

**TPB Paper No. 10900**

**For Consideration by  
the Town Planning Board on 1.6.2023**

**REVIEW OF APPLICATION NO. A/YL-LFS/447  
UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE**

**Proposed Filling of Pond for Permitted Agricultural Use  
in “Village Type Development” zone,  
Lot 1169 in D.D.129, Mong Tseng Wai, Lau Fau Shan, Yuen Long, New Territories**

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**1. Background**

- 1.1 On 24.10.2022, the applicant, Mr. Tang Kin Ting represented by FiBi International Consultancy Co. Limited, sought planning permission for proposed filling of pond for permitted agricultural use at the application site (the Site) under section 16 of the Town Planning Ordinance (the Ordinance). The Site falls within an area zoned “Village Type Development” (“V”) on the approved Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/11 (**Plan R-1**). According to the Notes for the “V” zone of the OZP, ‘Agricultural Use’ is always permitted, but filling of pond requires planning permission from the Town Planning Board (the Board). Moreover, the Site falls within the Wetland Buffer Area (WBA) according to the Town Planning Board Guidelines No. 12C for ‘Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance’.
- 1.2 On 3.2.2023, the Rural and New Town Planning Committee (the RNTPC) of the Town Planning Board (the Board) decided to reject the application and the reasons were:
  - (a) the proposed pond filling, which fell within the Wetland Buffer Area, was not in line with the Town Planning Board Guidelines for ‘Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance’ in that the “no-net-loss in wetland” principles were not complied with, and the applicant failed to demonstrate that the proposed pond filling would not have negative off-site disturbance impact on the ecological value of the fish ponds and wetland within the Wetland Conservation Area (WCA); and
  - (b) the applicant failed to demonstrate that the proposed pond filling would not have adverse drainage and landscape impacts on the surrounding areas.
- 1.3 The Site area is about 2,355m<sup>2</sup>. Under the section 16 application, the entire pond (about 2,355m<sup>2</sup>) would be filled with soil of about 1m in depth to level with the adjoining land (Drawing A-1 of **Annex A**). Upon filling of the pond, about 1,435m<sup>2</sup> (or 61%) of the Site would be used for agricultural use (Drawing A-2 of **Annex A**). No information on the agricultural use to be carried out at the Site, as well as the use of the remaining area of the Site (about 920m<sup>2</sup> or 39%), has been provided in the submission.
- 1.4 The Site is currently not subject to any active planning enforcement action.

1.5 For Members' reference, the following documents are attached:

- |     |  |           |
|-----|--|-----------|
| (a) | RNTPC Paper No. A/YL-LFS/447                             | (Annex A) |
| (b) | Extract of minutes of the RNTPC Meeting held on 3.2.2023 | (Annex B) |
| (c) | Secretary of the Board's letter dated 17.2.2023          | (Annex C) |

## 2. **Application for Review**

- 2.1 On 10.3.2023, the applicant applied, under Section 17(1) of the Ordinance, for a review of the RNTPC's decision to reject the application with written representation in support of the application (**Annex D-1**). On 15.3.2023, the applicant submitted Supplementary Information (SI) (**Annex D-2**) enclosing a co-signed letter of support by the Indigenous Inhabitant Representative (IIR) and villagers of Mong Tseng Wai.
- 2.2 In the section 17 review application, whilst the pond filling proposal remains unchanged, as shown in the revised agriculture layout plan at **Drawing R-1** and indicated in the review submission, the applicant proposed to partition the agriculture area of about 1,435m<sup>2</sup> (or about 61%) at the eastern part of the Site into 21 mini-farmlands (each of about 30m<sup>2</sup>) for subsistence farming by the villagers. Moreover, an additional area of about 242.7m<sup>2</sup> (or 10.3%) at the southwestern portion of the Site would be designated as horticulture area for leisure, entertainment and flower cultivation by the villagers. Vegetables, herbs, fruits and flowers will be grown on the Site.

## 3. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the review application are detailed in his written representation and SI at **Annexes D-1 and D-2** as summarised below:

- (a) the Site, upon filling of pond, would be for use by the villagers. The proposed filling of pond is supported by the IIR and villagers of Mong Tseng Wai;
- (b) the proposed flower cultivation upon pond filling could enhance the visual appeal of the area. Hence, the proposed pond filling would not have adverse landscape impact on the surroundings, but would instead beautify the area;
- (c) the proposed pond filling would not cause adverse drainage impact on the surrounding areas for the following reasons:
- (i) the existing upstream drainage system conveys stormwater to other directions as well (**Drawing R-2**). In fact, there is only one village drain discharging to the pond (**Drawing R-2**), and the amount of stormwater intercepted by the said village drain is not large. The amount of stormwater passing through the Site is hence not large as well. According to the Drainage Impact Assessment (DIA) (**Annex D-1**<sup>1</sup>), the proposed drainage facilities at the Site, i.e. surface U-channels, would have sufficient capacity to intercept the stormwater passing through the Site;

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<sup>1</sup> The DIA appended in **Annex D-1** is the same as the one submitted in the section 16 application appended in Appendix Ib of **Annex A**.

- (ii) there is no change to the flood retention depth of the Site. The stormwater passing through the Site would be conveyed to the existing downstream drainage system via an existing discharge point rather than spilling out to the surroundings. Hence, the proposed pond filling would not cause adverse impacts on the downstream drainage system; and
- (iii) according to the DIA, the downstream drainage system has sufficient capacity to cater for the additional discharge from the Site; and
- (d) the Site has long been laid idle and is in poor condition. Meanwhile, fish culture industry has been diminishing in Hong Kong. Villagers do not possess relevant know-how to carry out fish culture, nor do they agree to use the Site for fish culture. Restricting the use of the Site for fish culture use only would deprive the villagers' right of using the land.

#### **4. The Section 16 Application**

The Site and Its Surrounding Areas (**Plans R-1, R-2**, aerial photo on **Plan R-3** and site photos on **Plans R-4a** and **R-4b**)

- 4.1 The situation of the Site and its surrounding areas at the time of the consideration of the section 16 application by the RNTPC was described in paragraphs 8.1 and 8.2 of **Annex A**. There has not been any major change in the planning circumstances of the Site and the surrounding areas since then.
- 4.2 The Site is:
  - (a) currently a pond overgrown with vegetation; and
  - (b) accessible from Deep Bay Road to its west via a local track.
- 4.3 The surrounding areas have the following characteristics:
  - (a) to the immediate north across a local track are Mong Tseng Wai Basketball Court, the Entrance Gate at Mong Tseng Wai which is a Grade 3 historic building, and the village office of Mong Tseng Wai. To the north and east are mainly village houses intermixed with fallow agricultural land and unused land. To the further north is shrubland;
  - (b) to the south are fallow agricultural land, parking of vehicles/vehicle park and village houses (both existing and under construction) and a site under works in progress. To the further south are the fishponds within the "Conservation Area" ("CA") and the WCA; and
  - (c) to the west are village houses (both existing and under construction) and parking of vehicles.

#### **Planning Intention**

- 4.4 There has been no change to the planning intention of the "V" zone as mentioned in paragraph 9 of **Annex A**, which is to designate both existing recognised villages and

areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services.

- 4.5 As filling of land/pond and excavation of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the environment, permission from the Board is required for such activities.

#### Town Planning Board Guidelines

- 4.6 According to Town Planning Board Guidelines for ‘Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 12C), the Site falls within the WBA. The relevant assessment criteria are detailed at Appendix II of **Annex A** and summarised as follows.

- (a) in considering development proposals in the Deep Bay Area, the Board adopts the recommended principle of “no-net-loss in wetland” which provides for the conservation of continuous and adjoining fishponds. The “no-net-loss” can refer to both loss in “area” and “function”. No decline in wetland or ecological functions served by the existing fish ponds should occur. As the fish ponds form an integral part of the Deep Bay Area wetland ecosystem, alternative uses could be considered suitable only if it could be demonstrated that they would not result in the loss of ecological function of the original ponds and if they complement the ecological functions of the wetlands and fishponds in and/or around the Deep Bay Area;
- (b) the intention of the WBA is to protect the ecological integrity of the fish ponds and wetland within the WCA and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds; and
- (c) within the WBA, for development or redevelopment which requires planning permission from the Board, an ecological impact assessment (EcoIA) would also need to be submitted. Development/redevelopment which may have negative impacts on the ecological value of the WCA would not be supported by the Board, unless the EcoIA can demonstrate that the negative impacts could be mitigated through positive measures. The assessment study should also demonstrate that the development will not cause net increase in pollution load to Deep Bay. Some local and minor uses are however exempted from the requirement of EcoIA.

#### Previous Application

- 4.7 The Site is not involved in any previous planning application.

#### Similar Applications

- 4.8 There were three similar applications (No. A/YL-LFS/58, 72 and 216) for proposed pond filling for permitted New Territories Exempted House (NTEH) development with or without agricultural use within the same “V” zone at the time of considering the section 16 application, which was mentioned in paragraph 7 of **Annex A**. Since then, there has been one additional similar application (No. A/YL-LFS/463) for proposed

filling of pond and filling of land for permitted NTEH development. Altogether, three of them were approved while one was rejected by the RNTPC/the Board on review. Details of the similar applications are summarised at **Annex E** and its location is shown on **Plan R-1**.

#### *Approved Applications*

- 4.9 Applications No. A/YL-LFS/58 and 72 (covering part of the site of the former) were approved with conditions by the RNTPC in 2000 and 2001 respectively mainly on consideration that the technical concerns on drainage aspect could be addressed by approval conditions.
- 4.10 Application No. A/YL-LFS/216 was approved with conditions by the Board on review in 2013 mainly on considerations that the proposed development was of small scale; the ecological appraisal submitted demonstrated that no significant ecological impact on the WCA was anticipated with the implementation of precautionary/mitigation measures, concerned government departments generally had no adverse comment on the application, and technical concerns could be addressed by approval conditions.

#### *Rejected Application*

- 4.11 Application No. A/YL-LFS/463 was rejected by the RNTPC on 5.5.2023 mainly on grounds of being not in line with TPB PG-No. 12C (viz. no EcoIA to demonstrate no net-loss in wetland and negative off-site indirect impact on the ecological value of the WCA); and failure to demonstrate no adverse drainage impact.

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

- 5.1 Comments on the section 16 application made by relevant government departments are stated in paragraph 10 of **Annex A**.
- 5.2 For the review application, the following government departments have been further consulted and their new/updated comments are summarised as follows:

### **Nature Conservation, Agriculture and Fisheries**

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

As the applicant has not submitted an EcoIA or other information in the review submission to address his concerns, his previous comments as stated in paragraph 10.1.2 of **Annex A** are still valid with major comments recapitulated below:

#### **Nature Conservation**

- (a) He has reservation on the application from the nature conservation point of view.
- (b) The Site falls within WBA and mainly comprises an abandoned fishpond overgrown with wetland plants, forming a marsh habitat. The pond is also ecologically connected to an agricultural land to the south

and further to the ponds within WCA. The proposed pond filling would result in a loss in wetland and may cause ecological impacts to the wetland habitats in the vicinity of the Site.

#### Agriculture and Fisheries

- (c) He does not support the application from the fishery viewpoint.
- (d) Although the pond is currently of unknown status, pond filling is generally not recommended as the pond has the potential to be used for fish culture operations in the future.

#### Landscaping

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

The changes proposed under the review application are mainly related to the agricultural proposal only. There is no change to the pond filling proposal. As such, her previous comments as stated in paragraph 10.1.3 of **Annex A** are still largely valid, and her updated comments are as follows:

- (a) The Site is situated in area of rural landscape character predominated by temporary structures, village houses, graveyard, farmland, marshland, ponds and woodland. The Site is covered with existing vegetation.
- (b) The entire pond (i.e. 100% of the Site) is proposed to be filled with soil. Significant impact on the landscape resources (i.e. a pond with existing vegetation) arising from the proposed pond filling is anticipated. Also, existing ponds are observed in the “CA” zone to the south of the Site. She has grave concern that the proposed pond filling would further degrade the landscape quality of WBA.

#### Drainage

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

- (a) According to the review submission, the overland flow from catchment area at the northern side of Mong Tseng Wai is intercepted and collected by an existing village drain and then conveyed to the existing pond. However, the indicated catchment area and calculation in the DIA does not tally with the condition as shown in **Drawing A-2** of the review submission. The applicant is required to clarify.
- (b) As the existing village drains are not maintained by DSD, the applicant should conduct a thorough study or survey to identify all existing discharge points to the pond at the Site.
- (c) Without the required clarifications above, it is premature for the applicant to conclude on the sufficiency of the proposed drainage

facilities on-site to cater for the upstream overland flow at this stage.

- (d) As the land characteristic would be changed after the proposed filling of pond, hydraulic calculation should be provided to demonstrate that the capacity of the existing downstream drainage system will be sufficient to cater for the additional flow from the Site as well as the conveyed surface runoff from existing village drainage system. Without the hydraulic calculation of the capacity of the existing downstream drainage system, it is premature for the applicant to conclude on the sufficiency of the downstream drainage system to cater for the additional flow from the application site as well as the conveyed surface runoff from existing village drainage system.

5.3 The following government departments maintain their previous views on the section 16 application as stated in paragraphs 10.1 of **Annex A**:

- (a) District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD);
- (b) Director of Environmental Protection (DEP);
- (c) Director of Food and Environmental Hygiene (DFEH);
- (d) Antiquities and Monuments Office, Development Bureau (AMO, DEVB); and
- (e) District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD).

5.4 The following government departments maintain their previous views of having no objection to/no comment on the application as stated in paragraph 10.2 of **Annex A**:

- (a) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Chief Engineer/Land Works, Civil Engineering and Development Department (CE/LW, CEDD);
- (d) Head of Geotechnical Engineering Office, CEDD (H(GEO), CEDD);
- (e) Project Manager (West), CEDD (PM(W), CEDD);
- (f) Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD);
- (g) Commissioner for Transport (C for T);
- (h) Commissioner of Police (C of P); and
- (i) Director of Fire Services (D of FS).

## **6. Public Comments on the Review Application Received During the Statutory Publication Period**

6.1 On 17.3.2023, the review application was published for public inspection. During the statutory public inspection period, four public comments from the Conservancy Association, 關注連線 and individuals (**Annexes F-1 to F-4**) were received objecting to the review application mainly on the following grounds:

- (a) The proposed filling of pond does not comply with TPB PG-No. 12C in terms of failure to fulfill the “no-net-loss in wetland” principle, and to demonstrate no negative off-site disturbance impact on the ecological value of the fish ponds and wetland in the WBA and WCA.



- (b) No detail on the proposed agricultural use, such as farming methods and farm operation and management is provided in the submission. There is concern about whether the Site would genuinely be used for agricultural use upon filling of pond.
  - (c) The proposed development would generate adverse environmental, drainage, landscape and traffic impacts. The proposed agricultural use would also cause mosquito infestation. No technical assessment was submitted to demonstrate that the potential adverse impacts are surmountable.
  - (d) Approval of the application would set an undesirable precedent for similar applications in the area.
  - (e) The adverse comments of the concerned government departments at the section 16 application stage are still valid. There is no justification for approving the review application.
- 6.2 A total of 13 public comments, all objecting to the application, were received at the section 16 application stage as set out in paragraph 11 of **Annex A**.

## **7. Planning Considerations and Assessments**

- 7.1 The application is for a review of the RNTPC's decision on 3.2.2023 to reject the subject application for proposed filling of pond for permitted agricultural use at the Site zoned "V" on the OZP (**Plan R-1**). The application was rejected for the reasons that (1) the proposed pond filling within the WBA was not in line with TPB PG-No. 12C in that the "no-net-loss in wetland" principle was not complied with, and the applicant failed to demonstrate that the proposed pond filling would not have negative off-site disturbance impact on the ecological value of the fish ponds and wetland within the Wetland Conservation Area; and (2) the applicant failed to demonstrate that the proposed pond filling would not have adverse drainage and landscape impacts on the surrounding areas.
- 7.2 In support of the review application, the applicant provided details on the agricultural proposal, i.e. partitioning the agriculture area of about 1,435m<sup>2</sup> (61%) into 21 mini-farmlands for subsistence farming, and designating an additional horticulture area of about 242.7m<sup>2</sup> (or 10.3%) for leisure, entertainment and flower cultivation, both for the use by the villagers (**Drawing R-1**). Moreover, the applicant has put forward justifications as detailed in paragraph 3 above.
- 7.3 Notwithstanding, there is no change to the pond filling proposal which is the subject of the review application. Since the consideration of the subject application by the RNTPC on 3.2.2023, there has been no major change in planning circumstances. Having considered the review submission, the planning considerations and assessments on the review application are set out below.

### **Failure to Demonstrate No Adverse Drainage Impact**

- 7.4 Although 'Agricultural Use' is always permitted within the "V" zone, filling of pond within the "V" zone is subject to planning permission as it may cause adverse drainage impacts on the adjacent area and adverse impacts on the environment. On drainage

aspect, the applicant claims in the review submission that the proposed pond filling would not cause adverse drainage impact on grounds that (1) the amount of upstream stormwater passing through the Site is not large, and the proposed drainage facilities has sufficient capacity to intercept it; (2) stormwater passing through the Site would not spill out to the surroundings, and hence no impact to the downstream drainage system would be caused; and (3) the downstream drainage system has sufficient capacity to cater for the additional discharge from the Site. In these regards, CE/MN of DSD queried the amount of the upstream stormwater passing through the Site, for there are discrepancies regarding the indicated upstream catchment area between the review submission (**Drawing R-2**) and the DIA, the latter of which has not been revised under the review application. Also, no thorough survey has been undertaken to identify all discharge points connecting the upstream drainage system and the Site. Hence, it is premature for the applicant to conclude on the sufficiency of the proposed drainage facilities on the Site. Moreover, the applicant's claim regarding the sufficient capacity of the downstream drainage system is not supported by any relevant hydraulic calculation. In view of the above, the applicant still fails to demonstrate that the proposed pond filling would not have adverse drainage impact on the surrounding areas.

#### Not in line with TPB PG-No. 12C

- 7.5 According to TPB PG-No. 12C, in considering development proposals in the Deep Bay area, the Board adopts the recommended principle of “no-net-loss in wetland” which provides for the conservation of continuous and adjoining fishponds. Within the WBA, development/redevelopment which may have negative impacts on the ecological value of the WCA would not be supported by the Board unless an EcoIA can demonstrate that the negative impacts could be mitigated through positive measures. In this regard, DAFC considers that the pond at the Site is ecologically connected to an agricultural land to its immediate south and the ponds to the further south within the WCA. He has reservation on the application from nature conservation point of view as the proposed pond filling would result in a loss in wetland and may cause ecological impacts to the wetland habitats in the vicinity of the Site. However, no EcoIA or other information is provided in the review submission to address DAFC's concerns. Hence, the proposed pond filling is considered not in line with TPB PG-No. 12C.

#### Potential of the Pond for Fish Culture Use

- 7.6 In response to the previous concerns of insufficient details of the proposed agricultural use, and 920m<sup>2</sup> (or 39%) of the pond filling area has not been designated for any use, the applicant proposes in the review submission to partition the agriculture area into 21 mini-farmlands and designate an additional horticulture area for use by the villagers (**Drawing R-1**). The applicant also argues that restricting the use of the Site for fish culture only would deprive the right of the villagers, who do not possess relevant know-how for fish culture, of using the Site. In this regard, DAFC maintains his previous view of not supporting the application from the fisheries perspective as the pond has the potential to be used for fish culture in the future.

#### Adverse Landscape Impact

- 7.7 CTP/UD&L of PlanD considers that significant impact on the landscape resources (i.e. a pond with existing vegetation) arising from the proposed pond filling is anticipated.

Moreover, considering there are existing ponds within the “CA” zone to the south of the Site, she has grave concern that the proposed pond filling would further degrade the landscape quality of the WBA. However, apart from the assertion that the proposed flower cultivation upon filling of the pond would beautify the area, no information is provided in the review submission to address CTP/UD&L of PlanD’s concern. Hence, the applicant fails to demonstrate that the proposed pond filling would not have adverse landscape impact on the surrounding areas.

#### Other Departmental Comments

- 7.8 Other concerned departments including DEP, C for T and AMO of DEVB have no objection to or no adverse comment on the application from environmental, traffic and cultural heritage perspectives.

#### Planning Circumstances of the Similar Applications

- 7.9 Although the RNTPC/the Board has approved three similar applications (No. A/YL-LFS/58, 72 and 216) involving two sites for filling of pond for permitted NTEH development between 2000 and 2013, it should be noted that CE/MN of DSD and DEP had no objection to the applications or their technical concerns could be addressed by approval conditions. As for application No. A/YL-LFS/216, an ecological appraisal was submitted to demonstrate that no significant ecological impact on the WCA was anticipated, on which DAFC has no adverse comment from nature conservation perspective. For the current application, no EcoIA or other information has been submitted to address DAFC’s concerns on nature conservation aspect, whilst CE/MN of DSD and CTP/UD&L of PlanD have adverse comments on the application. In fact, the RNTPC rejected a similar application (No. A/YL-LFS/463) on 5.5.2023 with similar planning circumstances. As such, rejecting the current application is not in conflict with the previous decisions of the RNTPC/the Board.

#### Public comments

- 7.10 Regarding the public comments objecting to the review application on the grounds as summarised in paragraph 6 above, the planning considerations and assessments in paragraphs 7.1 to 7.9 above are relevant.

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

- 8.1 Based on the assessments made in paragraph 7, having taken into account the public comments mentioned in paragraph 6 and given that there has been no major change in the planning circumstances since the consideration of the subject application by the RNTPC on 3.2.2023, the Planning Department maintains its previous view of not supporting the review application for the following reasons:
- (a) the proposed pond filling, which falls within the Wetland Buffer Area, is not in line with the Town Planning Board Guidelines for ‘Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 12C) in that the “no-net-loss in wetland” principles are not complied with, and the applicant fails to demonstrate that the proposed pond filling would not have negative off-site disturbance impact on the ecological value of the fish ponds and wetland within the Wetland Conservation

Area; and

- (b) the applicant fails to demonstrate that the proposed pond filling would not have adverse drainage and landscape impacts on the surrounding areas.

8.2 Alternatively, should the Board decide to approve the review application, it is suggested that the permission shall be valid until **1.6.2027**, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### Approval Conditions

- (a) the submission of an ecological impact assessment for the proposed pond filling, and implementation of the ecological mitigation measures identified therein before commencement of the pond filling works to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the Town Planning Board;
- (b) the submission of a revised drainage impact assessment before commencement of the pond filling works to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (c) in relation to (b) above, the implementation of the drainage proposal identified in the revised drainage impact assessment upon completion of the pond filling works to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (d) if any of the above planning condition (a), (b) or (c) is not complied with, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.

#### Advisory Clauses

The recommended advisory clauses are attached at **Annex G**.

### **9. Decision Sought**

- 9.1 The Board is invited to consider the application for a review of the RNTPC's decision and decide whether to accede to the application.
- 9.2 Should the Board decide to reject the review application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 9.3 Alternatively, should the Board decide to approve the review application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.

**10. Attachments**

<b>Drawing R-1</b>	Revised Agriculture Layout Plan
<b>Drawing R-2</b>	Drainage System in the Vicinity
<b>Plan R-1</b>	Location Plan with Similar Applications
<b>Plan R-2</b>	Site Plan
<b>Plan R-3</b>	Aerial Photo
<b>Plans R-4a and R-4b</b>	Site Photos
<b>Annex A</b>	RNTPC Paper No. A/YL-LFS/447
<b>Annex B</b>	Extract of Minutes of the RNTPC Meeting Held on 3.2.2023
<b>Annex C</b>	Secretary of the Board's Letter dated 17.2.2023
<b>Annex D-1</b>	Letter Received on 10.3.2023 from the Applicant Applying for a Review of the RNTPC's Decision
<b>Annex D-2</b>	SI Received on 15.3.2023
<b>Annex E</b>	Similar Applications
<b>Annexes F-1 to F-4</b>	Public Comments Received During the Statutory Publication Period of the Review Application
<b>Annex G</b>	Recommended Advisory Clauses
<b>Annex H</b>	Fresh Water Main Record Plan

**PLANNING DEPARTMENT  
MAY 2023**