

RNTPC Paper No. A/YL-KTN/638
For Consideration by
the Rural and New Town
Planning Committee
on 1.2.2019

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/638

- Applicant** : Mr. CHENG Siu Chung represented by R-riches Property Consultants Limited
- Site** : Lot 1218 RP (Part) in D.D. 109, Tai Kong Po, Kam Tin, Yuen Long
- Site Area** : About 1,386.3m²
- 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 5 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 5 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 vacant and partly paved (**Plan A-4**).
- 1.2 The Site is the subject of a previous application (No. A/YL-KTN/590) submitted by the same applicant for the same use for a period of 3 years. The application was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 16.3.2018. However, the planning approval was revoked on 16.9.2018 due to non-compliance with approval conditions.
- 1.3 According to the applicant, the proposed development involves three one-storey temporary structures with a total floor area of about 409m² and building height not more than 3.5m for animal boarding establishment and fire services water tank and panel uses. Three parking spaces for private car and one loading/unloading space

for light goods vehicle will be provided at the Site. No vehicle more than 5.5 tonnes will access the Site. The applicant stated that the structures for animal boarding establishment are enclosed with steel sheet with installation of cotton acoustic panels and 24-hour ventilation and air-conditioning system will be provided. No public announcement system and whistle blowing will be undertaken at the Site. The business hours will be 10 a.m. to 5 p.m. daily including public holidays. There will be dogs staying overnight at the Site. All the dogs, maximum of 30, will be kept inside the enclosed structures 24 hours. Septic tank and soakaway system will be provided. The Site is accessible from Kong Tai Road. The site layout plan, landscape, drainage and fire services installation (FSI) proposals and access plan submitted by the applicant are at **Drawings A-1 and A-5**.

- 1.4 Compared with the last approved application (No. A/YL-KTN/590), the current application is for the same use and has the same site area, same number of structures and parking provisions but increase in total floor area from 162 m² to 409 m² (+247m²/+152%). Also, the current application applies for 5-year planning permission instead of 3-year in the last application.
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with supplementary planning statement and plans received on 5.12.2018 (**Appendix I**)
 - (b) FI received on 23.1.2019 in response to departmental comments (**Appendix Ia**)

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 to Ia**. They can be summarized as follows:

- (a) The proposed use is compatible with the nearby development and will not involve land filling and excavation works to minimize adverse impact on the surrounding environment.
- (b) The proposed temporary development will not frustrate the long-term planning intention of “AGR” zone. The applicant will reinstate the Site into an amenity area upon the expiry of the planning permission.
- (c) The previous approved application was revoked due to non-compliance with approval conditions in relation to landscape, drainage and FSI proposals. The applicant has submitted relevant proposals in the current application and stated that he will comply with the approval conditions if the application is approved.

- (d) The total floor area in the last approved application was insufficient. Hence, the applicant increased the total floor area in the current application.

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 notification letter to the Pat Heung 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 Application

The Site is subject to one previous planning application (No. A/YL-KTN/590) submitted by the same applicant for the same use for a period of 3 years. The application was approved with conditions by the Committee on 16.3.2018 for the reasons that temporary approval would not jeopardize the long-term planning intention of the “AGR” zone; the development was not incompatible with the surrounding area; there was no adverse comment from the relevant government departments except the Director of Agriculture, Fisheries and Conservation (DAFC); and the technical concerns could be addressed by appropriate approval conditions. However, the planning permission was revoked on 16.9.2018 due to non-compliance with the approval conditions in relation to the submission of drainage, FSIs and tree preservation and landscape proposals. There is no operation at the Site since the approval of application No. A/YL-KTS/590 and the Site is currently vacant.

6. Similar Applications

- 6.1 There are 21 similar applications for similar temporary animal boarding establishment (No. A/YL-KTN/156, 232, 251, 253, 304, 308, 324, 377, 410, 478, 489, 519, 543, 556, 562, 577, 588, 605, 616, 617 and 623) within the same “AGR” zone on the OZP. Except application No. A/YL-KTN/156 which was rejected by the Committee on 8.11.2002, the remaining 20 applications were approved with conditions by the Committee for 2 to 3 years from 2005 to 2018. Details of these applications are summarized in **Appendix III** 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 ground that the proposed development was not in line with the planning intention of the “AGR” zone; not

compatible with the adjacent residential dwellings which would be susceptible to adverse environmental nuisances and 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 a site to the further northwest of the Site 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 developments would not frustrate the long-term planning intention of the “AGR” zone; 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. Given that there were residential dwellings in the vicinity, temporary approval for 2 or 3 years were granted for all the applications in order to monitor the situation on the site. 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 Another three applications No. A/YL-KTN/253, 308 and 324 at another site 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 developments 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 The remaining 11 applications (No. A/YL-KTN/478, 519, 543, 556, 562, 577, 588, 605, 616, 617 and 623) were approved with conditions by the Committee between 2015 and 2018 for a period of 3 years on similar considerations that temporary developments would not frustrate the long-term planning intention of the “AGR” zone; and the developments were not incompatible with the surrounding land uses. Applications No. A/YL-KTN/478, 543 and 588 were revoked on 6.5.2016, 23.12.2017 and 16.9.2018 respectively due to non-compliance with approval conditions.
- 6.6 Application No. A/YL-KTN/639 for renewal of planning approval for temporary animal boarding establishment with ancillary facilities (A/YL-KTN/489) at the site mentioned in paragraph 6.3 (**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) partly paved and vacant; and
- (b) accessible to Kong Tai Road (**Plan A-2**).

7.2 The surrounding land uses are a mix of residential dwellings/structures, storage/open storage yards, warehouse, plant nurseries, agricultural land and vacant/unused land. Some of the storage/open storage yards and workshop are suspected unauthorized developments subject to enforcement action by the Planning Authority:

- (a) to its north are some residential dwellings/structures. Further north are cultivated agricultural land, a plant nursery, open storage yard and unused land;
- (b) to its east across Kong Tai Road are some warehouses, storage yards, workshop and residential dwellings/structures. Further east across a nullah are residential dwellings/structures, storage yards and a plant nursery;
- (c) to its immediate south is a residential dwelling/structure. Further south and southwest are cultivated agricultural land, vacant/unused land, an open storage yard and residential structures/ dwellings; and
- (d) to its west are some unused land, cultivated agricultural land and residential structures/dwellings.

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 Kong Tai Road via Government Land (GL). His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site.
- (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, 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 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 TD. 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 (including but not limited to Kong Tai Road) connecting the Site and Chi Ho Road/Kam Tai 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 no environmental complaint at the Site received in the past 3 years.
- (b) According to the applicant, the proposed use will operate round the clock. The animals will be kept inside the proposed structures at any time. The 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) Based on the above, the applicant is advised to properly design and maintain the facilities, e.g. the MVAC system should be located away from adjacent sensitive receivers and the proposed structures for animal boarding establishment should be enclosed with proper soundproofing materials, 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” to minimize any potential environmental nuisances. Suitable measures should also be implemented to minimize potential odour nuisance.
- (d) 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. For the proposed septic tank and soakaway system, 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 no objection to the application from the landscape planning perspective.
- (b) The Site is the subject of one previous application (No. A/YL-KTN/590) for the same use, to which she had no objection to the application.
- (c) Based on the aerial photo of 2018, the surrounding area is in rural landscape setting comprising temporary structures, farmland and tree groups. The proposed use is considered not incompatible with the landscape setting in proximity.
- (d) According to site visit conducted on 21.12.2018, the Site was vacant, hard paved and fenced off. Existing trees of common species were found within and along the site boundary. Further adverse impact on the existing landscape resources arising from the proposed development is not anticipated.
- (e) Should the application be approved, approval condition requiring the applicant to maintain all existing trees within the Site in good condition should be included.

Agriculture

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

- (a) As the Site possesses high potential for agricultural rehabilitation, the application is not supported from agriculture point of view.
- (b) The subject address does not associate with any licence granted by his department, and his department has not received any application regarding this address. 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 and implementation of a drainage proposal for the development should be included in the planning permission.
- (c) His detailed comment on the submitted drainage proposal is 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) 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 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.
- (c) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.
- (d) 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.
- (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.

Electricity

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

- (a) He has no particular comment on the application from electricity supply safety aspect.
- (b) In the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working

near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

Environmental Hygiene

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

- (a) Proper licence and/or permit issued by his Department is required if there is any food business / catering service / activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and its subsidiary legislation and the operation of any business should not cause any obstruction.
- (b) If the proposal involves any commercial/trading activities, its state should not as to be a nuisance or injurious or dangerous to health and surrounding environment. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses.
- (c) If any Food and Environmental Hygiene Department (FEHD)'s facility is affected by the development, FEHD's prior consent must be obtained. Re provisioning of the affected facilities by the project proponent up to the satisfaction of FEHD may be required. Besides, the project proponent should provide sufficient amount of additional recurrent cost for management and maintenance of the re provisioned facilities to FEHD.

District Officer's Comments

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

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

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

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

10. Public Comments Received During Statutory Publication Period

On 14.12.2018, the application was published for public inspection. During the first three weeks of the public inspection period, which ended on 4.1.2019, two comments were received from individuals (one containing 16 names) (**Appendices V-1 to V-2**). The commenters object to the application mainly on the ground that the proposed use is not entirely in line with the planning intention; longer approval locking the Site for incompatible use should be avoided; and the proposed development will generate noise, odour and hygiene issues which should not be operating near residential area.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary animal boarding establishment for a period of 5 years 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. 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 high potential for agricultural rehabilitation. However, the proposed animal boarding establishment is temporary in nature, approval of the application on temporary basis for a period of 5 years would not jeopardize the long-term planning intention of the “AGR” zone.
- 11.2 The proposed development comprising three one-storey structures with a total floor area of about 409m² is considered not incompatible with the surrounding areas which are mixed with residential dwellings/structures, storage/open storage yards, warehouses, plant nurseries, agricultural land and vacant/unused land. Although there are sensitive receivers, i.e. residential dwellings/structures in the vicinity of the Site (with the nearest one adjacent to its south) (**Plan A-2**), the applicant advises that all animals will be kept inside the enclosed structures which are enclosed by steel sheets with cotton acoustic panel and 24-hour air-conditioning and ventilation, and no announcement system and whistle blowing will be used at the Site. DEP has no adverse comment on the application.
- 11.3 Relevant developments consulted, including C for T, CE/MN of DSD, D of FS, DEP and CTP/UD&L of PlanD (except DAFC) have no adverse comment on the application. 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) and (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, CTP/UD&L of PlanD and D of FS are also recommended in approval conditions (d) to (i) in paragraph 12.2 below.

- 11.4 There are 21 similar applications within the same “AGR” zone. One application was rejected by the Committee mainly on the reasons that concerned departments including DEP did not support the application and there was no information to demonstrate the proposed development would not cause adverse environmental and drainage impacts on the surrounding areas. The other 20 similar applications were approved with conditions by the Committee from 2005 to 2018 mainly on similar reasons that temporary developments would not frustrate the long-term planning intention of the “AGR” zone; and the developments were not incompatible with surrounding land uses. In the current application, DEP does not raise adverse comment on the proposed development. In this regard, while a longer temporary approval of 5 years is sought in this application, approval of the current application is in line with the Committee’s previous decision on similar applications.
- 11.5 The Site is the subject of a previous application (No. A/YL-KTN/590) for the same use submitted by the same applicant as the current application. The application was approved which conditions by the Committee on 16.3.2018. However, it was revoked on 16.9.2018 due to non-compliance with approval conditions in relation to the submission of drainage, FSIs and tree preservation and landscape proposals. In this regards, the applicant has submitted relevant proposals in the current application and stated that he will comply with the approval conditions if the application is approved. Concerned departments have no adverse comment on the application. Hence, sympathetic consideration could be given to the current application. Shorter compliance periods are recommended to monitor the progress of compliance should the Committee decide to approve the current application. Moreover, the applicant would be advised that should he fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 11.6 Two public comments were received during the statutory publication period mainly for the reasons that the proposed use is not entirely in line with the planning intention and induce adverse environmental impacts as stated in paragraph 10 above. In this regard, temporary approval would not frustrate the long-term planning intention; and DEP has no adverse comment on the application. The planning assessments and considerations above are also 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 has no objection to the proposed temporary animal boarding establishment for a period of 5 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 5 years until 1.2.2024. The following conditions of approval with shorter compliance periods and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation between 5:00p.m. and 10:00a.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, as proposed by the applicant, at all times 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 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) existing trees on the Site shall be maintained at all times during the planning approval period;
- (f) the submission of drainage proposal within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 1.5.2019;
- (g) in relation to (f) above, the implementation 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 1.8.2019;
- (h) the submission of fire service installations proposal within **3** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 1.5.2019;
- (i) in relation to (h) above, the implementation 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 1.8.2019;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (e) 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;
- (k) if any of the above planning conditions (f), (g), (h) or (i) 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

- (l) upon the 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 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

Appendix I	Application form with supplementary planning statement and plans received on 5.12.2018
Appendix Ia	FI received on 23.1.2019
Appendix II	Previous application covering the Site
Appendix III	Similar applications within the same "AGR" zone on the Kam Tin North OZP
Appendix IV	Detailed comments from CE/MN, DSD

Appendices V-1 to V-2 Public comments received during statutory publication period

Appendix VI Advisory clauses

Drawing A-1 Layout plan

Drawing A-2 Landscape plan

Drawing A-3 Drainage proposal

Drawing A-4 FSI proposal

Drawing A-5 Access plan

Plan A-1 Location plan with previous and similar applications

Plan A-2 Site plan

Plan A-3 Aerial photo

Plan A-4 Site photos

**PLANNING DEPARTMENT
FEBRUARY 2019**