Chun Chung represented by Goldrich Planners and Surveyors Limited
- Site** : Lot 1375 RP (Part) in D.D. 121 and Adjoining Government Land (GL), Tong Yan San Tsuen, Yuen Long, New Territories
- Site Area** : 138 m<sup>2</sup> (about) (including about 12 m<sup>2</sup> of GL)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/12
- Zoning** : “Residential (Group B) 1” (“R(B)1”)  
[restricted to maximum plot ratio of 1, maximum site coverage of 40% and maximum building height of 4 storeys over single-storey carpark (15m)]
- Application** : Renewal of Planning Approval for Temporary “Retail Shop for Hardware Groceries” for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning approval for temporary retail shop for hardware groceries for a period of 3 years at the application site (the Site) for a further period of 3 years (**Plan A-1**). According to the Notes of the OZP for the “R(B)1” 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 for the applied use and is covered by a valid planning permission under application No. A/YL-TYST/772 (**Plans A-2, A-4a to A-4c**).
- 1.2 The Site was involved in 12 previous applications (No. A/YL-TYST/197, 226, 289, 311, 371, 449, 496, 558, 621, 653, 700 and 772), of which 10 previous applications (No. A/YL-TYST/197, 311, 371, 449, 496, 558, 621, 653, 700 and 772) for the same applied use were approved with conditions and two previous applications (No. A/YL-TYST/226 and 289) for temporary storage and temporary plant nursery, retail shop and domestic use respectively were rejected by the Committee. All the time-limited approval conditions under the last application 8No. A/YL-TYST/772) have been complied with and the permission is valid up to 18.12.2018. Details of the previous applications are at paragraph 6 below and

**Appendix III.** Compared with the last application, the current application is submitted by the same applicant for the same applied use on the same site with the same layout and smaller ancillary storage area), and the development parameters remain unchanged.

1.3 The Site abuts Tong Yan San Tsuen Road (**Plans A-2**). According to the submitted layout plan (**Drawing A-2**), the applied use is situated in a 2-storey structure in which the ground floor (about 70m<sup>2</sup>) and the cockloft floor (about 123m<sup>2</sup>) are used as retail area and ancillary storage and resting areas respectively. According to the applicant, the Site is for retail use only and no workshop activity (including cutting of metal) would be carried out on the Site. As there is no parking or loading/unloading space provided within the Site, all the loading/unloading activities will be conducted on Tong Yan San Tsuen Road and such activities will occur once a day with a duration of less than 15 minutes. No loading/unloading activities will be carried out along Ma Fung Ling Road. Only a light goods vehicle of 5.3 tonnes will be used for transportation of materials to the Site. Plans showing the access road leading to the Site, site layout, drainage proposal and fire service installations (FSIs) proposal submitted by the applicant are shown at **Drawings A-1 to A-4** respectively.

1.4 The major development parameters are as follows:

|                                 |   |
|---------------------------------|---|
| Site Area                       | About 138 m <sup>2</sup>  |
| Total Floor Area (Non-domestic) | About 193 m <sup>2</sup>  |
| No. of Structure                | 1<br>(for retail shop use and ancillary storage/resting areas)                                |
| Height of Structure             | 5 m<br>(2-storey including ground floor and cockloft floor)                                   |
| Operation Hours                 | 8:30 a.m. to 6:30 p.m. Mondays to Saturdays, with no operation on Sundays and public holidays |

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

- (a) Application Form with Plans and Appendices received on 18.10.2018 (**Appendix I**)
- (b) Further Information received on 26.10.2018 clarifying no operation on Sundays and public holidays (**Appendix Ia**)
- (c) Further Information received on 16.11.2018 providing responses to the Environmental Protection Department's comments, including clarification on no workshop activity on the Site and the type of vehicles used (**Appendix Ib**)

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

The justifications put forth by the applicant in support of the application are detailed in appendix page attached to the Application Form at **Appendix I** and Further Information at **Appendices Ia and Ib**. They can be summarized as follows:

- (a) The Site is subject to 10 previous planning approvals since 2003. The development will help meet the local needs for hardware groceries. All the approval conditions under the last application (No. A/YL-TYST/772) have been complied with.
- (b) No workshop activities (including cutting of metal) will be carried out at the Site. The operation hours are from 8:30 a.m. to 6:30 p.m., from Mondays to Saturdays. There is no operation on Sundays and public holidays.
- (c) As there is no parking or loading/unloading space provided within the Site, all the loading/unloading activities will be conducted on Tong Yan San Tsuen Road and such activities will occur once a day with a duration of less than 15 minutes. No loading/unloading activities will be carried out along Ma Fung Ling Road. Only a light goods vehicle of 5.3 tonnes will be used for transportation of materials to the Site.

## **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 a notice of the application at the Site and sending the notice to the Ping Shan Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Town Planning Board Guidelines**

The Town Planning Board Guidelines for “Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development” (TPB PG-No. 34B) are relevant to the application. The relevant assessment criteria are attached at **Appendix II**.

## **5. Background**

The use is not subject to planning enforcement action. Follow-up investigation will be taken upon expiry of the current planning permission if the subject application is not approved by the Board.

## 6. Previous Applications

- 6.1 The Site was involved in 12 previous applications, 10 of which (No. A/YL-TYST/197, 311, 371, 449, 496, 558, 621, 653, 700 and 772) for the same applied use (i.e. temporary retail shop for hardware groceries use) were approved with conditions by the Committee, while two applications (No. A/YL-TYST/226 and 289) for temporary storage of building and landscaping materials and temporary plant nursery, retail shop and domestic use respectively covering sites of different boundaries were rejected. Details of the applications are summarized in **Appendix III** and the boundaries of the sites are shown on **Plan A-1b**.
- 6.2 Application No. A/YL-TYST/197 for proposed temporary retail shop for hardware groceries covering a smaller site of about 83m<sup>2</sup> was approved with conditions by the Committee for a period of 3 years on 25.4.2003 on the consideration that the proposed retail shop was small in scale; it was not incompatible with the surrounding land uses; and the Director of Environmental Protection (DEP) had no adverse comment on the application as it was for retail purpose. Approval condition prohibiting workshop activities on the site was imposed to address the local concern on the possible noise.
- 6.3 Applications No. A/YL-TYST/226 and 289 for proposed temporary storage of building and landscaping materials and proposed temporary plant nursery, retail shop and domestic use respectively were rejected by the Board on review and by the Committee on 2.4.2004 and 24.6.2005 for not being in line with the planning intention of the "R(B)1" zone; incompatibility with the surrounding residential uses; failure to demonstrate the acceptability of vehicular access or loading/unloading arrangement(s) and no adverse environmental and drainage impacts; and setting of undesirable precedent.
- 6.4 Applications No. A/YL-TYST/311, 371 and 449 for temporary retail shop for hardware groceries for a period of 3 years were approved with conditions by the Committee on 7.4.2006, 4.1.2008 and 18.12.2009 respectively mainly on similar considerations as those for Application No. A/YL-TYST/197. However, shorter approval periods of 1 year were granted to the applications in order to monitor the site situation in view of the local objections. The planning permissions under applications No. A/YL-TYST/311 and 371 were revoked on 7.7.2006 and 4.10.2008 respectively due to non-compliance with approval condition(s).
- 6.5 The subsequent renewal applications (No. A/YL-TYST/496, 558, 621, 653 and 700) for the same use on the same site were approved with conditions each for a period of 1 year by the Committee on 12.11.2010, 16.12.2011, 7.12.2012, 13.12.2013 and 14.11.2014 respectively mainly on similar considerations as those for the previous approvals and that the renewal applications were generally in line with TPB PG-No. 34B in that there had been no material change in planning circumstances since the granting of the previous temporary approvals and the conditions of the previous approvals were complied with. However, noting there were still strong local objections to the applications, all the renewal applications were approved for a period of 1 year, instead of 3 years sought, for continuous monitoring of site situation.
- 6.6 Application No. S/YL-TYST/772 for temporary retail shop for hardware groceries for a period of 3 years were approved with conditions by the Committee

on 18.12.2015 mainly on similar considerations as those for the previous approvals and the applicant has satisfactorily complied with all the approval conditions under the last 6 applications and no environmental complaints pertaining to the site were received in the past years. All the approval conditions under the last application (No. A/YL-TYST/772) have been complied with and the planning approval is valid up to 18.12.2018.

- 6.7 Compared with the last application, the current application is submitted by the same applicant for the same applied use on the same site, and the development parameters remain unchanged.

## 7. Similar Application

There is no similar application within the same “R(B)1” zone on the OZP.

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

8.1 The Site is:

- (a) located at the section of Tong Yan San Tsuen Road between Ma Fung Ling Road and Yuen Long Highway;
- (b) paved and fenced off; and
- (c) currently occupied for the applied use with valid planning permission under Application No. A/YL-TYST/772.

8.2 The surrounding areas have the following characteristics:

- (a) the areas within the “R(B)1” zone are predominantly residential uses. A residential development, Jasper Court, is located to its immediate northeast (**Plans A-1a and A-2**);
- (b) Block 1 of Jasper Court is located to the immediate northeast and is separated from the Site by a boundary wall (**Plan A-2**);
- (c) to its immediate north and further northeast are a storage yard and an open storage of construction materials which are suspected unauthorised developments subject to enforcement action taken by the Planning Authority;
- (d) a residential structure with storage and a vehicle repair workshop are located to the immediate south of the Site; and
- (e) warehouses/godown, open storage/storage yards, parking of vehicles, a restaurant and a property agency are located in the vicinity of the Site across Tong Yan San Tsuen Road within the adjoining “Industrial” (“I”) zone.

## **9. Planning Intention**

The planning intention of the “R(B)1” zone is primarily for sub-urban medium-density residential developments in rural areas where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

## **10. Comments from Relevant Government Departments**

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

### **Land Administration**

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

- (a) The Site comprises GL and Old Scheduled 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. 1375 RP in D.D. 121 within the Site is covered by Short Term Waiver (STW) No. 3294 to permit structures erected thereon for the purpose of “temporary retail shop for hardware groceries”.
- (c) The GL within the Site is covered by Short Term Tenancy (STT) No. 2589 for the purpose of “temporary retail shop for hardware groceries”.
- (d) The Site is accessible from Tong Yan San Tsuen Road via GL. Her office does not provide maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site.
- (e) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (f) Should planning approval be given to the subject planning application, the STW and STT holder(s) will need to apply to her office for modification of the STW/STT conditions where appropriate. 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 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 imposed by her department.

## **Traffic**

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

He has no adverse comment on the application as there is no parking or loading/unloading on the Site; as well as no adverse comment on the loading/unloading arrangements on the Tong Yan San Tsuen Road.

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

- (a) According to the current site condition and the proposed loading and unloading arrangement, it is understood that no vehicular access to the Site is proposed or to be granted under the subject application.
- (b) In view of the above, he has no comment on the application from highways maintenance point of view. If the application is approved, the applicant should be advised that the application is approved on the understanding that there is and will be no vehicular access to/from the Site.

## **Environment**

### 10.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) There was no substantiated environmental complaint concerning the Site received in the past 3 years.
- (b) It is noted that the Site was involved in a number of previous applications for similar use, i.e. retail shop for hardware groceries. It is also noted that there is a residential development (Jasper Court) located to the immediate east of the Site and there had been claims that workshop activities and traffic of heavy goods vehicles were involved during the operation of the retail shop.
- (c) Should the applied use involve workshop activities and traffic of heavy vehicles, environmental nuisances are expected. It would be environmentally undesirable to allow such nuisance to begin or continue according to the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites".
- (d) In addition, it should be reminded that effluent discharges from the proposed use are subject to control under the Water Pollution Control Ordinance (WPCO). A discharge licence under the WPCO should be obtained before a new discharge is commenced. It is the obligation of the applicant to meet all statutory requirements under relevant pollution control ordinances and provide necessary mitigation measures.

### **Landscape**

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

- (a) The applicant seeks planning permission from the Board for renewal of planning approval for temporary retail shop for hardware groceries for a period of 3 years at the Site which falls within an area zoned “R(B)1” on the approved Tong Yan San Tsuen OZP No. S/YL-TYST/12. The Site was subject to 12 previous planning applications (No. A/YL-TYST/197, 311, 371, 449, 496, 558, 621, 653, 700 and 772) for temporary retail shop or storage use.
- (b) According to the submitted information and site visits record, the Site is occupied by a low-rise temporary structure with no significant vegetation. Significant adverse landscape impact arising from the current use is not anticipated. Therefore, she has no objection to the application from landscape planning perspective. With the consideration of limited space of the Site (only 138m<sup>2</sup>), it is not necessary to impose a landscape condition as its effect on enhancing the quality of public realm is not apparent.

### **Drainage**

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

- (a) According to the information submitted by the applicant, the existing drainage facilities which was implemented under an approved application No. A/YL-TYST/772 will be maintained for the subject development.
- (b) He has no objection in principle to the applied development from the drainage point of view. 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 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**

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 his satisfaction.
- (b) The submitted FSIs proposal (**Drawing A-4**) is considered acceptable to his department.



- (c) The installation/ maintenance/ modification/ repair work of FSIs shall be undertaken by a Registered Fire Services 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 his department.
- (d) However, 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.
- (e) He has no specific comment on the public comment (**Appendix IV**). In general, the operation of a retail shop for hardware groceries does not require the application for a Dangerous Goods Licence. Nevertheless, if the operator of the retail shop wishes to store any Dangerous Goods in excess of its exempted quantity, subject to section 6 of Dangerous Goods Ordinance (Cap. 295), a licence granted under this Ordinance is required.

### **Building Matters**

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

- (a) As there is no record of approval by the Building Authority (BA) for the structures existing at the site, he is not in a position to offer comments on their suitability for the use related to 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 approval of his department, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any approved 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 works or UBW on the site under the BO.
  - (iii) Before any new building works (including container/open sheds as temporary buildings) are to be carried out in the site, the prior approval and consent of his department should be obtained, otherwise they are

UBW. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.

- (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.

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

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

His office has received a letter with written comment (**Appendix IV**) which has also been received by the Board and has been treated as a public comment received during the statutory publication period of the application.

10.2 The following government departments have no comment/no adverse comment on the application:

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Director of Electrical and Mechanical Services (DEMS);
- (e) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD); and
- (f) Commissioner of Police (C of P).

## **11. Public Comment Received During the Statutory Publication Period**

On 26.10.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 16.11.2018, one public comment was received from the Jasper Court Owner's Committee (**Appendix IV**) raising objection to the application. The commenter objects mainly for the reasons that (i) the applied use is an illegal operation which is subject to complaints; (ii) the applicant has breached the approval conditions on restrictive operation hours and no operation on Sundays and public holidays; (iii) there is no pressing need for hardware groceries shop in the neighbourhood; (iv) the development would generate noise nuisances (e.g. metal cutting) and cause environmental (e.g. air pollution and dust emissions), sewerage, drainage and fire safety impacts; (v) the loading/unloading activities of the retail shop would cause pedestrian/traffic safety impacts; and (vi) the development would affect the tranquil living and property prices. There are also concerns on suspected unauthorized building works at the Site and that the operation of the subject retail shop is not in compliance with the relevant requirements/legislations.

## 12. Planning Considerations and Assessments

- 12.1 The subject application is for renewal of the planning permission under previous Application No. A/YL-TYST/772 for temporary retail shop for hardware groceries at a site zoned “R(B)1” on the OZP. The planning intention of the “R(B)1” zone is primarily for sub-urban medium-density residential developments in rural areas. Although the applied use is not entirely in line with the planning intention of the “R(B)1” zone, there is no known programme for long-term development on the Site currently. Approval of the application on a temporary basis would not frustrate the planning intention of the zoned use on the OZP.
- 12.2 The subject retail shop is small in scale and is located at the fringe of the “R(B)1” zone to the east of Tong Yan San Tsuen Road. The Site is in close proximity to the “I” zone to its west across Tong Yan San Tsuen Road where warehouses/godown, open storage/storage yards and parking of vehicles can be found. The retail shop use at the Site is considered not entirely incompatible with the surrounding land uses (**Plan A-2**).
- 12.3 The application is generally in line with TPB PG-No. 34B in that there has been no material change in planning circumstances since the granting of the previous approval under Application No. A/YL-TYST/772; the approval conditions have been complied with; and the 3-year approval period sought is of the same timeframe as the previous approval.
- 12.4 DEP considers that it is environmentally undesirable if the applied use involves workshop activities and use of heavy vehicles. According to the applicant, the applied use is for retail purpose and only vehicles of 5.3 tonnes (i.e. light goods vehicles) will be used. Also, no workshop activities, including metal cutting, would be carried out within the Site. Also, there was no substantiated environmental complaint concerning the Site received in the past 3 years. On the traffic aspect, C for T has no comment on the proposed loading/unloading activities on Tong Yan San Tsuen Road. Other Government departments consulted generally have no objection to or adverse comments on the application. In view of the scale and temporary nature of the proposed development, significant adverse environmental, traffic, landscape and drainage impacts on the surrounding areas are not envisaged. To minimize any possible environmental nuisances generated by the temporary use or to address the technical requirements of other concerned government departments, relevant approval conditions are also 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 the Site will be subject to enforcement action by the Planning Authority. Should the planning application be approved, the applicant will also be advised to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize any potential environmental impact.
- 12.5 Given that the Committee has approved 10 applications (No. A/YL-TYST/197, 311, 371, 449, 496, 558, 621, 653, 700 and 772) for the same applied use at the Site since 2003, approval of the renewal application is in line with the Committee’s previous decisions. All the time-limited approval conditions under

the last application (No. A/YL-TYST/772) have been complied with and the permission is valid up to 18.12.2018.

- 12.6 There is a public comment (**Appendix IV**) received during the statutory publication period raising objection to the application as summarized in paragraph 11 above. Regarding the concerns on the operation of the shop on Sundays and public holidays, workshop activities (including metal cutting) and loading/unloading activities of the retail shop, 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 the Site will be subject to enforcement action by the Planning Authority. Regarding the fire safety issue, D of FS commented that in general, the operation of a retail shop for hardware groceries does not require the application for a Dangerous Goods Licence. Nevertheless, if the operator of the retail shop wishes to store any Dangerous Goods in excess of its exempted quantity, subject to section 6 of Dangerous Goods Ordinance (Cap. 295), a licence granted under this Ordinance is required. The planning considerations and assessments in paragraphs 12.1 to 12.5 above are also relevant.

### **13. Planning Department's Views**

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comment as 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 further period of 3 years from 19.12.2018 to 18.12.2021. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### Approval conditions

- (a) no operation between 6:30 p.m. and 8:30 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 metal cutting or other workshop activities, as proposed by the applicant, is allowed to be carried out on the Site at any time during the planning approval period;
- (d) no parking and loading/unloading activities, as proposed by the applicant are allowed to be carried out on the Site at any time during the planning approval period;
- (e) only light goods vehicles not exceeding 5.5 tonnes, as defined in the Road Traffic Ordinance is allowed for loading/unloading activities to be carried out along Tong Yan San Tsuen Road, as proposed by the applicant, at any time during the planning approval period;

- (f) no loading/unloading activities are allowed to be carried out along Ma Fung Ling Road, as proposed by the applicant, at any time during the planning approval period;
- (g) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (h) the provision of boundary fence on the Site within **6** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 19.6.2019;
- (i) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (j) the submission of a condition record of the existing drainage facilities on the Site 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 19.3.2019;
- (k) the implementation of the accepted fire service installations proposal within **6** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 19.6.2019;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (i) 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;
- (m) if any of the above planning conditions (h), (j) or (k) 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

[Approval conditions (a) to (c), (g) and (i) to (m) are the same as those under the permission for application No. A/YL-TYST/772, while conditions (d) to (f) and (h) are updated to accord with the department's latest requirements.]

#### Advisory clauses

The recommended advisory clauses are attached at **Appendix V**.

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

- (a) the proposed development is not in line with the planning intention of the "R(B)1" zone which is primarily sub-urban medium-density residential developments in rural areas. 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) the applicant fails to demonstrate that the development would not generate adverse environmental impact on the residential uses in the surrounding

areas.

#### **14. Decision Sought**

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

#### **15. Attachments**

|                     |   |
|---------------------|---|
| <b>Appendix I</b>   | Application Form with Plans and Appendices received on 18.10.2018   |
| <b>Appendix Ia</b>  | Further Information received 26.10.2018 clarifying there is no operation on Sundays and public holidays   |
| <b>Appendix Ib</b>  | Further Information received 16.11.2018 providing responses to the Environmental Protection Department, including clarification on no workshop activity on the Site and the type of vehicles used       |
| <b>Appendix II</b>  | Relevant extract of the Town Planning Board Guidelines for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34B) |
| <b>Appendix III</b> | Previous application covering the application site  |
| <b>Appendix IV</b>  | Public comment received during the statutory publication period   |
| <b>Appendix V</b>   | Recommended Advisory Clauses  |
| <b>Drawing A-1</b>  | Plans showing the access road leading to the Site   |
| <b>Drawing A-2</b>  | Site Layout Plan  |
| <b>Drawing A-3</b>  | Drainage Plan   |
| <b>Drawing A-4</b>  | Fire Service Installations Plan   |
| <b>Plan A-1a</b>    | Location Plan with Similar Applications   |
| <b>Plan A-1b</b>    | Previous Applications Plan  |
| <b>Plan A-2</b>     | Site Plan   |
| <b>Plan A-3</b>     | Aerial Photo  |

**Plans A-4a to**            Site Photos  
**A-4c**

**PLANNING DEPARTMENT**  
**DECEMBER 2018**