

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

**APPLICATION NO. A/TM-SKW/101**

- Applicant** : Mr. WU Chi Man represented by Goldrich Planners and Surveyors Ltd.
- Site** : Lots 263 S.B (Part) and 268 (Part) in D.D. 385, Tai Lam Chung, Tuen Mun, New Territories
- Site Area** : 2,170m<sup>2</sup> (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved So Kwun Wat OZP No. S/TM-SKW/13
- Zoning** : “Village Type Development” (“V”)  
*[Restricted to a maximum building height of 3 storeys (8.23m)]*
- Application** : Temporary Barbecue Area 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 barbecue area for a period of 3 years. The Site is the subject of a previous planning application for the same applied use under planning application No. A/TM-SKW/93 which expired on 19.12.2018. The Site is being used for the applied use without planning permission.
- 1.2 The Site is accessible from Tai Lam Chung Road (**Plan A-2**). According to the applicant, the operation hours of the Site would be confined to 7 days a week, from 7:00 a.m. to 11:00 p.m. including public holidays. The applicant anticipates that there would be about 30 patrons during weekdays and 60 patrons during weekends and holidays. The maximum number of patrons may reach about 80 persons per day. The Site is occupied by a number of structures with total floor area/covered area of about 739.07m<sup>2</sup>. These include 7 container-converted structures (comprising two lounge rooms, one kitchen, one kiosk, one refrigerated store room, one store room and one office), 3 structures for 8 units of portable chemical toilets, 3 open sheds and one canopy. All structures are 1 storey in height, ranging from 2.6m to 3m. A loading/unloading bay is proposed at the southwestern part of the Site. The Layout Plan is provided in **Drawing A-1**.
- 1.3 The Site was the subject of 8 previous applications (Nos. A/TM-SKW/42, 48, 54, 57, 61, 67, 90 and 93) for the same use. The last application (No. A/TM-SKW/93)

was approved with conditions for a period of 3 years by the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) on 18.12.2015. All the approval conditions have been complied with and the planning permission has lapsed on 18.12.2018.

- 1.4 Compared with the last approved scheme, the current application is submitted by the same applicant but the scheme has excluded the government land (180m<sup>2</sup>) and the number of structures has reduced from 35 to 14. A comparison of the previous approved application No. A/TM-SKW/93 and the current application are as follows:

	A/TM-SKW/93	A/TM-SKW/101 (Current Application)	Changes
Site area - Government land involved	2,350m <sup>2</sup> (about) 180m <sup>2</sup> (about)	2,170m <sup>2</sup> (about) 0m <sup>2</sup>	-180m <sup>2</sup> (about)
Covered area	1,571.4m <sup>2</sup>	739.07m <sup>2</sup>	-832.33m <sup>2</sup>
Total non-domestic floor area	1,571.4m <sup>2</sup>	739.07m <sup>2</sup>	-832.33m <sup>2</sup>
No. of storeys	1	1	No change
Height	2.6m	2.6m - 3m	0m - 0.4m
Loading/ Unloading Bay	0	1	+1
<b>No. of Structure</b>			
Chemical portable toilets (no. of units)	1 (8 units)	1 (4 units) 1 (3 units) 1 (1unit)	+2
Toilet	1	0	-1
Open sheds	23	3	-20
Kiosk	1	1	0
Refrigerated store room	0	1	+1
Lounge rooms	4	2	-2
Kitchen	1	1	0
Collapsible tent	2	0	-2
Store room	2	1	-1
Canopy	0	1	+1
Office	0	1	+1
<b>Total</b>	<b>35</b>	<b>14</b>	<b>-21</b>

- 1.5 The drainage plan and tree preservation proposal are provided in **Drawings A-2 to A-3** respectively.
- 1.6 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 1.3.2019 together with **(Appendix I)** attachments
- (b) Further Information received on 17.4.2019 **(Appendix Ia)**
- 1.7 On 12.4.2019, the Committee agreed to defer making a decision on the application for 2 months as requested by the applicant in order to address the comments from relevant Government departments. On 17.4.2019, the applicant submitted further information. The application is scheduled for consideration at this meeting.

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

The justifications put forth by the applicant in support of the application are detailed in the

justifications attached to the application form in **Appendix I**. They can be summarised as follows:

- (i) There is no Small House application within the Site for the time being. The proposed temporary barbecue area would provide a commercial and recreational outlet to serve the surrounding areas. The granting of a temporary planning permission would not frustrate the long term planning intention of the “V” zone.
- (ii) The proposed temporary barbecue area use is compatible with the surrounding open storage uses and residential uses of three-storey. In view of the restricted operation hours, existing landscaping, drainage facilities and fencing, the small scale and temporary barbecue area use is unlikely to have significant impact on the area.
- (iii) 300mm U-channels have been provided within the Site under the previously approved drainage proposal under previous application (No. A/TM-SKW/93). The existing drainage facilities will be maintained in good conditions throughout the approval period. Details can be found in **Drawing A-2**.
- (iv) There is an existing discharge licence for commercial trade effluent into the septic tanks and soakaway system. The wastewater in the septic tanks is regularly collected. Wastewater will not be discharged into the Tai Lam Chung Nullah. No adverse drainage impact is anticipated.
- (v) The existing 43 trees within/near the Site will be properly maintained. Regular horticultural maintenance, viz. watering, weeding, fertilizer application and pruning, etc. shall be undertaken when necessary to ensure healthy establishment of trees.
- (vi) One loading/unloading space is provided within the Site. Visitors are expected to travel to the Site by public transport. No adverse traffic impact is anticipated.
- (vii) The Site was the subject of a previous approval (Application No. A/TM-SKW/93) applied by the same applicant. The applicant has complied with all approval conditions of the previous approval. The submitted Drainage Proposal (**Drawing A-2**) and Tree Preservation Proposal (**Drawing A-3**) are the revised versions of the previously approved proposals.
- (viii) The Site is a vacant land adjacent to Tai Lam Chung Nullah. The environment is desirable for family and friends to spend quality time together with barbecue activity.
- (ix) The barbecue area provides valuable employment opportunities to the local area and provides better management of the land.

### 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 notification to Tuen Mun Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

#### 4. **Background**

The current use on the Site would be subject to planning enforcement action.

#### 5. **Previous Applications**

- 5.1 The Site was involved in eight previous applications (Nos. A/TM-SKW/42, 48, 54, 57, 61, 67, 90 and 93) all for the same use on a temporary basis (**Plan A-1a**). Application Nos. A/TM-SKW/42, 48, 54, 57, 67 and 93 were approved with conditions by the Committee or by the Board on 28.5.2004, 23.6.2005, 28.9.2007, 9.5.2008, 17.6.2011 and 18.12.2015 respectively. Application Nos. A/TM-SKW/61 and 90 were rejected by the Committee on 8.5.2009 and 19.6.2015 respectively. Details of these applications are summarised below and in **Appendix II**. The location of the Site and the site boundaries are shown on **Plan A-1a**.
- 5.2 Application Nos. A/TM-SKW/42, 48 and 54 were submitted by different applicants. The permissions of the three applications were revoked on 28.2.2005, 23.3.2007 and 28.12.2007 respectively due to non-compliance with approval conditions on the submission and implementation of landscape and tree preservation proposals and drainage proposal.
- 5.3 Application Nos. A/TM-SKW/57, 61, 67, 90 and 93 were submitted by the same applicant as the current application. Application Nos. A/TM-SKW/57, 67 and 93 were approved by the Committee with conditions on grounds that temporary permission would not frustrate the long-term planning intention of the “V” zone; the temporary development would not adversely affect the rural character of the area; there was no adverse comment received from government departments; and the applicant had also demonstrated that the capacity of existing septic tank and soakaway system was capable of treating the expected volume of wastewater from the proposed development. The permission of application No. A/TM-SKW/57 was revoked on 9.1.2009 due to non-compliance with approval conditions on submission and implementation of landscape and tree preservation proposals. All approval conditions of application Nos. A/TM-SKW/67 and 93 were complied with and the planning permissions lapsed on 17.6.2014 and 18.12.2018 respectively.
- 5.4 Application No. A/TM-SKW/61 which involved a larger site area of 4,631m<sup>2</sup> was rejected by the Committee on 8.5.2009 on grounds that it was not in line with the planning intention of “V” zone; it was not compatible with the surrounding areas and residential dwellings in the close vicinity; there was insufficient information to demonstrate no adverse environmental and drainage impacts; and it would set an undesirable precedent. Application No. A/TM-SKW/90 was rejected by the Committee on 19.6.2015 on grounds that the applicant failed to demonstrate that the wastewater generated from the development could be properly treated and disposed of.

#### 6. **Similar Applications**

- 6.1 There are 5 similar applications (Application Nos. A/TM-SKW/47, 63, 66, 78 and 94) for temporary barbecue area covering basically the same site, which is located to the immediate northeast of the Site of the current application within the same

“V” zone. Details of these applications are summarised below and in **Appendix III**. The location of the site and the site boundaries are shown on **Plan A-1**.

- 6.2 Application Nos. A/TM-SKW/47 and 63 were approved with conditions by the Board upon review on 10.3.2006 and by the Committee on 24.7.2009 respectively, on grounds that the temporary development was considered not incompatible with the rural character of the surrounding areas; there was no Small House application pertaining to the application site; and environmental concerns could be mitigated by approval conditions. Application Nos. A/TM-SKW/47 and A/TM-SKW/63 were subsequently revoked on 10.12.2008 and 24.3.2010 respectively due to non-compliance with approval conditions. Application No. A/TM-SKW/66 was rejected by the Board on 5.11.2010 on grounds that the applicant failed to convince the Board that he would comply with approval conditions imposed by the Board.
- 6.3 Application No. A/TM-SKW/78 and 94 were approved by the Committee on 1.3.2013 and 4.3.2016 respectively on grounds that the development could provide a commercial recreational outlet for the enjoyment of the public; it was not incompatible with the surrounding rural environment; and there was no environmental complaint related to the Site. The permissions of Application No. A/TM-SKW/78 and 94 lapsed on 1.3.2016 and 4.3.2019 respectively.

## **7. The Site and Its Surrounding Areas (Plans A-2 to A-4c)**

### 7.1 The Site:

- (a) is paved and fenced off;
- (b) is occupied by various temporary structures for barbecue use; and
- (c) is accessible from Tai Lam Chung Road.

### 7.2 The surrounding areas have the following characteristics:

- (a) to the east are open storage uses and parking of container vehicles and trailers;
- (b) to the south are mainly residential dwellings and parking of vehicles;
- (c) the Tai Lam Chung Road and Tai Lam Chung Nullah run in a northeast to southwest direction along the northwest side of the Site;
- (d) to the north is vacant land with a mix of uses such as open storage, vehicle repair workshop and residential dwellings;
- (e) the village houses of Tai Lam Chung Tsuen are mainly found in the further north; and
- (f) to the further south are Government, Institution and Community uses including a fire station and the Customs and Excise Training School.

## **8. Planning Intention**

The planning intention of the “V” zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small House 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.

## **9. Comments from Relevant Government Departments**

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

### **Land Administration**

9.1.1 Comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD):

- (a) The Site comprises Lots Nos. 263 S.B and 268 in D.D. 385 (the Lots). The Lots are held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) Site inspection revealed that unauthorised structures for Barbecue Area were erected on the Site. Moreover, portion of a structure has encroached onto the adjoining private land (Lot No. 261 in D.D. 385). No permission has been given for the erection of the structures on the Site.
- (c) The Site is accessible via a strip of government land leading from Tai Lam Chung Road. His office does not and will not carry out maintenance works for the said road nor guarantee that right-of-way will be given to the Site.
- (d) According to his record, there are 4 small house applications under processing in the vicinity of the Site.
- (e) If planning approval is given, the lot owner may consider submitting a formal application to his office for a Short Term Waiver (STW) to permit erection of the proposed structures on the Lots. However, there is no guarantee that the application will be approved and he reserves his right to take any action as may be appropriate. The application will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the application is approved, it would be subject to such terms and conditions as the Government shall deem fit to do so, including charging of waiver fee, deposit and administrative fee etc.

- (f) Notwithstanding the above, his office reserves the right to take enforcement actions as considered appropriate against any unauthorised erection/extensions/alternations of the structures affected irrespective of whether planning permission will be given or not.

### **Traffic**

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

He has no objection to the application. However, the following clauses should be incorporated into the advisory clauses (**Appendix IV**):

- (a) The Site is connected to the public road network via a section of a local access road which is not managed by his department. The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.
- (b) The applicant should notify visitors to make reservation in advance and remind the visitors that there are no parking spaces within the Site.
- (c) Loading and unloading should be confined within the Site.
- (d) No vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period.

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

- (a) The proposed access arrangement of the Site should be commented and approved by TD.
- (b) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.
- (c) The proposed vehicular access from the Site to Tai Lam Chung Road is not and will not be maintained by HyD.

### **Environment**

#### 9.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) There is no substantiated environmental complaint pertaining to the Site received in the past 3 years.
- (b) In view that the applicant is applying for the same use previously approved at the Site, he has no comment on the application from environmental planning perspective. Nevertheless, his office notes that the Site is not served by public sewer. The applicant is reminded that all waste water from the Site shall be properly collected, treated

and disposed in compliance with the requirements under the Water Pollution Control Ordinance.

- (c) He notes that the Site is within the Consultation Zone of Tai Lam Chung No. 2 Chlorination Station. He has no comment from risk point of view.

### **Urban Design and Visual**

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

The Site falls within an area zoned “V” on the OZP. Given that the temporary barbecue use is currently in use and would not involve development of any high-rise structures. He has no comment on the application from visual impact point of view.

### **Landscape**

- 9.1.6 CTP/UD&L, PlanD:

- (a) He has no objection to the application from the landscape planning perspective.
- (b) According to the information submitted, the site coverage of the proposed temporary structures will be reduced from 1,571.4m<sup>2</sup> (current layout approved under Application No. A/TM-SKW/93) to 739.07m<sup>2</sup>. With reference to the aerial photo taken in August 2018, there are some existing trees identified along and in the proximity of its boundary and are proposed to be preserved. Significant landscape impact arising from the proposed use on the area is not anticipated.
- (c) The applicant should be advised to maintain all existing trees and landscape plantings within the Site at all times during the planning approval period.
- (d) The applicant is advised that approval of the application does not imply approval of tree works such as pruning, transplanting and felling under lease. Tree removal applications should be submitted direct to DLO for approval.
- (e) The applicant is reminded of the importance of undertaking proper tree care for the existing trees. Useful information published by the Greening, Landscape and Tree Management Section of the Development Bureau on general tree maintenance and tree risk management is available for reference as set out in **Appendix IV**.

### **Drainage**

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

- (a) It is noted that the site area under this application is reduced as

compared with the existing condition and the applicant has confirmed that the existing drainage facilities would remain the same as the previously approved scheme. He has no objection in principle to the proposed application from public drainage viewpoint.

- (b) The drainage facilities located outside the Site and the proposed connections to existing drainage facilities are not being maintained by DSD. The applicant shall seek consent from the relevant owners or parties who are responsible for the maintenance of these drainage facilities.
- (c) The wastewater proposal for the subject application involved the use of septic tank and soakaway system and his Department is not in the position to comment on the proposal. The applicant shall meet the full satisfaction of EPD, the planning authority of sewerage infrastructure.

### **Buildings Matters**

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

- (a) If any existing structures are erected on leased land without approval of the Buildings Department (BD) (not being a New Territories Exempted House), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application.
- (b) 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 Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (c) All drainage works for the proposed toilets shall be carried out to the satisfaction of the Building Authority and in compliance with regulations.
- (d) 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.
- (e) If the proposed 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.
- (f) In connection with (b) above, the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with the Regulations 5 and 41D of the Building

(Planning) Regulations respectively.

- (g) 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.
- (h) Formal submission under the BO is required for any proposed new works, including any temporary structures. Detailed comments 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 objection in principle to the application subject to fire services 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. In addition, 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 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 (Cap.123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

### **Water Supplies**

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

- (a) He has no comment on the application.
- (b) The Site is within the 1000-meter Consultation Zone of Tai Lam Chung No. 2 Chlorination Station, which is a Potentially Hazardous Installation (PHI). Comments from EPD should be sought in this respect.

### **Others**

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

- (a) He has no comment on the application.

- (b) According to his record, there is no complaint received in relation to the subject barbecue area since 18.12.2015.

**District Officer's Comments**

9.1.12 Comments of District Officer (Tuen Mun), Home Affairs Department (DO(TM), HAD):

His office has distributed consultation letters to the locals concerned and he understands they would provide their comments (if any) to the Board direct.

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

- (a) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (b) Commissioner of Police (C of P);
- (c) Director of Leisure and Cultural Services (DLCS);
- (d) Director of Agriculture, Fisheries and Conservation (DAFC);
- (e) Director of Electrical and Mechanical Services (DEMS); and
- (f) Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office (ES(A&M), AMO)

**10. Public Comments Received During the Statutory Publication Periods**

The application and the further information submitted by the applicant had been published on 8.3.2019 and 26.4.2019. During the two statutory public inspection periods, no public comment was received.

**11. Planning Considerations and Assessment**

11.1 The current application is for temporary barbecue area for a period of three years at the Site zoned "V" on the OZP. The planning intention of the "V" zone is primarily for development of Small Houses by indigenous villagers. While the applied development is not entirely in line with the planning intention of the "V" zone, it could provide a commercial and recreational outlet to serve the surrounding areas. As advised by the DLO/TM, LandsD, there is no Small House application within the Site, but 4 small house applications falling in the close proximity of the Site are under processing by his department. The granting of a temporary planning permission for 3 years would not frustrate the long-term planning intention of the "V" zone.

11.2 The Site is situated in an area of rural landscape character dominated by village houses, open storages and Government, Institution or Community uses. The Site is currently occupied by some temporary structures with building height ranging from 2.6m to 3m. Significant changes or disturbances to the existing landscape character and resources arising from the development are not anticipated. The temporary barbecue area is not incompatible with the surrounding land uses and would not adversely affect the character of the surroundings.

11.3 The applied use would not cause significant adverse traffic, environmental,

drainage and landscape impacts on the surrounding areas. Relevant government departments including C for T, DEP, CE/MN, DSD and CTP/UD&L, PlanD have no adverse comment on/objection to the application. There is no environmental complaint pertaining to the Site received in the past 3 years. To address the technical concerns of relevant government departments and to minimise any potential nuisances, appropriate approval conditions are recommended in paragraph 12.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorised development on the Site will be subject to enforcement action by the Planning Authority.

11.4 The Committee has approved three previous applications (Nos. A/TM-SKW/57, 67 and 93) at the Site for the same use submitted by the same applicant. Compared with the last approved application (No. A/TM-SKW/93), the current application involves decrease in total site area, covered floor area and number of structures. All approval conditions with specified time limits of the last approved application were complied with and the permission was lapsed on 18.12.2018. Besides, 6 similar applications have been approved within the same "V" zone. Thus, approval of the current application is in line with the Committee's previous decision. Two previous applications for the same use at the Site were rejected by the Committee mainly on the adverse environmental and drainage impacts on the surrounding areas. However, government departments consulted have no objection to or adverse comments on the application.

11.5 There is no public comment received during the statutory consultation periods.

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

12.1 Based on the assessments made in paragraph 11, the Planning Department has no objection to the application.

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 **31.5.2022**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### *Approval Conditions*

- (a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) the paving and boundary fencing on the Site shall be maintained at all times during the planning approval period;
- (c) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (d) the existing trees and landscape plantings on the Site should be maintained at all times during the planning approval period;
- (e) the submission of fire services installation proposal 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 **30.11.2019**;

- (f) in relation to (e) above, the implementation of fire services installation proposal 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 29.2.2020;
- (g) if any of the above planning conditions (a), (b), (c) or (d) 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;
- (h) if any of the above planning conditions (e) or (f) 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 IV**.

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

The development is not in line with the planning intention of the "Village Type Development" ("V") zone, which is primarily intended for developments 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.

**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 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 received on 1.3.2019 together with attachments
<b>Appendix Ia</b>	Further Information received on 17.4.2019
<b>Appendix II</b>	Previous s. 16 Applications covering the Application Site
<b>Appendix III</b>	Similar s.16 Applications within the same "V" zone on the So Kwun Wat OZP
<b>Appendix IV</b>	Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Drainage Plan

<b>Drawing A-3</b>	Tree Preservation Proposal
<b>Plan A-1</b>	Location Plan with Similar Applications
<b>Plan A-1a</b>	Previous Applications Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to 4c</b>	Site Photos

**PLANNING DEPARTMENT  
MAY 2019**