

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

**APPLICATION NO. A/YL-KTN/660**

<b><u>Applicant</u></b>	: Mr. TANG Wai-IP
<b><u>Site</u></b>	: Lots 1204 and 1208 in D.D. 107, Kam Tin, Yuen Long
<b><u>Site Area</u></b>	: About 1,243 m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Kam Tin North Outline Zoning Plan No. S/YL-KTN/9
<b><u>Zoning</u></b>	: “Agriculture” (“AGR”)
<b><u>Application</u></b>	: Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning application to use the application site (the Site) for proposed temporary place of recreation, sports or culture (hobby farm) for a period of 3 years. According to the Notes of the OZP, ‘Place of Recreation, Sports or Culture (Horse Riding School, Hobby Farm, Fishing Ground only)’ is a Column 2 use within the “AGR” zone, which requires permission from the Town Planning Board (the Board). The Site is currently vacant and covered with vegetation (**Plans A-2 to A-4b**).
- 1.2 The Site is the subject of one previous application (No. A/YL-KTN/624) for proposed temporary shop and services (plant showroom) for a period of 3 years submitted by the same applicant. It was rejected by the Board on review on 15.2.2019.
- 1.3 According to the applicant, the proposed development involves 5 one-storey temporary structures with a building height ranging from 2.8m and 3.5m and a total floor area of 158.6m<sup>2</sup> for farm tools storage, electric meter room, farm lounge, farm reception and open shed uses. The farming area is 840 m<sup>2</sup> (about 68% of total site area) while the paved area is 403 m<sup>2</sup> (about 32% of total site

area). Four private car parking spaces will be provided within the Site. The operation hours will be from 9:00 a.m. to 6:00 p.m. daily, including public holidays. There will be about 10-15 visitors at the Site at one time and no public announcement system would be used at the Site. The Site is accessible via a local track from Castle Peak Road – Tam Mi. The layout plan, vehicular access plan and drainage plan submitted by the applicant are shown in **Drawings A-1 to A-3**.

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

- (a) Application Form with supplementary information **(Appendix I)**  
received on 25.4.2019
- (b) Further Information (FI) received on 18.5.2019 in **(Appendix Ia)**  
response to departmental comments (*exempted from publication*)
- (c) **(Appendix Ib)**  
FI received on 24.5.2019 in response to departmental  
comments (*exempted from publication*)
- (d) **(Appendix Ic)**  
FI received on 13.8.2019 in response to departmental  
comments (*exempted from publication*)
- (e) **(Appendix Id)**  
FI received on 23.9.2019 in response to departmental  
comments (*exempted from publication*)

1.5 The application was received on 25.4.2019. Upon the request of the applicant, the Committee agreed to defer making a decision on the application on 21.6.2019 to allow time for the applicant to address the departmental comments. Upon receipt of the FI on 13.8.2019, the application is scheduled for consideration at this meeting.

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the supplementary information and FIs in **Appendices I and Ic**. They can be summarized as follows:

- (a) The proposed development is temporary in nature and no permanent structure would be erected on-site. The Site would be easily reinstated and would not frustrate the long-term planning intention. Several applications for hobby farm in the vicinity of the Site have been approved and same consideration should be given to this application.
- (b) The applicant will provide landscaping and drainage facilities (including catch pit) with environmental mitigation measures to enhance the environment nearby and to minimize flooding and pollution. No adverse traffic impact is anticipated. The proposed paved area will be removed after the expiry of the planning permission.

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

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

### **4. Background**

The Site is subject to on-going planning enforcement action (No. E/YL-KTN/467) against an unauthorized development (UD) involving filling of land. Enforcement Notice (EN) was issued on 19.7.2018 requiring discontinuation of the UD. The site inspections revealed that the UD was discontinued after the expiry of the EN. Reinstatement Notice (RN) was issued on 31.12.2018 requiring reinstatement of the concerned land. Subsequent site inspections revealed that the UD has been discontinued and the land has been reinstated. Therefore, Compliance Notices for the EN and RN were issued on 27.9.2019.

### **5. Previous Application**

The Site is involved in one previous application (No. A/YL-KTN/624) for proposed temporary shop and services (plant showroom) for a period of 3 years submitted by the same applicant. The application was rejected by the Board on review on 15.2.2019 mainly on the grounds that the proposed development was not in line with the planning intention of the “AGR” zone; and the applicant failed to demonstrate that the proposed development will not generate environmental nuisance on the surrounding areas. Details of the application are summarized in **Appendix II** while its location is shown on **Plan A-1**.

### **6. Similar Applications**

- 6.1 There are 21 similar applications (No. A/YL-KTN/394, 465, 474, 513, 516, 520, 535, 536, 538, 571, 579, 609, 610, 615, 620, 626, 630, 636, 649, 665 and 670) within the same “AGR” zone on the Kam Tin North OZP. Except application No. A/YL-KTN/394, all the similar applications were approved with conditions by the Committee between 2015 and 2019 for a period of 3 or 5 years (for A/YL-KTN/665 and 670). Details of these applications are summarized in **Appendix III** and their locations are shown on **Plan A-1**.
- 6.2 5 applications (No. A/YL-KTN/465, 516, 535, 538 and 571 for temporary hobby farm (A/YL-KTN/535 included caravan holiday camp)) for five sites near Cheung Kong Tsuen and Tai Kong Po were approved between 2015 and 2017 mainly for the reasons that temporary approval would not frustrate the long-term planning intention; not incompatible with the surrounding land uses; the proposed

developments would unlikely cause significant adverse environmental, traffic, landscape or drainage impacts; and concerned departments had no objection to the application.

- 6.3 15 applications (No. A/YL-KTN/474, 513, 520, 536, 579, 609, 610, 615, 620, 626, 630, 636, 649, 665 and 670) for temporary hobby farm (A/YL-KTN/520, 536 and 665 included caravan holiday camp)) for 13 sites at Fung Kat Heung and near Pak Wai Tsuen were approved between 2015 and 2019 for similar reasons as stated in paragraph 6.2 above.
- 6.4 Application No. A/YL-KTN/394 for proposed temporary field study/education centre and hobby farm was rejected by the Board on review in 2013 mainly on the grounds that the site was the subject of unauthorized land filling and the filling material were not suitable for cultivation; there was no detailed information regarding the design and operation of the proposed development particularly the hobby farm, field study/education centre and the office with porch; the applicant failed to demonstrate that the development would not generate adverse landscape and drainage impacts on the surrounding areas; and approving the application would set an undesirable precedent, and the cumulative effect of which would result in a general degradation of the rural environment of the area.
- 6.5 Application No. A/YL-KTN/666 for proposed temporary place of recreation, sports or culture (hobby farm) for a period of 3 years located at further south of the Site is scheduled for consideration by the Committee at this meeting.

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

- 7.1 The Site is:
  - (a) currently vacant and covered with vegetation; and
  - (b) accessible from Castle Peak Road – Tam Mi via a local track.
- 7.2 The surrounding areas are rural in character predominated by residential dwellings/structures, open storage/storage yards and vacant /unused land. The open storage yards in “AGR” zone are suspected UDs subject to enforcement action by the Planning Authority:
  - (a) to its immediate north is a piece of unused land. Further north are some residential dwellings/structures, open storage/storage yards and vacant/unused land within the “Industrial (Group D)” zone;
  - (b) to its east and southeast are residential dwellings/structures, open storage/storage yards and vacant/unused land; and
  - (c) to its south and west are residential dwellings/structures (the nearest about 5m on the south), vacant/unused land and a proposed hobby farm with planning permission (No. A/YL-KTN/620).

## **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 Castle Peak Road – Tam Mi 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 structure shall not exceed the relevant airfield height limit within the SKAHRA.
- (d) Should planning approval be given to the planning application, the lot(s) 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 the Commissioner for Transport (C for T):

- (a) He has no comment on the application from traffic engineering point of view.
- (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 which is not managed by his department. The land status of local access should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access 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 shall not be responsible for the maintenance of any access connecting the Site and Castle Peak Road - Tam Mi.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.

## **Agriculture and Nature Conservation**

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

- (a) He has no strong view against the application from agricultural point of view on the understanding that agricultural activities are involved in the proposed use and the Site will be reinstated upon the expiry of the planning permission.
- (b) He has no comment on the application from nature conservation point of view, as mitigation measures are proposed to avoid adverse impacts on the watercourses nearby.

## **Environment**

### 9.1.5 Comments of the Director of Environmental Protection (DEP):

- (a) He has no objection to the application from the environmental planning perspective provided that the applicant would minimize any noise from the proposed use such as prohibiting the use of public announcement system, portable loudspeaker or any form of audio amplification system so that it would not cause any environmental nuisance to the nearby sensitive receivers.
- (b) The applicant is advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any potential environmental nuisances.
- (c) It is the obligation of the applicant to meet the statutory requirements under relevant pollution control ordinances and provide necessary mitigation measures to prevent polluting the watercourse adjacent to the Site. Adequate supporting infrastructure/facilities should be provided for proper collection, treatment and disposal of waste/wastewater generated from the proposed use. If septic tank and soakaway system will be used in case of unavailability of public sewer, its design and construction should follow the requirements of EPD’s Practice Note for Professional Person (ProPECC) PN 5/93 “Drainage Plans subject to Comment by the Environmental Protection Department”.
- (d) It is noted that the Site is subject to planning enforcement action against UD involving filling of land, and the adjacent watercourse may have been affected by the UD.
- (e) There were two substantiated environmental complaints related to waste aspect concerning the Site received by DEP in the past three years.

## **Landscape**

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

- (a) He has no objection to the application from the landscape planning point of view.
- (b) With reference to the aerial photo taken in 2018, the surrounding area is comprised of temporary structures, vacant land and scattered tree groups. In view that there is similar hobby farm located adjacent to the Site, the proposed use is not incompatible

with the landscape setting in proximity.

- (c) According to the site visit conducted on 5.9.2018, there is no significant vegetation observed within the site boundary. With reference to the proposed layout plan, it is noted that 68% of the site area is proposed as farm area. Further adverse significant landscape impact arising from the proposed development is not anticipated.
- (d) In view that there is no prominent public frontage along the site boundary, should the application be approved by the Board, landscape condition in planning approval is not recommended, as its effect on enhancing the landscape quality of public realm is not apparent.

### **Drainage**

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

- (a) He has no comment on the application.
- (b) Should the application be approved, approval conditions requiring the submission of a revised drainage proposal and the implementation and maintenance of the drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board should be included.

### **Fire Safety**

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

- (a) He has no objection in principle to the proposal subject to fire service installations 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) Before any new building works (including containers/open sheds as temporary building) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are unauthorized building works (UBW) under the Buildings Ordinance (BO). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (b) 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.
- (c) 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.
- (d) If the Site does not abut on a specified street of not less than 4.5 m 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):

- (a) If any Food and Environmental Hygiene Department (FEHD)'s facility is affected by the development, FEHD's prior consent must be obtained. Reprovisioning of the affected facilities by the project proponent 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.
- (b) Proper licence and/or permit issued by FEHD is required if any food business and/or activities related to place of entertainment is involved:
  - (i) For the operation of any types of food business, relevant food licence(s) and/or permit(s) should be obtained from

FEHD in accordance with the Public Health and Municipal Services Ordinance (Cap. 132).

- (ii) Any person who desires to keep or use any place of public entertainment for example a theatre and cinema or a place, building, erection or structure, whether temporary or permanent, on one occasion or more, capable of accommodating the public presenting or carrying on public entertainment within Places of Public Entertainment (PPE) Ordinance (Cap. 172) and its subsidiary legislation, such as a concert, opera, ballet, stage performance or other musical, dramatic or theatrical entertainment, cinematograph or laser projection display or an amusement ride and mechanical device which is designed for amusement, should obtain a Place of Public Entertainment Licence (or Temporary Place of Public Entertainment Licence) from FEHD whatever the general public is admitted with or without payment.
- (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 handle on their own/at their expenses.

### **Electricity**

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

- (a) There are 11kV high voltage overhead lines running across the Site, which is within the preferred working corridor and preferred working circle to facilitate pole erection of the concerned overhead lines as stipulated in the Hong Kong Planning Standards and Guidelines (HKPSG).
- (b) He has no objection to the application subject to the following conditions pertaining to electricity supply safety and reliability, being strictly complied by the applicant and his contractor:
  - (i) the applicant should refer to the requirements of minimum safety clearance, minimum vertical clearance, preferred working corridor and preferred working circle to facilitate pole erection of the concerned overhead lines as stipulated in Clause 2.3.5, 2.3.6 and 2.3.15 under Chapter 7 - Utility Services of the HKPSG and ensure they shall be maintained at any time during and after construction;

- (ii) no scaffolding, crane and hoist shall be built or operated within 6m from the outermost 11kV conductors at all times. Warning notices should be posted at conspicuous locations to remind operators and workers of the site boundary. CLP Power shall be consulted on the safety precautions required for carrying out any works near the concerned overhead lines;
- (iii) in any time during and after construction, CLP Power shall be allowed to get access to the working corridor area of the concerned overhead lines for carrying out any operation, maintenance and repair work including tree trimming; and
- (iv) the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

#### **District Officer’s Comments**

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

He has not received any comments from locals and has no particular comments on the application.

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

- (a) Project Manager (West), Civil Engineering and Development Department;
- (b) Chief Engineer/Construction, Water Supplies Department; and
- (c) Commissioner of Police.

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

10.1 On 3.5.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, five public comments were received from The Hong Kong Bird Watching Society, World Wide Fund for Nature Hong Kong, Kadoorie Farm and Botanic Garden Corporation, Designing Hong Kong and an individual (**Appendices IV-1 to IV-5**).

10.2 All of them object to the application mainly on the grounds that the proposed development is not in line with the planning intention of the “AGR” zone; the Site is a suspected “Destroy First, Build Later” case and involved an enforcement case

of UD; approval of the application will set undesirable precedent for similar applications and cumulative effect would result in degradation of the rural environment; and the proposed development will generate environmental nuisance and bring adverse impacts on soil and nearby watercourse.

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

- 11.1 The application is for proposed temporary place of recreation, sports or culture (hobby farm) for a period of 3 years in the “AGR” zone. 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. According to the applicant, about 68% of the Site will be farming area. The proposed use is generally not in conflict with the planning intention of the “AGR” zone. DAFC has no strong view to the application from agricultural point of view. It is considered that approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “AGR” zone.
- 11.2 The proposed use which involves farmland and low-rise structures is considered not incompatible with the surrounding areas which are rural in character predominated by residential dwellings/structures, open storage/storage yards and vacant /unused land.
- 11.3 According to the applicant, it is estimated that about 10-15 visitors will be accommodated at the Site at one time, and no public announcement system would be used at the Site. In view of the nature of the proposed hobby farm, it would unlikely cause significant adverse environmental, traffic or drainage impacts to the surroundings. Relevant departments consulted including C for T, CTP/UD&L of PlanD, DEP, CE/MN of DSD and D of FS have no adverse comment on the application. To minimize any possible environmental nuisance, approval conditions restricting the operation hours and prohibiting the use of public announcement system at the Site are recommended in paragraph 12.2 (a) to (b) 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. Besides, the applicant will also be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”. The technical requirements of C for T, CE/MN of DSD and D of FS could be addressed by approval conditions in paragraph 12.2 (c) to (h) below.
- 11.4 A previous application (No. A/YL-KTN/624) for proposed temporary shop and services (plant showroom) at the Site for a period of 3 years submitted by the same applicant was rejected by the Board on review on 15.2.2019. The current application is for a different use. There are 20 similar applications for temporary hobby farm within the same “AGR” zone approved with conditions by the Committee between 2015 and 2019 (paragraph 6 and **Plan A-1** refer), including one (No. A/YL-KTN/620) to the south of the Site. Approval of the application is in line with the Committee’s previous decisions on similar applications.

- 11.5 Five public comments were received during the statutory publication period objecting to the application as stated in paragraph 10 above. In this regard, the departmental comments and planning considerations and assessments as stated in paragraph 11 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 as mentioned in paragraph 10, the Planning Department has no objection to the proposed temporary place of recreation, sports or culture (hobby farm) 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 4.10.2022. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval Conditions

- (a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no public announcement system, portable loudspeaker or any form of audio amplification system is allowed to be used on the Site at any time during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) 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 4.4.2020;
- (e) in relation to (d) 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 4.7.2020;
- (f) in relation to (e) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (g) 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 4.4.2020;
- (h) in relation to (g) 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 4.7.2020;

- (i) if any of the above planning conditions (a), (b), (c) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (j) if any of the above planning conditions (d), (e), (g) or (h) 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
- (k) upon 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 at **Appendix V**.

- 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. This zone is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning 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 information received on 25.4.2019
- Appendix Ia** FI received on 18.5.2019

<b>Appendix Ib</b>	FI received on 24.5.2019
<b>Appendix Ic</b>	FI received on 13.8.2019
<b>Appendix Id</b>	FI received on 23.9.2019
<b>Appendix II</b>	Previous application covering the Site
<b>Appendix III</b>	Similar applications within the same “AGR” zone on the Kam Tin North OZP
<b>Appendix IV-1 to IV-5</b>	Public comments received during the statutory publication period
<b>Appendix V</b>	Advisory Clauses
<b>Drawing A-1</b>	Site Layout Plan
<b>Drawing A-2</b>	Vehicular Access Plan
<b>Drawing A-3</b>	Drainage Plan
<b>Plan A-1</b>	Location Plan with Similar Application
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4a to A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
OCTOBER 2019**