

RNTPC Paper No. A/YL-KTN/602A
For Consideration by
the Rural and New Town
Planning Committee
on 7.9.2018

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/602

- Applicant** : Wing Lung Wai Community represented by M & D Planning and Surveyors Consultant Ltd.
- Site** : Lots 457(Part), 458(Part) and 465 S.A(Part) in D.D. 109 and Adjoining Government Land, Kam Tin Road, Kam Tin, Yuen Long
- Site Area** : 5,310 m² (including Government Land of about 133.8m²)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/9
- Zoning** : “Village Type Development” (“V”)
[maximum building height of 3 storeys (8.23m)]
- Application** : Proposed Temporary Shop and Services (Motor Vehicle Showroom) with Storage of Vehicles/Vehicles Parts and Ancillary Offices Use 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 shop and services (motor vehicle showroom) with storage of vehicles/vehicles parts and ancillary offices use for a period of 3 years. According to the Notes of the OZP, ‘Shop and Services’ use is a Column 2 use under the “V” zone which requires planning permission from the Town Planning Board (the Board), while storage use is neither Column 1 nor Column 2 use. Nevertheless, for use or development not provided for in terms of the OZP, the Board may grant permission, with or without conditions, for a maximum period of three years, or refuse to grant permission. The Site is partly used for open storage of vehicle for sale without valid planning permission and partly occupied by vacant structures (**Plans A-2 and A-4c**).

- 1.2 The Site involves 12 previous applications for temporary open storage of vehicles/vehicle parts/ vehicles for sales with/ without retail/trading activities and vehicle workshop (**Plan A-1b**). Except applications No. A/YL-KTN/28, 244 and 245, all applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) or the Board on review from 1997 to 2004. The last applications No. A/YL-KTN/244 and 245 for temporary open storage of vehicles and vehicle parts for a period of 3 years were rejected by the Committee on 3.3.2006.
- 1.3 According to the applicant, the proposed development involves four one to two-storey temporary structures with details below:

Structure	Use	Total Floor Area (m ²)	Building Height (m)
A	Warehouse for storage of vehicles	3,300.0	8m
B	Warehouse for storage of vehicle parts	133.8	8m
C	Vehicle showroom	610.0	8m
D	Office	505.0	8m
Total:		4,548.8	-

There will be about 118 vehicles to be stored in the warehouse, 28 car parking spaces will be located in the showroom, 22 car parking spaces for sales/staff below the office and 16 outdoor car parking spaces for visitor and staff. No vehicle exceed 14 tonnes will be enter/exist the Site. The operation hours are from 9:00am to 8:00 pm daily. The Site is accessible from Kam Tin Road. The site layout plan is at **Drawing A-1**.

- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application form with plans received on 10.4.2018 **(Appendix I)**
 - (b) Further Information (FI) received on 25.7.2018 **(Appendix Ia)** providing traffic arrangement details with revised layout plan in response to departmental comments
(accepted and exempted from publication and recounting requirements)
 - (c) FI received on 30.7.2018 clarifying the traffic arrangement with revised layout plan in response to departmental comments **(Appendix Ib)**
(accepted and exempted from publication and recounting requirements)

- (d) FI received on 9.8.2018 further clarifying the traffic arrangement with revised layout plan in response to departmental comments **(Appendix Ic)**
(accepted and exempted from publication and recounting requirements)
 - (e) FI received on 27.8.2018 providing further justification and clarifying the proposed layout plan, operation details, trip generation and traffic arrangement in response to departmental comments **(Appendix Id)**
(accepted and exempted from publication and recounting requirements)
 - (f) FI received on 30.8.2018 clarifying the uncovered area of the Site and vehicle types within the Site **(Appendix Ie)**
(accepted and exempted from publication and recounting requirements)
- 1.5 The application was originally scheduled for consideration by the Committee on 1.6.2018. Upon the request of the applicant, the Committee agreed to defer consideration of the application on 1.6.2018 to allow time for the applicant to prepare FI to address the departmental comments. After the deferral request, the applicant had submitted FIs on traffic arrangement and revised layout plan in response to departmental comments.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Part 9 of the application form and FIs in **Appendices I to Ie**. They can be summarized as follows:

- (a) The Site is currently used for temporary storage of vehicles for sale which is subject to a previous approved Application No. A/YL-KTN/125. If the applied use for vehicles showroom and retails for vehicles be approved, such approval could attract investment into the area so as to create more job opportunities. Approval of the planning application for vehicle showroom use could better utilize the land resource.
- (b) The proposed vehicle showroom could bring about position environmental, visual and landscape impact on the area.
- (c) The proposed use would not generate significant traffic to the area and affect pedestrian safety. No adverse environmental and drainage impact will be generated as the proposed use is mainly for vehicle showroom, storage and business meeting uses.

- (d) The application is supported by the representative of Wing Lung Wai Village, Kam Tin District Council members and Chairman of Kam Tin Rural Committee.

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

The applicant is the sole “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection

4. Background

The Site is being used as applied use. Subject to the collection of sufficient evidence, appropriate enforcement action under the Town Planning Ordinance would be taken in due course.

5. Previous Applications

- 5.1 The Site involves 12 previous applications, including 6 applications at the eastern part of the Site (Nos. A/YL-KTN/28, 50, 125, 184, 207 and 245), and 6 applications at the southwestern part of the Site (Nos. A/YL-KTN/27, 70, 110, 185, 208 and 244) (**Plan A-1b**) for temporary open storage of vehicles/vehicle parts/ vehicles for sales with/ without retail/trading activities and vehicle workshop. Except applications No. A/YL-KTN/28, 244 and 245, all applications were approved with conditions by the Committee or the Board upon review for 1 or 3 year(s). Details of these applications and their location are shown in **Appendix II** and **Plan A-1b**.
- 5.2 Application No. A/YL-KTN/28 at the eastern portion of the Site (**Plan A-1b**) for temporary open storage of vehicles parts with retail activities for 12 months was rejected by the Committed on 18.4.1997 mainly on the grounds that the development was not in line with the planning intention and not compatible with surrounding village settlements; failed to demonstrate no adverse impact on the surrounding areas; and approval of the application would set and undesirable precedent. Subsequently, Application No. A/YL-KTN/27 at the southwestern portion of the Site for temporary open storage of vehicles parts with retail activities for 1 year was approved with conditions by the Board upon review on 15.8.1997 based on sympathetic consideration that it was a small-scale operation and temporary approval was granted to allow the applicant more time to relocate the operation to a permanent site.
- 5.3 Application Nos. 50, 125, 184, and 207 at the eastern portion of the Site and Nos. A/YL-KTN/70, 110, 185 and 208 at the southwestern portion of the Site for various temporary open storage of vehicles/vehicles parts with/without

trading activities/ workshop for 1 or 3 year(s) were approved with conditions by the Committee between 1998 to 2004 for 1 year mainly for the reasons that the previous approval had been granted and there was no change in planning circumstances; in line with Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” in that previous approval for similar use had been granted and all approval conditions were complied with; no adverse departmental comment; the development was not expected to generate significant adverse environmental impact on surrounding area; no local objection was received; and similar applications in the vicinity had been approved. Application Nos. A/YL-KTN/184, 185, 207 and 208 were approved for a period of 1 year to provide time for the applicant to relocate the operation to other suitable locations. Application No. A/YL-KTN/207 was revoked on 3.9.2005 due to non-compliance with approval condition on provision of run-in/out to the application site.

- 5.4 Application Nos. A/YL-KTN/244 and 245 for temporary open storage of vehicles and vehicles parts/ vehicles for sale for 3 years were both rejected by the Committee on 3.3.2006 mainly on the grounds that the application was not in line with planning intention; previous approvals had been given to allow time to relocate the operation to a suitable location, but there was insufficient information to demonstrate genuine effort had been taken to relocate the operation to other areas; not in line with Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” in that residential dwellings in the vicinity would be subject to environmental nuisances generate by the development.

6. Similar Applications

- 6.1 There are 9 similar applications No. A/YL-KTN/365, 403, 409, 417, 430, 438, 547, 572 and 611 for shop and services use. Details of the applications are at **Appendix III** and their locations are shown on **Plan A-1**.
- 6.2 Nine applications (A/YL-KTN/365 and 430, 409 and 438, 417 and 547, 403, 572 and 611) at six sites for various shop and services uses (real estate agency, grocery and metalware retail shop or beauty products retail shop, pet grooming and retail shop, and bookshop) were all approved by the Committee on 6.12.2011, 7.2.2014, 19.7.2013, 25.4.2014, 11.10.2013, 3.2.2017, 5.4.2013, 8.9.2017 and 3.8.2018 respectively for 3 years. All these applications were approved on similar considerations that approval on a temporary basis would not jeopardize the planning intention of the “V” zone; there was no adverse departmental comment; and the developments were not incompatible with the surrounding environment and not likely to cause adverse environmental impacts on the surrounding areas. However, Application Nos. 365, 409, 438, 403 and 417 were revoked on 6.1.2014, 19.1.2014, 25.7.2014, 17.5.2013, 11.9.2015 respectively due to non-compliance with approval conditions.

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

7.1 The Site is :

- (a) partly used for open storage of vehicle for sale and partly occupied by vacant structures; and
- (b) accessible from Kam Tin Road.

7.2 The surrounding areas are rural in character predominated by residential dwellings/structures, village houses, open storage/ storage yards, workshops, car park and vacant/unused land. All of open storage/storage yards, and workshops are suspected unauthorized development subject to enforcement action by the Planning Authority:

- (a) to its north are residential dwellings/structures and parking of vehicle;
- (b) to its east are open storage/storage yards and workshops;
- (c) to its immediate south and west are residential dwellings/ structures (the nearest less than 5m on the south and west) and workshop/ storage respectively. To its further west are residential dwellings/structures and village houses including Wing Lung Wai and Pattaya.
- (d) Some retails shops and real estate agency on ground floor of village houses are located on both sides of Kam Tin Road on the south of the Site. To the further south across Kam Tin Road are residential dwellings/structures, parking of vehicles and vacant land.

8. 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 ground floor of a New Territories Exempted House (NTEH). 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 summarized as follows:

Land Administration

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

- (a) The Site comprises Government land (GL) and Old Scheduled Agricultural Lots 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) Within the Site, the private lots are currently covered by Short Term Waiver (STW) whereas the GL therein is covered by the Short Term Tenancy (STT), details of which are listed below:

STW/STT No.	Lot No. /GL in D.D. 109	Permitted Use
STW 2152	457(Part), 458(Part) and 465 S.A(Part)	Storage of vehicles and vehicles parts
STW 2235	457(Part) and 458(Part)	Wood yard and storage of building materials
STT 887	GL	Storage of construction plants and materials

- (c) The Site is accessible to Kam Tin Road via GL. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site.
- (d) The Site falls within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structure shall not exceed the relevant airfield height limit within SKAHRA.
- (e) There is no Small House application(s) approved or currently under process at the Site.
- (f) Should the application be approved, the STW and STT holder(s) will need to apply to his office for modification of the STW/STT conditions if there is any irregularities on site. Such application(s) will be considered by LandsD acting in the

capacity as the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by the LandsD.

Traffic

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

- (a) He has no comment on the application from traffic engineering perspective.
- (b) Should the application be approved, approval condition on no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period should be included.
- (c) The Site is connected to the public road network via a piece of land which is not managed by Transport Department. The land status of that piece of land should be checked with the LandsD. Moreover, the management and maintenance responsibilities of that piece of land should be clarified with the relevant lands and maintenance authorities accordingly.

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

- (a) There is a strip of unallocated government land between the Site and the footpath of Kam Tin Road which is not and will not be maintained by his department.
- (b) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

Environment

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

- (a) He does not support the application as the proposed use involves heavy vehicles and there are sensitive uses in the vicinity of the Site (the closest residential dwelling being less than 5m to its west) (**Plan A-2**), and environmental nuisance is expected.

- (b) Should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary uses and Open Storage Sites” issued by DEP.
- (c) There was no environmental complained received in the past three years.

Landscape

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

- (a) She has reservations to the application from the landscape planning perspective.
- (b) The Site is the subject of 12 previous applications and the last application for the open storage use (Application no. A/YL-KTN/244) was rejected by the Committee. The Site is predominantly in rural character and comprises of village houses interspersed with tree groups. Open storages and workshops without planning approval are found in close proximity of the Site. In general, the proposed use is considered not incompatible with the existing landscape context.
- (c) Based on site inspection in May 2018, the northern part of the Site (vehicle storage area) is currently vacant and the rest of the Site is under operation as vehicle showroom. 47 numbers of existing trees in poor to very good condition are found within the Site. According to the proposed layout plan, the proposed layout is in direct conflict with exiting trees and it appears felling of all existing trees are necessary. However, according to section 8 of the submission (**Appendix I**), the applicant mentioned that no tree felling will be involved in the proposed development. Although existing trees are common species in Hong Kong, these tress are the major greenery in proximity. Moreover, no landscape proposal is provided to alleviate the potential adverse impact to surrounding environment in particular the village settlements to immediate west due to the propose temporary development.
- (d) Should the application be approved, approval conditions on submission and implementation of landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the Board should be included.

Nature Conservation

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

The Site is located in “V” zone and has been disturbed for some years. As such, he has no comment on the application from nature conservation point of view.

Drainage

9.1.7 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.
- (b) Should the application be approved, approval conditions requiring the submission and implementation of the drainage proposal for the development should be included in the planning permission.

Building Matters

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

- (a) If the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorized under the BO and should not be designated for any approved use under the planning application.
- (b) Before any new building works (including containers/ open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are unauthorized building works (UBW) under the Buildings Ordinance (BO). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (c) 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.

- (d) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively.
- (e) If the Site does not abut on a specified street of not less than 4.5 wide, its permitted development intensity shall be determined under the Regulation 19(3) of the B(P)R 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) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. 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.

Electricity

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

- (a) He has no particular comment on the application from electricity supply safety aspect.
- (b) In the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning,

designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

District Officer’s Comments

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

His office has not received any locals’ comment on the application.

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

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Project Manager/NT West, Civil Engineering and Development Department (PM/W, CEDD); and
- (c) Commissioner of Police (C of P).

10. Public Comment Received During Statutory Publication Period

On 24.4.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 15.5.2018, one objecting comment was received (**Appendix IV**) mainly on grounds that parking will cause leaching of oils and other toxins into the soil which is incompatible with the planning intention; parking facilities should be accommodated in high rise building, underground, in stacked facilities or ground floor of village houses; and approval of the application even on a temporary basis encourages inefficient land use.

11. Planning Considerations and Assessments

11.1 The application is for temporary shop and services (motor vehicle showroom) with storage of vehicles/vehicles parts and ancillary offices use for a period of 3 years. 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. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on ground floor of a NTEH. Other commercial, community and recreational uses may be permitted on application to the Board. The proposed use is not in line with the planning intention of the “V” zone. Nevertheless, DLO/YL, LandsD advises that there is currently no Small House application approved or under process at the Site. Approval of the application on a temporary basis for a period of 3 years would not jeopardize the planning intention of the “V” zone.

- 11.2 The surrounding area is mainly predominated by residential dwellings/structures and open storage yards. Concerned departments consulted including CE/MN of DSD and D of FS, except DEP and CTP/UD&L of PlanD, have no adverse comment on the application. Although DEP does not support the application as the proposed use involves heavy vehicles and there are sensitive uses in the vicinity of the Site (the closest residential dwelling being less than 5m to its south and west) (**Plan A-2**), the Site abuts Kam Tin Road and the vehicles do not need to pass through residential dwellings to entry/exit the Site. To address DEP’s concern and minimize the possible environmental nuisance generated by the proposed development, approval conditions restricting operation hours, vehicle type and prohibiting workshop activities within the Site are recommended in paragraphs 12.2 (a) to (c) below. CTP/UD&L of PlanD has some reservations on the application since tree felling will be involved but no landscape proposal is provided to alleviate the potential adverse impact to the surrounding environment. In this regards, the approval conditions requiring the submission and implementation of landscape and tree preservation proposal as requested by CTP/UD&L of PlanD are recommended in paragraphs 12.2 (e) and (f) below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorized development on-site will be subject to enforcement action by the Planning Authority. Besides, the applicant will be advised to adopt the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” in order to alleviate any potential environmental impact. Moreover, the technical requirements of C for T, CE/MN of DSD and D of FS could be addressed by approval conditions in paragraph 12.2 (d), (g) to (j) below.
- 11.3 There are 12 previous applications (9 approved and 3 rejected) for various temporary open storage uses (real estate agency, grocery and metalware retail shop or beauty products retail shop, pet grooming and retail shop, and bookshop) were considered by the Committee/the Board from 1997 to 2006 with detailed mentioned in paragraphs 5.2 to 5.5 above. Compared with these applications, the current application is for a different use for motor vehicle showroom and storage of vehicles/vehicles parts and ancillary offices use. In addition, 9 similar applications for temporary shop and services uses (real estate agency, grocery and metalware retail shop or beauty products retail shop, pet grooming and retail shop,

and bookshop) within the same “V” zone were also approved by the Committee from 2011 to 2018 as stated in paragraph 6 above mainly based on the reasons that approval of the applications on a temporary basis would not jeopardize the planning intention of the “V” zone; there was no adverse departmental comment; and the developments were not incompatible with the surrounding environment and not likely to cause adverse environmental impacts on the surrounding areas.

- 11.4 One objecting comment was received during the statutory public consultation period as stated in paragraph 10 above. In this regard, temporary approval would not jeopardize the long term planning intention of the “V” zone. The planning assessments and considerations above are also relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment in paragraph 10, the Planning Department considers that the temporary shop and services (motor vehicle showroom) with storage of vehicles/vehicles parts and ancillary offices use could be tolerated for a period of 3 years.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years until 7.9.2021. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no operation between 8:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities are allowed on the Site at any time during the planning approval period;
- (c) no heavy goods vehicles exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the submission of landscape and tree preservation 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 7.3.2019;

- (f) in relation to (e) above, the implementation of the landscape and tree preservation proposal within **9** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 7.6.2019;
- (g) the submission 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 7.3.2019;
- (h) in relation to (g) above, the implementation of the drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 7.6.2019;
- (i) the submission of fire service installations 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 7.3.2019;
- (j) in relation to (i) above, the provision of fire service installations 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 7.6.2019;
- (k) 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;
- (l) if any of the above planning conditions (e), (f), (g), (h), (i) or (j) 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
- (m) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

The advisory clauses are in **Appendix V**.

- 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 "V" zone which 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. No strong planning justification has been given in the submission to justify 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

Appendix I	Application form with plans received on 10.4.2018
Appendix Ia	FI received on 25.7.2018
Appendix Ib	FI received on 30.7.2018
Appendix Ic	FI received on 9.8.2018
Appendix Id	FI received on 27.8.2018
Appendix Ie	FI received on 30.8.2018
Appendix II	Previous s.16 Applications covering the Application Site
Appendix III	Similar applications within the same “V” zone in the vicinity on the Kam Tin North OZP
Appendix IV	Public comment received during statutory publication period
Appendix V	Advisory clauses
Drawing A-1	Layout Plan

Plan A-1a	Location Plan with similar applications
Plan A-1b	Previous applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4c	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2018**