

RNTPC Paper No. A/YL-KTN/590
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/590

- Applicant** : Mr. CHENG Siu Chung represented by R-riches Property Consultants Limited
- Site** : Lot 1218 RP (Part) in D.D. 109, Tai Kong Po, Kam Tin, Yuen Long
- Site Area** : About 1,386.3m²
- 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 and is partly paved and vacant (**Plans A-4a to A-4b**).
- 1.2 According to the applicant, the proposed development involves three one-storey temporary structures with a total floor area of about 162m² and building height not more than 3.5m for animal boarding establishment use. Three parking spaces for private car and one loading/unloading space for light good vehicle will be provided at the Site. The applicant advised that structures for animal boarding establishment are enclosed with steel sheet with installation of cotton acoustic panels with air conditioned with ventilation. No public amplification system and whistle blowing will be undertaken at the Site. The business hours are from 10 a.m. to 5 p.m. on Monday to Friday, 10 a.m. to 6 p.m. on Saturday and no business

on Sunday and public holidays. There will be dogs staying overnight at the Site. All the dogs, maximum of 30, will be resided within the 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 Kong Tai Road (**Plan A-2**). The applicant has submitted a landscape proposal to support the application. A site layout plan and landscape proposal 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 29.1.2018 (**Appendix I**)
- (b) FI received on 20.2.2018 in response to departmental comments (**Appendix Ia**)
(accepted and exempted from publication and recounting requirements)
- (c) FI received on 26.2.2018 in response to departmental comments (**Appendix Ib**)
(accepted and exempted from publication and recounting requirements)
- (d) FI received on 7.3.2018 in response to departmental comments (**Appendix Ic**)
(accepted and exempted from publication and recounting requirements)
- (e) FI received on 8.3.2018 in response to departmental comments (**Appendix Id**)
(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 Ic**. 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 a loading/unloading space will be provided on site in order to reduce the traffic impact on the surroundings.

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 Pat Heung Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is subject to on-going enforcement action (No. E/YL-KTN/444) against an unauthorized development (UD) involving storage use. An Enforcement Notice (EN) was issued to the concerned parties on 10.10.2017 requiring the discontinuation of the UD. The recent site inspection revealed that the UD was discontinued upon the expiry of the EN. The Site would be kept under close monitoring for further action, if necessary.

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/588 for proposed temporary animal boarding establishment located at the further northwest 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:

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- (a) partly paved and vacant; and
- (b) accessible to Kong Tai Road (**Plan A-2**).

7.2 The surrounding land uses are a mix of residential dwellings/structures, storage yards, warehouse, 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 some residential dwellings/structures. Further north are agricultural land, a plant nursery and a storage yard;
- (b) to its east across Kong Tai Road are some warehouses, storage yards and residential dwellings /structures. Further east across a channel are residential dwellings/structures and a plant nursery;
- (c) to its immediate south is a residential dwelling/structures. Further south and southwest are agricultural land, vacant/unused land, an open storage yard and residential structures/ dwellings; and
- (d) to its west are some unused land, agricultural 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 an Old Schedule Agricultural Lot 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 Kong Tai Road via Government Land (GL). 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 structure shall not exceed the relevant airfield height limit within SKAHRA.
- (d) Should the application be approved, the lot 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) His department is not responsible for the maintenance of Kong Tai Road.

- (b) 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) Based on the information submitted in the application, the applicant is advised that the facilities should be properly designed and maintained to minimize any potential environmental nuisance, e.g. the mechanical ventilation and air-conditioning system will be located away from adjacent sensitive receivers and the proposed structures for animal boarding establishment should be enclosed with proper soundproofing materials.
- (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” (the COP) to minimize any potential environmental nuisances.
- (d) Should the application be approved, the following approval conditions should be included:
 - (i) all 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 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) 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 no objection to the application from the landscape planning perspective.
- (b) The surrounding area is in rural character, dominated by active and fallow agricultural land, tree groups, vacant land and low rise residential development. The proposed land use is considered not incompatible with existing land use.
- (c) According to the aerial photo taken on 7.5.2005, the Site is already cleared for storage use since then. With reference to the site inspection taken in February 2018, the Site is vacant and existing trees of common species are found within and along the site boundary. Considering further impact arising from the proposed use on existing landscape is not anticipated.
- (d) Should the application be approved, approval condition on submission and implementation of tree preservation and landscape proposal should be included.
- (e) Detailed comments on the landscape proposal 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 the agricultural development 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 and implementation 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. Reprovisioning 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 reprovisioned 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 6.2.2018, the application was published for public inspection. During the first three weeks of the public inspection period, which ended on 27.2.2018, five comments were received from Kadoorie Farm & Botanic Garden Corporation, World Wide Fund For Nature Hong Kong, Designing Hong Kong Limited and two general public (**Appendices IV-1 to IV-5**).
- 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; 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 and a toilet comprises four one-storey structures with a total floor area of about 164.25m² is considered not incompatible with the surrounding areas which are mixed with residential dwellings/structures, storage yards, warehouse, plant nurseries, agricultural land and vacant/unused land. Although there are sensitive receivers, i.e. residential structures in the vicinity of the Site (with the nearest one adjacent to its south) (**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 panel 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. To minimise the possible environmental nuisance, approval conditions restricting the operation hours, prohibition of use of public announcement system, whistle blowing, portable loudspeaker or any

form of audio amplification system on the Site are recommended in paragraph 12.2 (a) and (e) 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. The technical requirements of C for T, CTP/UD&L of PlanD, CE/MN of DSD and D of FS are also recommended in approval conditions (f) to (l) in paragraph 13.2 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 concern departments including DEP does 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 does not raise adverse comment on 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 similar application (No. A/YL-KTN/588) for proposed temporary animal boarding establishment for a period of 3 years to be considered by the Committee at this meeting (**Plan A-1**).
- 12.4 Five 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 5:00p.m. and 6:00p.m. on Monday to Friday, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no operation on Sunday and Public Holiday (except overnight animal boarding establishment), as proposed by the applicant, is allowed on the Site during the planning approval period;
- (d) all animals shall be kept inside the enclosed animal boarding establishment on the Site, as proposed by the applicant, during the planning approval period;
- (e) 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;
- (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 tree preservation and landscape 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 tree preservation and landscape proposal within **9** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 16.12.2018;
- (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) 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;
- (l) in relation to (k) 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;

- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) 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;
- (n) if any of the above planning conditions (g), (h), (i), (j), (k) or (l) 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
- (o) 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 29.1.2018

Appendix Ia	FI received on 20.2.2018
Appendix Ib	FI received on 26.2.2018
Appendix Ic	FI received on 7.3.2018
Appendix Id	FI received on 8.3.2018
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
Appendix IV	Public comments received during statutory publication period
Appendix V	Advisory clauses
Drawing A-1	Layout Plan
Drawing A-2	Landscape Proposal
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**