

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL**  
**FOR TEMPORARY USE**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-KTN/658**

- Applicant** : Kam Tin Country Club Ltd. represented by Top Bright Consultants Ltd.
- Site** : Lots 680 (Part), 681 (Part), 682 (Part), 684 RP (Part) and 1615 (Part) in D.D. 109 and Adjoining Government Land, Shui Mei Tsuen, Kam Tin, Yuen Long
- Site Area** : About 8,520m<sup>2</sup> (including about 673m<sup>2</sup> Government Land (about 7.9%))
- Lease** : Block Government Lease (demised for agricultural use) and New Grant Lot
- Plan** : Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/9
- Zoning** : “Village Type Development” (“V”) (86.7%)  
[maximum building height of 3 storeys (8.23m)]  
  
“Agriculture” (“AGR”) (13.3%)
- Application** : Renewal of Planning Approval for Temporary Place of Recreation (including Barbecue Spot, Picnic Area, Children Playground and Handicraft Making Area) with Ancillary Facilities for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning permission to use the application site (the Site) for temporary place of recreation (including barbecue spot, picnic area, children playground and handicraft making area) with ancillary facilities for a period of 3 years. About 86.7% of the Site falls within the “V” zone. According to the Notes of the OZP, ‘Place of Recreation, Sports or Culture’ is a Column 2 use within the “V” zone which requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use with valid planning permission (**Plans A-2 to A-4b**).
- 1.2 The Site was involved in four previous applications (No. A/YL-KTN/273, 329, 383 and 495) for similar use as the current application submitted by the same applicant

were approved with conditions by the Rural and New Town Planning Committee (the Committee) on 22.6.2007, 19.6.2009, 1.6.2012 and 10.6.2016 respectively. All the approval conditions of the last application No. A/YL-KTN/495 have been complied with and the planning permission is valid until 10.6.2019.

1.3 According to the information submitted by the applicant, the development is a recreational, educational and tourist attraction comprising recreational facilities such as badminton and basketball courts, barbecue spot, picnic area, children playground and handicraft making area. Ancillary facilities such as snack bar, shade shelters, site office, store rooms and toilets are also provided within the Site. There are 9 single-storey structures with building height of 2 to 2.5m and total floor area of 642m<sup>2</sup>. A pond occupies the central part of the Site. A total of 23 parking spaces for visitors are provided within the Site. The operation hours are from 10:00 a.m. to 6:00 p.m. on Mondays to Fridays and from 10:00 a.m. to 9:00 p.m. on Saturdays and Sundays. Septic tank is provided at the Site. No audio amplification system and portable loud speaker will be used at the Site. The Site is accessible to Kam Tin Road via a local track. The layout plan, landscape plan, and fire services installations proposal as submitted by the applicant are shown on **Drawings A-1 to A-3**.

1.4 A comparison of the major development parameters of the current application and the last approved application (No. A/YL-KTN/495) is given in the following table:

<b>Major Development Parameters</b>	<b>Last Approved Application No. A/YL-KTN/495</b>	<b>Current Application</b>	<b>Difference (b)-(a)</b>
Site Area (m <sup>2</sup> )(about)	8,460	8,520	+60 (+0.7%)
No. of Structures	10	9	-1 (-10%)
Total floor area (m <sup>2</sup> )	575	642	+67 (+11.7%)
Building Height (m)	2.5	2-2.5	No change
No. of Storey(s)	1	1	No change
No. of Parking Spaces	23	23	No change

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

- (a) Application form with planning statement and plans together with supplementary information received on 16.4.2019 **(Appendix I)**
- (b) Further information (FI) received on 17.5.2019 regarding the fire services installation (FSIs) proposal **(Appendix Ia)**
- (c) FI received on 22.5.2019 in response to departmental comments **(Appendix Ib)**

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

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

- (a) The temporary nature of the development will not jeopardize the long-term planning intentions of the “AGR” and “V” zones. Agricultural land in areas have been left fallow or converted for other uses as farming activities are gradually declining.
- (b) The development conforms to the strategic planning intention to create a rural recreation area in North West New Territories and can complement with the existing tourist and heritage attractions. There is a lack of “Recreation” zone in some planning areas in Yuen Long, such as Kam Tin North, Kam Tin South etc. The development could help achieve a more balanced mix of recreational land in Yuen Long and establish recreational areas to meet public and local recreational demands.
- (c) The development is compatible with the surrounding land uses including villages, relics and historic buildings and fallow agricultural land and helps maintain a harmonious rural environment by preserving and reinforcing the rural, agricultural and recreational character of the area. The Site is landscaped and well maintained by the applicant.
- (d) The development would have no adverse traffic, drainage, sewerage and environmental impact on the surrounding areas. No pond filling or paving will be involved. The existing pond will act as a natural drainage collection system. There will be no adverse environmental impact with restriction on operation hours and prohibition on use of any form of audio amplification system or public announcement system, including portable loudspeakers, to minimize noise nuisance.
- (e) The development is most welcome by the locals and community organizations and supports the social and economic development of the nearby villages by complementing the local tourist industry. There were 4 previous application approved at the Site and favourable consideration may be given by the Board on this application.
- (f) The slight increase in site area and total floor area when compared with the last approved application No. A/YL-KTN/495 is to tally within the lot boundary and consolidation/ minor re-configuration of the structures.

## **3. Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is not a “current land owner” but has complied with the requirement 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 a site notice and notifying the Kam Tin Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

#### 4. **Town Planning Board Guidelines**

The Town Planning Board Guidelines for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34C) are relevant to this application. The relevant assessment criteria are attached at **Appendix II**.

#### 5. **Background**

The use at the Site is not subject to planning enforcement action. Follow up investigation will be taken upon expiry of the current planning permission if the application is not approved by the Board.

#### 6. **Previous Applications**

6.1 The Site was involved in four previous applications (No. A/YL-KTN/273, 329, 383 and 495). Details of the applications are summarized in **Appendix III** and their locations are shown on **Plan A-1**.

6.2 Application No. A/YL-KTN/273 covering a larger site area submitted by the same applicant for Temporary Place of Recreation (including Barbecue Spot and Picnic Area) was approved with conditions by the Committee on 22.6.2007 for a period of 2 years mainly for the reasons that the development was considered not incompatible with the surrounding land uses; the temporary nature of the proposed use would not jeopardize the future rehabilitation of the site for agricultural uses; the development would not have significant environmental impact on the surrounding areas; and there was no adverse comment from relevant departments and the public concern on environmental nuisance could be addressed by imposition of appropriate approval conditions. The application was approved for 2 years to monitor the condition on site.

6.3 Applications No. A/YL-KTN/329 and 383 for renewal of previous planning approvals of application no. A/YL-KTN/273 and the last application No. A/YL-KTN/495 for Temporary Place of Recreation (including Barbecue Spot, Picnic Area, Children Playground and Handicraft Making Area) with ancillary facilities submitted by the same applicant were approved with conditions by the Committee on 19.6.2009, 1.6.2012 and 10.6.2016 respectively all for a period of 3 years for similar reasons as mentioned in paragraph 6.2 above. The approval conditions of the last application have been complied with and the planning permission is valid until 10.6.2019.

#### 7. **Similar Applications**

7.1 There is no similar application within the same “V” zone on the OZP.

7.2 There are four similar applications (No. A/YL-KTN/150, 235, 394 and 418) within the same “AGR” zone on the OZP. Details of the applications are summarized in **Appendix IV** and their locations are shown on **Plan A-1**.

- 7.3 Applications No. A/YL-KTN/150 and 235, both for temporary barbecue spot with structures at the same site, were approved with conditions by the Committee on 23.8.2002 and 26.8.2005 respectively for 3 years mainly for the reasons that the application site was primarily used for agricultural and farm purposes and the barbecue spot and shelter structures only formed part of the farm and a small portion of the site; the proposed development was in line with the planning intention of “AGR” zone; no adverse environmental impact on the surrounding areas was envisaged; concerned departments including Director of Agriculture, Fisheries and Conservation and Director of Environmental Protection (DEP) had no adverse comment; and there was no local objection. For Application No. A/YL-KTN/235, previous planning permission was granted and the applicant had complied with all approval conditions; and there was no change in planning circumstances.
- 7.4 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 14.6.2013 mainly on the grounds that the site was the subject of unauthorized land filling and the filled material were not suitable for cultivation; there was no detailed information provided 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 for similar applications within the “AGR” zone, and the cumulative effect of which would result in a general degradation of the rural environment of the area.
- 7.5 Application No. A/YL-KTN/418 for proposed temporary barbecue area with ancillary car parking and meeting point for a period of 3 years was rejected by the Committee on 8.11.2013 mainly on the grounds that the development was not in line with the planning intention of the “AGR” zone; not incompatible with nearby residential use; the applicant fails to demonstrate that the proposed development would not generate adverse environmental and drainage impacts on the surroundings area; and approving the application would set an undesirable precedent, and the cumulative effect would result in a general degradation of the rural environment of the area.

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

- 8.1 The Site is:
- (a) currently used for the applied use covered by valid planning permission under Application No. A/YL-KTN/495; and
  - (b) accessible via a local track branching off Kam Tai Road to the south.
- 8.2 The surrounding areas are predominantly of rural character mixed with village houses/residential structures, an ancestral hall, ponds, parking lots, a plant nursery, a playground, open storage yard and vacant/unused land. The open storage yard and parking lots are suspected unauthorized developments subject to enforcement action by the Planning Authority:

- (a) to its east are a plant nursery, pond, a playground and vacant/unused land;
- (b) to its south are residential dwellings/structures and a pond;
- (c) to its west is the village settlement of Shui Mei Tsuen with village houses/residential dwellings, an ancestral hall and a parking lot; and
- (d) to its north are residential structures and unused land. An open storage yard at its further north.

## **9. Planning Intentions**

- 9.1 The planning intention of the “V” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on ground floor of a New Territories Exempted Houses. Other commercial, community and recreational uses may be permitted on application to the Board.
- 9.2 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.

## **10. Comments from Relevant Government Departments**

- 10.1 The following Government departments have been consulted and their views on the application are summarized as follows:

### **Land Administration**

- 10.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):
- (a) The Site comprises of a New Grant (NG) Lot and 4 Old Schedule Agricultural Lots (OSALs). Lot No. 1615 in D.D. 109 is held under New Grant No. 532 for agricultural purposes. The OSALs are held under the Block Government Lease which contains the restriction that no structure is allowed to be erected without prior approval of the Government.
  - (b) No permission is given for occupation of Government Land (GL) (about 673m<sup>2</sup> subject to verification) included in the Site. Attention is drawn to the fact that any occupation of GL without Government’s prior approval is not allowed.

- (c) Lots 681 and 684RP both in D.D. 109 are covered by Short Term Waiver (STW) Nos. 3742 and 3743 respectively to permit structures erected thereon for the purpose of “Temporary Place of Recreation (including Barbecue Spot and Picnic Area)”.
- (d) Part of the Site falls within “Yuen Shan Site of Archaeological Interest”. The Antiquities and Monuments Office of the Leisure and Cultural Services Department should be consulted.
- (e) The Site is accessible from Chi Ho Road via GL and private land. This office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site.
- (f) 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.
- (g) No small house application has been received / under processing within the Site.
- (h) Should the application be approved, the STW holder(s) will need to apply to LandsD for modification of the STW conditions where appropriate. The owner(s) of the lots without STW will need to apply to his office to permit structure(s) 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 Excepted Building(s) will be considered or allowed. Furthermore, the applicant has to either exclude the GL portion from the Site or apply for a direct grant STT for use of the Site. Applications for any of the above will be considered by LandsD acting in the capacity as the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD.

### **Traffic**

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

- (a) He has no comment on the renewal 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 incorporated.
- (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 (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.

10.1.3 Comments of the Chief Highway Engineer/NT West, Highways Department (CHE/NTW, HyD):

- (a) HyD shall not be responsible for the maintenance of any access connecting the Site and Chi Ho Road.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.

**Environment**

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

- (a) There was no environmental complaint concerning the Site received in the past three years.
- (b) According to the applicant, there is restriction on operation hours. Only private car parking spaces would be allowed for the Site. Also, public announcement system, portable loudspeakers or any form of audio amplification system would be prohibited from the applied use.
- (c) Potential noise nuisance from activities such as human chatting, shouting and music from amplifiers especially during night time would be a concern to nearby sensitive uses, i.e. residential dwellings located to the immediate north and west of the Site. The applicant should ensure compliance with the undertakings above and minimize any noise from the applied use so that it would not cause any noise nuisance to nearby sensitive receivers. The applicant is also 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 to minimize any potential environmental nuisance.

**Landscape**

10.1.5 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 point of view.
- (b) The Site is the subject of 4 previous similar applications. The last application No. A/YL-KTN/495, to which she has no objection to, was approved with conditions by the Committee on 10.6.2016.
- (c) With reference to the aerial photo taken in 2018, the surrounding area of the Site is comprised of village houses, ponds, vacant land,

farmland and scattered tree groups. The applied use is considered not incompatible with existing landscape setting in the proximity.

- (d) According to the site visit conducted in May 2019, the Site was landscaped and well maintained, All the existing trees found within the Site were generally in good and very good conditions. Further adverse landscape impact arising from the continued recreation uses is not anticipated.
- (e) In view that there is no prominent public frontage along the site boundary, should the application be approved by Board, landscape condition in planning approval is not recommended, as its effect on enhancing the landscape quality of public realm is not apparent.

### **Agriculture and Fisheries**

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

- (a) Considering that the previous application for the same use as the current application was approved, he has no strong view against the application for renewal of planning approval from agricultural point of view.
- (b) There are ponds within and adjacent to the Site. Nothing that the application does not involve any filling of ponds, he has no objection to the application from fisheries perspective. However, should the application be approved, the applicant should adopt necessary measures to avoid causing pollution or disturbance to the ponds during operation.

### **Drainage**

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

- (a) Presumably, the applicant would maintain the same drainage facilities as those implemented under previous application No. A/YL-KTN/495. He has no in-principle objection to the development.
- (b) Should the application be approved, approval conditions requiring the applicant to maintain the drainage facilities implemented under previous planning application and to submit records of existing drainage facilities on site should be incorporated in the planning permission.

### **Food and Environmental Hygiene**

10.1.8 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 and/or permit issued by his department is required if any food business and/or activities related to place of entertainment is involved:
  - (i) For the operation of any types of food business, relevant food licence(s) and/or permit(s) should be obtained from FEHD in accordance with the Public Health and Municipal Services Ordinance (Cap. 132).
  - (ii) Any person who desires to keep or use any place of public entertainment for example a theatre and cinema or a place, building, erection or structure, whether temporary or permanent, on one occasion or more, capable of accommodating the public presenting or carrying on public entertainment within Places of Public Entertainment (PPE) Ordinance (Cap. 172) and its subsidiary legislation, such as a concert, opera, ballet, stage performance or other musical, dramatic or theatrical entertainment, cinematograph or laser projection display or an amusement ride and mechanical device which is designed for amusement. A Place of Public Entertainment Licence (or Temporary Place of Public Entertainment Licence) should be obtained from FEHD whatever the general public is admitted with or without payment.
- (c) If the proposal involves any commercial/trading activities, its state should not as to be a nuisance or injurious or dangerous to health and surrounding environment. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses.

### **Archaeological Aspect**

#### 10.1.9 Comments of the Commissioner for Heritage's Office (CHO (AMO)):

In view of the location and scope of the place of recreation, AMO has no objection to the application from cultural heritage viewpoint. Nevertheless, the applicant is required to inform AMO immediately if antiquities or supposed antiquities are discovered within the Site during the construction and operation of the place of recreation.

### **Fire Safety**

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

- (a) It is noted that the site layout has been changed, in particular the increase in floor area of respective structures. He has no in-principle

objection to the application 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 BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

### **Building Matters**

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

- (a) There is no record of approval by the Building Authority (BA) for the existing structures at the Site, BD is not in a position to offer comments on their suitability for the applied use.
- (b) The applicant's attention is drawn to the following points:
  - (i) If the existing structures (not being New Territories Exempted Houses) are erected on leased land without approval of BD, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any use under the application.
  - (ii) For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.
  - (iii) Before any new building works (including containers / open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of BD should be obtained. Otherwise, they are UBW. An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO.
  - (iv) 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. If the Site does not abut on a specified street of not less than 4.5m wide, their

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**

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

He has not received any comment from locals and has no particular comments on the application.

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

- (a) Director of Leisure and Cultural Services;
- (b) Director of Electrical and Mechanical Services;
- (c) Chief Engineer/Construction, Water Supplies Department;
- (d) Project Manager (West), Civil Engineering and Development Department;  
and
- (e) Commissioner of Police.

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

On 26.4.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 17.5.2019, no public comment was received.

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

12.1 The application is for renewal of planning permission of temporary place of recreation (including barbecue spot, picnic area, children playground and handicraft making area) with ancillary facilities for a period of 3 years. Majority of the Site (86.7%) falls within the "V" zone with a small portion (13.3%) falling within the "AGR" zone. The planning intention of the "V" is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. According to DLO/YL, there is no Small House application approved or being processing within the Site. The planning intention of the "AGR" zone is to retain and safeguard good quality agricultural land for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC has no adverse comments on the application from agricultural and fisheries perspective. It is considered that the temporary nature of the development would not jeopardize the long-term planning intentions of the "V" and "AGR" zone.

12.2 The development is considered not incompatible with the surrounding area which is predominantly of rural character mixed with village houses/residential structures, an ancestral hall, ponds, parking lots, a plant nursery, a playground, open storage yard and vacant/unused land.

- 12.3 The application is generally in line with the TPB PG-No. 34B in that previous approvals (Applications No. A/YL-KTN/273, 329, 383 and 495) had been given for temporary place of recreation uses (**Plan A-1** and paragraph 6 refer). All the approval conditions under the last application No. A/YL-KTN/495 have been complied with. The current application is same as the last application in terms of site layout with slight increase in site area (i.e. +60m<sup>2</sup>/+0.7%) and floor area (+67m<sup>2</sup>/+11.7%). There is no adverse comment from concerned departments on the application. There is no major change in planning circumstances since the last approval. In this regard, favourable consideration could be given to the renewal application.
- 12.4 No adverse comment from Government departments, including DEP, C for T, CE/MN of DSD, DAFC, CTP/UD&L of PlanD, DFEH, DLCS and D of FS was received. There was no environmental complaint concerning the Site received in the past three years. To address DEP's concern on potential noise nuisance and to minimise any possible environmental nuisance, approval conditions restricting the operation hours and use of public announcement system are recommended in paragraph 13.2 (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'. The technical requirements of C for T, CE/MN of DSD and D of FS could be addressed by approval conditions (d) to (i) in paragraph 13.2 below.
- 12.5 No public comment was received during the statutory publication period.

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

- 13.1 Based on the assessments made in paragraph 12, the Planning Department considers that the temporary place of recreation (including barbecue spot, picnic area, children playground and handicraft making area) with ancillary facilities could be tolerated for a period of 3 years.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years, and be renewed from 11.6.2019 until 10.6.2022. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### Approval Conditions

- (a) no operation between 9:00 p.m. to 10:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation between 6:00 p.m. to 9:00 p.m., on Mondays to Fridays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) 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;

- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) no pond filling or paving, as proposed by the applicant, is allowed on the Site and the Site shall remain the same as the current situation under which surface runoff of the Site will flow into the existing pond during the planning approval period;
- (f) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (g) the submission of a record of the existing drainage facilities on the Site within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 11.9.2019;
- (h) the submission of fire service installations proposal within **6** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 11.12.2019;
- (i) in relation to (h) above, the provision of fire service installations within **9** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 11.3.2020;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) 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 (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 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.

*[The above approval conditions are the same as those under planning permission for previous application No. A/YL-KTN/495, except deletion of landscaping condition according to CTP/UD&L of PlanD's comments.]*

#### Advisory Clauses

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

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

the development is not in line with the planning intentions of the "V" and "AGR" zones. The planning intention of the "V" zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this

zone is primarily intended for development of Small Houses by indigenous villagers. The planning intention of the “AGR” zone 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 planning justification has been given in the submission to justify a departure from the planning intentions, even on a temporary basis.

#### **14. Decision Sought**

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

#### **15. Attachments**

<b>Appendix I</b>	Application form with planning statement and plans with supplementary information received on 16.4.2019
<b>Appendix Ia</b>	FI received on 17.5.2019
<b>Appendix Ib</b>	FI received on 22.5.2019
<b>Appendix II</b>	Relevant extracts of Town Planning Board Guidelines for ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ (TPB PG-No. 34C)
<b>Appendix III</b>	Previous applications covering the Site
<b>Appendix IV</b>	Similar applications within the same “AGR” zone on the Kam Tin North OZP
<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>	FSIs Proposal

- Plan A-1**            Location Plan with Similar/ Previous Applications
- Plan A-2**            Site Plan
- Plan A-3**            Aerial Photo
- Plans A-4a and A-4b**    Site Photos

**PLANNING DEPARTMENT  
MAY 2019**