

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TK/628

<u>Applicant</u>	Mr. MAK Ho Bong represented by Mr. HUI Kwan Yee
<u>Site</u>	Lots 358, 359, 361, 374 (Part), 376, 377 (Part), 379 (Part), 380, 381 (Part), 388 (Part), 389, 390, 391 (Part), 403 (Part), 404, 493 (Part), 499, 500, 501, 502 (Part), 503 (Part), 504 (Part), 505 (Part), 506 (Part), 507 (Part), 508 (Part), 509 (Part), 510 (Part), 511, 512 S.A, 512 S.B, 513, 514, 515, 528, 529, 530, 531, 532, 533, 534, 535 and 536 in D.D. 17, Ting Kok Village, Tai Po, New Territories
<u>Area</u>	About 8,039 m ²
<u>Lease</u>	Block Government Lease (demised for agricultural use)
<u>Plan</u>	Approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/19
<u>Zoning</u>	“Agriculture” (“AGR”)
<u>Application</u>	Temporary Barbecue Site for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for a temporary barbecue site at the application site (the Site) for a period of three years. The Site falls within an area zoned “AGR” on the approved Ting Kok OZP No. S/NE-TK/19 (**Plan A-1**). According to the Notes of the OZP, temporary use not exceeding a period of 3 years requires planning permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for in terms of the OZP.
- 1.2 The proposal comprises 21 one-storey structures with a total covered area of about 1,834.3m² within the Site including a reception, four barbecue areas, four store rooms, four covered areas, a kitchen, a kiosk for soft drinks and snacks, a kiosk for toys, a frozen food cabinet, a playing area, a performance platform and two toilets. A sketch showing the various uses within the Site is at **Drawing A-1**. A total of 26 private car parking spaces and 5 large vehicle/coach parking spaces are proposed within the northern portion of the Site. The Site is accessible via a track on Government land branching off Ting Kok Road to its north and private lots covered by an approved application No. A/NE-TK/624 for temporary barbecue site use (**Drawing A-1**). The operation hours are from 8:00 am to 11:00 pm daily.
- 1.3 The Site is the subject of five previous applications. Application No. A/NE-TK/181 for temporary horse riding school for a period of 3 years (**Plan A-2a**) was rejected by the Board on review on 17.6.2005. For the remaining four applications (No.

A/NE-TK/228, 257, 316 and 427) covering part of the Site for temporary barbecue site use (**Plan A-2a**), they were approved with conditions by the Rural and New Town Planning Committee (the Committee) between 2007 and 2013.

- 1.4 Compared with the latest Application No. A/NE-TK/427 for temporary barbecue site use, there are some changes to the site boundary, development parameters and parking provision.
- 1.5 In support of the application, the applicant submitted the following documents :
 - (a) an application form with attachments **(Appendix I)**
 - (b) Further Information (FI) received on 22.3.2018 and 10.4.2018 clarifying the traffic and land matters **(Appendix Ia)**
(accepted and exempted from the publication)
 - (c) Further Information (FI) received on 9.5.2018 in **(Appendix Ib)**
clarifying the sewerage facilities within the Site
(accepted and exempted from the publication)
- 1.6 At the request of the applicant, the Rural and New Town Planning Committee (the Committee) agreed on 26.1.2018 to defer the consideration of the application for two months to allow time for the applicant to prepare FI to support the application. The applicant submitted FI on 22.3.2018, 10.4.2018 and 9.5.2018. The application is re-scheduled for consideration on 18.5.2018.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Part 9 of the application form at **Appendix I** and FI at **Appendix Ia**. They can be summarized as follows:

- (a) the barbecue site has been in operation for over 15 years; previous planning application No. A/NE-TK/427 was approved with conditions on 5.4.2013 and all approval conditions had been complied with. As part of the barbecue site has been taken back by land owners, a new planning application is submitted for the same use;
- (b) Tai Mei Tuk is a resort hot spot and barbecue activities are welcomed by many people;
- (c) the barbecue site is a very popular recreational spot/ gathering place for families and friends. It can help promote tourism and economy; and provide employment opportunity;
- (d) the operator and the staff of the barbecue site are concerned about environmental preservation surrounding the Site, and the Site has been assessed by professional on environmental aspect;
- (e) the planning application is supported by several district council members;
- (f) the applicant undertakes to comply with approval condition(s) imposed by the Committee;

- (g) the parking area is big enough to accommodate 5 large vehicle/coach and 26 private car parking spaces. Pedestrian passage route has been indicated in the submission. Special traffic management would be arranged during peak hours so as to avoid tailing back of traffic to Ting Kok Road. The ingress/egress connection to Ting Kok Road is in compliance with the Transport Planning and Design Manual (TPDM). An agreement has been reached with the applicant of the adjacent barbecue site (No. A/NE-TK/624) on the right of access of the track; and
- (h) the existing structures on site are without permission from LandsD. The applicant will apply to DLO/TP for short term tenancy (STT) immediately upon approval of the application.

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 notice to Tai Po 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), Enforcement Notice (EN) against the use for barbecue area was issued on 15.8.2017 requiring the said use to be discontinued on 15.11.2017. Upon expiry of the EN, site inspection revealed that the use for barbecue area was still in operation. CTP/CEP, PlanD will continue to monitor the condition of the Site and further enforcement action will be considered in due course under the Town Planning Ordinance.

5. Previous Applications

5.1 The Site is the subject of five previous applications (**Plan A-2a**). Among them, four applications (No. A/NE-TK/228, 257, 316 and 427) covering part of the Site for the same temporary barbecue site use, were approved with conditions by the Committee between 2007 and 2013 mainly on the considerations that the application was not incompatible with the surrounding area; approval of the application would unlikely frustrate the long-term planning intention of the “AGR” zone; and the proposed use would unlikely cause adverse environmental, traffic, landscape, drainage and sewerage impacts on the surrounding area. Applications No. A/NE-TK/228 and 316 were subsequently revoked due to non-compliance with approval conditions. The latest application No. A/NE-TK/427, submitted by the same applicant, was approved with conditions on 5.4.2013 for a period of two years up to 5.4.2015, and all approval conditions had been complied with. Compared with Application No. A/NE-TK/427, there are some changes to the site boundary, development parameters and parking provision, including the reduction in site area (from 9,921.2m² to 8039m²), total floor space (from 2775.14m² to 1834.33m²) and coach parking spaces (from 6 to 5), and an increase in private car parking spaces (from 20 to 26) under the current application.

- 5.2 Part of the Site is also the subject of a previous application (No. A/NE-TK/181) for temporary horse riding school for a period of 3 years (**Plan A-2a**), which was rejected by the Board on review on 17.6.2005 mainly on the consideration that the proposed development was not in line with the planning intention of the “AGR” zone; there was insufficient information in the submission to demonstrate that the proposed development would not have adverse drainage, sewerage, site disposal and noise impacts on the surrounding areas, and adverse ecological impacts on the nearby areas zoned “Coastal Protection Area” (“CPA”) and “Site of Special Scientific Interest” (“SSSI”); and the approval of the application would set an undesirable precedent for similar developments within the “AGR” zone.
- 5.3 Details of the applications are shown on **Appendix II** and their locations are shown on **Plan A-2a**.

6. **Similar Applications**

- 6.1 There are 12 similar applications (No. A/NE-TK/147, 207, 208, 235, 265, 281, 360, 456, 494, 565, 624 and 625) for temporary barbecue use in the vicinity of the Site within the same “AGR” zone. Except Application No. A/NE-TK/207, all other 11 applications were approved with conditions by the Committee between 2002 and 2018 mainly on considerations that the proposed use was not incompatible with the surrounding area and approval of the application would unlikely cause adverse traffic, environmental, drainage, landscape and sewage impacts on the surrounding areas. Applications No. A/NE-TK/208, 494 and 565 were subsequently revoked due to non-compliance with approval conditions.
- 6.2 Application No. A/NE-TK/207 was rejected by the Committee on 21.7.2006 for reasons of adverse impact on the mangrove habitat in the Ting Kok SSSI and setting of undesirable precedent.
- 6.3 Details of the applications are shown on **Appendix III** and their locations are shown on **Plan A-2b**.

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

- 7.1 The Site is :
- (a) irregular in shape, partly paved and partly occupied with scattered temporary structures;
 - (b) located to the south of Ting Kok Road and is accessible via a track on Government land and private lots branching off Ting Kok Road; and
 - (c) currently used as the applied use without valid planning permission.
- 7.2 The surrounding areas are predominantly rural in character with fallow and active agricultural land intermixing with temporary structures, barbecue sites and tree groups. To the south of the Site are the “CPA” zone along the coastline of Plover Cove and the Ting Kok SSSI which comprises a large patch of dwarf mangroves. To the further north across Ting Kok Road is Ting Kok Village.

8. Planning Intention

The planning intention of the “AGR” zone is intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

9. Comments from Relevant Government Departments

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

Land Administration

9.1.1 Comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD):

- (a) no objection to the application;
- (b) the Site consists of 43 private lots in D.D. 17 with different ownership (8 different owners in total). As these lots are held under Block Government lease demised for agricultural purpose, no structures shall be erected without prior approval from LandsD;
- (c) if the planning application is approved, the relevant registered owners of the private lots with structures erected/to be erected must immediately submit their Short Term Waiver (STW) applications to DLO/TP all in one go. LandsD would at its discretion acting in the landlord’s capacity in dealing with the STW applications. There is no guarantee that the application for STW will ultimately be approved. If the STW application is approved, it will be subject to such terms and conditions, including payment of fees as imposed by LandsD. Otherwise, appropriate lease enforcement action would be taken in due course;
- (d) there is no guarantee of the right of way to the Site; and
- (e) no Small House application has been received at the Site.

Traffic

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

- (a) no in-principle objection to the application from traffic engineering point of view as the applicant has confirmed that the run in/out follows the TPDM requirement and provided the carpark layout; and
- (b) the land status of the vehicular access should be clarified with the relevant lands authorities and permission to use should be obtained accordingly in order to avoid any potential dispute and complaints.

9.1.3 Comments of the Commissioner of Police (C of P):

- (a) no objection to the application;
- (b) the applicant should make reasonable steps to prevent any obstruction and potential danger caused by the visiting vehicles; and
- (c) other traffic improvements shall be explored, e.g. some lay-by may be planted at the access road of the Site.

Environment

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

- (a) no objection to the application from environmental viewpoint;
- (b) according to his record, there was no environmental complaint related to the Site in the past three years;
- (c) the Site is about 18m away from Ting Kok SSSI and there are two toilets and a kitchen on site with total area 161.39m² which are all using septic tank and soakaway (ST/SA) system for sewage treatment and disposal. According to ProPECC PN 5/93, there is no minimum clearance requirement from ST/SA system to SSSI;
- (d) should the application be approved, an approval condition on the submission of sewerage impact assessment (SIA) and the implementation of sewerage facilitates identified in the SIA is recommended; and
- (e) the applicant should 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 the EPD.

Landscape

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

- (a) no objection to the application from the landscape planning point of view;
- (b) recent site visit reveals that existing vegetation and landscape planting implemented under previous applications were generally in good conditions. There has not been significant change in landscape setting since the last application and further adverse landscape impact arising from the continual use of the barbecue site is not anticipated;
- (c) should the application be approved, an approval condition to maintain the existing trees and vegetation at the Site to satisfactory conditions at all times during the approval period is recommended;
- (d) no material (e.g. tyres, buckets and garbage) shall be stacked within 1m from tree trunks or root area; and

- (e) in general, material (e.g. decorative lighting) is not recommended to be tied on trees. In case if it is necessary, regular adjustment should be arranged to cope with tree growth.

Water Supply

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

- (a) 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 inside services within the private lots to WSD's standards.

Drainage

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

- (a) no in-principle objection to the application from public drainage viewpoint;
- (b) there is no existing DSD maintained public drains available for connection in this area. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from surrounding of the Site, e.g. surface channel of sufficient size along the perimeter of the Site; sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the Site if any boundary wall/fence are to be erected. Any existing flow path affected should be re-provided. An approval condition to ensure that the proposed development would neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas is recommended. The applicant/owner is required to maintain such systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;
- (c) for works to be undertaken outside the lot boundary, prior consent and agreement from DLO/TP and/or relevant private lot owners should be sought;
- (d) public sewerage connection is available in the vicinity of the Site. EPD should be consulted regarding the sewage treatment/disposal aspects of the proposed development; and

- (e) the applicant should follow the established procedures and requirements for the connection of sewers from the Site to the public sewerage system. A connection proposal should be submitted to DSD via DLO/TP for approval beforehand. Moreover, the sewerage connection will be subject to DSD's technical audit, for which an audit fee will be charged.

Building Matter

9.1.8 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 buildings/structures existing at the Site, and he is not in a position to offer comments on the suitability for the use related to the application; and
- (b) his advisory comments under the Buildings Ordinance (BO) are at **Appendix IV**.

Agriculture & Nature Conservation

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

- (a) the Site falls within the "AGR" zone and possesses high potential for agricultural rehabilitation. As such, he does not support the application from the agricultural development point of view;
- (b) the Site is located approximately 15m to the north of Ting Kok SSSI. Should the application be approved, chain-link fence separating the Site and the SSSI should be in place, and banners reminding the public of nature protection should be set up to minimise human disturbance to the SSSI. A planning condition should be imposed to ensure the applicant would implement and maintain effective precautionary/ protective measures to prevent any off-site impacts including human disturbance, sewage discharge, polluted site run-off and littering from the barbecue site to the "CPA" and "SSSI" throughout the operation of the barbecue site.

Fire Safety

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

- (a) no in-principle objection to the application subject to the fire service installations (FSI) and water supplies for firefighting being provided to the satisfaction of Fire Services Department (FSD);
- (b) emergency vehicular access (EVA) 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.

Food and Environmental Hygiene

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

- (a) no objection to the application. However, the operator may need to apply for a food licence if food business will be conducted in the Site;
- (b) under the Food Business Regulation, Cap. 132X, a Food Factory Licence must be obtained from Food and Environmental Hygiene Department (FEHD) for food business which involves the preparation of food for sale for human consumption off the premises before commencement of such business. Besides, a Fresh Provision Shop licence is required for any person who intends to sell fresh, chilled or frozen beef, mutton, pork, reptiles (including live snake), fish (including live fish) and poultry at any premises before commencement of such business;
- (c) the application for Food Factory Licence/ Fresh Provision Shop Licence, if acceptable by FEHD, will be referred to relevant government departments, such as LandsD and PlanD 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; and
- (d) in addition, the operator of the barbecue site should take measures to prevent the existence of nuisance such as smoke nuisance and accumulation of refuse at the Site. Private refuse collector should be deployed for clearance and disposal of refuse generated from the Site.

Electrical and Mechanical Services

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

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

- 9.2 The following Government departments have no objection to/comment on the application:
- (a) Chief Highways Engineer/New Territories East, Highways Department;
 - (b) District Officer/Tai Po, Home Affairs Department;
 - (c) Head of Geotechnical Engineering Office, Civil Engineering and Development Department; and
 - (d) Project Manager/North, Civil Engineering and Development Department.

10. Public Comments Received During Statutory Publication Period

On 3.4.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments were received (**Appendix V**). One supports while the other objects to the application mainly on the grounds that the applied use will have adverse impact on the environment and is not in line with the planning intention of the “AGR” zone.

11. Planning Considerations and Assessments

- 11.1 The Site falls entirely within an area zoned “AGR” on the OZP (**Plan A-1**). The applied use 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 it is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC does not support the application as the Site has high potential for rehabilitation for agricultural use. Nevertheless, the applied use which is temporary in nature would unlikely frustrate the planning intention of the Site in the long run.
- 11.2 The proposal comprises 21 one-storey structures with a total covered area of about 1,834.3m² within the Site including a reception, four barbecue areas, four store rooms, four covered areas, a kitchen, a kiosk for soft drinks and snacks, a kiosk for toys, a frozen food cabinet, a playing area, a performance platform and two toilets. The Site is accessible from Ting Kok Road via a track partly on Government land and partly on private lots covered by an approved application No. A/NE-TK/624 for temporary barbecue site use. C for T comments that the land status of the vehicular access should be clarified with the relevant lands authorities and permission to use should be obtained accordingly in order to avoid any potential dispute and complaints. In this regard, the applicant clarified in the FI that an agreement has been reached with the applicant of planning application No. A/NE-TK/624 regarding the right of access of the track. The operation hours of the applied use are from 8:00 am to 11:00 pm daily. The Site is currently used as the applied use without valid planning permission. EN was issued on 15.8.2017 requiring discontinuance of the use of barbecue area by 15.11.2017. As the use for barbecue area is still in operation upon expiry of the EN, further enforcement action will be considered in due course under the Town Planning Ordinance.
- 11.3 The surrounding areas are predominantly rural in character with fallow and active agricultural land intermixing with temporary structures, barbecue sites and tree groups. The applied use is considered not incompatible with the surrounding areas. Regarding the use and locations of the two septic tanks (located near the two toilets and the kitchen respectively) for sewage disposal (**Plan A-1**), DEP has no objection to the application and advises that there was no environmental complaint pertaining

to the Site received in the past three years, and the applicant should 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 the EPD. Other government departments consulted, including DFEH, D of FS, CE/MN, DSD, CE/C, WSD and CTP/UD&L, PlanD, have no objection to/no adverse comment on the application.

- 11.4 The Site is the subject of five previous applications (**Plan A-2a**). Among them, four applications (No. A/NE-TK/228, 257, 316 and 427) covering part of the Site for the same temporary barbecue site use were approved with conditions by the Committee between 2007 and 2013 mainly on the considerations that the application was not incompatible with the surrounding area; the approval of the application would unlikely frustrate the long-term planning intention of the “AGR” zone; and the proposed use would unlikely cause adverse environmental, traffic, landscape, drainage and sewerage impacts on the surrounding area. The last application for the same use (No. A/NE-TK/427), submitted by the same applicant, was approved with conditions on 5.4.2013 for a period of two years up to 5.4.2015, and all approval conditions had been complied with. Compared with Application No. A/NE-TK/427, there are some changes to the site boundary, development parameters and parking provision under the current application. Relevant departments including C for T have no objection to the application. There has been no material change in planning circumstances since the previous approval was granted.
- 11.5 There are 12 similar applications (No. A/NE-TK/147, 207, 208, 235, 265, 281, 360, 456, 494, 565, 624 and 625) for temporary barbecue use in the vicinity of the Site within the same “AGR” zone (**Plan A-2b**). Except Application No. A/NE-TK/207, all other 11 applications were approved with conditions by the Committee between 2002 and 2018 mainly on considerations that the proposed use was not incompatible with the surrounding area and the approval of the applications would unlikely cause adverse traffic, environmental, drainage, landscape and sewage impacts on the surrounding areas. Applications No. A/NE-TK/208, 494 and 565 were subsequently revoked due to non-compliance with the approval conditions. The remaining Application No. A/NE-TK/207 was rejected by the Committee on 21.7.2006 for reasons of adverse impact on the mangrove habitat in the Ting Kok SSSI and setting of undesirable precedent.
- 11.6 Regarding the public comment objecting to the application mainly on the grounds that the applied use will have adverse impact on the environment and is not in line with the planning intention of the “AGR” zone, Government departments’ comments and the planning assessment above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department considers that the temporary barbecue site could be tolerated for a period of three 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 three years until 18.5.2021. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no night-time operation between 11:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the application site during the planning approval period;
- (b) the maintenance of the existing drainage facilities on the application site at all times during the planning approval period;
- (c) the maintenance of the existing trees and vegetation on the application site at all times during the planning approval period;
- (d) the submission of fire service installations and water supplies for firefighting proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 18.11.2018;
- (e) in relation to condition (d) above, the implementation of fire service installations and water supplies for firefighting proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 18.2.2019;
- (f) the submission of sewerage impact assessment (SIA) 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 18.11.2018;
- (g) in relation to condition (f) above, the implementation of sewerage facilities identified in the SIA 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 18.2.2019;
- (h) the provision of precautionary/protective measures within 6 months from the date of planning approval to ensure no adverse impacts on the nearby “Coastal Protection Area” zone and Ting Kok Site of Special Scientific Interest to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the Town Planning Board by 18.11.2018;
- (i) if any of the above planning conditions (a), (b) or (c) 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 (d), (e), (f), (g) or (h) is not complied with within the specified time limit, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (k) upon the 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.

Advisory Clauses

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

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

- the development is not in line with the planning intention of the "AGR" zone which is intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no justification given in the submission for a departure from such planning intention, even on a temporary basis.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission for the planning permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval conditions and advisory clauses 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 and attachments
Appendix Ia	Further information submitted by the applicant received on 22.3.2018 and 10.4.2018
Appendix Ib	Further information submitted by the applicant received on 9.5.2018
Appendix II	Previous applications
Appendix III	Similar applications
Appendix IV	Advisory comments under the Buildings Ordinance
Appendix V	Public comment
Appendix VI	Recommended advisory clauses
Drawing A-1	Layout plan submitted by the applicant
Plan A-1	Location plan
Plans A-2a to A-2b	Site plans
Plan A-3	Aerial photo
Plans A-4a to A-4c	Site photos