

**APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/I-TCV/17

- Applicants** : Mr. Chiu Chiu Lun and Ms. Chiu Man Kam represented by M&D Planning and Surveyors Consultant Limited
- Site** : Lots 1304 S.A and 1304 RP in D.D.1 TC, Tung Chung Valley, Lantau Island
- Site Area** : About 231.08m²
- Land Status** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tung Chung Valley Outline Zoning Plan No. S/I-TCV/2
- Zonings** : “Village Type Development” (about 70%)
[restricted to maximum building height of 3 storeys (8.23m)]

“Residential (Group C)2” (about 30%)
[restricted to maximum plot ratio of 1 and building height of 25mPD]
- Application** : Temporary Shop and Services (Vegetable and Grocery Store) with Ancillary Offices and Storage Use for a Period of 3 Years

1. The Proposal

- 1.1 The applicants seek planning permission to use the application site (the Site) for temporary shop and services (vegetable and grocery store) with ancillary offices and storage use for a period of 3 years (**Plan A-1**). The Site falls within an area partly zoned “Village Type Development” (“V”) (about 70%) and partly zoned “Residential (Group C)2” (“R(C)2”) (about 30%) on the approved Tung Chung Valley Outline Zoning Plan No. S/I-TCV/2 (the OZP). According to the Notes of the OZP, ‘Shop and Services’ use is a Column 2 use within “V” and “R(C)2” zones which requires permission from the Town Planning Board (the Board). The Site is currently used for the applied use without planning permission.

- 1.2 The Site, with an area of 231.08m², is currently covered by a one-storey bamboo scaffolds with five containers underneath. According to the applicants' proposal, the canopy would cover an area of about 223.56m² at the Site (5m in height). There would be six converted containers (including three for retail of vegetables and groceries, two for storage of vegetables and groceries, and one for ancillary office use) underneath the bamboo scaffolds. Besides, two portable toilets occupying an area of about 2.42m² and septic tank system are proposed at the north-western part within the Site. Plans showing the lot boundary and layout submitted by the applicants are at **Drawings A-1 and A-2** respectively.
- 1.3 According to the applicants, the proposed operation hours would be 8:00 a.m. to 6:00 p.m. daily. While no car parking or loading/unloading space will be provided and no vehicles would be allowed to enter the Site, vegetables and groceries will be unloaded at the public carpark in Mun Tung Estate (about 530m away) and transported to the Site via trolleys. No vehicular traffic would be required for loading/unloading at/near the Site.
- 1.4 A large part of the Site was the subject of a previous planning application (No. A/I-TCV/14) (**Plan A-1**) for temporary wholesale trade (wholesale vegetable market) with ancillary warehouse and office for a period of 3 years, which was rejected by the Rural and New Town Planning Committee (RNTPC) on 26.5.2020 (details in paragraph 5). As compared with the previous application, the north-western corner of Lot 1304 RP has been included in the Site for placing portable toilets under the current application. Besides, septic tank and soakaway system are proposed for treatment of wastewater generated from the business on the Site.
- 1.5 In support of the application, the applicants have submitted the following documents:
- (a) Application form received on 2.11.2020 **(Appendix I)**
 - (b) Supplementary Information received on 5.11.2020 **(Appendix Ia)** submitting replacement pages of the application form and revised layout plan
 - (c) Further Information (FI) received on 11.1.2021 **(Appendix Ib)** submitting responses to departmental comments (accepted and exempted)
 - (d) FI received on 28.1.2021 clarifying the operation **(Appendix Ic)** hours of the proposed business (accepted and exempted)
 - (e) FI received on 8.2.2021 clarifying the latest **(Appendix Id)** unloading arrangement of the business (accepted and exempted)
- 1.6 At the request of the applicants, the RNTPC agreed on 18.12.2020 to defer making a decision on the application to allow time for the applicants to address departmental comments. On 11.1.2021, the FI submitted by the applicants was received. The application is scheduled for consideration by the RNTPC at this meeting.

2. **Justifications from the Applicants**

The justifications put forth by the applicants in support of the application are detailed in **Appendices I to Id** and summarised as follows:

- (a) the applied use has been providing retail of vegetables, groceries and daily necessities to serve the needs of villagers in Shek Lau Po, Wong Ka Wai and Lung Tseng Tau;
- (b) as the applicants do not have to pay expensive rents for a shop in shopping mall, they could sell their food/goods to local villagers at a more economical price;
- (c) the nature of the applied use and the layout of the development are considered compatible with the surrounding environment. There would be no adverse impact to the local environment and character;
- (d) vegetables and groceries would be transported by trolleys to the Site upon unloading at the public carpark in Mun Tung Estate. Hence, no vehicles would be required for access to the Site or its adjacent area for loading/unloading. The operation would not cause adverse traffic impact. Loudspeakers would not be used in order to minimize noise impacts on the surroundings;
- (e) septic tank and soakaway system would be provided within the Site to handle wastewater generated from the business at the Site. Adverse sewerage impacts would not be caused; and
- (f) fire service installations would be provided at the Site and hence firefighting would not be affected.

3. **Compliance with the “Owner’s Consent/Notification” Requirements**

The applicants are the sole “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

The Site forms part of a larger area which is subject to an active planning enforcement action (No. E/LI-TCV/36) against unauthorized development (UD) involving use for shop and services and storage use (including deposit of containers). Enforcement Notice (the Notice) was issued on 14.9.2020 requiring the discontinuation of the UD by 14.12.2020. Site inspection on 15.12.2020 revealed that the UD still continued upon expiry of the Notice and prosecution action may be followed.

5. Previous Application

A large part of the Site is the subject of a previous application for temporary wholesale trade (wholesale vegetable market) with ancillary warehouse and office for 3 years (No. A/I-TCV/14) submitted by the same applicants. It was rejected by the RNTPC on 26.5.2020 mainly on the grounds that the proposed use was not in line with the planning intentions of “V” and “R(C)2” zones; the applicants failed to demonstrate that the proposed use would not have adverse environmental and sewerage impacts on the surrounding areas; and approval of the application would set an undesirable precedent for similar applications within the “V” and “R(C)2” zones (**Appendix II**). Its location is shown on **Plan A-1**.

6. Similar Applications

- 6.1 There is no similar application for vegetable and grocery store in Tung Chung Valley (TCV) area. However, there was an application for temporary warehouse (storage of daily necessities) and shop and services (retail shop) with ancillary office (No. A/I-TCV/9) within the same “V” zone in Shek Lau Po. Besides, there were 11 applications for temporary uses for/with warehouse and/or open storage (involving storage of construction tools, construction machinery and/or construction materials) which fall within various zones in the TCV area, including “V” zone, “R(C)2” zone, “Other Specified Uses” annotated “River Park” (“OU(River Park)”) zone, “OU(Stormwater Attenuation and Treatment Ponds)” zone and/or area shown as ‘Road’. These 12 applications were rejected by the RNTPC between 2017 and 2019 on the grounds that the development would frustrate/ was not in line with the planning intention(s), causing adverse ecological, landscape, visual and/or environmental impacts and setting of an undesirable precedent (**Appendix III**).
- 6.2 An application for proposed temporary agricultural use with ancillary storage use for a period of 3 years (No. A/I-TCV/15) within “R(C)2”, “OU(Polder)” and “Conservation Area” (“CA”) zones was approved with conditions by the RNTPC on 4.9.2020.
- 6.3 Details of the approved and rejected applications in the TCV area are summarised in **Appendix III** for Members’ reference. Their locations are shown on **Plan A-1**.

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

- 7.1 The Site is:
- (a) accessible from Tung Chung Road via an informal local track to its east (**Plans A-2 and A-3**);
 - (b) formed and being used for the applied use without valid planning permission (**Plans A-4a and A-4b**); and

- (c) currently covered by a one-storey bamboo scaffolds with five converted containers underneath the scaffolds.

7.2 The surrounding areas have the following characteristics (**Plan A-2**):

- (a) the Site is located within a rural area with a mixture of uses including village houses, open storage, active and fallow agricultural land and vacant land. Some of the open storage uses are suspected UDs subject to enforcement action by the Planning Authority;
- (b) to the immediate west and north are some vacant land and fallow agricultural land;
- (c) to the south and southeast are some open storage uses;
- (d) the village cluster of Shek Lau Po is located about 100m to its further southeast, whereas village clusters of Wong Ka Wai and Lung Tseng Tau at the southern side of Tung Chung town centre (TCTC) are located at about 470m to its further northeast (**Plan A-1**);
- (e) to its further west is the western tributary of Tung Chung Stream and its riparian area zoned “CA” (about 55m away); and
- (f) Mun Tung Market within Mun Tung Estate (completed in 2018) is located about 490m to the northeast of Shek Lau Po village (**Plan A-3**).

8. Planning Intention

- 8.1 The general planning intention of TCV area is to conserve the ecologically sensitive areas, to protect the rural and natural character, and to maintain the unique landscape character and cultural heritage of the area.
- 8.2 The planning intention of “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.
- 8.3 The planning intention of “R(C)2” zone is primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

9. Comments from Relevant Government Departments

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

Land Administration

9.1.1 Comments of the District Lands Officer/Islands, Lands Department (DLO/Is, LandsD):

- (a) the Lots are demised for agricultural purposes under the Block Government Lease. Under the lease conditions, no structure(s) shall be erected on the Lots without LandsD's prior approval;
- (b) there is no approved Short Term Tenancy (STT) or Short Term Waiver (STW) in connection with the Lots and there is no STT or STW application in connection with the Lots under processing. According to FI, the applicants proposed to build an underground septic tank and soakage pit system in accordance with the technical requirements as contained in the Environmental Protection Department (EPD) Practice Note for Professional Persons (ProPECC) PN 5/93. If the planning application is approved by the Board, the applicants should apply to LandsD for approval for the proposed temporary structures, including the septic tank and soakage pit system. Such application will be processed by LandsD in the capacity of a landlord and approval, if granted, will be subject to such terms and conditions, including payment of fees, as may be imposed by LandsD. There is no guarantee that such application would be approved. The applicants should also be reminded that if such application would be approved/granted by LandsD, it may not be approved within the compliance periods of the approval conditions under the planning application;
- (c) there is no outstanding or approved Small House application in respect of the Lots that will be affected by the proposed development. No land exchange application at the Site has been received or under processing by his office; and
- (d) his Office has taken lease enforcement action against the bamboo-pole structure and container-converted/metal structures within the Lots by issuance of warning letters dated 14.7.2020. The warning letters have been sent to Land Registry for registration.

Traffic

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

- (a) no in-principle objection to the application from the traffic engineering point of view, since the applicants only seek planning permission for temporary shop and services (vegetable and grocery store) with ancillary office and storage uses for a period of 3 years at the Site;
- (b) the existing access roads in the vicinity of the Site are not managed by the Transport Department; and
- (c) should the Board approve the application, no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period.

Environment

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

- (a) based on **Appendices Ib and Id**, it is noted that no goods vehicles would be required for unloading operation to be conducted at the Site, and portable toilets, septic tank and soakaway system will be installed to handle and treat the wastewater arising from the development;
- (b) while there is no public sewer connection available in the vicinity of the Site, the proposed septic tank and soakaway system is an acceptable means for collection, treatment and disposal of the sewage provided that its design and construction follow the requirement of ProPECC PN 5/93 and are duly certified by an Authorized Person (AP) (https://www.epd.gov.hk/epd/sites/default/files/epd/english/resources_pub/publications/files/pn93_5.pdf);
- (c) based on **Appendix Ic**, the operation hours at the Site would be 8:00 a.m. to 6:00 p.m.;
- (d) considering the above, adverse environmental impact is not anticipated and he has no adverse comment on the application from the environmental perspective;
- (e) all wastes generated from the applied use should be appropriately disposed of in accordance with the Waste Disposal Ordinance (Cap. 354). The applicants should be responsible for arranging proper collection/disposal of the wastes either by Food and Environmental Hygiene Department (FEHD) collection service if available or other refuse collectors to ensure the wastes are properly disposed of;

- (f) should the Board approve this application, the applicants are advised to implement appropriate environmental measures recommended in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize environmental nuisances; and
- (g) no complaint record was found and no enforcement action was taken against the Site in the past three years.

Environmental Hygiene

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

- (a) the applicants should be reminded that no sanitary nuisance is to be generated in the Site and the operation of the proposed vegetable and grocery store should not cause any adverse impact on the surroundings;
- (b) the applicants should be advised that trade waste delivered to the refuse collection point(s) under FEHD’s management shall not exceed 100 litres in capacity. For disposal of dangerous waste or trade waste exceeding 100 litres in capacity, the applicants shall arrange direct disposal to the refuse transfer station under the management of the EPD;
- (c) the refuse generated from the operation of the proposed use should be properly disposed of; and
- (d) relevant food licence and/or permit should be obtained prior to the commencement of the activity proposed by the applicants if the operation of the activity or the food products to be sold fall within the definition/categories stipulated in the Food and Business Regulation (Cap.132X).

Urban Design and Visual

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

- (a) it is noted that the application proposal with gross floor area of about 225.98m² and maximum building height of not more than 5m involve six converted containers (for storage, vegetable and grocery store, and office/lounge uses), two mobile toilets and a canopy; and
- (b) considering that the application proposal is temporary in nature with low-rise structures, significant adverse visual impact is not anticipated.

Landscape

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

- (a) with reference to the aerial photo of 2019 and site photos in November 2020, the Site is covered by a temporary structure and no existing tree is found within the site boundary. Significant landscape impact arising from the application is not envisaged; and
- (b) approval of the planning application does not imply approval of tree works such as felling, transplanting or pruning under lease. The applicants are reminded to approach relevant authority/government department(s) direct to obtain necessary approval on tree works.

Nature Conservation

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

he has no strong view on the application. It is noted that the Site is paved and occupied with an existing temporary structure serving as a vegetable market. Parking of trucks near the Site is observed. The applicants should ensure that no discharge from the Site is diverted to Tung Chung Stream located to the west of the Site.

Drainage

9.1.8 Comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department (CE/HK&Is, DSD):

- (a) the Site is within an area where neither stormwater nor sewerage connection maintained by DSD is available in the vicinity at present;
- (b) should the Board approve this application, conditions on submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the Board and maintenance of the implemented drainage facilities at all times during the planning approval period are recommended; and
- (c) the applicants should be advised that adequate drainage works should be provided such that no adverse drainage impact would be induced to the areas in the vicinity and stormwater generated would be prevented from entering rivers/streams.

Building Matters

9.1.9 Comments of the Chief Building Surveyor/New Territories East 1 and Licensing, Buildings Department (CBS/NTE1&L, BD):

- (a) he has no in-principle objection under the Buildings Ordinance (BO) to the proposed use in the Site;
- (b) the applicants' attention is drawn to the following points:
 - (i) if the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House (NTEH)), they are unauthorized under the BO and should not be designated for any approved use under the captioned application;
 - (ii) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorized Building Works (UBW). An AP should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (iii) for UBW erected on leased land, enforcement action may be taken by the BD 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;
 - (iv) if the applied use under application is subject to the issue of a licence, please be reminded that any existing structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
 - (v) in connection with point (ii) above, the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access (EVA) in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)Rs) respectively; and
 - (vi) as 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)Rs at the building plan submission stage.

Fire Safety

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

- (a) he has no specific comment on the application subject to fire service installations and water supplies for firefighting being provided to the satisfaction of his Department. EVA arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 administered by the BD. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and
- (b) the following approval conditions are required:
 - (i) the submission of fire service installations and water supplies proposal for firefighting within 6 months from the date of planning approval to the satisfaction of the D of FS or of the Board; and
 - (ii) in relation to (i) above, the implementation of the fire service installations and water supplies proposal for firefighting within 9 months from the date of planning approval to the satisfaction of the D of FS or of the Board.

Electricity Safety

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

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

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

- (a) Head of Sustainable Lantau Office, Civil Engineering and Development Department (H(SLO), CEDD);
- (b) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (c) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (d) Director of Leisure and Cultural Services (DLCS);
- (e) Chief Engineer/Construction, Water Supplies Department (CE/Construction, WSD); and
- (f) District Officer (Islands), Home Affairs Department (DO(Is), HAD).

10. Public Comment Received During Statutory Publication Period

On 10.11.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 1.12.2020, one public comment was received from an individual (**Appendix IV**) objecting to the application mainly on the grounds that the current application is similar to the previously rejected application No. A/I-TCV/14, which was not in line with the planning intention of the TCV area, not compatible with the surrounding areas, could not demonstrate no adverse environmental impact and no information was provided on wastewater management.

11. Planning Considerations and Assessments

11.1 The application is for temporary shop and services (vegetable and grocery store) with ancillary office and storage uses for a period of 3 years within an area partly zoned “V” (about 70%) and partly zoned “R(C)2” (about 30%) on the TCV OZP. The planning intention of “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. 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 NTEH. Other commercial, community and recreational uses may be permitted on application to the Board. The planning intention of “R(C)2” zone is primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board. According to the applicants, the applied use is to provide retail of vegetable and groceries for local villagers in Shek Lau Po, Wong Ka Wai and Lung Tseng Tau. Although the applied use is not entirely in line with the planning intention of “V” and “R(C)2” zones, it is considered not incompatible with the surrounding environment and land uses. It could serve the needs of local villagers and residential neighbourhood by providing a convenient retail outlet for vegetables and grocery. According to DLO/Is, LandsD, there is no outstanding or approval Small House application at the Site which would be affected by the applied use. Besides, no land exchange application has been

received or being processed by DLO/Is, LandsD. As such, approval of the application on a temporary basis of 3 years would not frustrate the long-term planning intentions of the area.

- 11.2 The Site involves a previous application (No. A/I-TCV/14) for temporary wholesale vegetable market with ancillary warehouse and office for a period of 3 years which was rejected by the RNTPC on 26.5.2020 on the grounds as detailed in paragraph 5 above. In the proposal under the rejected application, heavy vehicles of 5.5 and 9 tonnes would be involved and would likely generate traffic noise and air nuisance to the nearby residential dwellings. Besides, no information on wastewater management had been provided by the applicants. The applicants failed to demonstrate that there was no adverse environmental and sewerage impacts on the surrounding areas.
- 11.3 According to the applicants' current proposal, whilst there is no public sewer connection available in the vicinity of the Site, septic tank and soakaway system in accordance with ProPECC PN 5/93 would be provided within the Site to handle the wastewater generated from the applied use. Portable toilets would also be provided. In this regard, DEP considers that the proposed septic tank and soakaway system is an acceptable means for collection, treatment and disposal of the sewage provided that its design and construction follow the requirement of the ProPECC PN 5/93 and are duly certified by an AP. DAFC has no strong view on the application and advises that no discharge from the Site is to be diverted to Tung Chung Stream to the west of the Site. Besides, according to the applicants' proposal, trolleys would be used for transporting vegetables and groceries to the Site upon unloading from the public carpark in Mun Tung Estate and no goods vehicles would be required for unloading and delivery of goods at the Site, and hence adverse environmental impact is not anticipated. DEP has no adverse comment on the application from the environmental perspective.
- 11.4 The Site is situated within a rural area predominantly occupied by fallow agricultural land to its north and village houses in Shek Lau Po to its southeast. According to the applicants' proposal, a one-storey bamboo scaffolds of 5m in height would cover the Site. Six one-storey containers would be provided for retail and ancillary office and storage uses. In this regard, considering that the applied use is temporary in nature with low-rise structures and no existing tree is found within the Site, CTP/UD&L, PlanD advises that significant adverse visual and landscape impacts are not anticipated. Other government departments, including C for T, DFEH, CE/HK&Is, DSD, D of FS, DEMS, H(GEO), CEDD and CE/Construction, WSD, have no objection to/adverse comment on the application.
- 11.5 Whilst there were a total of 11 applications for temporary uses for/with warehouse and/or open storage uses in TCV area rejected by the RNTPC between 2017 and 2019, they were mainly applications for warehouse and/or open storage of construction tools, construction machinery and/or construction materials and were rejected on the grounds of not in line with the planning intentions, adverse ecological, landscape, visual and/or environmental impacts, and setting of undesirable precedent. For one similar application No. A/I-TCV/9 for temporary warehouse and retail shop, goods vehicles of 5.5 and 9

tonnes would be used for loading/unloading which might cause adverse environmental nuisances to the area and was rejected mainly on the grounds that the applied use was not in line with the planning intention of “V” zone and the applicant failed to demonstrate that there would be no adverse environmental impact on the surrounding areas. The current application for temporary shop and services and ancillary office and storage uses do not warrant the same considerations in terms of potential adverse impacts as stated in paragraph 11.3 above.

- 11.6 One public comment was received objecting to the application on grounds as summarized in paragraph 10 above. The above planning considerations and assessments at paragraphs 11.1 to 11.5 are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessment made in paragraph 11 and taking into account the public comment in paragraph 10, the Planning Department considers that the temporary shop and services (vegetable and grocery store) with ancillary office and storage use could be tolerated for a period of 3 years.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years until 26.2.2024. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no operation between 6:00 p.m. and 8:00 a.m. daily, as proposed by the applicants, is allowed on the Site during the planning approval period;
- (b) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (c) the submission of the design of septic tank and soakaway system, as proposed by the applicants, within **6 months** from the date of planning approval to the satisfaction of the Director of Lands or of the Board by 26.8.2021;
- (d) in relation to (c) above, the provision of septic tank and soakaway system, as proposed by the applicants, within **9 months** from the date of planning approval to the satisfaction of the Director of Lands or of the Board by 26.11.2021;
- (e) 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 Board by 26.8.2021;
- (f) in relation to (e) above, 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 Board by 26.11.2021;

- (g) in relation to (f) above, the maintenance of the implemented drainage facilities at all times during the planning approval period;
- (h) the submission of a fire service installations and water supplies proposal for firefighting within **6 months** from the date of planning approval to the satisfaction of the Director of Fire Services or of the Board by **26.8.2021**;
- (i) in relation to (h) above, the implementation of the fire service installations and water supplies proposal for firefighting within **9 months** from the date of planning approval to the satisfaction of the Director of Fire Services or of the Board by **26.11.2021**;
- (j) if any of the above planning conditions (a), (b), or (g) 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
- (k) if any of the above planning conditions (c), (d), (e), (f), (h) or (i) is not complied with by the specified date, the planning 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**.

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

- (a) the applied use is not in line with the planning intentions of "V" zone and "R(C)2" zone. There is no strong planning justification in the submission for a departure from the planning intentions, even on a temporary basis; and
- (b) approval of the application would set an undesirable precedent for similar applications within the "V" and "R(C)2" zones. The cumulative effect of approving such similar applications would result in a general degradation of the rural environment and landscape character of the area.

13. Decision Sought

13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.

13.2 Should the Committee decide to approve the application, Members are invited to consider the approval conditions and advisory clauses to be attached to the permission, and the date when the validity of the permission should expire.

- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application form received on 2.11.2020
Appendix Ia	Supplementary Information received on 5.11.2020
Appendix Ib	FI received on 11.1.2021
Appendix Ic	FI received on 28.1.2021
Appendix Id	FI received on 8.2.2021
Appendix II	Previous Application covering the Site
Appendix III	Applications on the Tung Chung Valley Outline Zoning Plan
Appendix IV	Public Comment
Appendix V	Advisory Clauses
Drawing A-1	Plan showing the Site location
Drawing A-2	Plan showing the layout
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2021**