

RNTPC Paper No. A/YL-KTN/623  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 21.9.2018

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

**APPLICATION NO. A/YL-KTN/623**

**Applicant** : Mr. TANG Wai-Ip

**Site** : Lot 1344 in D.D. 107, Kam Tin, Yuen Long

**Site Area** : 1,520m<sup>2</sup>

**Lease** : Block Government Lease (demised for agricultural use)

**Plan** : Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/9

**Zoning** : “Agriculture” (“AGR”)

**Application** : Proposed Temporary Animal Boarding Establishment for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary animal boarding establishment for a period of 3 years. According to the Notes of the OZP, ‘Animal Boarding Establishment’ is a Column 2 use in “AGR” zone which requires planning permission from the Town Planning Board (the Board). The Site is not the subject of any previous application and is fenced off, covered by grass and some vacant container structures (**Plans A-4a to A-4b**).
- 1.2 According to the applicant, the proposed development involves six one-storey temporary structures (two under an open shed) with a total floor area of about 440m<sup>2</sup> and building height not more than 3.5m for animal boarding establishment, office and storage uses. Four parking spaces for private car and one loading/unloading space for light goods vehicle will be provided at the Site. The applicant advised that the structures for animal boarding establishment are enclosed with soundproofing steel sheet with 24-hour air conditioned and ventilation. No public amplification system or whistle blowing will be undertaken at the Site. The business hours are from 9 a.m. to 6 p.m. daily including public

holidays. There will be dogs staying overnight at the Site. All the dogs, maximum of 18, will be kept inside the structures after business hour. No vehicle more than 5.5 tonnes will be accessed to the Site. The Site is accessible via a local track from Fung Kat Heung Road (**Plan A-2**). The site layout plan, drainage plan, landscape plan and vehicular access plan submitted by the applicant is at **Drawings A-1 and A-4**.

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

- (a) Application Form with plans received on 1.8.2018 (**Appendix I**)
- (b) FI received on 14.9.2018 clarifying the operation details, trip generation and traffic arrangement in response to departmental comments (**Appendix Ia**)  
*(accepted and exempted from publication and recounting requirements)*

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

The justifications put forth by the applicant in support of the application are detailed in the supplementary planning statement and FI in **Appendices I and Ia**. They can be summarized as follows:

- 2.1 The proposed development is a temporary use and no permanent structure will be erected on Site. The Site can be easily reinstated which will not jeopardize the long-term planning intention. Several applications for animal boarding establishments in the vicinity of the Site have been approved by the Rural and New Town Planning Committee (the Committee). The Site will be fenced and no dog training will be carried out. Also, there are only a few residential dwellings nearby with trees and fencing as buffer from the Site. As such, adverse environmental impact can be minimized.
- 2.2 No tree felling will take place within or outside the Site. The proposed new trees at the Site will be properly maintained. A septic tank will be provided and the proposed drainage facilities at the Site will be properly maintained and cleaned up regularly. The provision of septic tank and the drainage system will follow the guidelines and requirements of relevant government departments with the intention to reduce any pollution to the surrounding area.

## **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. 31) by posting site notice and sending notification letter to the

Kam Tin Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members' inspection.

#### 4. **Background**

The Site is currently not subject to any active enforcement case. Should there be sufficient evidence, appropriate enforcement action under the Town Planning Ordinance would be taken in due course.

#### 5. **Previous Application**

There is no previous application at the Site.

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

- 6.1 There are 21 similar applications (No. A/YL-KTN/156, 232, 251, 253, 304, 308, 324, 377, 410, 478, 489, 519, 543, 556, 562, 577, 588, 590, 605, 616 and 617) within the same "AGR" zone on the OZP. Except application No. A/YL-KTN/156 was rejected by the Committee on 8.11.2002, the remaining 20 applications were approved with conditions by the Committee from 2005 to 2018. Details of these applications are summarized in **Appendix II** while the locations of these applications are shown on **Plan A-1**.
- 6.2 Application No. A/YL-KTN/156 for proposed dog kennel for a period of 3 years was rejected by the Committee on 8.11.2002 on the grounds that the proposed development was not in line with the planning intention of the "AGR" zone; the proposed development was not compatible with the adjacent residential dwellings which would be susceptible to adverse environmental nuisances and Director of Environmental Protection (DEP) did not support the application as noise nuisances would be imposed to nearby residents; and there was no information in the submission to demonstrate that the proposed development would not cause adverse environmental and drainage impacts on the surrounding areas.
- 6.3 Six applications (No. A/YL-KTN/232, 251, 304, 377, 410 and 489) at the same site (the latter two with a slightly smaller site area) for similar animal boarding establishment use with or without ancillary facilities were approved with conditions by the Committee for 2 or 3 years on 29.7.2005, 7.7.2006, 19.9.2008, 30.3.2012, 17.1.2014 and 5.2.2016 respectively for similar reasons that temporary use of the developments would not frustrate the long-term planning intention of the "AGR" zone; the developments were not incompatible with the surrounding land uses; the developments would mainly involve existing on-site structures for animal boarding and would maintain the rural character of the site; previous approvals were granted and the applicant had made effort to comply with the approval conditions; and the relevant government departments had no adverse comments on the developments. However, Applications No. A/YL-KTN/232,

304, 377 and 410 were revoked on 29.1.2006, 19.3.2010, 30.9.2012 and 17.7.2014 respectively due to non-compliance with approval conditions.

- 6.4 Three applications (No. A/YL-KTN/253, 308 and 324) at the same site for similar animal boarding establishment use were approved with conditions by the Committee on 4.8.2006, 5.9.2008 and 22.5.2009 respectively for a period of 3 years for the reasons that the developments were not incompatible with the surrounding land uses; the development would mainly involve existing on-site structures; would not cause significant impact on the existing environment and landscape; and there were no adverse departmental comments and local objection to the application. Applications No. A/YL-KTN/308 and 324 were revoked on 5.3.2009 and 22.5.2011 respectively due to non-compliance with approval conditions.
- 6.5 Applications No. A/YL-KTN/478 for proposed temporary animal boarding establishment (kennel), applications No. A/YL-KTN/519 and 543 for proposed temporary animal boarding establishment (cattery), Application No. A/YL-KTN/556 for proposed temporary animal boarding establishment (dog kennel cum dog recreation centre) and applications No. A/YL-KTN/562, 577, 588, 590, 605, 616 and 617 for animal boarding establishment were approved by the Committee with conditions on 6.11.2015, 24.6.2016, 23.12.2016, 28.4.2017, 11.8.2017, 26.1.2018, 16.3.2018 (for A/YL-KTN/588 and 590), 15.6.2018 and 17.8.2018 (for A/YL-KTN/616 and 617) respectively for a period of 3 years for similar reasons that temporary use of the developments would not frustrate the long-term planning intention of the “AGR” zone; the developments were not incompatible with the surrounding land uses and technical concern could be addressed by approval conditions. Applications No. A/YL-KTN/478 and 543 were revoked on 6.5.2016 and 23.12.2017 respectively due to non-compliance with approval conditions.

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

- 7.1 The Site is:
- (a) fenced off, covered by grass and some vacant container structures; and
  - (b) accessible via a local track from Fung Kat Heung Road (**Plan A-2**).
- 7.2 The surrounding land uses are a mix of residential dwellings/structures, pigsties, storage yards and vacant/unused land. Some storage yards are suspected unauthorized developments subject to enforcement action by the Planning Authority:
- (a) to its northwest across a local track is mainly unused land within area zoned “Conservation Area” (“CA”). Lam Tsuen Country Park is located in the northeast;

- (b) to its east and southeast across a stream course is an area zoned “CA” with unused land and some residential dwellings /structures;
- (c) to its south is a storage yard and unused land; and
- (d) to its west are some residential structures/dwellings, a pond, pigsty, storage yard and unused land.

## **8. Planning Intention**

The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

## **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 an Old Schedule Agricultural Lot 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 Site is accessible from Fung Kat Heung Road via Government Land (GL) and private land. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site.
  - (c) 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.
  - (d) Should the application be approved, the lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularities on site. Besides, given the proposed 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 as landlord or lessor at its sole discretion and there is no guarantee that such application 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 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 section of a local access road which is not managed by Transport Department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.

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

- (a) His department does not and will not maintain any access connecting the Site and San Tam Road/ Fung Kat Heung Road.
- (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) There was an environmental complaint on air aspect received in 2017.

- (b) According to the applicant, the proposed use will operate round the clock. The animals will be kept inside the proposed structures for animal boarding establishment between 6:00 pm and 9:00 am. The proposed structures will be enclosed by soundproofing materials with provision of 24-hour mechanical ventilation and air-conditioning (MVAC) system. Public announcement system and whistle blowing will not be allowed at the Site.
- (c) The applicant is advised to properly design and maintain the facilities and follow the relevant mitigation measures and requirements in the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (the COP) to minimize any potential environmental nuisances. Suitable mitigation measures should also be implemented to minimize potential odour impact.
- (d) As there is a natural stream course adjacent to the Site, the applicant should be reminded of his obligation to meet all statutory requirements under relevant pollution control ordinances and provide necessary mitigation measures to prevent polluting the watercourse. Effluent discharges from the proposed use are subject to control under the Water Pollution Control Ordinance (WPCO). A discharge licence under the WPCO shall be obtained before a new discharge is commenced. If septic tank and soakaway system is proposed, its design and construction should follow the requirements of the Practice Note for Professional Person (ProPECC) PN 5/93 “Drainage Plans subject to Comment by the Environmental Protection Department”.

### **Landscape**

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

- (a) She has some reservations to the application from the landscape planning point of view.
- (b) The surrounding area is of rural fringe character composed of ponds, temporary structures, storage yards, vacant land and tree groups. The proposed use is considered not incompatible with existing land use.
- (c) With reference to the site inspection in August 2018, several abandoned containers sit in the middle of the Site and 12 existing mature trees in fair to very good condition are found at the southern portion of the Site. The proposed structures in the layout

are in direct conflict with existing trees. Tree felling is anticipated albeit the applicant stated in the application form that no tree would be felled. Although the existing trees within the Site are common tree species in Hong Kong, considering their maturity and good condition in general, the applicant should review the proposed layout with an aim to retain existing trees on site as far as practicable.

- (d) Should the application be approved, approval condition on submission and implementation of landscape proposal should be included.
- (e) Detailed comments are at **Appendix III**.

### **Nature Conservation and Agriculture**

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

- (a) The Site is zoned “AGR”. Agricultural infrastructures such as road access and water source are available. As the Site possesses potential for agricultural rehabilitation, the application is not supported from agricultural point of view.
- (b) Upon the site visit, part of the Site was occupied by some temporary structures. Some fruit trees and common native tree species are found within the Site, and trees of mainly native species were found located on GL surrounding the Site. The Site is also in proximity to the Lam Tsuen Country Park to the north and a natural stream flowing down from the Country Park is also found adjacent to the Site. From nature conservation point of view, he has concerns about potential off-site impacts to the surrounding natural environment including the trees and plants surrounding the Site, disturbance impacts to the Country Park and impacts on the adjacent natural stream. In particular, sewage production and polluted surface runoff (which would be discharged to the natural stream according to the proposed drainage plan) generated by the daily operation of the proposed use, if not treated properly, would likely cause pollution to the nearby natural stream.
- (c) It is noted from the applicant’s submission that the applicant agrees to undertake necessary measures to avoid damages to the trees adjacent to the Site. The Site itself is currently partially occupied by temporary structures and covered by common species of plants, and no site formation/land filling works would



be involved in the proposed development. He has no strong view against the application from nature conservation point of view provided that the applicant would undertake necessary measures to avoid causing off-site impacts to the surrounding natural habitats.

- (d) Should the application be approved, the applicant should be advised of the following:
  - (i) The applicant shall not stockpile / storage any materials, equipment, machines etc. inside the adjacent Lam Tsuen Country Park nearby the Site.
  - (ii) The applicant shall avoid damages to trees and plants outside the Site, in particular those located inside the Lam Tsuen Country Park and along the nearby stream, during construction and operation.
  - (iii) Necessary water pollution control measures shall be taken to prevent causing pollution to the nearby stream, e.g. from sewage production and contaminated runoff generated by the development.
  - (iv) The applicant shall be reminded that under the current legislation, any person who provides food and accommodation for animals in return for a fee paid by the owner must apply for a Boarding Establishment Licence from his department.

### **Drainage**

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

- (a) He has no in-principle objection to the proposed development from the public drainage point of view.
- (b) Should the application be approved, approval conditions requiring the submission, implementation and maintenance of a drainage proposal for the development should be included in the planning permission.
- (c) His detailed comments are at **Appendix IV**.

### **Fire Safety**

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

- (a) He has no in-principle objection 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. 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.
- (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**

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

- (a) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application.
- (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) Before any new building works (including containers/ open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with 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 4.5m 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**

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

He office has not received any comments from locals upon close of consultation and has no comments on the application.

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

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

## **10. Public Comments Received During Statutory Publication Period**

- 10.1 On 10.8.2018, the application was published for public inspection. During the first three weeks of the public inspection period, which ended on 31.8.2018, four comments were received from Kadoorie Farm & Botanic Garden Corporation, Hong Kong Bird Watching Society and two general public (**Appendices V-1 to V-4**).
- 10.2 The commenters object to the application mainly on the ground that the proposed development falls within "AGR" zone and close to the boundaries of a Country Park and "CA" zone; not in line with the planning intention of "AGR" zone; potential sewage impacts of the proposed development; approval of the application will set an undesirable precedent to future similar applications within the "AGR" zone" and legitimize brownfield operation; no information on the number of animals but would generate significant amount of waste and toxins that would further degrade the Site; and the land was illegally invaded by others.

## **11. Planning Considerations and Assessments**

- 11.1 The Site for proposed temporary animal boarding establishment for a period of 3 years falls within the “AGR” zone which is intended to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. The proposed use is not entirely in line with the planning intention of the “AGR” zone and DAFC does not support the application from the agriculture point of view as the Site possesses potential for agricultural rehabilitation. However, the proposed animal boarding establishment is temporary in nature, approval of the application on a temporary basis for a period of 3 years would not jeopardize the long-term planning intention of the “AGR” zone.
- 11.2 The surrounding areas are mixed with residential dwellings/structures, storage yards and vacant/unused land. The proposed development involves animal boarding facilities and comprises six one-storey temporary structures (two under open shed) with a total floor area of about 440m<sup>2</sup>. Although there are sensitive receivers, i.e. residential structures in the vicinity of the Site (with the nearest one adjacent to its west) (**Plan A-2**), the applicant advises that all animals will be kept inside the enclosed kennel after business hour and the temporary structures are enclosed by soundproofing steel sheets with air-conditioned and ventilation to minimize any noise impact. The applicant also stated that no amplification system or whistle blowing will be used at the Site. DEP has no adverse comment on the application.
- 11.3 Relevant departments consulted, including, C for T, DEP, CE/MN of DSD and D of FS, except DAFC and CTP/UD&L of PlanD, have no adverse comment on the application. CTP/UD&L of PlanD has some reservation on the application as tree felling is anticipated and the applicant should review the proposed layout to retain existing trees on site as far as practicable. In this regard, the approval conditions requiring the submission and implementation of landscape proposal as requested by CTP/UD&L of PlanD are recommended in paragraphs 13.2 (e) and (f) below. DAFC has no strong view on the application from nature conservation point of view provided that the applicant would undertake necessary measures to avoid causing off-site impact on the surrounding natural habits. In this regard, the applicant advised that no tree outside the Site will be affected, and proper septic tank and drainage facilities will be provided. Relevant advisory clauses are recommended in **Appendix VI** to address DAFC’s concerns. To minimise the possible environmental nuisance, approval conditions restricting the operation hours, prohibition of use of public announcement system, whistle blowing, portable loudspeaker or any form of audio amplification system on the Site are recommended in paragraph 12.2 (a) to (c) below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorized development on the Site will be subject to enforcement action by the Planning Authority. The applicant will also 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 impact. The technical requirements of C for T, CE/MN of DSD and D of FS are also recommended in approval conditions (d), (g) to (k) in paragraph 12.2 below.

- 11.4 There are 21 similar applications within the same “AGR” zone on the OZP. One application No. A/YL-KTN/156 was rejected by the Committee mainly on the grounds that concerned departments including DEP does not support the application and there was no information provided by the applicant to demonstrate the proposed development would not cause adverse environmental and drainage impacts on the surrounding areas. The other 20 similar applications were approved by the Committee from 2005 to 2018 mainly for the similar reasons that temporary use of the developments would not frustrate the long-term planning intention of the “AGR” zone and not incompatible with surrounding land uses. In this regard, approval of the current application is in line with the Committee’s previous decision on similar applications.
- 11.5 Four public comments were received during the statutory publication period as stated in paragraph 10 above. The planning assessments and considerations above 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 in paragraph 10 above, the Planning Department considers that the proposed temporary animal boarding establishment 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 21.9.2021. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

### Approval Conditions

- (a) no operation between 6:00 p.m. and 9:00 a.m. (except overnight animal boarding establishment), as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) all animals shall be kept inside the enclosed animal boarding establishment on the Site between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, during the planning approval period;
- (c) no public announcement system, whistle blowing, portable loud speaker, or any form of audio amplification system, as proposed by the applicant, is allowed on the Site 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 proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 21.3.2019;
- (f) in relation to (e) above, the implementation of landscape 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 21.6.2019;
- (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 21.3.2019;
- (h) in relation to (g) above, the implementation of 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 21.6.2019;
- (i) in relation to (h) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (j) 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 21.3.2019;
- (k) in relation to (j) above, the implementation of fire service installations proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 21.6.2019;
- (l) if any of the above planning conditions (a), (b), (c), (d) 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;
- (m) if any of the above planning conditions (e), (f), (g), (h), (j) or (k) 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
- (n) upon the 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 recommended advisory clauses are attached at **Appendix VI**.

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

the proposed development is not in line with the planning intention of the "AGR" zone which is to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

### **13. Decision Sought**

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

### **14. Attachments**

<b>Appendix I</b>	Application Form with plans received on 1.8.2018
<b>Appendix Ia</b>	FI received on 14.9.2018
<b>Appendix II</b>	Similar Applications within the same "AGR" zone on the Kam Tin North OZP
<b>Appendix III</b>	Detailed comments from CTP/UD&L, PlanD
<b>Appendix IV</b>	Detailed comments from CE/MN, DSD
<b>Appendices V-1 to V-4</b>	Public comments received during statutory publication period
<b>Appendix VI</b>	Advisory clauses
<b>Drawing A-1</b>	Layout Plan

<b>Drawing A-2</b>	Landscape Plan
<b>Drawing A-3</b>	Drainage Plan
<b>Drawing A-4</b>	Vehicular Access Plan
<b>Plan A-1</b>	Location Plan with Similar Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to 4b</b>	Site Photos

**PLANNING DEPARTMENT  
SEPTEMBER 2018**