

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TK/667

<u>Applicant</u>	Mr. LAM Hung Yung
<u>Site</u>	Lot 740 S.A RP in D.D. 23 and adjoining Government Land, Po Sam Pai, Ting Kok Road, Tai Po, New Territories
<u>Site Area</u>	About 157.8 m ² (including about 41m ² Government land)
<u>Land Status</u>	(a) Block Government Lease (demised for agricultural use) (about 74%) (b) Government land (about 26%)
<u>Plan</u>	Approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/19
<u>Zonings</u>	“Coastal Protection Area” (“CPA”) (77.2m ² or about 49% of the Site) ‘Road’ (about 80.6m ² or 51% of the Site)
<u>Application</u>	Proposed Filling of Land (up to 1.2m in thickness) for Agricultural Use, On-Farm Domestic Structure and Ancillary Vehicular Access Road

1. The Proposal

- 1.1 The applicant seeks planning permission for filling of land (up to 1.2m in thickness) at the application site (the Site) for agricultural use, on-farm domestic structure and ancillary vehicular access road (**Plan A-1**). The Site falls within an area partly zoned “CPA” and partly shown as ‘Road’ on the approved Ting Kok OZP No. S/NE-TK/19.
- 1.2 According to the Notes for “CPA” zone, while agricultural use and on-farm domestic structure are permitted uses, any filling of land, including that to effect a change of use to any of those specified in Columns 1 and 2 or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the interim development permission area plan without the permission from the Town Planning Board (the Board). For the portion of the Site shown as ‘Road’ on the OZP, planning permission is required for agricultural use, on-farm domestic structure and ancillary vehicular access road.
- 1.3 Majority part of the Site has already been filled with soil and debris without valid planning permission. The Site is currently part of the subject of planning enforcement action for unauthorized filling of land as mentioned in paragraph

4 below.

- 1.4 According to the application, one 2-storey on-farm domestic structure (5m high) with a footprint of 20m² (i.e. 4m x 5m) and a total floor area (TFA) of 40m² accommodating 6 residents is proposed. The uncovered area is proposed for agricultural use (about 128.2m² or 81.4%). A 2.5m-wide vehicular access road is also proposed on the Government land portion of the Site linking with Ting Kok Road. Filling of land (about 160m² in area and 1.2m (6.5mPD) in depth) is proposed for the site formation and foundation of the on-farm domestic structure and construction of the vehicular access road.
- 1.5 The layout plan and vehicular access/U-turn arrangement submitted by the applicant are at **Drawings A-1** and **A-2** respectively.
- 1.6 In support of the application, the applicant has submitted the following documents:
 - (a) an application form and relevant attachments received (**Appendix I**) on 10.4.2019
 - (b) further information received on 14.5.2019 providing (**Appendix Ia**) responses to departmental comments (*accepted and exempted from the publication*)
 - (c) further information received on 21.5.2019 providing (**Appendix Ib**) clarification of site formation level of the Site (*accepted and exempted from the publication*)

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in Part 9 of the application form and further information (FI) at **Appendices I** and **Ia**. They can be summarized as follows:

- (a) the applicant and his family admire farming life. In order to provide a tranquil environment and convenient place for his father to carry out agricultural activities after his retirement, the applicant bought a piece of land for the family;
- (b) the level of the Site is lower than the adjacent areas. The applicant applies for filling of land at the Site for constructing vehicular access to connect the Site with the road for the convenience of the elderly; avoiding flooding; using the Site for agricultural use; building on-farm domestic structure for the convenience of carrying out agricultural activities and resting;
- (c) the applicant would preserve the original morphology and environment of the area, and would not destroy the surrounding environment;
- (d) in response to Transport Department's traffic concerns, the applicant advises that, upon the approval of the application, he would provide ingress/egress, swept path and sightline in accordance with the requirements of the Transport Planning Design Manuel (TPDM). He also advises that there is sufficient space to provide the said transport facilities, and vehicle could be 'U-Turn' within the

Site; and

- (e) the original site level of the Site is ranging from 5.3mPD to 5.5mPD; and the final site formation level after filling of land is 6.5mPD.

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

The applicant is the sole “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection. As for the Government land, the “owner’s consent/notification” requirements are not applicable to the application.

4. Background

The Site is part of the subject of an active enforcement case (No. E/NE-TK/139/C-B). Enforcement Notice (EN) against filling of land and Reinstatement Notice (RN) were issued on 28.2.2019 and 11.3.2019 respectively. The unauthorized filling of land covers private land portion of the Site and its adjacent lots and owners of these lots are required to remove the fill materials and grass the site on or before 11.6.2019.

5. Previous Application

There is no previous application at the Site.

6. Similar Application

6.1 As far as area shown as ‘Road’ is concerned, there is one similar application No. A/NE-TK/542 for filling of land for agricultural use within the same ‘Road’ zone and an area zoned “Agriculture” (“AGR”). The application was rejected by the Committee on 27.3.2015 mainly on the grounds of being not in line with the planning intention of the “AGR” zone; affecting the future road works; having adverse drainage, landscape and geotechnical impacts on the surrounding area; and setting undesirable precedent. Details of the similar application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

6.2 There is no similar application within the same “CPA” zone.

7. The Site and Its Surrounding Areas (Plans A-1, A-2, photos on Plans A-3, A-4)

7.1 The Site is :

- (a) composed of a private lot at the east and a strip of Government land at the west adjoining Ting Kok Road;
- (b) the private lot portion is fenced off and filled up with soil and debris without valid planning permission;
- (c) the Government land portion is covered with trees; and

- (d) not directly accessible from Ting Kok Road as roadside railing is erected along the northwestern boundary of the Site.

7.2 The surrounding areas are predominantly rural in character with active/fallow agricultural land and scattered tree groups. Village houses are concentrated within "Village Type Development" ("V") zone across Ting Kok Road to the further northwest. The Ting Kok Site of Special Scientific Interest (SSSI) is located to the further southeast of the Site.

8. Planning Intentions

8.1 The planning intention of the "CPA" zone is to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including area of high landscape, scenic or ecological value, with a minimum of built development. It may also cover areas which serve as natural protection areas sheltering nearby developments against the effects of coastal erosion. There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.

8.2 The area shown as 'Road' is intended for road development.

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/Tai Po, Lands Department (DLO/TP, LandsD):

- (a) he objects to the application;
- (b) the Site consists of a strip of Government land and a private lot namely Lot No. 740 S.A RP in D.D. 23, Po Sam Pai. The subject lot is held under Block Government Lease demised for agricultural purpose, no structure shall be erected on the lot without the prior approval from LandsD. Furthermore, no occupation of the said Government land is allowed from LandsD;
- (c) a recent site inspection revealed that the Site was vacant and no structure was found thereon;
- (d) if the application is approved by the Board, the lot owner is required to submit a Short Term Waiver (STW) application to LandsD should he wish to erect any structures on the lot. However, there is no guarantee at this stage that the STW

application would be approved. If the STW application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD including the payment of waiver fee and administrative fee as considered appropriate. STW application for new purely domestic structure will not normally be entertained;

- (e) the views from Transport Department and Highways Department should be sought on the proposed access road; and
- (f) there is no guarantee to the grant of a right of way to the Site or approval of the Emergency Vehicular Access thereto.

Traffic

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

- (a) the application is not supported as the applicant has not provided the necessary documents to demonstrate the compliance of road safety and the proposed land filling works onto the area shown as 'Road' on the OZP may affect future road works; and
- (b) the applicant fails to demonstrate that the design of the proposed vehicular access road complies with the requirement as stated in TPDM, including the ingress/egress requirement, swept path and sightline, etc.; and that the vehicle could be U-Turn within the Site.

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

- (a) if vehicular access to the subject lot is approved, the applicant is required to construct a proper run-in/out according to HyD's standards. Design details of the run-in/out should be submitted for HyD's consideration. Should the application be approved by the Board, an approval condition on submission and implementation of design of the run-in/out of the proposed vehicular access to the satisfaction of the Director of Highways or of the Board is recommended. To construct the run-in/out, the applicant is required to apply for an excavation permit from HyD; and
- (b) there is no programme for Ting Kok Road Widening.

Environment

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

- (a) noting that the Site is not within water gathering ground (WGG), he has no adverse comment on the application;
- (b) however, the applicant's supporting document has no mentioning of the sewage disposal from the Site. In view of the potential sewage generation from the domestic usage, the applicant shall be reminded that if septic tank and soakaway (ST/SA) system is proposed, Professional Persons Environmental Consultative Committee Practice Notes (ProPECC PN) 5/93 "Drainage Plans Subject to Comment by the Environmental Protection Department" should be followed and duly certified by an Authorized Person (AP), including the percolation test results. The applicant is also reminded to follow ProPECC PN 1/94 "Construction Site Drainage" to prevent water quality impact to the Ting Kok SSSI during construction phase; and
- (c) the Site is subject to three complaint cases in 2018 and 2019 related to complaint of flytipping/dumping of wastes (other than construction and demolition wastes) and tree cutting.

Agriculture and Nature Conservation

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

- (a) there are recent signs of land filling at the Site. He has no strong view on the application based on the current conditions of the Site. Nevertheless, since the Site is at a short distance away from the Ting Kok SSSI, the proposed land filling for the domestic structure and agricultural use may have potential impact (including discharge of untreated wastewater, sewage and leachate from the farm) on the mangrove stand and associated wildlife in the SSSI. Should the application be approved by the Board, a planning condition should be imposed to ensure that the applicant would implement necessary precautionary measures to avoid and minimize any adverse impacts on the SSSI; and
- (b) it should be considered whether approval of this application would set an undesirable precedent encouraging "destroy first, build later" activities.

Landscape

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

- (a) objects to the application from the landscape planning perspective;
- (b) based on the aerial photo taken on 3.1.2018 (**Plan A-3**), the Site is situated in an area of rural landscape character comprising of scattered tree groups and village houses. The designated Ting Kok SSSI is located in close proximity to the south of the Site. Although the proposed use is not in line with the planning intention of “CPA” zone, the agricultural use and on-farm domestic structure is not incompatible with the surrounding environment; and
- (c) according to the site inspection on 3.5.2019, the Site is partly fenced off and most of the existing vegetation are cleared. An existing *Dimocarpus longan* (龍眼) and young *Macaranga tanarius* (血桐) are recorded along the northern boundary within the Government land. Referring to the application document, the existing *Dimocarpus longan* (龍眼) is in direct conflict with the proposed vehicular access road. Significant adverse impact on landscape resources is anticipated. Moreover, with reference to the aerial photos dated 3.1.2018 and site visit on 3.5.2019, it is noted that existing trees within the Site has been cleared since 2018. The proposed development, if approved, would encourage similar site modification prior to approval and would further attract similar developments into the “CPA” zone. Moreover, the proposed development is against its zoning intention to conserve, protect and retain the natural coastline. The cumulative effect of approving similar applications would result in degradation of landscape area and affect the integrity of the “CPA” zone.

Drainage

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

- (a) no in-principle objection to the application from public drainage viewpoint;
- (b) landfilling of 1.2m thick may increase flooding risk to the surrounding areas around the Site and thus the applicant is required to conduct assessment and demonstrate no adverse drainage impact would be arisen during and after landfilling works;
- (c) if the application is approved by the Board, an approval

condition for the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the Board is recommended to ensure that it will not cause adverse drainage impact to the adjacent areas;

- (d) there is no existing DSD maintained public drain available for connection in the area. The applicant should have its own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from surrounding of the Site, e.g. surface channel of sufficient size along the perimeter of the Site; sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the Site if any boundary wall/fence are to be erected. Any existing flow path affected should be re-provided. The applicant should neither obstruct overland flow nor adversely affect the existing natural streams, village drains, ditches and the adjacent areas. The applicant is required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;
- (e) public sewers are not available near the Site; and
- (f) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant lot owners should be sought.

Water Supply

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

- (a) no objection to the application; and
- (b) for provision of water supply to the proposed 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 inside services within the private lots to WSD's standards.

Building Matter

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

- (a) the application involves proposed new building works for agricultural uses with 6 estimated numbers of residents and site

formation works on private land. Unless relevant certificates of exemption are issued under Buildings Ordinance (Application to the New Territories) Ordinance, Cap. 121 by the Director of Lands for the above works, section 14 of the Buildings Ordinance (BO), Cap. 123 shall apply to the application; and

- (b) the applicant should note the advisory comments under the Buildings Ordinance at **Appendix III**.

Fire Safety

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

- (a) no in-principle objection to the application subject to water supplies for firefighting and fire service installations being provided to his satisfaction;
- (b) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority; and
- (c) the emergency vehicular access (EVA) provision in the Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulation 41D which is administered by the Buildings Department.

Geotechnical

9.1.11 Comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD):

- (a) no geotechnical comment on the proposed filling of land with a depth of about 1.2 m for agricultural use; and
- (b) regarding the proposed on-farm domestic structure and the ancillary vehicular access road, the applicant should be reminded to submit necessary geotechnical submissions for the site formation works to the relevant authority at a later stage.

Electricity Supply

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

- (a) no comment on the application from electricity supply safety aspect; and
- (b) in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning,

designing, organizing and supervising any activity near the underground cable or overhead line under the mentioned 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 concerned site. The applicant 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.

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

- (a) Project Manager/North, Civil Engineering and Development Department;
- (b) Commissioner of Police; and
- (c) District Officer/Tai Po, Home Affairs Department.

10. Public Comments Received During Statutory Publication Period (Appendix IV)

On 26.4.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, seven public comments were received from Po Sam Pai Village Representatives, World Wide Fund for Nature Hong Kong, The Hong Kong Bird Watching Society and individuals objecting to the application mainly on the grounds of being not in line with the planning intention of “CPA” zone, being “destroy first, build later” case, adverse traffic and ecological impacts, objecting to the renting of Government land, and setting undesirable precedent.

11. Planning Considerations and Assessments

11.1 The Site falls within an area partly zoned “CPA” (about 49%) and partly shown as ‘Road’ (about 51%). Although agricultural use and on-farm domestic structure are always permitted in the “CPA” zone, filling of land requires planning permission from the Board to ensure that it would not cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment. For the portion of the Site shown as ‘Road’ on the OZP, planning permission is required for all the uses under the current application.

11.2 Despite the applicant’s claim that the filling of land at the Site up to 1.2m in thickness up to 6.5mPD is to facilitate construction of the on-farm domestic structure and a vehicular access road linking the Site with Ting Kok Road, it is considered not in line with the planning intention of the “CPA” zone which is to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including area of high landscape, scenic or ecological value, with a minimum of built development. It may also cover areas which serve as natural protection areas sheltering nearby developments against the

effects of coastal erosion. There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.

- 11.3 The Site is located about 50m from the Ting Kok SSSI to its southeast. According to the Explanatory Statement of the OZP, the mangrove habitat in the Ting Kok SSSI is of special landscape and ecological value which requires a high degree of protection to retain their inherent value. As the mangroves in the SSSI are vulnerable and could easily be adversely affected by development in the adjoining areas, the land surrounding the SSSI is zoned “CPA” to protect the special landscape of the natural coastline areas. It is intended that development should generally be excluded from this area to provide a secure foundation for the conservation of mangroves. In this regard, DAFC points out that since the Site is at a short distance away from the Ting Kok SSSI, the proposed land filling for the domestic structure and agricultural use may have potential impact (including discharge of untreated wastewater, sewage and leachate from the farm) on the mangrove stand and associated wildlife in the SSSI. If the application is approved, a planning condition should be imposed to ensure that the applicant would implement necessary precautionary measures to avoid and minimize any adverse impacts on the SSSI. He also raises concern that approval of the application would set an undesirable precedent encouraging “destroy first, build later” activities.
- 11.4 The Site was previously covered with vegetation (**Plan A-3**) but clearance of vegetation and filling of land within the private land portion of the Site were carried out in 2018 (**Plan A-4**). CTP/UD&L of PlanD advises that most of the existing vegetation within the Site have been cleared since 2018, and the existing *Dimocarpus longan* (龍眼) recorded along the northern boundary within the Government land is in direct conflict with the proposed vehicular access road. He objects to the application from the landscape planning perspective as the proposed development, if approved, would encourage similar site modification prior to approval and would further attract similar developments into the “CPA” zone. Moreover, the proposed development is against the planning intention for the “CPA” zone to conserve, protect and retain the natural coastline. The cumulative effect of approving similar applications would result in degradation of landscape area and affect the integrity of the “CPA” zone.
- 11.5 C for T does not support the application as it encroaches onto the area shown as ‘Road’ on the OZP and the proposed land filling works may affect future road works as well as the applicant has not provided the necessary documents to demonstrate the compliance of road safety. Moreover, the applicant fails to demonstrate that the design of the vehicular access road have complied with the requirement as stated in TPDM, including the ingress/egress requirement, swept path and sightline, etc.; and that the vehicle could be U-Turn within the Site. DLO/TP of LandsD also objects to the application and advises that STW application for new purely domestic structure will not normally be entertained and no occupation of Government land is allowed from LandsD.
- 11.6 H(GEO) of CEDD has no geotechnical comment on the proposed filling of land with a depth of about 1.2 m for agricultural use. Regarding the proposed

on-farm domestic structure and the ancillary vehicular access road, the applicant should be reminded to submit necessary geotechnical submissions for the site formation works to the relevant authority at a later stage. While CE/MN of DSD has no in-principle objection to the application, he advises that landfilling of 1.2m thick may increase flooding risk to the surrounding areas around the Site and thus the applicant is required to conduct assessment and demonstrate no adverse drainage impact would be arisen during and after landfilling works. Approval conditions on submission and implementation of drainage proposal should be imposed to ensure that it will not cause adverse drainage impact to the adjacent areas. Other Government departments consulted, including PM/N of CEDD, CHE/NTE of HyD, DO/TP of HAD, DEMS, CE/C of WSD, CBS/NTW of BD and D of FS have no objection to or no adverse comment on the application.

- 11.7 The Site and its adjoining lots have been filled and caused significant damage to the landscape character of the area prior to obtaining planning permission. EN and RN have been issued to the concerned lot owners to discontinue such land filling activities, remove the fill materials and grass the land. There is insufficient information in the current submission to justify the need for the filling of land of the Site up to about 1.2m (6.5mPD) high and the applicant fails to demonstrate that such land filling works for the construction of on-farm domestic structure and vehicular access road would not generate adverse traffic and landscape impacts on the surrounding areas. While there is no similar application for land filling within the same "CPA" zone, a similar application No. A/NE-TK/542 for filling of land for agricultural use within the same 'Road' zone and an area zoned "AGR" was rejected by the Committee on 27.3.2015 mainly on the grounds of affecting the future road works; having adverse drainage, landscape and geotechnical impacts on the surrounding area; and setting undesirable precedent. There is no previous and similar approval granted by the Board. Approval of the current application would set an undesirable precedent for similar applications within the "CPA" zone resulting in disturbance to the existing natural character of the area and the surrounding areas.
- 11.8 Regarding the public comments objecting to the application on the grounds as detailed in paragraph 10, Government departments' comments and planning 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 applications for the following reasons:
- (a) the proposed development is not in line with the planning intention of the "Coastal Protection Area" ("CPA") zone which is intended to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including area of high landscape, scenic or ecological value, with a minimum of built development. It may also cover areas which serve as natural protection areas sheltering nearby developments against the effects of coastal erosion. There is a general presumption against development in this zone. No strong planning

justification has been given in the submission for a departure from this planning intention;

- (b) the applicant fails to demonstrate that the filling of land at the application site and the construction of on-farm domestic structure and vehicular access thereon would not cause adverse traffic and landscape impacts on the surrounding area; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “CPA” zone resulting in disturbance to the existing natural character of the area and the surrounding areas.

12.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 31.5.2023, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no part of the Site shall be filled to a depth exceeding 1.2m in thickness up to 6.5mPD, as proposed by the applicant;
- (b) no contaminated soil and waste as defined under the Waste Disposal Ordinance (Cap. 354) including construction waste and demolition materials should be used to fill the site;
- (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 30.11.2019;
- (d) in relation to (c) 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 29.2.2020;
- (e) the submission of fire service installations and water supplies for firefighting 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 30.11.2019;
- (f) in relation to (e) above, the implementation of fire service installations and water supplies for firefighting proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 29.2.2020;
- (g) the submission of design of the run-in/out of the proposed vehicular access road within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 30.11.2019;

- (h) in relation to (g) above, the implementation of design of the run-in/out of the proposed vehicular access road within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 29.2.2020;
- (i) the submission of precautionary measures to avoid and minimize any adverse impacts on the Ting Kok Site of Special Scientific Interest within 6 months from the date of planning approval to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the Town Planning Board by 30.11.2019;
- (j) if any of the above planning conditions (a) or (b) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice. Any land filling undertaken on the site, including that undertaken on the site prior to this approval, shall then be treated as if this approval has never been given; and
- (k) if any of the above planning conditions (c), (d), (e), (f), (g), (h) or (i) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall be revoked on the same date without further notice. Any land filling undertaken on the site, including that undertaken on the site prior to this approval, shall then be treated as if this approval has never been given.

Advisory Clauses

The recommended advisory clauses are attached at **Appendix V**.

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 conditions and advisory clauses to be attached to the permission, and the date when the validity of the permission should expire.
- 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

Appendix I	Application form and attachments dated 10.4.2019
Appendix Ia	Further information received on 14.5.2019
Appendix Ib	Further information received on 21.5.2019
Appendix II	Similar application
Appendix III	Advisory comments of Chief Building Surveyor/New Territories West, Buildings Department
Appendix IV	Public comments

Appendix V	Recommended advisory clauses
Drawings A-1 and A-2	Layout plans submitted by the applicant
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
MAY 2019**