

RNTPC Paper No. A/YL-MP/316  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 29.10.2021

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

**APPLICATION NO. A/YL-MP/316**

<b><u>Applicant</u></b>	: Fruit Garden Social Enterprise Limited represented by Alead Architects Limited
<b><u>Site</u></b>	: Government Land in D.D.104, Ha Chuk Yuen Tsuen, San Tin, Yuen Long (Former Chuk Hing Public School)
<b><u>Site Area</u></b>	: About 1,700m <sup>2</sup>
<b><u>Land Status</u></b>	: Government Land (GL)
<b><u>Plan</u></b>	: Approved Mai Po and Fairview Park Outline Zoning Plan (OZP) No. S/YL-MP/6
<b><u>Zoning</u></b>	: “Village Type Development” (“V”)
<b><u>Application</u></b>	: Proposed Temporary Field Study Centre and Organic Farm for a Period of 3 Years and associated Filling and Excavation of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary field study centre and organic farm with in-house training classes (for activities including dog training, interest group and gymnasium, etc.) for a period of 3 years and associated filling and excavation of land (**Plan A-1a**). Field study centre and organic farm are not under Column 1 or Column 2 of the “V” zone. According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years may be allowed subject to planning permission from the Town Planning Board (the Board), notwithstanding that the use or development is not provided for in terms of the OZP.
- 1.2 The Site is the subject of four previous applications (No. A/YL-MP/6, 35, 272 and 282) (**Plan A-1b**). The last two applications (No. A/YL-MP/272 and 282) were submitted by the current applicant for the same proposed temporary field study centre and organic farm for a period of 3 years which were approved by the

Rural and New Town Planning Committee (the Committee) on 6.7.2018 and 2.8.2019 respectively. The planning approvals were revoked on 6.4.2019 and 2.7.2021 due to non-compliance with approval conditions. As compared to the last two applications, there is no change to the applied use, and there is no major change to the key development parameters in terms of site area/boundary, number of structures and floor area.

- 1.3 As shown in the site layout plan and floor plans at **Drawings A-1 to A-3**, the proposed development involves adaptive reuse of the existing premises of the Former Chuk Hing Public School with associated land filling (about 900m<sup>2</sup>) and excavation of land (about 190m<sup>2</sup> with a depth of 2.5m) for provision of drainage facilities and septic tank within the Site. As shown on **Plan A-2**, the Site is accessible from the southeast via a local track leading from Castle Peak Road – Tam Mi. There are 4 existing one to two-storeys (about 2.6m to 7.4m high) with a total gross floor area (GFA) of about 766m<sup>2</sup>, i.e. Block A for lavatory with shower facilities, Block B for indoor organic farming space, Block C for reading room/workshop/gymnasium; and Block D for a hall and some activity/function rooms for various activities including dog training classes. The central area within the school premises will be used as courtyard and 4 private car parking spaces. The sections/elevations and visual illustrations of the proposed development are shown in **Drawings A-4 to A-9**. There will be about 8 staff members on a daily basis. The development would be opened from 10:00am to 6:00pm from Tuesday to Sunday. Interest classes would be organised and each class would be of the size about 30 people. A maximum of about 200 participants would be allowed for special events and festivals. Animal training activities would usually take place twice per week. The course would usually take place on Saturday or Sunday from 10:00am to 6:00pm within the development.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 6.9.2021 **(Appendix I)**
  - (b) Supplementary Planning Statement **(Appendix Ia)**
  - (c) Further Information (FI) received on 28.9.2021 **(Appendix Ib)** clarifying the operational details<sup>#</sup>
  - (d) Further Information (FI) received on 29.9.2021 **(Appendix Ic)** clarifying the site details<sup>#</sup>
  - (e) Further Information (FI) received on 7.10.2021 **(Appendix Id)** clarifying the site details<sup>#</sup>
  - (f) Further Information (FI) received on 19.10.2021 **(Appendix Ie)** clarifying the site details and responses to departmental comments<sup>#</sup>

*# exempted from publication requirements*

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

The justifications put forth by the applicant in support of the application are detailed in and FI from **Appendices I to Ie**. They can be summarised as follows:

- (a) The application is submitted by a non-profit making organisation with the aims to utilize the vacant school premises and to provide services and activities, including organic farming, life education programme, animal training would be undertaken to serve youngsters and vulnerable groups. The proposed development would also serve as a rest station for the nearby neighbourhood. The applicant will also provide job opportunities for the vulnerable groups and the weakness in the development to assist them get into the society and establish self-esteem and self-confidence
- (b) Visitors will take public transport to the Site. Advance booking would be required for the use of on-site facilities. Four private car parking spaces are provided within the Site for staff members, workers and goods delivery. The proposed development is estimated to generate about 2 trips per hour and adverse traffic impact on the surrounding road network is not anticipated.
- (c) Insulated glass window will be installed in order to avoid/minimise noise nuisance to nearby residents. All the windows will be closed off for renovation work. For dog training activities, they will be held indoor at Block D. Not more than 15 dogs will be allowed in the Site for animal training activities. The training activities would be conducted in daytime and within indoor space. No dogs will stay in the facilities overnight. Environmental nuisance arising from the proposed development during construction and operational phase is not anticipated.
- (d) Existing school buildings will only be renovated and there is no change to the existing structure and the proposed filling (about 900m<sup>2</sup>) and excavation (about 190m<sup>2</sup> with a depth of 2.5m) of land for the drainage facilities and the new septic tank (**Drawing A-1**) are not in conflict with the existing trees on-site. The central courtyard will be used for gathering purpose. There is no adverse impact on the landscape and ecology of the area.
- (e) Existing surface drains would be retained and maintained and a network of rain water pipe will be provided for connection and discharge to the nearby public surface channel (see Annex C in **Appendix Ia**). To cater for potential increase in visitors, a new septic tank and soakaway system is proposed to ensure no increase in sewerage discharge to the nearby stream.
- (f) The subject premises has obtained a short term tenancy (STT) for the proposed use until 2.8.2022 since the planning approval for the last planning application No. A/YL-MP/282 was obtained, and funding from Development Bureau (DEVB) was obtained to support detailed design and site investigation. Due to the inexperience of the applicant in following up with relevant statutory procedures, the approval condition on provision of FSIs stipulated in the previous planning permission was not satisfactorily complied with resulting in revocation of the planning permission. Moreover, implementation of the renovation project including the site investigation and detailed design was affected by the Covid-19. With the detailed design nearly completed, the applicant is seeking further funding from DEVB to sponsor the construction work and aims to commence site works within 2021 for completion in around 10 to 12 months.

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

As the Site involves GL only, the “owner’s consent/notification” 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) are not applicable to the application.

### **4. Town Planning Board Guidelines**

Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C) is relevant to the application. According to TPB PG-No. 12C, the Site falls within the Wetland Buffer Area (WBA). The relevant assessment criteria are summarised as follows:

- (a) the intention of the WBA is to protect the ecological integrity of the fish ponds and wetland within the Wetland Conservation Area and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds; and
- (b) within the WBA, for development or redevelopment which requires planning permission, an ecological impact assessment (EcoIA) would need to be submitted. Some local and minor uses (including temporary uses) are however exempted from the requirement of EcoIA.

### **5. Background**

5.1 The school premises of Chuk Hing Public School comprises 4 building structures which were constructed between 1961 and 1966. The school was first included in the draft Mai Po and Fairview Park Development Permission Area Plan No. DPA/YL-MP/1 gazetted on 12.7.1991 and was within the “V” zone covering Chuk Yuen Tsuen, Sheung San Wai Tsuen and Ha San Wai. There is no change in the zoning for the Site since then. Chuk Hing Public School ceased operation in 1997 and the school buildings have been left vacant since then.

5.2 In accordance with the Central Clearing House mechanism of VSP, the Site is recommended for long-term G/IC use. Before implementation of long-term uses, the Site has been included in the list of vacant government sites (including VSP) on government land (GL) for short-term uses. Following the planning approval under Application No. A/YL-MP/282, a Short Term Tenancy has been granted to the applicant for the purpose of field study centre, organic farm, training classes for dog owners and uses ancillary thereto.

### **6. Previous Applications**

6.1 The Site is the subject of four previous applications (Application No. A/YL-MP/6,

35, 272 and 282).

- 6.2 Application No. A/YL-MP/6 on a larger site submitted by a different applicant for recreation centre was approved with conditions by the Board on review on 2.8.1996 on a temporary basis for a period of 5 years. Approval of the application was mainly on the consideration that the application would make use of existing structures, which would otherwise remain vacant and unattended, and for the benefit of the local community. The planning permission lapsed on 2.8.2001.
- 6.3 Application No. A/YL-MP/35 on a larger site for school of professional training and development of church leaders and pastors submitted by a difference applicant was approved with conditions by the Committee on 13.11.1998 mainly on the considerations that the proposed development was compatible with the surrounding area, relevant Government departments have no objection to or adverse comment on the application and the school premises left abandoned for a period of time are sub-standard and could be considered for other uses. Application for occupation of GL by the applicant was rejected by District Lands Officer/Yuen Long, LandsD (DLO/YL, LandsD) on the grounds that local objection could not be addressed. The planning permission lapsed on 13.11.2001.
- 6.4 Applications No. A/YL-MP/272 and 282 for the same use, i.e. proposed temporary field study centre and organic farm, on the same site submitted by the current applicant, were approved with conditions by the Committee on 6.7.2018 and 2.8.2019 respectively for a period of 3 years.
- 6.5 Application No. A/YL-MP/272 was approved on similar considerations as for application No. A/YL-MP/35 as detailed in paragraph 6.3 above. An approval condition in relation to the submission of tree preservation proposal was complied with. Nevertheless, the application was subsequently revoked on 6.4.2019 due to non-compliance with the approval conditions in relation to the submission of condition records of the existing drainage facilities, submission and provision of water supplies for firefighting and FSIs proposal, and the implementation of the tree preservation proposal by the same date.
- 6.6 Application No. A/YL-MP/282 was approved on similar considerations as for application No. A/YL-MP/272. Though the applicant complied with the approval condition in relation to the submission of water supplies for firefighting and FSIs proposal, the planning permission was subsequently revoked on 8.7.2021 due to non-compliance with the approval conditions in relation to the submission of records of the existing drainage facilities and the provision of water supplies for firefighting and FSIs by the same date.
- 6.7 Details of the previous applications are summarised at **Appendix II**.

## **7. Similar Applications**

There is no similar application in the same “V” zone.

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

### **8.1 The Site is:**

- (a) occupied by the Former Chuk Hing Public School with 4 existing school buildings (1 to 2 storeys in height) built in the period between 1961 and 1966. The school has been closed and the building structures therein remained vacant since February 1997;
- (b) accessible from a local track at the southeast connecting to Castle Peak Road – Tam Mi; and
- (c) located within the WBA of Deep Bay.

### **8.2 The surrounding areas are the village area of Ha Chuk Yuen Tsuen:**

- (a) to its north and west are a residential care home and a vehicle park. To its northeast are unused land, vehicle workshops and open storage of vehicles. Further north across Ha Chuk Yuen Road are fallow agricultural land and a site under construction;
- (b) to its east and southeast are a vehicle park, an elderly home and village houses. Further east across Castle Peak – Tam Mi are a site for parking of container vehicles and trucks (not shown in Plan A-2) within the “Open Storage” zone;
- (c) to its south are village houses, a latrine and some unused land.

## **9. Planning Intention**

The planning intention of the “V” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

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

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

### **Policy Support**

10.1.1 Comments of the Secretary of Development (SDEV):

- (a) He supports the application as the proposal of using VSP to take forward a variety of community activities is consistent with Government's policy to make gainful use of vacant land resources. The applicant has secured \$2.1 million under DEVB's "Funding Scheme to Support to Use of Vacant Government Sites by Non-government Organisations" (the Scheme) for carrying out detailed design and site investigation.
- (b) The detailed design is near to completion now and the applicant is going to start the construction works with a view to seeking further funding from the Scheme. He expects upon completion of the project, the proposed development can provide a variety of community services for local community and other people in need.

### **Land Administration**

10.1.2 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site falls within STT No. 3203 let to the applicant, commencing from 10.12.2019 up to 2.8.2022 and thereafter quarterly for the purpose of field study centre, organic farm, training classes for dog owners and uses ancillary thereto.
- (b) Having regarded the FI, he notes that the applicant has confirmed that the proposed renovation work does not involve changing the building height or increase of the built over area and the figures are based on site measurement only and subject to verification.
- (c) The applicant is required to demonstrate the dimensions and calculation of the area when modification of the STT is submitted after obtaining approval from the Board. However, there is no guarantee at this stage that modification of the STT will be approved. If the application for modification of the STT is approved by LandsD in the capacity as landlord at his sole discretion, it will be subject to those terms and conditions as appropriate as imposed by LandsD.

- (d) The Site falls within the Village Environs Boundary of Ha Chuk Yuen, San Tin Heung. No Small House application has been approved or is being processed at the Site.

### **Traffic**

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

- (a) The Site is connected to Castle Peak Road – Tam Mi via a section of a local access which is not managed by TD. The land status of the local access should be clarified with LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access should be clarified with the relevant lands and maintenance authorities accordingly.
- (b) Having regarded the applicant's FI, he has no adverse comment on the application from traffic engineering perspective.
- (c) Should the application be approved, a condition should be incorporated that no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period.

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

- (a) The proposed access arrangement of the Site from Castle Peak Road – Tam Mi should be approved by TD.
- (b) HyD shall not be responsible for the maintenance for any access connecting the Site and Castle Peak Road – Tam Mi.
- (c) Adequate drainage measures should be provided at the Site to prevent surface water running from the Site to nearby public roads and drains.

### **Environment**

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

- (a) The applicant confirmed that the following measures will be implemented for the proposed dog training activities to avoid/minimise noise nuisance to nearby residents:
  - (i) Dog training will be carried out in day time and dogs will not stay overnight;
  - (ii) The dogs would be kept inside the school buildings during the training time and the buildings would be installed with insulated windows ; and
  - (iii) The number of dogs will be limited to 15 only for each activity.



- (b) He has no objection to the application. The applicant is advised to follow the relevant mitigation measures and requirements in the revised “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any potential environmental nuisance. Adequate supporting infrastructure/facilities should be provided for proper collection, treatment and disposal of waste/wastewater generated from the proposed use. If septic tank and soakaway system will be used in case of unavailability of public sewer, its design and construction shall follow the requirements of the Environmental Protection Department (EPD)’s Practice Note for Professional Person (ProPECC) PN 5/93 “Drainage Plans subject to Comment by EPD”.

### **Agriculture and Nature Conservation**

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

- (a) He has no adverse comment on the application.
- (b) The Site does not associate with any licence granted by his department, nor has he received any application regarding the Site.
- (c) At present, dog training does not need a licence from his department. However, under the Public Health (Animals) (Boarding Establishment) Regulations, Cap. 139I (the Regulations), any person who provides food and accommodation for animals in return for a fee paid by the owner must apply for a Boarding Establishment Licence from his department. The applicant should also be reminded that the establishment and ancillary facilities which is licensed under the Regulations must always fulfill the criteria listed in the Regulations.
- (d) Besides, the dogs kept by the applicant should be properly licensed in accordance with Cap. 421 Rabies Ordinance and the applicant is reminded to observe Cap. 169 Prevention of Cruelty to Animals Ordinance at all times.
- (e) Detail information and guidance on Animal Boarding Establishment will be provided when the applicant submits licence application to his department.

### **Landscape**

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

- (a) Based on the aerial photo of 2020, the Site is situated in an area of miscellaneous rural fringe landscape character predominated by

small houses, temporary structures, vacant land and scattered tree groups. Revitalization of 4 existing building structures within the Site for the proposed use is considered not entirely incompatible with the surrounding landscape setting.

- (b) With reference to the site photos taken on 21.9.2021, existing trees of common species, including *Ficus microcarpa* (細葉榕) and *Ficus virens* (大葉榕) are found within the Site. According to the submitted planning statement, the building structures are not in conflict with the existing trees within the Site and the existing trees are of common species, no significant adverse landscape impact on existing landscape resources within the Site arising from the proposed development is anticipated.
- (c) Having noted the applicant's clarification that the proposed areas for filling/excavation (**Drawing A-1**) are not in conflict with existing trees on-site, she has no objection to the application from the landscape planning perspective.
- (d) No significant adverse landscape impact arising from the applied use is anticipated and there are existing trees within the Site, it is considered not necessary to impose a landscape condition should the application be approved. His detailed comments are at **Appendix IV**.

### **Fire Safety**

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

- (a) He has no objection in principle to the application subject to FSIs being provided to his satisfaction.
- (b) FSIs are required in consideration of the design/nature of the proposal. Relevant layout plans incorporated with the proposed FSIs should be submitted to his department for approval. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of where the proposed FSIs to be installed should be clearly marked on the layout plans.
- (c) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

### **Building Matters**

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

He notes that the proposed development is located on GL, he is not in a position to comment the application.

### **Drainage**

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

- (a) He has no objection in principle to the proposed development from the public drainage point of view. Should the Board consider that the application is acceptable from the planning point of view, the following conditions should be stipulated in the approval letter requiring the applicant (i) to submit a revised drainage proposal addressing his detailed comments at **Appendix IV**; and (ii) to implement the drainage proposal and maintain the drainage facilities for the development to the satisfaction of the Director of Drainage Services or of the Board.
- (b) There is no public sewer connection available in the vicinity of the Site at the moment, the applicant shall seek views and comments from the DEP regarding the sewage disposal arrangement of the proposed development.

#### 10.2 The following Government departments have no comment on or objection to the application:

- (a) Commissioner of Police;
- (b) Chief Engineer/Construction, Water Supplies Department;
- (c) Chief Engineer/Railway Development 2-2, Railway Development Office, HyD;
- (d) Project Manager (West), Civil Engineering and Development Department;
- (e) Director of Electrical and Mechanical Services; and
- (f) District Officer (Yuen Long), Home Affairs Department.

## **11. Public Comment Received During Statutory Publication Period**

On 14.9.2021, the application was published for public comment. During the first 3 weeks of the statutory public inspection period which ended on 5.10.2021, one public comment (**Appendix IV**) was received from an individual raising concerns that the previous planning permission was revoked due to the applicant's failure in complying with the approval conditions on drainage and fire safety measures.

## 12. Planning Considerations and Assessments

- 12.1 The application is proposed for temporary field study centre and organic farm with in-house training classes for a period of 3 years and associated filling and excavation of land for infrastructural provision. The Site is currently occupied by the VSP of the Former Chuk Hing Public School. The Site falls within a “V” zone which is intended to designate both existing recognized villages and areas of land considered suitable for land expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. Selected commercial, community and recreational uses may be permitted on application to the Board. Although the proposed use is not entirely in line with the planning intention of the “V” zone, there is no designated use and no known programme for long-term use of the Site. The Site has been left vacant since cessation of its operation in 1997 and the proposed development, which is for a short-term use of 3 years, is in line with the Government policy to better utilise land resources in relation to vacant government sites for community activities. SDEV has given policy support to the application which makes use of a VSP to provide a variety of community activities, which is consistent with Government’s policy to make gainful use of vacant land resources. The applicant has secured funding from the DEVB to carry out detailed design and site investigation. DLO/YL of LandsD also advised that there is no Small House application at the Site. In this connection, approval of the application on a temporary basis for a period of 3 years would not frustrate the long term planning intention of the “V” zone and it is in line with Government’s intention to optimize land resources by utilizing VSP.
- 12.2 According to the applicant, the proposed field study centre and organic farm with in-house training classes under application is to serve the nearby neighbourhood and vulnerable groups of the society. It is located within the village area of Ha Chuk Yuen and is accommodated within the existing vacated school buildings. It is considered not incompatible with the surrounding land uses which comprise mainly village houses, elderly homes, agricultural land and vehicle parks and workshops.
- 12.3 Although the Site falls within WBA under TPB PG-No. 12C, the guidelines also specify that planning applications for temporary uses are exempted from the requirement of EcoIA. DAFC has no adverse comment on the application from nature conservation point of view.
- 12.4 The proposed development primarily involves adaptive reuse of the existing school premises of the Site by way of renovation without changing the existing structures. The associated filling and excavation of land is not substantial (**Drawing A-1**) which is mainly for provision of the required drainage and sewerage facilities and will not affect any existing trees. As such, it will unlikely cause any adverse drainage, landscape and environmental impacts on the surrounding areas. CE/MN, DSD and CTP/&UD&L of PlanD have no objection to the application. With incorporation of measures for the dog training classes including day time classes without overnight staying, keeping the dogs inside the school building (Block D) during training time and installation of insulated

windows for the school buildings, DEP has no objection to the application. Other government departments including C for T and D of FS, have no objection to or adverse comment on the application. Should the application be approved, technical requirements of C for T, D of FS and CE/MN of DSD are suggested as approval conditions in paragraphs 13.2 below. Besides, the applicant will be advised to follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to mitigate any potential environmental impacts on the surrounding areas.

- 12.5 The Site is the subject of four previous approved applications (No. A/YL-MP/282) as per paragraph 6 which are similar in nature (i.e. for education and community activities) as the current application. Approval of the current application is in line with the previous decision of the Committee. It is noted that the planning permission for the last two applications (No. A/YL-MP/272 and 282) were revoked due to the non-compliance of approval conditions as detailed in paragraph 6 above. The applicant states that it was mainly due to their inexperience in discharging the approval conditions, the implementation of the project requires the funding approval by DEVB and that the implementation has also been affected by the COVID-19 pandemic during the site investigation and detailed design stage. To support the application, the applicant has engaged the current agent in handling the project and submitted photographic records of drainage facilities. Having regarded to the above and taking into account that there is no significant change in planning circumstances, it is considered that the current application could be given sympathetic consideration. Should the application be approved by the Committee, shorter compliance periods are recommended with a view to closely monitoring the progress on compliance with approval conditions. Furthermore, the applicant should be advised that if there is further non-compliance with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 12.6 There is one public comment providing views on the application as stated in paragraph 11. The planning considerations and departmental comments above are relevant.

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

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comment mentioned in paragraph 11 above, the Planning Department has no objection to the application.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years until 29.10.2024. 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 10:00 a.m., as proposed by the

applicant, is allowed on the Site during the planning approval period;

- (b) no operation on Mondays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) the submission of a revised 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 29.1.2022;
- (e) in relation to (d) above, the implementation of drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 29.4.2022;
- (f) in relation to (e) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (g) the submission of fire service installations proposal 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 29.1.2022;
- (h) in relation to (g) above, the provision of fire service installations 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 29.4.2022;
- (i) if any of the above planning conditions (a), (b), (c) or (f) 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
- (j) if any of the above planning conditions (d), (e), (g) or (h) 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**.

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

the "Village Type Development" zone is intended to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

#### **14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

#### **15. Attachments**

<b>Appendix I</b>	Application Form received on 6.9.2021
<b>Appendix Ia</b>	Planning Statement with layout plans, sections and visual illustrations
<b>Appendix Ib</b>	Further Information received on 28.9.2021
<b>Appendix Ic</b>	Further Information received on 29.9.2021
<b>Appendix Id</b>	Further Information received on 7.10.2021
<b>Appendix Ie</b>	Further Information received on 19.10.2021
<b>Appendix II</b>	Similar Applications
<b>Appendix III</b>	Public comment
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Layout Plan (G/F)
<b>Drawing A-2</b>	Layout Plan (1/F)
<b>Drawing A-3</b>	Elevations and Sections (Block A)
<b>Drawing A-4</b>	Elevations and Sections (Block B)
<b>Drawing A-5</b>	Elevations and Sections (Block C)
<b>Drawing A-6</b>	Elevations and Sections (Block D)
<b>Drawing A-7</b>	Visual Illustration – Overall View
<b>Drawing A-8</b>	Visual Illustration (Block B)
<b>Drawing A-9</b>	Visual Illustration (Block D)
<b>Plan A-1a</b>	Location Plan
<b>Plan A-1b</b>	Previous Application Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos