

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

APPLICATION NO. A/YL-PS/594

- Applicant** : Tang Pin Fai represented by Metro Planning and Development Company Limited
- Site** : Lots 384(Part), 387 S.B RP (Part), 387 S.C ss.1 RP (Part), 387 S.C ss.2 RP (Part), 387 S.C ss.3 RP (Part), 388 (Part) and 390 (Part) in D.D. 122 and adjoining Government land, Ping Shan, Yuen Long, New Territories
- Site Area** : About 2,504 m² (including about 147 m² Government Land (GL))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/18
- Zoning** : “Village Type Development” (“V”) (about 60.5%) and
[Restricted to a maximum building height of 3 storeys (8.23m)],

“Other Specified Uses” annotated “Heritage and Cultural Tourism Related Uses” (“OU(HCTRU)”) (about 39.5%)
[Restricted to a maximum plot ratio of 0.4 and a maximum building height of 10mPD]
- Application** : Temporary Public Vehicle Park for Private Car and Light Goods Vehicle for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary public vehicle park for private car and light goods vehicle for a period of 3 years at the application site (the Site) (**Plan A-1**). According to the Notes for the “V” and “OU(HCTRU)” zones on the OZP, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use which requires permission from the Town Planning Board (the Board). The applicant is currently seeking temporary permission for a period of 3 years. The Site is currently used for the applied use without valid planning permission.
- 1.2 The Site is the subject of 13 previous applications (No. A/YL-PS/4, 156, 165, 171, 189, 215, 225, 237, 272, 293, 366, 468 and 522) for temporary public vehicle park for private cars and light goods vehicles, temporary flea market and temporary barbecue area (**Plan A-1a**). The last application No.

A/YL-PS/522 for the same use was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 12.8.2016 for a period of 3 years. All the time-specific approval conditions have been complied with. Details of the previous applications are summarised at paragraph 5 and at **Appendix II**.

- 1.3 A comparison of the major development parameters of the last approved application and current application is as follows:

Major Development Parameters	Previous Application (A/YL-PS/522) (a)	Current Application (A/YL-PS/594) (b)	Difference (b) – (a)
Applied Use	Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years	Temporary Public Vehicle Park for Private Car and Light Goods Vehicle for a Period of 3 Years	No change
Site Area	About 2,504 m ² (including about 147 m ² GL)		No change
Total Floor Area (Non-domestic)	Not exceeding 20 m ²		No change
No. of Structure	1 (for guard room)		No change
Height of Structure	1 storey (about 3.5m)		No change
No. of Parking Spaces	<ul style="list-style-type: none"> ● 60 for private cars/light goods vehicles (5m x 2.5m) 	<ul style="list-style-type: none"> ● 104 for private cars (5m x 2.5m) ● 2 for light goods vehicles (7m x 3.5m) 	+ 46 spaces (+76%)
Operation Hours	7:00 a.m. to 11:00 p.m. daily		No change

- 1.4 Compared with the last application No. A/YL-PS/522, the current application is submitted by a different applicant for same use on the same site with similar layout and more parking spaces (+46 spaces).
- 1.5 The lot index plan, location plan, proposed layout plan, proposed landscape and tree preservation plan and as-built drainage plan are at **Drawings A-1 to A5** respectively.
- 1.6 According to the applicant, the Site is accessible from a local track leading to Tsui Sing Road (**Plan A-2**). No vehicles exceeding 5.5 tonnes, including medium and heavy goods vehicles, container tractors/trailers will be allowed to park/store on or enter/exit the Site. No vehicle without valid licences issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site. No vehicle washing, repairing, dismantling and other workshop activity will be carried out at the Site.

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

- (a) Application form of received on 8.8.2019 with **(Appendix I)** supplementary information
- (b) Supplementary Planning Statement with lot index **(Appendix Ia)** plan, location plan, proposed layout plan, proposed landscape and tree preservation plan and as-built drainage plan

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed at **Appendix Ia**. They can be summarised as follows:

- (a) The applicant has complied with all the planning conditions imposed to the last approved application No. A/YL-PS/522.
- (b) The 'Public Vehicle Park' is a Column 2 use in "V" and "OU(HCTRU)" zones. The proposed development which is temporary in nature, would not jeopardize the planning intentions of the "V" and "OU(HCTRU)" zones in the long run.
- (c) The applied use can help to meet the acute parking demand of Sheung Cheung Wai. The approval of the similar applications for public vehicle parks adjacent to the Site not only meets the parking demand of the nearby residents, they also cater for the holiday parking demand because of its proximity to Ping Shan Heritage Trail.
- (d) The proposed development is compatible with the surrounding environment.
- (e) The planning circumstances pertaining to the Site is similar to the approval of the last planning permission No. A/YL-PS/522.
- (f) The proposed development will generate insignificant traffic, environmental and drainage impacts to its surrounding.
- (g) The applicant will maintain the implemented landscaping and drainage facilities so as to making the co-existence of the proposed development and nearby developments in harmony.

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 Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting site notice and sending notice to the Ping Shan Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members' inspection.

4. **Background**

The Site is not subject to any planning enforcement action.

5. **Previous Applications**

- 5.1 The Site was involved in 13 previous applications (No. A/YL-PS/4, 156, 165, 171, 189, 215, 225, 237, 272, 293, 366, 468 and 522) for temporary public vehicle park for private cars and light goods vehicles, temporary flea market and temporary barbecue area. Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1a**.
- 5.2 Application No. A/YL-PS/4 for open air car parking spaces for private cars and light goods vehicles within “Undetermined” (“U”) zone was approved by the Committee with conditions for 12 months on 18.4.1997 to meet the car-parking demand for visitors of the Ping Shan Heritage Trail.
- 5.3 Applications No. A/YL-PS/156, 165, 171 and 189 for temporary flea market within “U” zone. Among them, applications No. A/YL-PS/156, 165 and 189 were approved by the Committee with conditions on 15.8.2003, 21.11.2003 and 13.8.2004 respectively. All the planning permissions were revoked on 15.2.2005, 21.2.2005 and 13.2.2005 respectively on failing to comply with approval conditions on the provision of landscaping and drainage facilities. Application No. A/YL-PS/171 (sought to extend the flea market under applications No. A/YL-PS/156 and 165) was rejected by the Board on review on 4.6.2004 on consideration that the proposed extension would adversely affect the immediate adjacent Tsui Sing Lau Pagoda, which is a declared monument; and no information had been submitted to demonstrate that there would not be adverse traffic, drainage and landscaping impacts.
- 5.4 Applications No. A/YL-PS/215, 225, 237 and 272 for temporary barbecue area within “U” zone. Applications No. A/YL-PS/215 and 225 were rejected by the Committee and the Board on review on 10.6.2005 and 18.11.2005 respectively for the reasons that the development was not compatible with the residential dwellings in the vicinity; no information to demonstrate that the development would not generate adverse drainage impact on the surrounding areas; and approval of the planning applications would set an undesirable precedent for other similar applications. Application Nos. A/YL-PS/237 and 272 were approved by the Board on review and the Committee on 22.9.2006 and 14.9.2007 respectively mainly on grounds that no adverse departmental comments were received; opportunity could be given to the applicant for the proposed development on a trial basis pending confirmation of the long-term use for the area; with imposition of conditions relating to restriction on operation hours and a shorter approval period, the potential noise impact to nearby residents would be reduced and close monitoring would also be allowed. Nevertheless, application No. A/YL-PS/272 was revoked on 14.5.2008 for failing to comply with approval condition on fire service installations.

- 5.5 Application No. A/YL-PS/293 for temporary public vehicle park for private cars and light goods vehicles for a period 3 years within “U” zone was approved by the Committee with conditions on 13.2.2009 mainly on grounds that no adverse departmental comment was received; opportunity could be given to the applicant for the proposed development on a trial basis pending confirmation of the long term use for the area; with imposition of relevant conditions, the potential environmental, visual and traffic impacts to nearby residents would be reduced.
- 5.6 Applications No. A/YL-PS/366, 468 and 522 for temporary public vehicle park for private cars and light goods vehicles for a period 3 years within “V” and “OU(HCTRU)” zones were approved by the Committee with conditions on 10.2.2012, 6.2.2015 and 12.8.2016 respectively mainly on grounds that temporary approval would not jeopardise long-term planning intention; no adverse departmental comment and local objection were received; the proposal was not incompatible with the surrounding land uses and the proposed vehicle park could serve the parking needs of the local residents and tourists. The planning permission under application No. A/YL-PS/468 was revoked on 11.11.2016 due to non-compliance with approval condition on the implementation of landscape and tree preservation proposal.
- 5.7 Compared with the last application No. A/YL-PS/522, the current application is submitted by different applicant for the same use on the same site with similar layout and more parking spaces (+46 spaces).

6 Similar Applications

- 6.1 There are 23 similar applications (No. A/YL-PS/310, 363, 382, 390, 395, 410, 425, 452, 466, 479, 489, 492, 498, 516, 543, 549, 553, 554, 561, 562, 583, 585 and 589) for temporary public vehicle park for private cars and/or light goods vehicles use within the same “V” zone. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.
- 6.2 All of these 23 similar applications were approved by the Committee on considerations that the temporary use would not jeopardize the long term planning intention; the proposed development was not incompatible with the surrounding land uses; and the use was unlikely to create significant adverse traffic, environmental, drainage and visual impacts on the surrounding areas. Amongst these approved applications, Applications No. A/YL-PS/498 and 553 were subsequently revoked due to non-compliance with approval conditions.
- 6.3 For Members’ information, application No. A/YL-PS/592 for temporary public vehicle park for private cars for a period of 3 years within the same “V” zone will also be considered at this meeting (**Plan A-1**).

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

- 7.1 The Site is:
- (a) currently used as a public vehicle park without valid planning permission; and
 - (b) accessible from a local track leading to Tsui Sing Road.
- 7.2 The surrounding areas have the following characteristics:
- (a) to the immediate north is Tsui Sing Lau Pagoda which is a declared monument. To the northeast and further north are mainly residential dwellings, temporary animal boarding establishment with valid planning permission under application No. A/YL-PS/588, and temple, real estate agency and car services which are suspected unauthorised development (UD);
 - (b) to the east and south are temporary public vehicle parks with valid planning permissions under applications No. A/YL-PS/585 and 562, and car service which is suspected UD;
 - (c) to the southwest is temporary public vehicle parks with valid planning permissions under applications No. A/YL-PS/554 and residential dwellings; and
 - (d) to the west is restaurant which is suspected UD. To the further west is TWGH Kwok Yat Wai College, and to the northwest across Tsui Sing Road is West Rail Tin Shui Wai Station.

8 Planning Intentions

- 8.1 The planning intention of “V” zone is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and re-provisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. 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.
- 8.2 The “OU(HCTRU)” zone is intended primarily to facilitate provision of heritage and cultural tourism related facilities or uses that are complementary to the Tsui Sing Lau Pagoda and Tat Tak Communal Hall as heritage attractions and visually compatible with the historical buildings.

9 Comments from Relevant Government Departments

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

Land Administration

9.1.1 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) No permission is given for occupation of government land (GL) included in the Site except STT No. 2631. Any occupation of GL without Government's prior approval is not allowed. With the implementation of the tightened arrangements for handling regularisation applications, LandsD will no longer accept application for regularisation of new or extension of unlawfully occupation of GL or erection of new structures which is found commenced on or after 28.3.2017.
- (c) Within the Site, the following private lots are currently covered by Short Term Waivers (STWs) whereas portion of GL therein is covered by Short Term Tenancy (STT), details of which are listed below:

Lot No./GL in D.D. 122	STW/STT No.	Permitted Use
384	STW 3170	Private Residential Purpose
387 S.B RP	STW 3586	Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles
390	STW 3587	
GL	STT 2631	Ancillary Use to Public Vehicle Park for Private Cars and Light Goods Vehicles

- (d) The Site is accessible from Tsui Sing Road via GL and private land. His office does not provide maintenance work for GL involved and does not guarantee any right-of-way over the GL to the Site.
- (e) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (f) Should planning approval be given to the subject planning application, the STW/STT holder(s) will need to apply to his office for modification of the STW/STT conditions where

appropriate and the lot owner(s) of the lot(s) without STW will need to apply to his office to permit the structures to be erected or regularise any irregularities on site, if any. Furthermore, the applicant has to either exclude the GL portion from the Site or apply for formal approval prior to the actual occupation of the GL portion without STT. Besides, given the proposed use is temporary in nature, only application for regularisation 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 the LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application 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.

- (g) There is no Small House application received or approved at the Site. In its vicinity (within 30m), 4 Small House applications have been approved and 1 Small House application is under processing.

Traffic

9.1.2 Comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD):

- (a) He has no adverse comment to the application from traffic engineering point of view.
- (b) Sufficient manoeuvring space shall be provided within the Site. No vehicle is allowed to queue back to public roads or reverse onto/from the public roads.
- (c) The local track leading to the Site is not under TD's purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site.

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

- (a) The access arrangement should be commented by TD.
- (b) Adequate drainage measures should be provided at the Site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (c) Currently, only the section of Tsui Sing Road of about 120m abutting Ping Ha Road is maintained by HyD. HyD shall

not be responsible for the maintenance of any access connecting the Site and the section of Tsui Sing Road being maintained by HyD.

Environment

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

- (a) The applicant is advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP to minimise potential environmental nuisance to the surrounding area.
- (b) There was no environmental complaint pertaining to the Site received in the past 3 years.

Landscape

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

- (a) With reference to the site photos, the Site is hard paved with existing trees generally along the site boundary within the Site. The applied use is already in operation. The Site is in an area of village landscape character. As similar developments are found in the vicinity, the proposed use is not incompatible with the surrounding environment. Hence, he has no objection from landscape planning perspective.
- (b) In view that landscape works has been implemented under application No. A/YL-PS/522, the approval condition to maintain all existing trees within the Site in good condition for the duration of the planning approval period is considered adequate should the Board approve this application.
- (c) The applicant is advised that the approval of section 16 application by the Board does not imply approval of the tree works such as pruning, transplanting and/or felling under lease. The applicant is reminded to approach relevant authority/government department(s) direct to obtain the necessary approval on tree works.
- (d) The applicant is reminded that there shall be no parking or storage of materials within 1m of any tree.

Drainage

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

He noted that the drainage proposal was generally identical to the

one submitted under the previous approved application No. A/YL-PS/522 on which he had no adverse comment. He has no objection in principle to the proposed development from a drainage point of view. Should the Board consider that the application is acceptable from the planning point of view, he would suggest that a condition should be stipulated in the approval letter requiring the applicant to implement and maintain the proposed drainage facilities to the satisfaction of his Division.

Fire Safety

9.1.7 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the proposal 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.
- (c) The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans.
- (d) 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

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

- (a) As there is no record of approval by the Building Authority for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application.
- (b) If the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of BD, they are unauthorized building works (UBW) under the BO and should not be designated for any proposed use under the application.
- (c) For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be

construed as an acceptance of any existing building works or UBW on the Site under the BO.

- (d) 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 BD should be obtained, otherwise they are UBW. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (e) 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.
- (f) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

District Officer's Comments

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

His office has not received any feedback from locals.

9.2 The following Departments have no comment on the application:

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

10 Public Comment Received During the Statutory Publication Period

On 16.8.2019, the application was published for public inspection. During the first 3 weeks of the statutory public inspection periods, which ended on 6.9.2019, one public comment was received (**Appendix IV**). An individual objects mainly on grounds of not in line with planning intention and inefficient land use.

11 Planning Considerations and Assessments

11.1 The current application is for temporary public vehicle park for private car and light goods vehicle for a period of 3 years at the Site zoned "V" (60.5%) and "OU(HCTRU)" (39.5%). The planning intention of the "V" zone is 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. Land within the “V” zone is primarily intended for development of Small Houses by indigenous villagers. The “OU(HCTRU)” zone is intended primarily to facilitate provision of heritage and cultural tourism related facilities or uses that are complementary to the Tsui Sing Lau Pagoda and Tat Tak Communal Hall as heritage attractions and visually compatible with the historical buildings. The applied use is not entirely in line with the planning intentions. However, the development could provide vehicle parking spaces to meet any such parking demands in the area. There is currently no permanent development proposal and programme at the Site. DLO/YL, LandsD also advises that there is no Small House application at the Site for the time being. Approval of the application on a temporary basis would not jeopardise the long-term planning intention of the zones.

- 11.2 The Site is mainly surrounded by vehicle parks and residential dwellings (**Plan A-2**). The proposed development is considered not incompatible with the surrounding land uses.
- 11.3 Relevant government departments, including AC for T/NT of TD, CE/MN of DSD, CTP/UD&L of PlanD and DEP have no objection to or no adverse comments on the application. The proposed development will unlikely create significant adverse traffic, drainage, landscape and environmental impacts on the surrounding areas. There has been no environmental complaint concerning the Site received in the past 3 years. To minimise any potential environmental nuisances and to address the technical requirements of concerned Government departments, appropriate approval conditions are recommended in paragraph 12.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorized development on Site will be subject to enforcement action by the Planning Authority. Should the application be approved, the applicant will be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimise the possible environmental impacts on the nearby sensitive receivers.
- 11.4 The Committee has approved five previous applications (No. A/YL-PS/4, 293, 366, 468 and 522) for the same or similar uses at the Site. Within the same “V” zone, there are 23 similar applications approved by the Committee since 2009. Approval of the current application is in line with the previous decisions of the Committee.
- 11.5 There is one public comment received during the statutory publication period objecting to the application on grounds as summarised in paragraph 10 above. The planning considerations and assessments in the paragraphs 11.1 to 11.4 are relevant.

12 **Planning Department's Views**

- 12.1 Based on the assessment made in paragraph 11, and having taken into account the public comments mentioned in paragraph 10, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years until **4.10.2022**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 11:00 p.m. and 7:00 a.m. as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (c) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site, as proposed by the applicant, at any time during the planning approval period;
- (d) a notice shall be posted at a prominent location of the Site at all times to indicate that no medium and heavy goods vehicles exceeding 5.5 tonnes, container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at all times during the planning approval period;
- (e) no vehicle washing, repairing, dismantling, paint spraying and other workshop activity, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public roads at any time during the planning approval period;
- (g) the existing fencing of the Site shall be maintained at all times during the planning approval period;
- (h) the existing trees within the Site shall be maintained in good condition at all times during the planning approval period;
- (i) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (j) the submission of a condition record of the existing drainage facilities within **3** months to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **4.1.2020**;

- (k) the submission of a fire service installations proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **4.4.2020**;
- (l) in relation to (k) above, the implementation of the fire service installations proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **4.7.2020**;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (n) if any of the above planning conditions (j), (k) or (l) 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**.

- 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 intentions of the "V" and "OU(HCTRU)" zones. The planning intention of "V" zone is 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. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. The "OU(HCTRU)" zone is intended primarily to facilitate provision of heritage and cultural tourism related facilities or uses that are complementary to the Tsui Sing Lau Pagoda and Tat Tak Communal Hall as heritage attractions and visually compatible with the historical buildings. No strong planning justification has been given in the submission for a departure from the planning intentions, 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 of received on 8.8.2019 with supplementary information
Appendix Ia	Supplementary Planning Statement with lot index plan, location plan, proposed layout plan, proposed landscape and tree preservation plan and as-built drainage plan
Appendix II	Previous Applications covering the Site
Appendix III	Similar Applications Within the Same “V” Zones on the approved Ping Shan OZP No. S/YL-PS/18
Appendix IV	Public comments received during statutory publication period
Appendix V	Advisory Clauses
Drawing A-1	Lot Index Plan
Drawing A-2	Location Plan
Drawing A-3	Proposed Layout Plan
Drawing A-4	Proposed Landscape and Tree Preservation Plan
Drawing A-5	As-built Drainage Plan
Plan A-1	Location Plan with Similar Applications
Plan A-1a	Previous Application Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2019**