

RNTPC Paper No. A/YL-KTN/594A  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 3.8.2018

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

**APPLICATION NO. A/YL-KTN/594A**

- Applicant** : Mr. CHAN Chow Pui
- Site** : Lots 3513 (Part), 3841 S.B, 3842 S.A, 3843 S.A, 3847 S.A (Part), 3874, 3875, 3876, 3877, 3878 (Part) and 3884 (Part) in D.D. 104 and adjoining Government Land, Kam Tin, Yuen Long
- Site Area** : About 2,786.99m<sup>2</sup> (including Government Land of about 420.414m<sup>2</sup>)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/9
- Zoning** : “Other Specified Uses” annotated ‘Railway Reserve’ (“OU(Railway Reserve)”) (42%)  
  
“Comprehensive Development Area” (“CDA”) (58%)  
[restricted to a maximum plot ratio of 0.4 and a maximum building height of 4 storeys]
- Application** : Temporary Warehouse (Storage of Pet Supplies and Gardening Goods) with Ancillary Office for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant sought planning permission to use the application site (the Site) for temporary warehouse (storage of pet supplies and gardening goods) with ancillary office for a period of 3 years. The Site is currently used for the applied use without valid planning permission.
- 1.2 The Site is the subject of three previous applications No. A/DPA/YL-KTN/1, A/YL-KTN/2 and A/YL-KTN/558. The last application No. A/YL-KTN/558 for

the same applied use submitted by the same applicant as the current application was approved with conditions by the Rural and New Town Planning Committee (the Committee) for a period of 3 years on 9.6.2017. However, the approval was revoked on 9.12.2017 due to non-compliance of approval condition in relation to the submission of fire service installations proposal.

- 1.3 According to the information submitted by the applicant, the Site is occupied by 6 one to two-storyes temporary structures with a total floor area of 2,412.927m<sup>2</sup> for warehouse, office, shelter and toilet uses. The operation hours are from 9:30 a.m. to 5:30 p.m. from Mondays to Fridays, and 9:30 a.m. to 2:00 p.m. on Saturdays. There is no operation on Sundays and public holidays. The Site is accessible to San Tam Road via a local track. The layout plan, location plan of unlocked gates to graves, drainage and fire service installations proposals as submitted by the applicant are at **Drawing A-1 to A-4**.
- 1.4 Compared with the last approved application No. A/YL-KTN/558, the current application is for the same applied use, site area, floor area and layout.
- 1.5 In support of the application, the applicant has submitted the following documents:
  - (a) Application Form with plan received on 6.3.2018 **(Appendix I)**
  - (b) Further Information (FI) received on 4.7.2018 in **(Appendix Ia)** responses to departmental comments.  
*(accepted and exempted from publication and recounting requirement)*
  - (c) FI received on 30.7.2018 in responses to departmental **(Appendix Ib)** comments.  
*(accepted and exempted from publication and recounting requirement)*
- 1.6 As requested by the applicant, the Committee agreed to defer consideration of the application on 4.5.2018 to allow more time for the applicant to prepare FI to address the departmental comments. The applicant submitted FIs providing responses to departmental comments to support the application.

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

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

- (a) The development will not have any adverse impacts on the surrounding environment.

- (b) Unlocked gates have been provided on Site to allow public free access to the graves and two access paths are shown on **Drawing A-2**. The applicant also stated that he will liaise with the locals. Existing drainage facilities have been provided to ensure no adverse drainage impact on nearby residents.
- (c) Previous approval has been obtained. Due to misunderstanding of the approval condition, the permission was revoked. Should the application be approved, the applicant will make effort in complying with the approval conditions.

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

The applicant is one of the “current land owners”. In respect of the other “current land owner(s)”, the applicant has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting a notice on site and sending notification letter to San Tin Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

### 4. **Background**

The Site was being used as the applied use. Subject to the collection of sufficient evidence, appropriate enforcement action under the Town Planning Ordinance would be taken in due course.

### 5. **Previous Applications**

- 5.1 The Site is the subject of three previous applications (No. A/DPA/YL-KTN/1, A/YL-KTN/2 and A/YL-KTN/558). Applications No. A/DPA/YL-KTN/1 and A/YL-KTN/2 covering a smaller area and submitted by a different applicant as the current application were for temporary storage of gloves and office use. The last application No. A/YL-KTN/558 covering the same area and submitted by the same applicant as the current application was for temporary warehouse (storage of pet supplies and gardening goods) with ancillary office. Details of the previous applications are summarized in **Appendix II** and the locations are shown on **Plan A-1**.
- 5.2 Application No. A/DPA/YL-KTN/1 for proposed temporary storage of gloves and office use for a period of 3 years was approved with conditions by the Committee on 20.9.1991 mainly for the reasons that the development was in line with the planning intention of the area which was to encourage upgrading the structures

within the then “Unspecified Use” zone<sup>1</sup>. The planning permission lapsed on 21.9.1994. Application No. A/YL-KTN/2 submitted by the same applicant as the last one for the same use under the then “R(D)” zone was rejected by the Town Planning Board (the Board) on review on 24.3.1995 mainly on the grounds that the applied use was not in line with the planning intention of the “R(D)” zone, not compatible with the nearby residential use and the applicant did not submitted any proposals to comply with the approval conditions imposed on the previous application. The application was dismissed by the Town Planning Appeal Board on 12.4.1996.

- 5.3 The last application No. A/YL-KTN/558 for the same applied use submitted by the same applicant as the current application was approved with conditions by the Committee on 9.6.2017 for the reasons that temporary approval of the application will not jeopardize the implementation of the Northern Link (NOL) and will not frustrate the long-term planning intention of the “CDA” zone; the development was not incompatible with the surrounding area; relevant departments, except for the Director of Environmental Protection (DEP), had no adverse comment and technical concerns could be address by imposing approval conditions. Although the approval condition on submission of drainage proposal has been complied with, the planning permission was revoked on 9.12.2017 due to non-compliance of approval condition in relation to the submission of fire service installations proposal.
- 5.4 Compared with the last approved application No. A/YL-KTN/558, the current application is for the same applied use, site area, floor area and layout.

## 6. Similar Application

- 6.1 There is one similar application (No. A/YL-KTN/288) within the same “OU(Railway Reserve)” zone on the OZP for temporary warehouse for furniture and accessories for a period of 3 years. Details of the application are summarized in **Appendix III** and its location is shown on **Plan A-1**.
- 6.2 Application No. A/YL-KTN/288 for proposed temporary warehouse for furniture and accessories was approved with conditions by the Committee on 1.2.2008 for a period of 1 year up to 1.2.2008 mainly for the reasons that the development would not jeopardize the long-term planning intention of the “OU(Railway Reserve)” zone and was not incompatible with surrounding land use. Although EPD does not support the application due to sensitive receivers nearby, approval conditions on restricting the operation hours, use of heavy goods vehicles and no workshop activities have been imposed to address environmental concerns. The application was revoked on 1.5.2008 due to the non-compliance with approval conditions.

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<sup>1</sup> The Site was zoned “Unspecified Use” on the Kam Tin North Interim Development Permission Area (IDPA) Plan No. IDPA/YL-KTN/1 gazetted in 1990. The Site was subsequently rezoned to “Residential (Group D)” in 1994 and later rezoned to the current zoning of “CDA” and “OU(Railway Reserve)” in 1999.

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

7.1 The Site is:

- (a) accessible via a local track leading from San Tam Road to its west; and
- (b) currently used for the applied use without valid planning permission.

7.2 The surrounding areas are mixed with residential dwellings/structures, active/fallow agricultural, parking of vehicles and unused land :

- (a) to its immediate east are unused land and vegetated slope;
- (b) to its north are residential dwellings/structures and parking of vehicles;
- (c) to its immediate west are mainly residential dwellings/structures and unused /vacant land. San Tin Highway is located on the further west across the San Tam Road; and
- (d) to its south are residential dwellings/structures, cultivated agricultural land, parking of vehicles and a storage yard.

## **8. Planning Intentions**

8.1 The “OU(Railway Reserve)” is intended primarily for railway development. According to the Explanatory Statement of the OZP, the area covers the proposed Northern Link (NOL) alignment. The exact alignment of the NOL has yet to be finalized.

8.2 The “CDA” zone is intended primarily for comprehensive development/redevelopment of the area for residential use with the provision of commercial, open space and other supporting facilities, if any. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints.

## **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 private land (PL) of Lots Nos. 3513, 3884, 3843 S.A, 3847 S.A, 3874, 3875, 3876, 3877 and 3878 in D.D. 104 are covered by Short Term Waiver (STW) Nos. 4887, 4888 and 4889 respectively to permit structures for the purpose of “Temporary Warehouse (Storage of Pet Supplies and Gardening Goods) with Ancillary Office”.
- (c) The Site is accessible to San Tam Road through Government Land (GL) only. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way.
- (d) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (e) Should planning approval be given to the planning application, the lot owners will need to apply to his office to permit the structures to be erected or regularize any irregularity on site. Besides, the applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Furthermore, the STW holder will need to apply to his offices for modification of the STW conditions if there is any irregularity on site. Such application will be considered by the LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application 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.

#### 9.1.2 Comments of the Chief Estate Surveyor/ Railway Development, Lands Department (CES/Railway Development, LandsD):

The Site falls within “RDS 2014 Northern Link and Kwu Tung Station Limit of Area of Influence” and partially falls within “RDS 2014

Northern Link and Kwu Tung Station Administrative Route Protection Boundary". He has no strong view against the application provided that the Railway Development Office, Highways Department has no objection to the application and the development would not pose obstacles to the acquisition of land for the implementation of the NOL project.

### **Traffic**

#### 9.1.3 Comments of the Commissioner for Transport (C for T):

- (a) He has no comment to the application from traffic engineering point of view.
- (b) Should the application be approved, no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period.
- (c) The Site is connected to the public road network via a section of a local access road which is not managed by Transport Department. The land status of the local access road should be clarified with the LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.

#### 9.1.4 Comments of the Chief Highway Engineer/NT West, Highway Department (CE/NTW, HyD):

- (a) His department does not and will not maintain any access connecting the Site and San Tam Road.
- (b) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

#### 9.1.5 Comments of the Chief Engineer/Railway Development 1-1, Railway Development Office, Highways Department (CE/RD1-1, RDO, HyD):

- (a) He has no in-principle objection to the application with approval period of 3 years from the development point of view of the NOL Project.
- (b) The Site falls within the administrative route protection boundary for the proposed NOL. Although the programme and the alignment of the proposed NOL are still under review, those areas within the

administrative route protection boundary may be required to be vacated at the time for the construction of the NOL. The applicant shall be reminded of the above when planning its land use application.

### **Environment**

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

- (a) There was no environment complaint received in the past three years. However, in accordance with the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”, he does not support the application as there are sensitive receiver, i.e. existing residential structures located to the immediate west, northwest and further south of the Site (**Plan A-2**), and environmental nuisance is expected.
- (b) Should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP.

### **Landscape**

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

- (a) She has no objection to the application from the landscape planning perspective
- (b) The Site is located at the foothills to the southwest of Lam Tsuen Country Park. The Site is the subject of 3 previous applications and she had no objection to the last application (A/YL-KTN/558) for the same use from landscape planning perspective.
- (c) According to the site inspection on 16.3.2018, the Site is already used as warehouse and the structures are in place. Existing trees in good condition are found within the Site. Further adverse impact on landscape resources arising from the applied temporary use is not anticipated.
- (d) Should the application be approved, approval condition requiring the maintenance of existing trees and landscape plantings is recommended in the planning permission.



**Nature Conservation**

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

As the Site has been paved and is occupied by structures, he has no comment on the application from nature conservation perspective.

**Drainage**

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

- (a) He has no objection in principle to the development from the public drainage point of view.
- (b) He has no comment on the submitted drainage proposal. Should the application be approved, approval conditions on the implementation of the accepted drainage proposal and maintenance of the implemented drainage facilities for the development to the satisfaction of the Director of Drainage Services or of the Board should be included.

**Fire Safety**

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

- (a) He has no objection in principle 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 (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

**Electricity**

9.1.11 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) However, 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.

**Building Matters**

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

- (a) There is no record of approval by the Building Authority for the existing structures at the Site and he is not in a position to offer comments on their suitability for the use in the application.
- (b) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Buildings Department, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any use under the application.
- (c) 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.
- (d) 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 (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.

- (e) 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.
- (f) 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.

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

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

He has no comment on the application and any local comments should be submitted to the Board directly.

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).

## **10. Public Comments Received During Statutory Publication Period**

- 10.1 On 13.3.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 3.4.2018, three public comments from the San Tin Rural Committee, Representatives of Pok Wai Village and an individual were received (**Appendices IV-1 to IV-3**).
- 10.2 The commenters object to the application mainly on the grounds that the warehouse has been under operation illegally; the development will block villagers' access to graves; discharge drainage to nearby house which generate adverse environmental impacts; illegal felling of trees and cutting slopes on government land affecting safety of slope and graves; illegal occupation of GL and contravene Short Term Waivers; and the operator has no intention to comply with the approval conditions.

## **11. Planning Considerations and Assessments**

- 11.1 This application is for a temporary warehouse for storage of pet supplies and gardening goods with ancillary office. About 42% of the Site falls within “OU(Railway Reserve)” zone which is intended primarily for development of the NOL. The Site falls within the administrative route protection boundary of the proposed NOL. CE/RD1-1, RDO of HyD advised that the exact alignment and development programme of the NOL is still under review and he has no objection to the application on a temporary basis of 3 years. It is considered that approval of the application on a temporary basis of 3 years would not jeopardize the implementation of the NOL.
- 11.2 The remaining of about 58% of the Site falls within the “CDA” zone which is intended for comprehensive development/redevelopment of the area for residential use with the provision of commercial, open space and other supporting facilities, if any. There is no known development programme of the “CDA” zone, it is considered that approval of the application on a temporary basis of 3 years would not frustrate the long-term planning intention of the “CDA” zone.
- 11.3 The applied use is considered not incompatible with the surrounding areas which are mixed with residential dwellings/structures, parking of vehicles, cultivated/fallow agricultural land and unused/vacant land.
- 11.4 Relevant departments consulted, including C for T, DAFC, CTP/UD&L of PlanD, CE/MN of DSD and D of FS, except DEP, have no objection to or adverse comment on the application. DEP does not support the application as there are existing residential dwellings/structures immediately next to the Site and in its vicinity and environmental nuisance is expected. However, there has been no environmental complaint received in the past 3 years. To minimize possible environmental nuisance generated by the development, approval conditions restricting the operation hours, prohibiting the use of heavy goods vehicles and dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities at the Site are recommended in paragraph 12 (a) to (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. Besides, the applicant will be advised to adopt the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP in order to alleviate any potential impact. The technical requirements of C for T, CTP/UD&L of PlanD, D of FS and CE/MN of DSD could be addressed by approval conditions in paragraph 12.2 (f) to (k) below.
- 11.5 The Site is the subject of three previous planning applications (Nos. A/DPA/YL-KTN/1, A/YL-KTN/2 and A/YL-KTN/558). The last application No. A/YL-KTN/558 submitted by the same applicant and for the same applied use was approved with conditions by the Committee on 9.6.2017 for a period of 3 years for

the reasons as mentioned in paragraph 5.3 above. While approval condition on submission of drainage proposal has been complied with, the planning permission was revoked on 9.12.2017 due to non-compliance of approval condition related to the submission of FSIs proposal. The current application is the same as the last approved application in terms of site area, floor area and layout. Under the current application, the applicant submitted drainage and FSIs proposals, of which the drainage proposal was considered acceptable by CE/MN of DSD. The applicant also stated that effect will be made to comply with the approval conditions should the application be approved. In this regards, the Committee may consider sympathetic consideration for the current application. Shorter compliance periods are recommended to closely monitor the progress of compliance should the Committee decide to approve the current application. Moreover, the applicant would also be advised that should he fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given to any further application.

- 11.6 A total of three public comments objecting the application were received during the publication period mainly on the grounds as mentioned in paragraph 10 above. In this regards, the applicant stated that two access paths have been provided through unlocked gates at the Site for 24-hour access to the graves. The applicant is advised to liaise with the commenters on access to the graves to address their concerns (Advisory Clause (d) at **Appendix V**). The assessments and considerations above are also relevant.

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

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments in paragraph 10, the Planning Department considers that the temporary warehouse (storage of pet supplies and gardening goods) with ancillary office could be tolerated for a period of 3 years.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years until 3.8.2021. The following conditions of approval with shorter compliance periods and advisory clauses are also suggested for Members' reference.

### Approval Conditions

- (a) no operation between 5:30 p.m. and 9:30 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation between 2:00 p.m. and 5:30 p.m. on Saturday, as proposed by the applicant, is allowed on the Site during the planning approval period;

- (c) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (d) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (e) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the Site at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse into/from public road at any time during the planning approval period;
- (g) the existing trees and landscape plantings on the Site should be maintained at all times during the planning approval period;
- (h) the implementation of the accepted drainage proposal for the development 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 3.2.2019;
- (i) in relation to (h) above, implemented drainage facilities on site shall be maintained at all times during the planning approval period;
- (j) the submission of fire service installations proposals within **3** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 3.11.2018;
- (k) in relation to (j) above, the provision of fire service installations 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 3.2.2019;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (h), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) upon 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**.

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

The development is not in line with the planning intention(s) of the "OU(Railway Reserve)" and "CDA" zones which are intended primarily for railway development and for comprehensive development/redevelopment of the area for residential use with the provision of commercial, open space and other supporting facilities, if any, respectively. No strong planning justification has been given in the submission for a departure from the planning intention(s), even on a temporary basis.

### **13. Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 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.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicants.

### **14. Attachments**

- Appendix I** Application form with plans received on 6.3.2018
- Appendix Ia** Further Information received on 4.7.2018 in responses to departmental comments
- Appendix Ib** Further Information received on 30.7.2018 in responses to departmental comments
- Appendix II** Previous applications covering the Site
- Appendix III** Similar application within the same "OU(Railway Reserve)" and "CDA" zones on the Kam Tin North Outline Zoning Plan
- Appendices IV-1** Public comments received during the Statutory Publication Period

**to IV-3**

<b>Appendix V</b>	Advisory Clauses
<b>Drawing A-1</b>	Layout Plan with Similar Application
<b>Drawing A-2</b>	Location Plan of Unlocked Gates and Access Paths to Graves
<b>Drawing A-3</b>	Drainage Proposal
<b>Drawing A-4</b>	Fire Service Installations Proposal
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to 4d</b>	Site Photos

**PLANNING DEPARTMENT  
AUGUST 2018**