

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

**APPLICATION NO. A/YL-ST/537**

- Applicant** : Longwick Construction Engineering Company Limited represented by Metro Planning and Development Company Limited
- Site** : Lots 3045 RP and 3056 RP in D.D. 102 and adjoining Government Land (GL), San Tin, Yuen Long
- Site Area** : 456m<sup>2</sup> (including about 258 m<sup>2</sup> of GL)
- Lease** : Block Government Lease (demised for agricultural use) (No structures are allowed to be erected without the prior approval of the Government)
- Plan** : Approved San Tin Outline Zoning Plan (OZP) No. S/YL-ST/8
- Zoning** : “Village Type Development” (“V”)
- Application** : Temporary Public Vehicle Park for Private Car 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 public vehicle park for private car for a period of 3 years (**Plan A-1a**). According to the Notes of the OZP, ‘Public Vehicle Park (excluding container vehicle)’ use is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use without valid planning permission.
- 1.2 The Site (in whole or in part) is the subject of 8 previously approved applications (Nos. A/YL-ST/57, 104, 261, 288, 317, 343, 391 and 479) for temporary container trailer/tractor park/public vehicle park/sale office for private vehicles (**Plan A-1b**). The latest approved application No. A/YL-ST/479 submitted by the same applicant for proposed temporary public vehicle park for private car and light goods vehicle was approved by the Rural and New Town Planning Committee (the Committee) on 18.12.2015 for a period of 3 years (**Plan A-1b**).

All approval conditions have been complied with. The planning permission lapsed on 19.12.2018.

- 1.3 As shown on the layout plan at **Plan A-2**, the Site is accessible from Castle Peak Road – San Tin via a local access. A comparison of the major parameters of the previously approved and the current applications is as follows:

<b>Major Development Parameters</b>	<b>Previous Application No. A/YL-ST/479 (a)</b>	<b>Current Application No. A/YL-ST/537 (b)</b>	<b>Difference (b) – (a)</b>
Development/ use	Proposed temporary public vehicle park for private cars and light goods vehicle for a period of 3 years	Temporary public vehicle park for private car for a period of 3 years	Parking of light goods vehicle deleted
Site area	About 480 m <sup>2</sup> (including 280 m <sup>2</sup> of GL)	456 m <sup>2</sup> (including 258 m <sup>2</sup> of GL)	-24 m <sup>2</sup> (-22 m <sup>2</sup> of GL)
Total Floor area	20 m <sup>2</sup>	35 m <sup>2</sup>	+15 m <sup>2</sup>
No. of Structures	1 (Site office)	1 (Site office and toilet)	-
Height of structures	1 storey (3m)	2 storeys (6m)	+1 storey (+3m)
No. of Private Car Parking Spaces	8	11	+3
Operation Hours	24 hours daily	Same	-

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

- (a) Application Form received on 24.12.2018 **(Appendix I)**
- (b) Planning Statement **(Appendix Ia)**
- (c) Further Information received on 23.1.2019 in response to comments from Transport Department **(Appendix Ib)**

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

The justifications put forth by the applicant in support of the application are detailed in Section 9 of Application Form at **Appendix I**. They can be summarized as follows:

- (a) The applied use is not subject of impending small house application and temporary use could be therefore considered in the interim. The proposed development is temporary in nature and would not jeopardize the planning intention of the “V” zone in the long run.
- (b) The proposed development for parking of private car is compatible with surrounding land uses which comprise mainly village houses and public vehicle parks.
- (c) The applied use is a supporting use to nearby village houses and is mainly to serve the villagers’ demand. Approval of the application would benefit and bring convenience to the nearby villagers.
- (d) No vehicle repairing, dismantling, car beauty/washing and workshop use will be undertaken.
- (e) Similar public vehicle parks for private car/light goods vehicle in the “V” zone in close proximity of the Site had been approved.
- (f) The proposed development would not cause significant traffic, environmental and drainage impacts to the surrounding areas.

**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 notice to San Tin Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection. For GL, the “owner’s consent/notification” requirements as set out in TPB PG-No. 31A are not applicable.

**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 the TPB PG-No. 12C, the Site falls within the Wetland Buffer Area (WBA). The relevant assessment criteria are summarized 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 (WCA) 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

The use for public vehicle park on the Site would be subject to planning enforcement action if sufficient evidences are collected.

## 6. Previous Applications

6.1 The Site (in whole or in part) is involved in 18 previous applications (Nos. A/YL-ST/16, 34, 41, 57, 104, 126, 153, 203, 222, 261, 270, 288, 307, 317, 343, 391, 479 and 505) of which 8 were approved by the Committee and remaining 10 rejected (**Plan A-1b**).

### Container Trailer / Tractor Park (2 approved and 7 rejected)

6.2 Applications Nos. A/YL-ST/57 and 104 on larger sites mainly for container trailer/tractor parks were approved by the Committee on 3.7.1998 and 8.10.1999 respectively both for 12 months on the consideration that the proposed development was considered not incompatible with the surrounding land uses and would not frustrate the long-term planning intention of the "V" zone. All approval conditions have been complied with.

6.3 7 applications (Nos. A/YL-ST/16, 34, 41, 126, 153, 203 and 222) on larger sites mainly for container vehicle/trailer parks and vehicle repair workshops were all rejected by the Committee/the Board upon review on 6.12.1996, 22.8.1997, 21.11.1997, 19.5.2000, 22.12.2000, 9.8.2002 and 23.5.2003 respectively for reasons that the proposed development were not in line with the planning intention of the "V" zone and there were programmes for Small House developments within the Sites; the proposed developments were not compatible with the surrounding uses; and approval of the applications would set undesirable precedence for similar applications.

### Sales Office (1 approved)

6.4 Application No. A/YL-ST/261 for temporary sale office for second-hand private vehicles was approved on review by the Board on 4.6.2004 for a period of 12 months mainly on the consideration that traffic generated would be less than ordinary open storage and port back-up uses and approval of the application would not affect the long-term planning intention of the "V" zone. The planning permission was subsequently revoked on 4.5.2005 due to non-compliance with approval conditions in relation to the provision of drainage facilities proposed.

### Public Vehicle Park (5 approved, 2 rejected)

6.5 Applications Nos. A/YL-ST/270 and 307 on larger sites for temporary public car parks for periods of 3 years were rejected by the Committee on 30.7.2004 and 28.4.2006 respectively for reasons that the proposed developments were not in line with the planning intention of the "V" zone and there were programmes for Small House developments within the Sites.

6.6 4 applications (Nos. A/YL-ST/288, 317, 343 and 391) on larger sites for temporary public vehicle parks (excluding container vehicle) were approved by the

Committee/the Board upon review on 18.11.2005, 18.8.2006, 4.1.2008 and 26.11.2010 respectively for periods of 12 months or 3 years mainly on the consideration that the proposed developments were considered not incompatible with the surrounding land uses and would not frustrate the long-term planning intention of the “V” zone. However, the planning permissions for Application Nos. A/YL-ST/288 and 317 were subsequently revoked on 18.2.2006 and 18.7.2007 respectively.

- 6.7 Application No. A/YL-ST/479 on the same site for proposed temporary public vehicle park for private car and light goods vehicle was approved by the Committee on 18.12.2015 for a period of 3 years mainly on the same consideration as set out in paragraph 6.6 above. All approval conditions, including those in relation to fire service installations proposals (FSIs), revised drainage, landscape and tree preservation proposals, and the provision of boundary fencing have been complied with. The planning permission lapsed on 19.12.2018.

Shop and Services (1 rejected)

- 6.8 Application No. A/YL-ST/505 for proposed temporary shop and services (convenient store and currency exchange shop) for a period of 3 years was rejected by the Committee on 14.7.2017 mainly on the consideration that the proposed development is not in line with the planning intention of “V” zone and the applicant fails to demonstrate that the development will not have any adverse impact on pedestrian traffic in the area.
- 6.9 Details of these applications are summarized at **Appendix II**. Their locations are shown on **Plan A-1b**.

**7. Similar Applications**

- 7.1 Since 2009, there are 18 applications for similar parking uses within the same “V” zone on the OZP. All the applications were approved by the Committee mainly on the consideration that the proposed development was considered not incompatible with the surrounding land uses and would not frustrate the long-term planning intention of the “V” zone.
- 7.2 Details of these 18 similar applications are summarized at **Appendix III**. Their locations are shown on **Plan A-1a**.

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

- 8.1 The Site is:
- (a) accessible from the south via a local access off Castle Peak Road – San Tin;
  - (b) currently used for the applied use without valid planning permission; and
  - (c) located within the WBA of Deep Bay.

8.2 The surrounding areas have the following characteristics:

- (a) to the north are residential dwellings, shops, vacant land and temporary shop and services approved under Application No. A/YL-ST/521. To the further north across Tung Wing On Road is a temporary cross-boundary shopping centre (i.e. The Boxes) approved under Application No. A/YL-ST/529, and temporary shop and services approved under Application No. A/YL-ST/533;
- (b) to the west are residential dwellings. To the further west are car parks, residential dwellings, small houses under construction, vacant land and temporary public vehicle park approved under Application No. A/YL-ST/491;
- (c) to the south across a local access are car parks including one approved under Application No. A/YL-ST/481, small houses under construction, residential/shops, vacant land and storage; and
- (d) to the east across Castle Peak Road - San Tin are Highways Department maintenance centre, vacant land and unused land.

## 9. **Planning Intention**

The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House (NTEH). 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 summarized as follows:

### **Land Administration**

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

- (a) The Site comprises Old Schedule 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) The GL (about 258 m<sup>2</sup> subject to verification) is covered by Short Term Tenancy No. 2942 (STT 2942) for the purpose of temporary public vehicle park for private car and light goods vehicle.
- (c) The Site is accessible to Castle Peak Road – San Tin through 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 does not fall within Shek Kong Airfield Height Restriction Area.
- (e) Should planning approval be given to the subject planning application, the STT holder will need to apply to his office for modification of STT conditions where appropriate and the lot owner(s) of the lot(s) without STW will need to apply to his office for permitting the structures to be erected or to regularize any irregularities on site, if any. Besides, given the applied use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications for any of the above will be considered by LandsD acting in the capacity of 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 LandsD.
- (f) The Site falls outside the common Village Environs shared by 7 recognized villages, namely Wing Ping Tsuen, Tung Chan Wai, Yan Shau Wai, On Loong Tsuen, Fan Tin Tsuen, San Loong Tsuen and Tsing Loong Tsuen, all in San Tin. According to his office's record, there is no Small House application received/being processed within the Site.

### **Traffic**

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

- (a) The Site is connected to the public road network via a section of a local access which is not managed by Transport Department (TD). The land status of the local access road should be clarified with LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.
- (b) His office received several enquiries on the need of motorcycle parking at San Tin area. The applicant is invited to consider providing motorcycle parking spaces within the Site.

- (c) Should the application be approved, the following conditions should be incorporated:
  - (i) only private car is allowed to access the Site; and
  - (ii) no vehicle is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period.

10.1.3 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 – San Tin should be commented by TD.
- (b) HyD does not and will not maintain any access connecting the Site and Castle Peak Road – San Tin. The applicant should be responsible for his own access arrangement. The relevant departments will provide their comments, if any.
- (c) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

10.1.4 Comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD2-2, RDO, HyD):

The Site falls within the administrative route protection boundary of the possible long term extension of the proposed Northern Link to Lok Ma Chau. However, noting the nature of the planning application, he has no comment on the application from railway development point of view.

**Environment**

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

- (a) In accordance with the latest “Code of Practice on Handling the Environmental Aspects of Temporary uses and Open Storage Sites”, he has no objection to the application.
- (b) There was no environmental complaint related to the Site in the past 3 years.

**Nature Conservation**

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

As the Site is paved and disturbed, he has no comment on the application from nature conservation point of view.



## **Landscape**

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

- (a) The Site, located to the south of Tung Wing on Road and to the west of Castle Peak Road (San Tin Section), falls within an area zoned “V” on the OZP. The Site is subject of 18 previous applications. The last planning Application No. A/YL-ST/479 for temporary public vehicle park for private car and light goods vehicle, to which he has no objection to the application, was approved with conditions by the Committee on 18.12.2015.
- (b) According to the aerial photo of 2018, the surrounding area comprises of village houses and scattered tree groups. The applied use is considered not incompatible with the existing landscape setting in proximity.
- (c) According to his site visit conducted on 10.1.2019, the Site was hard paved. Existing trees in fair condition were found along the boundary of the Site. According to paragraph 2.4 of the Planning Statement (**Appendix Ia**), all existing trees within the Site will be preserved and maintained. As further adverse landscape impact arising from the applied use is not anticipated, he has no objection to the application from landscape planning perspective.
- (d) Should the Board approve the application, he would suggest including the following approval condition in planning approval:

existing trees within the Site shall be maintained in healthy condition at all times during the approval period.

## **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) 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 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 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):

- (a) 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 Buildings Department (BD) should be obtained, otherwise they are unauthorized building works (UBW) under BO. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with BO.
- (b) 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.
- (c) 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) Regulation respectively.
- (d) If the Site does not abut on a specified street of not less than 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulation at the building plan submission stage.

### **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 application subject to the application from drainage operation and maintenance point of view.
- (b) He notes that the applicant implemented the drainage facilities on site under previous planning application No. A/YL-ST/479. The relevant drainage proposal & implementation works were considered satisfactory at that time. Under current application, the planning area is not much different from the previous application. The applicant should provide DSD a set of latest record photographs showing the completed drainage works (including the internal

condition of the drains) with the corresponding photograph locations marked clearly on the approved drainage plan. DSD will inspect the completed drainage works jointly with the applicant with reference to a comprehensive set of photographs.

- (c) The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas.
- (d) The applicant is reminded that the proposed drainage proposal / works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction.
- (e) No public sewerage maintained by CE/MN, DSD is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained.
- (f) The applicant should consult DLO/YL regarding all the proposed drainage works outside the lot boundary in order to ensure the unobstructed discharge from the Site in future.
- (g) All the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage facilities on site under proper maintenance at all times.

### **Others**

#### 10.1.11 Comments of the Commissioner of Police (C of P):

- (a) He has no comment on the application.
- (b) The applicant is reminded that staff should be arranged at ingress/egress to ensure vehicle flow in an orderly manner. No vehicle should be allowed to wait outside the Site and, if necessary, Police would take stringent enforcement action against any report of vehicle obstruction.

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

- (a) If any Food and Environmental Hygiene Department (FEHD)'s facility is affected by the development, FEHD's prior consent must be obtained. Re provisioning of the affected facilities by the project proponent up to the satisfaction of FEHD may be required. Besides, the project proponent should provide sufficient amount of additional recurrent cost for management and maintenance of the re provisioned facilities to FEHD.
- (b) Proper licence and/or permit issued by FEHD is required if there is any food business / catering service / activities regulated by the

DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and its subsidiary legislation and the operation of any business should not cause any obstruction.

- (c) If the proposal involves any commercial/trading activities, its state should not as to be a nuisance or injurious or dangerous to health and surrounding environment. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses.

### **District Officer's Comment**

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

His office has no comment on the application and the local comments shall be submitted to the Board direct, if any.

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

- (a) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (b) Project Manager (West) (PM(W)), CEDD;
- (c) Director of Electrical and Mechanical Services (DEMS);
- (d) Director of Leisure and Cultural Services (DLCS); and
- (e) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

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

On 4.1.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 25.1.2019, 1 objecting comment was received from a member of the public raising concerns that the current application should be rejected like the previous application for having no strong justification for a departure from the planning intention of "V" zone, and having adverse impact on pedestrian traffic in the area (**Appendix IV**).

## **12. Planning Considerations and Assessments**

12.1 The application is for temporary public vehicle park for private car for a period of 3 years. The Site falls within the "V" zone which is intended to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. DLO/YL, LandsD

advises that there is no small house application received/being processing within the Site. 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. According to the applicant, the development is primarily for the convenience of villagers. The applied use is not incompatible with the rural character of the surrounding area which comprises mainly residential dwellings, vehicle parks and restaurants/shops.

- 12.2 The Site falls within the WBA of the TPB PG-No. 12C and the guidelines specify that planning applications for temporary uses are exempted from the requirement of EcoIA. DAFC has no comment on the application from nature conservation point of view as the Site is paved and disturbed.
- 12.3 Other government departments including C for T, DEP, D of FS, CE/MN of DSD and CTP/UD&L of PlanD have no objection to or adverse comment on traffic, environment, fire safety, drainage and landscape aspects respectively. Adverse impacts on these aspects are not envisaged. To mitigate potential environmental impacts on the surrounding area and to address concerned departments’ comments, approval conditions restricting the types of vehicles, prohibiting workshop activities, requiring maintenance of existing trees and drainage facilities, submission and implementation of FSIs proposal, and submission of existing drainage records are recommended in paragraphs 13.2 (a) to (j) below. Non-compliance with any of the approval conditions would result in revocation of the planning permission and unauthorized developments on site would be subject to enforcement action by the Planning Authority. 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 minimize the possible environmental impacts.
- 12.4 The Site is the subject of 8 previous applications approved by the Committee for temporary container tractor/trailer park/public vehicle park (excluding container vehicle). The last one (No. A/YL-ST/479) for temporary public vehicle park for private car and light goods vehicle was approved on 18.12.2015, and all approval conditions have been complied with. Since 2009, the Committee has approved a total of 18 applications for similar uses within the same “V” zone. Approval of the current application is in line with the previous decisions of the Committee.
- 12.5 One public comment was received during the statutory publication period raising concerns that the proposed development is not in line with the planning intention of “V” zone. The above planning assessments are of relevance.

### **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, 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 22.2.2022. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no vehicle other than private car is allowed to access the Site at all times during the planning approval period;
- (b) no car washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the site at any time during the planning approval period;
- (c) no vehicles without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;
- (d) a notice should be posted at a prominent location of the site to indicate that only private cars as defined in the Road Traffic Ordinance are allowed to be parked/stored on the site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period;
- (f) the existing trees within the Site shall be maintained in healthy condition at all times during the planning approval period;
- (g) the submission of as-built drainage plans and photographic records of the existing drainage facilities within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.5.2019;
- (h) in relation to (g) above, the existing drainage facilities shall be maintained at all times during the planning approval period;
- (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 22.8.2019;
- (j) in relation to (i) above, the implementation 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 22.11.2019;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (h) 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

- (l) if any of the above planning conditions (g), (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.

Advisory clauses

The recommended advisory clauses are attached at **Appendix V**.

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

the occupation of the Site for parking of private vehicles is not in line with the planning intention of the "V" zone, which is primarily to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within "V" zone is primarily intended for development 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.

**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 24.12.2018
<b>Appendix Ia</b>	Planning Statement
<b>Appendix Ib</b>	Further Information received on 23.1.2019 in response to comments from Transport Department
<b>Appendix II</b>	Previous s.16 applications covering the application site
<b>Appendix III</b>	Similar s.16 applications within "V" zone on the San Tin Outline Zoning Plan No. S/YL-ST/8
<b>Appendix IV</b>	Public comment received during statutory publication period

<b>Appendix V</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Tree Preservation Plan
<b>Drawing A-3</b>	Drainage Plan
<b>Plan A-1a</b>	Location Plan with Similar Applications
<b>Plan A-1b</b>	Previous Application Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
FEBRUARY 2019**