

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

**APPLICATION NO. A/NE-FTA/201**

- Applicant** : Hong Kong Chilled Meat & Poultry Association (HKCMPA) represented by Aikon Development Consultancy Limited
- Site** : Lots 471 S.B RP (Part), 472, 473, 474, 475, 476, 482 RP, 483, 484, 486, 487 RP, 497 S.A RP, 501, 502, 504 S.B, 505 and 506 S.B RP in D.D. 89 and Adjoining Government Land, Man Kam To Road, Sha Ling, New Territories
- Site Area** : 20,506 m<sup>2</sup> (about) (including about 1,903 m<sup>2</sup> of Government land)
- Land Lease** : (i) Block Government Lease (demised for agricultural use)  
(about 90.7% of the Site)  
(ii) Government land (about 9.3% of the Site)
- Plan** : Approved Fu Tei Au and Sha Ling Outline Zoning Plan (OZP) No. S/NE-FTA/16
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Cold Storage for Poultry and Distribution Centre for a Period of 3 Years with Filling of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary cold storage for poultry and distribution centre (CSDC) for a period of three years at the application site with filling of land for the necessary site formation works (**Plan A-1**). The Site falls within an area zoned “AGR” on the approved Fu Tei Au and Sha Ling Outline Zoning Plan (OZP) No. S/NE-FTA/16. According to the Notes of the OZP, temporary use not exceeding a period of three years within “AGR” zone requires planning permission from the Town Planning Board (the Board) notwithstanding that the use is not provided for under the Notes of the OZP. The Notes for the “AGR” zone also provides that filling of land<sup>1</sup> requires planning permission from the Board. The Site is mostly abandoned farmland with a watercourse traversing the Site from northeast to southwest direction (**Plan A-2**).
- 1.2 According to the applicant, the Site will be used for temporary storage of chilled meat and poultry imported from the Mainland. The proposed development with a total floor area of about 12,736 m<sup>2</sup> comprises two 2-storey structures with the building height (BH)

---

<sup>1</sup> Except for (i) laying of soil not exceeding 1.2 m in thickness for cultivation; or (ii) construction of any agricultural structure with prior written approval issued by Lands Department.

of about 10.4 m (i.e. Blocks 1 and 2) for cold storage areas (about 10,005 m<sup>2</sup>) and ancillary storage/office (about 2,545 m<sup>2</sup>) and two 1-storey structures for transformer room (about 180 m<sup>2</sup> and 6 m in height) and guard room (about 6 m<sup>2</sup> and 3 m in height) at the southern portion of the Site respectively (**Drawings A-1 to A-4**). The Master Layout Plan (MLP), section plan, floor plans, Landscape Master Plan (LMP), relevant landscape section plans, proposed footpath and proposed drainage layout plan submitted by the applicant are at **Drawings A-1 to A-10** respectively.

1.3 The major development parameters under current application are summarised as follows:

Site Area	About 20,506 m <sup>2</sup> (including about 1,903 m <sup>2</sup> of Government land)			
Plot Ratio	About 0.62			
Site Coverage	About 32%			
No. of Blocks	4			
	Block 1 (G/F & 1/F: Cold Storage Area)	Block 2 (G/F: Cold Storage Area; 1/F: Ancillary Storage/Office)	Transformer Room	Guard Room
Total Floor Area	About 12,736 m <sup>2</sup>			
Floor Area (about)	- 6,700 m <sup>2</sup>	- 5,850 m <sup>2</sup> (G/F: 3,305 m <sup>2</sup> for cold storage area; 1/F: 2,545 m <sup>2</sup> for ancillary storage/office)	- 180 m <sup>2</sup>	- 6 m <sup>2</sup>
No. of Storeys	2	2	1	1
Building Height (about)	10.4 m	10.4 m	6 m	3 m
Site Formation	Proposed Deck-over Area - 6,890 m <sup>2</sup> (about 33.6% of the Site)			
	Proposed Land Filling Area (from 0.5 m to 1.5 m in depth) - 5,810 m <sup>2</sup> (about 28.3% of the Site)			
No. of Loading/ Unloading Bays	34			
	Light Goods Vehicles ( 7 m x 3.5 m)		25	
	Heavy/ Medium Goods Vehicles (11 m x 3.5 m)		7	
	Container Vehicles (16 m x 3.5 m)		2	
No. of Parking Spaces	15			
	Private Cars (5 m x 2.5 m)		13 (including 1 disabled parking space)	
	Motorcycles (2.4 m x 1 m)		2	
Private Open Space (Drawing A-5)	About 984 m <sup>2</sup>			

- 1.4 The Site is accessible via Lo Wu Station Road to Man Kam To Road (**Drawing A-1 and Plan A-1**). According to the applicant, the proposed development would provide a temporary centralized CSDC for chilled poultry to cater for the need of the territory. Chilled poultrys imported from the Mainland will be unloaded at the Site for temporary storage at the Site before delivering to different places in Hong Kong for consumption. The proposed two cold storage structures (i.e. Blocks 1 and 2) are accessible through an internal road of at least 7.3 m wide (**Drawing A-1**) to facilitate a hygienic and efficient operation in distributing large quantity of chilled poultry. There will be no trading and food manufacturing activities to be carried out on the Site. The proposed development will be operating 24 hours a day, 7 days per week on a year-round basis. The main operating hours are from 9:00 a.m. to 8:00 p.m. and 11:00 p.m. to 3:00 a.m.
- 1.5 The existing watercourse (about 1.5 m (W) x 0.9 m (D)) (**Plans A-2 and A-4d**) running in a northeast to southwest direction in the middle of the Site will be maintained and not encroached. The Site will be partly decked over (about 33.6% of the Site) and partly filled with a range from 0.5 m to 1.5 m in depth (about 28.3% of the Site) to facilitate the proposed development to be constructed on an elevated platform at similar site levels ranging from + 6.0 to + 6.9 mPD (**Drawing A-1**). There would be a 1.2 m vertical gap between the proposed ground level and the structures (excluding an aboveground stormwater storage tank underneath Block 1) to allow clearing or maintenance of existing watercourse (**Drawing A-2**). The Site will be surrounded by landscaped area with an open space (about 984 m<sup>2</sup>) with seating benches proposed at the northeastern part of the proposed development (**Drawing A-1**). A 2.5 m high metal mesh fencing would be erected along the northeastern to southeastern boundary of the Site (**Drawing A-1**). Two existing footpaths of about 1.2 m wide each from northwest to southeast direction leading to Man Kam To Road (**Plan A-2**) would be closed while a proposed 5 m wide footpath of about 210 m in length beyond the metal mesh fencing is proposed along the northern edge of the Site (**Drawings A-1 and A-9**).

#### Technical Assessments

- 1.6 The applicant submitted various technical assessments in support of the planning application, including Traffic Impact Assessment (TIA), Environmental Assessment (EA), Sewerage Impact Assessment (SIA), Drainage Impact Assessment (DIA), Ecological Impact Assessment (EcoIA) and Tree Preservation and Landscaping Proposal (**Appendices Ia, Ib and Ic**).

#### *Traffic Impact Assessment (TIA)*

- 1.7 According to the submission, there would be 34 loading/unloading bays within the Site for light and heavy/medium goods vehicles and container vehicles, 13 private car parking spaces and 2 motorcycle parking spaces (**Drawing A-1**). An Emergency Vehicular Access (EVA) with minimum width of 7.3 m is also proposed on Site. The TIA assesses the existing and proposed traffic and pedestrian arrangement; appraises any possible traffic impact induced by the proposed development on the adjacent road network; and recommend traffic improvement measures.
- 1.8 The TIA indicates that there would be around 70 trucks of poultry every day with a total delivering capacity of more than 400,000 chilled poultry daily (i.e. around 200,000 chilled poultry imported from Mainland and around 200,000 chilled poultry for distribution to the territory for consumption). The maximum number of vehicular traffic to/from the

proposed development from 9:00 a.m. to 3:00 p.m. is 22 vehicles/hour while between 7:00 p.m. and 7:00 a.m. it would not exceed 6 trips per hour. The additional traffic trips related to the proposed development are considered insignificant and can be absorbed by the road network. Additional road markings, road signs, intermediate refuge island and revolving lights are proposed to ensure pedestrian safety.

- 1.9 To address the closure of the existing 1.2 m wide footpaths at the central and northern parts of the Site (**Plan A-2**), a 5 m wide footpath with lighting, greenery and benches is proposed for the villagers along the northern boundary of the Site connecting with Man Kam To Road via existing footbridges in the east (**Drawings A-5 and A-9**).

#### *Environmental Assessment (EA)*

- 1.10 The EA identifies and qualitatively assesses potential environmental impacts created by the proposed development during construction and operation stages in terms of air quality, noise, water quality, waste management and land contamination; and recommends appropriate mitigation measures. According to the applicant, the proposed development would not have any insurmountable environmental impact to the surrounding areas.
- 1.11 Since village settlements are found to the immediate northwest and southeast of the Site and there are potential noise sources from on-site movements of delivery vehicles/refrigerated collection vehicles, mechanical and electrical equipment and loading/unloading activities, the proposed development would follow relevant measures given in the EPD's latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Uses (CoP)" to minimize possible noise impact. Noise mitigation measures, including segments of barrier walls of 4 m to 7.8 m high facing the village settlements and 2 m high barriers on top of Blocks 1 and 2, extended canopies, side panels and acoustic mats at the loading/unloading bays; silencers to the water cooling towers; partial enclosure of water pumps; suitable orientation of the opening of enclosures; use of movable noise barriers during night time (i.e. 11 p.m. to 7 a.m.); and prohibiting use of a LGV parking space between Blocks 1 and 2 during night time are also proposed.

#### *Ecological Impact Assessment (EcoIA)*

- 1.12 According to the ecological field surveys conducted, the ecological impact arising from the proposed development on the watercourse and agricultural land within the Site is low. Flora and fauna species of ecological importance found within the Site include a floral species of *Aquilaria sinensis* (土沉香), two butterfly species of Grass Demon *Udaspes folus* (薑弄蝶) and Metallic Cerulean *Jamides Alecto* (素雅灰蝶), and one freshwater crab species of Freshwater Crab *S.Zanklon* (鐮刀束腰蟹). The ecological value of these species are considered low given the low abundance of the floral species and only a single individual was recorded for all three species respectively. No mitigation measure is required apart from impacts on water quality during construction phase. As such, no insurmountable ecological impact is anticipated from the proposed development.
- 1.13 A detailed survey is recommended to be conducted for the presence of any individual of *S.Zanklon* (鐮刀束腰蟹) prior to any site clearance or construction works. Detailed survey report and translocation proposal, if required, would be submitted for approval prior to commencement of construction works.

*Sewerage Impact Assessment (SIA) and Drainage Impact Assessment (DIA)*

- 1.14 The SIA and DIA assess the potential sewerage and drainage impacts arising from the proposed development. As there will be no selling, slaughtering or cleaning of chilled poultry/ meat on Site and no cooking/ kitchen to be provided on Site, the major source of wastewater will be limited to the sewage from toilets and floor cleaning water at the loading/ unloading area and loading platform.
- 1.15 The proposed internal u-channel and existing watercourse/ box culvert under the Lo Wu Station Road (**Drawing A-10**) would accommodate the peak runoff generated from the Site and surrounding catchments. The proposed development would be erected on an elevated platform decking over the existing watercourse to minimize the potential disturbance to the watercourse. To cater for additional runoff during the heavy rainstorm, an on-site aboveground stormwater storage tank with the capacity of about 3,350 m<sup>3</sup> underneath Block 1 is proposed as a temporary storage facility (**Drawing A-10**).

*Tree Preservation and Landscaping Proposal*

- 1.16 According to the submitted Tree Preservation and Landscaping Proposal (**Appendices Ia, Ib and Ic and Drawings A-5 to A-7**), no Old and Valuable Tree (OVT) and protected species are identified within the Site. Out of 244 trees including 59 outside and 185 within the Site being surveyed, 100 trees within the Site are proposed to be felled, 42 trees are proposed to be retained while 43 trees are proposed to be transplanted. The proposed development will also provide additional 352 heavy standard trees. One *Aquilaria sinensis* (土沉香) is identified at the southwestern part of the Site (**Plan A-2**). Since it is in sapling size, i.e. DBH less than 95 mm, it is not included in the tree survey but will be retained in the proposed planting areas (**Drawing A-5**). The proposed tree planting/vegetation area along the northwestern and southeastern boundary of the Site are shown in **Drawings A-1 and A-5**. Moreover, an open lawn with seating benches at the eastern portion of the Site will be provided for passive recreational use for the workers and the visitors (**Drawing A-5**). Upon expiry of the planning permission, the applicant undertakes to reinstate the Site and the landscaped area with trees would be retained as considered appropriate (**Appendix Ic**).
- 1.17 In support of the application, the applicant has submitted the following documents:
- |     |  |                        |
|-----|--|------------------------|
| (a) | Application Form received on 18.12.2020  | ( <b>Appendix I</b> )  |
| (b) | Further Information (FI) including a supplementary planning statement received on 9.4.2021 ^ | ( <b>Appendix Ia</b> ) |
| (c) | FI received on 18.5.2021 #   | ( <b>Appendix Ib</b> ) |
| (d) | FI received on 21.5.2021 #   | ( <b>Appendix Ic</b> ) |
- ^ accepted but not exempted from publication  
# accepted and exempted from publication
- 1.18 On 5.2.2021, the Committee decided to defer making a decision on the application for two months pending the preparation of FI to address the departmental comments. The applicant submitted FI on 9.4.2021, 18.5.2021 and 21.5.2021 (**Appendices Ia, Ib and Ic**). The application is scheduled for consideration by the Committee at this meeting.

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

The justifications put forth by the applicant in support of the application are detailed in the Supplementary Planning Statement and FIs at **Appendices Ia, Ib and Ic**. They can be summarised as follows:

- (a) the proposed development is to meet the long-term demand of members of the HKCMPA for having a proper large-scale site to handle the chilled poultry imported from the Mainland for the daily consumption in Hong Kong. The proposed development will handle about 200,000 chilled poultry per day including 100,000 chilled chickens, 45,000 cooked chickens, 35,000 geese and ducks and 20,000 squabs (i.e. representing about 95% of the territory import of chilled poultry from Mainland China);
- (b) the applicant has been looking for suitable land for a proper CSDC since the outbreak of Avian Influenza in 2003. There is limited land in the private market that could fulfil the site search criteria for the proposed use, including large site area, flat terrain and close proximity to the Man Kam To Boundary Crossing Facilities (**Plan A-1**). The applicant has taken efforts but fails to identify a suitable site in areas zoned as “Open Storage” or “Undetermined” with the abovementioned criteria;
- (c) whilst the applicant is still looking for a suitable site for a permanent centralized facility, given the imminent demand for a centralized facility of chilled poultry, developing the temporary facility at the Site to meet the demand is considered necessary;
- (d) the proposed development is in line with the long-term planning intention under the New Territories North Study of developing the area for the Man Kam To Logistic Corridor to provide, among others, area for storage, testing and certification of food before distribution;
- (e) the proposed development, to be used by 21 major chilled poultry operators and distributors, will be handling 95% of the imported chilled poultry from the Mainland for the daily consumption in Hong Kong and meet the increasing demand for cold storage;
- (f) the proposed development does not involve the selling of poultry in small/ large quantities to individuals, retailers or wholesalers;
- (g) the applicant undertakes to construct and maintain the proposed footpath of a minimum width of 5 m with lighting for the villagers (**Drawings A-1 and A-9**);
- (h) being away from the urban areas, the Site is a suitable location for the proposed development which is difficult to operate in conventional industrial buildings;
- (i) the maximum number of vehicular traffic to/from the proposed development during evening and night time periods would not exceed 6 trips per hour. During Ching Ming and Chung Yeung Festivals and their shadow weekends when road closures and special traffic arrangements at Lo Wu Station Road and Sha Ling Road are in place, the applicant undertakes that no vehicles will enter/exit the Site at specific hours informed by Government (i.e. 6:00 a.m. to 6 p.m.) and special arrangement including reshuffle of the delivery during these dates would be made (**Appendix Ib**);

- (j) the proposed development is compatible with the surrounding land uses and would not have adverse traffic, ecological, environmental, landscape, drainage and sewage impacts to surrounding area; and
- (k) for the domestic structures found on Site (**Plan A-2**), the applicant has obtained written consent from the concerned lot owner and there would be no adverse impact on the implementation programme of the proposed development (**Appendix Ia**).

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

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent / Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by sending a notice to the Ta Kwu Ling District Rural Committee and advertising on three local newspapers. For the adjoining Government land, TPB PG-No.31A is not applicable. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Background**

About 36.4 m<sup>2</sup> of land at the southeastern part of the Site (**Plan A-2**) is currently subject to planning enforcement action (No. E/NE-FTA/172) requiring reinstatement of the concerned area by removing the leftovers, debris and fill materials and grassing. This small portion of the Site is under monitoring and appropriate enforcement/prosecution action would be considered if the concerned area is not reinstated.

### **5. Previous Application**

The Site is not the subject of any previous application.

### **6. Similar Application**

There is no similar application for temporary cold storage for poultry and distribution centre within the “AGR” zone in the vicinity of the Site in the Fu Tei Au and Sha Ling area.

### **7. 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-4e**)**

7.1 The Site is:

- (a) with varying site levels ranging from + 4.5 to + 7.4 mPD from the southwest to northeast (**Plan A-2**);
- (b) mostly abandoned farmland covered with wild grasses except a small paved area at the southeastern corner;
- (c) found with scattered tree groups/ fruit trees and active farmlands;

- (d) traversed by a watercourse (about 1.5 m (W) x 0.9 m (D)) running in a northeast to southwest direction in the middle of the Site (**Plan A-2**);
- (e) a few temporary structures are located along the southeastern boundary of the Site;
- (f) accessible via Lo Wu Station Road leading to Man Kam To Road (**Plan A-2**); and
- (g) partly located within the consultation zone of Sheung Shui Water Treatment Works (**Plan A-1**).

7.2 The surrounding areas have the following characteristics:

- (a) to the west and northwest are the village cluster of Sha Ling (**Plan A-2**);
- (b) to the further northwest is the Sandy Ridge Cemetery (**Plan A-1**);
- (c) to the east are a few temporary domestic structures and Dongjiang Water Mains and across the Man Kam To Road are mainly some temporary domestic structures (**Plan A-2**); and
- (d) to the south and further south across Lo Wu Station Road are the Sha Ling Playground and some vacant land (**Plan A-2**).

## **8. Planning Intention**

The planning intention of the “AGR” zone is to primarily retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

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

9.1 The following Government bureau/departments have been consulted and their views on the application are summarised as follows:

### **Policy Support**

9.1.1 Comments of the Secretary for Food and Health (SFH):

- (a) the Food and Health Bureau (FHB) supports making available/ facilitating land for the trade to set up cold storage facilities specifically designated for handling chilled meat and poultry from the food safety policy perspective;
- (b) ensuring food safety and diversity of food supply are the policy objectives of the FHB. Currently, over 90% of the food in Hong Kong are imported. Insofar as imported chilled poultry is concerned, around 97% comes from



the Mainland via the Man Kam To Food Control Point. Imported chilled meat and poultry have to be temporarily stored in licensed cold stores if those products are not directly distributed to retail outlets or licensed food premises upon entering Hong Kong. Proper storage facilities are crucial for the industry to safeguard food safety and be compliant with the regulatory regime;

- (c) importers and distributors of chilled meat and poultry have long encountered genuine difficulties in competing with traders of other commodities in gaining access to the licensed cold storage facilities available in the market due to incompatibility of their operation with other commodities. As it is difficult to find a suitable venue to cater for the centralized facility for chilled poultry distribution in traditional industrial building, some importers have been using walk-in freezers on farmland or container yards for temporary storage of chilled meat and poultry, running the risk of contravention of the Food Business Regulation as well as putting food safety of the products at risk. This is highly undesirable;
- (d) in view of this, a planning application (No. A/YL-ST/483) for proposed temporary chilled meat and poultry storage facilities for a period of 3 years submitted by the FHB was approved with conditions by the Committee in March 2016. Under the approved scheme, a piece of Government land of about 3,110 m<sup>2</sup> in San Tin with total gross floor area of about 720 m<sup>2</sup>, providing parking spaces for 10 trucks/ 30 vans, was leased under open tender to a commercial operator for a term from 2016 to 2019 to build and operate a chilled meat storage facility. FHB subsequently understood from the operator that the site was too small for efficient operation of the proposed cold storage facilities, and the site was eventually returned to Lands Department for other use;
- (e) the applicant, HKCMPA, is supplying the vast majority of the chilled poultry from the Mainland to Hong Kong. It is noted that the applicant has been searching for a suitable site for providing cold storage facilities for quite a long period of time. Given that the site must fulfil specific requirements of the trade in regard to location and the trade operation, the current application is the applicant's best attempt to secure a site for cold storage that can well meet their requirements;
- (f) in view of the importance of a cold storage facility and distribution centre for chilled meat and poultry to food safety and diversity of food supply, genuine difficulty of the trade in identifying a suitable site for such facilities, and close proximity of the proposed site to the Man Kam To Food Control Facilities (MKTFCF), FHB supports the current application; and
- (g) as to the long-term need for a designated site for cold storage and distribution of chilled meat and poultry, FHB shares the need for identifying such a site and is considering the relevant requirements.

### **Land Administration**

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

- (a) the Site comprises the application lots and the adjoining Government land (GL). The lots are Old Schedule lot held under the Block Government Lease (demised for agricultural use). The applicant should make his own arrangement for acquiring access to the Site. The Government shall accept no responsibility in such arrangement and there is no guarantee that any adjoining GL will be allowed for the vehicular access to the Site for the proposed use;
- (b) according to the proposed development parameters, it involves land filling works and site formation works in connection with erection of structure(s) on/over part of the application lots and adjoining GL. The applicant is reminded to submit the site formation and building plans to Buildings Department for approval before commencement of the relevant works;
- (c) it is noted that:
  - (i) the existing watercourse on GL will be maintained and not encroached with elevated platform decking over it;
  - (ii) responsible Government department(s) will be allowed to enter into the Site for maintenance of the existing watercourse during the operation period in case of emergencies; and
  - (iii) the applicant undertakes to reinstate the Site upon expiry of the planning permission, if approved;
- (d) a Modification of Tenancy (MOT) No. 38862 was issued to Lot 497 S.A RP in D.D. 89 (**Plan A-2**) for the purpose of dwelling and shade. However, the existing parameters on Site appear not tally with those of his record. His office will investigate and take necessary action on the MOT if situation warrants;
- (e) some domestic structures have been detected on Lot 486 in D.D. 89 within the Site (**Plan A-2**). Those existing structures have been erected without approval by his office and they are not acceptable under the leases concerned. His office will not regularise them and reserves the right to take necessary enforcement action against the irregularities;
- (f) as portable toilets are proposed to be erected on Site, the applicant should note that any proposed toilet facilities should meet current health requirements and the relevant legislations;
- (g) according to the submission, there would also be tree felling and transplanting within the Site. For those affected trees within the application lots, the applicant is required to seek prior consents from the relevant lot owners and/or AFCD's prior comment as appropriate. For felling and/or

transplanting of trees on GL (if any), the applicant is required to seek prior approval of his office; and

- (h) should the application be approved, the owners of the lots concerned shall apply to his office for a Short Term Waiver (STW) and Short Term Tenancy (STT) covering all the actual occupation area and structures concerned, except the area covered by the domestic structures which will not be regularized by his office. The applications for STW and STT will be considered by Government in its landlord's capacity and there is no guarantee that they will be approved. If the STW/STT are approved, their commencement date would be backdated to the first date of occupation and they will be subject to such terms and conditions to be imposed including payment of waiver fee/rent and administrative fees as considered appropriate by his office.

### **Agriculture and Nature Conservation**

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

- (a) from the agricultural perspective, the Site is considered to have potential for agricultural rehabilitation, though whether there will be agricultural activities on a specific site will hinge on a lot of factors, such as the landowners' willingness to lease out their land for agricultural use;
- (b) having reviewed the submitted FI (**Appendix Ia**) and subject to the undertaking of the implementation of ecological mitigation measures as proposed by the applicant in paragraphs 1.12 and 1.13, she has no further comment on the application from nature conservation point of view; and
- (c) should the application be approved, an approval condition on the submission and implementation of the ecological mitigation measures before the commencement of works for the proposed development is recommended.

### **Landscape**

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

- (a) based on aerial photos of 2020 (**Plan A-3**), the Site is situated in an area of rural inland plains landscape character comprising abandoned agricultural land, clustered tree groups, temporary structures and village houses. As observed from the aerial photo, the Site is mostly covered by vegetation and some tree groups are observed in the central part of the Site. According to the Tree Preservation and Landscaping Proposal in the submitted FIs (**Appendices Ia, Ib and Ic**), 185 trees are identified within the Site of which 42 existing trees together with an *Aquilaria sinensis* (土沉香) in sapling size are proposed to be retained, while 100 and 43 existing trees of common species are proposed to be felled and transplanted respectively. The applicant proposes to plant 352 new trees of approximately 100 mm DBH along the northern and southern boundary and provide an open lawn with seating benches at the eastern portion of the Site for passive recreational use

for the workers and visitors. In view of the above, significant adverse impact on the existing landscape resources within the Site arising from the proposed development is not anticipated albeit the proposed development would bring forth some changes to the existing landscape character of the surrounding area; and

- (b) should the application be approved, an approval condition on the submission and implementation of landscape proposal is recommended.

### **Traffic**

#### 9.1.5 Comments of the Commissioner for Transport (C for T):

- (a) having reviewed the application and submitted FIs (**Appendices Ia, Ib and Ic**), he considers that the application can be tolerated from traffic engineering point of view;
- (b) the applicant is reminded that the operator of the proposed development should properly arrange their trucks to avoid the morning and afternoon peak periods and would provide the parking spaces and loading/ unloading bays as proposed; and
- (c) should the application be approved, approval conditions on the submission and implementation of traffic management measures are recommended.

#### 9.1.6 Comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD):

- (a) having reviewed the application and the submitted FI (**Appendix Ic**) that the box culvert area near the entrance of the Site would not be encroached, decked or fenced off, he has no further comment on the application (**Drawing A-1 and Plan A-2**);
- (b) the u-channel proposed along the site boundary should be designed that no surface run-off will flow from the Site onto the adjacent public road; and
- (c) should the application be approved, the applicant is required to construct a proper ingress/egress for the Site according to HyD Standard Drawings and upon termination of the proposed temporary use, the applicant is required to reinstate the ingress/egress to their original state and to his satisfaction at its own cost.

#### 9.1.7 Comments of the Chief Engineer/Lighting Division, Highways Department (CE/Lighting, HyD):

- (a) having reviewed the submitted FI (**Appendix Ib**), he has no further comment on the application;
- (b) Road Light GD0493 is located at the ingress/egress of the Site (**Plan A-2**). The applicant should liaise with his office for cable diversion work and/or modification work for existing public lighting facilities. The cost for the relevant work shall be funded by the project proponent;

- (c) the existing village lights (i.e. VG4579, VG4580, VG4581 & VG4582) and associated cables are identified at the existing footpath within the Site (**Plan A-2**), the construction and operation works associated with development should not cause any damage to the lights and associated cables. In addition, temporary lighting facilities should be provided at the reprovisioned footpath, as proposed by the applicant, to maintain adequate lighting levels thereat for the sake of safety for pedestrian; and
- (d) if the applicant considers the relocation of the village lights or/with the associated cables are necessary, the applicant should submit application to District Office (North) (DO(N)) or via his office in advance. His advisory comments are at **Appendix III**.

9.1.8 Comments of the Commissioner of Police (C of P):

- (a) having reviewed the submitted FI (**Appendix Ic**), he has no further comment on the application;
- (b) Lo Wu Station Road (i.e. entrance of the Site) and Sha Ling Road will be subject to road closure during the Ching Ming and Chung Yeung Festivals and their shadow weekends. It is noted that the applicant commits not to arrange vehicles entering/exiting the Site through Lo Wu Station Road during road closure hours; and
- (c) should the application be approved, the applicant should properly address the concerns raised by the nearby villagers.

**Food and Environmental Hygiene**

9.1.9 Comment of the Director of Food and Environmental Hygiene (DFEH):

- (a) the proposed temporary CSDC is subject to licensing control under the Food Business Regulation (Cap. 132X). The operator will need to apply to FEHD for a cold store licence to allow the structure to be used for cold store of chilled meat/ poultry. The proposed development would have to conform to the safety and hygiene requirements prescribed by law and other requirements applicable to the licensed cold stores;
- (b) if only storage of poultry under refrigeration in the proposed development without involving any sale of fresh commodities nor processing of food, a Cold Store Licence suffices. His other advisory comments are at **Appendix III**; and
- (c) it is noted that a footpath would be reprovisioned within the Site, the applicant is advised that maintenance of the proposed footpath open for use of the public should be taken up by relevant government department if the footpath is planned to be handed over to FEHD for street cleansing.

## **Environment**

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

- (a) having reviewed the submitted FIs (**Appendices Ia, Ib and Ic**), he considers that the revised Environmental Assessment (EA) and Sewage Impact Assessment (SIA) reports are technically in order and the proposed temporary development is not expected to generate adverse environmental impacts in terms of noise, water quality, waste management and land contamination. As such, he has no in-principle objection to the application from environmental planning perspective;
- (b) should the application be approved, approval conditions on the submission of revised EA and implementation of environmental mitigation measures identified therein etc., as proposed by the applicant, are recommended;
- (c) the applicant should also be reminded of his obligation to strictly comply with all environmental protection/pollution control ordinances, in particular Water Pollution Control Ordinance and Noise Control Ordinance, and to follow relevant measures given in the EPD's latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites (CoP)", ProPECC PN 1/94, ProPECC PN 5/93, Recommended Pollution Control Clauses for Construction Contracts and ETWB No. 5/2005 Protection of natural streams/ rivers from adverse impacts arising from construction works during construction and operation stages of the proposed development. The applicant should be reminded that necessary precautionary / pollution control measures should be put in place to prevent any pollution of nearby watercourse during construction and operation phases. His other advisory comments are at **Appendix III**; and
- (d) regarding the potential hazard to life arising from a Potentially Hazardous Installation (PHI), i.e. Sheung Shui Water Treatment Works (**Plan A-1**), he has no objection to the application from chlorine risk perspective.

## **Drainage**

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

- (a) having reviewed the submitted FIs (**Appendices Ia and Ib**), he has no objection to the application from public drainage viewpoint;
- (b) should the application be approved, approval conditions on the submission of revised DIA and implementation of a drainage proposal for the Site are recommended to ensure that the proposed development will not cause adverse drainage impact to the surrounding areas. His advisory comments are at **Appendix III**; and
- (c) the Site is in an area where no public sewer connection is available.

### **Fire Safety**

#### 9.1.12 Comments of the Director of Fire Services (D of FS):

- (a) he has no in-principle objection to the application subject to fire service installations (FSIs) and water supplies for firefighting being provided to the satisfaction of his department;
- (b) in consideration of the design/ nature of the proposed use, FSIs are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his satisfaction;
- (c) the applicant should be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSIs to be installed should be clearly marked on the layout plans; and
- (d) the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123) and if licence is required for the subject cold storage, detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority.

### **Water Supply**

#### 9.1.13 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) he has no objection to the application; and
- (b) since the Site is in close proximity to a DN2400 Dongjiang water main, his advisory comments are at **Appendix III**.

### **Building Matters**

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

- (a) formal submission under the Buildings Ordinance is required for any proposed new works, including any temporary structures and site formation works like filling works. Detailed comments under the Buildings Ordinance will be provided at building plan submission stage; and
- (b) his detailed advisory comments are at **Appendix III**.

### **Electricity Supply and Safety**

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

- (a) having reviewed the application and submitted FI, he has no comment on the application from electricity supply safety and regulatory services perspectives; and

- (b) however, in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the concerned Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

### **District Officer’s Comments**

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

- (a) he has consulted the locals regarding the application and the submitted FI. The 1<sup>st</sup> Vice-chairman of Ta Kwu Ling District Rural Committee, the incumbent North District Council (NDC) member of the subject constituency, Indigenous Inhabitant Representative (IIR) and Resident Representative (RR) of San Uk Ling and the Chairman of 打鼓嶺沙嶺村居民福利會 object to the application with an objection letter signed by 96 villagers mainly on the grounds that the proposed development is not in line with the planning intention of “AGR” zone and incompatible with the surrounding areas; the proposed development is a mega structure located immediate next to the village; the proposed operation hours would significantly affect the lifestyle of the villagers; extensive site formation works poses flooding risks and create adverse drainage impacts on the surrounding areas; adverse environmental impacts including noise and air are anticipated; and Man Kam To Road with high volume of traffic is incapable to cope with the additional vehicular trips induced by the proposed development;
- (b) the RR of Lo Wu has no comment on the application;
- (c) according to his record, the existing village lights (i.e. VG4579, VG4580, VG4581 & VG4582) within the Site (**Plan A-2**) were installed in 2019 under the Village Lighting Programme; and
- (d) the existing footpath is neither constructed nor maintained by his office. It is noted that a 5 m wide footpath would be reprovisioned to the north of the Site. He has no comment on the application. Noting there are local objections on the application, should the application be approved, the applicant is advised to liaise with the villagers to explain the details of the proposed development.



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

- (a) Project Manager (North), North Development Office, Civil Engineering and Development Department (PM(N), CEDD); and
- (b) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD).

## **10. Public Comments Received During Statutory Publication Periods (Appendix II)**

10.1 On 29.12.2020 and 16.4.2021, the application was published for public inspection. During the statutory public inspection periods, 55 public comments were received, in which 23 object, 30 support and 2 indicating no comment on the application.

### **Objecting Comments**

10.2 The 23 objecting comments are from Ta Kwu Ling District Rural Committee (TKLDRC) (1), Kadoorie Farm and Botanic Garden Corporation (2), WWF-HK (2), The Conservancy Association (1), The Hong Kong Bird Watching Society (1), Designing Hong Kong Limited (1), 打鼓嶺沙嶺村居民福利會 (2 submissions involved 106 and 96 signatures from the Sha Ling villagers respectively) and 13 villagers/ individuals. Their comments are summarized as follows:

- (a) the proposed development is not in line with the planning intention of “AGR” zone. The Site possesses high potential for rehabilitation for cultivation;
- (b) the proposed development is massive and incompatible with surrounding areas dominated by village houses. The village settlement would be seriously disturbed. Such development should be located in industrial area;
- (c) the proposed development to be operated 24 hours a day would cause adverse traffic, environmental (including air, noise and water pollution), ecological, drainage, visual and landscape impacts to the surrounding area;
- (d) the existing watercourse running within the Site is on Government land and shared by all villagers. The proposed development would cause a direct, permanent and irreversible loss of wetland habitats and watercourse and no mitigation/compensation measures are proposed in the submission;
- (e) there is potential adverse impact on the food arising from the nearby concrete batching plant and cement operation;
- (f) the proposed development would create nuisances and pose safety risk to villagers and worsen the already congested Man Kam To Road;
- (g) there had been unauthorized land filling works at the Site. Enforcement action against land filling on the Site has been taken. It is a “destroy first, apply later” case;

- (h) the proposed development would result in large scale landfilling activities and loss of agricultural land/ greenfield site leading to a general degradation of rural environment in Sha Ling area. It is highly questionable if the Site can be reinstated to original status which is suitable for farm rehabilitation in future; and
- (i) the approval of this application would set an undesirable precedent for similar applications.

10.3 One public comment submitted by a local resident within the Site (i.e. Lot 486) objects to the application on the grounds that he has not been consulted and adverse environmental and sewage impacts arising from the proposed development are anticipated.

#### Supporting Comments

10.4 The 30 supporting comments are from stakeholders of the cold storage industry and individuals. Their supporting grounds are as follows:

- (a) there is a genuine need for proper CSDC in Hong Kong since the outbreak of Avian Influenza;
- (b) there has been increasing demand for cold storage;
- (c) the Site is at a suitable location near the Man Kam To Control Point being away from residential area. The heavy goods vehicles with chilled poultry from Mainland would not need to travel to the urban areas;
- (d) the stakeholders have difficulties in operating cold storage facility in industrial buildings and the use of walk-in freezers on farmland or container yards for temporary storage of chilled meat and poultry would contravene the Food Business Regulation;
- (e) the proposed development would create job opportunities;
- (f) the proposed development would provide a legitimate premise for centralized distribution and inspection of the imported chilled meat and poultry upon entering Hong Kong; and
- (g) food safety can be guaranteed.

10.5 Two public comments from a NDC member indicate no comment on the application.

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

### Policy Support

11.1 The application is for a proposed temporary cold storage for poultry and distribution centre (CSDC) for a period of 3 years in an area zoned “AGR” on the OZP (**Plan A-1**). The application also involves partial filling of land (about 5,810 m<sup>2</sup> or 28.3% of site area) at the level ranging from about 0.5 m to 1.5 m for site formation of the circulation space and internal road within the Site. Whilst the applicant, currently supplying the vast

majority of the chilled poultry from the Mainland to Hong Kong, has spent effort in identifying suitable sites for CSDC, those possible sites were considered not suitable or impractical due to various issues such as area too small or located too far away from Man Kam To Food Control Facilities (MKTFCF) etc. The current application site is among the most suitable place in terms of its size and close proximity to the MKTFCF for the proposed CSDC for poultry. FHB acknowledges that there is a genuine operational need for a cold storage facility and distribution centre for poultry in Hong Kong in view of the importance of such facilities to food safety and diversity of food supply. Taking into account the operational need for chilled meat and poultry importers and distributors for a centralized CSDC, and there is no other readily available site to accommodate the proposed cold storage facility, FHB renders policy support for the proposed temporary CSDC at the Site. Nevertheless, the applicant should demonstrate in the submission the technical feasibility and environmental acceptability of the proposed development in support of his application to the satisfaction of relevant Government departments. Since the proposed development at the Site is temporary in nature, FHB acknowledges the need for identifying a suitable site to meet the long-term need of the trade.

#### Planning Intention

- 11.2 Whilst the proposed development is not in line with the planning intention of the “AGR” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes, DAFC advises that whether there will be agricultural activities on Site will hinge on a lot of factors, such as the landowners’ willingness to lease out their land for agricultural use, though the Site is considered to have potential for agricultural rehabilitation. Considering the genuine need for a centralized CSDC and the relevant policy support given by FHB, favourable consideration could be given taking into account that the importance of the proposed CSDC in ensuing food safety and diversity of food supply in Hong Kong. In any event, approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “AGR” zone.

#### Compatibility with Surrounding Areas

- 11.3 Having reviewed the submitted FI, CTP/UD&L of PlanD advises that significant adverse impact on the existing landscape resources within the Site arising from the proposed development is not anticipated albeit the proposed development would bring forth some changes to the existing landscape character of the surrounding area. Should the application be approved, approval conditions requiring the submission and implementation of landscape proposal are recommended. Upon the expiry of the planning permission, the applicant undertakes to reinstate the Site and the landscaped area with trees would be retained as appropriate.

#### Technical Assessments

##### Traffic Impact

- 11.4 The Site is accessible via Lo Wu Station Road (**Plan A-2**). Having reviewed the traffic information submitted by the applicant, C for T considers that that the application can be tolerated from traffic engineering point of view in terms of junction assessments of nearby road links, trips generation/ attraction, parking and loading/ unloading arrangements and

pedestrian safety measures. To compensate the closure of existing footpaths within the Site, a footpath with a minimum width of 5 m with lighting, greenery and benches is proposed along the northern boundary of the Site (**Drawings A-1, A-5 and A-9**) to serve the local villagers. The applicant undertakes to construct and maintain the footpath accordingly.

- 11.5 Having reviewed the submitted FI, C of P has no further comment on the application as the applicant undertakes that no vehicles will enter/exit the Site at specific hours during Ching Ming and Chung Yeung Festivals and their shadow weekends when road closures and special traffic arrangements at Lo Wu Station Road and Sha Ling Road are in place.

#### Environmental Impact

- 11.6 Having reviewed the submitted FIs, DEP has no in-principle objection to the application from environmental planning perspective as the revised Environmental Assessment (EA) and Sewerage Impact Assessment (SIA) reports are technically in order and the proposed temporary development is not expected to generate adverse environmental impacts in terms of water quality, waste management and land contamination. The applicant should be reminded to adopt the environmental mitigation measures and requirements as set out in ProPECC PN5/93, the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” and all relevant environmental protection/ pollution control ordinances.
- 11.7 In order to mitigate the traffic noise created by the goods vehicles, solid walls of 4 m to 7.8 m high are proposed along the periphery of the Site and to the southeast of Block 1 at the southern portion of the Site (**Drawing A-1**). However, the location(s)/ height(s) of the walls and the materials to be used as noise mitigation measures would be subject to the satisfaction of Director of Environmental Protection.

#### Drainage Impact

- 11.8 Subject to further detailed assessment and the implementation of drainage facilities including provision of an on-site aboveground stormwater storage tank and that the existing watercourse would only be decked over to maintain the water flow, CE/MN of DSD has no in-principle objection to the application and considers that the proposed development would not have insurmountable adverse drainage impact on the surrounding areas.

#### Ecological Impact

- 11.9 The existing watercourse (about 1.5 m (W) x 0.9 m (D)) in the central part of the Site runs in a northeast to southwest direction in the middle of the Site. According to the applicant, the ecological impact arising from the proposed development on the watercourse and agricultural land within the Site is low and hence no mitigation measure is required apart from impacts on water quality during construction phase. DAFC has no further comment on the application and FI from the ecological perspective as the applicant undertakes to conduct detailed survey and submit translocation proposal, if required, on the possible presence of any individual of *S.Zanklon* (鐮刀束腰蟹) prior to any site clearance or construction works.

- 11.10 Other relevant Government departments consulted, including DFEH, D of FS, CE/C of WSD, CBS/NTW of BD and DEMS, have no adverse comment on / no objection to the application.

#### Local Concerns and Public Comments

- 11.11 It is noted that the proposed development is supported by the stakeholders of the chilled poultry/meat industry. As for other local objections conveyed by DO(N) of HAD and adverse public comments mentioned in paragraphs 9.1.16 and 10, the relevant Government departments' comments and planning assessments above are relevant. With respect to the objection received from a local resident within the Site, it should be noted that the applicant has obtained written consent from the current land owner of Lot 486 in D.D. 89 (**Appendix Ib**) and has complied with the requirements as set out in the TPB PG-No. 31A. DO(N) of HAD has no comment on the application. Noting there are local objections on the application, should the application be approved, the applicant is advised to liaise with the villagers to explain the details of the proposed development.

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

- 12.1 Based on the assessments made in paragraph 11 and having taken into account local comments conveyed by DO(N) of HAD and the public comments in paragraph 9.1.16 and 10 above, the Planning Department considers that the proposed temporary use under application could be tolerated for a period of 3 years.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years until 28.5.2024. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### Approval Conditions

- (a) no part of the Site shall be filled up to a depth which exceeds the range from 0.5 m to 1.5 m, as proposed by the applicant;
- (b) only private car, light goods vehicle and medium goods vehicle not exceeding 9 tonnes, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to access the Site between 7:00 p.m. and 7:00 a.m. during the planning approval period;
- (c) no queuing of vehicle onto public road is allowed at any time during the planning approval period;
- (d) no public announcement system and loud speaker, as proposed by the applicant, are allowed to be used on the Site at any time during the planning approval period;
- (e) the provision of reprovisioned footpath on the Site, as proposed by the applicant, to the satisfaction of the Director of Planning or of the Town Planning Board;
- (f) the maintenance of the reprovisioned footpath on the Site, as proposed by the applicant, at all times during the planning approval period;

- (g) the submission and implementation of the ecological mitigation measures, as proposed by the applicant, to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the Town Planning Board;
- (h) the provision of boundary fencing on the Site, as proposed by the applicant, within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 28.2.2022;
- (i) the submission of the design of vehicular run-in/run-out to the Site within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 28.11.2021;
- (j) in relation to (i) above, the provision of vehicular run-in/run-out to the Site within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 28.2.2022;
- (k) the submission of traffic management measures, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 28.11.2021;
- (l) in relation to (k) above, the implementation of traffic management measures within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 28.2.2022;
- (m) the submission of a revised environmental assessment, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by 28.11.2021;
- (n) in relation to (m) above, the implementation of environmental mitigation measures identified therein within 9 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by 28.2.2022;
- (o) the submission of a revised drainage impact assessment, as proposed by the applicant, 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 28.11.2021;
- (p) in relation to (o) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 28.2.2022;
- (q) the submission of a landscape proposal, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 28.11.2021;
- (r) in relation to (q) above, the implementation of the landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board by 28.2.2022;

- (s) the submission of proposals for fire service installations and water supplies for firefighting 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 28.11.2021;
- (t) in relation to (s) above, the implementation of proposals for fire service installations and water supplies for firefighting 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 28.2.2022;
- (u) if any of the above planning conditions (a), (b), (c), (d) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (v) if any of the above planning conditions (e) or (g) is not complied with before the commencement of works, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (w) if any of the above planning conditions (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s) or (t) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (x) upon the expiry of the planning permission, the reinstatement of the Site to the satisfaction of Director of Planning or of the Town Planning Board.

#### Advisory Clauses

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

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

- the proposed temporary use under application is not in line with the planning intention of the "Agriculture" zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis.

### **13. Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant 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 period of which the permission should be valid on a temporary basis.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

**14. Attachments**

<b>Appendix I</b>	Application Form received on 18.12.2020
<b>Appendix Ia</b>	Further Information including a supplementary planning statement received on 9.4.2021
<b>Appendix Ib</b>	Further Information received on 18.5.2021
<b>Appendix Ic</b>	Further Information received on 21.5.2021
<b>Appendix II</b>	Public Comments
<b>Appendix III</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Master Layout Plan
<b>Drawing A-2</b>	Section Plan
<b>Drawings A-3 to A-4</b>	Floor Plans
<b>Drawings A-5 to A-7</b>	Landscape Master Plan and Section Plans
<b>Drawing A-8</b>	Details of Vertical Green Wall
<b>Drawing A-9</b>	Photomontage of Proposed Footpath
<b>Drawing A-10</b>	Proposed Drainage Layout 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-4e</b>	Site Photos

**PLANNING DEPARTMENT  
MAY 2021**