

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/772

<u>Applicant</u>	: Income Mall Limited represented by R-riches Property Consultants Limited
<u>Site</u>	: Various Lots in D.D. 107, Fung Kat Heung, Kam Tin, Yuen Long
<u>Site Area</u>	: About 5,525 m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Kam Tin North Outline Zoning Plan No. S/YL-KTN/9
<u>Zoning</u>	: “Agriculture” (“AGR”)
<u>Application</u>	: Temporary Place of Recreation, Sports or Culture (Hobby Farm and Caravan Holiday Camp) with Ancillary Canteen for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary place of recreation, sports or culture (hobby farm and caravan holiday camp) with ancillary canteen for a period of 3 years. According to the Notes of the OZP, ‘Place of Recreation, Sports or Culture (Horse Riding School, Hobby Farm, Fishing Ground only)’ is a Column 2 use within the “AGR” zone, which requires permission from the Town Planning Board (the Board) whilst caravan camp and eating place uses are neither Column 1 nor Column 2 use in the “AGR” zone. According to the covering Notes of the OZP, temporary use or development not exceeding a period of three years requires permission from the Town Planning Board, notwithstanding that the use or development is not provided for in terms of the OZP. The Site is currently mainly used for caravan holiday camp with a restaurant (**Plans A-2 to A-4b**). The restaurant is operating without planning permission.

- 1.2 The Site is the subject of four previous applications (Nos. A/YL-KTN/474, 520, 665 and 670) for temporary hobby farm (with/without caravan holiday camp) submitted by the same applicant (except for Application No. A/YL-KTN/670) as the current application. The last Application No. A/YL-KTN/670 for temporary place of recreation, sports or culture (hobby farm) was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 16.8.2019 for a period of 5 years up to 16.8.2024.
- 1.3 According to the applicant, the development involves 8 single-storey structures with building height of 3m to 4m and a total floor area of about 366m² for ancillary canteen (100m²), agricultural education room (100m²), kitchen of canteen (40m²), washroom (11m²), caretaker office (9m²), refreshment kiosk (15m²), agricultural education room (50m²) and rain shelter (41m²), as well as 10 caravan camps.
- 1.4 The major development parameters of the development as compared with the last approved Application No. A/YL-KTN/670 is shown in the table below:

Major Development Parameters	Last Approved Planning Application (No. A/YL-KTN/670) (a)	Current Application (b)	Difference (b)-(a)
Site area (m ²)	2,359	5,525	+3,166 (+134%)
Total floor area (m ²)	255	366	+111 (+44%)
No. of structures	3	8	+5 (+167%)
No. of caravans	5 (For farmer resting rooms)	10 (For holiday camp)	+5 (+100%)
Farm area (m ²)	1,207	2,785	+1,578 (+131%)
Caravan camp (m ²)	93	186	+93 (100%)
Area covered by structures	162	366	+204 (+126%)
Landscaping area (m ²)	Nil	901	NA
Sand/ Soil ground (m ²)	897	742	-155 (-17%)
Hard-paved area (m ²)	Nil	545	NA
No. of parking spaces			
- Private car	5	16	+11 (+220%)
- Loading/Unloading	1	1	Nil

According to the information provided by the applicant, the estimated maximum number of visitors at the Site is 42 per day. 16 private car parking spaces and 1 loading/unloading space for light goods vehicle will be provided. The Site is accessible from San Tam Road via Fung Kat Heung Road and a local track. The operation hours of the hobby farm and caravan are 24 hours daily including public holidays. The operation hours of the ancillary canteen are from 11:00 a.m. to 9:00

p.m. daily. No public announcement system, loudspeaker or audio amplifier would be used at the Site. The site layout and paved ratio plans submitted by the applicant are at **Drawings A-1 and A-2**.

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

- (a) Application Form with plans received on 20.5.2021 (**Appendix I**)
- (b) Further Information (FI) received on 5.7.2021 in (**Appendix Ia**)
response to departmental comments
[exempted from publication requirement]

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the application form, the plans and FI in **Appendices I and Ia**. They can be summarized as follows:

- (a) The applicant seeks to continue the hobby farm and caravan camp business to promote sustainable and organic farming in Kam Tin area. As no eating place is provided in Fung Kat Heung area, the provision of ancillary canteen is to bring convenience to its visitors and staff.
- (b) The proposed use is not incompatible with the surrounding land uses, and significant adverse traffic, environmental, landscape and drainage impacts are not anticipated. The development could optimize the development potential of precious land resource falling within “AGR” zone and would not frustrate the long-term planning intention of the “AGR” zone.
- (c) Large amount of space is reserved as farmland area for the use of visitors. The farming activity is similar to the always permitted agricultural use within the “AGR” zone. The applicant will reinstate the Site for agricultural purposes after the planning approval period.
- (d) The applicant will strictly follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department (EPD) to minimize adverse environmental impacts and nuisance to the surrounding area and the Professional Persons Environmental Consultative Committee Practice Notes for sewerage treatment. Vehicles exceeding 5.5 tonnes will be prohibited to park at the Site.

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 posting site notice and sending notice to the Kam Tin

Rural Committee by registered post. Detailed information would be deposited at the meeting for Members' inspection.

4. Background

The Site is currently not subject to planning enforcement action.

5. Previous Applications

The Site is the subject of four previous applications for temporary hobby farm (the last two with caravan holiday camp) submitted by the same applicant (except No. A/YL-KTN/670) as the current application. The applications (all without ancillary canteen) were approved with conditions by the Committee between 2015 and 2019 for a period of 3 years mainly for the reasons that temporary approval would not frustrate the long-term planning intention of the "AGR" zone; the proposed use was not incompatible with the surrounding land uses; the proposed development would unlikely cause significant adverse environmental, traffic, landscape or drainage impacts; and concerned departments had no objection to the applications. Application No. A/YL-KTN/474 was revoked in 2016 due to non-compliance with approval conditions. Application No. A/YL-KTN/665 was approved on 5.7.2019 and the planning permission is valid until 5.7.2022. Approval condition on submission of fire service installations (FSIs) proposal has been complied with. For the last Application No. A/YL-KTN/670 approved on 16.8.2019, the planning permission is valid until 16.8.2024. Approval conditions on submission of drainage and fire service installations (FSIs) proposals have been complied with. Details of the previous applications are summarized in **Appendix II** and their locations are shown on **Plan A-1**.

6. Similar Applications

- 6.1 There are 23 similar applications for temporary hobby farm (three with caravan camp but none with ancillary eating place) on 15 sites in the vicinity of the Site within the same "AGR" zone on the Kam Tin North OZP. Except Application No. A/YL-KTN/394, all the similar applications were approved with conditions by the Committee between 2016 and 2021. Details of these applications are summarized in **Appendix III** and their locations are shown on **Plan A-1**.

22 Approved Applications

- 6.2 22 applications for temporary hobby farm (three with caravan holiday camp) were approved between 2016 and 2021 mainly for similar reasons as set out in paragraph 5 above. However, the planning permissions for eight of them were revoked due to non-compliance with approval conditions.

1 Rejected Application

- 6.3 Application No. A/YL-KTN/394 for proposed temporary field study/education centre and hobby farm for a period of 5 years was rejected by the Board on review in 2013 mainly on the grounds that the site was the subject of unauthorized land

filling and the fill material was not suitable for cultivation; there was no detailed information regarding the design and operation of the proposed development; the applicant failed to demonstrate that the development would not generate adverse landscape and drainage impacts on the surrounding areas; and approving the application would set an undesirable precedent and the cumulative effect of which would result in general degradation of the rural environment of the area.

6.4 There is no similar application for canteen use in the same “AGR” zone.

7. The Site and Its Surrounding Areas (Plans A-2 to A-4b)

7.1 The Site is:

- (a) partly paved and used for hobby farm and caravan holiday camp with a restaurant (the hobby farm and caravan holiday camp has valid planning permission); and
- (b) accessible from San Tam Road via Fung Kat Heung Road and a local track.

7.2 The surrounding areas are rural in character predominated by cultivated agricultural land, residential structures/dwellings, storage yards, parking of vehicles, hobby farm and vacant/unused land (**Plan A-2**):

- (a) to its north, east and south are cultivated agricultural land, residential structures/dwellings, storage yards, parking of vehicles and vacant/unused land. The land used for open storage/storage yard on the immediate south are covered by valid planning permissions for temporary hobby farm and animal boarding establishment; and
- (b) to its west and northwest across Mei Fung Road are parking of vehicles, hobby farm, residential structures/dwellings and storage yard.

8. Planning Intention

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

9. Comments from Relevant Government Departments

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

Land Administration

9.1.1 Comments of the District Lands Officer, Yuen Long, Lands Department

(DLO/YL, LandsD):

- (a) The Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) Lot 926 RP in D.D 107 is covered by Short Term Waiver (STW) No. 4477 to permit structures erected thereon for the purpose of “Temporary Hobby Farm”.
- (c) Should planning approval be given to the application, the STW holders will need to apply to his office for modification of the STW conditions where appropriate. The owner(s) of the lot(s) without STW will need to apply to his office to permit the structures to be erected or regularize any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by LandsD acting in the capacity as the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by the LandsD.

Traffic

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

- (a) He has no comment on the application from traffic engineering perspective.
- (b) Should the application be approved, approval condition on no vehicle is allowed to queue back to or reverse onto / from public road at any time during the planning approval period should be included.
- (c) The Site is connected to the public road network via a section of a local access road which is not managed by Transport Department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.

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

- (a) Fung Kat Heung Road is not maintained by HyD. His department shall not be responsible for the maintenance of any access connecting the Site and San Tam Road.

- (b) Adequate drainage measures should be provided to prevent surface water running from the Site to nearby public roads and drains.

Agriculture

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

The Site falls within the “AGR” zone and possesses potential for agricultural rehabilitation. He has no strong view against the application for the proposed hobby farm use and caravan from agricultural point of view on the understanding that agricultural activities are involved in the proposed use and the Site will be reinstated upon the expiry of the planning permission. Noting that the Site is subject to a number of previous applications for similar use approved by the Board, he has no comment on the application from the nature conservation point of view.

Environment

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

- (a) There was no substantiated environmental complaint concerning the Site received in the past three years.
- (b) He has no objection to the application from the environmental planning perspective.
- (c) The applicant is advised:
 - (i) to follow the relevant mitigation measures and requirements in the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any potential environmental nuisance;
 - (ii) that no public announcement system or any form of audio amplification system is allowed to be used on the Site at any time during the planning approval period, as proposed by the applicant.
 - (iii) to control the oily fume and cooking odour emissions from the canteen, the applicant should follow “*Control of Oily Fume and Cooking Odour from Restaurant and Food Business*” (https://www.epd.gov.hk/epd/sites/default/files/epd/english/environmentinhk/air/guide_ref/files/pamphlet_oilfume_eng.pdf);
 - (iv) to provide adequate supporting infrastructure/ facilities for proper collection, treatment and disposal of waste/ wastewater generated from the proposed use. If septic tank

and soakaway system will be used in case of unavailability of public sewer, its design and construction shall follow the requirement of EPD's Practice Note for Professional perdon (ProPECC) ON 5/93 "*Drainage Plans subject to Comment by the Environmental Protection Department*" including percolation test; and

- (v) that it is the obligation of the applicant to meet the statutory requirements under relevant pollution control ordinances.

Landscape

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

- (a) He has no objection to the application from the landscape planning point of view.
- (b) Based on the aerial photo taken in 2019, the Site is situated in an area of rural inland plains landscape character comprising scattered tree groups, temporary structures and farmlands. According to the site inspection on 3.6.2021, the Site is fenced off with around 34 existing trees of common species and some caravan holiday camps in operation are parked within Site. The proposed development is considered not entirely incompatible with the surrounding landscape setting. Further significant impact on existing landscape resources within the Site arising from the development and filling of land is not anticipated.
- (c) His detailed comments on the landscape planning perspective are in **Appendix V**.

Drainage

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

- (a) He has no in-principle objection to the development.
- (b) Should the application be approved, conditions requiring the applicant to submit a drainage proposal including how the area with land filling will not adversely affect the overland flow across it and implement a drainage proposal and maintain the implemented drainage facilities should be included in the planning permission.

Fire Safety

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

- (a) He has no objection in principle to the proposal subject to fire service installations being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans.
- (c) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123) or licence is required under the Hotel and Guesthouse Accommodation Ordinance (HAGAO), Cap. 349, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority respectively.

Building Matters

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

- (a) As there is no record of approval granted by the Building Authority (BA) for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application.
- (b) Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on Site, prior approval and consent of the BA should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance.
- (c) His detailed comments on UBW, provision of access, temporary or licensed structures are at **Appendix V**.
- (d) Detailed checking under the BO will be carried out at building plan submission stage.

Food and Environmental Hygiene

9.1.10 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) Proper licence and/or permit issued by his department is required if there is any food business, catering service/ activities regulated

by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public.

- (b) If the proposal involves any commercial/trading activities, there should be no encroachment on the public place and no environmental nuisance should be generated to the surroundings. Its state should not be a nuisance or injurious or dangerous to health and surrounding environment. Also, for any waste generated from such activities/ operation, the applicant should arrange disposal properly at their own expenses.
- (c) His detailed comments on Food Business Regulation and licences are at **Appendix V**.

Licensing

9.1.11 Comments of the Director of Home Affairs (D of HA):

- (a) For the proposed temporary caravan holiday camp with provision of short-term sleeping accommodation at a fee, if their mode of operation falls within the definition of “hotel” or “guesthouse” under the Hotel and Guesthouse Accommodation Ordinance (Cap. 349) (“the HAGAO”), a licence under the HAGAO must be obtained before operation.
- (b) No valid licence application for the operation of a caravan holiday camp at the Site was received by the Office of the Licensing Authority (the “OLA”).
- (c) The applicant is strongly advised to observe the “General Licensing Conditions for Caravan Camp Site providing short-term sleeping accommodation” and “A Guide to Licence Applications for Guesthouse (Holiday Camp) - Caravan Camp Site under the Hotel and Guesthouse Accommodation Ordinance (Cap. 349)” available in the website of OLA. Particular attention should be drawn to the requirements of the site location as set out in paragraph 1.16 in the Guide.
- (d) For any structure which constitutes as “building works” or “building” under the BO to be included into the licence, the applicant should submit a copy of either an occupation permit issued by the Buildings Authority (BA) or a Certificate of Compliance issued by the LandsD when making an application under the HAGAO.
- (e) Detailed licensing requirements will be formulated upon receipt of application under the HAGAO.

Water Supplies

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

- (a) He has no objection to the application.
- (b) Existing water mains will be affected (**Plan A-2**). The cost of any necessary diversion shall be borne by the proposed development.
- (c) In case it is not feasible to divert the affected water mains, a waterworks reserve within 1.5m from the centerline of the water mains shall be provided to WSD. No structure shall be built or materials stored within the waterworks reserve. Free access shall be made available at all times for staff of the Director of Water Supplies and their contractor to carry out construction, inspection, operation, maintenance and repair works.
- (d) No trees or shrubs with penetrating roots may be planted within the waterworks reserve or in the vicinity of the water main.
- (e) Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site.

District Officer's Comments

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

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

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

- (a) Director of Leisure and Cultural Services;
- (b) Project Manager (West), Civil Engineering and Development Department;
- (c) Director of Electrical and Mechanical Services; and
- (d) Commissioner of Police (C of P).

10. Public Comments Received During the Statutory Publication Period

On 28.5.2021, the application was published for public inspection. During the three-week statutory publication period, two public comments were received from Kadoorie Farm and Botanic Garden Corporation and an individual (**Appendices IV-1 and IV-2**). They object to the application mainly on the grounds that the Site should be used for farming instead of recreation; and there are concerns on environmental, drainage and hygienic impact to the surroundings.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary place of recreation, sports or culture (hobby farm and caravan holiday camp) with ancillary canteen for a period of 3 years in the “AGR” zone. While 50% of the Site is proposed for farmland, the proposed use is generally not in conflict with the planning intention of the “AGR” zone. Caravan camp site is recreational use not directly related to agricultural activities. Nevertheless, according to the applicant, the proposed caravan camp site occupying only about 3.4% of the Site is for providing overnight accommodation to the hobby farm users. Furthermore, the canteen is ancillary facilities to support the operation of the hobby farm. DAFC, in this regard, has no strong view against the application from agricultural point of view. As such, it is considered that 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.
- 11.2 The proposed use is considered not incompatible with the surrounding areas which are rural in character intermixed with cultivated agricultural land, residential dwellings/structures and vacant land. Besides, there are a few temporary hobby farm applications (**Plans A-1 and A-2**) approved by the Committee in the vicinity and the implementation of which are in progress.
- 11.3 According to the applicant, the Site would be divided into 36 fields for farming and 10 caravan camp sites. The maximum number of visitors at the Site will be 42 per day. In view of the nature of the hobby farm, it would unlikely cause significant adverse environmental, traffic or drainage impacts to the surroundings. Relevant departments consulted including C for T, CTP/UD&L of PlanD, DEP, CE/MN of DSD and D of FS have no adverse comment on the application. To minimize any possible environmental nuisance, approval conditions restricting the operation hours of the canteen, type of vehicles and prohibiting the use of public announcement system at the Site are recommended in paragraphs 12.2 (a) to (c) below. Besides, the applicant will also be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”. The technical requirements of C for T, CE/MN of DSD and D of FS could be addressed by approval conditions in paragraphs 12.2 (d) to (i) below.
- 11.4 The Site is the subject of four previous temporary approvals for temporary hobby farm (with/without caravan) approved with conditions by the Committee between 2015 and 2019 for a period of 3 years. There are also 22 similar applications for proposed temporary hobby farm (two with caravan camp) within the same “AGR” zone approved by the Committee between 2016 and 2020. The circumstances of the only rejected application (No. A/YL-KTN/759) is different from the current one in that the site was subject of unauthorized land filling and the fill material was not suitable for cultivation. Approval of this application is in line with the Committee’s previous decisions.
- 11.5 Two public comments were received during the statutory publication period objecting to the application as stated in paragraph 10 above. In this regard, the departmental comments and planning considerations and assessments above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comments in paragraph 10, the Planning Department considers that the temporary 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 9.7.2024. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation for the ancillary canteen between 9:00p.m. and 11:00a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no public announcement system, portable loudspeaker or any form of audio amplification system is allowed to be used on the Site at any time during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the submission of a drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 9.1.2022;
- (f) in relation to (e) above, the implementation of the drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 9.4.2022;
- (g) in relation to (f) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) the submission of a fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 9.1.2022;
- (i) in relation to (h) above, the implementation of the fire service installations proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 9.4.2022;

- (j) if any of the above planning condition (a), (b), (c), (d) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (k) if any of the above planning condition (e), (f), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (l) upon expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

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

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

the proposed development is not in line with the planning intention of the "AGR" zone which is to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. This zone is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

13. Decision Sought

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

14. Attachments

- | | |
|--------------------|---|
| Appendix I | Application Form with plans received on 20.5.2021 |
| Appendix Ia | FI received on 5.7.2021 |

Appendix II	Previous applications covering the Site
Appendix III	Similar applications within the same “AGR” zone on the Kam Tin North OZP
Appendix IV-1 and IV-2	Public comments received during the statutory publication period
Appendix V	Advisory Clauses
Drawing A-1	Site Layout Plan
Drawing A-2	Paved Ratio Plan
Plan A-1	Location Plan with Previous and Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and 4b	Site Photos

**PLANNING DEPARTMENT
JULY 2021**