

TOWN PLANNING BOARD

TPB Paper No. 10766

For Consideration by
the Town Planning Board on 3.9.2021

REVIEW OF APPLICATION NO. A/FLN/22
UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE

Proposed Temporary Shop and Services and Place of Entertainment
for a Period 3 Years in “Agriculture”, “Government, Institution or Community”,
“Open Space”, “Other Specified Uses” annotated “Amenity Area” and “Other
Specified Uses” annotated “Sewage Pumping Station” zones and area shown as ‘Road’,
Lots 517 RP, 518 RP, 521 RP, 522, 523 RP, 524 RP, 525, 526,
527 RP, 532 RP (Part), 533 RP (Part), 534 RP (Part), 539 (Part),
540 (Part), 541 (Part), 542 (Part), 543 (Part), 544, 545, 547 (Part),
548 (Part), 551 (Part), 552 and 553 in D.D. 51
and Adjoining Government Land, Sheung Shui, New Territories

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for a Period 3 Years in “Agriculture”, “Government, Institution or Community”,
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527 RP, 532 RP (Part), 533 RP (Part), 534 RP (Part), 539 (Part),
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548 (Part), 551 (Part), 552 and 553 in D.D. 51
and Adjoining Government Land, Sheung Shui, New Territories**

1. Background

- 1.1 On 7.7.2020, the applicants, Ho Lam Enterprise Investment Limited and Chi Wah Investment Group Limited represented by Land Supreme Surveyors Limited, submitted the subject application under the Section 16 of the Town Planning Ordinance (the Ordinance) to seek permission for proposed temporary shop and services and place of entertainment uses at the application sites (the Sites) for a period of 3 years. The Sites comprise two portions (**Plan R-1**). Site A falls within areas zoned “Government, Institution or Community” (“G/IC”), “Open Space” (“O”) and “Other Specified Uses” annotated “Sewage Pumping Station” (“OU(SPS)”) and shown as ‘Road’ on the approved Fanling North Outline Zoning Plan (FLN OZP) No. S/FLN/2, whereas Site B falls partly within “Agriculture” (“AGR”) zone on the approved Fu Tei Au and Sha Ling OZP (FTA OZP) No. S/NE-FTA/16 and partly within “Other Specified Uses” annotated “Amenity Area” (“OU(A)”) zone and ‘Road’ on the approved FLN OZP.
- 1.2 On 14.5.2021, the Rural and New Town Planning Committee (the RNTPC) of the Town Planning Board (the Board) decided to reject the application for the following reasons:
 - (a) the proposed retail and entertainment uses were excessive in scale considering the rural character of the Sites and its surrounding areas; and
 - (b) the applicants failed to demonstrate that the proposed development would not result in adverse traffic impacts on the surrounding areas.
- 1.3 The applicants intend to develop the Sites for temporary retail and entertainment uses for a period of 3 years. There is no change in the development parameters compared with those at the Section 16 application stage. The major development parameters are summarised as follows:

	Site A (Site area: 20,826.29m ² / 72%)	Site B (Site area: 8,207.99m ² / 28%)
Proposed Uses	<ul style="list-style-type: none"> • ‘Shop and Services’, • ‘Place of Entertainment’ • Ancillary carparking spaces and loading/unloading bays • Remaining open area to be used for ancillary sitting-out area, lawn and landscape areas, etc. 	<ul style="list-style-type: none"> • ‘Agricultural Use’¹ (an agricultural rehabilitation area and greenhouse farming area) • Ancillary carparking spaces
No. of Structures/ Non-domestic Floor Area	<ul style="list-style-type: none"> • 42 (one-storey; not more than 4.5m) (including 4 market halls, 10 containers, 2 tent/yurt, and others for toilets, office and storage uses) • 5,472.21m² 	<ul style="list-style-type: none"> • 3 (one-storey; not more than 4.5m) (including a greenhouse, toilet and caretaker’s kiosk) • 6.9m²
Parking & Loading/ Unloading Space Provision	<ul style="list-style-type: none"> • 20 ancillary parking spaces for private cars • 4 loading/unloading bays for taxi, private cars, light goods vehicles and medium goods vehicles 	<ul style="list-style-type: none"> • 20 ancillary parking spaces (including 11 for private cars, 5 for light goods vehicles and 4 for medium goods vehicles) serving both Sites A and B

1.4 The ingress/egress for the proposed development falls within an area allocated to the Civil Engineering and Development Department (CEDD) as works area for Fanling Bypass Eastern Section currently under construction (**Plan R-4b**). Currently there is no vehicular access to the Sites. The proposed operation hours of the proposed development will be from 7:00 a.m. to 11:00 p.m. daily. The layout plans showing the details of proposed on-site structures are in Drawings A-2 and A-3 of **Annex A**.

1.5 For Members’ reference, the following documents are attached:

- (a) RNTPC Paper No. A/FLN/22D (*with Further Information (FI) (4) to (6) and Further Comments of Commissioner for Transport (C for T)*) **(Annex A)**
- (b) Extract of minutes of the RNTPC Meeting held on 14.5.2021 **(Annex B)**
- (c) Secretary of the Board’s letter dated 28.5.2021 **(Annex C)**

2. **Application for Review**

On 4.6.2021, the applicants’ representative applied, under Section 17(1) of the Ordinance, for a review of the RNTPC’s decision to reject the application (**Annex D**). The applicants have not submitted any further information in support of the review.

¹ According to the Notes of the OZP, ‘Agricultural Use’ is a Column 1 use within “AGR” zone which is always permitted with the zone. No planning permission from the Board is required.

3. The Section 16 Application

The Sites and Its Surrounding Areas (**Plans R-1** and **R-2**, aerial photo on **Plan R-3** and site photos on **Plans R-4a** to **R-4e**)

- 3.1 There is no change in the planning circumstance/condition of the Sites and surrounding areas. Site A is mainly hard-paved and occupied by some vacant temporary structures, parking of vehicles, car washing and children's playground uses, with a minor portion at the southeastern portion being used as fallow farmland. The northwestern portion of Site A falls within an area which is temporarily allocated to CEDD from 1.1.2021 to 30.6.2024 under Simplified Temporary Land Allocation (STLA) GLA-TDN 4444 (**Plan R-2**) as works area for Fanling Bypass Eastern Section currently under construction. Site B is partly vacant and partly occupied by active farmland with a few temporary domestic dwellings/structures. Both Sites are accessible from Lung Sum Avenue via an unnamed existing local track.
- 3.2 The area used for parking of vehicles at Site A (**Plans R-2** and **R-3**) is currently operating without planning permission. At present, the vehicular access to this parking area is via the drainage maintenance access managed by DSD, which is not open to the public.
- 3.3 The Sites are situated on both sides of Ng Tung River. The surrounding areas are predominantly rural in character mixed with domestic structures/dwellings, active/fallow farmland, vegetated areas/pond, open storage/workshops/warehouses and parking of vehicles (which are suspected unauthorised developments (UDs) subject to planning enforcement actions).
- (a) to the north and northeast of Site B are a cluster of domestic dwellings/structures intermixed with warehouses, workshops and open storage uses;
 - (b) to the south of Site A across the old Ng Tung River channel (**Plan R-1**) are some domestic dwellings/structures in Shek Wu San Tsuen (**Plan R-1**) and unused land;
 - (c) to the west of Site A are scattered domestic dwellings/structures in a vegetated area (**Plans R-2** and **R-3**);
 - (d) to the east of Site A are a pond and some unused land; and
 - (e) lying between Sites A and B is the Ng Tung River channel. Along both sides of the channel are drainage maintenance accesses managed by DSD (**Plan R-2**).

Planning Intentions

- 3.4 There has been no change of the planning intentions of the relevant zones on FLN OZP and FTA OZP, which are mentioned in paragraph 9 of **Annex A**.

FLN OZP

- 3.5 The planning intention of the “G/IC” zone is primarily for the provision of G/IC facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments.
- 3.6 The planning intention of the “O” zone is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.
- 3.7 The planning intention of the “OU(SPS)” zone is primarily to reserve land for the sewage pumping station use.
- 3.8 The planning intention of the “OU(A)” zone is primarily for the provision of landscaping and planting to enhance the environment.
- 3.9 Areas shown as ‘Road’ traversing Sites A and B are intended for planned Road L4 and Fanling Bypass Western Section respectively to serve the future new development area (NDA) development.

FTA OZP

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

Previous Applications

- 3.11 Whilst there is no previous application in respect of Site A, Site B is the subject of two previous planning applications (No. A/NE-FTA/162 and 183) at the time of the consideration of the Section 16 application, which are mentioned in paragraph 6 of **Annex A**. There has been no new previous application on the Sites since then. Details of these applications are summarised at Appendix II of **Annex A** and their locations are shown on **Plan R-1**.
- 3.12 Application No. A/NE-FTA/162 for temporary open storage/storage of construction materials and tools with ancillary office at a smaller site for 3 years was rejected on review by the Board on 10.3.2017 for the reasons that the development was not in line with the planning intention of the “AGR” zone; the application did not comply with the Town Planning Board Guidelines No. 13E on Application for Open Storage and Port Back-up Uses in that no previous planning approval for open storage use was granted at the application site; and the applicant failed to demonstrate that the development would have no adverse environmental and landscape impacts on the surrounding areas.
- 3.13 Application No. A/NE-FTA/183 for proposed temporary exhibition and convention hall with shop and services and eating place at a larger site for 3 years was rejected by the RNTPC on 18.5.2018, mainly on the considerations that the development was not in line with the planning intentions of the “AGR” and “OU(A)” zones; and the applicant failed to demonstrate that the development

would have no adverse traffic, landscape and environmental impacts on the surrounding areas.

Similar Application

- 3.14 There was one similar application (No. A/FLN/20) for proposed temporary shop and services (fast food shop) for 3 years at two separate small sites within the same “G/IC” and “O” zones of Site A at the time of the consideration of the Section 16 application, which is mentioned in paragraph 7 at **Annex A**. There has been no new similar application on the OZP since then. Details of the application are summarised at Appendix III of **Annex A** and its location is shown on **Plan R-1**.
- 3.15 Application No. A/FLN/20 for proposed temporary shop and services (fast food shop) for 3 years, which was submitted by one of the applicants of the current application. It was approved with conditions by the RNTPC on 13.12.2019, mainly on the considerations that approval of the application on a temporary basis for 3 years would not frustrate the long-term planning intention of the “G/IC” and “O” zones and adversely affect the scheduled land resumption and site formation works for the Remaining Works Phase of the Kwu Tung North (KTN)/FLN NDA development to be commenced in 2024 the earliest; the development was small in scale and not incompatible with the surrounding land uses; and no adverse departmental comments on the application were received.

4. Comments from Relevant Government Departments

- 4.1 Comments on the Section 16 application made by relevant Government departments are stated in paragraph 10 and Appendix VI of **Annex A**.
- 4.2 For the review application, the following Government departments have been further consulted and their comments are summarised as follows:

Land Administration

- 4.2.1 Comments of District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) for the review application, his updated comments are as follows:
- (i) the occupation boundary of the existing site does not tally with the one under application. Structures were detected on the application lots both within and outside the application boundary. The adjoining Lot No. 538 in D.D. 51 has also been occupied with structures. These existing structures are not acceptable under the Leases concerned. His office reserves the right to take enforcement actions against the aforesaid structures;
 - (ii) site inspection revealed that there are toilets fixed on ground within the Site A. The structures erected are not acceptable under the Leases concerned, his office reserves the right to

take enforcement action against the structures;

- (iii) a STW application for the purpose of a kitchen ancillary to a fast food shop regarding Lots Nos. 541 and 542 both in D.D. 51 has been received. However, not all actual occupation area is covered by this application. Hence, this application has not validated; and
 - (iv) land search records indicated that Warning Letters have been registered against Lots Nos. 524 RP, 525, 527 RP, 532 RP, 533 RP, 534 RP, 539, 541, 542, 544 and 545 all in D.D. 51.
- (b) he maintains his previous comments on the Section 16 application as stated in paragraph 10.1.1 of **Annex A**, which are recapitulated below:
- (i) the application lots are Old Schedule Lots held under the Block Government lease (demised for agriculture use) without any guaranteed right of access. The applicants should make its own arrangement for acquiring access, and there is no guarantee that any adjoining Government land (GL) will be allowed for the vehicular access of the proposed use;
 - (ii) the GL within the Sites is being occupied without consent from his office. His office reserves the right to take enforcement action against the illegal occupation of GL;
 - (iii) the Site A includes CEDD's works area (GLA-TDN 4444). The applicants have to exclude the GL covered by the GLA concerned from the Site A;
 - (iv) with reference to the development schedule provided by the applicants, the ingress and egress of Site A fall within the boundary of GLA-TDN 4444 allocated to CEDD. The applicants have to seek advice from CEDD;
 - (v) with reference to the development schedule provided by the applicants, the application boundary of Site B includes some GL which is for greening or Government, Institution or Community (G/IC) uses. The applicants are advised to exclude the GL concerned from the application boundary;
 - (vi) according to the proposed development, mobile toilets would be erected on the Sites. The applicants should note that any proposed toilet facilities should meet current health requirements;
 - (vii) planning permission for temporary shop and services (fast food shop) at Lots Nos. 539, 541 and 542 in D.D. 51 has been granted under Application No. A/FLN/20 for a period of 3 years until 13.12.2022; and

- (viii) if the planning application is approved, the owners of the lots concerned shall apply to his office for a Short Term Waiver (STW) and Short Term Tenancy (STT) covering all the actual occupation area. Generally speaking, STT application would be considered only if it meets the criteria under the prevailing LandsD's policy, including but not limited to 'the GL is not required for other uses in the near future'. The application for STW and STT will be considered by Government in its landlord's capacity and there is no guarantee that they will be approved. If the STW and STT are approved, their commencement date would be backdated to the first date of occupation and they will be subject to such terms and conditions to be imposed including payment of waiver fee/rent and administrative fees as considered appropriate by his office.

Traffic

4.2.2 Comments of C for T:

- (a) he maintains his previous comments that he could not support the application from traffic engineering perspective;
- (b) the applicants should demonstrate that the unnamed existing local track extending from Lung Sum Avenue (**Plan R-1**) can serve the proposed development without adverse traffic impacts on the surrounding areas;
- (c) the applicants should provide adequate parking and loading/unloading facilities within the Sites by resolving the relevant lands and management issues; and
- (d) the vehicular access (i.e. the unnamed local track) between the Sites and Lung Sum Avenue is not managed by Transport Department (TD). The applicants should seek comment from the responsible party.

Future Development

4.2.3 Comments of Project Manager/North, CEDD (PM/N, CEDD):

it is noted that some portions of the Sites lie within the boundary of the FLN NDA Remaining Phase project (**Plan R-1**) which shall be cleared and handed over to FLN NDA project for implementation of the construction work around September 2024.

District Officer's Comments

4.2.4 Comments of District Officer/North, Home Affairs Department (DO/N of HAD):

- (a) he has consulted the locals from 21.6.2021 to 7.7.2021;
- (b) the Chairman, the 1st Vice-Chairman and the Vice-Chairman of Fanling District Rural Committee, the Owners' Corporation Chairman of Noble Hill, the 天平山街坊組 and 石湖新村(河北段)街坊會 objected to the application mainly on the grounds that the proposed development would cause adverse impact on the environment (including noise, air and waste pollution) to the immediate surroundings comprising residential settlements and natural wetland/ flatland/ riverside with ecological value. Besides, narrow access road to the Sites could not support the additional traffic flow generated. The development would create traffic congestion and increase potential risk of road traffic injuries to pedestrians; and
- (c) the Chairman of Sheung Shui District Rural Committee, the Chairman of 香港工商總會北區分會, the Chairman of Fung Shui Area Committee, the two Indigenous Inhabitant Representatives of Sheung Shui Heung, the Resident Representative of Sheung Shui Heung, and the incumbent North District Councillor of the N15 Constituency had no comment on the application.

4.3 The following Government departments have no further comments on the review application and maintain their previous views on the Section 16 application as stated in paragraph 10.1 of **Annex A**.

- (a) Director of Environmental Protection (DEP);
- (b) Director of Agriculture, Fisheries and Conservation (DAFC);
- (c) Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD);
- (d) Chief Engineer/Mainland North, DSD (CE/MN, DSD);
- (e) Chief Engineer/New Territories East, Water Supplies Department (CE/NTE, WSD);
- (f) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (g) Director of Fire Services (D of FS); and
- (h) Director of Food and Environmental Hygiene (DFEH).

4.4 The following Government departments maintain their previous views of having no objection to or no adverse comment on the review application:

- (a) Chief Estate Surveyor/New Development Area, LandsD (CES/NDA, LandsD);
- (b) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD); and
- (c) Commissioner of Police (C of P).

5. Public Comments on the Review Application Received During Statutory Publication Period

- 5.1 On 18.6.2021, the application was published for public inspection. During the three-week statutory public inspection period, a total of 31 comments were received. Among the 31 comments, 30 object to the application (**Annex E1**) (18 of which are in a standard letter format) and one has no comment on the application (**Annex E2**).
- 5.2 The 30 objecting comments are from 石湖新村(河北段)街坊會 and other individuals/ nearby residents. Their major views are summarised as follows:
- (a) the operation of Site A for entertainment purposes has created nuisances (such as noise impacts) to surrounding residents;
 - (b) the scale of the proposed development would potentially affect the natural landscape of the nearby Ng Tung River and creates substantial air, noise and light pollution to the surrounding environment. It also creates enormous waste disposal and sewerage discharge, causing hygiene and environmental impacts;
 - (c) current road facilities (i.e. the local track and pedestrian footpath) could not support the additional traffic flow generated from the proposed development, which would create additional traffic congestion and affect pedestrian safety; and
 - (d) demand for the proposed market halls is not well justified in consideration of the abundance of retail facilities in the district. Provision of additional shopping facilities to the district would intensify the disruption to the daily life of locals.
- 5.3 At the stage of Section 16 application, a total of 2,235 comments were received. Among the 2,235 comments, 2,177 support the application; 50 object to the application; one raised concerns on the application and seven individuals have no comments or did not indicate any comments. Details of the comments are in paragraph 11 and Appendices Va to Vn of **Annex A**.

6. Planning Considerations and Assessments

- 6.1 The application is for a review of RNTPC's decision on 14.5.2021 to reject the application for proposed temporary shop and services and place of entertainment uses for a period of 3 years at Site A zoned "G/IC", "O", "OU(SPS)" and 'Road' under the FLN OZP, and Site B zoned "AGR" under the approved FTA OZP and "OU(A)" and 'Road' under the FLN OZP. The application was rejected for the reasons of excessive development scale given the rural character of the Sites and potential adverse traffic impact, which are stated in paragraph 1.2. The applicants have not submitted any further information in support of the review. There has been no material change in planning circumstances for the Sites since the rejection of the application by the RNTPC. The previous planning considerations and assessments in paragraph 12 of **Annex A** remain valid, which are recapped in the

ensuing paragraphs.

Proposed Use and Scale

- 6.2 The proposed shop and services and place of entertainment uses at Site A (about 20,826.29m² (72% of the Sites)) with a total of 42 one-storey structures are not entirely in line with the planning intention of “G/IC”, “O” and “OU(SPS)” zones, which are primarily for the provision of G/IC facilities serving the needs of the local residents and/or a wider district, region or the territory; for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public; and for reserving land for the sewage pumping station use respectively. Some portions of the Sites together with the surrounding areas will be resumed and cleared around September 2024 the earliest for the implementation of KTN/FLN NDA. Approval of this application at the Sites on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the above land use zones in support of the KTN/FLN NDA development. However, various retail and entertainment uses could be found in the vicinity of the Sites (including Luen Wo Hui, Shek Wu Hui and various housing estates such as Tin Ping Estate, Wing Fok Centre, Wing Fai Centre (**Plan R-1**)) which are currently serving the daily needs of the local community in Fanling/Sheung Shui New Town. There is no strong reason given in the application to justify provision of additional large scale retail and entertainment facilities in this locality. The proposed retail and entertainment uses accommodated in 42 structures, comprising four large market halls ranging from 1,050m² to 1,552.5m² each together with other entertainment uses, distributed across a site area of about 2.1 ha is considered excessive in the current rural riverside site context, which is dominated by domestic dwellings cluster in a vegetated area.
- 6.3 Site B is primarily zoned “AGR”, which is primarily intended to retain and safeguard good quality agricultural land/ farm/ fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC maintains his stance of not supporting the application as the proposed ancillary carpark is a non-agricultural use and the Site B possesses potential for agricultural rehabilitation. CTP/UD&L of PlanD has no objection to the proposed development from landscape planning perspective, noting that Site B is proposed for an agricultural rehabilitation area and a smaller ancillary carpark. While the agricultural rehabilitation and greenhouse uses do not require planning permission in the “AGR” zone, the proposed ancillary car park in Site B is serving the uses in Site A and should be considered as a whole with Site A. If the main uses (i.e. shop and services and place of entertainment uses) in Site A are not approved by the RNTPC, the ancillary car park in Site B would not be justified.

Traffic and Accessibility Issues

- 6.4 The proposed development is unacceptable in traffic terms. C for T could not support the application from traffic engineering perspective, as the applicants fail to demonstrate that the unnamed existing local track extending from Lung Sum Avenue (**Plan R-1**) can serve the proposed development without adverse traffic impacts on the surrounding areas; and adequate parking and loading/unloading facilities would be provided within the Sites.

- 6.5 The northwestern portion of Site A is proposed to be used as an ingress/egress point, loading/unloading area and visitor carpark with 20 parking spaces in support of the proposed retail and entertainment uses (**Plan R-2**). However, this northwestern portion of Site A falls within an area already allocated to CEDD until 30 June 2024 under STLA GLA-TDN 4444 (**Plan R-2**) as works area for Fanling Bypass Eastern Section currently under construction. The said STLA site would be cleared and handed over to CEDD for the implementation of FLN NDA Remaining Phase project around September 2024. DLO/N of LandsD states that there is no guarantee that any adjoining GL will be allowed for the vehicular access of the proposed uses subject to application and approval of STT if the planning application is approved.
- 6.6 Other relevant departments consulted including DEP, CHE/NTE of HyD, CE/MN of DSD, CE/NTE of WSD and D of FS have no objection to/no adverse comment on the application.

Previous/Similar Applications

- 6.7 Whilst there is no previous application in respect of Site A, Site B is the subject of two previous planning applications for temporary open storage/storage of construction materials and tools and exhibition/convention hall as stated in paragraphs 3.11 to 3.13, which are not directly relevant to the current application. In addition, there is a similar application for proposed temporary shop and services (fast food shop) for 3 years at two separate small sites within the same “G/IC” and “O” zones of Site A, which was approved by the RNTPC in 2019. However, the approved application for fast food shop is of a much smaller scale (i.e. site area of about 279m²), which is not comparable to this application.

Public Comments

- 6.8 Regarding the 31 public comments received on the review application as stated in paragraph 5 above, which are similar to those received at Section 16 stage, the planning assessments and departmental comments above are relevant.

7. Planning Department's Views

- 7.1 Based on the assessments made in paragraph 6, having taken into account the public comments mentioned in paragraph 5, and given that there is no change in the planning circumstances since the consideration of the subject application by RNTPC on 14.5.2021, the Planning Department maintains its previous view of not supporting the review application for the following reasons:
- (a) the proposed retail and entertainment uses are excessive in scale considering the rural character of the Sites and its surrounding areas; and
 - (b) the applicants fail to demonstrate that the proposed development would not result in adverse traffic impacts on the surrounding areas.
- 7.2 Alternatively, should the Board 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 **3.9.2024**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicants, is allowed during the planning approval period;
- (b) no public announcement system, portable loudspeaker or any form of audio amplification system is allowed to be used on the Sites at any time during the planning approval period;
- (c) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance and its subsidiary regulations are allowed to be parked/stored on or enter/exit the Sites, as proposed by the applicants, at any time during the planning approval period;
- (d) a notice should be posted at a prominent location of the Sites at all times to indicate that no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the as defined in the Road Traffic Ordinance and its subsidiary regulations are allowed to be parked/stored on or enter/exit the Sites at any time during the planning approval period;
- (e) no vehicle without valid licences issued under the Road Traffic Ordinance and its subsidiary regulations is allowed to be parked/stored on the Sites at any time during the planning approval period;
- (f) no vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activities is allowed on the Sites 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 submission of ingress/egress and loading/unloading arrangements as well as layout plan for ancillary carparks within **6 months** from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 3.3.2022;
- (i) in relation to (h) above, the implementation of ingress/egress and loading/unloading arrangements as well as layout plan for ancillary carparks within **9 months** from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 3.6.2022;
- (j) the submission of a 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 3.3.2022;
- (k) in relation to (j) above, the implementation of the drainage proposal with **9 months** from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 3.6.2022;

- (l) in relation to (k) above, the implemented drainage facilities on the Sites shall be maintained at all times during the planning approval period;
- (m) the submission of a proposal for fire service installations and water supplies for fire-fighting 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 3.3.2022;
- (n) in relation to (m) above, the implementation of the proposal for fire service installations and water supplies for fire-fighting 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 3.6.2022;
- (o) if any of the above planning condition (a), (b), (c), (d), (e), (f), (g) or (l) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked without further notice;
- (p) if any of the above planning condition (h), (i), (j), (k), (m) or (n) 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
- (q) upon the expiry of the planning permission, the reinstatement of Site B 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 **Annex F**.

8. Decision Sought

- 8.1 The Board is invited to consider the application for a review of the RNTPC's decision and decide whether to accede to the application.
- 8.2 Should the Board decide to reject the review application, Members are invited to advise what reason(s) for rejection should be given to the applicants.
- 8.3 Alternatively, should the Board decide to approve the review 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 expire be valid on a temporary basis.

9. Attachments

Annex A

RNTPC Paper No. A/FLN/22D (with FI (4) to (6) and Further Comments of C for T)

Annex B	Extract of minutes of the RNTPC Meeting held on 14.5.2021
Annex C	Secretary of the Town Planning Board's Letter dated 28.5.2021
Annex D	Applicants' Letter received on 4.6.2021 Applying for Review
Annexes E1 and E2	Public Comments on the Review Application
Annex F	Advisory Clauses
Plan R-1	Location Plan
Plan R-2	Site Plan
Plan R-3	Aerial Photo
Plans R-4a to R-4e	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2021**