

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

**APPLICATION NO. A/NE-TKLN/8**

- Applicant** : Man Chi Consultants and Construction Limited represented by Aikon Development Consultancy Limited
- Site** : Lots 388 S.A, 388 S.B, 388 RP (Part) and 390 RP (Part) in D.D. 78 and adjoining Government Land, Tsung Yuen Ha, Ta Kwu Ling North, New Territories
- Site Area** : About 3,776m<sup>2</sup> (including Government land of about 47m<sup>2</sup>)
- Land Status**: (i) Block Government Lease (demised for agricultural use)  
(ii) Government Land
- Plan** : Approved Ta Kwu Ling North Outline Zoning Plan (OZP) No. S/NE-TKLN/2
- Zonings** : “Village Type Development” (“V”) (about 3,750m<sup>2</sup> or 99.3% of the Site); and “Recreation” (REC”) (about 26m<sup>2</sup> or 0.7% of the Site)
- Application** : Temporary Staff Car Park and Site Office for Public Works 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 staff car park and site office for public works for a period of three years (**Plan A-1**). The Site falls largely within an area zoned “V” with a minor portion encroached onto “REC” zone on the approved Ta Kwu Ling North OZP No. S/NE-TKLN/2. According to the Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years within both “V” and “REC” zones requires planning permission from the Town Planning Board (the Board) notwithstanding that the use is not provided for under the Notes of the OZP. The Site is currently used for the applied use without valid planning permission.
- 1.2 The Site is accessible via an access road leading to Lin Ma Hang Road in the west. (**Plan A-2**). The temporary use under application would provide a total of 88 private car parking spaces (measuring 2.5m x 5m each), one motorcycle parking space (measuring 1m x 2.4m) and one loading/unloading bay for light goods vehicle (measuring 3.5m x 7m). A canopy, with floor area of about 871m<sup>2</sup> and height of about 4m, will be provided at the south-eastern portion of the Site to provide shelter for 28 nos.

of private car parking spaces. Besides, there will be 12 nos. of 1-storey converted containers, with a total floor area of about 168m<sup>2</sup> and height of about 2.4m, at the southwestern portion of the Site for site office use. The operation hours of the Site are between 7:30 a.m. and 6:00 p.m. from Mondays to Saturdays and all vehicular traffic is restricted to be carried out within the non-peak hours (i.e. 10:00 a.m. to 4:00 p.m.). There will be no operation on Sundays and public holidays. The site layout plan submitted by the applicant is at **Drawing A-1**.

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

- (a) Application Form with attachment received on 25.4.2017 (**Appendix I**)
- (b) Planning Statement received on 25.4.2017 (**Appendix Ia**)
- (c) Supplementary information received on 28.4.2017 (**Appendix Ib**)
- (d) Letter dated 14.6.2017 requesting for deferment of consideration of the application (**Appendix Ic**)
- (e) Further Information (FI) received on 8.8.2017 (**Appendix Id**)
- (f) Letter dated 6.9.2017 requesting for deferment of consideration of the application (**Appendix Ie**)
- (g) FI received on 22.11.2017 (**Appendix If**)
- (h) Letter dated 21.12.2017 requesting for deferment of consideration of the application (**Appendix Ig**)
- (i) FI received on 12.3.2018 (**Appendix Ih**)
- (j) FI received on 23.4.2018 (**Appendix Ii**)

1.4 At the request of the applicant (**Appendices Ic, Ie and Ig**), the Rural and New Town Planning Committee (the Committee) of the Board, on 23.6.2017, 22.9.2017 and 12.1.2018, agreed to defer making a decision on the application for two months each pending the preparation of FI to address the comments from Transport Department. The applicant submitted FIs on 12.3.2018 and 23.4.2018 (**Appendix Ii**) and the application is re-scheduled for consideration by the Committee on 4.5.2018.

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

The justifications put forth by the applicant in support of the application are detailed in the Planning Statement and supplementary information at **Appendices Ia and Ib** respectively. They can be summarized as follows:

- (a) the development under application is required for meeting the car parking needs of the staff/workers for the nearby Liantang/Heung Yuen Wai Boundary Control Point (LT/HYW BCP) project. The car parking conditions within the construction sites are undesirable from the safety point of view. Besides, a portion of the Site is also required to provide additional site office for the project;
- (b) the approval of the application on a temporary basis for three years would facilitate the timely implementation of the LT/HYW BCP which is targeted for completion in end 2018. In view of the unique nature of the application, it is unlikely that renewal of the temporary planning approval granted by the Board would be required after completion of the LT/HYW BCP project;
- (c) although the Site falls mainly within an area zoned "V" on the OZP, the temporary nature of the application would not jeopardize the planning intention for providing suitable land for village type developments in the area, and an agreement has been made

with the lot owners of Lots 388 S.A and 388 S.B in D.D. 78 that no Small House development will be commenced within the Site during the planning approval period (**Appendix Ii**);

- (d) the temporary use under application is not incompatible with the surrounding land uses comprising construction sites and village settings. Parking of vehicles within the village settlement is not uncommon in the territory and this would help optimize the valuable land resource;
- (e) the Site will be restricted for parking of vehicles used by the staff/workers for LT/HYW BCP project and would help resolve the illegal parking problem on the adjacent roads. The revised traffic impact assessment (**Appendix Ih**) undertaken indicates that the development would not have adverse traffic impact on the surrounding road network;
- (f) the development under application would not cause adverse landscape, traffic, drainage, noise and visual impacts to the surrounding areas; and
- (g) the application is supported by the local community including the Ta Kwu Ling District Rural Committee and the contractor for the LT/HYW BCP project (Appendices 1 and 2 of **Appendix Ia**).

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

The applicant is not the “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 obtaining the consent from the concerned land owners. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Background**

According to the Chief Town Planner/Central Enforcement and Prosecution, Planning Department, the Site is involved in an enforcement case. Majority of the Site is subject to an Enforcement Notice (EN) for storage use (including deposit of containers) and parking of vehicles. The EN was issued to the concerned land owners on 9.2.2017. Upon expiry of the EN on 9.5.2017, subsequent site inspections revealed that the unauthorized development had not been discontinued. The concerned land owners were prosecuted under s.23(6) of the Town Planning Ordinance and were convicted in court on their own pleas on 11.4.2018.

### **5. Previous Application**

There is no previous application for the Site.

### **6. Similar Application**

There is no similar application for temporary car park and/or site office uses within the “V” and “REC” zones in the vicinity of the Site in the Ta Kwu Ling North area.

## **7. The Site and Its Surrounding Areas (Plans A-1 to A-2, A-3a and A-3b, A-4a to A-4c)**

7.1 The Site is:

- (a) mainly flat, hard-paved and fenced off;
- (b) being used for the applied use, with some converted containers deposited at the southern portion, a storage area covered by a canopy at the southeastern portion, and parking of vehicles at the central and northern portions of the Site; and
- (c) accessible from Lin Ma Hang Road via a local road.

7.2 The surrounding areas have the following characteristics:

- (a) the Site is mainly surrounded by the works areas / construction sites of a number of major Government projects (**Plans A-1 and A-A2**);
- (b) to the north are a site used for car park without planning approval and some fallow agricultural and vacant land, and to the further north, across Lin Ma Hang Road, are two canteens, some works area of the Government projects, an area of parking of vehicles and fallow agricultural land;
- (c) to the east are fallow agricultural land and an open storage of construction materials without planning approval;
- (d) to the south and southwest are some vacant land, a nullah and the village proper of Tsung Yuen Ha within the “V” zone of the OZP (**Plans A-2 and A-3b**); and
- (e) to the west is a local road, a works area and Ling Ma Hang Road, across which is the works area for the LT/HYW BCP which is scheduled for completion in end 2018 (**Plans A-1 and A-2**).

## **8. Planning Intentions**

8.1 The planning intention of the “V” zone in the Ta Kwu Ling North area is primarily to designate both existing recognized villages and areas of land considered suitable for village expansion and re-provisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers.

8.2 The planning intention of the “REC” zone in the Ta Kwu Ling North area is intended primarily for low-density recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the low-density recreational developments may be permitted subject to planning permission.

## **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/North, Lands Department (DLO/N, LandsD):

- (a) the Site comprises private lots which are Old Schedule lots held under the Block Government Lease (demised for agricultural use) without any guaranteed right of vehicular access. Two Small House applications at Lots 388 S.A and 388 S.B (**Plan A-2**) have been received within the Site and are now under processing;
- (b) the actual occupation area does not tally with the Site. Moreover, it is noted that a portion of the Government land within the Site is being illegally occupied. It is noted that there are unauthorized structures erected on Lot 388RP in D.D. 78 without prior approval from his office. It is also noted that total built-over area of the aforesaid structures is larger than the one mentioned in the planning application. The aforesaid structures are not acceptable under the Lease concerned. This office is currently taking lease enforcement action against the unauthorized structures. His office reserves the right to take necessary land control action against the illegal occupation of Government land; and
- (c) if the planning application is approved, the owner of the lots concerned shall apply to his office for a Short Term Waiver (STW) and a Short Term Tenancy (STT). The applications for STW/STT will be considered by Government in its landlord's capacity and there is no guarantee that they will be approved. If the STW/STT is approved, their commencement date will 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**

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

- (a) in the further information (**Appendix Ii**) submitted by the applicant, the applicant undertakes to restrict all the vehicular traffic of the Site to be carried out during the non-peak hours, i.e. 10:00 a.m. to 4:00 p.m. The applicant also undertakes the installation of traffic signs and signals and deployment of traffic controllers on Site; and
- (b) based on the results of the TIA (**Appendices Ih**) and the proposed pedestrian management plan undertaken by the applicant, he has no further comment on the application from the traffic engineering point of view.

#### 9.1.3 Comments of the Chief Engineer 4/Major Works, Major Works Project Management Office, Highways Department:

there is no physical interface between the Site and the road widening project PWP Item No. 6854TH "Widening of Eastern Section of Lin Ma Hang Road between

Tsung Yuen Ha and Li Ma Hang” (**Plan A-2**). He has no comment on the application from project interface perspective.

### **Project Interface**

9.1.4 Comments of the Chief Project Manager 202, Architectural Services Department (CPM 202, ArchSD):

- (a) he supports the application from project interface point of view;
- (b) even though the LT/HYW BCP occupies a site at 18 hectares, works area outside the construction site is required for logistics purpose. In fact, ArchSD had approached LandsD for temporary works areas to support the BCP project in the early planning stage with three vacant sites identified by LandsD but one site was rejected by North District Council during public consultation;
- (c) the tenderers for the BCP project had been informed and offered two potential temporary works areas with availability subject to LandsD’s approval in August 2014. In July 2015, the BCP building contract was awarded to Leighton Contractors (Asia) Limited (LCAL) but LCAL did not accept the two potential temporary works areas offered as they were small and too remote (one at Ta Kwu Ling and one at Man Kam To Road) from the BCP building site. Eventually, LCAL approached the local landlords for vacant land in the vicinity instead. To his best knowledge, the Site is being occupied by LCAL as a temporary car park and office to support the BCP project; and
- (d) as the Site is located in the vicinity of the BCP site, they should be beneficial to LCAL’s logistic, programme and construction activities for the BCP project. The LT/HYW BCP project is expected to complete in end 2018. Therefore, in view of the urgency, programme and importance of the LT/HYW BCP project, he supports the application.

### **Environment**

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

- (a) it is noted that the Site will involve no parking of heavy goods vehicle or container truck, and the application could be tolerated pursuant to his “Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses” (“COP”). The applicant is advised to follow the relevant mitigation measures and requirements in the latest “COP” to safeguard the environment;
- (b) the LT/HYW BCP is a designated project under the Environmental Impact Assessment Ordinance (EIAO). An environmental permit has been granted for the construction and operation of the project. Since the subject car park/office is not covered in neither the approved environmental impact assessment report nor the environmental permit, should the application be approved, variation to the environmental permit may be required in order to comply with the permit conditions,; and

- (c) there was no substantiated environmental complaint against the Site during the past three years.

### **Landscaping**

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

- (a) she has reservation on the application from the landscape planning perspective;
- (b) according to the aerial photo of 2014 (**Plan A-3a**), the Site was situated to the east of the works area for LT/HYW BCP and widening of Lin Ma Hang Road while the remaining areas are rather intact covered with natural vegetation and mostly natural and fallow farmland with few scattered village clusters in the area. These massive works areas have currently transformed the area from rural landscape character to a disturbed/on-going development landscape which will be subsequently converted into a built-up area of institutional landscape character;
- (c) her site visit in 2017 revealed that the Site was formed, hard paved, and fenced off with containers installed. No trees are found on-site. Approval of the application would set an undesirable precedent to encourage similar vegetation removal prior to obtaining planning permission. The cumulative effect of approving these piecemeal temporary uses is incompatible with the future village type developments and will degrade the landscape character and living environment within the “V” zone;
- (d) should the application be approved by the Board, approval conditions on the submission and implementation of landscape proposal are recommended; and
- (e) detailed comments on the submitted landscape proposal (Figure 5 of **Appendix Ia**) is enclosed at **Appendix III**.

### **Drainage**

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

- (a) he has no in-principle objection to the application from the public drainage point of view;
- (b) should the application be approved, a condition should be included to request the applicant to submit and implement a drainage proposal for the Site to ensure that it will not cause adverse drainage impact to the adjacent area; and
- (c) the Site is in an area where no public sewerage system is available.

### **Building Matters**

#### 9.1.8 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 for the structures existing at the Site and Buildings Department (BD) is not in a position to the comments on their suitability for the use related to the application;
- (b) the applicant's attention is drawn to the following points:
  - (i) if the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of the BD, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application;
  - (ii) before any new building works (including containers 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 UBW. An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO;
  - (iii) for UBW erected on leased land, enforcement action may be taken by 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) the temporary converted containers for site office are considered as temporary buildings subject to control under the Building (Planning) Regulations (B(P)Rs) Pt. VII;
  - (v) 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 B(P)Rs respectively;
  - (vi) if the Site does not abut a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of B(P)Rs at the building plan submission stage; and
  - (vii) detailed comments under the BO will be provided at the building plan submission stage.

### **Fire Safety**

#### 9.1.9 Comments of the Director of Fire Services (D of FS):

- (a) he has no in-principle objection to the application subject to fire service installations (FSIs) and water supplies for firefighting being provided to the satisfaction of his department; and



- (b) detailed fire safety requirements will be formulated upon receipt of formal submission of the general building plans.

### **Water Supply**

9.1.10 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) he has no objection to the application; and
- (b) existing water mains will be affected. A waterworks reserve with 1.5 m from the centerline of the water main should be provided to WSD. No structure shall be erected over this waterworks reserve and such area shall not be used for storage purposes (**Plan A-2**).

### **Nature Conservation**

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

as the Site is paved and disturbed, she has no adverse comment on the application from the nature conservation point of view.

### **District Officer's Views**

9.1.12 Comments of the District Officer (North), Home Affairs Department (DO(N), HAD):

he has consulted the locals regarding the application. The Vice-chairman of Ta Kwu Ling District Rural Committee (TKLDRC) and the Indigenous Inhabitant Representative of Tsung Yuen Ha support the application whereas the incumbent North District Council (NDC) member of the subject Constituency has no comment on the application. The Vice-chairman of TKLDRC provides additional views that this is to meet the demand of LT/HYW BCP project.

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

- (a) Chief Engineer/New Territories East, Highways Department (CHE/NTE, HyD); and
- (b) Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD).

## **10. Public Comments Received During Statutory Publication Period**

On 5.5.2017 and 20.3.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection periods, nine public comments were received (**Appendix II**). Five comments indicate support or no comment on the application. The Chairman of Sheung Shui District Rural Committee indicates no comment on the application and FI. A NDC member supports the application and indicates no comment on the FI. An individual supports the application as it can ease the shortage of car parking space from the works area and site office. The remaining four public comments, including a

letter jointly submitted by the Chariman of the Tsung Yuen Ha Village Representative Committee and Indigenous Inhabitant Representative of Tsung Yuen Ha Village, a local villager and two individuals raise objection to / concerns on the application mainly on the grounds of adverse traffic and environmental impacts and road safety risk to the residents nearby, and the need for such a large area to meet the car parking demand and site office use for the project.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for a temporary staff car park and site office at the Site serving the staff/workers of the LT/HYW BCP project. The Site falls mainly within an area zoned “V” (about 99.3%) with a very minor portion (about 0.7%) within “REC” zone (**Plans A-1 and A-2**). The development is not in line with the planning intention of the “V” zone which is to designate both existing recognized villages and areas of land considered suitable for village expansion and reprovisioning of village houses affected by Government projects, and for development of Small Houses by indigenous villagers. Although DLO/N, LandsD has advised that two Small House grant applications at part of the Site have been received and are being processed (**Plan A-2**), the applicant states that an agreement has been made with the respective lot owners (who have also given owners’ consent for the subject application) that no Small House development will be commenced within the Site during the planning approval period. Approval of the application therefore would not frustrate the long-term planning intention of the area which is intended primarily for development of Small Houses by the indigenous villagers.
- 11.2 The Site is located adjacent to Lin Ma Hang Road in the north and west, and surrounded by the works area of various Government infrastructure projects, including LT/HYW BCP and widening of Lin Ma Hang Road projects (**Plans A-2 and A-3b**). Upon completion of these Government projects, the works area will be transformed to a built-up area of institutional landscape character. The temporary development is therefore not entirely incompatible with the surrounding environment. As the Site is paved and disturbed, DAFC has no adverse comment on the application from the nature conservation point of view. Whilst CTP/UD&L, PlanD has reservation on the application as vegetation clearance has taken place on Site (**Plan A-3**) prior to submission of the application, the applicant has included a landscape proposal in his submission with a view to minimizing the visual and landscape impacts of the temporary staff car park and site office. An approval condition on the submission and implementation of landscape proposal would also be imposed should the Committee approve the application.
- 11.3 ArchSD supports the application and acknowledges the need for works area outside the construction site and confirmed that the Site is being used by a contractor for the LT/HYW BCP project. As the Site is located in the vicinity of the BCP site, it would be beneficial to the logistic, programme and construction activities for the BCP project in view of the urgency, programme and importance of the LT/HYW BCP project. Should the application be approved, the applicant undertakes to restrict all the vehicular traffic of the Site to be carried out during the non-peak hours, i.e. 10:00 a.m. to 4:00 p.m. and the installation of traffic signs and signals and deployment of traffic controllers on the Site. As such, C for T has no further comment from the traffic engineering point of view. Other relevant Government departments consulted, including DEP, CE/MN of DSD, CE/C of WSD, CBS/NTW of BD and D of FS, have no adverse comment on or no objection to the application.

- 11.4 Given that the application is for meeting the car parking needs for the staff for the LT/HYW project during the construction period, it is considered that the development could be tolerated on a temporary basis. As advised by ArchSD, the LT/HYW BCP project is expected to complete in end 2018. The applicant has also confirmed that renewal of the temporary planning approval is unlikely after completion of the LT/HYW BCP project. As such, should the application be approved, a shorter period of one year approval is recommended to allow flexibility in the construction programme.
- 11.5 There are adverse public comments on the application mainly on the grounds of adverse traffic and environmental impacts and road safety risk to the residents nearby, and the need for such a large area to meet the car parking demand and site office use for the project. In this regard, relevant Government departments' comments and the planning assessments above are relevant.

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

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department considers that the temporary use under application could be tolerated for a period of 1 year, instead of 3 years sought.
- 12.2 Should the Committee decide to approve the application, the permission shall be valid on a temporary basis for a period of 1 year until **4.5.2019**. The following conditions of approval and advisory clauses are suggested for Members' reference:

### Approval Conditions

- (a) no operation between 6:00 p.m. and 7:30 a.m. on Mondays to Saturdays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no vehicle without valid licence issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations is allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (d) no medium and heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (e) a notice should be posted at a prominent location of the Site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance or container trailers/tractors are allowed to be parked/stored on or enter/exit the Site during the planning approval period;
- (f) no car washing, vehicle repair, dismantling, paint spraying or other workshop activities is allowed on the Site at any time during the planning approval period;

- (g) all vehicles entering and exiting the Site during the planning approval period shall be restricted to non-peak hours (i.e. from 10:00a.m. to 4:00p.m.), as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (h) the implementation of the pedestrian management plan during the planning approval period, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (i) the maintenance of peripheral fencing on Site at all times during the planning approval period;
- (j) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **4.8.2018**;
- (k) in relation to (j) above, the provision of drainage facilities 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 **4.11.2018**;
- (l) the submission of proposals for fire service installations and water supplies for fire-fighting within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **4.8.2018**;
- (m) in relation to (l) above, the implementation of proposals 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 **4.11.2018**;
- (n) the submission of landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **4.8.2018**;
- (o) in relation to (n) above, the implementation of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **4.11.2018**;
- (p) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (q) if any of the above planning conditions (j), (k), (l), (m), (n) or (o) 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
- (r) upon the expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of Director of Planning or of the Town Planning Board.

### Advisory Clauses

The recommended advisory clauses are at **Appendix III**.

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

- (a) the temporary use under application is not in line with the planning intention of the "V" zone for the Ta Kwu Ling North area, which is primarily intended for development of Small Houses by indigenous villagers. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis; and
- (b) the approval of the application will set an undesirable precedent for similar applications within the "V" zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment 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 the permission.

13.2 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.

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**

<b>Appendix I</b>	Application Form with attachments received on 25.4.2017
<b>Appendix Ia</b>	Planning Statement received on 25.4.2017
<b>Appendix Ib</b>	Supplementary Information received on 28.4.2017
<b>Appendix Ic</b>	Letter dated 14.6.2017 requesting for deferment of consideration of the application
<b>Appendix Id</b>	Further Information received on 8.8.2017
<b>Appendix Ie</b>	Letter dated 6.9.2017 requesting for deferment of consideration of the application
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<b>Appendix Ig</b>	Letter dated 21.12.2017 requesting for deferment of consideration of the application
<b>Appendix Ih</b>	Further Information received on 12.3.2018
<b>Appendix Ii</b>	Further Information received on 23.4.2018
<b>Appendix II</b>	Public Comments
<b>Appendix III</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Site Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plans A-3a and A-3b</b>	Aerial Photos taken in 2014 and 2017

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

**PLANNING DEPARTMENT**  
**May 2018**