

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/781

<u>Applicant</u>	: Maison De Charlotte Pour Des Chats Et Des Chiens Sarl Limited (沙律貓狗之家有限公司) represented by Mr. TANG Lok San
<u>Site</u>	: Lot 949 (Part) in D.D. 107, Fung Kat Heung, Kam Tin, Yuen Long, N.T.
<u>Site Area</u>	: About 2,379m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/9
<u>Zoning</u>	: “Agriculture” (“AGR”)
<u>Application</u>	: Temporary Animal Boarding Establishment for a Period of 3 Years and Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary animal boarding establishment for a period of 3 years and filling of land. According to the Notes of the OZP, ‘Animal Boarding Establishment’ is a Column 2 use in the “AGR” zone, which requires planning permission from the Town Planning Board (the Board). Besides, filling of land in “AGR” zone requires planning permission from the Board. The Site is currently used for the applied use without planning permission (**Plans A-2 and A-4**).
- 1.2 According to the information provided by the applicant, the development involves five one-storey proposed structures and four one-storey existing structures with building height of not more than 3.5m and total floor area of about 859.82m² for animal boarding and ancillary storage uses. The tree preservation area of the Site will be about 223m² (about 9.4% of the Site). The remaining area of about 2,156m² (about 90.6% of the Site) is proposed to be filled with concrete by about 0.3m in depth (from 11.2mPD to 11.5mPD) for site formation associated works, provision of vehicular manoeuvring and car parking, and drainage discharge purposes. The operation hours will be from 8:00a.m. to 6:00p.m. daily (including public holidays) with 24-hour animal boarding services. Not more than 100 animals will be accommodated at the Site. All dogs will be kept indoor after business hours and the structures for animal boarding will be equipped with soundproofing materials and 24-hour mechanical ventilation and air-conditioning systems. A 2m high solid metal fence wall will be provided along the boundary of the Site. No public

announcement system and whistle blowing will be used on the Site. Two parking spaces for private car and a loading/unloading space for light goods vehicle will be provided. The Site is accessible from Castle Peak Road-Tam Mi via a local track and its adjoining site under approved application No. A/YL-KTN/730 for temporary animal boarding establishment (submitted by the same applicant of the current application). The site layout plan submitted by the applicant is at **Drawing A-1**.

- 1.3 The Site is the subject of a previous application (No. A/YL-KTN/759) submitted by the same applicant for the same temporary use as the current application. The application was rejected by the Rural and New Town Planning Committee (the Committee) in May 2021 for reasons as stated in paragraph 5 below (**Appendix II** and **Plan A-1**). A comparison of the major development parameters of the current application and the last rejected application is given in the following table:

Major Development Parameters	Last Rejected Application No. A/YL-KTN/759 (a)	Current Application (b)	Differences (b) – (a)
Site Area (m ²)(about)	1,826	2,379	+553 (30.3%)
Applied Use	Temporary Animal Boarding Establishment for a Period of 3 Years and Filling of Land	Temporary Animal Boarding Establishment for a Period of 3 Years and Filling of Land	Same
Total Floor Area (m ²)	250.42	859.82	+609.4 (+243.4%)
No. of Structure(s)	3	9 (including 4 existing structures left out in last application site)	+6(+200%)
Maximum Building Height (m)	Not more than 3.5 m / 1 storey	Not more than 3.5 m / 1 storey	Same
No. of Parking Space and Loading/Unloading Space	2 spaces for private car, 1space for light goods vehicle	2 spaces for private car, 1 space for light goods vehicle	Same

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

- (a) Application form and supplementary information (Appendix I)
received on 15.7.2021
- (b) Further Information (FI) received on 3.9.2021 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, supplementary information and FI at **Appendices I and Ia**, and are briefly summarized as follows:

- (a) The applicant is a charitable organization and the proposed development is intended to accommodate abandoned animals. The application is on a temporary basis and will not affect the long-term planning intention. There are similar applications approved in the same “AGR” zone in the vicinity.
- (b) The development is not incompatible with the surrounding environment and land use. Not more than 10 dogs will be allowed outdoor at one time and measures such as using dog masks will be adopted to minimize noise impact.
- (c) The land filling area, which will use soil as foundation and concrete on top, will provide a clean environment for the users and avoid soil erosion. The paved area will also stabilize the structures, provide maneuvering and parking spaces for vehicles and facilitate drainage works. The paving will be removed upon expiry of the planning approval and thus no long-term impact will be caused.

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

The applicant is not the “current land owner” of the Site but has complied with the requirement as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting notice at the Site and sending notification letter to the Kam Tin Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

The Site is subject to an on-going planning enforcement action (No. E/YL-KTN/538) against an unauthorized development (UD) involving storage use (including deposit of containers) (**Plan A-2**). Enforcement notice was issued on 29.6.2020 requiring discontinuation of the UD. Compliance notice was issued on 11.3.2021. Reinstatement notice was issued on 18.5.2021.

5. **Previous Application**

The Site is the subject of a previous application (No. A/YL-KTN/759) for temporary animal boarding establishment for 3 years and filling of land submitted by the same applicant as the current application. The application was rejected by the Committee in May 2021 mainly for the reasons that the Site was fragmented in that the boundary had enclosed existing structures which were used for the applied use without planning permission but were outside the application site, and approving the application would result in piecemeal development and was undesirable from the land use planning and planning control points of view. Details of the application are at **Appendix II** and its location is shown on **Plan A-1**.

6. **Similar Applications**

Animal Boarding Establishment

- 6.1 There are 31 similar applications for temporary animal boarding establishment involving 20 sites for temporary animal boarding establishments in the vicinity of the Site within the same “AGR” zone. All applications were approved with conditions by the Committee for 3 to 5 years between July 2005 and July 2021 for similar reasons that temporary approval would not frustrate the long-term planning intention of the “AGR” zone; the developments were not incompatible with the surrounding land uses; previous approvals were granted and the applicants had made effort to comply with the approval conditions; and the relevant government departments generally had no adverse comments on the applications. However, planning permissions for 11 applications were revoked due to non-compliance with approval conditions. Details of these applications are summarized in **Appendix III** and their locations are shown on **Plan A-1**.

Filling of Land

- 6.2 There are eight applications involving filling of land within the same “AGR” zone. Three are for temporary hobby farm and/ or caravan holiday camp (Applications No. A/YL-KTN/ 693, 745 and 772), which involved filling of about 10% to 23% of the site area and with a depth of 0.2m. The remaining five are for animal boarding establishment (Applications No. A/YL-KTN/716, 752, 769, 771 and 775), which involved filling of about 9% to 38% and the entire site respectively for the applied use. All these applications were approved with conditions by the Committee between May 2020 and July 2021 for the reasons that temporary approval would not frustrate the long-term planning intention of the “AGR” zone; the developments were not incompatible with the surrounding land uses; and the relevant government departments generally had no adverse comments on the developments.
- 6.3 Apart from the above similar applications which have been considered by the Committee, Application No. A/YL-KTN/763 for temporary animal boarding establishment for a period of 5 years and filling of land within the same “AGR” zone (**Plan A-1**) will be considered at the same meeting.

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

7.1 The Site is:

- (a) partly paved, partly fenced and currently used for the applied use without planning permission;
- (b) covered by four existing structures being used for animal boarding purpose; and
- (c) accessible from Castle Peak Road-Tam Mi via a local track and the adjoining site to the east under approved Application No. A/YL-KTN/730 for temporary animal boarding establishment (submitted by the same applicant of the current application).

7.2 The surrounding area is rural in character intermixed with residential structures/dwellings, cultivated agricultural land, animal boarding establishment, open storage/storage yards, plant nursery, organic farm and vacant/unused land:

- (a) to its immediate north are storage yard and organic farm. To its further north are open storage/ storage yard, residential structure/ dwelling, unused land, and a vacant site which is the subject of planning approval (No. A/YL-KTN/642) for animal boarding establishment;
- (b) to its immediate east is a temporary animal boarding establishment with planning approval (No. A/YL-KTN/730). To its northeast are open storage yards and residential structures/ dwelling; and
- (c) to its south and west are residential structures/ dwellings (the nearest is about 20m away on the west), cultivated agricultural land, plant nursery, storage yard, vacant/ unused land and a site with works in progress under approved application (No. A/YL-KTN/716) for temporary animal boarding establishment.

8. Planning Intention

8.1 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.

8.2 As filling of land may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

9. Comments from Relevant Government Department

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 an Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
 - (b) Should planning approval be given the planning application, the lot owner will need to apply 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 landlord or lessor at its sole discretion and there is no guarantee that such application 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 the Transport Department. The land status of the local access road should be checked with 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) HyD shall not be responsible for the maintenance of any access connecting the Site and Castle Peak Road – Tam Mi.
 - (b) Adequate drainage measures should be provided to prevent surface water running from the Site to nearby public roads and drains.

Environment

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

- (a) There was no environmental complaint concerning the Site received in the past three years.
- (b) Provided that the facilities will be properly designed and maintained to minimize any potential environmental nuisance, he has no objection to the application subject to the following approval conditions:
 - (i) The animals shall be kept inside the enclosed structures between 6:00p.m. and 8:00a.m. on the Site, as proposed by the applicant, during the planning approval period.
 - (ii) No public announcement system, whistle blowing, portable loudspeaker or any form of audio amplification system is allowed to be used on the Site, as proposed by the applicant, during the planning approval period.
 - (iii) A 2m high solid (metal) wall to be erected along the Site boundary to minimize nuisance to the nearby residents, as proposed by the applicant, during the planning approval period.
- (c) Moreover, the applicant is also advised (i) that the proposed structure for animal boarding establishment should be enclosed with soundproofing materials with provision of 24-hour mechanical ventilation and air-conditioning system; (ii) to follow the requirements stipulated in “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Site”; (iii) a maximum of ten dogs with dog mask, as proposed by the applicant, are allowed for outdoor activities at the same time; (iv) to provide adequate support infrastructure / facilities for proper collection, treatment and disposal of waste / wastewater generated from the applied use. If septic tank and soakaway system will be used in case of unavailability of public sewer, its design and construction shall follow the requirements of Environmental Protection Department(EPD)’s Practice Note for Professional Person (ProPECC) PN 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

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

- (a) Based on the aerial photo taken in 2019, the Site is situated in an

area of rural landscape character comprising of scattered tree groups, temporary structures, active and abandoned farmlands. The development is not entirely incompatible with the surrounding landscape character of the area. Similar applications (No. A/YL-KTN/588, 642, 695 and 730) for temporary animal boarding use within the same “AGR” zone in proximity of the Site were approved.

- (b) Referring to his site visit in July 2021, the Site is in operation as animal boarding use and partly hard paved. Around 10 trees of common species, including *Melia azedarach* (楝), *Syzygium jambos* (蒲桃), *Averrhoa carambola* (楊桃) and *Dimocarpus longan* (龍眼) are found within the Site at northern boundary. Also, comparing the aerial photos taken in 2018 and 2019, it is noted that most of the existing trees and vegetation within the Site have been cleared and hard paved and the Site is in operation as the applied use, landscape impact within the Site had already taken place. Having regard to the FI (**Appendix Ia**) submitted that a Tree Preservation Area of approximately 223 m² have been proposed to minimize conflict between the proposed development and existing trees within the Site, there is no further comment regarding the potential landscape impact on existing trees within the Site.
- (c) The applicant is reminded that approval of the application does not imply approval of tree works such as pruning, transplanting, and felling under lease. The applicant should seek comments and approval from relevant authority on the proposed tree works and compensatory planting proposal, where appropriate.

Agriculture and Nature Conservation

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

- (a) The Site falls within the “AGR” zone and is currently used for the applied use. Agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, the application for the proposed use is not supported from the agricultural point of view.
- (b) Nevertheless, he has no comment from the conservation and animal establishment boarding licence aspects. The Site does not associate with any licences granted by his department, nor has he received any application regarding the Site. Under the Public Health (Animals) (Boarding Establishment) Regulations, Cap. 139I, any person who provides food and accommodation for animals in return for a fee paid by the owner must apply for a Boarding Establishment Licence from his department. He will

provide detailed information and guidance on Animal Boarding Establishment when the applicant submits the licence application.

Drainage

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

- (a) He has no objection in principle to the development from the public drainage point of view.
- (b) Should the application be approved, approval conditions requiring the submission of a drainage proposal and the implementation and maintenance of the drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board should be included in the planning approval.

Building Matters

9.1.8 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 existing structures at the Site, he is not in a position to offer comments on the 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 (BO).
- (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.

Fire Safety

9.1.9 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 FSIs to be installed should be clearly marked on the layout plans.

- (c) The applicant is reminded that if the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Environmental Hygiene

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

- (a) Proper licence / 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 and the operation of any business should not cause any obstruction.
- (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. Any animal carcass/ parts shall be properly wrapped or bagged before disposal and in accordance with the relevant legislation. Also, for any waste generated from the activities in the premises, the applicant should handle on their own / at their expenses.

District Officer's Comments

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

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

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

- (a) Project Manager (West), Civil Engineering and Development Department;
- (b) Chief Engineer/ Construction, Water Supplies Department;
- (c) Director of Electrical and Mechanical Services; and
- (d) Commissioner of Police.

10. Public Comments Received During the Statutory Publication Period

On 23.7.2021, the application was published for public inspection. During the three-week statutory publication period, one public comment from an individual was received (**Appendix IV-1**). The commenter objects to the application mainly on the grounds that the

application is not a genuine animal boarding development; no justification has been given for the land filling of the entire Site; and the animal establishments approved in the vicinity are disproportionate to the market demand.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary animal boarding establishment for a period of 3 years at the “AGR” zone and filling of land. The tree preservation area of the Site will be about 223m² (about 9.4% of the Site). The remaining area of about 2,156m² (about 90.6% of the Site) is proposed to be filled by 0.3m in depth (from 11.2mPD to 11.5mPD) for site formation associated works, providing vehicular manoeuvring and car parking, and drainage discharge purposes. The planning intention of the “AGR” zone 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. The applied use is not entirely in line with the planning intention of the “AGR” zone. DAFC does not support the application from agricultural point of view as the Site possesses potential for agricultural rehabilitation. Nevertheless, approval of the application on a temporary basis for a period of 3 years would not jeopardize the long-term planning intention of the “AGR” zone. Filling of land within “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, CE/MN of DSD and DEP have no adverse comment from the drainage and environmental perspectives.
- 11.2 The applied use is considered not incompatible with the surrounding area which is rural in character and intermixed with residential dwellings/ structures, cultivated agricultural land, animal boarding establishment and vacant/unused land. Although there are residential dwellings/structures in the vicinity of the Site (the nearest about 20m to its west) (**Plan A-2**), the applicant stated that all the animals will be kept within the enclosed structures during the operation hours, and not more than 10 dogs will be allowed outdoor at one time and measures such as using dog masks will be adopted to minimize possible noise impact. Besides the structures will be equipped with soundproofing materials and mechanical ventilation and air conditioning. In addition, no public announcement system and whistle blowing will be used at the Site. DEP has no objection to the development.
- 11.3 Concerned government departments consulted, including C for T, DEP, CE/MN of DSD, CTP/UD&L of PlanD and D of FS, have no adverse comment on the application, except DAFC from the agricultural perspective. To minimise any possible environmental nuisance, approval conditions restricting the operation hours and outdoor animal activities, prohibiting the use of public announcement system and whistle blowing, and provision of a 2m high solid metal wall are recommended in paragraphs 12.2 (a) to (c) and (e) below. The applicant will also be advised to adopt 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 (d) and (f) to (j) as recommended in paragraph 12.2 below.
- 11.4 The Site is involved in one previous application (No. A/YL-KTS/759) submitted by

the same applicant for the same use, which was rejected by the Committee in May 2021 as detailed in paragraph 5 above. However, the planning circumstances are different from the last rejected one in that all the existing structures previously left out in the fragmented application site are included and form part of the current application. Planning control over the applied use in the entire site could be effected should the application be approved by the Committee. Relevant government departments, except DAFC, have no objection to or no adverse comment on the application. There are 31 similar applications for temporary animal boarding establishment on 20 sites and 8 similar applications involving filling of land within the same “AGR” zone in the vicinity of the Site, all of which were approved by the Committee between July 2005 and July 2021 as stated in paragraph 6 above. Approval of this application is in line with the Committee’s previous decisions.

- 11.5 One public comment was received during the statutory publication period objecting to the application as stated in paragraph 10 above. In this regard, the planning considerations and assessments as stated above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10 above, the Planning Department has no objection to the temporary animal boarding establishment for a period of 3 years and filling of land.
- 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 10.9.2024. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no operation between 6:00p.m. and 8:00a.m. (except overnight animal boarding), as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) all animals shall be kept inside the enclosed animal boarding structures on the Site between 6:00p.m. and 8:00a.m., as proposed by the applicant, at all times during the planning approval period;
- (c) no public announcement system, portable loudspeaker, any form of audio amplification system, or whistle blowing is allowed to be used on 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 provision of a 2m high solid metal wall along the boundary of the Site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.3.2022;

- (f) 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 10.3.2022;
- (g) in relation to (f) 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 10.6.2022;
- (h) in relation to (g) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (i) 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 10.3.2022;
- (j) in relation to (i) 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 10.6.2022;
- (k) if any of the above planning condition (a), (b), (c), (d) or (h) 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;
- (l) if any of the above planning condition (e), (f), (g), (i) or (j) 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
- (m) 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 attached 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 development is not in line with the planning intention of the "AGR" zone which is 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. 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 Supplementary Information received on 15.7.2021
Appendix Ia	FI received on 3.9.2021
Appendix II	Previous s.16 Application covering the Site
Appendix III	Similar Applications within the same “AGR” zone in the vicinity of the Site on the Kam Tin North OZP
Appendix IV-1	Public comment received during the statutory publication period
Appendix V	Advisory Clauses
Drawing A-1	Layout Plan
Plan A-1	Location Plan with Previous and Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2021**