

RNTPC Paper No. A/YL-KTN/630A  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 18.1.2019

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

**APPLICATION NO. A/YL-KTN/630**

- Applicant** : Mr. TANG Kam-Shing represented by 鄧偉業先生
- Site** : Lot 1456 in D.D. 107, Shui Mei Tsuen, Kam Tin, Yuen Long
- Site Area** : 1,677.6m<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 Place of Recreation, Sports or Culture (Hobby Farm) 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 place of recreation, sports or culture (hobby farm) for a period of 3 years. According to the Notes of the OZP, ‘Place of Recreation, Sports or Culture (Horse Riding School, Hobby Farm, Fishing Ground only)’ use is a Column 2 use within the “AGR” zone, which requires permission from the Town Planning Board (the Board). The Site is not subject to any previous application and is currently vacant and covered with vegetation (**Plans A-2 and A-4**).
- 1.2 According to the applicant, the proposed development involves 7 one-storey temporary structures (2.62m to 3.2m in height) with a total floor area of 127m<sup>2</sup> for reception and learning centre, farm lounge, farm tool storage, electric meter room and open shed uses. The farming area is 1,179.6m<sup>2</sup> (70.3% of total site area) while the paved area is 498m<sup>2</sup> (29.7% of total site area). 3 parking spaces for private car will be provided on site. The operation hours are from 9 a.m. to 6 p.m. daily including public holidays. The Site is accessible from Castle Peak Road –Tam Mi via a local track. It is estimated that there will be about 5 to 10 visitors (about one

to two family) at a time and about 10-15 visitors on Saturdays and Sundays, and appointment is needed for each visit. According to the applicant, no vehicle exceeding 5.5 tonnes would enter/exit the Site and no public announcement system would be used at the Site. The layout, landscape, drainage and access plans submitted by the applicant are at **Drawings A-1 to A-4**.

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

- (a) Application form with supplementary statement and **(Appendix I)** plans received on 6.9.2018
- (b) Further Information (FI) received on 12.10.2018 **(Appendix Ia)** clarifying traffic arrangement
- (c) FI received on 18.10.2018 clarifying the traffic **(Appendix Ib)** arrangement and operation details of the proposed development
- (d) FI received on 20.12.2018 providing the operation **(Appendix Ic)** details and further justification to support the application
- (e) FI received on 8.1.2019 in response to department **(Appendix Id)** comments

1.4 The application was originally scheduled for consideration by the Rural and New Town Planning Committee (the Committee) on 2.11.2018. Upon the request of the applicant, the Committee agreed to defer making a decision on the application on 2.11.2018 for one month to allow time for the applicant to address the departmental comments. After the deferral, the applicant had submitted further information in response to departmental comments. The application is scheduled for consideration by the Committee at this meeting.

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

The justifications put forth by the applicant in support of the application are detailed in the supplementary statements and FIs in **Appendices I to Id**. They can be summarized as follows:

- (a) The proposed development is temporary in nature and no permanent structure would be erected on Site. The Site would be easily reinstated and would not frustrate the long-term planning intention. The applicant intends to grow fruits and vegetable at the Site. The Site has been reinstated and is currently covered by grass. Also, the site is covered by soil with nutrient suitable for farming.

- (b) Several hobby farm applications near the Site have been approved by the Committee and the same consideration should be given to the current application.
- (c) The proposed paved area at the Site is to facilitate maneuvering of vehicles and provide a clean place for visitor to rest. The paved area will be removed after the expiry of the planning permission. The proposed structures are located away from the existing pond and no chemical cleaner will be used. Also, drainage facilities will be provided and maintained to minimize pollution. No adverse impact on the soil and pond is anticipated. Landscape and drainage facilities will be provided to improve the environment of surrounding areas. Besides, no adverse traffic impact is anticipated.

### 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 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 subject to on-going planning enforcement action (No. E/YL-KTN/453) against an unauthorised development (UD) involving filling of land. Enforcement Notice (EN) was issued on 21.6.2018 to the concerned parties requiring discontinuation of the UD. Subsequently, the site inspections revealed that the UD was discontinued upon the expiry of the EN. In order to restore the greenery and amenity of the area, the Site is also subject to reinstatement action.

### 5. **Previous Application**

The Site is not the subject of any previous application.

### 6. **Similar Applications**

- 6.1 There are 16 similar applications (Nos. A/YL-KTN/394, 465, 474, 513, 516, 520, 535, 536, 538, 571, 579, 609, 610, 615, 620 and 636) within the same “AGR” zone on the Kam Tin North OZP. Except application No. A/YL-KTN/394, all the similar applications were approved with conditions by the Committee between 2015 and 2018. Details of the applications are summarized in **Appendix II** and the locations of the application sites are shown on **Plan A-1**.

#### *Approved applications*

- 6.2 Applications Nos. A/YL-KTN/465, 516, 535, 538 and 571 for temporary hobby farm (A/YL-KTN/535 included caravan holiday camp) for a period of 3 years for five sites near Cheung Kong Tsuen and Tai Kong Po (**Plan A-1**) were approved

by the Committee with conditions on 3.7.2015, 18.3.2016, 13.1.2017, 23.12.2016 and 8.9.2017 respectively mainly for the reasons that the proposed developments were generally in line with the planning intention of the “AGR” zone; the use was not incompatible with the surrounding land uses; and the proposed developments would unlikely cause significant adverse environmental, traffic, landscape or drainage impacts.

- 6.3 Applications Nos. A/YL-KTN/474, 513, 520, 536, 579, 609, 610, 615, 620 and 636 for temporary hobby farm (A/YL-KTN/520 and 536 included caravan holiday camp) for a period of 3 years for 9 sites at Fung Kat Heung and near Pak Wai Tsuen (**Plan A-1**) were approved by the Committee with conditions on 7.8.2015, 18.3.2016, 27.5.2016, 13.1.2017, 22.12.2017, 3.8.2018 (for Applications No. A/YL-KTN/609 and 610), 16.11.2018, 7.9.2018 and 21.12.2018 respectively on similar reasons as stated in paragraph 6.2 above.
- 6.4 Planning permission of applications Nos. A/YL-KTN/465, 474, 513, 516, 538 and 535 were revoked on 3.4.2016, 7.8.2016, 8.2.2018, 18.12.2016, 23.9.2017 and 13.12.2018 due to non-compliance with approval conditions in relation to submission and/or implementation on landscape, drainage and fire services installation proposals.

*Rejected application*

- 6.5 Application No. A/YL-KTN/394 for proposed temporary field study/education centre and hobby farm for a period of 5 years was rejected by the Board on review on 14.6.2013 mainly on the grounds that the site was the subject of unauthorized land filling and the filling material were not suitable for cultivation; there was no detailed information regarding the design and operation of the proposed development particularly the hobby farm, field study/education centre and the office with porch; the applicant failed to demonstrate that the development would not generate adverse landscape and drainage impacts on the surrounding areas; and approving the application would set an undesirable precedent, and the cumulative effect of which would result in a general degradation of the rural environment of the area.
- 6.6 Application No. A/YL-KTN/626 for proposed temporary place of recreation, sports or culture (hobby farm) for a period of 3 years located at the further northeast of the Site (**Plan A-1**) is scheduled for consideration by the Committee at this meeting.

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

7.1 The Site is:

- (a) currently vacant and covered with vegetation; and
- (b) accessible from Castle Peak Road - Tam Mi via a local track (**Plan A-1**).

7.2 The surrounding areas are rural in character predominated by residential dwellings/structures, storage yards, a plant nursery, religious institution, vacant/unused land, cultivated/fallow agricultural land, pond, and unused/vacant land (**Plan A-2**):

- (a) to its north are cultivated/fallow agricultural land, a pond and a storage yard. A residential dwelling/structure and a pond are located to its further north;
- (b) to its east is mainly vacant land; and
- (c) to its south and west are residential dwellings/structures, a plant nursery, vacant/unused land and a proposed hobby farm with planning permission under application no. A/YL-KTN/579 (currently used as religious institution).

## **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 to Castle Peak Road – Tam Mi 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 planning approval be given to the application, the lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularities on site, if any. 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 the Commissioner for Transport (C for T):

- (a) He has no comment on the application from the traffic engineering point of view.
- (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 the Transport Department (TD). The land status of the local access road should be checked with 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/NT West, Highways Department (CHE/NTW, HyD):

- (a) His department does not and will not maintain any access connecting the Site and Castle Peak Road – Tam Mi or Chi Ho Road. The applicant should be responsible for his own access arrangement.
- (b) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

## **Environment**

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

- (a) He has no objection to the application from environmental planning perspective provided that the applicant would minimize any noise from the proposed use such as prohibiting the use of public announcement system, portable loudspeaker or any form of audio amplification system so that it would not cause any environmental nuisance to nearby sensitive receivers.
- (b) The applicant is advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize any potential environmental nuisance. Adequate supporting infrastructure/ facilities should be provided for proper collection, treatment and disposal of waste / wastewater generated from the proposed use. If septic tank and soakaway system will be used in case of unavailability of public sewer, its design and construction shall follow the requirements of Environmental Protection Department (EPD)’s Practice Note for Professional Person (ProPECC) PN 5/93 “Drainage Plans subject to Comment by the Environmental Protection Department”. It is the obligation of the applicant to meet the statutory requirements under relevant pollution control ordinances and provide necessary mitigation measures.
- (c) There was no environmental complaint received in the past 3 years within the Site.

## **Agriculture and Nature Conservation**

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

- (a) Based on the information provided by the applicant, he has no strong view against the application from agricultural point of view provided that the Site is really used for cultivation of fruits and vegetables and the Site will be reinstated upon the expiry of planning permission.
- (b) However, it is noted that the Site is subject to UD of land filling. Upon a recent site inspection in December 2018, the filled materials contained sand, clay and stones. With the latter one, it was considered to be not suitable for open field cultivation. Given the existing situation of the Site, land preparation work (e.g. removal of unwanted materials hindering growth of crops,

improvement of soil quality, etc.) would be necessary before conducting open field cultivation at the concerned lots.

- (c) According to previous site visits to the area in July 2017, the Site was mainly a marsh area in which some wetland dependent wildlife were observed. There were also ponds/agricultural land located towards the north of the Site, which supported some waterbirds. However, the Site is subject to UD of land filling. Potential impacts to the wetland habitats on/adjoining the Site shall preferably be avoided as far as possible from nature conservation point of view.
- (d) Presumably, the Board would take into account the status of the unauthorised land filling case on the Site and the site history when considering the application.

### **Landscape**

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

- (a) She has no objection to the application from the landscape planning perspective.
- (b) Compared the aerial photo of 2006 to latest photo of 2018, there is no significant change in the landscape character where the Site is located. The surrounding area comprises of rural landscape farmland, some temporary structures and some scattered tree groups. The proposed use is considered not incompatible with the landscape setting in proximity.
- (c) According to the site visit in September 2018, there was no significant tree within the Site. Only few existing trees were observed adjacent to the southeast site boundary. As the proposed structures are far from existing trees, no significant landscape impact is anticipated.
- (d) Should the application be approved, the approval conditions on submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the Board should be included in the planning permission.



### **Drainage**

- 9.1.7 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):
- (a) He has no objection in principle to the proposed development from the public drainage point of view.
  - (b) Should the application be approved, approval conditions requiring the submission of a revised drainage proposal, and the implementation and maintenance of the drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board should be included.
  - (c) Detailed comments on the submitted drainage proposal are at **Appendix III**.

### **Fire Safety**

- 9.1.8 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 proposals, 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) Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the 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) Regulations (B(P)R) respectively.
- (d) 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.

### **Food and Environmental Hygiene**

#### 9.1.10 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. Reprovisioning 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 reprovisioned facilities to FEHD.
- (b) Proper licence / 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 other relevant legislation for the public and the operation of any business should not cause any obstruction.
- (c) If the proposal involves any commercial/trading activities, no environmental nuisance should be generated to the surroundings. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses.

### **District Officer's Comments**

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

His office has not received any locals' comment on the application and he has no comment on the application.

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

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

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

On 14.9.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 5.10.2018, three comments from The Hong Kong Bird Watching Society, Designing Hong Kong and an individual (**Appendices IV-1 to IV-3**) objecting to the application were received mainly on the grounds that the proposed development is not in line with the planning intention of "AGR" zone; the application appears to legitimise ongoing brownfield use and unauthorised development; the Site is subject to enforcement action and may involve "destroy first, develop later" case; the proposed use may be fake hobby farm which damages agricultural land and deprives genuine farmer's access to agriculture land; and approval of the application would set undesirable precedent to encourage similar applications.

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

11.1 The application is for proposed temporary hobby farm at a site zoned "AGR". The planning intention of the "AGR" zone is 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. According to the applicant, about 70.3% of the Site will be used for farmland. The proposed use is generally not in conflict with the planning intention of the "AGR" zone. DAFC has no strong view against the application from agricultural point of view provided that the Site is used for cultivation of fruits and vegetables and the Site will be reinstated upon the expiry of planning permission. According to the applicant, fruits and vegetables will be grown at the Site and the paved area will be removed upon expiry of the planning permission. Regarding DACF's concern on filling of land at the Site which was considered

not suitable for open field cultivation, the applicant states that the Site has been reinstated and is currently covered by grass. Also, the Site has already covered by soil with nutrients which is suitable for planting. In view of the above, it is considered that approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “AGR” zone.

- 11.2 The proposed temporary hobby farm is considered not incompatible with the surrounding land uses which is rural in character predominated by residential dwellings/structures, storage yards, a plant nursery, religious institution, vacant/unused land, cultivated/fallow agricultural land, pond, and unused/vacant land.
- 11.3 According to the applicant, it is estimated that about 5 to 10 visitors will be accommodated at the Site at one time and 10 to 15 visitors on Saturdays and Sundays, and no public announcement system would be used at the Site. In view of the nature of the hobby farm, it would unlikely cause significant adverse environmental, traffic or drainage impacts to the surrounding. Relevant departments consulted including C for T, CTP/UD&L of PlanD, CE/MN of DSD and D of FS have no adverse comment on the application. DAFC also expressed that the Site was mainly a marsh area in which some wetland dependent wildlife were observed and ponds/agricultural land located towards the north of the Site, which supported some waterbirds. In this regard, the applicant states that the proposed structures are located away from the pond and no chemical cleaner will be used. Also, drainage facilities will be provided and maintained to minimize pollution. Advisory clauses reminding the applicant to avoid potential impacts to the wetland habitats on/adjoining the Site is recommended in **Appendix V**. To minimise any possible environmental nuisance, approval conditions restricting the operation hours and vehicle types, and prohibiting the use of public announcement system at the Site are recommended in paragraph 12.2 (a) and (c) below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorised development on site will be subject to enforcement action by Planning Authority. The applicant will also be advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP in order to minimise any potential environmental impact. Technical requirements of C for T, CTP/UD&L of PlanD, CE/MN of DSD and D of FS could be addressed by approval conditions in paragraph 12.2 (d) to (k).
- 11.4 There are fifteen similar applications for proposed temporary hobby farm were approved with conditions by the Committee on the same “AGR” zone (paragraph 6 and **Plan A-1** refer), including Application No. A/YL-KTN/579 for temporary hobby farm adjacent to the Site in the west. Approval of the application is generally in line with the Committee’s previous decision.
- 11.5 Three objecting comments were received during the statutory publication period mainly on the grounds that the proposed use is not in line with the planning intention and the Site is subject to enforcement case. In this regard, temporary

approval would not frustrate the long-term planning intention. The planning considerations and assessments as stated above are also relevant.

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

- 12.1 Based on the assessments made in paragraph 11 and having taking into account the public comments in paragraph 10, PlanD has no objection to the proposed temporary place of recreation, sports or culture (hobby farm) 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 18.1.2022. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval Conditions

- (a) no operation between 6:00pm and 9:00am, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no public announcement system, portable loudspeaker or any form of audio amplification system is allowed to be used on the Site at any time during the planning approval period;
- (c) no medium or 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 at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the submission of landscape proposal within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 18.7.2019;
- (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 18.10.2019;
- (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 18.7.2019;

- (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 18.10.2019;
- (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 18.7.2019;
- (k) in relation to (j) above, the provision of fire service installations within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 18.10.2019;
- (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 expiry of the planning permission, the reinstatement of the 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 V**.

12.2 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 agricultural land/ farm/ fish ponds for agricultural purposes. This zone is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning 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 supplementary statement and plans received on 6.9.2018
<b>Appendix Ia</b>	FI received on 12.10.2018
<b>Appendix Ib</b>	FI received on 18.10.2018
<b>Appendix Ic</b>	FI received on 20.12.2018
<b>Appendix Id</b>	FI received on 8.1.2019
<b>Appendix II</b>	Similar applications within the same “AGR” zone in the vicinity on the Kam Tin North OZP
<b>Appendix III</b>	Detailed comments from CE/MN, DSD
<b>Appendices IV-1 to IV-3</b>	Public comments received during statutory public period
<b>Appendix V</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>	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>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
JANUARY 2019**