

RNTPC Paper No. A/NE-LYT/723B
For Consideration by the
Rural and New Town Planning
Committee on 23.10.2020

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

APPLICATION NO. A/NE-LYT/723

- Applicant** : Shun Yu Development Consultant Limited represented by R-riches Property Consultants Limited
- Site** : Lot 926 (Part) in D.D. 83, Lung Ma Road, Fanling, New Territories
- Site Area** : About 498 m²
- Lease** : (a) Block Government Lease (demised for agricultural use); and
(b) Modification of Tenancy No. 34966 for erection of a temporary structure for the purpose of dwelling and kitchen for Lot 926 in D.D. 83.
- Plan** : Approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP) No. S/NE-LYT/17
- Zoning** : “Agriculture” (“AGR”)
- Application** : Temporary Eating Place (Canteen) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for a temporary eating place (canteen) for a period of three years at the application site (the Site) (**Plan A-1a**). The Site falls within an area zoned “AGR” on the approved Lung Yeuk Tau and Kwan Tei South OZP No. S/NE-LYT/17. According to the Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years within “AGR” zone requires planning permission from the Town Planning Board (the Board) notwithstanding that the use is not provided for under the Notes of the OZP.
- 1.2 The Site is located to the west of Lung Ma Road and connected with Sha Tau Kok Road – Lung Yeuk Tau to the north (**Plan A-1a**). According to the applicant, there are 13 structures including canopy for outdoor dining areas, rain shelters, kitchen and storage, indoor dining area, portable toilets, etc. with a total floor area of about 362 m² (**Drawings A-2 to A-3**). The Site is currently accessible via Lung Ma Road (**Plan A-2**). The daily operation hours are between 11:00 a.m. to 5:00 p.m. from Mondays to Saturdays and no operation on Sundays and public holidays. The location and ***proposed*** site layout plans submitted by the applicant are at **Drawings A-1 to A-3**. The Site is currently used for the eating place without planning permission.

- 1.3 The Site is the subject of four previous applications. The last application No. A/NE-LYT/672 for the same use submitted by a different applicant was approved by the Rural and New Town Planning Committee (the Committee) on 16.11.2018. The application was revoked on 16.2.2020 due to non-compliance with approval conditions in relation to the implementation of drainage facilities, landscape proposal and fire service installations and water supplies for firefighting. The major development parameters of the last previous and current applications are as follows:

	Last previous application (No. A/NE-LYT/672)	Current application
Site Area	About 500 m ²	About 498 m ²
No. of structure	8	13
Total Floor Area	About 135 m ² (structures only)	About 362 m ² (including structures and canopy of 308 m ² for outdoor dining area and rain shelters)

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

- (a) Application Form with attachments received on 9.1.2020 (Appendix I)
- (b) Supplementary Planning Statement (Appendix Ia)
- (c) Revised Layout Plan and Planning Statement (Appendix Ib)
- (d) Further Information received on 17.2.2020 ^ (Appendix Ic)
- (e) Letter dated 18.2.2020 requesting for 1st deferment of consideration of the application (Appendix Id)
- (f) Further Information received on 6.5.2020 ^ (Appendix Ie)
- (g) Letter dated 17.6.2020 requesting for 2nd deferment of consideration of the application (Appendix If)
- (h) Further Information received on 26.8.2020 ^ (Appendix Ig)
- (i) Further Information received on 11.9.2020 ^ (Appendix Ih)
- (j) Further Information received on 7.10.2020 ^ (Appendix Ii)

^ accepted but exempted from publication and recounting requirements

- 1.5 On 6.3.2020 and 26.6.2020, the Committee agreed, at the request of the applicant (**Appendices Id and If**), to defer making decisions on the application for two months each pending the preparation of further information to address the departmental comments. The applicant submitted further information on 6.5.2020, 26.8.2020, 11.9.2020 and 7.10.2020 (**Appendices Ie, Ig, Ih and Ii**) and the application is re-scheduled for consideration by the Committee on 23.10.2020.

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 Further Information at **Appendices Ia, Ic, Ie, Ig, Ih and Ii**. They can be summarised as follows:

- (a) the applied development would meet the genuine demand for an eating place and serve construction workers of Queen's Hill public housing development. There is no such facility in the area;

- (b) the Site involves a previous planning application (No. A/NE-LYT/672) for the same use, which was approved with conditions by the Committee on 16.11.2018. Approval of the current application would not set an undesirable precedent within the same “AGR” zone;
- (c) the applied use is only on a temporary basis, which will not frustrate the long-term planning intention of the “AGR” zone. The applied use is considered not incompatible with the surrounding land uses;
- (d) the operation hours are between Mondays to Saturdays from 11:00 a.m. to 5:00 p.m., there is no operation on Sundays and public holidays. The nuisance to the surroundings therefore is minimized;
- (e) only one 5.5 tonnes lorry will be deployed to deliver goods and food stuff to the Site every 2 – 3 days. No vehicle will enter the Site and the loading/unloading activities will be carried out at Lung Ma Road. The applied use would not generate adverse traffic impact (**Appendix Ic**); and
- (f) the applied use would not cause adverse environment and drainage impacts on the surrounding area. Purpose-built septic tank and soakaway system and grease trap in accordance with ProPECC PN 5/93 with certification from Authorised Persons will be provided for sewage treatment. It will also be connected to the public sewer once it is available (**Appendix Ih**). Besides, preliminary drainage and fire service installations proposals are submitted to support the application (**Appendix Ii**).

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

The applicant is not the “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. 31A) by posting site notice and sending a notice to the Fanling District Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Previous Applications**

- 4.1 The Site is the subject of four previous applications (No. A/NE-LYT/210, 230, 636 and 672). Application No. A/NE-LYT/210 for a temporary container trailer park for a period of 3 years was rejected by the Board on review on 27.4.2001 mainly on the grounds that the development was not in line with the planning intention of “AGR” zone; the development was not compatible with the surrounding rural setting; there was insufficient information to demonstrate that the proposed development would not cause adverse drainage and environmental impacts on the surrounding areas; and the approval of the application would set an undesirable precedent for similar applications.
- 4.2 Application No. A/NE-LYT/230 for a temporary agricultural trade wholesale market for a period of 2 years was rejected by the Committee on 31.5.2002 mainly on the grounds of insufficient information to demonstrate that the proposed development would be compatible with the surrounding areas and would not cause adverse environmental, traffic and landscape impacts on the surrounding areas.

- 4.3 Application No. A/NE-LYT/636 for temporary place of recreation, sports or culture (barbecue site) for a period of 3 years was rejected by the Committee on 27.10.2017 mainly on the grounds that the development was not in line with the planning intention of “AGR” zone; the applicant failed to demonstrate that the proposed development would not cause adverse traffic impact on the surrounding areas; and the approval of the application would set an undesirable precedent for similar applications.
- 4.4 The last Application (No. A/NE-LYT/672) for the same use submitted by a different applicant as the current application was approved with conditions by the Committee on 16.11.2018 mainly on the considerations that the application was mainly to serve the workers from the nearby Queen’s Hill construction site; approval of the application on a temporary basis would not frustrate the long term planning intention of the “AGR” zone; it was considered compatible with the surrounding land uses; the development would not cause significant adverse traffic and drainage impacts on the surrounding areas; and there was no adverse departmental comment. The application was revoked on 16.2.2020 due to non-compliance with approval conditions in relation to the implementation of drainage facilities, landscape proposal and fire service installations and water supplies for firefighting. Compared with the last previous application, the *proposed* layout of the current application is similar to the previous one except two additional structures are included at the northern part of the Site for storage and meter room. Also, there is a change in gross floor area from 135 m² to 362 m² (i.e.+227 m²) mainly because the previous outdoor dining area has been covered and included under the current application.
- 4.5 Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plans A-1a and A-1b**.

5. Similar Application

There is no similar application for temporary eating place in the same “AGR” zone.

6. The Site and Its Surrounding Areas (Plans A-1a, A-1b, A-2, A-3, and A-4a and A-4b)

6.1 The Site is:

- (a) formed, paved and largely occupied by temporary structures (**Plans A-3, A-4a and A-4b**); and
- (b) located about 10 m to the west of Lung Ma Road which is connected to Sha Tau Kok Road – Lung Yeuk Tau (**Plans A-1a and A-2**).

6.2 The surrounding areas have the following characteristics:

- (a) mainly a mixed rural landscape character dominated by vacant land, village houses, some temporary structures for domestic and storage uses, vehicle repair workshop and warehouses (**Plans A-2 and A-3**);
- (b) to the immediate north, west and south are temporary structures for storage and domestic purposes, warehouse and vacant land;
- (c) to the immediate east is a vehicle repair workshop; and further east beyond Lung Ma Road are village houses and Queen’s Hill public housing development;

- (d) to the west is a large piece of vacant land; and
- (e) to the further north are warehouses, workshops and some temporary structures for domestic purpose.

7. **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.

8. **Comments from Relevant Government Departments**

8.1 The following Government departments have been consulted and their views on the application are summarised as follows:

Land Administration

8.1.1 Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) the Site comprises a private lot which is Old Schedule lot held under the Block Government Lease (demised for agricultural use) without any guarantee of right of access. The applicant should make its own arrangement, and there is no guarantee that any adjoining Government Land will be allowed for the vehicular access of the applied use;
- (b) the occupation boundary does not tally with the application boundary. The existing structures at the Site and other structures within Lot 926 were erected without approval from his office. The aforesaid structures are not acceptable under the Leases concerned. His office reserves the rights to take necessary lease enforcement actions against the aforesaid structures;
- (c) Modification of Tenancy (MOT) No. 34966 was issued for erection of a temporary structure for the purpose of dwelling and kitchen on the Site. However, the MOT structure has been demolished and replaced by structures for canteen use. This is not acceptable under the MOT conditions concerned;
- (d) in connection with the applied use, two portable toilets will be erected on the Site. The applicant should note that any proposed toilet facilities should meet current health requirements; and
- (e) if the application is approved, the owner of the lot concerned shall apply to his office for a Short Term Waiver (STW) for the whole lot covering all the actual occupation area. The application for STW will be considered by Government in its landlord’s capacity and there is no guarantee that it will be approved. If the STW is approved, its commencement date would be backdated to the first date of occupation and it will be subject to such terms and conditions to be imposed including payment of waiver fee and administrative fee as considered appropriate by his office.

Food and Environmental Hygiene

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

- (a) she has no objection to the application from an environmental hygiene perspective;
- (b) a General Restaurant application covering the Site received in May 2020 is under processing;
- (c) the operation of any eating place should be under a food licence issued by the Food and Environmental Hygiene Department (FEHD). If the operator intends to operate any food business at the premises, relevant food licence/restricted food permit should be obtained from FEHD in accordance with the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation;
- (d) in accordance with Section 4 of the Food Business Regulation, Cap. 132, a food licence is not required for the operation of any canteen in any work place (other than a factory canteen) for the use exclusively of the persons employed in the work place. However, a restricted food permit(s) granted by FEHD is/are still required for the sale of any restricted foods as specified in Schedule 2 of the said regulation; and
- (e) the operation of the business should not cause any environmental nuisances and/or hygiene problems at the application site and its vicinities. The operator of the site is responsible for the removal and disposal of any trade waste generated from the commercial activities at their expenses.

Traffic

8.1.3 Comments of the Commissioner for Transport (C for T):

- (a) based on the submitted Planning Statement and Further Information (**Appendices Ia, Ic and Ie**), the applicant advised that only one 5.5 tonnes lorry will be deployed to deliver goods and food stuff to the Site every 2 – 3 days. No vehicle will enter the Site and the loading/unloading activities will be carried out at Lung Ma Road (**Plan A-2**). Besides, the canteen would cater for construction workers of project of Queen's Hill and operate from 11:00 a.m. to 5:00 p.m. from Mondays to Saturdays only. In view of the low traffic to be generated, it is considered the traffic impact is tolerable; and
- (b) in this connection, she has no comment on the application from the traffic engineering point of view.

Environment

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

- (a) having reviewed the Further Information (**Appendices Ie, Ig and Ih**), he

has no comment on the application; and

- (b) should the application be approved, the applicant should be reminded of his obligation to comply with all environmental protection/ pollution control ordinances, in particular the Water Pollution Control Ordinance, and to follow the requirements in ProPECC PN 5/93 regarding the operation and maintenance of the grease trap, septic tank and soakaway system, as well as the mitigation measures as stated in the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP.

Landscape Aspect

8.1.5 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 situated in an area of rural inland plains landscape character surrounded by village houses, temporary structures and vegetated areas. The proposed one-storey high temporary eating place is considered not entirely incompatible with the surrounding environment of the Site. The Site is in operation and no significant sensitive landscape resource is observed. Hence, significant adverse impact on existing landscape resources arising from the application is not anticipated; and
- (c) the Site is set back from Lung Ma Road and there is no major public frontage along the site boundary. Should the application be approved, it is considered not necessary to impose a landscape condition as its effect on enhancing the quality of public realm is no apparent.

Agriculture

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

- (a) the Site has been cemented and occupied by temporary structures. Agricultural infrastructures such as road access and water source are available. The Site can be used for other agricultural activities such as greenhouses, plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, the application is not supported from agricultural point of view; and
- (b) a watercourse is noted near the Site (**Plan A-2**). Should the application be approved, the applicant should be reminded to perform good site practice to prevent surface run-off and debris from polluting the watercourse nearby.

Drainage and Sewerage

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

- (a) he has no in-principle objection to the application and the submitted drainage proposal (**Appendix Ii**) from the public drainage viewpoint;
- (b) should the application be approved, a condition should be included to request the applicant to submit and implement a drainage proposal for the Site to ensure that the proposed development will not cause adverse impact to the adjacent area; and
- (c) the Site is in an area where no public sewerage connection is available.

Water Supply

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

- (a) he has no objection to the application; and
- (b) for provision of water supply to the development, the applicant may need to extend the 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 side services within the private lots to WSD's standards.

Building Matters

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

- (a) there is no record of approval of the Building Authority (BA) for the existing buildings/structures at the Site and BD is not in a position to offer comments on their suitability for the use related to the application;
- (b) there is no record of submission of the proposed building/structure to the BA for approval;
- (c) before any new building works are to be carried out on the Site, the prior approval and consent of the BA should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO);
- (d) for UBW erected on leased land, enforcement action may be taken by the BA 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;

- (e) any temporary shelters or converted containers for storage or washroom or workshop or other uses are considered as temporary buildings are subject to the control of Part VII of the Building (Planning) Regulations (B(P)Rs);
- (f) the Site shall be provided with means of obtaining access thereto from a street under Regulations 5 and emergency vehicular access shall be provided under the B(P)R 41D;
- (g) if the Site is not abutting on a specified street having a width not less than 4.5 m, the development intensity shall be determined by the BA under Regulation 19(3) of the B(P)Rs at the building plan submission stage; and
- (h) formal submission under the BO is required for any proposed new works, including any temporary structures. Detailed comments will be provided at the building plan submission stage.

Fire Safety

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

- (a) he has no in-principle objection to the application and the submitted fire service installations (FSIs) proposal (**Appendix II**) subject to FSIs being provided to his satisfaction at detailed design and implementation stage;
- (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. In addition, the applicant should also be advised on the following points:
 - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (ii) the location of where the proposed FSI to be installed should be clearly marked on the layout plans; and
- (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.

Project Interface

8.1.11 Comments of the Project Manager (North), North Development Office, Civil Engineering and Development Department (PM(N), CEDD):

- (a) he has no comment on the application; and
- (b) there is active construction works along Lung Ma Road for the Queen's Hill housing development to the east of the Site (**Plan A-2**). Potential

interface problem is not anticipated. The road widening works of Lung Ma Road has been completed, should the application be approved, the applicant is required to liaise with his department regarding the entrance points of the lot and the use of Lung Ma Road.

8.1.12 Comments of the Planning Officer, Housing Department (PO, HD):

- (a) he has no objection to the application; and
- (b) Queen's Hill Development is under construction and is anticipated to be completed by phases in 2021. There is no insurmountable interface problem with the Queen's Hill housing development.

District Officer's Comments

8.1.13 Comments of the District Officer (North), Home Affairs Department (DO(N), HAD):

he has consulted the locals regarding the application. The Chairman of Fanling District Rural Committee (FDRC) supports the application as it can create job opportunities and boost economic growth. The incumbent North District Council Member of the subject constituency and Indigenous Inhabitant Representatives (IIRs) of Lung Yeuk Tau have no comment on the application.

8.2 The following Government departments have no comment on / no objection to the application:

- (a) Comments of the Commissioner of Police (C of P); and
- (b) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD).

9. Public Comments Received During Statutory Publication Period

On 17.1.2020, the application was published for public inspection. During the statutory public inspection period, one public comment was received from a North District Council Member, who indicates no comment on the application (**Appendix III**).

10. Planning Considerations and Assessments

- 10.1 The application is for a temporary eating place (canteen) for a period of three years at the Site falling within the "ARG" zone on the OZP. The 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 and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. As the Site possesses potential for agricultural rehabilitation, DAFC does not support the application from agricultural point of view. Nevertheless, given that the applied use is mainly to serve the workers from the nearby Queen's Hill construction site, and is temporary in nature and small in scale, it is considered that the approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the "AGR" zone.

- 10.2 The Site is located in close proximity to Lung Ma Road surrounded by a mixed rural landscape character dominated by village houses, vacant land, some temporary structures for domestic use, workshops, warehouses and Queen's Hill housing development (**Plans A-2 and A-3**). The development is not entirely incompatible with the surrounding environment. Significant adverse impact on existing landscape resources is not anticipated. In this regard, CTP/UD&L of PlanD has no objection to the application from landscape planning perspective.
- 10.3 According to the applicant, only one 5.5 tonnes lorry will be deployed to deliver goods and food stuff to the Site every 2 – 3 days. No vehicle will enter the Site and the loading/unloading activities will be carried out at Lung Ma Road. Besides, the canteen is to serve the construction workers of the Queen's Hill housing development nearby and only operate from 11:00 a.m. to 5:00 p.m. from Mondays to Saturdays only. In view of the low traffic to be generated, C for T considers that the application can be tolerated from the traffic engineering point of view. Besides, DEP has no objection to the application and advises that the applicant should follow ProPECC PN 5/93 and the latest "Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses" to minimize any potential environmental impacts. DFEH has no objection to the application and advised that a licence application covering the Site is being processed by FEHD. Other Government departments consulted, including D of FS, CE/MN of DSD and CE/C of WSD, have no adverse comment on or no objection to the application.
- 10.4 The Site is the subject of a previously approved application (No. A/NE-LYT/672) for the same use submitted by a different applicant. The application was approved by the Committee on 16.11.2018 mainly on the considerations that the application was mainly to serve the workers from the nearby Queen's Hill construction site; approval of the application on a temporary basis would not frustrate the long term planning intention of the "AGR" zone; the development would not cause significant adverse traffic and drainage impacts on the surrounding areas. The application was revoked on 16.2.2020 due to non-compliance with approval conditions. For the current application, the applicant has submitted a preliminary drainage proposal and proposals for fire service installations and water supplies for firefighting (**Appendix Ii**) to demonstrate his efforts in compliance with relevant approval conditions under the current application. In this regard, relevant Government departments including CE/MN of DSD and D of FS have no objection to the application. Compared with the previously approved application, there are only minor or insignificant changes in the proposed layout and total gross floor area.
- 10.5 The local views conveyed by DO(N) of HAD as detailed in paragraph 8.1.13 is noted, Government departments' comments and planning assessments above are relevant.

11. Planning Department's Views

- 11.1 Based on the assessments made in paragraph 10 and having taken into account the local views conveyed by DO(N) of HAD mentioned in paragraph 8.1.13, the Planning Department considers that the temporary use under the application could be tolerated for a period of 3 years.
- 11.2 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 23.10.2023. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) no operation between 5:00 p.m. and 11:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) 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 23.4.2021;
- (d) in relation to (c) above, the provision of drainage facilities 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 23.7.2021;
- (e) the submission of proposals for fire service installations and water supplies for firefighting 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 23.4.2021;
- (f) in relation to (e) above, the implementation of proposals for fire service installations and water supplies for firefighting 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 23.7.2021;
- (g) if the above planning condition (a) or (b) 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;
- (h) if any of the above planning conditions (c), (d), (e) or (f) 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
- (i) upon expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of Director of Planning or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are at **Appendix IV**.

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

- 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 and 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.

12. Decision Sought

12.1 The Committee is invited to consider the application and decide whether to grant or refuse

to grant the permission.

- 12.2 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.
- 12.3 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.

13. Attachments

Appendix I	Application Form with attachments received on 9.1.2020
Appendix Ia	Planning Statement
Appendix Ib	Revised Layout Plan and Planning Statement
Appendix Ic	Further Information received on 17.2.2020
Appendix Id	Letter dated 18.2.2020 requesting for 1 st deferment of consideration of the application
Appendix Ie	Further Information received on 6.5.2020
Appendix If	Letter dated 17.6.2020 requesting for 2 nd deferment of consideration of the application
Appendix Ig	Further Information received on 26.8.2020
Appendix Ih	Further Information received on 11.9.2020
Appendix Ii	Further Information received on 7.10.2020
Appendix II	Previous s.16 applications
Appendix III	Public Comment
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Location Plan
Drawing A-2	<u>Proposed</u> Site Layout Plan
Drawing A-3	Plan showing the Covered Area
Plan A-1a	Location Plan
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2020**