

RNTPC Paper No. A/YL-KTN/570B  
 For Consideration by  
 the Rural and New Town  
 Planning Committee  
 on 20.4.2018

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

**APPLICATION NO. A/YL-KTN/570**

- Applicant** : Twin R/C Speedway Limited represented by Lanbase Surveyors Limited
- Site** : Lot 956 RP (Part) in D.D.109, Kam Tin, Yuen Long
- Site Area** : 5,075 m<sup>2</sup> (about)
- 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** : Temporary Place of Recreation, Sports or Culture (Electric Power Radio Control Car Track and Ancillary Facilities) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary place of recreation, sports or culture (electric power radio control car track and ancillary facilities) for a period of 3 years. The Site is not the subject of any previous application. The Site is currently used for the applied use without valid planning permission (**Plans A-2 and A-4**).
- 1.2 According to the applicant, the applied use for temporary electric power radio control car tracks and ancillary facilities involves a car track area, and 19 structures with details below:

Container Structure		Use	GFA (m <sup>2</sup> )	Height (m)	No. of Storey
Size	Number				
20 ft	3	Site Office	43.92	5.2	2
	11	Race Pit Boxes	161.04	2.6	1
	1	Toilet	14.64	2.6	1
40ft	6	Race Pit Boxes	175.68	2.6	1
Total:			395.28	NA	NA

The operation hours are from 10:00 am to 10:00 pm Tuesday to Sunday (including public holidays) and no operation on Mondays. There will be no gas power remote control car playing on the Site. Ten private car parking spaces will be provided within the Site. According to the applicant, with the implementation of the proposed noise mitigation measures, including only electric powered radio control model cars are allowed to be run on the tracks; maximum number of 10 model cars is allowed to be run at the same time on the on-road track and maximum number of 7 model cars is allowed to be run at the same time on the off-road track; implementation of time restriction on 'running' time slot; installation of 3m high noise barrier; and restrictions on operation hours, no adverse noise impact is anticipated. The Site is accessible to Kong Tai Road via a local track. The site layout plan and proposed noise barrier submitted by the applicant are 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 planning statement received on **(Appendix I)** 17.7.2017
- (b) Supplementary information received on 21.7.2017 to **(Appendix Ia)** clarify the operation hours of the development
- (c) Further Information (FI) submitted on 7.11.2017 with a **(Appendix Ib)** noise impact assessment (NIA) in response to departmental comments  
*(accepted but not exempted from publication and recounting requirements)*
- (d) FI submitted on 20.2.2018 with a revised NIA in **(Appendix Ic)** response to departmental comments  
*(accepted but not exempted from publication and recounting requirements)*
- (e) FI submitted on 27.3.2018 clarifying the operation **(Appendix Id)** hours  
*(accepted and exempted from publication and recounting requirements)*

1.4 The application was originally scheduled for consideration by the Rural and New Town Planning Committee (the Committee) on 8.9.2017. Upon the request of the applicant, the Committee agreed to defer making a decision on the application on 8.9.2017 and 22.12.2017 respectively to allow time for the applicant to address the departmental comments. After the respective deferral requests, the applicant had submitted revised technical assessments in response to departments' comments.

## 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 FI in **Appendices I** and **Ic**. They can be summarized as follows:

- (a) The proposed electric power radio control car track and ancillary facilities is a temporary period of 3 years which would not frustrate the long-term planning intention of the “AGR” zone.
- (b) There are several similar planning applications for recreational uses in the surrounding area approved under the “AGR” zone. The applied use is compatible with the surrounding land uses which are occupied by leisure farmland and recreational uses.
- (c) The applied use would not contravene Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No.13E) as the application is not related to port back-up and open storage use.
- (d) The Site is served by various modes of public transport, including minibuses and taxis. In addition, 10 private car parking space will be provided on the Site. No adverse traffic impact is anticipated.
- (e) The applied use would not involve gas power remote control car. There will be no petroleum and significant noise impacts on the surrounding environment. With the implementation of the proposed noise mitigation measures, no adverse noise impact from the operation of the development is anticipated at the surrounding noise sensitive receivers.
- (f) Adequate drainage facilities will be provided within the Site and comply with relevant approval condition to the satisfaction of the Drainage Services Department, if required. No adverse drainage impact is anticipated. Fire service installation and landscape and tree preservation would be provided to the satisfaction of relevant departments if required.

## 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 Sections 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**

A major part of the Site is subject to on-going enforcement action (No. E/YL-KTN/421) against an unauthorized development involving use for model car playing ground. An Enforcement Notice was issued on 23.6.2017 to the concerned parties requiring the discontinuance of the UD. Since the requirements of the statutory notice have not been complied with upon expiry of the notice, prosecution action against the concerned parties is in progress.

#### 5. **Previous Application**

There is no previous application at the Site.

#### 6. **Similar Application**

- 6.1 While there is no similar application for 'electric power radio control car track' use within the same "AGR" zone on the OZP, there are 20 applications for various 'Place of Recreation, Sports or Culture' use within the same "AGR". Details are summarized in **Appendix II** and their locations are shown on **Plan A-1**.

##### *Approved applications*

- 6.2 16 applications No. A/YL-KTN/150, 235, 273, 329, 383, 465, 474, 495, 513, 516, 520, 538, 535, 536, 571 and 579 for various place of recreation, sports or culture uses were approved with conditions by the Committee between 2002 and 2017. 10 applications for hobby farm and/or caravan camp site use were approved mainly on the reasons that the proposed developments were generally in line with the planning intention of the "AGR" zone; the use was not incompatible with the surrounding land uses; and the proposed development would unlikely cause significant adverse environmental, traffic, landscape or drainage impacts. The other 6 applications for barbecue and/or picnic area/ children playground/ handicraft making area use were approved mainly on the reasons that the developments were primarily used for agricultural and farm purposes which were in line with the planning intention of "AGR" zone; the developments were considered not incompatible with the surrounding land uses; the barbecue spot and shelter structures only formed part of the farm and a small portion of the site and was acceptable in terms of land use compatibility and scale; no adverse environmental impact on the surrounding areas was envisaged; concerned departments including DAFC and DEP had no adverse comment. Besides, previous planning permission was granted and the applicant had complied with all approval conditions; and there was no change in planning circumstances (for A/YL-KTN/235 only).

*Rejected applications*

- 6.3 Applications No. A/YL-KTN/178 and 223 (both with major portion falls within “Conservation Area” (“CA”) zone) for temporary war game centre and outward bound training centre respectively were rejected by the Committee/ the Board on review / dismissed by Appeal Board in 2003, 2007 and 2013 mainly on the grounds that the development was not in line with the planning intention of the “CA” and “AGR” zones; the development is not compatible with the surrounding rural character; no detailed information with regard to the operation of the applied use; no information to demonstrate the development would not generate adverse traffic, fire safety, environmental and drainage impacts on the surroundings; and approval of the application would set an undesirable precedent and the cumulative effect would result in general degradation of the environment of the area.
- 6.4 Application No. A/YL-KTN/394 for proposed temporary field study/education centre and hobby farm for a period of 5 years was rejected by the Board on review on 14.6.2013 mainly on the grounds that the site was the subject of unauthorized land filling and the filling material were not suitable for cultivation; there was no detailed information regarding the design and operation of the proposed development particularly the hobby farm, field study/education centre and the office with porch; the applicant failed to demonstrate that the development would not generate adverse landscape and drainage impacts on the surrounding areas; and approving the application would set an undesirable precedent, and the cumulative effect of which would result in a general degradation of the rural environment of the area.
- 6.5 Application No. A/YL-KTN/418 for proposed temporary barbecue area with ancillary car parking and meeting point was rejected by the Committee on 8.11.2013 mainly on the grounds that the development was not in line with the planning intention of the “AGR” zone; not incompatible with nearby residential use and DEP has reservation on the barbeque area from environmental perspective; the applicant fails to demonstrate that the proposed development would not generate adverse environmental and drainage impacts on the surroundings area; and approving the application would set an undesirable precedent, and the cumulative effect would result in a general degradation of the rural environment of the area.

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

7.1 The Site is :

- (a) accessible via a local track branching off Kong Tai Road (**Plan A-1**); and
- (b) paved, fenced and currently used for the applied use without valid planning permission.

- 7.2 The surrounding areas are rural in character predominated by residential dwellings/structures, unused/vacant land and a few open storage yards.
- (a) to its immediate north are residential dwellings/structures and vacant/unused land. There are some residential dwellings/structures and a chicken farm at its further north;
  - (b) to its east are some residential dwellings/structures, and some residential dwellings/structures and storage yards at its further east across Kong Tai Road;
  - (c) to its south are residential dwellings/structure and unused/vacant land; and
  - (d) to its immediate west are residential dwelling/structure and unused/vacant land. Further northwest are some residential dwellings/structures and fallow agricultural land.

## **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 Scheduled 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.

- (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 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 will be considered by LandsD acting in the capacity of the landlord 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 LandsD.

### **Traffic**

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

- (a) He has no objection to the application from the traffic engineering point of view.
- (b) The approval condition on no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period should be included.
- (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 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/NT West, Highways Department (CHE/NTW, HyD):

- (a) HyD is not and shall not be 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) According to the NIA, the applicant proposed the following measures to mitigate the adverse noise impact from the running of the electric power radio control cars:
  - (i) There will be no outdoor loudspeaker or any form of outdoor audio amplification system;
  - (ii) Only electric powered radio control model cars are allowed to be running on the tracks. No fuel powered model cars are allowed;
  - (iii) A maximum number of 10 model cars are allowed to run at the same time on the on-road track;
  - (iv) A maximum number of 7 model cars are allowed to run at the same time on the off-road track;
  - (v) Model cars running time on both tracks are restricted to a maximum of 5 minutes, with a “no running’ times slot of 10 minutes between any two “running’ time slots;
  - (vi) The operation hour is restricted from 10am to 10pm; and
  - (vii) A 3m high noise barrier constructed by steel panel or any material with surface density of no less than 8kg/sqm to be installed fronting the nearest 1-storey residential premises (NSR 1), which shall be secured between the containers by nuts and bolts and/ or welding as necessary.
- (b) Although he has no technical comment on the NIA, the applied use would generate noise nuisance to the surrounding sensitive receivers if operated without mitigation measures. The implementation of mitigation measures as stated in Items (i) to (vi) above would highly rely on the practice of the operator and the visitors. If there is no suitable control mechanism to ensure the implementation of the day-to-day mitigation measures by the operator and the visitor, it will be difficult to have the noise impacts effectively mitigated.
- (c) There is no environment complaint received by the DEP in the past three years.



- (d) Should the application be approved, the applicant is advised to follow relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Open Storage and Temporary Uses” to minimize any potential environmental nuisances.
- (e) He would also like to remind that effluent discharges from the applied 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. It is the obligation of the applicant to meet all statutory requirements under relevant pollution control ordinances and provide necessary mitigation measures.

### **Landscape**

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

- (a) She has some reservations to the application from the landscape planning point of view.
- (b) The surrounding is predominantly rural in character with village houses, suspected unauthorised temporary structures, hobby farms and tree groups. Similar temporary use cannot be found in proximity. The applied use and its extensive hard paving is incompatible with the existing rural landscape setting.
- (c) According to the aerial photos taken from 2011 to 2015, the Site has been gradually cleared and paved. With reference to the site photos in the planning statement, the applied use is already in place. Although further landscape impact arising from the temporary use under application is not expected, the development, if approved, would set an undesirable precedent for site modification prior to application. The cumulative impact of such approval would further degrade the existing landscape quality in the surrounding area.
- (d) Moreover, nuisance to residents in vicinity due to the applied uses anticipated. Yet, landscape proposal is missing in the application. It is uncertain whether the adverse impact due to the applied use can be mitigated.
- (e) Should the application be approved, approval condition on submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the Board should be included in the planning permission.

### **Drainage**

9.1.6 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) Should the application be approved, approval conditions requiring the submission and implementation of a drainage proposal for the development to the satisfaction the Director of Drainage Services or of the Board should be included.

### **Building Matters**

9.1.7 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 approval of the BD, they are Unauthorized Building Works (UBW) under the Buildings Ordinance (BO) and should not be designated for any use under the application.
- (b) Before any new building works (including containers/ open sheds as temporary buildings) are to be carried out on the Site, the 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.
- (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) 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.

### **Agriculture**

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

- (a) He does not support the application from agricultural point of view. Although the Site is currently paved and partially occupied by temporary structures, the Site was well served by road access and the Site possesses potential for agricultural uses such as pant nursery or greenhouse.
- (b) According to aerial photos, the Site was mostly vegetated in early 2011. Vegetation clearance on the Site may have occurred around late 2011 and the Site was found to be paved in 2012.

### **Fire Safety**

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

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

### **Water Supply**

9.1.10 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) He has no objection to the application.
- (b) For provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall

resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

**District Officer's Comments**

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

His office has not received comment from the locals on the application upon close of consultation and has no particular comment on the application.

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

- (a) Project Manager/New Territories West, Civil Engineering and Development Department (PM/NTW, CEDD) ;
- (b) Director of Electrical and Mechanical Services (DEMS); and
- (c) Commissioner of Police (C of P).

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

- 10.1 The application and subsequent FIs submitted by the applicant were published on 25.7.2017, 10.11.2017 and 6.3.2018 respectively. During the first three weeks of the statutory public inspection period, which ended on 15.8.2017, 1.12.2017 and 27.3.2018 respectively, 19 public comments were received from Pat Heung Rural Committee (PHRC), a Yuen Long District Council (YLDC) member, representative of Tai Kong Po Tsuen, villagers of Tai Kong Po Tsuen, Tai Kong Po Tsuen Committee, Designing Hong Kong, Green Sense and individuals (**Appendices III-I to III-19**).
- 10.2 Five of the commenters including the PHRC, a YLDC member, representative of Tai Kong Po Tsuen, a nearby resident and a public (**Appendices III-1 to III-3, III-11 and III-12**) support/has no objection to the application on the reasons that the proposed development could provide entertainment facility to the area; and the small scale development will not impose adverse impacts on traffic, drainage and environmental aspects; the noise impact for electric model car is minimal and acceptable by immediate neighbourhood; electric model car is a sport and an academic subject in China, there should be a proper venue for practice and training.
- 10.3 The remaining fourteen commenters including Tai Kong Po Tsuen Committee, Designing Hong Kong, Green Sense, villagers of Tai Kong Po Tsuen and general public (**Appendices III-4 to III-10 and III-13 to III-19**) object to the application

mainly on the grounds that the proposed commercial activity will generate more people and induce heavy traffic and lead to illegal parking in the area; the applied use is an unauthorized development, the applicant should reinstate of the Site prior to application; degradation of the rural environment; not in line with the planning intention of the “AGR” zone; approval would encourage unauthorized use and/or a ‘destroy first, development later’ case and set undesirable precedent to regularize unlawful activities; adverse traffic impact since its operation in Oct 2016; generate adverse environmental, traffic, noise, sewerage and landscape impact and lighting pollution to the surrounding areas; unauthorized building structures without valid planning permission; and no strong planning justification has been given for a departure from the planning intention.

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

- 11.1 The applied temporary place of recreation, sports or culture (electric power radio control car track and ancillary facilities) is located in “AGR” zone which 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. The applied use is not in line with the planning intention of the “AGR” zone. DAFC does not support the application from agricultural point of view as the Site is well served by road access and possesses potential for agricultural uses such as pant nursery or greenhouse. No strong planning justification has been given in the submission to justify for a departure from the planning intentions, even on a temporary basis.
- 11.2 The applied use is considered incompatible with the surrounding area which is rural in character predominated by residential dwellings/ structures, unused/ vacant land and a few storage yards. CTP/UD&L, PlanD has reservation on the application as the applied use and its extensive hard paving is incompatible with the existing rural landscape setting. She also considers that approval of the application would set an undesirable precedent for site modification prior to application and the cumulative impact of such approval would further degrade the existing landscape quality in the surrounding area. Nuisance to residents in vicinity due to the applied uses are also anticipated but no landscape proposal is provided in the application; it is uncertain whether the adverse impact can be mitigated.
- 11.3 Although DEP has no technical comments on the NIA report submitted by the applicant, the applied use would generate noise nuisance to the surrounding sensitive receivers if operated without mitigation measures. The implementation of mitigation measures as proposed by the applicant as given in paragraph 9.1.4(a) above would highly rely on the practice of the operator and the visitors. There is no guarantee that the development would not generate environmental nuisances to the surrounding residents.

- 11.4 The Site is not subject to any previous application, and there is no similar application for electric power radio control car track in the same “AGR” zone. There are 20 applications for various ‘Place of Recreation, Sports or Culture’ use within the same “AGR” zone. Although there are 16 applications for barbecue-related and hobby farming/caravan camp site uses approved with conditions by the Committee (paragraph 6.2 and **Plan A-1** refer), they were mainly with passive recreation activities and there were no adverse comments from DEP. The other 4 applications for war game, outward bound training centre, field study/ education centre and hobby farm, and barbecue area with ancillary car parking and meeting point were rejected by the Committee/the Board on review/dismissed by Appeal Board mainly on the grounds that there was no operational / design details, no information to demonstrate the development would not generate adverse environmental/ landscape/ traffic/ drainage impacts on surrounding area, and not compatible with the surrounding rural character/village houses (paragraph 6.3 to 6.5 and **Plan A-1** refer) . As stated in paragraphs 11.2 and 11.3 above, similar to the rejected applications, there are landscape and environmental concerns on the current application. Approval of the subject application, even on a temporary basis, would set an undesirable precedent for similar applications to proliferate into this part of the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.
- 11.5 There are 19 public comments (5 support and 14 object) received during the statutory public inspection period as stated in paragraph 10 above. In this regard, the planning considerations are assessments above are relevant.

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

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department does not support the application for the following reasons:
- (a) the proposed development is not in line with the planning intention of the “AGR” zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
  - (b) the applicant fails to demonstrate that the proposed development would not pose adverse landscape and environmental impacts on the surrounding areas; and

- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent for other similar uses to proliferate into the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

12.2 Alternatively, 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 20.4.2021. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no operation between 10:00 p.m. and 10:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Mondays (except for public holidays), as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance is allowed to enter/exit the Site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) no outdoor loudspeaker or any form of outdoor audio amplification system, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (f) the existing boundary fencing at the Site shall be maintained at all times during the planning approval period;
- (g) the provision of a noise barrier within **6** months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by 20.10.2018;
- (h) the submission of landscape proposal within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 20.10.2018;
- (i) in relation to (h) above, the implementation of 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 20.1.2019;

- (j) 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 20.10.2018;
- (k) in relation to (j) 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 20.1.2019;
- (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 20.10.2018;
- (m) in relation to (l) above, the provision of fire service installations 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 20.1.2019;
- (n) 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 immediately without further notice;
- (o) if any of the above planning conditions (g), (h), (i), (j), (k), (l) or (m) 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
- (p) 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 advisory clauses are in **Appendix IV**.

### **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 applicant.

**14. Attachments**

<b>Appendix I</b>	Application form with planning statement received on 17.7.2017
<b>Appendix Ia</b>	Supplementary information received on 21.7.2017 to clarify the operation hours of the development
<b>Appendix Ib</b>	FI submitted on 7.11.2017
<b>Appendix Ic</b>	FI submitted on 20.2.2018
<b>Appendix Id</b>	FI submitted on 27.3.2018
<b>Appendix II</b>	Similar applications for 'Place of Recreation, Sports or Culture' use within the same "AGR" zone on the Kam Tin North OZP
<b>Appendices III-1 to III-19</b>	Public Comments received during statutory public period
<b>Appendix IV</b>	Advisory clauses
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Proposed Noise Barrier
<b>Plan A-1</b>	Location Plan with Similar Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to 4b</b>	Site Photos

**PLANNING DEPARTMENT  
APRIL 2018**