

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/YL-KTN/639

<u>Applicant</u>	: Daniel The Dog International Company Limited represented by Goldrich Planners & Surveyors Ltd.
<u>Site</u>	: Lots 1486(Part), 1489(Part), 1493(Part) and House Lot Block (Part) in D.D. 107 and Adjoining Government land, Kam Tin, Yuen Long
<u>Site Area</u>	: About 5,670m ² (including Government Land of about 1,860.29m ² (32.8%))
<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>	: Renewal of Planning Approval for Temporary Animal Boarding Establishment with Ancillary Facilities for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission to use the application site (the Site) for temporary animal boarding establishment with ancillary facilities for a period of 3 years. According to the Notes of the OZP, ‘Animal Boarding Establishment’ is a Column 2 use in “AGR” zone which requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use with valid planning permission (**Plans A-2 to A-4b**).
- 1.2 The Site is the subject of six previous applications for the same animal boarding establishment use with or without ancillary facilities. All the six previous applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) for 2 or 3 years between 2005 and 2016. The last application No. A/YL-KTN/489 for the same applied use and submitted by the applicant of the current application was approved with conditions by the Committee on 5.2.2016 for a period of 3 years. All approval conditions of the last application have been complied with and the planning permission is valid until 5.2.2019.

- 1.3 According to the applicant, the use and operation details of the applied use remain the same as the previous approved application. The temporary animal boarding establishment is for dogs only (about 20 numbers). Sixteen structures with a total floor area of about 1,433.75m² for offices (49.4m²), four dog function rooms (231.5m²), four dogs kennels (664.3m²), a storage room (103.7m²), an open pump shed (27.3m²) and six canopies/open sheds (357.55m²) with building height ranging from 2.1m to 4.3m are provided within the Site. Besides, there are two pools, grassed open ground and four parking spaces for private cars within the Site. The applicant stated that the kennels are built of soundproofing material (i.e. brick) with air-conditioning. All dogs will stay inside the kennels from 7:00p.m. to 9:00a.m. and no dog training session will be carried out at this time period. Also no public announcement system or whistle blowing will be allowed at the Site. The daily operation hours are between 9:00a.m. and 7:00p.m daily (including public holidays) with 24-hour animal boarding services. The Site is accessible via a local track branching off Kam Tin Bypass/Chi Ho Road. The site layout, tree preservation and landscape proposal, drainage proposal and FSIs proposal submitted by the applicant are at **Drawings A-1 to A-4**.
- 1.4 The current application is same as the last approved application (No. A/YL-KTN/489) in terms of site area/boundary and applied use with a similar site layout, except for one additional canopy/open shed (33.75m²) with a height of 3.5m for parking spaces.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application form with planning statement and plans (**Appendix I**) received on 13.12.2018 and supplementary information received on 19.12.2018
 - (b) Further Information (FI) received on 17.1.2019 and (**Appendix Ia**) 21.1.2019 in response to departmental comments

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the planning statement in **Appendix I** and FI in **Appendix Ia**. They can be summarized as follows:

- (a) The applied use can accommodate the large demand for animal boarding services in the area. The Site is subject to six previous approvals. All the approval conditions in the last approved Application No. A/YL-KTN/489, which was submitted by the same applicant as the current application, have been complied with. The planning circumstances have not been materially changed. Planning consideration for the development should be the same as the previous application.

- (b) The development involves only single-storey structures and is in harmony with the surrounding rural settings. No adverse environmental, traffic or drainage impacts will result. The existing drainage facilities and trees will be properly maintained.

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

The applicant is not a “current land owner” 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 a site notice and notifying the Kam Tin Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34B) are relevant to this application. The relevant assessment criteria are attached at **Appendix II**.

5. Background

The Site is not subject to any enforcement action.

6. Previous Applications

- 6.1 The Site is the subject of six previous applications (No. A/YL-KTN/232, 251, 304, 377 and 410) submitted by three different applicants and No. A/YL-KTN/489 by the same applicant as the current application for the same animal boarding establishment use with or without ancillary facilities. Details of the previous applications are summarized in **Appendix III** and their locations are shown on **Plan A-1b**.
- 6.2 Applications No. A/YL-KTN/232, 251 and 304 were submitted on a permanent basis while the last three Applications No. A/YL-KTN/377, 410 and 489 were on temporary basis for a period of 3 or 5 years. All the six applications were approved with conditions by the Committee on 29.7.2005, 7.7.2006, 19.9.2008, 30.3.2012, 17.1.2014 and 5.2.2016 respectively for the reasons that the developments would not frustrate the long-term planning intention of the “AGR” zone and were not incompatible with the surrounding land uses; the developments would mainly involve existing on-site structures for animal boarding and would maintain the rural character of the site; previous approvals were granted and the applicant had made effort to comply with the approval conditions; and the relevant government departments had no adverse comments on the developments. Given that there were residential dwellings in the vicinity, temporary approval periods for 2 or 3 years were granted for all the previous applications in order to monitor the situation on the Site.

- 6.3 However, Applications No. A/YL-KTN/232, 304, 337 and 401 were revoked on 29.1.2006, 19.3.2010, 30.9.2012 and 17.7.2014 due to non-compliance with approval conditions in relation to landscape, drainage and fire service installations aspects. For the last approved Application No. A/YL-KTN/489, all approval conditions have been complied with. The planning permission is valid until 5.2.2019.

7. Similar Applications

- 7.1 There are 16 similar applications for temporary animal boarding establishment (No. A/YL-KTN/156, 253, 308, 324, 478, 519, 543, 556, 562, 577, 588, 590, 605, 616, 617 and 623) within the same “AGR” zone on the OZP. Except application No. A/YL-KTN/156 which was rejected by the Committee on 8.11.2002, the remaining 15 applications were approved with conditions by the Committee for 2 to 3 years from 2006 to 2018. Details of the applications are summarized in **Appendix IV** whilst their locations are shown on **Plan A-1a**.
- 7.2 Application No. A/YL-KTN/156 for proposed dog kennel for a period of 3 years was rejected by the Committee on 8.11.2002 on the grounds that the proposed development was not in line with the planning intention of the “AGR” zone; not compatible with the adjacent residential dwellings which would be susceptible to adverse environmental nuisances and Director of Environmental Protection (DEP) did not support the application as noise nuisances would be imposed to nearby residents; and there was no information in the submission to demonstrate that the proposed development would not cause adverse environmental and drainage impacts on the surrounding areas.
- 7.3 Another 3 applications (No. A/YL-KTN/253, 308 and 324) covering one site to the northeast of the Site were approved with conditions by the Committee on 4.8.2006, 5.9.2008 and 22.5.2009 respectively for a period of 3 years for the reasons that the developments were not incompatible with the surrounding land uses; the developments would mainly involve existing on-site structures; would not cause significant impact on the existing environment and landscape; and there were no adverse departmental comments and local objection to the application. Applications No. A/YL-KTN/308 and 324 were revoked on 5.3.2009 and 22.5.2011 respectively due to non-compliance with approval conditions.
- 7.4 The remaining 12 applications (No. A/YL-KTN/478, 519, 543, 556, 562, 577, 588, 590, 605, 616, 617 and 623) were approved by the Committee with conditions between 2015 and 2018 for a period of 3 years for similar reasons that temporary developments would not frustrate the long-term planning intention of the “AGR” zone; and the developments were not incompatible with the surrounding land uses. Applications No. A/YL-KTN/478, 543, 588, 590 were revoked on 6.5.2016, 23.12.2017 and 16.9.2018 (for A/YL-KTN/588 and 590) respectively due to non-compliance with approval conditions.
- 7.5 Application No. A/YL-KTN/638 for temporary animal boarding establishment (**Plan A-1a**) is scheduled for consideration by the Committee at this meeting.

8. The Site and Its Surrounding Area (Plans A-1a to A-4b)

8.1 The Site is:

- (a) accessible via a local track branching off Kam Tin Bypass/Chi Ho Road to its south (**Plan A-1a**); and
- (b) currently used for the applied use covered by valid planning permission under Application No. A/YL-KTN/489.

8.2 The surrounding area is predominantly rural in nature mixed with residential dwellings/structures, plant nurseries, ponds, parking of vehicles, open storage/storage yards and dog training centres, with the following characteristics:

- (a) to its immediate south and southeast within the “Village Type Development” (“V”) zone are parking of vehicles and a proposed development for 33 Small Houses under Application No. A/YL-KTN/299 which is now under construction;
- (b) to its immediate east and further northeast within the “AGR” zone are a plant nursery, office/storage, residential dwelling/structure, fallow agricultural land and vacant/unused land;
- (c) to its immediate north and further north are a pond, a residential dwelling/structure, a site for proposed hobby farm with planning permission under Application No. A/YL-KTN/579, a vacant chicken shed and a storage yard; and
- (d) to its west and further northwest are dog training centres, an open storage yard, a plant nursery and a hobby farm with planning permission under Application No. A/YL-KTN/609.

9. Planning Intention

The planning intention of the “AGR” zone 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.

10. Comments from Relevant Government Departments

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

Land Administration

10.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site comprises Government Land (GL) and 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) Within the Site, Lot No. 1493 in D.D. 107 is covered by a Short Term Waiver (STW) whereas the GL therein is covered by a Short Term Tenancy (STT), details of which are listed below:

STW/STT No.	Lot No. / GL in D.D. 107	Permitted Use
STW 4004	Lot No. 1493	Temporary Animal Boarding
STT 2819	GL	Establishment with Ancillary Facilities

- (c) The Site is accessible from Chi Ho Road via private land and GL. LandsD provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site.
- (d) The Site falls within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structure shall not exceed the relevant airfield height limit within SKAHRA.
- (e) Should the application be approved, the STW/STT holder(s) will need to apply to his office for modification of the STW/STT conditions where appropriate. The owner(s) of the lot 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. No construction of New Territories Exempted Building(s) will be considered or allowed. 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 premium or fee, as may be imposed by LandsD.

Traffic

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

- (a) He has no comment on the renewal application from traffic engineering point of view.
- (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 incorporated.
- (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 (TD). 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.

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

- (a) HyD does not and will not maintain any access connecting the Site and Chi Ho Road.
- (b) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

Environment

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

- (a) There is no substantiated environmental complaint received at the Site in the past three years.
- (b) According to the applicant, all dogs will stay in the kennels from 7:00p.m. to 9:00a.m. No public announcement system and whistle blowing will be allowed at the Site.
- (c) Should the application be approved, the applicant is advised to properly design and maintain the facilities, e.g. the kennels should be enclosed with proper soundproofing materials and provided with 24-hour mechanical ventilation and air-conditioning (MVAC) system, and 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" (the COP) to minimize any potential nuisance. Suitable mitigation measures should also be implemented to minimize potential odour nuisance.
- (d) Effluent discharges from the applied use are subject to control under the Water Pollution Control Ordinance (WPCO). A discharge licence under the WPCO shall be obtained before a new discharge is

commenced. If septic tank and soakaway system is proposed, its design and construction should follow the requirements of the Practice Note for Professional Person (ProPECC) PN 5/93 “Drainage Plans subject to Comment by the Environmental Protection Department”.

Landscape

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

- (a) She has no objection to the application from the landscape planning point of view.
- (b) The Site is the subject of six previous applications. The last Application No. A/YL-KTN/489 for the same use, to which she had no objection to the application from the landscape planning perspective, was approved by the Committee on 5.2.2016 and the approval condition on the implementation of the accepted tree preservation and landscape proposal has been complied with.
- (c) In comparison of the aerial photo of 2015 to the latest aerial photo of 2018, there is no significant change in the rural landscape characters where the Site is located. The surrounding area comprises farmland, temporary structures, scattered tree groups and fish ponds. The proposed use is considered not incompatible with the existing landscape setting in proximity.
- (d) According to the site visit conducted on 3.1.2019, the implemented landscape is generally in acceptable condition. Although missing trees were observed during the site visit, the existing landscape provision was considered adequate within the Site. Further adverse landscape impact arising from the applied use is not anticipated.
- (e) Should the application be approved, the condition on the maintenance of the existing trees within the Site in healthy condition at all times during the planning approval period should be included.
- (f) His detailed comments are at **Appendix V**.

Agriculture and Nature Conservation

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

- (a) Noting that the Site has been used for Animal Boarding Establishment for some years and the Site itself possesses low potential for agricultural rehabilitation, he has no strong view against the renewal application from agriculture point of view.

- (b) It is noted that there are two ponds adjacent to the Site, and the applicant shall implement and/or maintain measures to avoid disturbance/contamination to the ponds. Appropriate conditions should be imposed on the submission and implementation of proposal on measures to avoid disturbance/contamination to the ponds nearby.
- (c) It is noted that Lot 1486 is associated with an existing Boarding Establishment Licence granted by his department which will expire on 29.9.2019. However, he has not received any application regarding the other two Lots 1489 and 1493. The applicant shall be reminded that 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; and any person who would like to breed and sell dogs is required to apply for a relevant licence from his department.

Drainage

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

- (a) As the applicant would maintain the same drainage facilities as those implemented under previous Application No. A/YL-KTN/489, he has no objection in principle to the development.
- (b) Should the application be approved, approval conditions on the maintenance of drainage facilities implemented under Application No. A/YL-KTN/489 and the submission of records of the existing drainage facilities on the Site should be included.

Fire Safety

10.1.8 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 (FSIs) being provided to his satisfaction.
- (b) The FSIs proposal submitted in the current application is considered acceptable to his department. The applicant is reminded that the installation/ maintenance/ modification/ repair work of FSIs shall be undertaken by an Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall after completion of the installation/ maintenance/ modification/ repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to him.
- (c) If the proposed structure(s) is required to comply with the Buildings Ordinance (BO)(Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Building Matters

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

- (a) There is no record of approval by the Building Authority (BA) for the structures existing at the Site, BD is not in a position to offer comments on their suitability for the applied use.
- (b) The applicant's attention is drawn to the following points:
 - (i) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of BD, they are Unauthorized Building Works (UBW) under the BO and should not be designated for any proposed use under the application.
 - (ii) For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.
 - (iii) Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of BD should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO.
 - (iv) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively.
 - (v) If the Site does not abut on a specified street of not less than 4.5m wide, their permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

Environmental Hygiene

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

- (a) If any Food and Environmental Hygiene Department (FEHD)'s facility is affected by the development, FEHD's prior consent must be obtained. Reprovisioning of the affected facilities by the project proponent up to the satisfaction of FEHD may be required. Besides, the project proponent should provide sufficient amount of additional recurrent cost for management and maintenance of the reprovisioned

facilities to FEHD.

- (b) Proper licence/permit issued by his department is required if there is any food business/catering service/activities regulated by 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.
- (c) If the proposal involves any commercial/trading activities, its state should not as to be a nuisance or injurious or dangerous to health and surrounding environment. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses.
- (d) Any animal carcass/ parts shall be properly wrapped or bagged before disposal.

District Officer's Comments

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

He has not received any comment from locals upon close of consultation and has no particular comments on the application.

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

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (c) Director of Electrical and Mechanical Services (DEMS); and
- (d) Commissioner of Police (C of P).

11. Public Comment Received During Statutory Publication Period

On 21.12.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 11.1.2019, no public comment was received.

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning permission for temporary animal boarding establishment with ancillary facilities for a period of three years at the Site zoned “AGR”. The planning intention of the “AGR” zone is intended 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 development is not entirely in line with the planning intention of the “AGR” zone. Nevertheless, DAFC has no strong view to the application from agriculture point of view. It is considered that approval of the application on a temporary basis would not frustrate the long-term planning intention of the “AGR” zone.
- 12.2 The development is considered not incompatible with the surrounding land uses which are predominantly rural in nature mixed with residential dwellings/structures, plant nurseries, ponds, parking of vehicles and open storage/storage yards. Although there are residential dwellings/developments in the vicinity of the Site (the nearest about 20m to the north) (**Plan A-2**), the applicant stated that all the dogs will be kept in the kennels at night and the kennels are built with soundproofing material (i.e. brick) and air-conditioned. Also, no public announcement system and whistle blowing will be allowed at the Site. Beside, there is no comment on the application received during the statutory publication period and no substantiated environmental complaint at the Site was received by DEP in the past three years. DEP has no adverse comment on the application.
- 12.3 The application is in line with the TPB PG-No. 34B in that the 6 previous approvals for the same applied use were granted between 2005 and 2016 (**Plan A-1b** and paragraph 6 refer). All the approval conditions under the last application No. A/YL-KTN/489 have been complied with. The current application is same as the last application in terms of site area/boundary and applied use with a similar site layout, except for one additional canopy/open shed (33.75m²) with a height of 3.5m for parking spaces. There is also no major change in planning circumstances since the last approval. In this regard, favourable consideration can be given to the renewal application.
- 12.4 Relevant departments consulted including C for T, CE/MN of DSD, D of FS, DEP and CTP/UD&L of PlanD have no adverse comment on the application. To minimise any possible environmental nuisance, approval conditions restricting the operation hours, outdoor animal activities and prohibition of use of public announcement system on the Site are recommended in paragraph 13.2 (a) and (c) below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorized development on the Site will be subject to enforcement action by the Planning Authority. 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’ in order to alleviate any potential impact. The technical requirements of C for T, DAFC, CTP/UD&L of PlanD, CE/MN of DSD and D of FS could be addressed by approval conditions (d) to (j) in paragraph 13.2 below.

12.5 No public comment was received during the statutory publication period.

13. Planning Department's Views

13.1 Based on the assessments made in paragraph 12, the Planning Department has no objection to the renewal of planning approval for temporary animal boarding establishment with ancillary facilities for a period of 3 years.

13.2 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, and be renewed from 6.2.2019 until 5.2.2022. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation between 7:00p.m. and 9:00a.m. (except for the overnight kennel), as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) all dog shall be kept inside the enclosed animal boarding establishments on the Site between 7:00p.m. and 9:00a.m., as proposed by the applicant, at all times during the planning approval period;
- (c) no public announcement system, portable loud speaker, or any form of audio amplification system, and 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 existing trees within the Site shall be maintained at all times during the planning approval period;
- (f) the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (g) the submission of records of the existing drainage facilities on the Site within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.5.2019;
- (h) the implementation of the accepted fire service installations proposal within **6** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 6.8.2019;

- (i) the submission of proposal on appropriate mitigation measures to avoid disturbance/contamination to the fish ponds nearby within **6** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the Town Planning Board by 6.8.2019;
- (j) in relation to (i) above, the implementation of proposal on appropriate mitigation measures to avoid disturbance/contamination to the fish ponds nearby within **9** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the Town Planning Board by 6.11.2019;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e) 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;
- (l) if any of the above planning conditions (g), (h), (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 the 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.

[The above approval conditions are the same as those under planning permission for pervious application No. A/YL-KTN/489, except the addition of approval conditions on restricting the animal outdoor activities and public announcement system/whistle blowing; and replacements of approval conditions regarding implementation of the accepted tree preservation and landscape proposal by maintenance of existing trees, and implementation of the accepted drainage proposal by maintenance of implemented drainage facilities in response to DEP's, CTP/UD&L of PlanD's and CE/MN of DSD's concerns.]

Advisory Clauses

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

- 13.3 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 justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission for renewal of the planning application.
- 14.2 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.
- 14.3 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.

15. Attachments

Appendix I	Application form with planning statement and plans received on 13.12.2018 and supplementary information received on 19.12.2018
Appendix Ia	FI received on 17.1.2019 and 21.1.2019
Appendix II	Relevant extracts of Town Planning Board Guidelines for ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ (TPB PG-No. 34B)
Appendix III	Previous applications covering the application site
Appendix IV	Similar applications within the same “AGR” zone on the Kam Tin North OZP
Appendix V	Detailed comments of CTP/UD&L, PlanD
Appendix VI	Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Tree Preservation and Landscape Plan
Drawing A-3	Drainage Proposal
Drawing A-4	FSIs Proposal
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Application Plan

Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2019**