

RNTPC Paper No. A/YL-KTS/867
For Consideration by
the Rural and New Town
Planning Committee
on 18.12.2020

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/867

<u>Applicant</u>	: House of Joy and Mercy Company Limited
<u>Site</u>	: Government Land in D.D. 103, Ko Po San Tsuen, Kam Tin, Yuen Long
<u>Site Area</u>	: 1,060 m ²
<u>Lease</u>	: Government Land
<u>Plan</u>	: Approved Kam Tin South Outline Zoning Plan No. S/YL-KTS/15
<u>Zoning</u>	: “Agriculture” (“AGR”)
<u>Application</u>	: Proposed Temporary Animal Boarding Establishment for a Period of 5 Years and Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application Site (the Site) for proposed temporary animal boarding establishment for a period of 5 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). Filling of land in the “AGR” zone also requires planning permission from the Board. The Site is currently under construction for the applied use (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site is subject to a previous planning application No. A/YL-KTS/790 submitted by the same applicant for the same use for a period of 3 years without filling of land, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) in 2018. The planning permission is valid until 3.8.2021.
- 1.3 According to the applicant, the proposed development involves a one-storey temporary structure (about 4m in height) with a total floor area of 500m² for

animal boarding establishment, ancillary office, staff/volunteer common room and toilet. The uncovered area will be used as dog playground and courtyard. The proposed animal boarding establishment will accommodate about 50 animals in air-conditioned and sound-proof shelter which will be made of concrete wall and closed thick glass windows. The operation hour will be 9 a.m. to 9 p.m daily, with 24-hour animal boarding services. The animals will be kept indoor between 9 p.m. and 9 a.m. At least one staff will stay overnight to manage the establishment. No public announcement system, loudspeaker, any form of amplification system or whistle blowing will be used at the Site. One parking space for light goods vehicle will be provided. The Site is accessible from Kam Tin Road via a local track. To stabilize the proposed structure, site works including excavation, laying of foundation and back filling of land (about 0.5m to 1m in depth) would be required, thus filling of land with an area of 500m² (i.e. 47 % of the Site) is proposed with the existing site levels (ranging from 6.95mPD to 8.4mPD) remain the same after construction work. The layout plan submitted by the applicant is at **Drawing A-1**.

- 1.4 Compared with the previous approved application (No. A/YL-KTS/790), the current application is for the same use and submitted by the same applicant, with similar layout, same total floor area and number of structure but slightly larger site area (+10m²/+0.9%) to tally with that of the Short Term Tenancy for the Site granted by the Lands Department. Also, the approval period sought is changed from 3 years to 5 years, and filling of land is proposed in the current application.
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application form with received on 6.11.2020 and supplementary information received on 11.11.2020 (Appendix I)
 - (b) Supplementary planning statement (Appendix Ia)
 - (c) Further Information (FI) received on 10.12.2020 providing response to departmental comments (Appendix Ib)
[exempted from publication 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 at **Appendix Ia**. They can be summarized as follows:

- (a) The applicant is a charitable non-government organization established in 2015 providing services including taking care of and finding new homes for homeless animals. They also commit to assisting Government to rehome the stray animals

affected by the New Development Areas projects. They are currently renting another site in Kam Tin at high rent.

- (b) Since the approval of application No. A/YL-KTS/790 on 3.8.2018, the applicant has endeavoured to set up the proposed animal boarding establishment at the Site, including complying with the approval conditions, obtaining the Short Term Tenancy from the Lands Department in late 2019, and obtaining funding from the Development Bureau (DEVB) under the “Funding Scheme to Support the Use of Vacant Government Sites by Non-government Organization” to sponsor the capital cost of the project. The submission aspects of the approval conditions of the previous application have been complied with. However, the implementation of the development has been affected by the COVID-19 and is anticipated to be completed by March 2021, which is beyond the last extension of the time for compliance with the implementation aspects of approval conditions. Therefore, the applicant seeks planning permission for the same use for a period of 5 years such that the proposed development could be in operation in a timely manner.
- (c) Compared with the approved application, the applicant has slightly adjusted the layout of the structure to reserve the backyard area for animals, which is further away from the nearby residential use, and to provide space for new tree planting. Also, the internal layout is reshuffled for better facility management. To stabilize the proposed structure, basic site works including excavation, laying of foundation and consequential back filling of land would be required. The original site levels will remain the same after the site works with a view to keeping the site levels the least impact.

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

As the Site involves Government land only, the “owner’s consent/notification” requirement as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) is not applicable to the application.

4. Background

The Site is currently not a subject of any active planning enforcement case.

5. Previous Application

The Site is subject to a previous application No. A/YL-KTS/790 submitted by the same applicant for proposed temporary animal boarding establishment for a period of 3 years which was approved with conditions by the Committee on 3.8.2018 for the reasons that temporary approval would not jeopardize the long-term planning intention of “AGR” zone; the proposed development was not incompatible with the surrounding land uses; there was no adverse departmental comments except that the Agriculture, Fisheries and

Conservation Department (AFCD) did not support the application from agricultural point of view; and departmental concerns could be addressed by approval conditions. Approval conditions on the submission of landscape, drainage and fire services installation proposals have been complied with, but the conditions on the implementation of these proposals which are already extended to 3.1.2021 have not been complied with. The planning permission is valid until 3.8.2021. Details of the application are summarised in **Appendix II** and its location is shown on **Plan A-1**.

6. Similar Applications

Animal Boarding Establishment

- 6.1 There is one similar application (No. A/YL-KTS/791) for proposed temporary animal boarding establishment for a period of 5 years in the same “AGR” zone which was approved with conditions by the Committee on 3.8.2018 mainly for similar reasons as stated in paragraph 5 above. Details of the application are summarised in **Appendix III** and its location is shown on **Plan A-1**.

Filling of Land

- 6.2 There are two similar applications for filling of land within the same “AGR” zone. Details of the applications are summarised in **Appendix III** and their location are shown on **Plan A-1**.
- 6.3 Application No. A/YL-KTS/624 for proposed temporary filling of pond and filling of land for temporary open storage of recycled vehicles and metal scaffolding/machinery for construction for a period of 3 years (filling of land with an area of about 7,258m² and 1m in depth) was rejected by the Board on review on 6.6.2014 mainly on the grounds that the development was not in line with the planning intention of the “AGR” zone; the application did not comply with the Town Planning Board Guidelines on “Application for Open Storage and Port Back-up Uses” in that the development was not compatible with the surrounding land uses, there was no previous approval granted at the site and there was adverse departmental comments and public objections against the application; the applicant failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and approval of the application would set an undesirable precedent.
- 6.4 Application No. A/YL-KTS/857 for temporary place of recreation, sports or culture (hobby farm) for a period of 5 years and filling of land (filling of land with an area of about 373m² and 0.2m in depth) was approved with conditions by the Committee on 9.10.2020 mainly on the considerations that temporary approval would not jeopardize the long-term planning intention of “AGR” zone; the development was not incompatible with the surrounding land uses; and there was no adverse departmental comment.

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

7.1 The Site is:

- (a) currently under construction; and
- (b) accessible from Kam Tin Road via a local track.

7.2 The surrounding areas are rural in character and intermixed with residential dwellings/structures, parking of vehicles, open storage yards, Au Tau Water Treatment Works and unused/vacant land (**Plan A-2**):

- (a) to its north and west are residential dwellings/structures (the nearest adjoining the Site on the west), storage/ open storage yards (with planning permissions), parking of vehicles, and vacant/unused land;
- (b) to its northeast across a local track are vacant land and two sites subject to planning permissions for proposed temporary animal boarding establishment and vehicle repair workshop; and
- (c) to its east and south is the Au Tau Water Treatment Works.

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 According to the Explanatory Statement of the OZP, 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 Departments

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

Policy Aspect

9.1.1 Comments of the Secretary of Development Bureau (SDEV):

- (a) The proposed development is funded by DEVB's funding scheme to support the use of vacant government sites by non-government organisations, with a view to making gainful use of vacant government sites to take forward worthy projects for community, institutional, or other non-profit-making use on a short-term basis.
- (b) The applicant is committed to helping the community take care of some stray animals in the rural areas arising from the implementation of the current and forthcoming New Development Areas projects. This collaboration between this non-government organisation and Government in providing rehoming services for stray animals would help address concerns expressed by certain Members of the Legislative Council about the demand for such services in the years to come.
- (c) He supports the application as it is in line with government's policy initiatives on land utilisation. He expects upon completion of the project, which is in progress and to be completed early next year, the proposed temporary animal boarding establishment can provide stray animals a place to live in prior to being homed or adopted subsequently.

Land Administration

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

- (a) The Site comprises Government Land having an area of about 1,060m² currently let to House of Joy & Mercy Company Limited ("the Tenant") by way of Short Term Tenancy ("STT") No. 3215 for the purpose of animal boarding establishment with a term commencing from 14.5.2020 to 3.8.2021 and thereafter quarterly at nominal rent. It is noted that the planning permission under the last application (No. A/YL-KTS/790) was approved until 3.8.2021 and this planning application seeks a further term of 5 years. According to the tenancy agreement of the STT, the tenancy conditions restrict, among other terms and conditions, the erection of one structure having a height not exceeding 4m above ground level and a total gross floor area not exceeding 500m² and the provision of 1 space for parking of private car/light goods vehicle. The Tenant shall maintain the validity of the planning permission of the Site and in the event of any revocation or expiry or non-renewal of the planning permission,

the Government shall be entitled to terminate the tenancy. It is noted that the planning permission under last application No. (A/YL-KTS/790) would lapse on 4.8.2021.

- (b) Noting that the development parameters of the planning application tally with those permitted under the STT, he has no comment on the planning application from land administrative point of view.

Traffic

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

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

Environment

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

- (a) There was no environmental complaint concerning the Site received by DEP 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:

“the animals shall be kept inside the enclosed structures between 9:00 p.m. and 9:00 a.m. on the Site during the planning approval period”; and

“no public announcement system, loudspeaker or any form of amplification system or whistle blowing is allowed to be used on the Site as proposed by the applicant.”

- (c) The applicant is also advised to (i) properly design and maintain the facilities to minimize any potential environmental nuisance, e.g. the proposed structure for animal boarding establishment should be enclosed with soundproofing materials with provision of 24-hour mechanical ventilation and air-conditional system; (ii) to follow the requirements stipulated in “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Site”; (iii) to provide adequate supporting infrastructure / facilities for proper collection, treatment and disposal of waste / wastewater generated from the proposed use. If septic tank and soakaway system will be used in case of unavailability of public sewer, its design and construction shall follow the requirements of 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 (iv) it is the obligation of the applicant to meet the statutory requirements under relevant pollution control ordinances.
- (d) The Site falls within the Consultation Zone of Au Tau Water Treatment Works which is a Potential Hazardous Installation. Based on the information provided, he has no adverse comment from chlorine risk point of view.

Landscape

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

- (a) He has no objection to the application from the landscape planning perspective.

- (b) Based on the aerial photo taken on 18.2.2020, the Site is situated in an area of rural landscape character comprising scattered tree groups, temporary structures and abandoned farmlands. Au Tau Water Treatment Works is located to the south of the Site. Referring to the submitted layout plan, a one-storey structure is proposed within the Site. With the scale and proposed use of the development, it is considered not incompatible with the surrounding landscape setting.
- (c) Referring to the site visit dated 20.11.2020, the Site is vacant with no vegetation cover is observed. One existing tree of *Macaranga tanarius* (血桐) is found adjoining the north-eastern boundary. Referring to the submitted layout plan, the proposed development and filling of land are not in direct conflict with the existing tree. Significant adverse impact to the existing landscape resources arising from the proposed use within the Site is not anticipated.
- (d) The applicant is reminded that approval of the application under the Town Planning Ordinance does not imply approval of tree preservation/removal scheme under the Lease. The applicant should seek comments and approval from the relevant authority on the proposed tree works and compensatory planting proposal, where appropriate.

Agriculture and Nature Conservation

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

- (a) The Site is currently a vacant land with containers. Although the agricultural activities are not active in the vicinity, 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, etc. As the Site possesses potential for agricultural rehabilitation, the application for the proposed use and land filling is not supported from agricultural point of view.
- (b) Noting that the Site is disturbed in nature, he has no adverse comment on the application from nature conservation perspective.
- (c) There is no existing Boarding Establishment Licence issued by his department at the Site. Carrying on a business of providing food and accommodation for animals in return for a fee or other money consideration requires a licence from his department in

accordance with the Public Health (Animals) (Boarding Establishment) Regulations Cap. 139I. Setting up and running of a shelter for stray animals does not require a licence or any approval from his department. However, the conditions in which animals are kept must meet the minimum requirements of the Prevention of Cruelty to Animals Ordinance (Cap. 169) and its subsidiary regulations. Furthermore, the rehoming of animals in exchange for an adoption or rehoming fee may require a licence or exemption from this department in accordance with the Public Health (Animals and Birds) (Trading and Breeding) Regulations, Cap. 139B. In brief, the applicant shall apply for a licence if she/ he wants to sell any animal or run animal boarding business.

Drainage

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

- (a) He has no objection in-principle to the proposed 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.
- (c) His detailed comments on the submitted drainage proposal is at **Appendix IV**.

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 (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 FSI to be installed should be clearly marked on the layout plans.

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

Building Matters

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

- (a) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Building Authority, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application.
- (b) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with the prevailing 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.
- (c) Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with 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 (B(P)R) respectively.
- (e) The Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

Environmental Hygiene

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

- (a) If the proposal involves any commercial/trading activities, there should be no encroachment on the public place and no environmental nuisance should be generated to the surroundings. Its state should not be a nuisance or injurious or dangerous to health and surrounding environment. Also, for any waste generated from the activities in the premises, the applicant should handle on their own/at their expenses.
- (b) Any animal carcass / parts shall be properly wrapped or bagged before disposal.

Water Supply

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

- (a) He has no objection to the application.
- (b) Existing Waterworks Reserve and a DN600 water main as shown on **Plan A-2** will be affected. No structure shall be built or materials stored within this waterworks reserve or 3m from the centerline of this DN600 water main. Free access shall be made available at all times for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works.
- (c) No trees or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water main shown on **Plan A-2**.
- (d) Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water
- (e) mains within and in close vicinity of the Site.

District Officer's Comments

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

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

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

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

10. Public Comment Received During Statutory Publication Period

On 12.11.2020, the application was published for public inspection. During the three-week statutory publication period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary animal boarding establishment for a period of 5 years in the “AGR” zone and filling of land. According to the applicant, they will take care of and rehome strays animals including those affected by the New Development Areas projects. The applicant has also obtained DEVB’s funding scheme to support the use of vacant government sites by non-government organisations. SDEV supports the application as it is in line with government’s policy initiatives on land utilisation, as well as providing stray animals a place to live in prior to being homed or adopted.
- 11.2 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 proposed use is not entirely in line with the planning intention of the “AGR” zone. DAFC does not support the application from the agriculture point of view as the Site has potential for agricultural rehabilitation. Nevertheless, it is considered that approval of the application on temporary basis for a period of 5 years would not jeopardize the long-term planning intention of the area.
- 11.3 The proposed development is considered not incompatible with the surrounding areas which are rural in character and intermixed with residential dwellings/structures, open storage/ storage yards, Au Tau Water Treatment Works and vacant/unused land. Although there are residential dwellings/structures in the vicinity of the Site (the nearest is adjoining the Site on the west) (**Plan A-2**), the applicant advised that all animals will be kept inside the proposed structure between 9 p.m. and 9 a.m. and the proposed temporary animal boarding establishment will be enclosed and provided with soundproofing material and air conditioning. In addition, no public announcement system and whistle blowing will be used at the Site. DEP has no adverse comment on the application. According to the applicant, the filling of land is to stabilize the base of structure and the resultant site levels will remain the same as the existing site levels. CE/MN of DSD and DEP have no in-principle objection to the proposal.

- 11.4 Other departments consulted, including C for T, D of FS and CE/C of WSD have no adverse comment on the application. To minimise any possible environmental nuisance, approval conditions restricting the operation hours and outdoor animal activities and prohibiting the use of public announcement system and whistle blowing are recommended in paragraphs 12.2 (a) to (c) 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) to (i) recommended in paragraph 12.2 below.
- 11.5 The Site involves one previous application No. A/YL-KTS/790 for the same use for a period of 3 years submitted by the same applicant which was approved by the Committee for the reasons as mentioned in paragraph 5 above. The planning permission is valid until 3.8.2021. Approval conditions on submission of landscape, drainage and FSIs proposal have been complied. However, the applicant explained that the implementation of these proposals have not yet been complied with due to the outbreak of COVID-19. Since there is no major change in planning circumstances, sympathetic consideration could be given to the current application.
- 11.6 There is a similar application for temporary animal boarding establishment within the same "AGR" zone approved by the Committee in 2018 for reasons as mentioned in paragraph 6 above. There are two similar applications for filling of land within the same "AGR" zone but for different uses, with one approved and one rejected as detailed in paragraph 6 above. The rejected application is for temporary filling of pond and filling of land for temporary open storage of recycled vehicles and metal scaffolding/machinery for construction, which was subject to circumstances different from the current application.
- 11.7 No public comment was received during the statutory public inspection period.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11, the Planning Department has no objection to the proposed temporary animal boarding establishment for a period of 5 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 5 years until 18.12.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation between 9:00 p.m. and 9:00 a.m. (except for 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 structure between 9:00 p.m. and 9:00 a.m, as proposed by the applicant, at all times during the planning approval period;
- (c) no public announcement system, portable loudspeaker, any form of amplification system, or whistle blowing is allowed to be used on the Site, as proposed by the applicant, at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the submission of 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 18.6.2021;
- (f) in relation to (e) above, the implementation of 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 18.9.2021;
- (g) in relation to (f) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) the submission of 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 18.6.2021;
- (i) in relation to (h) above, the implementation of 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 18.9.2021;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (k) if any of the above planning conditions (e), (f), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and

- (l) upon 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.

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 proposed development is not in line with the planning intention of the "AGR" zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. 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 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.

Attachments

- Appendix I** Application form with received on 6.11.2020 and supplementary information received on 11.11.2020
- Appendix Ia** Supplementary planning statement
- Appendix Ib** FI received on 10.12.2020
- Appendix II** Previous Application
- Appendix III** Similar Applications

Appendix IV	Detailed comments of CE/MN of DSD
Appendix V	Advisory Clauses
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4b	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2020**