

RNTPC Paper No. A/YL-KTN/588
For Consideration by
the Rural and New Town
Planning Committee
on 16.3.2018

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/588

- Applicant** : Mr. LAM Tung Man represented by R-riches Property Consultants Limited
- Site** : Lots 946 S.A to S.O, 946 RP, 1118, 1119 S.A to S.E and 1119 RP in D.D. 107, Tai Kong Po, Yuen Long
- Site Area** : About 1,554.5m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/9
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Animal Boarding Establishment for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary animal boarding establishment for a period of 3 years. According to the Notes of the OZP, ‘Animal Boarding Establishment’ is a Column 2 use in “AGR” zone which requires planning permission from the Town Planning Board (the Board). The Site is not the subject of any previous application. The Site is partly paved and used for open storage of vehicles without valid planning permission (**Plans A-4a to A-4b**).
- 1.2 According to the applicant, the proposed development involves five one-storey temporary structures with a total floor area of about 423.25m² and building height not more than 4m for animal boarding establishment, office and fire service water tank uses. Three parking spaces for private car and one loading/unloading space for light goods vehicles will be provided at the Site. The applicant advised that structures for animal boarding establishment (kennel) are enclosed with steel sheets with the installation of cotton acoustic panels and air conditioned with ventilation. No public amplification system and whistle blowing will be

undertaken at the Site. The business hours are from 11 a.m. to 5 p.m. on Monday to Friday, 10 a.m. to 6 p.m. on Saturday, Sunday and public holidays. There will be dogs stay overnight at the Site. All the dogs, maximum of 30, will be resided within enclosed structures 24 hours and take care by staff. Septic tank and soakaway system will be provided to meet the requirement set out in Practice Note For Professional Persons (ProPECC) from Environmental Protection Department (EPD) and Water Pollution Control Ordinance. No vehicle more than 5.5 tonnes will be accessed to the Site. The Site is accessible from Fung Kat Heung Road via a local track (**Plan A-2**). The applicant has submitted a landscape proposal to support the application. A site layout plan with landscape proposal and vehicular access plan submitted by the applicant is at **Drawings A-1 and A-2**.

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

- (a) Application Form with supplementary planning statement and plans received on 18.1.2018 (**Appendix I**)
- (b) FI received on 13.2.2018 and 14.2.2018 in response to departmental comments (**Appendix Ia**)
(accepted and exempted from publication and recounting requirements)
- (c) FI received on 27.2.2018 in response to departmental comments (**Appendix Ib**)
(accepted and exempted from publication and recounting requirements)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the supplementary planning statement and FIs in **Appendices I and Ia**. They can be summarized as follows:

- (a) The proposed development is a Column 2 use under the “AGR” zone. The proposed use will not involve land filling and excavation works. It is compatible with the nearby development and will not cause adverse impact on the surrounding environment.
- (b) Three car parking spaces and one loading/unloading space will be provided on site in order to reduce the traffic impact on the surroundings.
- (c) The outdoor areas will be paved by turf as landscaping area and animals are prohibited to use the turf areas.

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

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

4. Background

The Site is not subject to any active enforcement case.

5. Previous Application

There is no previous application at the Site.

6. Similar Applications

- 6.1 There are 16 similar applications (No. A/YL-KTN/156, 232, 251, 253, 304, 308, 324, 377, 410, 478, 489, 519, 543, 556, 562 and 577) within the same “AGR” zone on the OZP. Except application No. A/YL-KTN/156 was rejected by the Committee on 8.11.2002, the rest of the 15 applications were approved with conditions by the Committee from 2005 to 2018. Details of these applications are summarized in **Appendix III** while the locations of these applications are shown on **Plan A-1**.
- 6.2 Application No. A/YL-KTN/156 for proposed dog kennel for a period of 3 years was rejected by the Committee on 8.11.2002 on the ground that the proposed development was not in line with the planning intention of the “AGR” zone; the proposed development was not compatible with the adjacent residential dwellings which would be susceptible to adverse environmental nuisances and DEP does not support the application as noise nuisances will be imposed to nearby residents; and there was no information in the submission to demonstrate that the proposed development would not cause adverse environmental and drainage impacts on the surrounding areas.
- 6.3 Six applications No. A/YL-KTN/232, 251, 304, 377, 410 and 489 at the same site (the latter two with a slightly smaller site area) for similar animal boarding establishment use with or without ancillary facilities were approved with conditions by the Committee for 2 or 3 years on 29.7.2005, 7.7.2006, 19.9.2008, 30.3.2012, 17.1.2014 and 5.2.2016 respectively on similar considerations that temporary use of the developments would not frustrate the long-term planning intention of the “AGR” zone; the developments were not incompatible with the surrounding land uses; the developments would mainly involve existing on-site

structures for animal boarding and would maintain the rural character of the site; previous approvals were granted and the applicant had made effort to comply with the approval conditions; and the relevant government departments had no adverse comments on the developments. Given that there were residential dwellings in the vicinity, temporary approval periods for 2 or 3 years were granted for all the applications in order to monitor the situation on the site. However, Applications No. A/YL-KTN/232, 304, 377 and 410 were revoked on 29.1.2006, 19.3.2010, 30.9.2012 and 17.7.2014 respectively due to non-compliance with approval conditions.

- 6.4 Another three applications No. A/YL-KTN/253, 308 and 324 at the same site for similar animal boarding establishment were approved with conditions by the Committee on 4.8.2006, 5.9.2008 and 22.5.2009 respectively for a period of 3 years on the consideration that the developments were not incompatible with the surrounding land uses; the development would mainly involve existing on-site structures; would not cause significant impact on the existing environment and landscape; and there were no adverse departmental comments and local objection to the application. Applications No. A/YL-KTN/308 and 324 were revoked on 5.3.2009 and 22.5.2011 respectively due to non-compliance with approval conditions.
- 6.5 The other six applications No. A/YL-KTN/478 for proposed temporary animal boarding establishment (kennel), Applications No. A/YL-KTN/519 and 543 for proposed temporary animal boarding establishment (cattery), Application No. A/YL-KTN/556 for proposed temporary animal boarding establishment (dog kennel cum dog recreation centre) and Applications No. A/YL-KTN/562 and 577 for animal boarding establishment were approved by the Committee with conditions on 6.11.2015, 24.6.2016, 23.12.2016, 28.4.2017, 11.8.2017 and 26.1.2018 respectively for a period of 3 years on similar considerations that temporary use of the developments would not frustrate the long-term planning intention of the “AGR” zone; the developments were not incompatible with the surrounding land uses. Applications No. A/YL-KTN/478 and 543 were revoked on 6.5.2016 and 23.12.2017 respectively due to non-compliance with approval conditions.
- 6.6 Application No. A/YL-KTN/590 for proposed temporary animal boarding establishment located at the further southeast of the Site (**Plan A-1**) is scheduled for consideration by the Committee at this meeting.

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

- 7.1 The Site is:
- (a) partly paved and used for open storage of vehicles; and
 - (b) accessible to Fung Kat Heung Road from a local track (**Plan A-2**).

- 7.2 The surrounding land uses are a mixture of residential dwellings/structures, open storage yards, plant nurseries, agricultural land and vacant/unused land. Some storage yards, workshop are suspected unauthorized developments subject to enforcement action by the Planning Authority:
- (a) to its north are plant nursery, open storage yards, residential dwellings/structures and vacant/unused land;
 - (b) to its east are residential dwellings/structure (the nearest about 10m), plant nursery and active agricultural land;
 - (c) to its south are a farm, storage and vacant/unused land. Further south and south west are cultivated agricultural land, vacant/unused land and plant nurseries; and
 - (d) to its west are some unused land and residential structures/dwellings.

8. Planning Intention

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. 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, Yuen Long, Lands Department (DLO/YL, LandsD):
- (a) 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.
 - (b) The Site is accessible to Fung Kat Heung Road via Government Land (GL) and private land. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way to the Site.

- (c) The Site falls within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structures shall not exceed the relevant airfield height limit within SKAHRA.
- (d) Should the application be approved, the lots owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularities on-site. Such application(s) will be considered by LandsD acting in the capacity as landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by the LandsD.

Traffic

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

- (a) He has no comment on the application from traffic engineering perspective.
- (b) Should the application be approved, the following approval condition and advisory clause is recommended respectively:
 - (i) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period.
 - (ii) The Site is connected to the public road network via a section of a local access road which is not managed by TD. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.

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

- (a) The applicant should be responsible for his own access arrangement.
- (b) His department is not and shall not be responsible for the maintenance of the existing vehicular access connecting the Site and Fung Kat Heung Road which is not maintained by HyD.

- (c) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

Environment

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

- (a) Provided that the facilities will be properly designed and maintained to minimize any potential environmental nuisance, e.g. the mechanical ventilation and air-conditioning system for the animal boarding establishment will be located away from adjacent sensitive receivers and the proposed structures for animal boarding establishment will be enclosed with proper soundproofing materials, he has no objection to the application subject to the incorporation of the following approval conditions:
 - (i) The animals shall be kept inside the enclosed structures for animal boarding establishment, as proposed by the applicant, during the planning approval period.
 - (ii) No public announcement system, whistle blowing, portable loudspeaker or any form of audio amplification system is allowed to be used on the Site at any time during the planning approval period.
- (b) Effluent discharges from the proposed use are subject to control under the Water Pollution Control Ordinance (WPCO). A discharge licence under the WPCO shall be obtained before a new discharge is commenced. If septic tank and soakaway system is proposed, its design and construction should follow the requirements of the Practice Note for Professional Person (ProPECC) PN 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department".
- (c) The applicant is also advised to follow the relevant mitigation measures and requirements in the revised "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" to minimize any potential environmental nuisances.
- (d) There was no environmental complaint received in the past 3 years.

Landscape

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

- (a) She has some reservations to the application from the landscape planning perspective.
- (b) The Site is predominantly in rural character and comprises of active agricultural land interspersed with village clusters, temporary structures and occasional open storages. The proposed use is considered not incompatible with the existing rural village and farmland landscape in the vicinity.
- (c) Based on site inspection in February 2018, the Site is already hard paved and fenced off. An existing tree (*Macaranga tanarius* 血桐) located at the southwest corner of the Site is heavily pruned and in poor condition. While according to aerial photo taken in 2015, vegetation was observed within the Site. It is apparent that all the then existing vegetation has been removed and the Site was cleared since then. The proposed development, if approved, would encourage similar site modification prior to application.
- (d) Should the application be approved, the condition on submission and implementation of landscape and tree preservation proposal should be included in the planning application.
- (e) Detailed comments on the submitted landscape plan are at **Appendix III**.

Agriculture

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

- (a) As the Site possesses high potential for agricultural rehabilitation, the application is not supported from agricultural point of view.
- (b) The subject address does not associate with any licence granted by his department, and his department has not received any application regarding this address. Under the current legislation, any person who provides food and accommodation for animals in return for a fee paid by the owner must apply for a Boarding Establishment Licence from his department.

Drainage

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

- (a) He has no in-principle objection to the proposed development from the public drainage point of view.
- (b) Should the application be approved, approval conditions requiring the submission, implementation and maintenance of a drainage proposal for the development should be included in the planning permission.

Fire Safety

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

- (a) He has no in-principle objection to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans.
- (c) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Building Matters

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

- (a) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application.

- (b) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.
- (c) Before any new building works (including containers/ open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (d) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively.
- (e) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

Electricity

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

- (a) He has no particular comment on the application from electricity supply safety aspect.
- (b) In the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing 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 the 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.

Environmental Hygiene

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

- (a) He has no comment on the application provided that no FEHD's facilities will be affected and such work and operation shall not cause any environmental nuisance and obstruction to the surrounding.
- (b) Proper licence / permit issued by his Department is required if there is any food business/ catering service / activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public and the operation of any business should not cause any obstruction.
- (c) If the proposal involves any commercial/trading activities, no environmental nuisance should be generated to the surroundings. Also, for any waste generated from the commercial/trading activities, the applicant should arrange its disposal properly at their own expenses.
- (d) If any FEHD's facility is affected by the development, FEHD's prior consent must be obtained. Re provisioning of the affected facilities by the applicant up to the satisfaction of FEHD may be required. Besides, the applicant should provide sufficient amount of additional recurrent cost for management and maintenance of the re provisioned facilities to FEHD.

District Officer's Comments

9.1.12 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

He has not received any comments from locals upon close of consultation and has no particular comments on the application.

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

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Project Manager/West, Civil Engineering and Development Department (PM/W, CEDD); and
- (c) Commissioner of Police (C of P).

11. Public Comments Received During Statutory Publication Period

- 11.1 On 30.1.2018, the application was published for public inspection. During the first three weeks of the public inspection period, which ended on 20.2.2018, three comments were received from Kadoorie Farm & Botanic Garden Corporation and general public (**Appendices IV-1 and IV-3**).
- 11.2 The commenters object to the application mainly on the ground that the proposed use is unlikely to be in line with the planning intention of the “AGR” zone; the applicant fails to demonstrate that the development would not generate adverse environmental and landscape impacts on the surroundings; this has been a disapproved brownfield operations on the Site; similar applications have been rejected; approval of the application would set an undesirable precedent for similar applications within the “AGR” zone; cumulative effect would result in degradation of the rural environment of the area; the Board should not tolerate any ‘destroy first and build later’ case; approval of the application will cause potential cumulative impact; and concern on whether the discharge of the animals would affect the surrounding environment and any noise and nuisance would be generated.

12. Planning Considerations and Assessments

- 12.1 The Site for proposed temporary animal boarding establishment for a period of 3 years falls entirely within “AGR” zone which is intended 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. The proposed use is not entirely in line with the planning intention of the “AGR” zone and DAFC does not support the application from the agriculture point of view as the Site possesses high potential for agricultural rehabilitation. However, the proposed animal boarding establishment is temporary in nature, approval of the application on temporary basis for a period of 3 years would not jeopardize the long-term planning intention of the “AGR” zone.
- 12.2 The proposed development involves animal boarding facilities, office and fire service water tank comprises five one-storey structures with a total floor area of about 423.25m² is considered not incompatible with the surrounding areas which are mixed residential dwellings/structures, open storage yards, plant nurseries, agricultural land and vacant/unused land. Although there are sensitive receivers, i.e. residential structures in the vicinity of the Site (the nearest is 10m on its east) (**Plan A-2**), the applicant advises that all animals will keep inside the enclosed kennel and the temporary structures are enclosed by steel sheets with cotton acoustic panels and air conditioned with ventilation to minimize any noise impact. The applicant also stated that no amplification system and whistle blowing will be used at the Site. DEP has no objection to the application. To minimise the possible environmental nuisance, approval conditions restricting

the operation hours, public announcement system, whistle blowing, portable loudspeaker or any form of audio amplification system on the Site are recommended in paragraph 13.2 (a) and (d) below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorized development on the Site will be subject to enforcement action by the Planning Authority. The applicant will also be advised to adopt the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ in order to alleviate any potential impact. CTP/UD&L, PlanD has some reservations on the application as it would set an undesirable precedent for site modification prior to application. In this regard, the approval conditions requested by CTP/UD&L of PlanD on submission and implementation of landscape and tree preservation proposal will be imposed in paragraph 13.2 (g) and (h) below. The technical requirements of C for T, CE/MN of DSD and D of FS are also recommended in approval conditions in paragraph 13.2 (e), (f), (i) to (m) below.

- 12.3 There are 16 similar applications within the same “AGR” zone on the OZP. One application (no. A/YL-KTN/156) was rejected by the Committee mainly on the reasons that concerned departments including DEP do not support the application and there was no information provided by the applicant to demonstrate the proposed development would not cause adverse environmental and drainage impacts on the surrounding areas. The other 15 similar applications were approved by the Committee from 2005 to 2018 mainly on similar considerations that temporary use of the developments would not frustrate the long-term planning intention of the “AGR” zone and not incompatible with surrounding land uses. In the current application, DEP has no objection to the proposed development. In this regard, approval of the current application is in line with the Committee’s previous decision on similar applications. There is another application (No. A/YL-KTN/590) for proposed temporary animal boarding establishment for a period of 3 years to be considered by the Committee at the same meeting (**Plan A-1**).
- 12.4 Three public comments were received during the statutory as stated in paragraph 11 above. In this regard, the planning assessments and considerations above are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comments in paragraph 11 above, the Planning Department considers that the proposed temporary animal boarding establishment could be tolerated for a period of 3 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 3 years until 16.3.2021. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no operation between 6:00p.m. and 10:00a.m. (except overnight animal boarding establishment), as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation between 10:00 a.m. and 11:00 a.m, and 5:00 p.m. and 6:00 p.m. on Monday to Friday, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) all animals shall be kept inside the enclosed structures for animal boarding establishment, as proposed by the applicant, during the planning approval period;
- (d) no public announcement system, whistle blowing, portable loud speaker, or any form of audio amplification system, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (e) no vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the submission of landscape and tree preservation proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 16.9.2018;
- (h) in relation to (g) above, the implementation of landscape and tree preservation proposal within **9** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 16.12.2018;
- (i) the submission of drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 16.9.2018;
- (j) in relation to (i) above, the implementation of drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 16.12.2018;
- (k) in relation to (j) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;

- (l) the submission of 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 16.9.2018;
- (m) in relation to (l) above, the implementation of 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 16.12.2018;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (k) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked without further notice;
- (o) if any of the above planning conditions (g), (h), (i), (j), (l) or (m) is not complied with by the specific date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (p) 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 V**.

- 13.3 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 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. No strong justification has been given in the submission for a departure from the planning intention, even on temporary basis.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant 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 applicant.

15. Attachments

Appendix I	Application Form with supplementary planning statement and plans received on 18.1.2018
Appendix Ia	FI received on 13.2.2018 and 14.2.2018
Appendix Ib	FI received on 27.2.2018
Appendix II	Similar Applications within the same “AGR” zone on the Kam Tin North OZP
Appendix III	Detailed comments from CTP/UD&L of PlanD
Appendices IV-1 and IV-3	Public comments received during statutory publication period
Appendix V	Advisory clauses
Drawing A-1	Layout Plan
Drawing A-2	Vehicular Access Plan
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4b	Site Photos

**PLANNING DEPARTMENT
MARCH 2018**