

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-ST/541

<u>Applicant</u>	: Mr. MAN Chiu Choi represented by Goldrich Planners & Surveyors Limited
<u>Site</u>	: Lots 145 (Part), 153 (Part), 154 S.A(Part), 155 (Part), 156 and 157 (Part) and in D.D.102, San Tin, Yuen Long
<u>Site Area</u>	: 3,109 m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use) (no structures are allowed to be erected without the prior approval of the Government)
<u>Plan</u>	: Approved San Tin Outline Zoning Plan (OZP) No. S/YL-ST/8
<u>Zoning</u>	: “Village Type Development” (“V”)
<u>Application</u>	: Temporary Public Car Park (Private Cars and Light Goods Vehicles under 5.5 tonnes) with Ancillary Office for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary public car park (private cars and light goods vehicles (LGV) under 5.5 tonnes) with ancillary office for a period of 3 years (**Plan A-1a**). According to the Notes for “V” of the OZP, ‘Public Vehicle Park (excluding container vehicle)’ use is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use without valid planning permission.
- 1.2 The Site forms part of the application sites of 5 previously approved applications (Nos. A/YL-ST/135, 245, 315, 383 and 481) for similar parking uses (**Plan A-1b**). The last application No. A/YL-ST/481 for temporary public car park (private cars and LGV under 5.5 tonnes) with ancillary facilities (including

canteen and site office) submitted by different applicants¹ was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 19.2.2016 for a period of 3 years. However, the planning permission was revoked on 19.7.2018 due to non-compliance of the approval condition on the provision of boundary fencing.

- 1.3 As shown on the site layout plan at **Plan A-2**, the Site is accessible from the east via a local access off Castle Peak Road – San Tin. A comparison of the major parameters of the last approved Application No. A/YL-ST/481 and the current application is as follows:

Major Development Parameters	Previously Approved Application No. A/YL-ST/481 (a)	Current Application No. A/YL-ST/541 (b)	Difference (b) – (a)
Development/ use	Temporary public car park (private cars and LGV under 5.5 tonnes) with ancillary facilities (including canteen and site office) for a period of 3 years	Temporary public car park (private cars and LGV under 5.5 tonnes) with ancillary office for a period of 3 years	Canteen deleted
Site area	About 4,365.7 m ² (including about 60m ² of GL)	3,109 m ²	-1,256.7m ²
Total Floor area	452.2m ²	16.8 m ²	-435.4m ²
No. of Structures	2 (1 for site office 1 for canteen)	1 for site office	-1 for canteen
Height of structures	1-2 storeys (2.6 – 5.5m)	1 (2.5m)	-1
No. of Parking Spaces	50 (private car) 10 (LGV)	102 (private car) 6 (LGV)	+52 (private car) -4 (LGV)
Operation Hours	24 hours daily	Same	-

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

- (a) Application Form received on 27.2.2019 **(Appendix I)**
- (b) Further Information received on 8.4.2019 providing responses to departmental comments **(Appendix Ia)**
- (c) Further Information received on 9.4.2019 providing responses to departmental comments **(Appendix Ib)**

¹ This approved previous application covers the application sites of the current application and Application No. A/YL-ST/540 submitted by the same applicant for similar use and to be considered at the same 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 in **Appendix I**. They can be summarized as follows:

- (a) The Site falls within an area zoned “V” on the OZP. Planning permission is required as the applied use falls under Column 2 of the “V” zone. The applied use aims to serve local residents and travellers from and to the Mainland China.
- (b) The Site is partially subject of 5 previously approved applications with the similar parking use. Approval of the current application is thus in line with the previous decisions of the Committee.
- (c) No adverse landscape, traffic, visual and drainage impacts are anticipated.

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 site notice and sending notice to San Tin Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C)

- 4.1 According to the TPB PG-No. 12C, the Site falls within the Wetland Buffer Area (WBA). The relevant assessment criteria are summarized as follows:
 - (a) the intention of the WBA is to protect the ecological integrity of the fish ponds and wetland within the Wetland Conservation Area (WCA) and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds; and
 - (b) within the WBA, for development or redevelopment which requires planning permission, an ecological impact assessment (EcoIA) would need to be submitted. Some local and minor uses (including temporary uses) are however exempted from the requirement of EcoIA.

Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13E)

- 4.2 TPB PG-No.13E provides guidelines for open storage and port back-up uses. The Site falls within Category 4 areas under the guidelines. While the applied use is not for open storage and port back-up uses, the Guidelines has made special

reference to cross-boundary car parking facilities in the San Tin Area. The following criteria are relevant:

Taking into account the increasing demand for cross-boundary car parking facilities, applications for cross-boundary parking facilities at suitable sites in San Tin area, particularly near the existing cross-boundary link in Lok Ma Chau may also be considered. Applications for such nature will be assessed on its own merits, including its nature and scale of the proposed use and the local circumstances, and subject to satisfactory demonstration that the proposed use would not have adverse environmental, traffic and infrastructural impacts on the surrounding areas, and each case will be considered on its individual merits.

5. Background

The Site is subject to planning enforcement action against unauthorized development (UD) involving use for place for parking of vehicles. Enforcement Notice was issued on 13.12.2018 requiring discontinuation of the UD. CTP/CEP, PlanD's recent site inspection revealed that the UD still continued upon expiry of the notice, prosecution action may be taken.

6. Previous Applications

- 6.1 The Site forms part of the application sites of 9 previous applications (Nos. A/YL-ST/16, 34, 41, 126, 135, 245, 315, 383 and 481), of which 5 were approved by the Committee and remaining 4 rejected (**Plan A-1b**).
- 6.2 Applications Nos. A/YL-ST/16, 34, 41 and 126 for temporary container vehicle/trailer parks and related uses for periods of 12 months or 3 years were rejected by the Committee on 6.12.1996, 22.8.1997, 21.11.1997 and 19.5.2000, mainly for the reasons that the developments were not in line with the planning intention of the "V" zone and not compatible with the surrounding residential development; there was insufficient information in the submission to demonstrate that the development would not have adverse environmental and drainage impacts on the surrounding areas; and approval of the applications would set an undesirable precedent for other similar applications.
- 6.3 Applications Nos. A/YL-ST/135, 245, 315 and 383 for similar public vehicle park with ancillary facilities were approved by the Committee on 28.7.2000, 15.8.2003, 4.8.2006 and 15.1.2010 respectively for periods of 3 years mainly on the consideration that the developments were considered not incompatible with the surrounding land uses and would not frustrate the long-term planning intention of the "V" zone.
- 6.4 The last Application No. A/YL-ST/481 submitted by different applicants for temporary public car park (private cars and LGV under 5.5 tonnes) with ancillary facilities (including canteen and site office) was approved by the Committee on 19.2.2016 for a period of 3 years mainly on the consideration that the development was considered not incompatible with the surrounding land uses and

concerned departments had no objection to or no adverse comment on the application, and approval of the application would not frustrate the long-term planning intention of the “V” zone. The planning permission was revoked on 19.7.2018 due to non-compliance with approval condition regarding the provision of boundary fencing. All other approval conditions have been complied with.

- 6.5 Details of these applications are summarized at **Appendix II**. Their locations are shown on **Plan A-1b**.

7. Similar Applications

- 7.1 Since 2009, there are 21 applications for similar parking uses within the same “V” zone on the OZP. The applications were all approved by the Committee mainly on the considerations that the developments were considered not incompatible with the surrounding land uses and would not frustrate the long-term planning intention of the “V” zone.
- 7.2 Details of these 21 similar applications are summarized at **Appendix III**. Their locations are shown on **Plan A-1a**.
- 7.3 For Member’s information, a similar application No. A/YL-ST/540 for temporary public car park (private cars and LGV under 5.5 tonnes) for a period of 3 years, which is also submitted by the applicant of the current application at a site to the immediate south of the Site within the same “V” zone on the OZP, is scheduled to be considered at this meeting (**Plan A-1a**). This application is also covered by the previously approved application No. A/YL-ST/481 as mentioned in paragraph 6.4.

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

- 8.1 The Site is:
- (a) accessible from the east via a local access off Castle Peak Road – San Tin;
 - (b) currently used for the applied use without valid planning permission; and
 - (c) located within the WBA of Deep Bay.
- 8.2 The surrounding areas mainly comprise of vehicle parks, village houses (some of which are under construction) and storage yards. Some of the vehicle parks and storage yards are suspected UDs subject to enforcement action by the Planning Authority:
- (a) to its north are scattered village houses (some of which are under construction), storage yards, car parks approved under Application Nos. A/YL-ST/491 and 514, and vacant land;

- (b) to its west are village houses (some of which are under construction), vehicle parks, residential dwelling/shop/vehicle repair workshop and a storage yard;
- (c) to its south are vehicle parks (including the site of Application No. A/YL-ST/540, which is scheduled to be considered at this meeting), village houses under construction, toilet and refuse collection point, post office, vacant and unused land; further south across Castle Peak Road – San Tin is a hardware shop/vehicle repair workshop; and further southwest across a local access are storage yard, vehicle parks and elderly home; and
- (d) to its east are car parks, residential dwelling/shop, storage yard and unused land; and further southeast across Castle Peak Road – San Tin are car park and Highways Department (HyD) Maintenance Centre.

9. Planning Intention

The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses 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 Land Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site comprises Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government.
- (b) The Site is accessible from Castle Peak Road – San Tin through both Government Land (GL) and private land. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way.

- (c) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (d) Should approval be given to the application, the lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularities on site, if any. Besides, given the applied use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications for any of the above will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD.
- (e) The Site falls partially within common Village Environs shared by 7 recognized villages, namely Wing Ping Tsuen, Tung Chan Wai, Yan Shau Wai, On Loong Tsuen, Fan Tin Tsuen, San Loong Tsuen and Tsing Loong Tsuen, all in San Tin. According to his office's record, there is no Small House application received/being processed at the Site.

Traffic

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

- (a) The Site is connected to the public road network via a section of a local access which is not managed by Transport Department (TD). The land status of the local access road and private lot(s) should be clarified with LandsD by the applicant. The management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.
- (b) Should the application be approved, the following conditions should be incorporated:
 - (i) Only private car and LGV are allowed to access the Site.
 - (ii) No vehicle is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period.
- (c) His office received several enquiries on the need of motorcycle parking at San Tin area. The applicant is invited to consider providing motorcycle parking spaces within the Site.

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

- (a) The proposed access arrangement of the Site from Castle Peak Road – San Tin should be commented by TD.
- (b) HyD does not and will not maintain any access connecting the Site and Castle Peak Road – San Tin. The applicant should be responsible for his own access arrangement. The relevant departments will provide their comments, if any.
- (c) Adequate drainage measure should be provided to prevent surface water running from the Site to the nearby public roads and drains.

10.1.4 Comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD2-2, RDO, HyD):

As the Site does not fall within any administrative route protection boundary, gazetted railway protection boundary, or railway protection boundary of heavy rail systems, he has no comment on the application from railway development viewpoint.

Environment

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

- (a) In accordance with the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”, he has no objection to the application.
- (b) There was no environmental complaint related to the Site in the past 3 years.

Nature Conservation

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

As the Site has been hard-paved and used for car parking as previously approved, he has no comment on the application from nature conservation point of view.

Landscape

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

- (a) He notes that the Site falls within a landscape non-sensitive zone and significant landscape impact due to the proposed development is not anticipated.

- (b) With reference to the planning statement, it is noted that 35 nos. of existing trees located along the boundary within the Site are proposed to be preserved. Should the application be approved, the following approval condition is recommended:

the existing trees within the Site shall be maintained in healthy condition at all times during the approval period.

Fire Safety

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

- (a) He has no objection in principle to the application subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The applicant should also be advised on the following points:
 - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans.
- (c) 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.

Building Matters

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

- (a) There is no record of approval by the Building Authority (BA) for the structures existing at the Site and Buildings Department (BD) is not in a position to offer comments on their suitability for the use related to the application.
- (b) If the existing structures (not being New Territories Exempted Houses) are erected on leased land without approval of the BD, they are Unauthorized Building Works (UBW) under the BO and should not be designated for any approved use under the application.
- (c) For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's

enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.

- (d) Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of the BA 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 the BO.
- (e) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations respectively.
- (f) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulations at the building plan submission stage.

Drainage

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

- (a) He has no objection in principle to the application from drainage operation and maintenance point of view.
- (b) He notes that the applicant obtained approval on the drainage proposal under previous planning application No. A/YL-ST/481 which was later revoked in July 2018. Therefore, it should be processed as a new case. In this respect, the applicant shall submit a drainage submission to demonstrate how he will collect, convey and discharge rain water falling onto or flowing to his site. A clear drainage plan showing full details of the existing drains and the proposed drains (e.g. cover and invert levels of pipes/catchpits/outfalls and ground levels justifying waterflow etc.) with supporting design calculations and charts should be included. (Guideline on preparation of the drainage proposal is available in DSD homepage at http://www.dsd.gov.hk/EN/Files/Technical_Manual/dsd_guideline/Drainage_Submission.pdf). Should additional drainage works be required, the applicant is reminded that approval of the drainage proposal must be sought prior to the implementation of drainage works on site.
- (c) After completion of the required drainage works, the applicant shall provide DSD a set of record photographs showing the

completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan for reference. DSD will inspect the completed drainage works jointly with the applicant with reference to the set of photographs.

- (d) The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas.
- (e) No public sewerage maintained by CE/MN, DSD is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained.
- (f) The applicant is reminded that the proposed drainage works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction.
- (g) The applicant should consult DLO/YL, LandsD regarding all the proposed drainage works outside the site boundary in order to ensure the unobstructed discharge from the Site in future.
- (h) All the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage facilities on site under proper maintenance during occupancy of the Site.

Others

10.1.11 Comments of the Commissioner of Police (C of P):

- (a) He has no comment on the application.
- (b) The applicant is reminded that obstruction to the vicinity would not be tolerated.

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

If the proposal involves any commercial/trading activities, its state should not as to be a nuisance or injurious or dangerous to health and surrounding environment. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses.

District Officer's Comment

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

He has no comment on the application and the local comments shall be submitted to the Board direct, if any.

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

- (a) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (b) Project Manager (West) (PM(W)), CEDD;
- (c) Director of Electrical and Mechanical Services (DEMS);
- (d) Director of Leisure and Cultural Services (DLCS); and
- (e) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

11. Public Comments Received During Statutory Publication Period

On 8.3.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 29.3.2019, one public comment from a member of the public was received raising concerns that at grade parking is a good use of scarce land resources and suggested that stacked parking facilities should be used instead to release land for other urgent needs such as temporary housing (**Appendix IV**).

12. Planning Considerations and Assessment

12.1 The application is for temporary public car park (private cars and LGV under 5.5 tonnes) with ancillary office for a period of 3 years. The Site falls within the “V” zone which is intended to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. DLO/YL, LandsD advises that there is no small house application received/being processing at the Site. Approval of the application on a temporary basis for a period of 3 years would not frustrate the long term planning intention of the “V” zone. The applied use is not incompatible with the rural character of the surrounding area which comprises mainly vehicle parks, village houses and storage yards.

12.2 The Site falls within the WBA of the TPB PG-No. 12C, which is intended to protect the ecological integrity of the fish ponds and wetland within the WCA and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds. The guidelines specify that planning applications for temporary uses are exempted from the requirement of EcoIA. DAFC has no comment on the application from nature conservation point of

view as the Site has been hard-paved and used for car parking based on previous application No. A/YL-ST/481 which has been revoked.

- 12.3 The application is in line with the TPB Guidelines PG-No. 13E which mentions that suitable sites in San Tin area may be considered for cross-boundary parking facilities based on individual merits. The Site is located in the vicinity of the cross-boundary bus terminus in San Tin and the Lok Ma Chau Control Point. Apart from meeting some parking demand of local villagers/residents, the applied use could satisfy some of the parking demand for cross-boundary travellers.
- 12.4 Adverse environmental, traffic and infrastructural impacts on the surrounding areas are not anticipated. Concerned Government departments, including DEP, C for T, D of FS, CE/MN of DSD and CTP/UD&L of PlanD, have no objection to or no adverse comment on environmental, traffic, fire safety, drainage and landscape aspects respectively. There was no environmental complaint related to the Site in the past 3 years. To mitigate potential impacts on the surrounding areas, approval conditions restricting the type of vehicles, provision of boundary fencing, maintenance of existing trees, submission and implementation of drainage proposal and FSIs are recommended in paragraphs 13.2 (a) to (k) below. Non-compliance with any of the approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority. Besides, the applicant should be advised to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites”.
- 12.5 The Site forms part of the application sites of 5 previously approved applications (Nos. A/YL-ST/135, 245, 315, 383 and 481) for similar parking uses (**Plan A-1b**). The last Application No. A/YL-ST/481 for temporary public car park (private cars and LGV under 5.5 tonnes) with ancillary facilities (including canteen and site office) submitted by different applicants was approved by the Committee on 19.2.2016 for a period of 3 years. The planning permission was revoked on 19.7.2018 due to non-compliance with approval condition regarding the provision of boundary fencing. Since 2009, all 21 applications for similar parking uses within the same “V” zone have been approved by the Committee. Approval of the current application is in line with previous decisions of the Committee.
- 12.6 There is one public comment on the application received during the statutory publication period raising concerns on the efficiency of land use with at-grade parking. In this regard, the planning assessments and departmental comments above are of relevance.

13. Planning Department’s Views

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comment mentioned in paragraph 11, the Planning Department has no objection to the application.

- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years until 12.4.2022. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no vehicle without valid licences issued under the Road Traffic Ordinance are allowed to access the Site at any time during the planning approval period;
- (b) no vehicle other than private car and light goods vehicle under 5.5 tonnes are allowed to access the Site at any time during the planning approval period;
- (c) a notice should be posted at a prominent location of the Site to indicate that only private car and light goods vehicle under 5.5 tonnes as defined in the Road Traffic Ordinance is allowed to access the Site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period;
- (e) the existing trees within the Site shall be maintained in healthy condition at any time during the approval period;
- (f) 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 12.10.2019;
- (g) in relation to (f), the implementation of the drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 12.1.2020;
- (h) in relation to (g), the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (i) the submission of fire service installations proposals 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 12.10.2019;
- (j) in relation to (i) above, the implementation of fire service installations proposed 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 12.1.2020;
- (k) the provision of boundary fencing within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of

the Town Planning Board by 12.10.2019;

- (l) if any of the above planning conditions (a), (b), (c), (d), (e) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (m) if any of the above planning conditions (f), (g), (i), (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.

Advisory clauses

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

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

the occupation of the Site for parking of private vehicles and light goods vehicle is not in line with the planning intention of the "V" zone, which is primarily to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within "V" zone is primarily intended for development of small houses by indigenous villagers. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

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

- Appendix I** Application Form received on 27.2.2019
- Appendix Ia** Further Information received on 8.4.2019 providing responses to departmental comments
- Appendix Ib** Further Information received on 9.4.2019 providing responses to departmental comments

Appendix II	Previous s.16 applications covering the application site
Appendix III	Similar s.16 applications within the same “V” zone on the San Tin Outline Zoning Plan No. S/YL-ST/8 since 2009
Appendix IV	Public comments received during the statutory publication period
Appendix V	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Tree Preservation and Landscape Plan
Drawing A-3	Drainage Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Application Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a & A-4b	Site Photos

**PLANNING DEPARTMENT
APRIL 2019**