

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TK/669

- Applicant** : Ms. TANG Kon Yee, Belinda represented by Mr. HUI Kwan Yee
- Site** : Lots 460 S.A, 462, 463, 464 (Part), 465, 466 (Part), 467 (Part) and 481 (Part) in D.D. 17, Ting Kok, Tai Po, N.T.
- Site Area** : About 1,030m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/19
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Place of Recreation, Sports or Culture (Outdoor Electric Go-kart Ground) for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for a proposed temporary place of recreation, sports or culture (outdoor electric go-kart ground) for a period of three years at the application site (the Site) (**Plan A-1**). According to the Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board), notwithstanding that the use or development is not provided for in terms of the OZP.
- 1.2 A major portion (about 80%) of the Site falls within a temporary barbecue site approved under application No. A/NE-TK/624 (**Plan A-2a**). The proposal comprises two single-storey structures with a total covered area of about 72.2m² for a reception area and a storeroom of tools/spare parts. The remaining open area of the Site will be mainly used for setting up a track for karting activities. Access to the Site will be via the temporary barbecue site. The operation hours will be from 12:00 noon to 7:00 p.m. daily. Layout plans showing the various uses within the Site is at **Drawings A-1** and **A-2**.
- 1.3 In support of the application, the applicant has submitted the following documents:

- (a) application form and attachments received on 3.5.2019 (**Appendix I**)
 - (b) further information received on 10.5.2019 clarifying the operation of the proposed development (*accepted and exempted from publication and recounting requirements*) (**Appendix Ia**)
 - (c) further information received on 24.5.2019 providing responses to departmental comments (*accepted and exempted from publication and recounting requirements*) (**Appendix Ib**)
 - (d) further information received on 9.8.2019 providing responses to departmental comments and clarifying the operation of the proposed development (*accepted and exempted from publication and recounting requirements*) (**Appendix Ic**)
 - (e) further information received on 19.8.2019 clarifying the operation of the proposed development and providing a revised layout plan (*accepted and exempted from publication and recounting requirements*) (**Appendix Id**)
 - (f) further information received on 23.8.2019 providing a track layout plan (*accepted and exempted from publication and recounting requirements*) (**Appendix Ie**)
 - (g) further information received on 19.9.2019 clarifying the operation hours of the proposed development and providing an agreement between the applicant's company and the operator of the temporary barbecue site (*accepted and exempted from publication and recounting requirements*) (**Appendix If**)
- 1.4 On 21.6.2019, the Committee agreed to the applicant's request to defer making a decision on the application for two months to allow time for preparation of further information to support the application. The applicant submitted further information on 9.8.2019, 19.8.2019, 23.8.2019 and 19.9.2019. The application is scheduled for consideration by the Committee on 4.10.2019.

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 at **Appendix I** and further information at **Appendices Ia to If**. They can be summarized as follows:

- (a) the areas surrounding the Site are popular to visitors and the applicant intends to use the Site for an outdoor electric go-kart ground for public enjoyment. Such use can revitalize the vacant land and support tourism development;
- (b) a major part of the Site is leased from the operator of the adjacent barbecue site approved under application No. A/NE-TK/624. The applicant has provided the agreement between her company and the operator of the adjacent barbecue site (**Appendix If**). As there will be no parking or toilet facilities within the Site, the proposed development will share such facilities already provided within the barbecue site;
- (c) the area proposed for a storeroom of tools/spare parts is now occupied by a shed which was used for goat keeping in the past and is currently vacant. The shed will be demolished and the proposed structure will be constructed after obtaining planning permission from the Board. The electric karts will be stored/placed in the open area of the Site;
- (d) the applicant had previously applied to the Food and Environmental Hygiene Department (FEHD) for the temporary Places of Public Entertainment (PPE) Licence and relevant Government departments had no objection to the application. According to FEHD's letter of February 2019, planning permission was required and Environmental Protection Department (EPD) had no objection to the application provided that the proposed use follows EPD's guidelines "Noise Control Guidelines for Holding Open Air Entertainment Activities" to ensure the noise from the activity will not breach the relevant control under the Noise Control Ordinance. The applicant claims that the operator is experienced and capable to meet EPD's requirements;
- (e) the electric karts to be operated within the Site will not be fuelled by petroleum and are classified as amusement rides/kiddle rides under the regulation of Amusement Rides (Safety) Ordinance (Cap. 499). The proposed development does not involve racing and only sound of operation instead of noise will be generated. The applicant has submitted a certificate of conformity of venue operation. There will be certified first aiders and two staff with certification of completion of the crazy cart circuit operation training to give instructions to the customers in the venue;
- (f) for the submitted track layout (**Drawing A-2**), the width of the whole track will be no less than 2m fenced by two layers of car tyres in height in accordance with the regulations of the Hong Kong Automobile Association. The proposed karting ground will be fenced off by fencing with a height of 1.15m, with a main entrance with a width of 4m, and two restricted entrances with a width of 1.2m;
- (g) the operation hours will be from 12:00 noon to 7:00 p.m. daily and each session of the karting activity will be six minutes; and
- (h) if the application is approved, the applicant will comply with all approval conditions imposed by the Board, including provision of boundary fencing on the Site.

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

The applicant is not the “current land owner”. In respect of the “current land owner(s)”, the applicant has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting site notice at the Site and sending notice to Tai Po Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

4. Previous Applications

- 4.1 Part of the Site is the subject of six previous applications (No. A/NE-TK/207, 228, 257, 316, 427 and 624) for temporary barbecue site use. Except application No. A/NE-TK/207, all the other five applications were approved with conditions by the Committee between 2007 and 2018.
- 4.2 Application No. A/NE-TK/207 was rejected by the Committee on 21.7.2006 mainly for the reasons of insufficient information to demonstrate that the development would not cause adverse impact on the mangrove habitat in the Ting Kok Site of Special Scientific Interest (SSSI); and setting of undesirable precedent.
- 4.3 For application No. A/NE-TK/228, it was approved by the Committee on 9.3.2007 mainly on the grounds that the application was not incompatible with the surrounding area; part of the site was the subject of a previously approved application No. A/NE-TK/147; and the proposed use would unlikely cause adverse environmental, traffic, landscape, drainage and sewage impacts on the surrounding area. The other four applications (No. A/NE-TK/257, 316, 427 and 624) were approved with conditions by the Committee between 2008 and 2018 mainly on the reasons same as application No. A/NE-TK/228.
- 4.4 The latest application No. A/NE-TK/624 was approved with conditions by the Committee on 9.2.2018 on a temporary basis for a period of three years up to 9.2.2021. All the approval conditions of this application have been complied with.
- 4.5 Details of the above applications are shown on **Appendix II** and their locations are shown on **Plan A-2b**.

5. Similar Application

There is no similar application for the same use within the same “AGR” zone.

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

6.1 The Site is:

- (a) largely located within a temporary barbecue site which was approved under application No. A/NE-TK/624;
- (b) occupied by two temporary structures with the remaining area hard-paved and vacant; and
- (c) accessible via a track shared with the temporary barbecue site.

6.2 The surrounding areas are predominantly rural in landscape character comprising scattered tree groups, active farmland intermixing with temporary structures and barbecue sites. To the south of the Site are the “Coastal Protection Area” (“CPA”) zone along the coastline of Plover Cove and the Ting Kok SSSI which comprises a large patch of dwarf mangroves. To the further north across Ting Kok Road is Ting Kok Village.

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 summarized as follows:

Land Administration

8.1.1 Comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD):

- (a) no objection to the application;
- (b) the Site consists of eight private lots in D.D. 17, Ting Kok Village, which are held under Block Government Lease demised for agricultural purpose. No structure shall be erected on the lots without prior approval from LandsD;
- (c) a recent inspection revealed that a canopy and a temporary structure were found on the Site without prior approval from LandsD. The applicant has only clarified the temporary structure but not the canopy in his further information (**Appendix Ib**);

- (d) the applicant is required to clear any existing structures on the Site immediately unless they are covered by valid approval. Otherwise, appropriate lease enforcement action will be taken in due course;
- (e) should the Board approve the application, the applicant is required to submit a short term waiver (STW) application to LandsD for any structure(s) erected/to be erected on the Site. 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 and administrative fees as considered appropriate; and
- (f) there is no guarantee to the grant of a right of way to the Site or approval of the emergency vehicular access (EVA) thereto.

Traffic

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

- (a) no in-principle objection to the application from traffic engineering point of view; and
- (b) the applicant should seek comments from relevant departments and permit for the operation of the proposed use if necessary.

Environment

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

- (a) it is noted that the application is for a 3-year operation of a temporary outdoor electric go-karting ground (daily operation from 12:00 noon to 7:00 pm, six minutes each session) for operation of two types of “Crazy Cart”, a kind of electric drift cart. Also, the applicant clarified that, in consultation with EMSD, the nature of the karting facilities shall belong to “amusement rides”/“kiddie rides” under the regulation of Amusement Rides (Safety) Ordinance (Cap. 449);

- (b) the applicant should confirm if there is any “*race*” or “*racing*” element involved during the operation of the go-kart facilities. If positive, the subject facilities might constitute a Designated Project (DP) under Item O.4 of the Environmental Impact Assessment Ordinance (EIAO) (i.e. motor racing circuit). Any person who construct and/or operate a DP without an Environmental Permit would commit an offence under section 26(1) of the EIAO;
- (c) it is noted that the applicant has made an application in January 2019 to FEHD for the temporary PPE Licence for holding an entertainment activity involving the use of electric drift carts for three months (from 3.3.2019 to 2.6.2019). EPD’s advice given to FEHD in response to the PPE Licence application was based on the type and nature of the concerned activity which was to be an ‘one-off event’ instead of a project and held temporarily during the said period (i.e. much shorter duration and operation of time compared with the current application) and in the context of the Noise Control Ordinance;
- (d) the recent site survey indicates that there are some scattered village houses (e.g. Ting Kok Village) and temporary structure for domestic use surrounding the Site with the nearest noise sensitive receiver (i.e. temporary structure suspected for domestic use) being about 70m away from the Site. Information on the necessary noise assessment remains outstanding. Information from other sources indicates that the operation of drift carts would generate both machine noise and road-tyre interaction noise. Given the close proximity to the nearest noise sensitive receiver which has direct line of sight to the Site, the operation of the proposed development would cause potential noise impacts on the noise sensitive receiver if not properly designed and planned with appropriate noise control and mitigation measures. The applicant should conduct appropriate noise impact assessment to support the application, in order to demonstrate that the proposed development will meet relevant noise standards stipulated in the Hong Kong Planning Standards and Guidelines (HKPSG). The applicant shall also clarify if there will be other noisy plant/equipment (e.g. public address system) to be installed in the Site and, if affirmative, they shall be addressed in the noise assessment as well;
- (e) in view of the above, DEP is unable to lend support to the application at this stage. The applicant should submit a noise impact assessment to demonstrate the compliance with the HKPSG requirements with below essential information included for his review and consideration:
 - (i) noise source strength such as sound power levels of the two types of crazy cart to be used (under operation mode);

- (ii) maximum number of the two types of carts operated for any 30-minute period;
- (iii) noise impacts at nearby noise sensitive receivers; and
- (iv) any noise mitigation measures proposed;
- (f) DEP's technical advices on environmental issues related to the planning application shall not be deemed in any way as to pre-empt, preclude or prejudice decisions to be made under the EIAO (if a DP is identified); and
- (g) there was no environmental complaint related to the Site received in the past three years.

Landscape

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

- (a) no objection to the application from the landscape planning perspective;
- (b) the Site is situated in an area of rural landscape character comprising scattered tree groups, active farmland and barbecue sites. The proposed development is not incompatible with the surrounding environment;
- (c) the Site is paved and vacant. One *Averrhoa carambola* (楊桃) in fair condition is found along the southern boundary. Significant adverse impact on landscape resources from the proposed development is not anticipated; and
- (d) should the application be approved by the Board, given that the Site is not bounded by prominent public frontage, and significant adverse landscape and visual impacts due to proposed development is not anticipated, landscape condition is not recommended.

Drainage

8.1.5 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) if the application is approved, an approval condition on submission and implementation of drainage proposal for the

Site is recommended to ensure that it will not cause adverse drainage impact to the adjacent areas;

- (c) there is no existing DSD maintained public drain available for connection in the area. The applicant should have his 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;
- (d) public sewers are not available near the Site; and
- (e) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant lot owners should be sought.

Building Matters

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

- (a) there is no record of approval by the Building Authority for the buildings/structures existing at the Site and BD is not in a position to offer comments on their suitability for the proposed development related to the application;
- (b) if the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;
- (c) before any new building works (including temporary structures) are to be carried out on the Site, the prior approval and consent of the Building Authority should be obtained or the building works are minor works that are carried out under the simplified requirement under the Minors Works Control System, otherwise they are Unauthorized Building Works (UBW). An Authorized

Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO;

- (d) 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;
- (e) if the proposed development under the application is subject to the issue of a licence, the applicant should be reminded that any existing structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
- (f) formal submission under the BO is required for any proposed new works including any temporary structures; and
- (g) in connection with (f) above, the Site shall be provided with means of obtaining access thereto from a street under the Building (Planning) Regulation (B(P)R) 5 and EVA shall be provided under B(P)R 41D. If the Site is not abut on a specified street having a width not less than 4.5m, the development intensity shall be determined by the Building Authority under B(P)R 19(3) at the building plan submission stage.

Agriculture and Nature Conservation

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

- (a) notwithstanding that part of the Site has been approved for a temporary barbecue site under application No. A/NE-TK/624, he does not support the application from agricultural development point of view;
- (b) the Site is paved. Nevertheless, there are active agricultural activities in the vicinity and agricultural infrastructure such as road access and water source is available. The Site possesses potential for agricultural rehabilitation; and
- (c) the Site is located approximately 40m to the north of Ting Kok SSSI. Should the application be approved, chain-link fence separating the Site and the SSSI should be in place, and banners reminding the public of nature protection should be set up to minimise human disturbance to the SSSI. A planning condition should be imposed to ensure that the applicant would implement and maintain effective precautionary/protective measures to

prevent any indirect impacts on the SSSI throughout the operation of the proposed development.

Fire Safety

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

- (a) 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 application, FSIs are anticipated to be required. Therefore, the applicant is advised to submit the relevant layout plans incorporated with the proposed FSIs for his approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of the proposed FSIs 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.

Water Supply

8.1.9 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.

Food and Environmental Hygiene

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

- (a) a PPE Licence must be obtained from DFEH for keeping or using (a) so much of any place, building, erection or structure, whether temporary or permanent, capable of accommodating the public; and (b) any vessel, in or on which a public entertainment is presented or carried on whether on one

occasion or more. A temporary PPE Licence must be obtained from DFEH if a public entertainment event will take place on a temporary basis. Please note that application for a temporary PPE Licence should be made to the FEHD;

- (b) the application for licence, if acceptable by the FEHD, will be referred to relevant Government departments such as the BD, FSD and PlanD etc. for comments. If there is no objection from the departments concerned, a letter of requirements will be issued to the applicant for compliance and the licence will be issued upon compliance of all the requirements; and
- (c) the operator of the Site should take measures to prevent the existence of nuisance such as smoke nuisance, noise nuisance, pest nuisance and accumulation of refuse at the Site. Private refuse collector should be deployed for clearance and disposal of refuse generated from the Site.

District Officer's Comments

8.1.11 Comments of the District Officer/Tai Po, Home Affairs Department (DO/TP, HAD):

- (a) no comment on the application; and
- (b) according to the Village Representatives (VRs) of Ting Kok Village, there were complaints received by Ting Kok Village Council from the villagers against the proposed development mainly for the reasons of being in close proximity to the residential dwellings and the protected mangrove along Ting Kok coastal area; and causing nuisance to villagers' livelihood. Hence, the Village Council strongly objects to the application.

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

- (a) Chief Highway Engineer/New Territories East, Highways Department;
- (b) Commissioner of Police;
- (c) Project Manager/North, Civil Engineering and Development Department;
- (d) Head of Geotechnical Engineering Office, Civil Engineering and Development Department; and
- (e) Director of Electrical and Mechanical Services.

9. Public Comment Received During Statutory Publication Period (Appendix III)

On 10.5.2019, the application was published for public inspection. One public comment was received from Designing Hong Kong Limited objecting to the application mainly on the grounds of being not in line with the planning intention of "AGR" zone; being in close proximity to "CPA" zone and the Ting Kok SSSI; setting

undesirable precedent; and causing adverse traffic, environmental, drainage, landscape and ecological impacts.

10. Planning Considerations and Assessments

- 10.1 The application is for a proposed temporary place of recreation, sports or culture (outdoor electric go-kart ground) for a period of three years at the Site falling entirely within an area zoned “AGR” on the OZP (**Plan A-1**). 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 also to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. Notwithstanding that part of the Site has been approved for a temporary barbecue site under application No. A/NE-TK/624, DAFC does not support the application as there are active agricultural activities in the vicinity; agricultural infrastructure such as road access and water source is available; and the Site possesses potential for agricultural rehabilitation. The applicant has not provided any strong planning justifications in the submission to justify a departure from the planning intention of “AGR” zone, even on a temporary basis.
- 10.2 The Site is hard-paved, partly vacant and partly occupied by two temporary structures. The proposal comprises two single-storey structures with a total covered area of about 72.2 m² for a reception area and a storeroom of tools/spare parts. The remaining open area will be mainly used for setting up a track for karting activities. The Site is accessible through a temporary barbecue site approved under application No. A/NE-TK/624. The surrounding areas are predominantly rural in landscape character comprising scattered tree groups, active farmland intermixing with temporary structures and barbecue sites. CTP/UD&L of PlanD has no objection to the application from the landscape planning perspective as significant adverse impact on landscape resources from the proposed development is not anticipated. DAFC advises that as the Site is located approximately 40m to the north of Ting Kok SSSI, should the application be approved by the Board, a planning condition should be imposed requiring the applicant to implement and maintain effective precautionary/protective measures to prevent any indirect impacts on the nearby SSSI throughout the operation of the proposed development.
- 10.3 According to the applicant, a track fenced by 2-tier car tyres will be set up for the karting activity on the Site. The electric karts to be operated will not be fuelled by petroleum and the proposed use does not involve racing, hence only sound of operation instead of noise will be generated. In this regard, DEP advises that there are some scattered village houses (e.g. Ting Kok Village) and temporary structure for domestic use surrounding the Site with the nearest noise sensitive receiver being about 70m away from the Site. The operation of drift carts may generate both machine noise and road-tyre interaction noise. Given the close proximity to the nearest noise sensitive receiver which has direct line of sight to the Site, the operation of the proposed development would cause potential noise impacts on the noise sensitive receiver if not properly designed and planned with appropriate noise control and mitigation

measures. However, the applicant has not submitted relevant noise impact assessment to demonstrate that the proposed development will meet relevant noise standards stipulated in the HKPSG. As such, DEP is unable to lend support to the application at this stage. Other relevant Government departments consulted including DLO/TP of LandsD, C for T, CE/C of WSD, CE/MN and CE/CM of DSD, CHE/NTE of HyD, CBS/NTW of BD, D of FS, DFEH and C of P have no objection to or no adverse comment on the application.

- 10.4 Part of the Site is the subject of six previous applications (No. A/NE-TK/207, 228, 257, 316, 427 and 624) for temporary barbecue site (**Plan A-2b**). While application No. A/NE-TK/207 was rejected in 2006 mainly for the reason of insufficient information to demonstrate that the development would not cause adverse impact on the mangrove habitat in the Ting Kok SSSI, all the other five applications were approved between 2007 and 2018 mainly on the grounds that the application was not incompatible with the surrounding area; and the proposed use would unlikely cause adverse environmental, traffic, landscape, drainage and sewage impacts on the surrounding area. Application No. A/NE-TK/228 was also approved as part of the site was the subject of a previously approved application No. A/NE-TK/147 for the same use. The latest application No. A/NE-TK/624 was approved on 9.2.2018 for a period of 3 years up to 9.2.2021. All the approval conditions of this application have been complied with. Nonetheless, the nature of the current application is different from all these previously approved applications for temporary barbecue site.
- 10.5 There is no similar application for outdoor electric go-kart ground within the same “AGR” zone. As such, approving the application would set an undesirable precedent for similar applications in the “AGR” zone and the cumulative effect of approving such similar applications will result in a general degradation of the environment of the area. Nevertheless, should the Committee decide to approve the application, given that a major portion (about 80%) of the Site falls within the temporary barbecue site approved under application No. A/NE-TK/624, it is suggested that the validity period of the permission shall be in line with that of A/NE-TK/624 (i.e. with validity up to 9.2.2021) and shorter compliance periods on the approval conditions are proposed in view of the shorter approval period.
- 10.6 Regarding the local objection conveyed by DO/TP of HAD in paragraph 8.1.11 and the public comment raising objection to the application on the grounds as detailed in paragraph 9, Government departments’ comments and the planning assessments in the above paragraphs are relevant.

11. **Planning Department’s Views**

- 11.1 Based on the assessments made in paragraph 10 and having taken into account the public comment mentioned in paragraph 9, 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, 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 of “AGR” zone, even on a temporary basis;
- (b) the applicant fails to demonstrate that the proposed development would not cause adverse noise impact on the surrounding area; and
- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent for other similar applications in the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

11.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be in line with the validity of Application No. A/NE-TK/624 and valid on a temporary basis until 9.2.2021. The following conditions of approval with shorter compliance periods and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no operation between 7:00 p.m. and 12:00 noon, as proposed by the applicant, is allowed on the application site during the planning approval period;
- (b) the provision of boundary fencing on the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 4.1.2020;
- (c) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 4.1.2020;
- (d) in relation to (c) above, the implementation 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 4.4.2020;
- (e) the submission of fire service installations (FSIs) and water supplies for fire-fighting proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 4.1.2020;
- (f) in relation to (e) above, the implementation of FSIs and water supplies for fire-fighting 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 4.4.2020;

- (g) the provision of precautionary/protective measures within 3 months from the date of planning approval to ensure no adverse impacts on the nearby “Coastal Protection Area” zone and Ting Kok Site of Special Scientific Interest to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the Town Planning Board by 4.1.2020;
- (h) if the above planning condition (a) 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;
- (i) if any of the above planning conditions (b), (c), (d), (e), (f) or (g) 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
- (j) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

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

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 12.3 Alternatively, should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s) to be attached to the permission, and the period of which the permission should be valid on a temporary basis.

13. Attachments

Appendix I	Application form and attachments received on 3.5.2019
Appendix Ia	Further information received on 10.5.2019
Appendix Ib	Further information received on 24.5.2019
Appendix Ic	Further information received on 9.8.2019
Appendix Id	Further information received on 19.8.2019
Appendix Ie	Further information received on 23.8.2019
Appendix If	Further information received on 19.9.2019
Appendix II	Previous applications
Appendix III	Public comment
Appendix IV	Recommended advisory clauses

Drawing A-1	Site plan submitted by the applicant
Drawing A-2	Layout plan submitted by the applicant
Plan A-1	Location Plan
Plan A-2a	Site Plan
Plan A-2b	Site Plan showing previous applications
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2019**