

RNTPC Paper No. A/YL-SK/245  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 19.10.2018

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

**APPLICATION NO. A/YL-SK/245**

- Applicant** : Lotus Kennel Limited represented by Goldrich Planners & Surveyors Ltd.
- Site** : Lots 670 S.A (Part), 670 S.F (Part), 670 RP (Part), 671 RP (Part) and 685 RP (Part) in D.D. 112 and Adjoining Government Land, Lin Fa Tei, Shek Kong, Yuen Long
- Site Area** : 2,214m<sup>2</sup> (including 392.8m<sup>2</sup> of Government Land)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/245
- Zoning** : “Village Type Development ” (“V”)  
[maximum building height of 3 storey (8.23m)]
- Application** : Renewal of Planning Approval for Temporary Animal Boarding Establishment (Kennel) 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 (kennel) for a period of 3 years. The Site is currently used for the applied use under planning permission No. A/YL-SK/211 with validity up to 23.10.2018.
- 1.2 The Site is the subject of five previous applications. Four applications for temporary animal boarding establishment (kennel) use were approved with conditions by the Rural and New Town Planning Committee (the Committee) from 2007 to 2015 while application No. A/YL-SK/59 for temporary open storage of construction materials (tools, marble and granite) was rejected by the Committee on 3.4.1998. The last application No. A/YL-SK/211 for the same applied use and submitted by the same applicant as the current application was

approved with conditions by the Committee on 23.10.2015 for a period of 3 years. All approval conditions of the last application have been complied with and the planning approval is valid until 23.10.2018.

- 1.3 According to the information provided by the applicant, there is no change to the applied use, floor area and number of structures approved under the last application No. A/YL-SK/211. Eight 1-storey structures with a total floor area of about 434.6m<sup>2</sup> and building height ranging from 3m to 6m are provided on-site for kennel, office, reception, dog play area and open shed uses. A majority of the open areas of the Site is used as grassland with the provision of a water pool and some outdoor dog cages. The Site is accessible via a local track from Kam Sheung Road. 2 parking spaces for private car are provided within the Site. The operation hours is 24 hours daily. The applicant advised that the kennels are enclosed with the sound proofing materials (i.e. bricks) and 24-hours mechanical ventilation and air conditioning is provided. No dogs will stay outdoor and no dog training session will be carried out between 11:00 p.m. to 7:00 a.m. No public announcement system or whistle blowing will be used at the Site. Appointment would be required for visiting the kennel. The layout plan, landscape plan and drainage plan as submitted by the applicant is in **Drawings A-1 to A-3**.
- 1.4 When compared with the last approved application No. A/YL-SK/211, the current application is for the same applied use, same site area and floor area and number of car parking spaces.
- 1.5 In support of the application, the applicant has submitted the following documents:
- |     |  |                      |
|-----|--|----------------------|
| (a) | Application form with supplementary planning statement and plans received on 28.8.2018.  | <b>(Appendix I)</b>  |
| (b) | Further Information (FI) received on 28.9.2018 in response to departmental comments<br><i>(accepted and exempted from publication and recounting requirements)</i> | <b>(Appendix Ia)</b> |
| (c) | FI received on 3.10.2018 in response to departmental comments<br><i>(accepted and exempted from publication and recounting requirements)</i>                       | <b>(Appendix Ib)</b> |
| (d) | FI received on 5.10.2018 in response to departmental comments<br><i>(accepted and exempted from publication and recounting requirements)</i>                       | <b>(Appendix Ic)</b> |

- (e) FI received on 10.10.2018 in response to departmental comments **(Appendix Id)**  
*(accepted and exempted from publication and recounting requirements)*
- (f) FI received on 11.10.2018 in response to departmental comments **(Appendix Ie)**  
*(accepted and exempted from publication and recounting requirements)*

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

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

- (a) The Site is subject of 4 previous applications for the same use approved by the Committee. The applicant has complied with all the approval conditions for the last previous application No. A/YL-SK/211 and there is no change in the development parameters and planning circumstances since the last approval.
- (b) The Site is fenced and is compatible with the surrounding rural setting and does not generate any adverse visual impact. Also, landscape and drainage facilities have already been implemented on site to minimize the possible adverse impacts on the surrounding area.
- (c) The applicant has been co-operating with various social groups and organizations on arranging site visit for children and providing seminar on dog training in order to educate the public on dog keeping and training skills.

## 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. 31) by posting notice near entrance of the Site and sending notice to Pat Heung 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 Guideline for “Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development” (TPB PG-No. 34B) is relevant to this application. The relevant assessment criteria are attached at **Appendix II**.

## 5. **Background**

Since the use currently on site is still covered by a valid planning permission, follow-up investigation will be taken upon expiry of the current planning permission if the current application is not approved by the Town Planning Board (the Board).

## 6. **Previous Applications**

- 6.1 The Site was the subject of five previous planning applications (No. A/YL-SK/59, 144, 159, 194 and 211) for temporary open storage of construction materials (tools, marble and granite) and animal boarding establishment (kennel). Details of the applications are summarized in **Appendix III** and the locations of the sites are shown on **Plan A-1b**.
- 6.2 Application No. A/YL-SK/59 for temporary open storage of construction materials (tools, marble and granite) for a period of 12 months covering a smaller portion of Site of 1,200m<sup>2</sup> submitted by a different applicant was rejected by the Committee on 3.4.1998 on the grounds that the development was not in line with the planning intention of the “V” zone; the development was not compatible with the nearby village houses; and the approval of the application would set an undesirable precedent for other similar applications, the cumulative effect of which would degrade the environment of the area.
- 6.4 Application No. A/YL-SK/144 and 159 for temporary animal boarding establishment (kennel) for a period of 3 years submitted by the same applicant as the current application were approved with conditions by the Committee on 14.12.2007 and 24.9.2010 respectively for the reasons that the approval of the application on a temporary basis would not frustrate the planning intention; the development was considered not incompatible with the surrounding land uses; Government departments consulted except Director of Environmental Protection (DEP) generally had no adverse comment on the application; although DEP does not support the application as there were sensitive receivers located in the vicinity of the Site, the development would unlikely bring about significant environmental nuisances as the nearest residential dwellings were located at a distance of about 50m from the site; and no local objection was received to the application. However, application No. A/YL-SK/144 was revoked on 14.3.2010 due to non-compliance of approval conditions for the provision of fire services installations (FSIs).
- 6.5 Application No. A/YL-SK/194 and the last application No. A/YL-SK/211 for the same use submitted by the same applicant was approved by the Committee on 11.10.2013 and 23.10.2015 respectively based on similar consideration as mentioned in paragraph 6.4 above and DEP considered the application could be tolerated as the application was for the same use as its previous approved application and there was no substantiated environmental complaint received in the past three years. Besides, a valid Boarding Establishment Licence had been given by the Director of Agriculture, Fisheries and Conservation (DAFC) for the

applied use. However, application No. A/YL-SK/194 was revoked on 11.4.2015 due to non-compliance of approval conditions for the provision of FSIs. For the last approved application No. A/YL-SK/211, all the approval condition including those related to drainage and fire services installations aspects had been complied with and the planning permission is valid until 23.10.2018.

- 6.6 Compared with the last Application No. A/YL-SK/211, the current application is same as the last application in applied use, site area/boundary, floor area and the number of car parking spaces.

## 7. Similar Application

There is no similar application for temporary animal boarding establishment (kennel) use within the same “V” zone on the OZP.

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

8.1 The Site is:

- (a) currently used for the applied use with a valid planning permission under A/YL-SK/211;
- (b) paved/grassed, fenced off and planted with tress; and
- (c) accessible from Kam Sheung Road via a local track.

8.2 The surrounding areas are rural in character, mixed with open storages yards, warehouse, fallow agricultural land, unused/vacant land and residential structures/dwellings. Some of the open storage yards and warehouse are suspected unauthorized developments subject to enforcement action by the Planning Authority (**Plan A-2**):

- (a) to its north are some fallow agricultural land and vacant/unused land and to its further northeast are some residential structures/dwellings;
- (b) to its east are unused/vacant land, a warehouse and a plant nursery;
- (c) to its south are unused/vacant land, an open storage of construction materials, a refuse collection points and to its further south across Kam Sheung Road is a construction site for New Territories Exempted House; and
- (d) to its west are unused land and fallow agricultural land and to the further southwest across a nullah are some open storage/storage yards and warehouse.

## **9. Planning Intention**

The planning intention of the “V” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

## **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 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 No. 671 RP in D.D. 112 is covered by Short Term Waiver (STW) No. 3834 to permit structures erected thereon for the purpose of ‘temporary animal boarding establishment (kennel)’.
- (c) The GL within the Site is covered by Short Term Tenancy (STT) No. 2712 for the purpose of ‘temporary animal boarding establishment (kennel)’.
- (d) The Site is accessible from Kam Sheung Road via GL. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site.
- (e) 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.
- (f) Should planning approval be given to the application, the STW and 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 of such terms and conditions, including among others the payment of premium or fee, as may be imposed by the LandsD.

- (g) No small house application is approved or under processing at the Site.

### **Traffic**

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

- (a) He has no comment on the application from the traffic engineering perspective.
- (b) Should the application be approved, an 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 applicant is reminded that sufficient space within the Site should be provided for manoeuvring of vehicles. 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 the 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 Engineer, New Territories West, Highways Department (CHE/NTW, HyD):.

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

### **Nature Conservation**

#### 10.1.4 Comments of the Director of Agricultural, Fisheries and Conservation (DAFC)

- (a) As the application is a renewal of planning permission to continue the existing use, he has no objection to the application.
- (b) The Site currently holds a valid licence for Animal Boarding Establishment issued by his department.

### **Environment**

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

- (a) There was no environmental complaint received in the past three years. According to the applicant, all dogs will be kept inside the enclosed kennel from 11 p.m. to 7 a.m. No loudspeaker, public announcement system or whistle blowing will be used at the Site.
- (b) The applicant is advised to properly design and maintain the facilities with a view to minimize potential environmental nuisance to nearby sensitive receivers, e.g. the kennels should be enclosed with proper soundproofing materials and provided with 24-hour mechanical ventilation and air-conditioning (MVAC) system. The applicant is also advised 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” (the COP) to minimize any potential environmental nuisance, and implement suitable mitigation measures to address potential odour impacts.
- (c) Moreover, 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**

#### 10.1.6 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 connected to a paved driveway leading to Kam Sheung Road to the south. The last application No. A/YL-SK/211 of the same use submitted by the same applicant was approved by the Committee in 2015, to which she had no objection from the landscape planning perspective.
- (c) Based on the aerial photo taken on 13.3.2018, the Site is situated in an area of rural landscape character comprising of scattered tree groups and Small Houses. Although the applied use is not in line with the planning intention of “V” zone, it is not incompatible to the surrounding environment. According to the site visit dated 26.9.2018, no significant change is observed in the adjacent area and within the application boundary since the last application. Some existing palms for the previous conditions are in fair condition and vegetation maintenance should be stepped up if permission is granted. Adverse impact on landscape character and landscape resources arising from the continual use of temporary animal boarding establishment (kennel) is not anticipated.
- (d) Should the application be approved, approval condition on the maintenance of existing trees satisfactorily condition at all times during the approval period and replacement of good specimen for the missing and dead trees should be included in the planning approval.

### **Drainage**

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

- (a) He has no in-principle objection to the development.
- (b) Based on the application, the applicant would maintain the same drainage facilities as those implemented under previous application No. A/YL-SK/211.
- (c) Should the application be approved, approval conditions on the maintenance of the drainage facilities implemented under application No. A/YL-SK/211 and submission of the records of the existing drainage facilities on site to his satisfaction should be included in the planning approval.

### **Fire Safety**

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

- (a) He has no objection in principle to the application subject to fire service installations (FSIs) 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 Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

### **Environmental Hygiene**

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

- (a) If any FEHD's facility is affected by the development, Food and Environmental Hygiene Department (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 the DFEH under the Public Health and Municipal Hygiene 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, no environmental nuisance should be generated to the surroundings. Also, for any waste generated from commercial/trading activities, the applicant should handle on their own /at their expenses. Any animal carcass/parts shall be properly wrapped or bagged before disposal.

**Building Matters**

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

- (a) If the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorized under the BO and should not be designated for any use under application.
- (b) 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 the BD should be obtained. Otherwise, they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (c) For UBW erected on leased land, enforcement action may be taken by the 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.
- (d) 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 respectively.
- (e) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulation at the building plan submission stage.

**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 the consultation period and he has no particular comments on the application.

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

- (a) Project Manager/New Territories West, Civil Engineering and Development Department (PM/W, CEDD);
- (b) Director of Electrical and Mechanical Services (DEMS);

- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (d) Commissioner of Police (C of P).

## **11. Public Comment Received During Statutory Publication Period**

On 4.9.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 25.9.2018, one public comment was received from land owners of the Site (**Appendix VI**). The commenter objects to the application on the grounds that the applicant did not obtain the agreement of some of the land owners of the Site (i.e. lots 670 RP, 670 S.A, 670 S.F and 685 RP in D.D. 112) to occupy the Site for the applied use.

## **12. Planning Considerations and Assessments**

- 12.1 The application is for renewal of temporary animal boarding establishment (kennel) for a period of 3 years in “V” zone. The applied use is not in line with the planning intention of the “V” zone, which is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. Nevertheless, DLO/YL, LandsD advised that there is no small house approved or under processing at the Site. It is considered that approval of the application for a temporary period of 3 years would not jeopardize the long-term planning intention of the “V” zone.
- 12.2 The development is considered not incompatible with the surrounding areas which are mixed with fallow agricultural land, vacant/unused land, residential structures/dwellings, open storage/storage yards and warehouses (**Plan A-2**). Although there are residential structures/dwellings in the vicinity (**Plan A-2**), the applicant stated that the kennels are enclosed with sound proofing materials and provided with 24-hours mechanical ventilation and air conditioning and no dogs will stay outdoor between 11 p.m. to 7 a.m. Also, no public announcement system or whistle blowing will be used at the Site. DEP has no adverse comment on the application.
- 12.3 The application is in line with the TPB PG-No. 34B in that previous approvals (Applications No. A/YL-SK/144, 159, 194 and 211) for the same applied use were granted on 14.12.2007, 24.9.2010, 11.10.2013 and 23.10.2015 respectively (**Plan A-2** and paragraph 6 refer. All the approval conditions under the last application No. A/YL-SK/211 including those related to the drainage and fire service installations aspects have been complied with. The current application is same as the last application in terms of site area/ boundary, applied use and site layout and there is no major change in planning circumstances since the last approval. In this regard, favourable consideration can be given to the current renewal application.

- 12.4 Relevant departments consulted including CTP/UD&L of PlanD, C for T, DAFC and DEP have no adverse comment on the application. To minimise the possible environmental nuisance, approval conditions on prohibiting outdoor animal activities and public announcement system, portable loudspeakers, audio amplification system and whistle blowing are recommended in paragraph 13.2 (a) to (b) below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorized development on-site will be subject to enforcement action by the Planning Authority. The applicant will also be advised to adopt the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to alleviate any potential impact. The technical requirements of C for T, CTP/UD&L of PlanD, CE/MN of DSD and D of FS on traffic, landscape, drainage and fire safety aspects could be addressed by imposing approval conditions (c) to (i) in paragraph 13.2 below.
- 12.5 One public comment objecting the application was received during the statutory publication period as mentioned in paragraph 11 above. In this regards, the applicant is advised to resolve any land issue with the landowners of the Site. The planning considerations and assessments as stated above are also relevant.

### **13. Planning Department’s Views**

- 13.1 Based on the assessment made in paragraph 12 above and having taken into account the public comment in paragraph 11 above, the Planning Department considers that the temporary animal boarding establishment (kennel) could be tolerated 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 24.10.2018 until 23.10.2021. The following approval conditions and advisory clauses are also suggested for Members’ reference:

#### Approval Conditions

- (a) all animal shall be kept inside the enclosed structures from 11:00 p.m. to 7:00 a.m., as proposed by the applicant, at all times during the planning approval period;
- (b) no public announcement system, portable loudspeaker, or any form of amplification system, and whistle blowing, as proposed by the applicant, is allowed to be used on the Site during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverser onto/from public road at any time during the planning approval period;

- (d) the replacement of the missing and dead trees on the Site within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 24.1.2019;
- (e) the existing trees on the Site shall be maintained at all times during the planning approval period;
- (f) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (g) the submission of the 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 Town Planning Board by 24.1.2019;
- (h) the submission of 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 24.4.2019;
- (i) in relation to (h) above, the provision of fire service installations within **9** 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 24.7.2019;
- (j) if any of the above planning conditions (a), (b), (c), (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;
- (k) if any of the above planning conditions (d), (g), (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 application 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-SK/211, except the addition of approval conditions on restricting the animal outdoor activities and public announcement system, loudspeakers and whistle blowing and replacement of missing and dead trees in response to DEP's and CTP/UD&L of PlanD's concern.]*

### Advisory Clauses

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

- 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 "V" zone which is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. No strong planning justification has been given in the submission for a departure from the planning intentions, 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.
- 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**

<b>Appendix I</b>	Application form with supplementary planning statement and plans received on 28.8.2018
<b>Appendix Ia</b>	FI received on 28.9.2018 in response to the comments of the Commissioner for Transport (C for T)
<b>Appendix Ib</b>	FI received on 3.10.2018 in response to departmental comments
<b>Appendix Ic</b>	FI received on 5.10.2018 in response to departmental comments
<b>Appendix Id</b>	FI received on 10.10.2018 in response to departmental comments

<b>Appendix Ie</b>	FI received on 11.10.2018 in response to departmental comments
<b>Appendix II</b>	Relevant Extracts of Town Planning Board Guidelines for Renewal of Planning Approval and Extension of Time for Compliance with Planning Condition for Temporary Use or Development (TPB PG-No. 34B)
<b>Appendix III</b>	Previous applications covering the application site
<b>Appendix IV</b>	Public comment received during the statutory publication period
<b>Appendix V</b>	Advisory Clause
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Revised Landscape Plan
<b>Drawing A-3</b>	Drainage Plan
<b>Plan A-1a</b>	Location Plan with Previous and Similar Applications
<b>Plan A-1b</b>	Previous Application Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4</b>	Site Photos

**PLANNING DEPARTMENT  
OCTOBER 2018**