

RNTPC Paper No. A/YL-MP/277
For Consideration by
the Rural and New Town
Planning Committee
on 1.2.2019

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-MP/277

- Applicant** : New Market Development Limited
- Site** : Lot 47 RP (Part) in D.D. 101, Mai Po, Yuen Long
- Site Area** : 11,530m²
- Lease** : Block Government Lease (demised for agricultural use) (no structures are allowed to be erected without the prior approval of the Government)
- Plan** : Approved Mai Po & Fairview Park Outline Zoning Plan (OZP) No. S/YL-MP/6
- Zoning** : “Conservation Area” (“CA”)
- Application** : Proposed Temporary Agricultural Use (Farming) 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 agricultural use (farming) for a period of 3 years (**Plan A-1**). According to the Notes of the OZP, ‘Agricultural Use (Fish Pond Culture only)’ is a Column 1 use which is always permitted whilst there is no provision for ‘Agricultural Use (Farming)’ within “CA” zone. Nevertheless, temporary use or development of any land or building not exceeding a period of three years require planning permission from the Town Planning Board (the Board), notwithstanding that the use or development is not provided for in terms of the OZP.
- 1.2 The Site is subject of 3 previous applications with 2 on larger sites (Nos. A/DPA/YL-MP/12 and 31) for proposed residential developments. The last Application No. A/YL-MP/252 on a smaller site for proposed temporary agricultural (farming) use submitted by the same applicant for the same use was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 13.1.2017 for a period of 3 years (**Plan A-1**). All approval conditions had been complied with.
- 1.3 The Site is currently partly used for the applied agricultural (farming) use and

partly vacant. According to the applicant, the application is for an extension of the previously approved temporary agricultural use (farming) under Application No. A/YL-MP/252 to the north covering a larger site. Except for an extension in the site area (from about 2,440m² to 11,530m²) and farming area (from about 1,000m² to about 5,400m²), the proposed parameters are essentially same as the previously approved scheme under Application No. A/YL-MP/252, as summarized in the following table:

Major Development Parameters	Last Application No. A/YL-MP/252 (a)	Current Application A/YL-MP/277 (b)	Difference (b) - (a)
Site Area	About 2,440m ²	11,530m ²	+About 9,090m ²
No. of Structures	4 (including three containers for caretaker's room, storage of tools/fertilizer, seedling germination area and a mobile toilet)	Same	-
Total Floor Area	46.5625 m ²	Same	-
Height of Structures	1 storey / 2.5 - 2.6 m	Same	-
Capacity	Not to exceed 50 persons per day	Same	-
Farming area	Max. 50 small parcels About 1,000 m ²	About 5,400 m ²	+About 4,400 m ²
Shuttle Service (28-seater coach from Kam Sheung Road MTR station)	Operate on: Saturdays (4 trips at 9am and 12 pm to the Site and 2pm and 5 pm from the Site), Sundays (2 trips at 2pm to the Site and 5pm from the Site)	Same	-
Natural or Landscape Buffer/Screening	4 - 5m along site boundary	Same	-

1.4 According to the applicant, open field cultivation would be undertaken in the farming area and there will be no parcel configuration for the extended farming area in the northern portion. No paving is involved in the Site and the existing natural watercourse and wet grassland/marsh in the northern part of the Site will be kept untouched. A minimum of 4 - 5m of landscape screening or natural buffer from the adjoining river is proposed to provide a buffer from the adjacent river/pond (**Drawing A-1**). There is no provision for new access road, sewer, sewerage treatment facilities, earthworks or building works.

1.5 The Site is accessible at its south-east via Mai Po Road (**Drawing A-1 and Plan**

A-2). According to the submission, the proposed development is not open to the public and will be used by the company's staff only. There will be shuttle bus (28-seater) picking up/dropping off staff and their families from the Kam Sheung Road MTR station. The Site is also accessible by public light bus (PLB) and Kowloon Motor Bus (KMB) No. 76K.

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

- (a) Application Form received on 10.12.2018 **(Appendix I)**
- (b) Further Information (FI) received on 21.1.2019 in response to departmental comments with a revised layout plan **(Appendix Ia)**
- (c) FI received on 24.1.2019 with clarifications on the size of farming area and function of small rocks layer in the southern portion of the Site **(Appendix Ib)**
- (d) FI received in 29.1.2019 in response to comments from the Agriculture, Fisheries and Conservation Department (AFCD) **(Appendix Ic)**

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the appendix at **Appendix I**. They can be summarized as follows:

- (a) The nature of the proposed use is the same as the previously approved application. The proposed farm is not open to public and will be used by company's staff only. Same numbers of participants are given a larger pitch for farming. Previous sharing for each staff family 2m x 5m will be adjusted to cover the whole Site.
- (b) The application is for an extension to cover the remaining lot damaged by the Typhoon Mangkhut in September 2018. After the typhoon, most of the existing trees are either felled or seriously damaged. It is difficult to access the Site. The trees are decaying and creating nuisance to the surrounding environment in the vicinity.
- (c) The proposed use provides an opportunity for holistic and constructive management of the existing abandoned land. More native species would be planted to enhance the biodiversity.
- (d) The Site is located between village housing and the Mai Po Floodwater Pumping Station. The proposed temporary agriculture use is compatible with local environment and no worse-off to the current site condition. An irrigation channel is located nearby making the Site a good patch of land for agriculture use.
- (e) The existing small rock fragments in the southern portion of the Site (covered by the previous application) to be removed to address concern of AFCD.

- (f) A 5m buffer between the irrigation channel and the farming area will be kept and extended to cover the circumference of the Site. Similar to the existing farming area, there will be buffer planting proposed in order to avoid, if any, adverse impacts on the nearby fishponds. The project proponent is willing to continue with the screening plantation to cover the circumference. Native species trees will be planted to enrich the ecological function of this “CA” zone.
- (g) The proposed use will not create any nuisance and the Site would be properly managed.

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

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

According to the Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C), the Site falls within the Wetland Buffer Area (WBA). The relevant assessment criteria are summarized as follows:

- (a) the intention of the WBA is to protect the ecological integrity of the fish ponds and wetland within the Wetland Conservation Area (WCA) and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds; and
- (b) within the WBA, for development or redevelopment which requires planning permission, an ecological impact assessment (EcoIA) would need to be submitted. Some local and minor uses (including temporary uses) are however exempted from the requirement of EcoIA.

5. Background

The Site is not subject to any active enforcement action.

6. Previous Applications

- 6.1 The Site forms part of 2 previous Application Nos. A/DPA/YL-MP/12 and 31 on much larger sites for proposed residential developments. The applications were rejected by the Committee and the Board on review on 11.12.1992 and 15.7.1994 respectively mainly on consideration that the proposed developments were not in line with the planning intention for the area; the proposed building height was not in line with the low-density residential development in rural area; there is no sufficient information in the application to demonstrate that the proposed development would have insignificant impacts on environment, ecology, traffic, sewerage and drainage in the area including Mai Po Nature Reserve and Inner Deep Bay Area; and approval of the proposed development will set an undesirable

precedent for unco-ordinated conservation proposals leading to an eventual fragmentation of the natural habitat within area in the Deep Bay Buffer Zones.

6.2 The last application No. A/YL-MP/252 for the same proposed use as the current application but on a much smaller scale was approved by the Committee on 13.1.2017 for a period of 3 years. All approval conditions including those in relation to the submission of water supplies for firefighting and fire services installations (FSIs) proposal and the implementation of FSIs, and the submission and implementation of drainage and landscape proposals had been complied with.

6.3 Details of the application are summarized at **Appendix II**. The location is shown on **Plan A-1**.

7. **Similar Application**

There is no similar application within “CA” zone on the OZP.

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

8.1 The Site is:

- (a) partly used for agricultural use and partly vacant and covered with grass/trees;
- (b) accessible from Mai Po Road; and
- (c) within the WBA of Deep Bay Area.

8.2 The surrounding areas are mainly residential dwellings, ponds, parking of vehicles and pumping station:

- (a) to the west and north are active contiguous fish ponds within the WCA;
- (b) to the east is Mai Po Floodwater Pumping Station and further east are village areas of Mai Po Lo Wai and Mai Po San Tsuen, vehicles/container vehicles parks, open storage yard and unused land;
- (c) to the south and southwest are vacant and unused land, and works area of the proposed houses and wetland habitat development approved under Application No. A/YL-MP/229; and
- (d) to the southeast are residential dwellings, parking of vehicles and restaurant.

9. **Planning Intention**

The planning intention of the “CA” zone is to conserve the ecological value of wetland and fish ponds which form an integral part of the wetland ecosystem in the Deep Bay Area. The “no-net-loss in wetland” principle is adopted for any change in use within

this zone. The primary intention is to discourage new development unless it is required to support the conservation of the ecological integrity of the wetland ecosystem or the development is an essential infrastructure project with overriding public interest.

10. Comments from Relevant Government Departments

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

Land Administration

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

- (a) The Site comprises an Old Schedule Agricultural Lot 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 private land of Lot No. 47RP in D.D. 101 is covered by Short Term Waiver (STW) No. 4819 to permit structures for the purpose of “Temporary Agricultural Use (Farming)”.
- (c) The Site is accessible from Mai Po Road through Government land (GL). His office provides no maintenance work for the GL involved and does not guarantee any right-of-way.
- (d) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (e) Should planning approval be given to the application, the STW holder will need to apply to his office for modification of the STW conditions where appropriate. 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 of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application 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 LandsD.

Traffic

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

- (a) The Site is connected to the public road network via a section of a

local access which is not managed by Transport Department (TD). The land status of the local access road should be clarified with LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.

- (b) Should the application be approved, the following condition should be incorporated:

No vehicle is allowed to access the Site.

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

- (a) The proposed access arrangement should be commented by TD.
- (b) The applicant is reminded that there is an underground drainage pipe constructed under the Express Rail Link (XRL) project which is managed/maintained by Drainage Services Department (DSD) and should not be disturbed/damaged (**Plan A-2**).
- (c) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (d) HyD shall not be responsible for the maintenance of any access connecting the Site and Mai Po Road. The relevant departments will provide their comments, if any.

10.1.4 Comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD2-2, RDO, HyD):

The Site neither falls within any administrative route protection boundary, gazette railway schemes boundary, nor railway protection boundary of heavy rail systems. He has no comment on the subject from railway development viewpoint.

Environment

10.1.5 Comment of the Director of Environmental Protection (DEP):

- (a) Based on the information of the applicant, the proposed development is for the staff and families of the applicant to grow crops and plants under a registration system. The farm will not be opened to the public and there is no rental arrangement to outsider. He notes that the proposed development is accessible by an existing public road and there are no proposed new access road, sewage treatment facilities, earthworks nor building works

proposed. Based on the above information on the proposed development, he has no comment on the application.

- (b) Since the Site falls within an area zoned “CA” and located in the Deep Bay Buffer Zone, AFCD’s view should be sought on the clearance of the vegetation within the Site.
- (c) Due to the location of the Site, should there be any change to the proposed development, in particular that would lead to any recreational or residential uses, or would result in any new access roads, sewers, sewage treatment facilities, earthworks, dredging works and building works, the applicant should contact DEP to confirm whether the proposed change would involve any designated project under the Environmental Impact Assessment (EIA) Ordinance, before its construction and operation. The applicant should also be informed that environmental permit is required for the construction and operation of the designated projects specified in Schedule 2, Part I of the EIA Ordinance.

Landscape

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

- (a) The Site, located to the east of Mai Po Lo Wai and Mai Po San Tsuen, falls within an area zoned “CA” on the OZP and within the WBA in accordance with TPB PG No. 12C. The Site is subject of 3 previous applications. The last planning Application No. A/YL-MP/252 for proposed temporary agricultural use (farming), to which he has no objection to the application, was approved by the Committee on 13.1.2017.
- (b) According to the aerial photo of 2018, the surrounding area of the Site comprises of fish ponds, village houses, tree groups and vacant lands. The proposed use is not incompatible with the landscape setting in the proximity.
- (c) According to his site visit conducted on 3.1.2019, the proposed temporary farming was already in place and under operation, existing trees of common species located in along southern boundary of the Site were generally in good condition; whilst, existing-trees of invasive exotic species, *Leucaena leucocephala*, were located at northern portion of the Site. As further adverse landscape impact arising from the same use is not anticipated, he has no objection to the application from landscape planning perspective.
- (d) In consideration that the proposed development is unlikely to cause adverse visual and landscape impacts, should the Board approve the application, he would suggest including the following

condition in planning approval:

The existing trees within the Site shall be maintained in healthy condition at all times during the approval period.

- (e) The applicant is reminded that any proposed tree felling shall be submitted to relevant authority for approval prior to commencement of works.

Nature Conservation

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

- (a) He notes the Site falls within WBA immediately adjacent to WCA. The southern portion of the Site is currently used for agriculture while the larger remaining portion is vacant and mainly overgrown with exotic trees and other vegetation of common species. In addition, a small northern part of the Site appears to encroach upon an existing natural watercourse and is currently a wet grassland/marsh.
- (b) Based on the applicant's submission, there would be no paving on the whole Site (with removal of existing rock fragments in the southern portion) and open cultivation will be conducted. The applicant also indicated that the proposed use would not involve any land / pond filling, land excavation, site formation or stream diversion while majority of the Site is proposed to be used as farming (open cultivation). Furthermore, the northern part would not be used for farming (as shown on the Layout Plan in **Drawing A-1**) and thus there will be no net loss in wetland habitats, and buffer planting is proposed in order to avoid adverse impacts on the nearby fishponds. In view of the above, he has no adverse comment on the application from nature conservation point of view.
- (c) Should the application be approved, to ensure that there will be no net loss in wetland habitats and as the applicant claimed that the northern part is not for farming, the following approval conditions should be imposed:
 - (i) no farming activity shall be undertaken outside the proposed farming area at the northern part of the Site covering the existing watercourse at all times during the approval period; and
 - (ii) no paving of land on the Site shall be undertaken at all times during the approval period.

Furthermore, the applicant should be advised to ensure that the

proposed agricultural use would not cause water pollution or disturbance to the nearby wetland habitats including the watercourse and fishponds to the north and west of the Site within WCA.

Drainage

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

- (a) He has no objection in principle to the planning application from drainage operation and maintenance point of view.
- (b) He notes that the applicant implemented the drainage facilities on site under previous planning application No. A/YL-MP/252. However, the site coverage of the previous application differs much from that of the present. In this respect, the applicant shall submit a drainage submission to demonstrate how he will collect, convey and discharge rain water falling onto or flowing to his Site. A clear drainage plan showing full details of the existing drains & the proposed drains (e.g. cover & invert levels of pipes/catchpits/outfalls and ground levels justifying waterflow etc.) with supporting design calculations & charts should be included. (Guideline on preparation of the drainage proposal is available in DSD homepage at http://www.dsd.gov.hk/EN/Files/Technical_Manual/dsd_guideline/Drainage_Submission.pdf). Should additional drainage works be required, the applicant is reminded that approval of the drainage proposal must be sought prior to the implementation of drainage works on site.
- (c) After completion of the required drainage works, the applicant shall provide DSD a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan for reference. DSD will inspect the completed drainage works jointly with the applicant with reference to the set of photographs.
- (d) The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas.
- (e) No public sewerage maintained by CE/MN, DSD is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained.
- (f) The applicant is reminded that the proposed drainage works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction.

- (g) The applicant should consult DLO/YL regarding all the proposed drainage works outside the site boundary in order to ensure the unobstructed discharge from the Site in future.
- (h) All the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage facilities on site under proper maintenance during occupancy of the Site.

Fire Safety

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

- (a) He has no objection in principle to the application subject to fire services installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposed temporary use, 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 applicant should also be advised on the following points:
 - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (ii) the location of where the proposed FSIs 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

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

- (a) As there is no record of approval by the Building Authority (BA) 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) Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of the Buildings Department (BD) should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with BO.

- (c) If the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of the BD, they are UBW under the BO and should not be designated for any proposed use under the application.
- (d) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.
- (e) 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.

Others

10.1.11 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 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, no environmental nuisance should be generated to the surroundings. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses.

District Officer's Comments

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

His office has no comment on the application and the local comments shall be submitted to the Board directly, if any.

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

- (a) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (b) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO)), CEDD;
- (c) Director of Electrical and Mechanical Services (DEMS);
- (d) Commissioner of Police (C of P);
- (e) Director of Leisure and Cultural Services (DLCS); and
- (f) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

11. Public Comments Received During Statutory Publication Period

On 18.12.2018, the application was published for public inspection. During the first 3 weeks of the statutory public inspection period, which ended on 8.1.2019, 3 public comments were received with 1 supporting comment from a Yuen Long District Councilor and 2 objecting comments from The Hong Kong Bird Watching Society and a member of the public. The objecting comments were concerned that the current type of urban farming was not an efficient use of arable land; the development was not in line with the planning intention of “CA” zone which sought to protect and retain the existing natural landscape and ecology; and the Site must be restored to its original form and function (**Appendix III**).

12. Planning Considerations and Assessments

12.1 The application is for proposed temporary agricultural use (farming) for a period of 3 years. The Site falls within “CA” zone which is intended to conserve the ecological value of wetland and fish ponds which form an integral part of the wetland ecosystem in the Deep Bay Area. The “no-net-loss in wetland” principle is adopted for any change in use within this zone. The primary intention is to discourage new development unless it is required to support the conservation of the ecological integrity of the wetland ecosystem or the development is an essential infrastructure project with overriding public interest. The Site is currently partly used for the applied agricultural (farming) use and partly vacant. According to the applicant, the proposed use involves mainly open field cultivation. No filling or excavation of land, paving and building work would be involved. The proposed temporary agricultural use is considered not entirely in conflict with the planning intention for conservation purpose.

- 12.2 The Site is located in a rural environment surrounded by utility use and village cluster to its east and south (namely, the Mai Po Floodwater Pumping Station, Mai Po San Tsuen and Mai Po Lo Wai, and some vacant land) (**Plans A-2 and A-3**). To its north and west are the fish ponds falling within WCA. The proposed agricultural use (farming) in form of open field cultivation will not encroach upon the existing watercourse at the northern portion of the Site. 4 low-rise structures (three containers and a mobile toilet of 1 storey / 2.5 - 2.6m high) were developed in accordance with previous planning permission (**Drawing A-1**). The proposed farming use is considered not incompatible with the surrounding developments.
- 12.3 According to the TPB PG-No.12C, the Site falls within the WBA which is intended to protect the ecological integrity of the fish ponds and wetland within the WCA and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds. Since the proposed temporary use would not involve any land/pond filling, excavation, site formation, paving of land, stream diversion or tree felling works, majority of the Site is proposed to be used as farming area for open field cultivation, while the northern portion covering the existing watercourse will not be disturbed, DAFC has no adverse comment on the application from nature conservation perspective. Other concerned Government departments including C for T, DEP, CTP/UD&L, PlanD, CE/MN, DSD and D of FS have no adverse comments on traffic, environmental, landscape, drainage and fire safety aspects respectively, and their technical concerns/requirements could be addressed by approval conditions as recommended in paragraph 13.2 (a) to (h) below.
- 12.4 3 public comments were received with 1 supporting and 2 objecting to the application. The objecting comments were concerned with efficient use of arable land, compliance with the planning intention of “CA” zone, and restoration of the original condition of the Site. The assessments above are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11, the Planning Department considers that the proposed temporary agricultural use (farming) could be tolerated for a period of 3 years.
- 13.2 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 1.2.2022. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no vehicle is allowed to access the Site during the planning approval period;
- (b) the existing trees within the Site shall be maintained in healthy condition at all times during the approval period;

- (c) no farming activity shall be undertaken outside the proposed farming area at the northern part of the Site covering the existing watercourse at all times during the approval period;
- (d) no paving of land on the Site shall be undertaken at all times during the approval period;
- (e) the submission of water supplies for firefighting 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 1.8.2019;
- (f) in relation to (e) above, the implementation of water supplies for firefighting and fire service installations 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 1.11.2019;
- (g) 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 1.8.2019;
- (h) in relation to (g) 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 1.11.2019;
- (i) if the above planning condition (a), (b), (c) or (d) 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 (e), (f), (g) or (h) is not complied with by the above 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 IV**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the development is not in line with the planning intention of the "CA" zone, which is primarily to conserve the ecological value of wetland and fish ponds which form an integral part of the wetland ecosystem in the Deep Bay Area and

discourage new development unless it is required to support the conservation of the ecological integrity of the wetland ecosystem or the development is an essential infrastructure project with overriding public interest. No strong planning justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis.

14. Decision Sought

14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission for the planning permission.

14.2 Should the Committee decide to approve the application, Members are invited to consider the approval conditions and advisory clauses, if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.

14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reasons for rejection should be given to the applicant.

15. Attachments

Appendix I	Application form received on 10.12.2018
Appendix Ia	Further Information (FI) received on 21.1.2019
Appendix Ib	FI received on 24.1.2019
Appendix Ic	FI received on 29.1.2019
Appendix II	Previous applications covering the Site
Appendix III	Public comments received during statutory publication period
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and 4b	Site Photos