

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

**APPLICATION NO. A/KTN/104**

<b><u>Applicant</u></b>	: Civil Engineering and Development Department (CEDD), HKSAR Government
<b><u>Site</u></b>	: Government Land (GL) in D.D. 89 and D.D. 95, Kwu Tung, New Territories
<b><u>Site Area</u></b>	: About 12,400 m <sup>2</sup>
<b><u>Land Status</u></b>	: GL
<b><u>Plan</u></b>	: Approved Kwu Tung North Outline Zoning Plan (KTN OZP) No. S/KTN/4
<b><u>Zonings</u></b>	: (i) “Agriculture (1)” (“AGR(1)”) (84%) (ii) “Open Space” (12%) (iii) An area shown as ‘Road’ (4%)
<b><u>Application</u></b>	: Proposed Filling of Land/Pond for Site Formation Works for Permitted Agricultural Use

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed filling of land/pond for site formation works for permitted agricultural use at the application site (the Site). The Site is zoned “AGR(1)”, “O”, and an area shown as ‘Road’ on the approved Kwu Tung North OZP No. S/KTN/4 (**Plan A-1**). According to the Notes for the “AGR(1)” zone on the OZP, ‘Agricultural Use’ is always permitted, while filling of land or pond therein requires planning permission from the Town Planning Board (the Board). In the “O” zone and area shown as ‘Road’, the proposed filling of land/pond does not require planning permission from the Board<sup>1</sup>. In this regard, the planning permission sought under this application is for the proposed filling of land/pond for site formation works within “AGR(1)” zone only. The Site is

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<sup>1</sup> According to the applicant, the land/pond filling within the “O” zone is to prevent flooding. The works are regarded as geotechnical works co-ordinated or implemented by Government which are always permitted under the covering Notes of the OZP. The land/pond filling within the area shown as ‘Road’ is to match the existing road level with the planned ingress/egress of the future use of the Site which is also always permitted under the covering Notes of the OZP.

mostly covered by vegetation (**Plans A-4a to A-4b**), with portions in the fringe of the Site temporarily allocated to the applicant to carry out infrastructure works of Kwu Tung North New Development Area (KTN NDA), which is unrelated to the current application (**Plan A-2**).

- 1.2 According to the applicant, the Site will be filled to approximately +7.8mPD to form a platform for future development of a multi-storey building (MSB) wholly within the “AGR(1)” zone for a modernised livestock farm to facilitate the relocation of livestock farms affected by government development projects. The subject “AGR(1)” zone is not subject to any building height, plot ratio, or gross floor area restriction under the OZP, while the proposed MSB for livestock farm is regarded as ‘Agricultural Use’ which is always permitted in the zone. The proposed site formation works are targeted to commence in Q3 2024 for completion in 2025/26 for timely handover of the formed site to the Agriculture, Fisheries and Conservation Department (AFCD) to follow up with the livestock farm industry on the development of the MSB. To prevent flooding and match the existing road level immediately outside the planned ingress/egress of the future MSB, the proposed site formation works will also need to cover part of the adjacent “O” zone and an area shown as ‘Road’.
- 1.3 The major parameters of the proposed filling of land/pond for the whole Site (**Plans A1 and A2**) are summarised as follows:

	<b>Whole Site</b>	<b>Northern Portion</b>	<b>Southern Portion</b>
Area of Filling (m <sup>2</sup> )	12,400	1,800	10,600
Depth of Filling (m)	0-5.8	0 - 3.8	1.8 - 5.8
Existing Ground Level (mPD)	+2.0 - +8.0	+4.0 - +8.0 <sup>2</sup>	+2.0 - +6.0
Proposed Ground Level (mPD)	+7.8		
Type of Filling Materials	Compact Fill		

According to the applicant, construction vehicles for the proposed land/pond filling would only operate from 10:00 a.m. to 4:00 p.m., Mondays to Saturdays.

- 1.4 According to AFCD’s indicative scheme provided by the applicant, the future MSB to be built on the Site will be a pig farm of a six-storey high with height of 22.5m (3.75m per floor) and a total gross floor area of about 21,473 m<sup>2</sup>.

<sup>2</sup> The site formation works will also include minor adjustments to areas within the Site where the existing ground elevation exceeds the targeted formation level of 7.8mPD. According to the Notes of the OZP, excavation of land in the “AGR(1)” does not require planning permission from the Board.

- 1.5 The applicant has conducted various technical assessments, including Ecological Impact Assessment (EcoIA), Environmental Assessment (EA), Drainage Impact Assessment (DIA), Traffic Impact Assessment (TIA), Landscape Review Report (LRR), Geotechnical Planning Review Report (GPRR), Sewerage Impact Assessment (SIA), and Water Supply Impact Assessment (WSIA) for the proposed land/pond filling, with findings and recommendations included in the application. On the ecological aspect, precautionary and mitigation measures, including pre-construction surveys of egretty and night roost, monthly monitoring of egretty, good site practices, proper scheduling of construction activities, etc., are proposed. On the environmental aspect, mitigation measures including provision of screening area, construction of site drainage, good sites practices and use of quality powered mechanical equipment, etc. are proposed. The DIA demonstrates that no insurmountable drainage issue would be induced by the proposed filling of land/pond. On the traffic aspect, to avoid peak-hour traffic, the TIA proposes the construction vehicles to access the Site via a local track leading from Ho Sheung Heung Road during off peak hours. During the peak construction period, there would be a maximum of five medium goods vehicles per hour per direction. On the landscape aspect, no old and valuable tree or protected species have been identified in the Site. One tree with diameter at breast height (DBH) over 1000mm would be retained together with two other trees. Excluding 190 nos. of undesirable species, the rest of the trees affected by the construction works (i.e., 44 nos. of trees) are either common species or not suitable for transplantation and would be felled and compensated in a ratio of 1:1 in terms of number. Given that the Site would be mostly occupied by the future MSB, the majority of the compensatory trees will be planted in the KTN NDA as shown in **Drawing A-2**. All the technical assessments confirm that, with appropriate mitigation measures, no insurmountable adverse impact is anticipated from the proposed filling of land/pond. The proposed site formation plan and proposed tree compensation plans submitted by the applicant are shown in **Drawings A-1 to A-2**.
- 1.6 According to the applicant, CEDD was assigned as the works agent for the design and construction of the proposed site formation works. Upon completion of the site formation works, the Site will be handed over to AFCD to follow up with the livestock industry on the development of the MSB livestock farm based on the following arrangement preliminarily formulated by AFCD:
- (a) The Site will be made available to an agricultural organisation through an open application process so that the Government can evaluate and select the most suitable organisation to take over the development and operation of the Site. The selected agricultural organisation will be responsible for the construction, operation and management of the MSB pig farm on the Site. The organisation will need to meet the standards set by the Government for the design, construction and operational stages (e.g. building, environmental protection (including a supplementary EcoIA for the proposed MSB), and biosecurity standards, etc.);
  - (b) At the detailed design stage of the MSB pig farm, AFCD will invite relevant government departments to review the final design through a variety of means, which may include conditions imposed in the tenancy agreement and

funding agreement, and licence conditions imposed in relation to livestock keeping, public health and environmental protection. AFCD also will closely monitor the design (including the incorporation of bird-friendly design), construction and operational stages of the MSB;

- (c) As the proposed MSB pig farm is located within the Livestock Waste Control Area, the future operator would also need to obtain a Livestock Keeping Licence (LKL) under the Public Health (Animals and Birds) (Licensing of Livestock Keeping) Regulation, Chapter 139L. The LKL would normally impose requirements for meeting relevant environmental regulations, such as those under the Waste Disposal (Livestock Waste) Regulations (Chapter 354A) so as to ensure that the future operator of the MSB could also meet the necessary environmental requirements and standards for livestock waste management; and
- (d) The technical specifications and operational requirements for the MSB pig farm will also be appropriately set out in the tenancy agreement and license conditions to ensure that the future development will be operated and managed up to government standards and requirements.

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

- (a) Application Form with Planning Statement (PS) received (**Appendix I**) on 24.4.2024 and supplementary information (SI) received on 30.4.2024 and 2.5.2024
- (b) FI received on 17.6.2024 in response to departmental and (**Appendix Ia**) public comments enclosing a consolidated PS<sup>#</sup>

*<sup>#</sup>exempted from publication and recounting requirements*

*[PS received on 24.4.2024, and SIs and FI received on 30.4.2024, 2.5.2024, and 24.5.2024 have been superseded and not attached]*

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

The justifications put forth by the applicant in support of the application are detailed at **Appendix Ia** and summarised below:

### In Line with the Policy for Relocation and Modernisation of Livestock Farms

- (a) As stipulated in the Policy Address 2023 and “Blueprint for the Sustainable Development of Agriculture and Fisheries” published in December 2023, it is the Government’s policy to facilitate the relocation of the livestock farms affected by government development projects by identifying suitable government sites and making them ready with provision of basic infrastructure such as site formation, for relocation of livestock farms. The livestock farm in the form of MSB to be built on the Site will adopt modernised operation. Policy support has been obtained from the Development Bureau (DEVB) and Environment and Ecology

Bureau (EEB) for the proposed land/pond filling for site formation.

#### Optimised Fill Depths

- (b) The proposed fill depths for the Site range from 0m to 5.8m, which have been optimised having regard to flood prevention and site utilisation efficiency as supported by technical assessments.

#### No Significant Adverse Impacts

- (c) Technical assessments including EcoIA, EA, DIA, TIA, LRR, GPRR, SIA, and WSIA have been conducted on the proposal under this application. No significant adverse ecological, environment, drainage, traffic, landscape, geotechnical, sewerage, and water supply impacts are anticipated.

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

As the Site involves GL only, the “owner’s consent/notification” requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) is not applicable to the application.

### **4. Background**

- 4.1 With the implementation of various projects in the Northern Metropolis, an increasing number of existing livestock farms are being affected. Under the policy of the EEB to maintain steady livestock supply, an interdepartmental working group (“WG”) was formed by DEVB, EEB, AFCD and other concerned departments in 2022, which stipulated that the Government would assist the affected livestock farmers by identifying suitable government sites, and providing basic infrastructure such as site formation, water supply, electricity supply, road access and sewerage, etc. for relocation of the existing livestock farms to be progressively affected by land clearance over the next 20 years.
- 4.2 In accordance with Policy Address 2023, EEB published the “Blueprint for the Sustainable Development of Agriculture and Fisheries”. One of its initiatives is to embrace the opportunities arising from the Northern Metropolis and encourage all local livestock farms to switch to modernised operation in MSBs.
- 4.3 Taking into account the factors below, the Site is identified as one of the potential relocation sites for livestock farms in the form of MSB:
  - (a) within land use zoning where ‘Agricultural Use’ is a permitted use;
  - (b) within the Livestock Waste Control Area stipulated in Cap. 354;
  - (c) no sensitive uses in the buffer distance as required under the Hong Kong Planning Standards and Guidelines;

- (d) with adequate road access, electrical and water infrastructure, and potential connection to the existing (or planned) public sewerage system;
- (e) no other livestock farms within 500 m buffer distance for animal health and biosecurity reasons; and
- (f) no development pressure foreseen in the next 20 years or more.

4.4 The Site is not subject to any active enforcement action.

## **5. Previous Application**

There is no previous application for the Site.

## **6. Similar Application**

There is no similar application within the same “AGR(1)” zone, “O” zone, or area shown as ‘Road’ in the vicinity of the Site.

## **7. The Site and Its Surrounding Areas (Plans A-2 to A4)**

7.1 The Site is:

- (a) largely covered with vegetation, which may involve a dried-up pond according to the applicant’s submission at **Appendix Ia**, and the aerial photo at **Plan A-3**;
- (b) accessible from Ho Sheung Heung Road via a local track; and
- (c) portions of the Site are allocated to CEDD in connection with infrastructure works of KTN NDA for laying water mains (**Plan A-2**).

7.2 The surrounding areas are rural in character and intermixed with fallow agricultural land, domestic structures, storage yards, vehicle repair workshop, and unused land. To the south-west is Lo Wu Correctional Institution (LWCI). To the east is Sheung Yue River and Ng Tung River.

## **8. Planning Intention**

8.1 The planning intention of the “AGR(1)” zone which requires planning permission for the proposed land/pond filling under the OZP is intended primarily to retain and safeguard the agricultural land/farm/fish ponds for agricultural purposes and to serve as a buffer to give added protection to the Long Valley Nature Park (LVNP).

- 8.2 In “AGR(1)”, any filling of land/pond may cause adverse drainage and environmental impacts on the areas. Permission from the Board is required for such activities.

## **9. Comments from Relevant Government Bureaux/ Departments**

- 9.1 The following government bureaux/departments have been consulted and their views on the application are summarised as follows.

### **Policy Support**

#### **9.1.1 Comments of the Secretary for Development (SDEV):**

The Government has been taking forward various projects with a view to pressing ahead with the development of the Northern Metropolis. With the increasing number of projects being implemented, there is a rising number of livestock farms being affected. The Government set up a WG, comprising DEVB, EEB, AFCD and relevant departments, to formulate plans to facilitate the relocation of affected livestock farms, including making available sites for relocation by conducting site formation and providing basic infrastructure works. The WG identified the Site as a suitable relocation site for the subsequent development of a MSB for livestock farm. Upon completion of relevant site formation works, the Site will be handed-over to AFCD for follow up with the trade on the MSB development. DEVB thus render full support to this planning application for carrying out relevant site formation works at the Site, so as to meet the said policy objective.

#### **9.1.2 Comments of Secretary for Environment and Ecology (SEE):**

Since the proposed site formation works are necessary and supportive to future permitted agricultural use thereon (i.e. development of MSB livestock farm), which is in line with EEB’s policy objective to promote the sustainable development of livestock farms in multi-storey buildings that are environmentally-friendly and modern, policy support from EEB is given.

#### **9.1.3 Comments of Director of Agriculture, Fisheries and Conservation (DAFC):**

- (a) Promoting the use of modern and environmental-friendly MSBs for livestock farming is one of the policy initiatives outlined in both 2022 and 2023 Policy Addresses. It is also one of the directions set in the “Blueprint for the Sustainable Development of Agriculture and Fisheries” formulated by the EEB and the industries in 2023.
- (b) The adoption of multi-storey, environmental-friendly, and enclosed buildings for livestock farming would be beneficial within the industry. Operating in an intensive and modernised manner, this approach introduces technologies and automation equipment that

effectively address the environmental issues associated with traditional livestock farming.

- (c) The MSB setting for livestock farms also provides several key advantages, which include enhanced farming efficiency, conserving land, protecting the environment, and achieving sustainable operation and development. With the modern design and the advanced operating and monitoring technologies to be applied in MSB livestock farms, the animal health and biosecurity could also be improved, thereby enhancing the prevention and control of diseases.
- (d) Similarly, the modern technologies and automation equipment used in the MSB livestock farms can effectively resolve the environmental issues and problems arising from sewage and odor from livestock farming.

#### **Land Administration**

##### **9.1.4 Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):**

the Site falls on GL. A portion of it partially falls within land allocated to Project Manager (North), CEDD in connection with infrastructure works of KTN NDA.

#### **Nature Conservation**

##### **9.1.5 Comments of Director of Agriculture, Fisheries and Conservation (DAFC):**

- (a) From general natural conservation perspective, it is noted that potential ecological impacts arising from the construction and operation of the permitted agricultural use will be addressed in other regime, through appropriate conditions and requirements to be imposed for the future MSB as explained under paragraph 1.6 above. Thus, he has no major comment on the subject application from nature conservation perspective.
- (b) It is noted that the Site is about 470m from the LVNP and slightly encroaches on the Long Valley and Ho Sheung Heung Priority Site for Enhanced Conservation. Yet, the Site does not overlap with the project area of the current Management Agreement project at Ho Sheung Heung. In view of the distance of the Site from the LVNP, the small area of the Site, and the current developed area/wasteland nature of the area overlapped with the Priority Site, the relatively small scale of the proposed land/pond filling and the proposed precautionary and mitigation measures, he has no adverse comment on the application from the perspective of the LVNP and the Management Agreement project at Ho Sheung Heung.



- (c) It is noted that an EcoIA has been conducted regarding the proposed land/pond filling. According to the EcoIA, precautionary and mitigation measures were proposed, including detailed fauna survey, pre-construction surveys on egretty and night roost, proper scheduling of construction activities, monthly egretty and night roost monitoring, provision of screening, good site practice, and dust suppression measures etc. It is concluded that with the adoption of the proposed precautionary and mitigation measures, no adverse ecological impact would be anticipated. He has no comment on the conclusion from ecological perspective.

### **Environment**

#### 9.1.6 Comment of the Director of Environmental Protection (DEP):

- (a) It is noted that the current application relates to proposed land/pond filling activity only and the future MSB livestock farm does not form part of the subject application. Therefore, he has no adverse comment on the current application from environmental planning perspective.
- (b) The applicant should be reminded to strictly comply with all relevant environmental pollution control ordinances and adopt suitable mitigation measures and good site practices during site formation or land/pond filling works.
- (c) His other detailed comments are at **Appendix III**.

### **Drainage**

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

- (a) He has in principle no objection from drainage perspective.
- (b) Should the application be approved, the applicant shall submit a revised DIA for the Site to demonstrate that there would be adequate measures provided at the resources of the applicant to avoid the Site from being eroded and flooded and to ensure capacity of stream course and flooding susceptibility of the adjoining areas would not be adversely affected by the proposed development. The applicant is also required to assess in the revised DIA whether the downstream for drainage connection would have sufficient capacity to receive the storm water runoff. Flood mitigation measures proposed in the revised DIA and any other storm-water drainage facilities should be provided and maintained to the satisfaction of his department.

### **Traffic**

#### 9.1.8 Comments of the Commissioner for Transport (C for T)

- (a) He has no adverse comment from traffic engineering point of view.
- (b) His other detailed comments are at **Appendix III**.

### **Landscaping**

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

- (a) Impact on the existing landscape resources within the Site (i.e. mainly on the marsh/reed and existing trees) arising from the proposed land/pond filling is anticipated. According to the application, a total of approximate 237 trees have been surveyed, including 190 nos. of undesirable species (*Leucaena leucocephala*) (銀合歡). Three trees (i.e. a *Ficus microcarpa* (細葉榕) with DBH over 1000 mm and two other trees) would be retained. The rest of the trees (i.e. 44 nos.), which are common species and not suitable for transplantation, would be inevitably affected and proposed to be felled. Those trees proposed for compensation in a ratio of 1:1 in terms of number will be planted in an area near the Site as shown in **Drawing A-2**. In addition, trees and shrubs planting are proposed at areas zoned “O”.
- (b) With consideration of the proposed mitigation measures and that the Site to be formed is to facilitate future permitted agricultural use, he has no objection to the application from landscape planning perspective.
- (c) His other detailed comments are at **Appendix III**.

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

#### 9.1.10 Comments of the District Officer (North), Home Affairs Department (DO(N), HAD):

- (a) He has no comment from departmental view.
- (b) One North District Council (NDC) member supported the application.
- (c) The Chairman of Sheung Shui District Rural Committee, the Resident Representative of Ma Tso Lung (North), the Chairman of Fung Shui Area Committee and three NDC members had no comment.

9.2 The following government departments have no objection to or no comment on the application and their advisory comments (if any) are provided in **Appendix III**:

- (a) Chief Estate Surveyor/New Development Area, Lands Department (CES/NDA, LandsD);
- (b) Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (d) Director of Fire Services (D of FS);
- (e) Director of Leisure and Cultural Services (DLCS);
- (f) Director of Food and Environmental Hygiene (DFEH);
- (g) Director of Electrical and Mechanical Services (DEMS);
- (h) Commissioner of Correctional Services (C of CS); and
- (i) Commissioner of Police (C of P).

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

During the statutory public inspection period, five public comments from two individuals, and three green groups (i.e., Hong Kong Bird Watching Society, Conservancy Association, and Kadoorie Farm & Botanic Garden Corporation) were received (**Appendix II**). One individual expresses no comment. The other four comments object to the application on the grounds that (i) the proposed land/pond filling and the subsequent development of MSB livestock farm are not in line with planning intention and would induce adverse ecological and environmental impacts on the foraging ground for birds, disrupt/undermine the ecological connectivity of the wetland and bird flight paths, cause adverse drainage and water quality impacts on the surrounding active farmland managed under the Nature Conservation Management Agreement, and cause adverse landscape, traffic and air quality impacts; and (ii) there are inadequacies in the submitted EcoIA report; and (iii) there is no prior consultation with the green groups on the application and the future MSB livestock farm. Their comments are detailed in **Appendix II**.

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

11.1 The application is for proposed filling of land/pond (with depths of filling not more than 5.8m) for site formation for permitted agricultural use at the Site, which supports the relocation of livestock farms affected by the development of Northern Metropolis. DEVB, EEB, and DAFC support the application as it is in line with the government policy to facilitate the relocation of affected livestock farms; and promote the sustainable development of livestock farms in MSBs which are environmentally-friendly and modernised with key advantages of enhancing farming efficiency, conserving land, achieving sustainable operation and development, and resolving the environmental issues/problems such as sewage and odor commonly generated from traditional livestock farming.

11.2 The Site falls within “AGR(1)” and “O” zones, and an area shown as ‘Road’ (**Plan A-1**). The proposed filling of land/pond requires no planning permission for the portions in the “O” zone and the area shown as ‘Road’. The planning intention of

the “AGR(1)” zone is primarily to retain and safeguard the agricultural land/farm/fish ponds for agricultural purposes and to serve as a buffer to give added protection to the LVNP. Filling of land/pond in this zone is subject to planning permission as it may cause adverse drainage impact on the adjacent area and adverse impact to the nature environment. The proposed filling of land/pond is for site formation works to facilitate a permitted agricultural use (i.e., MSB livestock farm) in “AGR(1)” zone. While the future MSB livestock farm is confined to “AGR(1)” zone, to prevent flooding and match the existing road level immediately outside the planned ingress/egress of the future MSB, the proposed site formation works would need to extend to part of the adjacent “O” zone and area shown as ‘Road’. Since such works in the “O” zone and area shown as ‘Road’ is always permitted under the covering Notes of the OZP, planning permission sought in the current application is for the land/pond filling in the “AGR(1)” zone only. With the implementation of precautionary and mitigation measures including those proposed in the EcoIA (including pre-construction surveys of egretty and night roost, monthly monitoring of egretty, etc.) and DIA, DAFC and CE/MN of DSD have no comment/objection on the application from nature conservation and drainage perspectives. In this connection, the proposed filling of land/pond is considered in line with the planning intention of “AGR(1)” zone as it is to support agricultural use in the Site.

- 11.3 According to the applicant, the Site (12,400m<sup>2</sup>) will be filled with depths not more than 5.8m to form a platform at approximately +7.8mPD to facilitate the development of a MSB for a pig farm. The extent of works has been minimised, and other technical assessments undertaken have demonstrated that no adverse environmental, traffic, landscape, geotechnical, sewerage, and water supply impacts to the surrounding areas would be induced by the proposed filling of land/pond. Concerned government departments also have no adverse comment on/no objection to the current application.
- 11.4 The Site is situated in an area of rural landscape character intermixed with fallow agricultural land, unused land, domestic structures and some brownfield uses such as storage yards and vehicle repair workshop, with LWCI to its southwest. The building height of the indicative scheme of MSB livestock farm is about 30.3mPD<sup>3</sup>, which is comparable to the maximum building height of about 40mPD for the LWCI. The proposed development is therefore not incompatible with the surrounding environment. Besides, with consideration of the mitigation measures proposed, CTP/UD&L of PlanD has no objection to the application from landscape planning perspective. Other relevant government departments, including C for T, D of FS, and C of CS also have no adverse comment on/no objection to the application.
- 11.5 Regarding the public comments received, relevant government departments’ comments and the planning considerations and assessments above are relevant. As for the future MSB livestock farm, which does not form part of this planning application, AFCD has agreed to closely monitor its design (including the incorporation of bird-friendly design), construction and operation of the building. While no further planning application will be required, future operator of the MSB will have to meet the relevant standards set by the Government via tenancy

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<sup>3</sup> MSB livestock farm in height of 22.5m atop a platform of 7.8mPD, i.e., 30.3mPD

agreement and license conditions, such as environmental protection (including a supplementary EcoIA for the proposed building) and biosecurity standards, etc. during the design, construction and operation stages.

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

- 12.1 Based on the assessments made in paragraph 11 and having take into account the public comments in paragraph 10, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 21.6.2028, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval Conditions

- (a) the submission and implementation of precautionary and mitigation measures as identified in the ecological impact assessment before commencement of works to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the Town Planning Board;
- (b) the submission of a revised drainage impact assessment before commencement of the land/pond filling works on the Site to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (c) in relation to (b) above, the implementation of the flood mitigation measures and other storm-water drainage facilities as identified in the revised drainage impact assessment to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

### Advisory clauses

The recommended advisory clauses are at **Appendix III**.

- 12.3 There is no strong reason to recommend rejection of the application.

## **13. Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the 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 date when the validity of the permission should expire.

- 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 received on 24.4.2024
<b>Appendix Ia</b>	FI with Consolidated PS received on 17.6.2024
<b>Appendix II</b>	Public Comments
<b>Appendix III</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Proposed Site Formation Plan
<b>Drawing A-2</b>	Proposed Tree Compensation Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
JUNE 2024**