

RNTPC Paper No. A/YL-KTN/659A  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 16.8.2019

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

**APPLICATION NO. A/YL-KTN/659**

- Applicant** : Mr. TANG Wai-Ip
- Site** : Lots 1345 (Part) and 1346 (Part) in D.D. 107, Kam Tin, Yuen Long
- Site Area** : about 2,384m<sup>2</sup>
- 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 not the subject of any previous application and is covered by grass and sands (**Plans A-4a to A-4b**).
- 1.2 According to the applicant, the proposed development involves twelve one-storey temporary structures with a total floor area of about 874.5m<sup>2</sup> and building height not more than 3.5m for animal boarding establishment, office and electric meter room. Six parking spaces for private car and one loading/unloading space for light goods vehicle will be provided at the Site. The structures for animal boarding establishment are enclosed with sound proofing material, 24-hour air conditioned and ventilation. No public amplification system and whistle blowing will be used at the Site. The business hours are from 9 a.m. to 6 p.m. daily including public holidays, with 24 hours animal boarding services. There will be a maximum of 55 dogs at the Site. No more than 5 dogs will be allowed outdoor at the same time

with staff supervision during business hour. The dogs will be kept inside the structures after business hour. The structures and drainage facilities proposed at the Site will be 3m from the streamcourse on the east of the Site. Fencing will also be provided at the Site. The Site is accessible via a local track from Fung Kat Heung Road (**Plan A-2**). The site layout plan and proposed drainage plan submitted by the applicant are at **Drawings A-1 and A-2**.

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

- (a) Application Form with plans and supplementary planning statement received on 18.4.2019 (**Appendix I**)
- (b) Further Information (FI) received on 10.5.2019 in response to departmental comments (**Appendix Ia**)
- (c) FI received on 20.5.2019 in response to departmental comments (**Appendix Ib**)
- (d) FI received on 25.6.2019 in response to departmental comments (**Appendix Ic**)
- (e) FI received on 29.7.2019 in response to departmental comments (**Appendix Id**)
- (f) FIs received on 6.8.2019 and 7.8.2019 in response to departmental comments (**Appendix Ie**)

1.4 The application was originally scheduled for consideration by the Rural and New Town Planning Committee (the Committee) on 31.5.2019. Upon the request of the applicant, the Committee agreed to defer making a decision on the application on 31.5.2019 to allow time for the applicant to address the departmental comments. Upon receipt of the FI on 25.6.2019, 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 planning statement and FIs in **Appendices I to Ie**. They can be summarized as follows:

2.1 The proposed development is a temporary use and no permanent structure will be erected on Site. The Site can be easily reinstated and the proposed use will not jeopardize the long-term planning intention. The development at the Site will take into account the surrounding context and natural setting. The proposed landscape and drainage facilities could enhance the surrounding environment and minimize flooding.

- 2.2 The Site is not suitable for agricultural use and there have been no agricultural activities at and nearby the Site. There is only a few residents in the vicinity and they are separated from the Site by dense vegetation.
- 2.3 The proposed development will not affect the streamcourse nearby. The construction of septic tanks and catchpits will be away from the streamcourse in accordance with the requirements of relevant departments with the intention to reduce any pollution to the surrounding area. The applicant also stated that durable, easily demolished and non-polluted construction materials will be used.
- 2.4 Several applications for animal boarding establishments in the vicinity of the Site have been approved by the Committee including one adjoining the Site and the same consideration should be given to the current application.

### **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 planning enforcement action.

### **5. Previous Application**

There is no previous application at the Site.

### **6. Similar Applications**

- 6.1 There are 29 similar applications for temporary animal boarding establishment (No. A/YL-KTN/156, 232, 251, 253, 304, 308, 324, 377, 410, 478, 489, 519, 543, 556, 562, 577, 588, 590, 605, 616, 617, 623, 638, 639, 642, 645, 651, 652 and 669) 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 28 applications were approved with conditions by the Committee for 2 to 5 years from 2005 to 2019. Details of these applications are summarized in **Appendix II** 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 Ten applications No. A/YL-KTN/232, 251, 304, 377, 410, 489 and 639 at a site and Nos. A/YL-KTN/253, 308 and 324 at another site were approved with conditions by the Committee for 2 or 3 years between 2005 to 2019 on similar grounds 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; previous approvals were granted and the applicants had made effort to comply with the approval conditions; and/or the relevant government departments had no adverse comments on the developments. However, applications No. A/YL-KTN/232, 304, 308, 324, 377 and 410 were revoked on 29.1.2006, 19.3.2010, 5.3.2009, 22.5.2011, 30.9.2012 and 17.7.2014 respectively due to non-compliance with approval conditions.
- 6.4 The remaining 18 applications (No. A/YL-KTN/478, 519, 543, 556, 562, 577, 588, 590, 605, 616, 617, 623, 624, 638, 645, 651, 652 and 669) 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 and 651 only) on similar grounds that temporary approval 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, 556, 588 and 590 were revoked on 6.5.2016, 23.12.2017, 28.7.2019 and 16.9.2018 (for both No. A/YL-KTN/588 and 590) respectively due to non-compliance with approval conditions.

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

- 7.1 The Site is:
- (a) covered by grass and sands; and
  - (b) accessible via a local track from Fung Kat Heung Road.
- 7.2 The surrounding land uses are a mix of residential dwellings/structures, pigsties, storage yard, ponds and vacant/unused land. The storage yard is suspected unauthorized development subject to enforcement action by the Planning Authority:

- (a) to its immediate north is a site with work in progress subject to planning permission for temporary animal boarding establishment (No. A/YL-KTN/623) and a residential dwelling/structure. To its further northwest across a local track is mainly unused land within area zoned “Conservation Area” (“CA”). Lam Tsuen Country Park is located in the northeast;
- (b) there is a stream along the eastern boundary of the Site. Across the stream to its east and southeast is an area zoned “CA” with unused land and some residential dwellings /structures;
- (c) to its immediate south is a site with works in progress. To its further south are some ponds, residential dwelling/structure and unused land; and
- (d) to its west are some residential structures/dwellings (the nearest is about 20m to its west), a pond, pigsty, storage yard and 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 structure shall not exceed the relevant airfield height limit within SKAHRA.
- (d) Should the application be approved, 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 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 Transport Department. 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 shall not be responsible for the maintenance of any access connecting the Site and San Tam Road.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.

## **Environment**

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

- (a) There was no environmental complaint concerning the Site received in the past 3 years.
- (b) He has no adverse comments from environmental perspective. According to the applicant, the proposed animal boarding establishment will be enclosed by soundproofing materials and provided with mechanical ventilation and air-conditioning system. The animals will be kept inside the proposed animal boarding establishment from 6 p.m. to 9 a.m. Moreover, public announcement system and whistle blowing will not be allowed at the Site. The applicant has confirmed in the FI that the proposed septic tank and soakaway system will be at least 15 m away from the stream and the pool to its east and west respectively.
- (c) Should the application be approved, the applicant is advised to 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 minimise any potential environmental nuisance. Adequate supporting infrastructure / facilities should be provided for proper collection, treatment and disposal of waste / wastewater generated from the proposed use. The applicant is also reminded that effluent discharges from the proposed use are subject to control under the Water Pollution Control Ordinance (WPCO) and a discharge licence under the WPCO should 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 EPD Practice Note for Professional Persons (ProPECC PN) 5/93 “Drainage Plans subject to Comment by the Environmental Protection Department”.

## **Landscape**

### 9.1.5 Comments of Chief Town Planning/ Urban Design and Landscape Section (CTP/UD&L, PlanD):

- (a) She has no objection to the application from the landscape planning perspective.
- (b) With reference to the aerial photo taken in 2018, the surrounding area of the Site is comprised of temporary structures, pond, vacant land and some tree groups. Considering that adjacent site for temporary animal boarding establishment have been

approved within the same “AGR” zone, the proposed use is considered not incompatible with existing landscape setting in the proximity.

- (c) According to the site visit conducted in May 2019, the Site was a vacant land and 15 nos. of existing trees were found. These trees are common species, have diameter at breast height (DBH) range of 0.2m to 0.4, and mainly located at the southern part and eastern part of the Site. With reference to the proposed layout plan, these trees would be in conflict with the proposed temporary structures or ingress/egress. Trees felling arising from the proposed development is anticipated. These trees are common species in local environment.
- (d) In view that there is no prominent public frontage along the site boundary, should the application be approved, landscape condition in planning approval is not recommended, as its effect on enhancing the landscape quality of public realm is not apparent.

#### **Nature Conservation and Agriculture**

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

- (a) The Site is zoned “AGR”. Agricultural infrastructures such as road access and water source are available. As the Site possesses potential for agricultural rehabilitation, the application is not supported from agricultural point of view.
- (b) According to the latest FI and the drainage plan submitted by the applicant, the proposed uses will not encroach upon the natural stream adjacent to the Site and a 3m buffer zone to the stream will be provided. Also, the sewage produced and the polluted surface run-off generated by the daily operation of the proposed use will be collected by a catchpit with silt trap which will be connected to the stream. Additionally, there will be no site formation works in the south-eastern part of the Site (i.e. drop-off and parking areas) and site formation works will be conducted in the core area of the Site. Moreover, the applicant had proposed some mitigation measures (e.g. use of concrete plate and precast channels) to avoid water pollution from the site formation works to the watercourse nearby. Considering the above, he has no adverse comments on the application from nature conservation perspective.
- (c) The Site does not associate with any licence granted by his department, nor his department received any application



regarding the Site. Should the application be approved, the applicant is advised to apply for a Boarding Establishment License 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) The Site is in the vicinity of an existing streamcourse. The applicant shall be required to place all the proposed works 3m away from the top of the bank of the streamcourse. All the proposed works in the vicinity of the streamcourse should not create any adverse drainage impacts, both during and after construction.
- (c) The applicant should be reminded to minimize the possible adverse environmental impacts on the existing streamcourse in his design and during construction.
- (d) Regarding the submitted drainage proposal, the applicant should indicate the ground levels of the Site at points near the catchpits and u-channels to check whether they are higher than the catchpits and u-channels such that runoff can be effectively collected.
- (e) Should the application be approved, approval conditions requiring the submission of a revised drainage proposal (including measures not to disturb the adjacent existing watercourse nearby), and the implementation and maintenance of the drainage proposal for the development should be included in the planning permission.

### **Fire Safety**

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

- (a) It is noted that the distance of the Site from the nearest fire hydrant is more than 500m. He has no in-principle objection to the proposal subject to water supply for fire fighting, i.e. a fire hydrant system with adequate flow, pressure and size of water tank in the Site and 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) 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.
- (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) 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.
- (d) 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.
- (e) 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):

- (a) 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.
- (b) Any animal carcass/ parts shall be properly wrapped or bagged before disposal.

### **District Officer's Comments**

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

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

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

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

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

- 10.1 On 26.4.2019, the application was published for public inspection. During the first three weeks of the public inspection period, four comments from The Hong Kong Bird Watching Society, Kadoorie Farm and Botanic Garden, Designing Hong Kong Limited and an individual were received (**Appendices III-1 to III-4**).
- 10.2 All commenters object to the application mainly on the grounds that the proposed use is not in line with the planning intention; the application is to legitimize an on-going unapproved use; no information on the applicant's status and suitability with regard to caring animals; the proposed use and the sewage and waste from the Site will have adverse environmental, landscape, water quality and ecological impact on the nearby land, stream and natural habitat; and setting an undesirable precedent.

## **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 development is not entirely in line with the planning intention of the “AGR” zone. DAFC does not support the application from agricultural point of view as the Site possesses potential for agricultural rehabilitation. Nevertheless, it is considered that temporary approval of the application would not jeopardise the long-term planning intention of the “AGR” zone.
- 11.2 The development is considered not incompatible with the surrounding land uses which are mixed with residential dwellings/structures, pigsties, storage yard, ponds and vacant/unused land. Although there are residential dwellings/developments in the vicinity of the Site (the nearest about 20m to the west) (**Plan A-2**), the applicant stated that all the dogs will be kept in the structures at night and the structures are built with soundproofing material and air-conditioned. Also, no public announcement system and whistle blowing will be allowed at the Site. Regarding the concerns of DEP and DAFC on the adjoining stream on the east, the applicant stated that the Site will not encroach upon the stream and a 3m buffer zone will be provided between the structures at the Site and stream. The proposed drainage facilities and septic tank will be provided to meet the requirements of concerned departments. DEP and DAFC have no adverse comments on the application from environmental and nature conservation point of view.
- 11.3 Other relevant departments consulted including C for T, CE/MN of DSD, D of FS and CTP/UD&L of PlanD have no adverse comment on the application. To minimise any possible environmental nuisance, approval conditions restricting the operation hours, outdoor animal activities and prohibition of use of public announcement system are recommended in paragraphs 12.2 (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’. The technical requirements of C for T, CE/MN of DSD and D of FS could be addressed by approval conditions (d) to (i) in paragraph 12.2 below.
- 11.4 There are 29 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 28 similar applications were approved with conditions by the Committee between 2005 and 2019 (including one on the immediate north of the Site) mainly on

similar grounds that temporary approval 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 has no objection to the proposed development. In this regard, approval of the current application is in line with the Committee’s previous decisions.

- 11.5 Four objecting public comments were received mainly on environmental concerns as detailed in paragraph 10 above. In this regard, the departmental comments and the planning considerations and assessments above are relevant.

## **12. Planning Department’s Views**

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments as mentioned in paragraph 10, 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 16.8.2022. 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 9:00a.m. (except overnight animal boarding), 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 between 6:00pm and 9:00am, as proposed by the applicant, during the planning approval period;
- (c) no public announcement system, whistle blowing, portable loud speaker, or any form of audio amplification system, as proposed by the applicant, is allowed to be used on the Site 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 16.2.2020;
- (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 16.5.2020;

- (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 water supply for fire fighting and 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 16.2.2020;
- (i) in relation to (h) above, the implementation of water supply for fire fighting and 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 16.5.2020;
- (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 IV**.

- 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 to justify 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**

<b>Appendix I</b>	Application Form with plans and supplementary planning statement received on 18.4.2019
<b>Appendix Ia</b>	FI received on 10.5.2019
<b>Appendix Ib</b>	FI received on 20.5.2019
<b>Appendix Ic</b>	FI received on 25.6.2019
<b>Appendix Id</b>	FI received on 29.7.2019
<b>Appendix Ie</b>	FIs received on 6.8.2019 and 7.8.2019
<b>Appendix II</b>	Similar Applications within the same “AGR” zone on the Kam Tin North OZP
<b>Appendices III-1 to III-4</b>	Public comments received during the statutory publication period
<b>Appendix IV</b>	Advisory clauses
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Proposed Drainage Plan
<b>Plan A-1</b>	Location Plan with Similar Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to 4b</b>	Site Photos

**PLANNING DEPARTMENT  
AUGUST 2019**