

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

**APPLICATION NO. A/NE-LK/113**

**Applicant** : Ms. CHENG Suk Ching represented by R-riches Property Consultants Limited

**Site** : Lots 1313 RP (Part) and 1315 RP in D.D. 39, Wo Hang, New Territories

**Site Area** : 499 m<sup>2</sup> (about)

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

**Plan** : Approved Luk Keng and Wo Hang Outline Zoning Plan (OZP) No. S/NE-LK/11

**Zonings** : “Recreation” (“REC”) (about 286 m<sup>2</sup> or 57.3% of the Site) and  
“Agriculture” (“AGR”) (about 213 m<sup>2</sup> or 42.7% of the Site)

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

**1. The Proposal**

1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary animal boarding establishment for a period of three years (**Plan A-1**). The Site falls within an area partly zoned “REC” (about 57.3%) and partly zoned “AGR” (about 42.7%) on the approved Luk Keng and Wo Hang OZP No. S/NE-LK/11. According to the Notes of the OZP, ‘Animal Boarding Establishment’ is a Column 2 use in “REC” and “AGR” zones requiring planning permission from the Town Planning Board (the Board).

1.2 According to the applicant, the proposed development comprises three portions located along both sides of the Sha Tau Kok Road – Wo Hang Section (**Drawing A-1**) which involves three 1-storey temporary structures (no more than 3m in height) with a total floor area of about 188.4 m<sup>2</sup>. The proposed use and facilities of each structure are listed below:

- Structure A at the northwestern portion of the Site will be used as animal boarding establishment with a septic tank (**Drawing A-2**);
- Structure B at the northeastern portion of the Site will be used as site office with a portable toilet (**Drawing A-2**); and
- Structure C at the southern portion of the Site will be used as animal boarding establishment with a septic tank; provision of one private car parking space (measuring 5 m x 2.5 m); and a proposed run-in/out for vehicular access (**Drawing A-2**).

- 1.3 The proposed development will provide temporary accommodation for dogs (no more than 20 dogs). The applicant advised that all dogs will be kept inside the temporary structures which are enclosed by steel sheets with the installation of cotton acoustic panels and 24-hour air conditioned with ventilation to minimise any noise nuisance. The southern portion of Site is accessible via a local track branching off from Sha Tau Kok Road – Wo Hang Section whereas there is no vehicular access to the northeastern and northwestern portions of the Site (**Drawing A-1**). The daily operation hour (time for picking up and dropping off dogs) of the proposed development is from 10:00 am to 6:00 pm on Mondays to Sundays including public holidays. The site layout plan, landscape proposal and a plan showing the manoeuvring of vehicles in the Site submitted by the applicant are at **Drawings A-2 to A-4** respectively.
- 1.4 The southern portion of the Site is part of the subject of a previous application No. A/NE-LK/10 for temporary open storage of construction materials for a period of 12 months submitted by different applicant of current application (**Plan A-1**). The application was rejected by the Board on review on 13.2.1998. Details of the previous application are summarised in paragraph 5 below.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with Attachments received on 21.5.2018 (**Appendix I**)
  - (b) Further Information received on 13.6.2018 (**Appendix Ia**)
  - (c) Further Information received on 14.6.2018 (**Appendix Ib**)
  - (d) Further Information received on 19.6.2018 (**Appendix Ic**)
  - (e) Email dated 11.7.2018 requesting for 1<sup>st</sup> deferment of consideration of the application (**Appendix Id**)
  - (f) Further Information received on 14.8.2018 (**Appendix Ie**)
  - (g) Email dated 27.9.2018 requesting for 2<sup>nd</sup> deferment of consideration of the application (**Appendix If**)
  - (h) Further Information received on 8.10.2018 (**Appendix Ig**)
  - (i) Further Information received on 16.11.2018 (**Appendix Ih**)
- 1.6 At the request of the applicant (**Appendices Id and If**), the Committee agreed on 20.7.2018 and 5.10.2018 to defer making a decision on the application for two months each pending the preparation of further information to address the departmental comments. The applicant submitted the further information (**Appendices Ie and Ig**) on 14.8.2018 and 8.10.2018 respectively and the application is re-scheduled for consideration by the Committee on 7.12.2018.

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

The justifications put forth by the applicant in support of the application are mainly detailed in the Application Form with attachments and the Further Information at **Appendices I and Ia**. They can be summarised as follows:

- (a) the Site is currently vacant and partly fenced off. The proposed development is compatible with the surrounding land uses and would not cause adverse environmental impact on the surrounding area since there is no land filling / excavation involved;
- (b) the Site can be accessed via Sha Tau Kok Road – Wo Hang Section (around 7 m in width). One private car parking space is provided at the southern portion of the Site.

The proposed development will not cause adverse traffic impact on the surrounding area;

- (c) the Site can accommodate no more than 20 dogs in the proposed temporary structures. All dogs will be kept inside the temporary structures which are enclosed by steel sheets with the installation of cotton acoustic panels and 24-hour air conditioned with ventilation to minimise any noise nuisance.
- (d) a total of 4 staffs will be working at the Site during day time (10 am to 6 pm), of which 1 staff will be staying at Structure C (**Drawing A-2**) during night time (6 pm to 10 am) to manage the dogs and handle complaints. CCTV will be provided at Structures A & B (**Drawing A-2**) for easy monitoring at Structure C; and
- (e) dogs will not be kept in the uncovered area during daytime and night time. No dog training activity will be carried out in the Site and no broadcast equipment and dog whistle will be used in the Site. The proposed development will not generate noise to the surrounding area.

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

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting site notice and giving notification to the Sha Tau Kok District Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Background**

The Chief Town Planner/Central Enforcement and Prosecution, Planning Department (CTP/CEP, PlanD) states that the Site is not subject to any active enforcement action.

### **5. Previous Application**

- 5.1 Part of the Site (i.e. the southern portion of the Site falling within “REC” zone) is the subject of a previous application No. A/NE-LK/10 for temporary open storage of construction materials for a period of 12 months submitted by different applicant of current application (**Plan A-1**). The application was rejected by the Board on review on 13.2.1998 mainly on the grounds that the development was not in line with the planning intentions of the “REC” and “AGR” zones and there was no strong justification for a departure from the planning intentions even on a temporary basis; the development was incompatible with the surrounding land uses in the area which were predominantly rural and agricultural in character; and the approval of the application would set an undesirable precedent for other similar applications which would result in a general degradation of the environment in the area.
- 5.2 Detail of the previous application is summarised at **Appendix II** and the location is shown on **Plan A-1**.

## **6. Similar Application**

There is no similar application within/partly within the “REC” and “AGR” zones in the vicinity of the Site in the Luk Keng and Wo Hang area.

## **7. The Site and Its Surrounding Areas (Plans A-1 and A-2, aerial photo on Plan A-3 and site photos on Plans A-4a to A-4c)**

7.1 The Site is:

- (a) flat, vacant and overgrown with vegetation; (**Plans A-4a to A-4c**)
- (b) the northern part of the Site (i.e. to the north of the Sha Tau Kok Road – Wo Hang Section) is surrounded by a nullah (**Plan A-2**);
- (c) the southern part of the Site (i.e. to the south of the Sha Tau Kok Road – Wo Hang Section) is covered by grass and partly fenced off. It is accessible via a local track branching off from Sha Tau Kok Road – Wo Hang Section; and
- (d) located about 25m away from the nearest domestic structure.

7.2 The surrounding areas have the following characteristics:

- (a) to the north, northeast and northwest of the northern part of the Site are village cluster of Ma Tseuk Leng San Uk Ha, fallow agricultural land, vehicle parking area and vacant land;
- (b) to the east and west of the southern part of the Site are active/fallow agricultural land and vacant land; and
- (c) to the south of the southern part of the Site are vacant land, temporary structures, a pond and a stream to the further south.

## **8. Planning Intentions**

8.1 The planning intention of the “REC” zone in Luk Keng and Wo Hang area is primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.

8.2 The planning intention of the “AGR” zone in Luk Keng and Wo Hang area is to primarily 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 summarised as follows:

### Land Administration

9.1.1 Comment of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) the Site comprises private lots. The lots are Old Schedule lots held under the Block Government Lease (demised for agricultural use) without any guaranteed right of vehicular access. The applicant should make his own arrangement for acquiring access. The Government shall accept no responsibility in such arrangements; and
- (b) if the application is approved, the owners of the lots concerned shall apply to his office for a Short Term Waiver (STW) to cover all the actual occupation area. The application for STW will be considered by Government in its landlord's capacity and there is no guarantee that they will be approved. If the STW is approved, its commencement date will be backdated to the first date of occupation and it will be subject to such terms and conditions to be imposed including payment of waiver fee/rent and administrative fees as considered appropriate by his office.

### Traffic

9.1.2 Comments of the Commissioner for Transport (C for T):

- (a) noting that the proposed development will generate and attract 6 traffic trips per day, he has no further comment on the proposed vehicular access of no less than 7.3 m provided at the southern portion of the Site (**Drawing A-4**);
- (b) From the pedestrian safety point of view, traffic management measures including separation rails and separate pedestrian gate should be provided to separate vehicular traffic and pedestrians. It is noted that that separated pedestrian access (**Drawing A-4**) will be provided for the southern site. Hence, he has no further comment on the further information (**Appendix Ig**) regarding the vehicular access arrangement;

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

- (a) he has no further comment on the further information (**Appendix Ie**);
- (b) only Sha Tau Kok Road (both the carriageway and the footpath) is maintained by his department;
- (c) it is noted that there is no run-in/out from Sha Tau Kok Road to the southern portion of the Site. The applicant is required construct a run-in/out at the applicant's own cost to the satisfaction of his

department. Upon the expiry of the planning permission, the applicant is required to reinstate the run-in/out at his own cost to its original state to the satisfaction of his department; and

- (d) should the application be approved, the applicants are required to submit details of the proposed run-in/out to his satisfaction.

### Environment

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

- (a) she has no objection to the application from environmental point of view;
- (b) noting that the applicant will provide a portable toilet for the office in Structure B (**Drawing A-2**) and will follow the requirements of ProPECC PN 5/93 for the design and construction of the septic tank and soakaway system proposed with the system to be certified by an Authorised Person; *she has no* further comment on the further information (**Appendix Ig**);
- (c) there was no substantiated environmental complaints against the Site during the past three years; and
- (d) should the application be approved, an approval condition should be imposed to require the submission and implementation of a noise mitigation plan to the satisfaction of her department.

### Landscape

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

- (a) with reference to aerial photo of 2017 (**Plan A-3**), the Site is situated in an area of rural landscape character, comprising some village houses, agricultural lands, tree groups vacant lands and a pond. The proposed use is considered not entirely incompatible with the surrounding landscape character;
- (b) one existing tree (i.e. *Celtis sinensis* 朴樹) is in close proximity to the proposed ingress/egress connecting to Sha Tau Kok Road (**Drawing A-3**), the applicant is reminded that precautionary measures should be proposed to protect the tree against any potential damage caused by moving vehicles;
- (c) without indicating the spacing of proposed planters along the boundary fencing, it is not certain if the 30 numbers of planters are sufficient to achieve effective screening along Sha Tau Kok Road. Moreover, in addition to the proposed species *Schefflera arboricola* (which is a shrub species), species of climbers for screening of boundary fence should also be indicated. Nevertheless, these comments on the landscape plan can be addressed in the submission for compliance of planning permission conditions if the application is approved by the Committee;

- (d) should the application be approved by the Board, an approval condition on the submission and implementation of landscape and tree preservation proposals is recommended; and
- (e) she has no further comment on the further information (**Appendix Ih**).

### **Agriculture and Licensing**

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

- (a) the Site is an abandoned land. Agricultural activities in the vicinity of the Site are found. Agricultural infrastructures such as water supply and road access are available. As the Site possesses potential for agricultural rehabilitation, the application is not supported from agriculture point of view;
- (b) with respect to the applied use, the subject address does not associate with any Boarding Establishment Licence granted by his department, nor have he 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 animal owner must apply for a licence from his department; and
- (c) it is noted that the Site is near some ponds and stream. Should the application be approved, the applicant should be reminded to implement good site practice so as not to pollute the ponds and stream nearby.

### **Drainage**

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

- (a) he has no objection to the application from the public drainage point of view;
- (b) the site is in an area where no public sewerage connection is available; and
- (c) should the application be approved, a condition should be included to request the applicant to submit and implement a drainage proposal for the Site to ensure that it will not cause adverse impact to the adjacent area.

### **Building Matters**

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

- (a) the proposed septic tank shall comply with Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations. The drainage works require prior approval and consent under the Buildings Ordinance (BO);

- (b) if the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorized under the BO and should not be designated for any approved use under the application;
- (c) 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 Buildings Works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO;
- (d) if the proposed use under application is subject to the issue of a licence, please be reminded that any existing structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
- (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)Rs) respectively; and
- (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)Rs at the building plan submission stage.

### **Water Supply**

#### 9.1.9 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

for provision of water supply to the development, the applicant may need to extend his inside services to the nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to his department's standards.

### **Environmental Hygiene**

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

- (a) the operation of the proposed temporary animal boarding establishment shall not cause any sanitary nuisance;
- (b) neither accumulation of waste nor water that may lead to breeding of mosquitoes shall be allowed on the Site;
- (c) the applicant shall be responsible for the prompt removal and disposal of any waste at his own expenses; and
- (d) the applicant shall carry out adequate measures to prevent breeding of mosquitoes and other pest at the Site.



### **Fire Safety**

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

- (a) he has no in-principle objection to the application subject to fire service installations and water supplies for firefighting being provided to the satisfaction of his department;
- (b) emergency vehicular access arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by BD; and
- (c) detailed fire safety requirements will be formulated upon receipt of formal submission of the general building plans.

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

9.1.12 Comments of the District Officer (North), Home Affairs Department (DO(N), HAD):

- (a) he has consulted the locals regarding the application. The incumbent North District Council (NDC) member of the subject constituency and the Resident Representative (RR) of Shek Kiu Tau have no comment on the application whereas the Chairman of Sha Tau Kok District Rural Committee, the indigenous Inhabitant Representative and RR of Ma Tseuk Leng San Uk Ha objected to the application mainly on the grounds that the proposed development will generate environmental problems including hygiene, odour, noise and sewage to villagers as the Site is in vicinity to village houses (around 50m to 100m); the proposed development will pose a threat to drivers and pedestrians as the proposed temporary structures block the view of the village entrance; and the applicant did not proposed any environmental mitigation measures including sewerage treatment; and
- (b) the nullah within the Site is constructed and maintained by his office with consent from the lot owner. He advises that the proposed development should be located as far away from these facilities as possible. His office maintains the responsibility of the construction and maintenance of the nullah within the Site.

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

- (a) Director of Electrical and Mechanical Services (DEMS);
- (b) Commissioner of Police (C of P); and
- (c) Project Manager (North), North Development Office, Civil Engineering and Development Department (PM(N), CEDD).

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

On 29.5.2018, the application was published for public inspection. During the statutory public inspection periods, six public comments were received (**Appendix III**). A NDC

member supports the application as it provides convenience to villagers whereas the Chairman of Sheung Shui District Rural Committee indicates no comment on the application. Remaining four comments including the Hong Kong Bird Watching Society and three individuals object to the application mainly on the grounds that the proposed development is not in line with the planning intentions of the “AGR” and “REC” zones; the proposed development would cause adverse sewage impact on nearby pond and river as there is no proper sewerage treatment; the proposed development may spread diseases; the Site consists of three separate sites with no connectivity; and the approval of the application would set an undesirable precedent for similar applications.

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

- 11.1 The Site proposed for a temporary animal boarding establishment for a period of 3 years falls within an area partly zoned “REC” (about 57.3% of the Site) and partly zoned “AGR” (about 42.7% of the Site). The proposed development is not in line with the planning intention of “REC” zone which is primarily for recreational developments for the use of the general public and the development of active and/or passive recreation and tourism/eco-tourism is encouraged. It is also not in line with planning intention of “AGR” zone which is primarily 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. DAFC does not support the application from the agriculture development point of view as the Site possesses potential for agricultural rehabilitation. Nevertheless, the proposed animal boarding establishment is temporary in nature for a period of 3 years, the approval of the application on temporary basis would not jeopardize the long-term planning intention of the “AGR” and “REC” zones.
- 11.2 The proposed development comprises mainly three 1-storey temporary structures and some ancillary and supporting facilities for accommodating about 20 dogs (**Drawing A-2**) which is considered not entirely incompatible with the surrounding land uses which are mainly rural in character predominated by village houses, active / fallow agricultural land, vacant land and a pond. Regarding the possible environmental impact and noise nuisance, the applicant indicated that relevant measures will be provided including the use of acoustic materials and 24-hour air conditioned with ventilation for the kennels, and disposal of wastewater and excrement of dogs by septic tank etc. DEP has no objection to the application. Should the application be approved by the Committee, relevant approval conditions on submission and implementation of noise mitigation plan to the satisfaction of DEP are recommended. On the traffic impact, noting that the proposed development would generate about 6 traffic trips per day and provide a vehicular access of no less than 7.3m with separated pedestrian access at the southern portion, C for T has no comment on the application. Other Government departments consulted, including CE/MN of DSD, D of FS, DFEH and C of P, have no comment on / no objection to the application.
- 11.3 From landscape planning perspective, CTP/UD&L, PlanD indicated no comment on the application. The comments related to landscape aspect such as concerns on the precautionary measures for the existing tree as well as the number of proposed tree and planters along the boundary of the Site could be addressed in the submission of landscape and tree preservation proposal for compliance of relevant approval conditions.

- 11.4 There are adverse public comments and local objections mainly on the considerations of the planning intentions of the “AGR” and “REC” zones; the environmental problems; the potential danger to drivers and pedestrians; the lack of environmental mitigation measures; the lack of connectivity between three separate sites; and the setting of undesirable precedent. In this regard, the departmental comments and planning assessments above are relevant.

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

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments in paragraph 10 above, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years until 7.12.2021. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

### Approval Conditions

- (a) no operation between 6:00 p.m. and 10:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no broadcast equipment and dog whistle, as proposed by the applicant, is allowed to be used on the Site during the planning approval period;
- (c) the provision of boundary fencing on the Site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 7.6.2019;
- (d) 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 7.6.2019;
- (e) in relation to (d) above, the provision of drainage facilities 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 7.9.2019;
- (f) the submission of sewerage 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 7.6.2019;
- (g) in relation to (f) above, the provision of sewerage facilities 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 7.9.2019;
- (h) the submission of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 7.6.2019;

- (i) in relation to (h) above, the implementation of landscape and tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 7.9.2019;
- (j) the submission of proposals for fire service installations and water supplies for firefighting 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 7.6.2019;
- (k) in relation to (j) above, the implementation of proposals for fire service installations and water supplies for firefighting 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 7.9.2019;
- (l) the submission of a traffic management measures within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 7.6.2019;
- (m) in relation to (l) above, the implementation of traffic management measures identified therein within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 7.9.2019;
- (n) the submission of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 7.6.2019;
- (o) in relation to (n) above, the implementation of run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 7.9.2019;
- (p) the submission of a noise mitigation plan within 6 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by 7.6.2019;
- (q) in relation to (p) above, the implementation of noise mitigation plan within 9 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by 7.9.2019;
- (r) if any of the above planning conditions (a) or (b) 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;
- (s) if any of the above planning conditions (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p) or (q) 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
- (t) upon expiry of the planning permission, the reinstatement of the northeastern and northwestern portions of the Site to an amenity area to the satisfaction of Director of Planning or of the Town Planning Board.

### Advisory Clauses

The recommended advisory clauses are at **Appendix IV**.

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

- (a) the proposed development is not in line with the planning intention of the "Recreation" ("REC") and "Agriculture" ("AGR") zones in Luk Keng and Wo Hang area. The "REC" zone is primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. The "AGR" zone is primarily 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. There is no strong justification in the submission for a departure from such planning intentions, even on a temporary basis; and
- (b) the approval of the application will set an undesirable precedent for similar applications within the same "AGR" and "REC" zones. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

### **13. Decision Sought**

13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the 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 Attachments received on 21.5.2018
<b>Appendix Ia</b>	Further Information received on 13.6.2018
<b>Appendix Ib</b>	Further Information received on 14.6.2018
<b>Appendix Ic</b>	Further Information received on 19.6.2018
<b>Appendix Id</b>	Email dated 11.7.2018 requesting for deferment of consideration of the application
<b>Appendix Ie</b>	Further Information received on 14.8.2018
<b>Appendix If</b>	Email dated 27.9.2018 requesting for 2 <sup>nd</sup> deferment of consideration of the application
<b>Appendix Ig</b>	Further Information received on 8.10.2018
<b>Appendix Ih</b>	Further Information received on 16.11.2018
<b>Appendix II</b>	Previous s.16 Application
<b>Appendix III</b>	Public Comments

<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Location Plan
<b>Drawing A-2</b>	Site Layout Plan
<b>Drawing A-3</b>	Landscape Proposal
<b>Drawing A-4</b>	Plan Showing the Manoeuvring of Vehicles in the Site
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to A-4c</b>	Site Photos

**PLANNING DEPARTMENT  
DECEMBER 2018**