

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

**APPLICATION NO. A/NE-TKL/755**

<b><u>Applicant</u></b>	: Weisheng Transportation & Enterprises Company Limited represented by R-riches Property Consultants Limited
<b><u>Site</u></b>	: Lots 9 S.A (Part), 9 S.B (Part), 10 S.A, 10 S.B (Part) and 11 (Part) in D.D. 84, Ta Kwu Ling, New Territories
<b><u>Site Area</u></b>	: About 11,942m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP) No. S/NE-TKL/14
<b><u>Zoning</u></b>	: “Agriculture” (“AGR”)
<b><u>Application</u></b>	: Proposed Temporary Medium Goods Vehicle (MGVs) and Container Tractor/Trailer Park with Ancillary Facilities for a Period of Three Years and Associated Filling of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary MGVs and container tractor/trailer park with ancillary facilities for a period of three years and associated filling of land at the application site (the Site) which falls within an area zoned “AGR” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years and filling of land within the “AGR” zone require planning permission from the Town Planning Board (the Board). The Site is currently vacant.
- 1.2 According to the applicant, the planning application is to facilitate the relocation of his business premises in Kwu Tung being affected by government project, i.e. the Kwu Tung North New Development Area (KTN NDA) development.<sup>1</sup> The affected operation in Kwu Tung is subject to a planning application No. A/KTN/82 for temporary MGVs and container tractor/trailer park approved by the Rural and New Town Planning Committee (the Committee) of the Board for a period of three years on 28.1.2022.

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<sup>1</sup> According to the applicant, the original business premises in Kwu Tung had been operated by the Motor Transport Company of Guangdong and Hong Kong Limited (the applicant of planning application No. A/KTN/82) since 1994 until it was rented to the current applicant for operation in 2014. The current applicant has operated in the business premises since then (**Appendix Ia**).

- 1.3 The Site is accessible via a local track to its southeast leading to Ping Che Road (**Plan A-1**). According to the applicant, the proposed use comprises one two-storey temporary structure (building height of about 8m) with a total floor area of about 1,094m<sup>2</sup> for site office, staff rest room, washroom and guardroom. A total of 48 parking spaces with 15 for container vehicles/tractors (CV/Ts), 10 for container trailers (CTs), 16 for MGVs and seven for private cars will be provided in the Site (**Drawing A-1**). No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities will be carried out within the Site at any times during the planning approval period. Filling of land with concrete of not more than 1.9m in depth is proposed at the entire Site for site formation of structures, parking spaces and circulation area (**Drawing A-2**). The Site will be fenced off by a solid metal wall of 2.5m high and 5mm thick along the site boundary. The applicant will reinstate the Site to an amenity area after the planning approval period. The proposed operation hours of the Site are between 7 a.m. and 7 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. The proposed layout plan submitted by the applicant is shown in **Drawing A-1**.
- 1.4 Adequate space will be provided inside the Site for manoeuvring of vehicle. To facilitate the smooth entry of vehicles to the Site, an ingress/egress gate with vehicle detection sensors will be implemented to initiate the pre-opening sequence based on the detection of the approaching vehicles. Staff will also be deployed at the ingress/egress of the Site to direct vehicle entering/exiting the Site to ensure no queuing of vehicle outside the Site. Lighting and alarm systems will be installed at ingress/egress to regulate traffic flow. 'Stop and give way' and 'beware of pedestrians' signs would also be erected to ensure pedestrian safety to/from the Site. Sufficient passing areas will also be provided along the local access connecting the Site to Ping Che Road.
- 1.5 A drainage layout plan, with provision of peripheral u-channels, catchpits and storage tank, is submitted by the applicant to mitigate adverse drainage impact generated by the proposed development (**Drawing A-3**). The applicant undertakes to submit a drainage impact assessment (DIA) to the satisfaction of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN of DSD) after planning approval has been granted by the Board. The applicant will commence the construction works or operations, including site formation works, only after the DIA is considered acceptable by CE/MN of DSD.
- 1.6 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 22.4.2024 (**Appendix I**)
  - (b) Further Information (FI) received on 13.6.2024 and 14.6.2024\* (**Appendix Ia**)

*\*accepted and exempted from the publication and recounting requirements*

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

The justifications put forth by the applicant in support of the application are detailed at **Appendices I** and **Ia** and summarized below:

- (a) the proposed use involves parking of private cars, MGVs, CV/Ts and CTs, as well as one two-storey structure to support the daily operation of the Site. The proposed use is the same as the affected business in Kwu Tung. The total number of proposed parking spaces (48 nos.) and the area of the Site (about 11,942m<sup>2</sup>) are similar to the total number of parking

spaces (49 nos.) and the area (about 10,573m<sup>2</sup>) of the applicant's original business in Kwu Tung;

- (b) as the affected premises has already been resumed and reverted by the Government in April 2024, the applicant desperately needs to identify a suitable sites for relocation to continue its business operation. The applicant has spent efforts in identifying suitable site for relocation of his business premises. The current Site is identified for relocation due to its close proximity to the Heung Yuen Wai Highway and its original business premises in Kwu Tung (about 10.5km away);
- (c) traffic generated and attracted by the proposed use is minimal and adverse traffic impact is not anticipated;
- (d) the applicant undertakes to strictly comply with the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' (the COP), 'Professional Persons Environmental Consultative Committee Practice Notes (ProPECC PN) 2/23' and other relevant environmental protection ordinances at all times during the planning approval period to minimize adverse environmental impacts and nuisance on the surrounding areas. DIA will be submitted and implemented to minimize drainage impact after obtaining planning approval from the Board; Also, no old and valuable tree or protected species has been identified at the Site;
- (e) the proposed use is considered not incompatible with the surrounding land uses which are open storage yards and temporary structures for warehouse use, logistics centres and workshops; and
- (f) approval of the current application on a temporary basis would not jeopardize the long-term planning intention of the "AGR" zone, and the proposed use would better utilize the deserted land in the New Territories.

### **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.31B) by sending notice to the Ta Kwu Ling District Rural Committee by registered post and publishing newspaper notices. Detailed information would be deposited at the meeting for Members' inspection.

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

Town Planning Board Guidelines No. 13G (TPB PG-No. 13G) for 'Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance' is relevant to this application. The Site largely falls within Category 3<sup>2</sup> areas under TPB PG-No. 13G promulgated on April 2023 are relevant extract of the Guidelines is attached at **Appendix II**.

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<sup>2</sup> Only a minor portion of about 91m<sup>2</sup> (i.e. 0.8%) of the Site falls within the Category 2 areas under TPB PG-No. 13G and thus is not included in the planning assessment.

## 5. **Background**

The Site is not subject to any planning enforcement action.

## 6. **Previous Application**

- 6.1 The Site is in part the subject of a previous application No. A/NE-TKL/308 for proposed temporary open storage of construction materials and equipment. It was rejected by the Committee on 6.6.2008 on considerations that it did not comply with the then TPB PG-No. 13D in that no previous planning approval had been granted to the application site; there were adverse departmental comments and local objection to the application; and insufficient information to demonstrate that the proposed use would not generate adverse environmental, drainage and landscape impacts on the surrounding areas.
- 6.2 Details of the previous application are summarized at **Appendix III** and its location is shown on **Plan A-1**.

## 7. **Similar Application**

- 7.1 There is one similar application (No. A/NE-TKL/687) for proposed temporary logistics centre with ancillary parking of container vehicles and office in the “AGR” zone in the vicinity of the Site in the Ping Che and Ta Kwu Ling area in the past five years. It was approved by the Committee on 24.12.2021 mainly on considerations that it generally complied with the then TPB PG-No. 13F in that policy support was given by the Secretary for Development (SDEV) as the application was to facilitate relocation of a business operation affected by the KTN NDA; the proposed temporary use was considered not entirely incompatible with the surrounding area; and no objection to or no major adverse comment received from concerned government departments.
- 7.2 Details of the similar application are summarized at **Appendix IV** and its location is shown on **Plan A-1**.

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

- 8.1 The Site is:
- (a) vacant, partly covered with grass and some farming activities are found; and
  - (b) accessible via a local track to its southeast leading to Ping Che Road.
- 8.2 The surrounding areas are of rural landscape character mainly comprising warehouses, storage yards, domestic structures, active and fallow farmlands. An “Industrial (Group D)” (“ID”) zone is adjoining the Site to the east. Ping Yuen River lies along the western boundary of the Site. Some domestic structures are located to the immediate northeast and east of the Site (**Plan A-2**).

## 9. **Planning Intention**

- 9.1 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality

agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

- 9.2 According to the Explanatory Statement of the OZP, as filling of land within the “AGR” zone may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

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

- 10.1 Apart from the government bureau/departments as set out in paragraphs 10.2 and 10.3 respectively below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided at **Appendices V and VI** respectively.

- 10.2 The following government bureau supports the application:

### **Policy Support**

#### **10.2.1 Comments of the SDEV:**

- (a) the current application is submitted by an operator whose operation will be displaced by the government-led KTN NDA project. According to the applicant, he has endeavoured to identify suitable sites for re-establishment; the proposed development under application is of the same use and with similar scale to his operation in KTN NDA; and that it will not create nuisance to the surrounding areas on traffic, environment, landscape, drainage and fire safety aspects; and
- (b) the land freed up by the displaced operation will, together with other cleared land, be redeveloped into the KTN NDA capable of providing about 49,900 housing units by phases. Facilitating relocation of affected brownfield operations is crucial to the smooth clearance for and implementation of the NDA project. From the perspective of ensuring timely development of the NDA and delivery of the housing yield, as well as facilitating the continued operation of displaced brownfield operations still meeting the need of economy, we support the application.

- 10.3 The following government departments have comments on the application/ do not support the application/ and conveyed local views on the application:

### **Land Administration**

#### **10.3.1 Comments of the District Land Officer/North, Lands Department (DLO/N, Lands Department):**

- (a) he has adverse comments on the application;
- (b) the Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. No

right of access via Government land (GL) is granted to the application site;

- (c) the following irregularity covered by the subject planning application has been detected by his office:

Unauthorized structures within the said private lot covered by the planning application

there is unauthorized structure on Lot 9 S.B in D.D. 84. As access is not available, the above mentioned unauthorized structure may not be exhaustive. The lot owners should immediately rectify the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;

- (d) the following irregularity not covered by the subject planning application has been detected by his office:

Unauthorized structure within the said private lot not covered by the planning application

there are unauthorized structures within Lots. 9 S.A and 9 S.B in D.D. 84 not covered by the subject planning application but covered by another planning application (No. A/NE-TKL/757). The access is also not available, the above mentioned unauthorized structure may not be exhaustive. The lot owner should immediately rectify the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;

- (e) the STW application (if submitted) referred in (f) below will be considered on Lot basis. There is no information provided to show the subject planning application is related to planning application No. A/NE-TKL/757 mentioned in (d) above. The graphical division of the lot submitted in the two separate planning applications may create complication to the STW application(s) and the applicant should resolve the complication in submitting the STW application(s); and
- (f) the lot owners shall either (i) remove the unauthorized structures or provide evidence to demonstrate they are tolerated structures; or (ii) include the unauthorized structures in the subject planning application for the further consideration by the relevant departments and, subject to the approval of the Board to the planning application which shall have reflected the rectification or amendment as aforesaid required, apply to his office for a STW to permit the structures erected/to be erected. The application for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STW, if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate to be imposed by LandsD. In addition, LandsD reserves the right to take enforcement action against the lot owners for any breach of the lease conditions, including the breaches already in existence or to be detected at any point of time in future. Besides, given the proposed use is temporary in nature, only erection of temporary structures will be considered.

### **Agriculture**

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

- (a) the application is not supported from agricultural perspective;
- (b) the Site possesses potential for agricultural rehabilitation. The agricultural activities are active in the vicinity and agricultural infrastructures such as road access and water source are available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc.; and
- (c) he has no comment from nature conservation perspective having reviewed the FI submitted by the applicant (**Appendix Ia**).

### **Drainage**

#### 10.3.3 Comments of the CE/MN of DSD:

- (a) the FI and drainage plan (**Appendix Ia**) have not yet addressed the majority of her comments. However, in order to streamline the processes and act as a facilitator, she has no objection in principle to the application, provided that a detailed DIA is conducted afterwards, demonstrating that the proposed use will not result in any unacceptable drainage impacts and that it fully complies with DSD's requirements and standards; and
- (b) approval conditions on submission of a DIA and provision of drainage facilities before the commencement of any construction works or operation including site formation works, provision of drainage facilities before the commencement of any operation and maintaining the implemented drainage facilities at all times during the planning approval period are proposed should the application be approved.

### **Environmental**

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

- (a) according to the COP, the application should not be supported as there are residential structures in the vicinity of the Site (**Plan A-2**) (domestic structures to the immediate northeast and east of the Site) and use of heavy vehicles is involved;
- (b) should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the COP to minimize any potential environmental nuisances;
- (c) as for the proposed land filling, which is situated next to a watercourse, the applicant is reminded to observe the Water Pollution Control Ordinance and follow the mitigation measures as required under Environment, Transport and Works Bureau Technical Circular (Works) (ETWB TC(Works)) No. 5/2005 "Protection of natural streams/rivers from adverse impacts arising from construction works" for the land filling works during

construction phase; and

- (d) no environmental complaint against the Site has been received over the past three years.

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

10.3.5 Local views/comments conveyed by the District Officer (North), Home Affairs Department (DO(N), HAD) are as follows:

- (a) the Indigenous Inhabitant Representative (IIR) of Lei Uk objects to the application on consideration that the access to the Site is shared with the local villagers and not suitable for heavy vehicles. The proposed use would cause adverse impact on pedestrian safety;
- (b) one member of the North District Council (NDC) supports the application on consideration that the proposed use would bring convenience to the public by providing more carparking spaces; and
- (c) six members of the NDC have no comment.

## **11. Public Comments Received During Statutory Publication Period (Appendix VII)**

On 30.4.2024, the application was published for public inspection. During the first three weeks of statutory public inspection period, four comments were received. A member of the NDC indicates no comment on the application. An individual objects to the application on the grounds that the Site is too big for the proposed use; the Site is close to Ping Yuen River and filling of land for such vast area would adversely impact the drainage capacity in the area; and there are active farming activities in the vicinity. The Conservancy Association objects to the application on the grounds of not being in line with the planning intention of the "AGR" zone and the TPB-PG No. 13G in that the proposed use would pose adverse environmental impacts; no information to demonstrate how to reinstate the Site; and potential adverse drainage impact and disturbance to the natural stream. The Kadoorie Farm & Botanic Garden Corporation urges the Board to reject the application as the proposed use is not in line with the planning intention of the "AGR" zone and suggests the Board to investigate the agricultural potential of the Site/in the vicinity and whether the Site is now vegetated and used for agricultural use.

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

- 12.1. The application is for proposed temporary MGVs and container tractor/trailer park with ancillary facilities for a period of three years and associated filling of land at the Site zoned "AGR" on the OZP. The proposed 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 to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC does not support the application from the agricultural perspective as the Site possess potential for agricultural rehabilitation. According to the applicant, the application is to facilitate the relocation of his business premises in Kwu Tung affected by the KTN NDA development. The site area and proposed number of car parking spaces are similar to his original business in Kwu Tung. From the perspective of ensuring timely development of the KTN NDA and delivery of the housing yield, as well as facilitating continued operation of displaced



brownfield operations still meeting the need of economy, SDEV supports the application. Taking into account the planning assessment below and with the policy support given by SDEV, sympathetic consideration could be given to the proposed use on a temporary basis of three years.

- 12.2. The application involves filling of land for the whole Site with concrete of not more than 1.9m in depth for site formation of structures, parking spaces and circulation area. Filling of land within the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, CE/MN of DSD has no in-principle objection to the application from public drainage viewpoint provided that DIA is conducted before the commencement of any construction works or operation, while DEP has not provided any comment on the proposed filling of land from environmental perspective. DEP’s advice on observing the Water Pollution Control Ordinance and follow the mitigation measures as required under ETWB TC(Works) No. 5/2005 for the land filling works during construction phase is included in the Recommended Advisory Clauses at **Appendix VI**. An approval condition requiring the reinstatement of the Site to an amenity area is recommended should the Committee decide to approve the application.
- 12.3. The Site is situated in an area of rural landscape character mainly comprising warehouses, storage yards, domestic structures, active and fallow farmlands. An “I(D)” zone is located to the east of the Site. CTP/UD&L of PlanD considers that the proposed use is not incompatible with its surrounding environment, and further significant adverse impact on the existing landscape resources is not anticipated within the Site.
- 12.4. The Site is accessible via a local track leading to Ping Che Road (**Plan A-2**). C for T has no comment on the application from traffic engineering perspective. While DEP considers that the application should not be supported as the proposed development involves the use of heavy vehicles and environmental nuisance on the sensitive receivers (i.e. residential structures) in the vicinity of the Site is expected (**Plan A-2**), relevant approval conditions restricting the operation hours and workshop activities as proposed by the applicant are recommended to address the concerns of DEP. The applicant would also be advised to follow the environmental mitigation measures set out in the COP.
- 12.5. Regarding CE/MN of DSD’s comments, should the application be approved, approval conditions (in paragraph 13.2 (d), (e) and (f)) requiring the submission of a DIA and provision of drainage facilities before commencement of any construction works or operation and maintaining the implemented drainage facilities at all times during the planning approval period should be imposed. Other relevant departments consulted, including Director of Fire Services and Chief Engineer/ Construction of Water Supplies Department, have no adverse comment on/no objection to the application.
- 12.6. In response to DLO/N, LandsD’s comments regarding the presence of unauthorized structure within the lot covered by the current application, the applicant advises that he will rectify the matters and settle the land issues accordingly by applying STW accordingly. The applicant will be advised to liaise with LandsD to deal with the land issues separately under the land administration regime.
- 12.7. The Site falls within Category 3 areas under TPB PG-No. 13G. The following considerations in the Guidelines are relevant:
  - Category 3 areas: applications would normally not be favourably considered unless the applications are on sites with previous planning approvals (irrespective of whether

the application is submitted by the applicant of previous approval or a different applicant). Having considered that the open storage and port back-up uses have a role to play in Hong Kong's economy and provide considerable employment opportunities, and the operators/uses affected by resumption and clearance operations of the Government to make way for developments may face difficulties in finding a replacement site, sympathetic consideration could be given to those applications meeting the following criteria: (i) policy support is given by the relevant bureau(x) to the application for relocation of the affected uses/operations to the concerned sites; and (ii) no adverse departmental comments and local objections, or the concern could be addressed by approval conditions.

- 12.8. The application is generally in line with TPB PG-No. 13G in that policy support is rendered by SDEV to the application for relocation of the affected use to the Site, and that relevant departments consulted have no comment on/ no objection to the application or their concerns could be addressed by relevant approval conditions. Concerns of DEP can be addressed as stated in paragraph 12.4 above. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 13.2 below.
- 12.9. Part of the Site is subject to a previous application No. A/NE-TKL/308 for proposed temporary open storage of construction materials and equipment which was rejected by the Committee on 6.6.2008 mainly due to non-compliance with the then TPB PG-No. 13D. The current application is different from the previous application as it generally complies with TPB PG-No. 13G as explained in paragraph 12.8 above. There is one similar application No. A/NE-TKL/687 for proposed temporary logistics centre with ancillary parking of container vehicles and office with filling of land. The application was approved by the Committee on 24.12.2021 mainly on consideration that it generally complied with the then TPB PG-No. 13F with policy support from SDEV. The planning circumstances of the current application are similar to the approved application. As such, approval of the current application is considered in line with the Committee's previous decisions.
- 12.10. Regarding the local comments conveyed by DO(N), HAD and the public comments as detailed in paragraphs 10.3.5 and 11 above respectively, government departments' comments and planning assessments above are relevant.

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

- 13.1. Based on the assessments made in paragraph 12 and having taken into account local comments conveyed by DO(N) of HAD and the public comments in paragraphs 10.3.5 and 11 above respectively, the Planning Department considers that the temporary use under the application could be tolerated for a period of three years.
- 13.2. Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of three years until 21.6.2027. The following conditions of approval and advisory clauses are suggested for Members' reference:

#### Approval Conditions

- (a) no operation between 7:00 p.m. and 7:00 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) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities, as proposed by the applicant, shall be carried out within the Site at any time during the planning approval period;
- (d) the submission of a drainage impact assessment before the commencement of any construction works or operation including site formation works to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (e) in relation to (d) above, the provision of drainage facilities before the commencement of any operation to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (f) in relation to (e) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (g) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 21.12.2024;
- (h) in relation to (g) above, the implementation of the fire service installations proposal 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 21.3.2025;
- (i) the implementation of traffic management measures, as proposed by the applicant, within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 21.3.2025;
- (j) in relation to (i) above, the implemented traffic management measures shall be maintained at all times during the planning approval period;
- (k) if planning condition (d) is not complied with before the commencement of any construction works or operations including site formation works, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (l) if planning condition (e) is not complied with before the commencement of any operation, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning condition (a), (b), (c), (f) or (j) 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;
- (n) if any of the above planning condition (g), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon expiry of the planning permission, reinstatement of the Site to an amenity

area to the satisfaction of the Director of Planning or of the Town Planning Board.

### Advisory Clauses

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

- 13.3. Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:
- the proposed use with associated filling of land is not in line with the planning intention of the "AGR" zone which 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. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

## **14. Decision Sought**

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

## **15. Attachments**

<b>Appendix I</b>	Application Form with Attachment received on 22.4.2024
<b>Appendix Ia</b>	FI received on 13.6.2024 and 14.6.2024
<b>Appendix II</b>	Relevant Extracts of TPB PG-No. 13G
<b>Appendix III</b>	Previous Application
<b>Appendix IV</b>	Similar Application
<b>Appendix V</b>	Government Departments' General Comments
<b>Appendix VI</b>	Recommended Advisory Clauses
<b>Appendix VII</b>	Public Comments
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Land Filling Area Plan
<b>Drawing A-3</b>	Proposed Drainage Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4a to A-4b</b>	Site Photos