

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-LYT/672

- Applicant** : Pak Hau Properties Limited represented by Land Supreme Surveyors Limited
- Site** : Lot 926 (Part) in D.D. 83, Lung Ma Road, Fanling, New Territories
- Site Area** : About 500 m²
- Lease** : (a) Block Government Lease (demised for agricultural use);
(b) Modification of Tenancy No. 34966 for erection of temporary structures for the purpose of dwelling and kitchen for Lot 926 in D.D. 83; and
- Plan** : Approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP) No. S/NE-LYT/17
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Eating Place (Canteen) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary eating place (canteen) for a period of three years at the application site (the Site) (**Plan A-1a**). The Site falls within an area zoned “AGR” on the approved Lung Yeuk Tau and Kwan Tei South OZP No. S/NE-LYT/17. According to the Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years within “AGR” zone requires planning permission from the Town Planning Board (the Board) notwithstanding that the use is not provided for under the Notes of the OZP.
- 1.2 The Site is located to the west of Lung Ma Road and connected with Sha Tau Kok Road – Lung Yeuk Tau to the north (**Plan A-1a**). According to the information submitted by the applicant, there are 8 one-storey structures for kitchen, eating area, rest area for staff, storage and mobile toilets with a total floor area of about 134.75 m² (**Drawing A-1**). The Site is currently accessible via a footpath leading to Lung Ma Road and there is no vehicular access to the Site (**Plan A-2**). The daily operation hours are between 11:00 a.m. to 5:00 p.m. from Mondays to Saturdays and no operation on Sundays and public holidays. The site layout plan submitted by the applicant is at **Drawing A-1**. The Site is currently vacant and largely occupied by temporary structures.
- 1.3 The Site is the subject of three previous applications. The last application No. A/NE-LYT/636 for temporary place of recreation, sports or culture (barbecue site)

submitted by the same applicant was rejected by the Rural and New Town Planning Committee (the Committee) on 27.10.2017. Details of all previous applications are set out in paragraph 5 below.

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

- (a) Application Form with attachments received on 18.7.2018 (Appendix I)
- (b) Supplementary Planning Statement (Appendix Ia)
- (c) Further Information received on 3.9.2018 (Appendix Ib)
- (d) Letter dated 6.9.2018 requesting for deferment of consideration of the application (Appendix Ic)
- (e) Further Information received on 27.9.2018 (Appendix Id)
- (f) Further Information received on 30.10.2018 (Appendix Ie)
- (g) Further Information received on 31.10.2018 (Appendix If)
- (h) Further Information received on 6.11.2018 (Appendix Ig)
- (i) Further Information received on 9.11.2018 (Appendix Ih)

1.5 On 7.9.2018, the Committee agreed, at the request of the applicant (Appendix Ic), to defer making a decision on the application for one month pending the preparation of further information to address the departmental comments. The applicant submitted further information on 27.9.2018 (Appendix Id) and the application is re-scheduled for consideration by the Committee on 16.11.2018.

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 further information at **Appendices Ia, Ib, Id to Ig** respectively. They can be summarised as follows:

- (a) the density and scale of proposed development is not incompatible with the surrounding land use comprising of car repairing workshops and open storages and a proposed residential development subject to a planning approval (application No. A/NE-LYT/231) (**Plan A-3**);
- (b) the potential of agricultural rehabilitation for the Site is low since there is no reliable and economical water source;
- (c) the proposed development will provide eating place for construction workers of the public housing project of Queen's Hill. There is no similar canteen in the vicinity of the Queen's Hill construction site;
- (d) the proposed development would not cause adverse impact on traffic, landscape, visual, sewage and drainage impacts on the surrounding area;
- (e) the Site adjoins Lung Ma Road and has good accessibility; and
- (f) there are existing public utilities such as water, electricity and telephone line since there are temporary structures and village houses in the area.

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

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

4. Background

According to the Chief Town Planner/Central Enforcement and Prosecution, Planning Department (CTP/CEP, PlanD), the Site is the subject of an active enforcement case (**Plan A-2**) for use for eating place. Enforcement Notice was issued on 27.4.2018 requiring the concerned owners to discontinue the unauthorised development on or before 27.6.2018. The unauthorised development has been discontinued as revealed in recent site inspections but the temporary structures and converted containers were still found at the Site. Her Office will continue to monitor the development of the Site.

5. Previous Applications

- 5.1 The Site is the subject of three previous applications (No. A/NE-LYT/210, 230 and 636). Application No. A/NE-LYT/210 for temporary container trailer park for a period of 3 years was rejected by the Board on review on 27.4.2001 mainly on the grounds that the development was not in line with the planning intention of “AGR” zone; the development was not compatible with the surrounding rural setting; there was insufficient information to demonstrate that the proposed development would not cause adverse drainage and environmental impacts on the surrounding areas; and the approval of the application would set an undesirable precedent for similar applications.
- 5.2 Application No. A/NE-LYT/230 for temporary agricultural trade wholesale market for a period of 2 years was rejected by the Committee on 31.5.2002 mainly on the grounds that there was insufficient information to demonstrate that the proposed development would be compatible with the surrounding areas and would not cause adverse environmental, traffic and landscape impacts on the surrounding areas.
- 5.3 Application No. A/NE-LYT/636 for temporary place of recreation, sports or culture (barbecue site) for a period of 3 years was rejected by the Committee on 27.10.2017 mainly on the grounds that the development was not in line with the planning intention of “AGR” zone; the applicant failed to demonstrate that the proposed development would not cause adverse traffic impact on the surrounding areas; and the approval of the application would set an undesirable precedent for similar applications.
- 5.4 Compared with the last rejected application No. A/NE-LYT/636 for temporary place of recreation, sports or culture (barbecue site) submitted by the same applicant under the current application, there are changes in site area from 528 m² to 500 m² (i.e. -28 m²) and total floor area from 261.4 m² to 134.75 m² (i.e. -126.65 m²).
- 5.5 Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plans A-1a and A-1b**.

6. Similar Application

There is no similar application for temporary eating place in the same “AGR” zone in the vicinity of the Site in Lung Yeuk Tau and Kwan Tei South area.

7. The Site and Its Surrounding Areas (Plans A-1a, A-1b, A-2, A-3, and A-4a to A-4c)

7.1 The Site is:

- (a) formed, paved and largely occupied by temporary structures (**Plans A-3, A-4a to A-4c**);
- (b) located about 10 m to the west of Lung Ma Road which is connected to Sha Tau Kok Road – Lung Yeuk Tau (**Plans A-1a and A-2**); and
- (c) not served by any vehicular access.

7.2 The surrounding areas have the following characteristics:

- (a) mainly a mixed rural landscape character dominated by vacant land, open storage uses, workshops, warehouses, parking of vehicles, village houses, and some temporary structures for domestic and storage uses (**Plans A-2 and A-3**);
- (b) to the immediate north, west and south are temporary structures for storage and domestic purposes, and vacant land; and to the immediate east is a vehicle repair workshop;
- (c) to the west is a large piece of vacant land where is covered by a planning permission (Application No. A/NE-LYT/231) for residential development with recreational facilities to develop 36 two-storey houses. The proposed residential development under that application is deemed to have commenced as the respective building plans were approved in 2010 (**Plan A-3**);
- (d) to the east beyond Lung Ma Road are a residential development, open storage yards, a few temporary structures for domestic use, and works areas of Queen’s Hill public housing development; and
- (e) to the further north are warehouses, workshops, storage of construction materials and some temporary structures for domestic purpose.

8. Planning Intention

The planning intention of the “AGR” zone in the Lung Yeuk Tau and Kwan Tei South area 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 summarised as follows:

Land Administration

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

- (a) the Site comprises a private lot which is Old Schedule lots held under the Block Government Lease (demised for agricultural use) without any guarantee of right of access. Modification of Tenancy (MOT) No. 34966 was issued for erection of temporary structures for the purpose of dwelling and kitchen on Lot 926 in D.D. 83. The existing temporary structures erected on the Site are not acceptable under the MOT;
- (b) the occupation boundary and the application boundary of the Site does not tally. The total build-over area of the structures does not tally with the one mentioned in the application. The aforesaid structures are not acceptable under the Leases concerned. His office reserves the rights to take necessary lease enforcement actions against the unauthorised structures; and
- (c) if the application is approved, the owners of Lot 926 in D.D. 83 shall apply to his office for a Short Term Waiver (STW) to cover the proposed structures on site. The application for STW will be considered by Government in its landlord's capacity and there is no guarantee that it will be approved. If the STW is approved, it will be subject to such terms and conditions to be imposed including payment of waiver fee and administrative fee as considered appropriate by his office.

Food and Environmental Hygiene

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

- (a) a General Restaurant application at G/F, Lot 926 in D.D. 83, Ma Liu Shui San Tsuen, Lung Ma Road was received in June 2018 but subsequently withdrawn;
- (b) the operation of any eating place should be under a food licence issued by the Food and Environmental Hygiene Department (FEHD). If the operator/tenant intends to operate any food business at the premises, relevant food licence/restricted food permit should be obtained from FEHD in accordance with the Public Health and Municipal Services Ordinance (Cap. 132). The application for restaurant licence, if acceptable by FEHD, will be referred to relevant Government departments, such as Building Department, Fire Services Department, Planning Department for comment. If there is no objection from the departments concerned, a letter of requirements will be issued to the applicant for compliance and the licence will be issued upon compliance of all the requirements;

- (c) no environmental nuisance should be generated to the surroundings in connection with the operation of any commercial/trading activities. Furthermore, the operation of any business should not cause any obstruction or environment nuisance in the vicinity; and
- (d) any waste generated from the commercial/trading activities is regarded as trade waste, the operator/tenant should handle on their own/at their expenses.

Traffic

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

- (a) based on the submitted Planning Statement and further information (**Appendices Ia and Ig**), the applicant advised that only one 5.5 tonnes lorry will be deployed to transport food stuff to the Site every 2 – 3 days. No vehicle will enter the Site and the loading/unloading activities will be carried out at Lung Ma Road. Besides, the canteen will be only operating from 11:00 a.m. to 5:00 p.m. from Mondays to Saturdays only. In view of the low traffic to be generated, it is considered the traffic impact is tolerable; and
- (b) in this connection, she has no comment on the application from the traffic engineering point of view.

Environment

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

- (a) having reviewed the further information received on 27.9.2018 and 30.10.2018 (**Appendices Id and Ie**) he has no comment on the application; and
- (b) a set of good practices to ensure the measures to avoid discharge of wastewater/sewage to the surrounding during operation as mentioned in the further information should be properly implemented, including
 - (i) post notice(s) in the premises to remind staff to strictly and properly implement the measures to collect wastewater and prevent pollution of the nearby watercourse; and
 - (ii) keep proper record on the premises of regular checks done on wastewater storage tank(s) and regular tanker away of wastewater.

Landscape Aspect

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

- (a) she has reservation on the application from the landscape planning perspective;
- (b) the Site is located in a disturbed area of rural landscape character

comprising of suspected unauthorised large temporary warehouses and open storages, scrubland with scattered trees, farmland (mostly fallow near the site but active farmland are found in a distance). Village type developments and the works area for residential development at Queens Hill are at the east Lung Ma Road. Between the Site and Lung Ma Road is a car repair workshop. The proposed temporary structures are not entirely incompatible with the existing landscape setting;

- (c) the Site is hard paved and fenced off. A few temporary structures and a large canopy structure are found within the Site. However, the Site was mostly covered with vegetation. It is apparent that clearance of vegetation has been taken place prior to applying for planning permission. Only one *Michelia alba* (白蘭) of medium amenity value is left near the eastern boundary which can be retained;
- (d) the approval of the application would set an undesirable precedent and encourage similar application to spread into the “AGR” zone which will cause further degradation on the landscape character in the area; and
- (e) should the application be approved, approval conditions on submission and implementation of landscape proposal are recommended. The applicant is also reminded to indicate in the landscape proposal to maintain the existing tree in a sustainable and good condition at all time throughout the approval period.

Agriculture

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

- (a) while the Site has been formed and occupied with structures, agricultural activities are found in the vicinity of the Site. Moreover, agricultural infrastructures such as road access and water source are available. As the Site possesses potential for agricultural rehabilitation for greenhouse cultivation or nursery, the application is not supported from agriculture point of view; and
- (b) a watercourse is noted near the Site (**Plan A-2**). Should the application be approved, the applicant should be reminded to perform good site practice to prevent surface run-off and debris from polluting the watercourse nearby.

Drainage and Sewerage

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

- (a) he has no objection in-principle to the application from the public drainage viewpoint;
- (b) 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 the proposed development will not cause adverse impact to the adjacent area; and

- (c) the Site is in an area where no public sewerage connection is available.

Water Supply

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

- (a) he has no objection to the application; and
- (b) for provision of water supply to the development, the applicant may need to extend the 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 side services within the private lots to WSD's standards.

Building Matters

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

- (a) there is no record of approval of the Building Authority (BA) for the buildings/structures existing at the Site and BD is not in a position to offer comments on their suitability for the use related to the application;
- (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 Buildings Ordinance (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 BA should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
- (d) for UBW erected on leased land, enforcement action may be taken by the BA 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;
- (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 Building (Planning) Regulations (B(P)Rs) respectively; and
- (f) if the Site is not abutting on a specified street having a width not less than 4.5 m, the development intensity shall be determined by the BA under Regulation 19(3) of the B(P)Rs at the building plan submission stage.

Fire Safety

9.1.10 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 his satisfaction;
- (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 general building plans.

Project Interface

9.1.11 Comments of the Project Manager (North), North Development Office, Civil Engineering and Development Department (PM(N), CEDD):

- (a) he has no comment on the application; and
- (b) there is active construction works along Lung Ma Road for the project “Queen’s Hill Development” to the east of the Site (**Plan A-2**). Tentatively, the site formation works will be completed in 2019. Should be application be approved, the applicant is required to liaise with his department regarding the entrance points of the lot and the use of Lung Ma Road.

District Officer’s Comments

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

he has consulted the locals regarding the application. The Chairman of Fanling District Rural Committee (FDRC), the incumbent North District Council member of the subject constituency cum Indigenous Inhabitant Representative (IIR) of Lung Yeuk Tau, the remaining two IIRs of Lung Yeuk Tau and the Resident Representative of Lung Yeuk Tau have no comment on the application. A resident from Lung Ma Road objects to the proposal mainly on the grounds that the fume generated from proposed canteen will worsen the air quality; the proposed development will intensify the existing traffic congestion problem; there is a number of restaurants in the vicinity to meet the needs of local residents and construction workers; the proposed development will interfere Government’s housing project with ancillary shop and services facilities; the proposed development will adversely affect local residents’ quality of life; and the approval of the application would set an undesirable precedent for similar applications in the area.

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

- (a) Comments of the Commissioner of Police (C of P); and

- (b) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD).

10. Public Comments Received During Statutory Publication Period

- 10.1 On 27.7.2018, the application was published for public inspection. During the statutory public inspection period, 838 public comments were received (**Appendix III**). The Chairmen of Sheung Shui District Rural Committee and FDRC indicate no comment on the application. A comment from the FDRC members (enclosing 3 signatures) supports the application mainly on the grounds that the proposed development can provide lunch to construction workers; solve the potential health and hygiene problems caused by unclean lunch boxes; alleviate the problem of traffic congestion; and prevent the potential conflict between villagers. A total of 830 comments were received supporting the application mainly on the grounds that the proposed canteen can resolve the lunch problem of the construction workers as well as improving the hygiene problem within the area. They include 229 local residents/villagers (with same wordings as submitted in their letters) and 601 construction workers (with similar wordings as submitted in two typical letters). Relevant typical letters are appended in **Appendix III**.
- 10.2 Five public comments from the representative of villagers in Queen's Hill and Ma Liu Shui San Tsuen, World Wide Fund For Nature Hong Kong, Designing Hong Kong Limited, Hong Kong Bird Watching Society and one individual object to the application mainly on the grounds that the development is not in line with the planning intention of "AGR" zone; the development would result in adverse traffic, environmental, odour, ecological and drainage impacts on the surrounding areas as well as pollution and road safety problems to the residents in the vicinity; the Site is currently used as eating place without valid restaurant licences; the application is an example of "develop first, apply later" as clearance of vegetation has been taken place prior to applying for planning permission; and approval of the application would set an undesirable precedent for similar applications in the area.

11. Planning Considerations and Assessments

- 11.1 The Site falls entirely within "AGR" zone. The proposed development is not in line with the planning intention of the "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 agriculture point of view since the Site possesses potential for agricultural rehabilitation. Nevertheless, given that the application is mainly to serve the workers from the nearby Queen's Hill construction site, it is temporary in nature and small in scale, it is considered that the approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the "AGR" zone.
- 11.2 The Site locates in close proximity to Lung Ma Road surrounded by a mixed rural landscape character dominated by open storage, workshops, warehouses, parking of vehicles, village houses, some temporary structures for domestic use, Queen's Hill public housing project site and vacant land (**Plans A-2 and A-3**). The development is not entirely incompatible with the surrounding environment.
- 11.3 According to the submitted Planning Statement and further information (**Appendices Ia**

and Ig), only one 5.5 tonnes lorry will be deployed to transport food stuff to the Site every 2 – 3 days. No vehicle will enter the Site and the loading/unloading activities will be carried out at Lung Ma Road. Besides, the canteen will be only operating from 11:00 a.m. to 5:00 p.m. from Mondays to Saturdays only. In view of the low traffic to be generated, C for T considers that the application can be tolerated from the traffic engineering point of view. Besides, DEP has no objection to the application but a set of good practices as suggested in the further information (**Appendices Id and Ie**) should be properly implemented to avoid discharge of wastewater/sewage to the surrounding during operation of the proposed development. DFEH have no adverse comment on the application as the operator for the proposed canteen is required to apply for proper food licence issued by DFEH. Other Government departments consulted, including D of FS, CE/MN of DSD and CE/C of WSD, have no adverse comment on or no objection to the application.

- 11.4 It is noted that CTP/UD&L of PlanD has reservation on the application from the landscape planning perspective as vegetation clearance has been taken place on part of the Site prior to obtaining planning permission. The approval of the application would set an undesirable precedent and encourage similar development to spread into the “AGR” zone which will cause further degradation of the landscape character in the area. Should the Committee decide to approve the application, the concern of adverse landscape impact could be addressed through the stipulation of approval condition by submission and implementation of landscape proposal.
- 11.5 The Site is the subject of three previous applications (No. A/NE-LYT/210, 230 and 636) rejected by the Committee or the Board on review between April 2001 to October 2017. The last previous application No. A/NE-LYT/636 for temporary place of recreation, sports or culture (barbecue site) submitted by the same applicant was rejected by the Committee mainly on the consideration of not in line with the planning intention of “AGR” zone; adverse traffic impacts; and setting of an undesirable precedent for similar applications. Compared with the last application No. A/NE-LYT/636, the current application is for a canteen to serve workers from the nearby Queen’s Hill construction site which is within walking distance. It is anticipated low traffic will be generated by the proposed canteen. The planning circumstance of the current application is different from the last previous application for temporary barbecue site which would generate adverse traffic impact to the area. For the current application, C for T has no objection and considers the application can be tolerated from traffic engineering point of view whereas DEP has no comment on the application. Besides, there is no eating place in the vicinity of the Site, the nearest eating place in Fanling town is about 1km from the Site.
- 11.6 Regarding the adverse public comments mainly on the planning intention, adverse traffic, environmental, odour, ecological and drainage impacts, road safety problem to the residents nearby, clearance of vegetation prior to apply for planning permission and setting of an undesirable precedent, Government departments’ 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 mentioned in paragraph 10, the Planning Department considers that the temporary use under application could be tolerated for a period of 3 years.
- 12.2 Should the Committee decide to approve the application, it is suggested that the

permission shall be valid on a temporary basis for a period of 3 years until 16.11.2021. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) no operation between 5:00 p.m. and 11:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) 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 16.5.2019;
- (d) in relation to I 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 16.8.2019;
- (e) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 16.5.2019;
- (f) in relation to I above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 16.8.2019;
- (g) 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 16.5.2019;
- (h) in relation to (g) 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 16.8.2019;
- (i) if the above planning condition (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;
- (j) if any of the above planning conditions I, (d), I, (f), (g) or (h) 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
- (k) upon expiry of the planning permission, the reinstatement 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 are suggested for Members' reference:

- (a) the proposed development is not in line with the planning intention of the “AGR” zone in Lung Yeuk Tau and Kwan Tei South area 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. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the applicant fails to demonstrate in the submission that the development would not cause adverse landscape impact on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such similar 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

Appendix I	Application Form with attachments received on 18.7.2018
Appendix Ia	Planning Statement received on 18.7.2018
Appendix Ib	Further Information received on 3.9.2018
Appendix Ic	Letter dated 6.9.2018 requesting for deferment of consideration of the application
Appendix Id	Further Information received on 27.9.2018
Appendix Ie	Further Information received on 30.10.2018
Appendix If	Further Information received on 31.10.2018
Appendix Ig	Further Information received on 6.11.2018
Appendix Ih	Further Information received on 9.11.2018
Appendix II	Previous s.16 applications
Appendix III	Public Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Site Layout Plan
Plan A-1a	Location Plan
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4c	Site Photos