

**PLANNING APPLICATION UNDER SECTION 16
OF THE TOWN PLANNING ORDINANCE (CAP. 131)**

**TEMPORARY EATING PLACE (OUTSIDE SEATING
ACCOMMODATION OF A LICENSED RESTAURANT)
FOR A PERIOD OF 5 YEAR AT :
THE GOVERNMENT LAND IN FRONT OF SHOP NO. 9
AND THE OUTSIDE SEATING ACCOMMODATION, G/F.,
LAI HUNG GARDEN, 1 TAN KWAI TSUEN ROAD, HUNG
SHUI KIU, YUEN LONG, NEW TERRITORIES
(LOT NO. 4070 IN D.D. 124)**

SUPPLEMENTARY PLANNING STATEMENT

29 APRIL, 2026

Planning Application under Section 16 of the Town Planning Ordinance (Cap. 131)

Temporary Eating Place (Outside Seating Accommodation of a Licensed Restaurant) for a Period of 5 Year at The Government Land in front of Shop No. 9 And The Outside Seating Accommodation, G/F., Lai Hung Garden, 1 Tan Kwai Tsuen Road, Hung Shui Kiu, Yuen Long, New Territories
(The application premise)

Executive Summary

This Planning Statement is submitted by Ms. Yip Hiu Ting ("the Applicant"), existing tenant, and is prepared in support of a planning application for eating place (Outside Seating Accommodation of 8.78m² Only) use at The Government Land in front of Shop No. 9 And The Outside Seating Accommodation, G/F., Lai Hung Garden, 1 Tan Kwai Tsuen Road, Hung Shui Kiu, Yuen Long, New Territories ("the Application Premise"), to obtain planning approval from the Town Planning Board (the "TPB") for the prepared outside seating accommodation of existing General Restaurant, Eating Place Use ("the Proposed Use") under Section 16 of the Town Planning Ordinance.

The application Premise is currently zoned "Residential (Group A)" on the Approved Tong Yan San Tsuen Outline Zoning Plan No. S/YL-TYST/14 gazetted on May 2012 (the "OZP). The Application Premise situates at the Yuen Long residential area, with a frontage abuts Tan Kwai Tsuen Road. It has a total floor area of about 8.78m² on government land.

Under the proposal, the Government land's (with area of 8.78m²) will be converted from residential to "Eating Place" use. And it is not required to have fire resistance separation between the Government land and the eating place as it is open space in front of shop 9, the existing General Restaurant. Besides, the means of escape (MOE) of the proposed eating place of 8.78m² is adequate because it is located on open space of government land. On the other hand, there will be a 5kg Dry Powder type fire extinguisher (Fire Services Department's requirement) to be provided at the new proposed eating place.

Statements are demonstrated in support of the proposed use:

- (i) The proposed uses conform to the planning intention of Residential (Group A) zone.
- (ii) The proposed use is compatible to the adjoining uses.
- (iii) The proposed uses could fulfill the demand of eating place.
- (iv) The proposed use comply with Town Planning Board Guidelines No. 5A & 15A) regarding development within residential building Residential (Group A) zone.
- (v) There would be no traffic and environmental impact generated from the proposed use.
- (vi) "Eating Place" is non polluting general business which is in line with the planning intention of the "Residential (Group A) " zone.
- (vii) There are similar planning approvals within the same OZP.

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(The application premise)

The Proposed Use is worth to be considered by the TPB, not only because of its non-polluting general business uses, which is in line with the planning intention of the Residential, but also satisfies the non-statutory planning requirements lay down on the Town Planning Board Guidelines for Development within Residential (Group A).

Further favorable consideration should be given to the Proposed Use, as it supports the commercial activities and to provide employment opportunities of the eating industry. It is noteworthy that, the permission for eating place use was well supported by precedent simliar planning approvals. Moreover, no adverse environmental, traffic and infrastructure impacts will be generated by the Proposed Use.

In view of the justifications throughout this planning statement report, it is very much appreciated that the members of the Board will give favorable consideration and to approve this application in order to revitalize the Hung Shui Kiu area for the benefit of our community.

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TABLE OF CONTENTS

	<u>Page</u>
1. Introduction	5
2. Site Context	6
3. Similar Previous Planning Approval	7-11
4. Planning Justification	12-14
5. Conclusion	15

PLANS

-Location plan	Plan 1
-Ground Floor layout plan	Plan 2
-Approved building plan	Plan 3

Appendices

-Extract of the Approved Tong Yan San Tsuen Outline Zoning Plan (S/YL-TYST/14)	Appendix 1
-Town Planning Board Guidelines for Development within "Residential (Group A)" Zoning (TPB PG-NO. 5A) and Town Planning Board Guidelines for Application for Eating Place within "Village Type Development" Zone in rural areas under Section 16 of The Town Planning Ordinance (TPB PG-NO. 15A)	Appendix 2

Planning Application under Section 16 of the Town Planning Ordinance (Cap. 131)

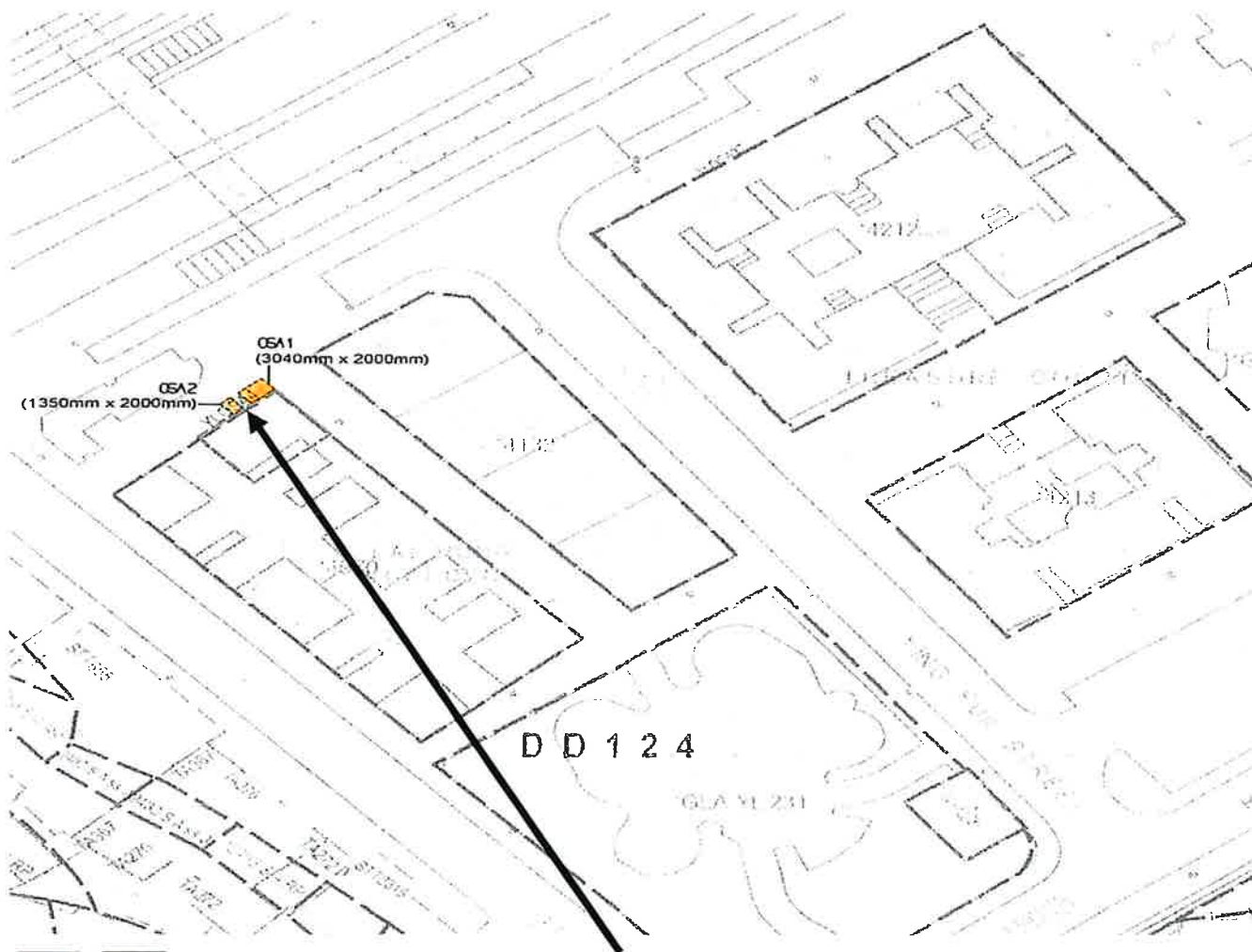
Temporary Eating Place (Outside Seating Accommodation of a Licensed Restaurant) for a Period of 5 Year at The Government Land in front of Shop No. 9 And The Outside Seating Accommodation, G/F., Lai Hung Garden, 1 Tan Kwai Tsuen Road, Hung Shui Kiu, Yuen Long, New Territories
(The application premise)

Proposed "Eating Place" is locating at The Government Land (Outside Seating Accommodation of 8.78m²) in front of Shop No. 9 And The Outside Seating Accommodation, G/F., Lai Hung Garden, 1 Tan Kwai Tsuen Road, Hung Shui Kiu, Yuen Long, New Territories (LOT NO. 4070 IN D.D. 124) In respect of "Residential (Group A)" Zone under the approved Tong Yan San Tsuen Outline Zoning Plan no. (S/YL-TYST/14)

1. INTRODUCTION

1.1 Site Location

Lai Hung Garden (12 storeys-residential building) is surrounded by Tan Kwai Tsuen Road Garden and Treasure Court. The size of the application area is 8.78m² in total area and it is located on government land in front of Shop No. 9 And The Outside Seating Accommodation, G/F., Lai Hung Garden, 1 Tan Kwai Tsuen Road, Hung Shui Kiu, Yuen Long, New Territories



OSA 1 **OSA 2** APPLICATION AREA OF 8.78m² (OSA 1 : 6.08m² + OSA 2 : 2.7m² = Total : 8.78m²)
(On government land)

Planning Application under Section 16 of the Town Planning Ordinance (Cap. 131)

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(The application premise)

Proposed "Eating Place" (Outside Seating Accommodation of 8.78m² Only) now is locating at The Government Land in front of Shop No. 9 And The Outside Seating Accommodation, G/F., Lai Hung Garden, 1 Tan Kwai Tsuen Road, Hung Shui Kiu, Yuen Long, New Territories
(LOT NO. 4070 IN D.D. 124)

In respect of "Residential (Group A)" Zone under the approved Tong Yan San Tsuen Outline Zoning Plan no. (S/YL-TYST/14) .

2 . SITE CONTEXT-DEVELOPMENT AND NEIGHBOURHOOD CHARACTERISTICS

- 2.1 The application area is a 12-storey residential building on government land of Lot No. 4070 in D.D. 124.

The application premise attached to the government land is a existing general restaurant of 80.35m² with valid licence issued by Food and Environmental Hygiene Department until 17 Nov. 2026.

According to the approved building plan of Building Authority, the use of purpose of ground floor of Lai Hung Garden are shops x 3 nos.

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G/F., Lai Hung Garden, 1 Tan Kwai Tsuen Road, Hung Shui Kiu, Yuen Long, New Territories
(The application premise)

3. Similar previous Planning Approvals (10 cases shown below) in the vicinity :

一般資料

個案編號: A/YL-TYST/1215

申請用途: 臨時食肆 (持牌餐廳設置露天座位) 用途的規劃許可續期 (為期3年)

地點: 新界元朗洪水橋盈福街8號翠珊園第19座地下4-5號商舖前的政府土地。

作出決定的會議

作出決定的日期
(DD/MM/YY)

23/06/2023

考慮類別

規劃許可申請 (S16)

決定

在有條件下批給臨時性質的許可

機構

鄉郊及新市鎮規劃小組委員會

詳細資料

經商議後，小組委員會決定按照申請人向城市規劃委員會(下稱「城規會」)所提交申請的內容，批准這宗續期申請。這項規劃許可屬臨時性質，有效期為三年，由二零二三年六月二十七日至二零二六年六月二十六日止，並須附加下列條件：
 「(a) 如申請人所建議，在規劃許可有效期內，不得於晚上九時三十分至上午九時在申請地點作業；以及
 (b) 倘在規劃許可有效期內沒有遵守上述規劃許可附帶條件(a)項，現時批給的規劃許可即會停止生效，並會即時撤銷，不再另行通知。」

一般資料

個案編號: A/YL-TYST/1010

申請用途: 臨時食肆 (持牌餐廳設置露天座位) (為期3年)

地點: 新界元朗洪水橋盈福街8號翠珊園第1-9座地下4-5號商舖前的政府土地。

作出決定的會議

作出決定的日期
(DD/MM/YY)

24/04/2020

考慮類別

規劃許可申請 (S16)

決定

延期

機構

鄉郊及新市鎮規劃小組委員會

詳細資料

經商議後，小組委員會決定按申請人的要求，延期就這宗申請作出決定，以待申請人提交進一步資料。小組委員會同意，這宗申請須在收到申請人的進一步資料當日起計兩個月內提交小組委員會考慮。倘申請人所提交的進一步資料不包含重要的內容，可在較短時間內處理，這宗申請可於較早的會議上提交小組委員會考慮。小組委員會亦同意告知申請人，小組委員會已給其兩個月時間準備所要提交的進一步資料，除非情況極為特殊，否則不會批准再延期。

作出決定的日期
(DD/MM/YY)

26/06/2020

考慮類別

規劃許可申請 (S16)

決定

在有條件下批給臨時性質的許可

機構

鄉郊及新市鎮規劃小組委員會

詳細資料

經商議後，小組委員會決定按照申請人向城市規劃委員會(下稱「城規會」)所提交申請的內容，批准這宗申請。這項規劃許可屬臨時性質，有效期為二年，至二零二三年六月二十六日止，並須附加下列條件：
 「(a) 如申請人所建議，在規劃許可有效期內，不得於晚上九時三十分至上午九時在申請地點作業；以及
 (b) 倘在規劃許可有效期內沒有遵守上述規劃許可附帶條件(a)項，現時批給的許可即會停止生效，並會即時撤銷，不再另行通知。」

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3. Similar previous Planning Approvals (10 cases shown below) in the vicinity :

一般資料

個案編號 A/YL-TYST/949

申請用途 臨時「食肆（持牌餐廳設置露天座位）」用途的規劃許可續期（為期1年）

地點 新界元朗洪水橋盈福街8號翠珊園第1-9座地下4-5號商舖前的政府土地

作出決定的會議

作出決定的日期
(DD/MM/YY) 22/03/2019

考慮類型 規劃許可申請 (S16)

決定 在有條件下批給臨時性質的許可

機構 鄉郊及新市鎮規劃小組委員會

經商議後，小組委員會決定按照申請人向城市規劃委員會(下稱「城規會」)所提交申請的內容，批准這宗申請。這項規劃許可屬臨時性質，為期一年，由二零一九年五月十二日起至二零二零年五月十一日止，並須附加下列條件：

「(a) 如申請人所建議，在規劃許可有效期內，不得於晚上十時三十分至上午九時在申請地點作業；
(b) 倘在規劃許可有效期內沒有遵守上述規劃許可附帶條件(a)項，現時批給的規劃許可即會停止生效，並會即時撤銷，不再另行通知。」

一般資料

個案編號 A/YL-TYST/886

申請用途 臨時「食肆（持牌餐廳設置露天座位）」用途的規劃許可續期（為期1年）

地點 新界元朗洪水橋盈福街8號翠珊園第1-9座地下4-5號商舖前的政府土地

作出決定的會議

作出決定的日期
(DD/MM/YY) 20/04/2018

考慮類型 規劃許可申請 (S16)

決定 在有條件下批給臨時性質的許可

機構 鄉郊及新市鎮規劃小組委員會

經商議後，小組委員會決定按照申請人向城規會所提交申請的內容，批准這宗申請。這宗申請的規劃許可屬臨時性質，有效期為一年，由二零一八年五月十二日至二零一九年五月十一日止，並須附加下列條件：

「(a) 如申請人所建議，在規劃許可有效期內，不得於晚上十時三十分至上午九時在申請地點作業；以及
(b) 如在規劃許可有效期內沒有遵守上述規劃許可附帶條件(a)項，現時批給的許可即會停止生效，並會即時撤銷，不再另行通知。」

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(The application premise)

3. Similar previous Planning Approvals (10 cases shown below) in the vicinity :

一般資料

個案編號 A/YL-TYST/834

申請用途 臨時「食肆（持牌餐廳設置露天座位）」用途的規劃許可續期（為期1年）

地點 新界元朗洪水橋盈福街8號翠珊園第1-9座地下4-5號商舖前的政府土地

作出決定的會議

作出決定的日期
(DD/MM/YY) 28/04/2017

考慮類型 規劃許可申請 (S16)

決定 在有條件下批給臨時性質的許可

機構 鄉郊及新市鎮規劃小組委員會

經商議後，小組委員會決定按照申請人向城規會所提交申請的內容，批准這宗申請。這項規劃許可屬臨時性質，有效期為一年，由二零一七年五月十二日至二零一八年五月十一日止，並須附加下列條件：

「(a) 如申請人所建議，在規劃許可有效期內，不得於晚上十時三十分至上午九時在申請地點作業；
(b) 倘在規劃許可有效期內沒有遵守上述規劃許可附帶條件(a)項，現時批給的許可即會停止生效，並會即時撤銷，不再另行通知。」

一般資料

個案編號 A/YL-TYST/780

申請用途 臨時「食肆（持牌餐廳設置露天座位）」用途的規劃許可續期（為期1年）

地點 新界元朗洪水橋盈福街8號翠珊園第1-9座地下4-5號商舖前的政府土地

作出決定的會議

作出決定的日期
(DD/MM/YY) 04/03/2016

考慮類型 規劃許可申請 (S16)

決定 在有條件下批給臨時性質的許可

機構 鄉郊及新市鎮規劃小組委員會

經商議後，小組委員會決定按照申請人向城市規劃委員會（下稱「城規會」）所提交申請的內容，批准這宗申請。有關的規劃許可屬臨時性質，有效期為一年，由二零一六年五月十二日至二零一七年五月十一日止，並須附加下列條件：

「(a) 如申請人所建議，在規劃許可有效期內，不得於晚上十時半至上午九時在申請地點作業；以及
(b) 倘在規劃許可有效期內沒有遵守上述規劃許可附帶條件(a)項，現時批給的許可即會停止生效，並會即時撤銷，不再另行通知。」

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G/F., Lai Hung Garden, 1 Tan Kwai Tsuen Road, Hung Shui Kiu, Yuen Long, New Territories
(The application premise)

3. Similar previous Planning Approvals (10 cases shown below) in the vicinity :

一般資料

個案編號 A/YL-TYST/720

申請用途 臨時「食肆（持牌餐廳設置露天座位）」用途的規劃許可續期（為期1年）

地點 新界元朗洪水橋盈福街8號翠珊園第1-9座地下4-5號商舖前的政府土地。

作出決定的會議

作出決定的日期
(DD/MM/YY) 27/03/2015

考慮類型 規劃許可申請 (S16)

決定 在有條件下批給臨時性質的許可

機構 鄉郊及新市鎮規劃小組委員會

商議後，小組委員會決定按照申請人向城市規劃委員會(下稱「城規會」)所提交申請的內容，批准這宗申請。這項規劃許可屬臨時性質，為期一年，由二零一五年五月十二日至二零一六年五月十一日止，並須附加下列條件：

詳細資料

「(a) 如申請人所建議，在規劃許可有效期內，不得於下午十時三十分至翌日上午九時在申請地點進行夜間作業；以及
(b) 倘在規劃許可有效期內沒有履行上述規劃許可附帶條件(a)項，現時批給的許可即可會停止生效，並會即時撤銷，不再另行通知。」

一般資料

個案編號 A/YL-TYST/669

申請用途 臨時「食肆（持牌餐廳設置露天座位）」用途的規劃許可續期（為期1年）

地點 新界元朗洪水橋盈福街8號翠珊園第1-9座地下4-5號商舖前的政府土地。

作出決定的會議

作出決定的日期
(DD/MM/YY) 21/03/2014

考慮類型 規劃許可申請 (S16)

決定 在有條件下批給臨時性質的許可

機構 鄉郊及新市鎮規劃小組委員會

經商議後，小組委員會決定按照申請人向城市規劃委員會(下稱「城規會」)所提交申請的內容，批准這宗申請。這宗申請的規劃許可屬臨時性質，有效期再次限為一年，由二零一四年五月十二日至二零一五年五月十一日止，並須附加下列條件：

詳細資料

「(a) 如申請人所建議，在規劃許可有效期內，不得於晚上十時三十分至早上九時在申請地點進行晚間作業；以及
(b) 倘在規劃許可有效期內沒有遵守上述規劃許可附帶條件(a)項，現時批給的許可即可會停止生效，並會即時撤銷，不再另行通知。」

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5 Year at The Government Land in front of Shop No. 9 And The Outside Seating Accommodation,
G/F., Lai Hung Garden, 1 Tan Kwai Tsuen Road, Hung Shui Kiu, Yuen Long, New Territories
(The application premise)

3. Similar previous Planning Approvals (10 cases shown below) in the vicinity :

一般資料

個案編號: A/YL-TVST/635

申請用途: 臨時「食肆 (持牌餐廳設置露天座位)」用途的規劃許可續期 (為期2年)

地點: 新界元朗洪水橋益福街8號翠珊園第1-9座地下4-5號商舖前的政府土地

作出決定的會議

作出決定的日期
(DD/MM/YY): 19/04/2013

考慮類型: 規劃許可申請 (S16)

決定: 在有條件下批給臨時性質的許可

機構: 鄉郊及新市鎮規劃小組委員會

經進一步商議後，小組委員會決定按照申請人向城規會所提交申請的內容，批准這宗申請。這項規劃許可屬臨時性質，有效期為一年(而非所申請的兩年)，由二零一三年五月十二日至二零一四年五月十一日止，並須附加下列條件：
 (a) 一如申請人所建議，在規劃許可有效期內，不得於晚上十時三十分至翌日早上九時在申請地點進行夜間作業；以及
 (b) 如在規劃許可有效期內沒有履行上述規劃許可附帶條件(a)項，現時批給的許可即會停止生效，並會即時撤銷，不再另行通知。

一般資料

個案編號: A/YL-TVST/553

申請用途: 撥歸臨時食肆 (持牌餐廳設置露天座位) (為期5年)

地點: 新界元朗洪水橋益福街8號翠珊園第1-9座地下4-5號商舖前的政府土地

作出決定的會議

作出決定的日期
(DD/MM/YY): 21/10/2011

考慮類型: 規劃許可申請 (S16)

決定: 拒絕/不同意

機構: 鄉郊及新市鎮規劃小組委員會

經商議後，小組委員會決定拒絕這宗申請。委員繼而審閱文件第12.1段所載的地總理由，並認為理由恰當。有關理由是：
 (a) 擬議的發展項目會減少現有行人徑的闊度，申請人亦未能證明公眾現時在申請地點享有的行人路環境不會受到破壞；以及
 (b) 申請人沒有在申請書內提供資料，說明會如何減輕擬議發展項目對環境衛生可能造成的滋擾。

作出決定的日期
(DD/MM/YY): 27/04/2012

考慮類型: 規劃許可申請覆核 (S17 of S16)

決定: 提交城市規劃委員會

機構: 城市規劃委員會

經進一步商議後，城規會決定把會議押後，並要求規劃署向申請人查閱有關露天座位是否涉及臨時或永久構築物。

作出決定的日期
(DD/MM/YY): 11/05/2012

考慮類型: 規劃許可申請覆核 (S17 of S16)

決定: 在有條件下批給臨時性質的許可

機構: 城市規劃委員會

經商議後，城規會決定按申請人向其提交申請的內容，批准這宗申請。這項規劃許可屬臨時性質，有效期為一年，至二零一三年五月十一日止。委員繼而審視文件第8.2段所載的規劃許可附帶條件和指引性質的條款，並認為須適當修訂指引性質的條款。另外，這宗覆核申請是在附加下列條件的情況下獲批准：
 (a) 一如申請人所建議，在規劃許可有效期內，不得於晚間時分(由晚上十時三十分至翌日上午九時)在申請地點營業；以及
 (b) 如在規劃許可有效期內無法履行上述規劃許可附帶條件(a)項，現時批給的許可即會停止生效，並會即時撤銷，不再另行通知。

Planning Application under Section 16 of the Town Planning Ordinance (Cap. 131)

Temporary Eating Place (Outside Seating Accommodation of a Licensed Restaurant) for a Period of 5 Year at The Government Land in front of Shop No. 9 And The Outside Seating Accommodation, G/F., Lai Hung Garden, 1 Tan Kwai Tsuen Road, Hung Shui Kiu, Yuen Long, New Territories
(The application premise)

4 . Planning Justification

4.1 Provision of Means of Escape (MOE)

Application area of 8.78m² located on open space of government land and MOE is no doubt to the full satisfaction of Directors of Government Departments to ensure the business operation would not cause fire and escape hazard, so as to ensure the safety of the public and the staff.

4.2 Provision of Fire Safety Measures

The applicant would provide a 5kg dry powder fire extinguisher not only to the satisfaction of Director of Fire Services Department, but also to ensure any business operation at the premises would not arouse fire hazard.

4.3 Compliance to Town Planning Board Guideliane No. 5A and 15A

With reference to the Town Planning Board Guideline No. 5A and 15A, the application area of 8.78m² complied the definition of subsidiary outside seating accommodation to a restaurant as defined in the Food Business Regulation (Chapter 132X).

Planning Application under Section 16 of the Town Planning Ordinance (Cap. 131)

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(The application premise)

4 . Planning Justification

4.4 No adverse Impact on Environment

The application area of 8.78m² will not cause any adverse environmental impact on locality, since the outside seating accommodation operation will not generate and cause sewerage, vibration, odour smell or dust and will not operate after 23:00 pm.

4.5 Similar Planning Approvals

There are numerous similar outside seating accommodation in vicinity of the application premise with the Board's approval.
Please refer to this Planning Statement P.7 - P.11 .

4.6 Compatibility

The proposed use, eating place, is compatible to the adjoining uses.

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(The application premise)

5 . Government Departments' Comments

1 . Buildings Department

- No objection on the application.

2 . Fire Services Department

- No objection on the application.

3 . Lands Department

- No objection on the application.

4 . Transport Department

- No objection on the application.

5 . Environmental Protection Department

- No objection on the application.

6 . Food and Environmental Hygiene Department

- No objection on the application.

7 . Planning Department

- This is the only one department remain unresolved and believed section 16 is to be approved by the Town Planning Board.

Planning Application under Section 16 of the Town Planning Ordinance (Cap. 131)

Temporary Eating Place (Outside Seating Accommodation of a Licensed Restaurant) for a Period of 5 Year at The Government Land in front of Shop No. 9 And The Outside Seating Accommodation, G/F., Lai Hung Garden, 1 Tan Kwai Tsuen Road, Hung Shui Kiu, Yuen Long, New Territories
(The application premise)

6. Conclusion

- 6.1 This planning application is to seek planning permission for proposed Outside Seating Accommodation use at The Government Land in front of Shop No. 9 And The Outside Seating Accommodation, G/F., Lai Hung Garden, 1 Tan Kwai Tsuen Road, Hung Shui Kiu, Yuen Long, New Territories
- 6.2 Justifications are demonstrated in support of the proposed use:
- (i) The proposed use conforms to the planning intention.
 - (ii) The proposed use is compatible to the adjoining uses.
 - (iii) The proposed use could fulfill the demand of Outside Seating Accommodation within the Hung Shui Kiu area.
 - (iv) The proposed use complies with Town Planning Board Guidelines No. 5A and 15A.
 - (v) There would be no traffic and environmental impact generated from the proposed use.
 - (vi) There are similar apporvals with the same OZP.
- 6.3 In veiw of the above, the application would not contravene with the policy and statutory planning requirements and the fact that there have been many similar approved applications in the district, we sincerely hope that the Board will approve this application, thank you.