

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-ST/567

- Applicant** : Mr. WONG Wai Ming represented by Mr. KWOK Chi Man Clement
- Site** : Lots 279 S.B RP (Part), 282 S.B RP, 283 S.B RP, 284, 285, 286, 287, 292, 293, 294, 295, 306 (Part), 307 S.A (Part), 307 S.B (Part), 308 S.A (Part), 308 RP (Part), 311 RP (Part), 313 RP, 314, 315, 316, 317, 318, 319, 320, 321 RP, 322, 323, 324, 325 RP, 328 RP, 329 RP, 330, 335 RP, 336 RP (Part), 338 RP (Part), 339 RP (Part) and 372 S.D RP (Part) in D.D. 99, and Adjoining Government Land (GL), San Tin, Yuen Long, New Territories
- Site Area** : About 13,825m² (including GL of about 226m² (about 2% of the Site))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved San Tin Outline Zoning Plan (OZP) No. S/YL-ST/8
- Zoning** : “Green Belt” (“GB”): 13,692m² (about 99%)
“Village Type Development” (“V”): 133m² (about 1%)
- Application** : Filling of Land for Permitted Agricultural Use

1. The Proposal

- 1.1 The applicant seeks planning permission for filling of land at the application site (the Site) for permitted agricultural use. According to the Notes of the OZP for “GB” and “V” zones, ‘Agricultural Use’ is a Column 1 use which is always permitted. While filling of land does not require planning permission within “V” zone, any filling of land within “GB” zone, including that to effect a change of use to any of those specified in Columns 1 and 2, requires planning permission from the Town Planning Board (the Board). The Site has been filled without obtaining planning permission. Majority of the Site is currently vacant with some portable planters and a few structures.
- 1.2 According to the applicant, the Site has already been filled with natural soil of not more than 1m to raise the site levels from 2.6mPD – 3.8mPD to 3.6mPD –

4.6mPD so as to align with its adjacent areas to prevent flooding and to facilitate farming. The proposed permitted agricultural use at the Site includes two green houses for hydroponic cultivation (893m²), 52 hydroponic plantation farm (about 5,200 m²) and plant growing area (about 1,500 m²) (**Drawing A-1**). As shown on **Plans A-1 and A-2**, the Site is accessible via Lok Ma Chau Road to the southwest of the Site.

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

- (a) Application form received on 7.1.2020 (Appendix I)
- (b) Letter received on 11.1.2020 (Appendix Ia)
- (c) Further information (FI) received on 23.1.2020 (Appendix Ib)
providing revised location and layout plans
(*exempted from publication*)
- (d) Further information (FI) received on 28.2.2020 (Appendix Ic)
providing clarifications on the site level of land
filling
(*exempted from publication*)

2. **Justifications from the Applicant**

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

- (a) The applied use does not violate the planning intentions of the “GB” and “V” zones, could better utilize land resources in the rural area, and is not incompatible with the surrounding land uses which are rural in character.
- (b) The applicant was not familiar with the Town Planning Ordinance and was unaware that the filling works require planning permission. The application is to regularize unauthorized developments (UD) at the Site for permitted agricultural use.
- (c) The ponds within the Site were not real ponds but were once farmland filled with water periodically for bloodworm raising. The aerial photos of Lands Department (LandsD) were taken during the bloodworm raising periods and parts of the Site have been mistaken as ponds. As bloodworm raising practice gradually diminished, the ponds shown on the aerial photos no longer existed. The Site has become soiled ground that is suitable for farming.
- (d) Extreme weather in recent years has caused soil erosion and water accumulation at the Site has turned it into a breeding ground for mosquitoes and the rugged surface makes it difficult to walk on. Eroded soil has also blocked the drainage channel. The land filling works at the Site is to rehabilitate the Site for arable land use and to facilitate dredging of the drainage channel.

- (e) Filling of land with natural soil of less than 1m is to align the site level with the surrounding area and to improve water storage capacity of the soil to a condition that is suitable for farming.
- (f) The Director of Agriculture, Fisheries and Conservation (DAFC) granted approval for the two proposed greenhouses in 2014. If planning approval is given to the application, the applicant would apply to the District Lands Officer/Yuen Long (DLO/YL) of LandsD for short term waiver (STW) for the temporary structures within the Site.
- (g) The plant growing area will grow plants for Government's greening works. The applicant will partner with major hydroponic plantation group in Hong Kong for practising hydroponics for the rest of the Site.
- (h) The applied use does not involve hazardous wastes or polluting materials, therefore would not cause any adverse ecological or environmental impacts. There would be no glare to the surrounding areas as no neon signs or lightings will be installed. The applicant will arrange waste collecting services and manage the Site properly to ensure good environmental hygiene. Local residents consulted had raised no objection.

3. Compliance with the "Owner's Consent/Notification" Requirements

The applicant is not a "current land owner" of the private land portion of the Site but has complied with the requirements as set out in the TPB 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 publishing newspaper notices. Detailed information would be deposited at the meeting for Members' inspection. For the GL portion, the "Owner's Consent/Notification" requirements are not applicable.

4. Town Planning Board Guidelines

Town Planning Board Guidelines for Application for Development within "GB" Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10)

- 4.1 TPB PG-No. 10 is relevant to this application and the relevant assessment criteria are summarized as below:
 - (a) There is a general presumption against development (other than redevelopment) in "GB" zone.
 - (b) An application for new development in a "GB" zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds.

- (c) The design and layout of any proposed development should be compatible with the surrounding area. The development should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, or cause any adverse visual impact on the surrounding environment.
- (d) The proposed development should not overstrain the capacity of existing and planned infrastructure such as sewerage, roads and water supply. It should not adversely affect drainage or aggravate flooding in the area.
- (e) The proposed development should not be susceptible to adverse environmental effects from pollution sources nearby such as traffic noise, unless adequate mitigating measures are provided, and it should not itself be the source of pollution.

Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C)

4.2 According to 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.
- (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 agricultural use) are however exempted from the requirement of EcoIA.

5. Background

A majority part of the Site within “GB” zone is subject to planning enforcement action against UD involving filling of land (**Plan A-2**) with Enforcement Notices (ENs) issued on 1.11.2019 and 11.12.2019 requiring discontinuation of land filling by 15.11.2019 and 25.12.2019 respectively. Reinstatement Notices (RNs) were subsequently issued on 21.11.2019 and 27.12.2019 requiring removal of the leftovers, debris and fill materials to the level of 3mPD on parts of the Site and grassing the area. If the RNs are not complied with, prosecution action may be taken.

6. Previous Applications

6.1 Part of the Site is subject of two previous applications (No. A/YL-ST/150 and 301) both for temporary public vehicle parks for private cars and lorries (the former also for container trailer/tractors) for periods of 3 years, which were rejected by the Rural and New Town Planning Committee (the Committee) of the Board on 10.11.2000 and dismissed by the Town Planning Appeal Board (the

Appeal Board) upon appeal on 22.5.2007 respectively. The main rejection reasons for rejection were that vehicle parks were not in line with the planning intention of the “GB” zone, were incompatible with the rural character of the surrounding area, there was insufficient information to demonstrate that the development would not have adverse drainage, traffic and landscape impacts on the surrounding areas, and approval of the applications would set undesirable precedents for other similar applications within the “GB” zone.

- 6.2 Details of the applications are summarized at **Appendix II** and their locations are shown on **Plan A-1**.

7. Similar Application

There is no similar application for filling of land within the same “GB” zone.

8. The Site and Its Surrounding Areas (Plans A-1 and A-2, aerial photo on Plan A-3 and site photos on Plans A-4a to A-4c)

- 8.1 The Site is:

- (a) filled and paved, and largely vacant with some portable planters and a few structures; and
- (b) accessible from Lok Ma Chau Road.

- 8.2 The surrounding areas are rural in character intermixed with unused land, cultivated farmland, plant nursery, village settlement, vehicle parks, open storage yard, and have the following characteristics:

- (a) to its north are cultivated farmland, a plant nursery, vacant residential structures, the village settlement of Pun Uk Tsuen, and vacant and unused land;
- (b) to its east are Chau Tau Tsuen Stormwater Pumping Station, cultivated land and the village settlement of Chau Tau Tsuen;
- (c) to its south across the Chau Tau West Road are unused land and a vehicle park approved under Application No. A/YL-ST/544; and
- (d) to its west across Lok Ma Chau Road are vehicle parks, open storage yard for construction materials approved under Applications No. A/YL-ST/497, 501, 542 and 543.

9. Planning Intention

- 9.1 The “GB” zone is intended primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption

against development within this zone. As filling of land/pond and excavation of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities.

- 9.2 The “V” zone is intended to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

10. Comments from Relevant Government Departments

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

Land Administration

10.1.1 Comments of the 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) No permission is given for occupation of GL of about 226m² in area (subject to verification) included in the Site. The act of occupation of GL without Government's prior approval is not allowed. With the implementation of the tightened arrangements for handling regularization applications, LandsD will no longer accept application for regularization of new or extension of unlawful occupation of GL or erection of new structures which is found commenced on or after 28.3.2017.
- (c) The Site partially falls within the Village Environs of Poon Uk Tsuen. According to his records, there is no Small House application being processed within the Site.
- (d) A small portion of the Site (Lot 372s.DRP (part)) is covered by several short term waivers (STW). 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. The applicant has to either exclude the remaining GL from the Site or apply for a formal approval prior to the

actual occupation of the remaining GL. Moreover, the lot owner(s) of the lot(s) without STW will need to apply to his office for permitting the structures to be erected or regularize any irregularity 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. 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 applications will be approved. If such applications are 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):

The Site is connected to Lok Ma Chau Road via a section of a local access which is not managed by Transport Department (TD). The land status of the local access should be clarified with LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access should be clarified with the relevant lands and maintenance authorities accordingly.

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

- (a) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads or exclusive road drains.
- (b) His advisory comments are at **Appendix IV**.

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

As the Site falls outside any administrative route protection boundary, gazetted railway scheme boundary or existing railway protection boundary of any railway systems, he has no comment on the application from railway development point of view.

Environment

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

- (a) He has no adverse comment on the application.
- (b) According to the application, the filling of land is for permitted agricultural use in the “GB” and “V” zones on the approved San

Tin OZP No. S/YL-ST/8 and no imported waste material would be involved in the land filling.

Nature Conservation

10.1.6 Comments from the DAFC:

- (a) The Site falls largely within “GB” zone with minor portions within “V” zone. The Site also falls entirely within the WBA. Based on past aerial photo, the Site was vegetated in March 2018, but is currently filled. It is noted that the Site is involved in unauthorized land filling, which has been detected by DEP in September 2019. CTP/CEP of PlanD has also issued ENs and RNs in November and December 2019. It appears that the applicant is trying to regularize the unauthorized land filling through the application.
- (b) Though he does not have sufficient on-site record/information of the Site before it was land-filled, according to the Environmental Impact Assessment report of the Planning and Engineering Study on Development of Lok Ma Chau Loop, the Site was identified as marsh. It appears that the filling of land would result (or had resulted, considering it had been filled) in loss of wetland within the WBA, which is not in line with the “no net loss” in wetland principle as stipulated in the TPB PG-No. 12C.
- (c) The Site possesses potential for agricultural rehabilitation. According to his record, an application for Letter of Approval for erecting agricultural structures at Lots No. 322 and 335 RP in D.D. 99 was received in November 2012. The applicant proposed to operate a hydroponic crop farm and erect two greenhouses. Since the proposed structures were directly related to the operation of the farm, he rendered his support to the application from agricultural point of view and forwarded the application to LandsD on 31.1.2013 for further processing and approval.
- (d) According to the application, the applicant proposes to use the Site for 3 types of farming activities:
 - (i) Cultivation of landscape plants on soil ground (1,500m²)
 - (ii) 2 greenhouse structures for hydroponic vegetables (529m² and 364m²)
 - (iii) 52 pieces of farmland for hydroponic vegetables (each of about 100m²)
- (e) The applicant claimed that filling of land is required to fill the land for better drainage in order to prevent flooding, as well as to improve the soil for cultivation. However, it is noted that the majority of the Site will be used for hydroponic crop cultivation,

which is a kind of soil-less cultivation, and less prone to flooding. It seems that the filling of land is not related to the hydroponic crop cultivation. Nevertheless, based on his site visit in November 2019, he estimates that the Site was substantially filled to about 1m or even more. The applicant should justify the need for the substantial filling of land for 1m, for hydroponic crop cultivation and cultivation of landscape plants.

- (f) Furthermore, the applicant should clarify if the 52 pieces of farmland used for hydroponic crop cultivation will be operated without structures and how.

Landscape

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

- (a) The Site, located to the west of Chau Tau West Road and east of Lok Ma Chau Road, falls mainly within an area zoned “GB” with minor portions within “V” zone on the approved San Tin OZP No. S/YL-ST/8, and falls within WBA under TPB PG-No. 12C. The Site is the subject of two previous applications No. A/YL-ST/150 and A/YL-ST/301 for temporary vehicle park for lorries and private cars and/or container trailer./tractor, to which he objected from the landscape planning perspective. Applications No. A/YL-ST/150 and A/YL-ST/301 were rejected by the Committee and the Board upon review on 10.11.2000 and 11.8.2016 respectively.
- (b) With reference to the aerial photos taken in 2018, 2013 and 2008, the Site is situated in an area of rural landscape character. There is a woodland to the north of the site, whilst a tree group is found to the south of the Site. It is considered that the proposed development is not incompatible with the landscape setting in proximity.
- (c) According to his site visit conducted on 20.11.2019, a large portion of the Site was already filled prior to the application and several existing trees together with temporary structures were found at the northern part of the Site. As observed from the site visit and the aerial photos of 2018 and 2013, the landscape environment of the site was gradually degraded by vegetation clearance and filling of land. With reference to the Planning Statement, no mitigation measure is proposed for the loss of landscape resources. There is a concern that approval of the application would set an undesirable precedent for other similar site modification in the immediate neighborhood prior to planning permission, and further degrade the landscape quality of the “GB” zone. He therefore objects to the application from the landscape planning perspective.

Fire Services

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

- (a) He has no specific comment on the application.
- (b) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Building Matters

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

- (a) There is no record of approval granted by the Building Authority (BA) for the existing structures at the Site and BD is not in a position to offer comments on their suitability for the use proposed in the application.
- (b) His advisory comments are at **Appendix IV**.

Drainage

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

- (a) He has no objection to the application from drainage operation and maintenance point of view.
- (b) The Site (in part) was under previous planning applications No. A/YL-ST/150 and 301 previously rejected on 10.11.2000 and 11.8.2006 respectively. Under the current application which is considered as a new case, should the application be approved, condition should be imposed to require the applicant to submit a drainage submission to demonstrate how he will collect, convey and discharge rain water falling onto or flowing to the Site. A clear drainage plan showing full details of the existing drains and the proposed drains (e.g. cover and invert levels of pipes/ catchpits/ outfalls and ground levels justifying waterflow, etc.) with supporting design calculations and charts should be included.
- (c) His advisory comments are at **Appendix IV**.

Others

10.1.11 Comments of the Chief Town Planner/Studies and Research, Planning Department (CTP/SR, PlanD):

- (a) According to the Broad Land Use Concept Plan (BLCP) of San Tin / Lok Ma Chau (STLMC) Development Node (DN) proposed under the Preliminary New Territories North Study and promulgated under the public engagement of Hong Kong 2030+ in Oct 2016, part of the Site falls within land proposed for ‘Cross Boundary Retail’ use. The application for land filling is considered not jeopardising the implementation of the BLCP.
- (b) The BLCP, the boundary and land uses of the DN are being reviewed and adjusted under the “Study on Phase One Development of New Territories North - San Tin / Lok Ma Chau Development Node - Feasibility Study” (STLMC Study). The STLMC Study was commissioned jointly by PlanD and Civil Engineering and Development Department (CEDD) in late September 2019. The Study will be followed by another study on detailed engineering assessments to support any subsequent OZP amendment.
- (c) The final recommendations of the STLMC Study are yet to be formulated. The application should be considered in accordance with the provision of the extant OZP, the prevailing land administration policy and Buildings Ordinance, as well as the capacity of infrastructure.

10.1.12 Comments of Project Manager (West) (PM(W)), CEDD:

His office has no objection to the application noting that part of the Site falls within the works limit of the “Development of Lok Ma Chau Loop – Main Works Package 1” project and would be resumed for the implementation of the project.

10.1.13 Comments of the Head of Geotechnical Engineering Office, CEDD (H(GEO), CEDD):

He notes the proposed land filling of about 1m high and has no adverse geotechnical comment on the application.

District Officer’s Comments

10.1.14 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 or no objection to the application:

- (a) Project Manager (North) (PM(N)), CEDD;
- (b) Director of Electrical and Mechanical Services (DEMS);

- (c) Director of Food and Environmental Hygiene (DFEH);
- (d) Director of Leisure and Cultural Services (DLCS);
- (e) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (f) Commissioner of Police (C of P).

11. Public Comments Received During Statutory Publication Period

On 14.1.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, eight public comments were received from Lok Ma Chau Pun Uk Tsuen Kai-fong Welfare Association, World Wide Fund for Nature Hong Kong, Kadoorie Farm and Botanic Garden Corporation, Hong Kong Bird Watching Society, Designing Hong Kong Limited and three members of the public (**Appendix III**), all objecting to the application. They were concerned that the applied use was not in line with the planning intention of the “GB” zone; there is a lack of direct access to the Site; the Site had been filled up to 2m in depth illegally by the applicant and approval of the application would legitimize the UD, set an undesirable precedent and encourage similar UD in the area; there would be potential soil contamination caused by the fill materials; the proposal would cause adverse ecological, landscape and traffic impacts; and not all concerned lot owners were informed of the land filling works at the Site.

12. Planning Considerations and Assessments

- 12.1 The application is for filling of land for permitted agricultural use at the Site. The Site falls mainly within an area zoned “GB” (about 99%) with minor portions within the “V” zone (about 1%). The “GB” zone is intended primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. Whilst agricultural use is always permitted within the “GB” and “V” zones, filling of land within “GB” zone is subject to planning permission as it may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment. The land filling has been carried out at the “GB” portion of the Site without planning permission. As pointed out by AFCD, the Site was vegetated in March 2018 according to aerial photo, but is currently filled. According to the TPB PG-No. 10, development in the “GB” zone should not involve extensive clearance of existing natural vegetation and affect the existing natural landscape, adversely affect drainage or aggravate flooding and slope stability in the area. It is considered that the filling of land at the Site is not in line with the planning intention of the “GB” zone and the TPB PG-No. 10 and the applicant has not provided strong planning justifications to merit a departure from the said planning intention and TPB PG-No. 10.
- 12.2 The application involves filling of land with a layer of natural soil of not more than 1m deep to raise the site level from 2.6mPD – 3.8mPD to 3.6mPD – 4.6mPD to align with its adjacent areas to prevent flooding and to facilitate agricultural use at the Site. The proposed permitted agricultural uses include two green houses

for hydroponic cultivation, a hydroponic plantation farm, and a plant cultivation area for landscape plants on soil ground. Although DAFC considered the Site possesses potential for agricultural rehabilitation and rendered his support for the two agricultural structures within the Site from agricultural point of view, the Site is involved in unauthorized land filling. The site condition has been substantially changed after the filling works, involving clearance of natural vegetation as shown in the aerial photo taken in 2018 (**Plan A-3**). As stated by DAFC, the applicant claimed that filling of land was required to fill the land for better drainage in order to prevent flooding and to improve the soil for cultivation, but it seems that the filling of land was not related to the hydroponic crop cultivation which is a kind of soil-less cultivation and less prone to flooding. The applicant fails to justify the need for the substantial filling of land for 1m for hydroponic crop cultivation and cultivation of landscape plants.

- 12.3 CTP/UD&L of PlanD objects to the application from the landscape planning perspective as he considers that a large portion of the Site had already been filled prior to the application, and the landscape environment of the Site was gradually degraded by vegetation clearance and the land filling works. No mitigation measure has been proposed for the loss of landscape resources. There is concern that approval of the application would set an undesirable precedent for other similar site modification in the immediate neighborhood prior to planning permission, and further degrade the landscape quality of the “GB” zone. The Site is subject to planning enforcement actions. Approval of the application may encourage similar UD in the area.
- 12.4 The Site falls within the WBA of the TPB PG-No. 12C and as pointed out by DAFC, the Site was identified as marsh according to the Environmental Impact Assessment report of the Planning and Engineering Study on Development of Lok Ma Chau Loop. DAFC considers that the filling of land had resulted in loss of wetland within the WBA, and is not in line with the “no net loss” in wetland principle as stipulated in the TPB PG-No. 12C.
- 12.5 There is no previous planning approval at the Site and within the same “GB” zone on the OZP for land filling for agricultural use. Approval of the application would set an undesirable precedent for similar applications in the “GB” zone and the cumulative effect of which would result in general degradation of the environment of the area.
- 12.6 There are 8 public comments received during the statutory publication period raising objection to the application. The planning assessments and departmental comments above are of relevance.

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 does not support the application for the following reasons:

- (a) the application is not in line with the planning intention of the “GB” zone and the TPB PG-No. 10 for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance in that the filling of land, which has been completed, involves clearance of natural vegetation, thereby adversely affecting the natural landscape; and
- (b) the approval of the application will set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such similar applications would result in general degradation of the environment of the area.

13.2 Alternatively, should the Committee decide to approve the application, no time clause for commencement of development is proposed as the land filling works under application have already been completed. The following conditions of approval and advisory clauses are suggested for Members’ reference:

Approval conditions

- (a) the submission and implementation of drainage proposal within **9** months to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **6.12.2020**; and
- (b) if the above planning condition (a) 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.

Advisory clauses

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

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 14.3 Alternatively, 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.

15. Attachments

Appendix I	Application Form received on 7.1.2020
Appendix Ia	Letter received on 11.1.2020
Appendix Ib	FI received on 23.1.2020

Appendix Ic	FI received on 28.2.2020
Appendix II	Previous Applications
Appendix III	Public Comments received during the 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 to A-4c	Site Photos

**PLANNING DEPARTMENT
MARCH 2020**