

RNTPC Paper No. A/YL-KTN/642
For Consideration by
the Rural and New Town
Planning Committee
on 22.2.2019

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/642

- Applicant** : Mr. LAM Tung Man represented by R-riches Property Consultants Limited
- Site** : Lots 946 S.L, 946 S.M, 946 S.N, 946 S.O, 1106, 1118, 1119 S.B, 1119 S.C, 1119 S.D, 1119 S.E and 1119 RP in D.D. 107, Fung Kat Heung, Kam Tin, Yuen Long
- Site Area** : About 912.1m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/9
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Animal Boarding Establishment for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary animal boarding establishment for a period of 3 years. According to the Notes of the OZP, ‘Animal Boarding Establishment’ is a Column 2 use in “AGR” zone which requires planning permission from the Town Planning Board (the Board). The Site is mostly vacant with the northern part paved and the southern part covered with vegetation (**Plans A-2 and A-4**).
- 1.2 Part of the Site is the subject of a previous application No. A/YL-KTN/588 for the same use submitted by the same applicant as the current application. The application was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 16.3.2018. However, the application was revoked on 16.9.2018 due to non-compliance with approval conditions on submission of landscape, drainage and fire service installations (FSIs) proposals.

- 1.3 According to the applicant, the proposed development involves three one-storey temporary structures with a total floor area of about 231.25m² and building height of about 3m for animal boarding establishment and fire service water tank uses. The applicant stated that there will be a maximum of 20 cats and the structures for animal boarding establishment are enclosed with steel sheets with the installation of cotton acoustic panels and 24-hour air conditioning and ventilation system. No animal will be allowed outdoor at all times and no public announcement system and whistle blowing will be used at the Site. The business hours (for animal pick-up and drop-off) are from 10 a.m. to 5 p.m. daily including public holidays with 24-hour animal boarding services. Septic tank and soakaway system will be provided. Two parking spaces for private car will be provided at the Site. The Site is accessible from Fung Kat Heung Road via a local track. The site layout plan, vehicular access plan, drainage, landscape and FSIs proposals submitted by the applicant are at **Drawings A-1 to A-5**.
- 1.4 As compared with the previous approved application (No. A/YL-KTS/588), the current application is for the same use but reduction in the site area from 1,554.5m² to 912.1m² (-642.4m²/-41.3%), number of structures from 5 to 3 and total floor area from 423.5m² to 231.25m² (-192.3m²/-45.4%). Also, the proposed development in the current application is for cats instead of dogs in the previous application.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with supplementary planning statement and plans received on 31.12.2018 (**Appendix I**)
 - (b) FI received on 31.1.2019 in response to departmental comments (**Appendix Ia**)
 - (c) FI received on 13.2.2019 providing minor clarification (**Appendix Ib**)

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 FIs in **Appendices I to Ib**. They can be summarized as follows:

- (a) The proposed use is compatible with the nearby development and will not involve land filling and excavation works to minimize impact on the surrounding environment.
- (b) The construction cost of the last approved application was too high, the applicant reduces the gross floor area of the proposed development to reduce the cost.

- (c) The proposed temporary development will not frustrate the long-term planning intention of the “AGR” zone. The Site is subject to a previous approved application for the same use and there is a similar application in the vicinity. Approval of the current application will not set an undesirable precedent. The applicant will reinstate the Site into an amenity area upon expiry of the planning permission. Should the application be approved, the applicant will provide landscape, drainage and fire service installations (FSIs) facilities to the satisfaction of relevant departments.

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

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

4. Background

The Site is not subject to any active enforcement case.

5. Previous Application

Part of the Site is the subject of a previous application No. A/YL-KTN/588 for the same use and submitted by the same applicant as the current application for a period of 3 years. The application was approved with conditions by the Committee on 16.3.2018 for the reasons that temporary approval would not jeopardize the long-term planning intention for “AGR” zone; the development was not incompatible with the surrounding areas; there was no adverse department comment except the Director of Agriculture, Fisheries and Conservation (DAFC) and the Chief Town Planner/Urban Design & Landscape of Planning Department (CTP/UD&L, PlanD); and the technical concerns could be addressed by appropriate approval conditions. However, the application was revoked on 16.9.2018 due to non-compliance with approval conditions in relation to the submission of landscape, drainage and FSIs proposal. Details of the application are summarised in **Appendix II** and the location is shown on **Plan A-1**. There is no operation at the Site since the approval of application No. A/YL-KTN/588 and the Site is currently vacant.

6. Similar Applications

- 6.1 There are 23 similar applications for similar temporary animal boarding establishment (No. A/YL-KTN/156, 232, 251, 253, 304, 308, 324, 377, 410, 478, 489, 519, 543, 556, 562, 577, 590, 605, 616, 617, 623, 638 and 639) within the same “AGR” zone on the OZP. Except application No. A/YL-KTN/156 which

was rejected by the Committee on 8.11.2002, the remaining 22 applications were approved with conditions by the Committee for 2 to 3 years from 2005 to 2019. Details of these applications are summarized in **Appendix III** while their locations are shown on **Plan A-1**.

- 6.2 Application No. A/YL-KTN/156 for proposed dog kennel for a period of 3 years was rejected by the Committee on 8.11.2002 on the ground that the proposed development was not in line with the planning intention of the “AGR” zone; not compatible with the adjacent residential dwellings which would be susceptible to adverse environmental nuisances and Director of Environmental Protection did not support the application as noise nuisances would be imposed to nearby residents; and there was no information in the submission to demonstrate that the proposed development would not cause adverse environmental and drainage impacts on the surrounding areas.
- 6.3 Seven applications No. A/YL-KTN/232, 251, 304, 377, 410, 489 and 639 at a site to the south of the Site were approved with conditions by the Committee for 2 or 3 years on 29.7.2005, 7.7.2006, 19.9.2008, 30.3.2012, 17.1.2014, 5.2.2016 and 1.2.2019 respectively for similar reasons that temporary developments would not frustrate the long-term planning intention of the “AGR” zone; not incompatible with the surrounding land uses; the developments would mainly involve existing on-site structures for animal boarding and would maintain the rural character of the site; previous approvals were granted and the applicant had made effort to comply with the approval conditions; and the relevant government departments had no adverse comments on the developments. Given that there were residential dwellings in the vicinity, temporary approval for 2 or 3 years were granted for all the applications in order to monitor the situation on the site. However, applications No. A/YL-KTN/232, 304, 377 and 410 were revoked on 29.1.2006, 19.3.2010, 30.9.2012 and 17.7.2014 respectively due to non-compliance with approval conditions.
- 6.4 Another 3 applications No. A/YL-KTN/253, 308 and 324 at another site were approved with conditions by the Committee on 4.8.2006, 5.9.2008 and 22.5.2009 respectively for a period of 3 years for the reasons that the developments were not incompatible with the surrounding land uses; the developments would mainly involve existing on-site structures; would not cause significant impact on the existing environment and landscape; and there were no adverse departmental comments and local objection to the application. Applications No. A/YL-KTN/308 and 324 were revoked on 5.3.2009 and 22.5.2011 respectively due to non-compliance with approval conditions.
- 6.5 The remaining 12 applications (No. A/YL-KTN/478, 519, 543, 556, 562, 577, 590, 605, 616, 617, 623 and 638) were approved with conditions by the Committee between 2015 and 2019 for a period of 3 years or 5 years (for A/YL-KTN/638 only) on similar considerations that temporary developments would not frustrate the long-term planning intention of the “AGR” zone; and the developments were not incompatible with the surrounding land uses. Applications

No. A/YL-KTN/478, 543 and 590 were revoked on 6.5.2016, 23.12.2017 and 16.9.2018 respectively due to non-compliance with approval conditions.

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

7.1 The Site is:

- (a) mostly vacant with the northern part paved and the southern part covered with vegetation; and
- (b) accessible to Fung Kat Heung Road via a local track (**Plan A-2**).

7.2 The surrounding land uses are rural in character with a mixture of residential dwellings/structures, plant nurseries, cultivated agricultural land, farm, storage/open storage yards, and vacant/unused land. The storage/open storage yards are suspected unauthorized developments subject to enforcement action by the Planning Authority:

- (a) to its north are vacant/unused land and cultivated agricultural land, to its further north are residential structures/dwellings and open storage/storage yards;
- (b) to its east are residential dwellings/structure (the nearest about 5m), plant nursery and fallow agricultural land;
- (c) to its south are a storage yard and vacant/unused land. Further south are a plant nursery, cultivated/fallow agricultural land and unused/vacant land; and
- (d) to its west are a farm, open storage yard and vacant/unused land.

8. Planning Intention

The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

9. Comments from Relevant Government Departments

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

Land Administration

9.1.1 Comments of the District Lands Officer, Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) The Site is accessible from Fung Kat Heung Road via Government Land (GL) and private land. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site.
- (c) The Site falls within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structures shall not exceed the relevant airfield height limit within SKAHRA.
- (d) Should the application be approved, the lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications for any of the above will be considered by LandsD acting in the capacity as landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by the LandsD.

Traffic

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

- (a) He has no comment on the application from traffic engineering perspective.
- (b) Should the application be approved, approval condition on no

vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period should be included.

- (c) The Site is connected to the public road network via a section of a local access road which is not managed by TD. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.

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

- (a) His department does not and will not maintain any access connecting the Site and Fung Kat Heung Road which is not maintained by HyD.
- (b) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

Environment

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

- (a) There was no environmental complaint at the Site received in the past 3 years.
- (b) According to the applicant, the proposed use will operate round the clock. All cats will be kept inside the proposed structures at any time. The structures will be enclosed by soundproofing materials with provision of 24-hour mechanical ventilation and air-conditioning (MVAC) system. Public announcement system and whistle blowing will not be allowed at the Site.
- (c) Based on the above, the applicant is advised to properly design and maintain the facilities and follow the relevant mitigation measures and requirements in the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize any potential environmental nuisances. Suitable mitigation measures should also be implemented to minimize potential odour nuisance.
- (d) Effluent discharges from the proposed use are subject to control

under the Water Pollution Control Ordinance (WPCO). A discharge licence under the WPCO shall be obtained before a new discharge is commenced. For the proposed septic tank and soakaway system, its design and construction should follow the requirements of the Practice Note for Professional Person (ProPECC) PN 5/93 “Drainage Plans subject to Comment by the Environmental Protection Department”.

Landscape

9.1.5 Comments of 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) According to the latest aerial photo of 2018, the surrounding area of the Site comprises of temporary structures, carpark, farmland and scattered tree groups. The proposed use is considered not incompatible with the existing landscape setting in proximity.
- (c) According to the site visit conducted on 14.1.2019, the Site was fenced off. The northern portion of the Site was hard paved with some containers placed and cars parked; whilst the southern portion of the Site is a vacant land with some weed and shrub. Further adverse landscape impact arising from the proposed use is not anticipated.

Agriculture

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

- (a) Upon site inspection, agricultural activities are found in the vicinity and agricultural infrastructures are available. As the Site possesses potential for agricultural rehabilitation, the application is not supported from agricultural point of view.
- (b) Should the application be approved, the applicant is reminded that under the current legislation, any person who provides food and accommodation for animals in return for a fee paid by the owner must apply for a Boarding Establishment Licence from his department.

Drainage

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

- (a) He has no in-principle objection to the proposed development from the public drainage point of view.
- (b) Should the application be approved, approval conditions requiring the submission, implementation and maintenance of a drainage proposal for the development should be included in the planning permission.
- (c) His detailed comment on the submitted drainage proposal is at **Appendix IV**.

Fire Safety

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

- (a) He has no in-principle objection to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans.
- (c) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Building Matters

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

- (a) There is no record of approval by the Building Authority for the existing structures at the Site. He is not in a position to offer comments on their suitability for the use proposed in the application.

- (b) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are unauthorized building works (UBW) under the BO and should not be designated for any proposed use under the application.
- (c) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.
- (d) Before any new building works (including containers/ open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (e) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively.
- (f) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

Environmental Hygiene

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

He has no comment on the application provided that:

- (a) No Food and Environmental Hygiene Department (FEHD)'s facilities will be affected and such work and operation shall not cause any environmental nuisance and obstruction to the surrounding;
- (b) Proper licence/permit issued by his department is required if there is any food business / catering service / activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public and the operation of any business should not cause any obstruction;

- (c) If the proposal involves any commercial/trading activities, its state should not as to be a nuisance or injurious or dangerous to health and surrounding environment. Also, for any waste generated from the commercial/trading activities, the applicant should arrange its disposal properly at their own expenses; and
- (d) If any FEHD's facility is affected by the development, FEHD's prior consent must be obtained. Reprovisioning of the affected facilities by the applicant up to the satisfaction of FEHD may be required. Besides, the project proponent should provide sufficient amount of additional recurrent cost for management and maintenance of the reprovisioned facilities to FEHD.

District Officer's Comments

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

His office has not received any locals' comment on the application and he has no comment from departmental point of view.

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

- (a) Director of Electrical and Mechanical Services (DEMS);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD); and
- (d) Commissioner of Police (C of P).

10. Public Comments Received During Statutory Publication Period

- 10.1 On 8.1.2019, the application was published for public inspection. During the first three weeks of the public inspection period, which ended on 29.1.2019, three comments were received from a resident of Fung Kat Heung, a concern group and an individual (**Appendices V-1 to V-3**).
- 10.2 The commenters object to the application mainly on the ground that the proposed use will pollute the farms in the vicinity and cause adverse environmental impacts including noise and hygiene nuisances; there was similar animal boarding establishment in the vicinity causing dead of animals and destroy the environment; there are animal breeding mills where cats and dogs are kept in appalling conditions which should not be tolerated; the Board has the duty to uphold the well-being of animals; and the previous application was revoked which implies animal welfare is not a priority for the applicant.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary animal boarding establishment for a period of 3 years at a Site zoned “AGR”. The planning intention of the “AGR” zone is 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. The proposed use is not entirely in line with the planning intention of the “AGR” zone and DAFC does not support the application from the agriculture point of view as the Site possesses potential for agricultural rehabilitation. However, the proposed animal boarding establishment is temporary in nature, approval of the application on a temporary basis for a period of 3 years would not jeopardize the long-term planning intention of the “AGR” zone.
- 11.2 The proposed development comprising three one-storey structures with a total floor area of about 231.25m² is considered not incompatible with the surrounding areas which are mixed with residential dwellings/structures, plant nurseries, cultivated/fallow agricultural land, open storage/storage yards, and vacant/unused land. Although there are sensitive receivers, i.e. residential structures in the vicinity of the Site (the nearest is 5m on its east) (**Plan A-2**), the applicant stated that all cats will be kept inside the temporary structures which are enclosed by steel sheets with cotton acoustic panels and provided with 24-hour air condition and ventilation system, and no public announcement system and whistle blowing will be used at the Site. DEP has no objection to the application.
- 11.3 Relevant departments consulted, including C for T, CE/MN of DSD, D of FS, DEP and CTP/UD&L of PlanD (except DAFC) have no adverse comment on the application. To minimise any possible environmental nuisance, approval conditions restricting the operation hours, outdoor animal activities and the use of public announcement system, whistle blowing, portable loudspeaker or any form of audio amplification system on the Site are recommended in paragraph 13.2 (a) to (c) below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorized development on the Site will be subject to enforcement action by the Planning Authority. The applicant will also be advised to adopt the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ in order to alleviate any potential impact. To address the technical requirements of C for T, CE/MN of DSD and D of FS, approval conditions in paragraph 13.2 (d) to (i) below are recommended.
- 11.4 Part of the Site is subject to a previous application (No. A/YL-KTN/588) for the same use and submitted by the same applicant which was approved with conditions by the Committee on 16.3.2018. However, it was revoked due to non-compliance with approval conditions in relation to the submission of landscape, drainage and FSIs proposals. In addition, there are 23 similar applications within the same “AGR” zone. Only one application was rejected by the Committee mainly on the grounds that concerned departments including

DEP did not support the application and there was no information to demonstrate the proposed development would not cause adverse environmental and drainage impacts on the surrounding areas. The other 22 similar applications were approved with conditions by the Committee from 2005 to 2019 mainly on similar reasons that temporary developments would not frustrate the long-term planning intention of the “AGR” zone; and the developments were not incompatible with surrounding land uses. In the current application, DEP does not raise adverse comment on the proposed development. In this regard, approval of the current application is in line with the Committee’s previous decisions.

- 11.5 Three public comments were received during the statutory publication period objecting to the application mainly on the grounds that the proposed use will generate environmental nuisances and concern on animal well-being. In this regard, DEP has no adverse comment on the application. The applicant will also be required to apply for a Boarding Establishment Licence as advised by DAFC as appropriate. The planning assessments and considerations above are also relevant.

12. Planning Department’s Views

- 12.1 Based on the assessment made in paragraph 12 and having taken into account the public comments in paragraph 11 above, the Planning Department has no objection to the proposed temporary animal boarding establishment for a period of 3 years.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years until 22.2.2022. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no operation between 5:00p.m. and 10:00a.m. (except overnight animal boarding establishment), as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) all animals shall be kept inside the enclosed animal boarding establishment on the Site, as proposed by the applicant, at all times during the planning approval period;
- (c) no public announcement system, portable loud speaker, or any form of audio amplification system or whistle blowing is allowed to be used on the Site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;

- (e) 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 22.8.2019;
- (f) in relation to (e) 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 22.11.2019;
- (g) in relation to (f) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) the submission of fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 22.8.2019;
- (i) in relation to (h) above, the implementation of fire service installations 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 22.11.2019;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (g) 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;
- (k) if any of the above planning conditions (e), (f), (h) or (i) 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
- (l) upon the expiry of the planning permission, the reinstatement of the 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 VI**.

- 12.3 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 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. No strong justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

13. Decision Sought

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

14. Attachments

Appendix I	Application Form with supplementary planning statement and plans received on 31.12.2018
Appendix Ia	FI received on 31.1.2019
Appendix Ib	FI received on 13.2.2019
Appendix II	Previous applications covering the Site
Appendix III	Similar applications within the same “AGR” zone on the Kam Tin North OZP
Appendix IV	Detailed comments from CE/MN, DSD
Appendices V-1 to V-3	Public comments received during statutory publication period
Appendix VI	Advisory clauses
Drawing A-1	Layout plan
Drawing A-2	Vehicular access plan
Drawing A-3	Drainage proposal
Drawing A-4	Landscape proposal
Drawing A-5	FSI proposal
Plan A-1	Location plan with previous and similar applications
Plan A-2	Site plan

Plan A-3 Aerial photo

Plan A-4 Site photos

**PLANNING DEPARTMENT
FEBRUARY 2019**