

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/877

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| <u>Applicant</u> | : United Ascent Corporation Limited represented by R-riches Property Consultants Limited |
| <u>Site</u> | : Lots 1703 (A-C) S.A, 1703 (A-C) S.B and 1703 (A-C) S.C in D.D. 106, Pat Heung, Yuen Long, New Territories |
| <u>Site Area</u> | : About 1,030 m ² |
| <u>Lease</u> | : Block Government Lease (demised for agricultural use) |
| <u>Plan</u> | : Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15 |
| <u>Zoning</u> | : “Agriculture” (“AGR”) |
| <u>Application</u> | : Proposed Temporary Animal Boarding Establishment for a Period of 5 Years |

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. 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). The Site is currently vacant (**Plans A-2 to A-4**).
- 1.2 The Site is subject to a previous application for the same use which was approved with conditions by the Rural and New Town Planning Committee (the Committee) for a period of 3 years on 4.5.2018. The planning permission was revoked in 2020 due to non-compliance with approval conditions on implementation of drainage, landscape and fire service installations proposals.
- 1.3 According to the applicant, the proposed temporary animal boarding establishment involves four one to two-storey structures (2.8m to 7.2m in height) with a total floor area of about 315m² for animal boarding establishment, site office, storage of pet goods and fire service water tank. The business hour is from 9:00am to 6:00pm daily with 24 hours animal boarding services. The applicant advised that the proposed animal boarding

establishment will accommodate not more than 25 dogs. All dogs will be kept inside enclosed structures fitted with soundproofing acoustic panels and mechanical ventilation and air-conditioning systems. All dogs will be kept indoor at all time and no public announcement system and whistle blowing will be used. No visitor is allowed to access the Site. There will be 3 private car parking spaces and 1 loading/unloading space for light goods vehicle provided on-site. The Site is accessible from Kam Sheung Road via Tung Bin Road. The layout plan submitted by the applicant is at **Drawing A-1**.

- 1.4 Compared with the last approved application (No. A/YL-KTS/780), the current application is submitted by the same applicant for the same use but for a longer approval period (from 3 years to 5 years). The site area, total floor area and layout remain the same.
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application form with plans received on 14.1.2021 (**Appendix I**)
 - (b) Supplementary Information (SI) received on 28.1.2021 (**Appendix Ia**)
 - (c) Further Information (FI) received on 5.3.2021 providing response to departmental comments (**Appendix Ib**)
[exempted from publication requirement]

2. **Justifications from the Applicant**

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

- (a) The applicant would like to use the Site to operate animal boarding establishment (dog kennel) to serve pet owner. The proposed development is temporary in nature and will not jeopardize the long-term planning intention of the “AGR” zone. The Site involves a previous approved application (No. A/YL-KTS/780) for the same use submitted by the same applicant, approval of the application will not set an undesirable precedent. The applicant will reinstate the Site to a condition which is suitable for agricultural use after the planning approval period.
- (b) Regarding the previous planning permission, the applicant has already complied with the approval conditions on the submission of landscape, drainage and fire service installations (FSIs) proposals. The applicant has also applied for a Short Term Waiver (STW) for erection for structures at the Site but the approval is still pending. Since the implementation work of these proposals should be commenced at the same time with the construction of the structures (for FSIs since it is located within the structures and drainage proposal for the sake of construction cost and time) and after the erection of structures (for landscape proposal to minimize impact of trees during construction), the approval conditions on implementation of these proposals

could not be complied with and the planning permission was revoked. The applicant will make submissions for compliance with approval conditions after planning approval is granted.

- (c) The proposed development will not create significant adverse traffic, environmental, landscape and drainage impact on the surrounding areas. No medium or heavy goods vehicles exceeding 5.5 tonnes will enter/exit at the Site. The applicant will strictly follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Departmental (EPD) to minimise adverse environmental impacts and nuisance to the surrounding area. Also, a 2.5m solid (metal) wall is proposed along the site boundary to minimize nuisance to nearby residents. The applicant will strictly follow the operation hours and no animal corpse treatment activities will be carried out at the Site. The Site will also be cleaned on a weekly basis and kept dry to prevent spreading of germs and breeding of mosquitos.
- (d) Septic tank is proposed for sewerage treatment at the Site and it will follow the Professional Persons Environmental Consultative Committee Practice Notes 5/93. Cleaning of dogs will be carried out every week inside the structures to minimize odour. Wastewater will be discharged to the septic tank. No wastewater will be discharge to the surroundings. Surface run-off generated during rain season will be collected by the peripheral drainage facilities, so that it will not cause adverse drainage impact on the surrounding area.

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 section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting site notice and sending notices to Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is not subject to any active planning enforcement action.

5. Previous Application

The Site is subject to a previous application (No. A/YL-KTS/780) submitted by the same applicant for the same use for 3 years which was approved by the Committee on 4.5.2018 for the reasons that temporary approval would not frustrate the long-term planning intention; the proposed development was not incompatible with the surrounding land uses; there was no adverse comment from the relevant government departments except the Director of Agriculture, Fisheries and Conservation (DAFC); the departmental concerns could be addressed by appropriate approval conditions. Approval conditions on the submission of landscape, drainage and FSIs proposal were complied. However, the planning permission was revoked on 4.10.2020 due to non-compliance with approval conditions on the implementation of drainage,

landscape and FSIs proposals. Details of the application are summarized in **Appendix II** and the location of the site is shown on **Plan A-1**.

6. Similar Applications

There are five similar applications for temporary animal boarding establishment on two sites within the same “AGR” zone. All of them were approved with conditions by the Committee for 3 years between 2009 and 2019. These applications were approved for similar reasons as stated in paragraph 5 above. However, the planning permissions of two applications were revoked in 2010 and 2019 due to non-compliance with approval conditions. Details of these applications are summarized in **Appendix III** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) currently vacant, partly paved and partly covered with weeds; and
- (b) accessible from Kam Sheung Road via Tung Bin Road.

7.2 The surrounding areas are rural in character intermixed with residential structures/dwellings, unused/vacant land and parking of vehicles:

- (a) to its north, south and east are residential structures/dwellings (the nearest on the immediate north of the Site), cultivated agricultural land and unused land; and
- (b) to its west across Tung Bin Road are residential structures/dwellings and vacant/unused land.

8. Planning Intention

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

9. Comments from Relevant Government Departments

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

Land Administration

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

- (a) The Site comprises Old Schedule Agricultural Lots held

under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.

- (b) Should the planning approval be given to the planning application, the lot owner(s) will need to apply to his office to permit the structure(s) to be erected or regularize any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by LandsD acting in the capacity as the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by the LandsD.

Traffic

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

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

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

- (a) HyD shall not be responsible for the maintenance of 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.

Environment

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

- (a) No environmental complaint concerning the Site was received in the past three years.
- (b) Referring to the application form and FI, he noted the following information and the applicant's proposed measures on the application:
 - (i) The proposed use will operate 24 hours a day, including public holidays;
 - (ii) Up to 25 dogs will be kept at the Site;
 - (iii) A 2.5m high solid (metal) wall is proposed along the site boundary to minimize nuisance to the nearby residents;
 - (iv) All dogs are kept indoor at all time inside enclosed structures fitted with soundproofing acoustic panels and mechanical ventilation and air-conditioning systems;
 - (v) Two staff will stay overnight at the Site to handle potential complaints arising from the proposed development;
 - (vi) No public announcement system, whistle blowing, portable loud speaker, or any form of audio amplification system is allowed on the Site during the planning approval period; and
 - (vii) All dogs will be kept in cages, urine and excrement of dogs could be collected for disposal easily. Dogs will be showered indoor by staffs every week to ensure they are in good hygiene conditions.
- (c) Given the round clock operation, and the very close proximity between the surrounding residential dwellings and the Site (some within only 5-10m), stringent measures proposed by the applicant must be fully implemented to minimize potential environmental nuisance to the nearby residents.
- (d) In case the application is approved, the following approval conditions are suggested:
 - (i) All dogs shall be kept inside the enclosed structures at all time as proposed by the applicant, during the approval period during the planning approval period.
 - (ii) A 2.5m high solid (metal) wall shall be erected along the site boundary, as proposed by the applicant, during the planning approval period.
 - (iii) No public announcement system, whistle blowing, portable loudspeaker or any form of audio

amplification system is allowed to be used on the Site, as proposed by the applicant, at any time during the planning approval period.

- (e) Moreover, the applicant is advised (i) to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Site” to minimize any potential environmental nuisance; (ii) to meet all statutory requirements under relevant pollution control ordinances and provide necessary mitigation measures; (iii) to provide suitable treatment facilities to handle sewage arising from the Site. If septic tank and soakaway system will be used in case of unavailability of public sewer, its design and construction should follow the requirements of the 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) the enclosed structures for accommodating the dogs should be fitted with soundproofing acoustic panels and mechanical ventilation and air-conditioning systems during the planning approval period as proposed by the applicant.

Landscape

9.1.5 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) According to the aerial photos taken in 2019 and 2020, the Site is situated in an area of rural inland plains landscape character comprising of scattered tree groups, farmlands, village houses and temporary structures. Application No. A/YL-KTS/789 for similar use located to the south of the Site was approved in 2018. The proposed development within the Site is considered not entirely incompatible with the surrounding landscape setting.
- (c) Based on the aerial photo in 2019, the Site is hard paved and some existing trees are found in the middle of the Site. With reference to the submitted layout plan, the proposed structures are generally similar to those in the previous approved application (No. A/YL-KTS/780) and the proposed carpark is in direct conflict with the existing trees. Given the concerned trees are invasive tree species, significant adverse impact to the existing landscape resources arising from the same use within the Site is not anticipated.
- (d) Should the application be approved by the Board, approval condition on submission and implementation of landscape

proposal is recommended to be included in the planning permission.

- (e) The applicant is reminded that approval of the application does not imply approval of tree works such as pruning, transplanting and felling under lease. Tree removal applications should be submitted direct to LandsD for approval.

Agriculture and Nature Conservation

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

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

Drainage

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

- (a) He has no objection in-principle to the 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 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.

Fire Safety

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

- (a) He has no objection in principle to the proposal subject to fire service installations (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

9.1.9 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 BA, they are authorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any purposed use under the application.
- (b) His detailed comments on UBW, provision of access, temporary or licensed structures are at **Appendix V**.
- (c) Detailed checking under the BO will be carried out at building plan submission stage.

Environmental Hygiene

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

- (a) Proper licence / permit issued by the Food and Environmental Hygiene Department (FEHD) is required if there is any food business / catering service / activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public and the operation of any business should not cause any obstruction.

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

District Officer's Comments

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

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

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

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

10. Public Comments Received During Statutory Publication Period

10.1 On 29.1.2021, the application was published for public inspection. During the three-week statutory publication period, 131 public comments were received from a Yuen Long District Council member, the Tung Bin Road Concern Group, locals living near Tung Bin Road (with 127 similar standard forms attached to a covering letter) and individuals (**Appendices IV-1 to IV-131**).

10.2 All the 131 public comments object to the application mainly on the following grounds:

- (a) Tung Bin Road is a narrow single-lane track without passing bay. The proposed development which is a commercial operation will increase the traffic in Tung Bin Road, exacerbate the traffic problem and the conflict between vehicular traffic and pedestrian, thereby threatening the safety of the local residents;
- (b) the proposed development will generate adverse environmental, air quality, sewerage, drainage, hygiene and security impacts on the residential neighborhood. There is also grave concern on the noise, odour and waste generated by the proposed development;

- (c) Tung Bin Road is a tranquil residential neighborhood. There are already animal boarding establishments in the vicinity obviating the need for another one. The proposed development will cause serious nuisances to the residents, affecting their living condition and daily life. Animal boarding establishment should be located away from residential neighborhood. The supply and demand of animal boarding establishment should also be considered;
- (d) the previous planning permission was revoked and the Site is left in a deteriorated condition covered by concrete, causing adverse visual impact on the surrounding area;
- (e) The approval period sought is changed from 3 years to 5 years and the temporary nature of the application is doubtful; and
- (f) there was no notice posted at the Site to inform the nearby residents on the application. The applicant/ agent has been submitting various applications at Tung Bin Road and then requested for deferral or withdrawal of the applications, and submitting applications before public holidays. This makes the local difficult to check the applications, leaving insufficient time to provide comments.

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. 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 possesses 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 “AGR” zone.
- 11.2 The proposed development is considered not incompatible with the surrounding area which is rural in character intermixed with residential structures/dwellings and unused/vacant land. Although there are residential structures/dwellings near the Site (the nearest one on the immediate north), the applicant advised that all dogs will be kept inside the enclosed structures with soundproofing material and equipped with mechanical ventilation and air conditioning systems. No dogs will be allowed outdoor at all times. In addition, no public announcement system or whistle blowing will be used at the Site. DEP has no adverse comment on the application with the imposition of appropriate approval conditions.
- 11.3 Relevant departments consulted, including C for T, DEP, CTP/UD&L of PlanD, D of FS and CE/MN of DSD, except DAFC, have no adverse comment on the application. To minimise any possible environmental nuisance, approval conditions restricting the operation hours, prohibiting outdoor animal activities and the use of public announcement system and whistle

blowing and erection of boundary wall are recommended in paragraphs 12.2 (a) to (c) and (e) below. The applicant will also be advised to adopt the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites'. The technical requirements of C for T, CTP/UD&L of PlanD, CE/MN of DSD, and D of FS could be addressed by approval conditions (d), (f) to (l) recommended in paragraph 12.2 below.

- 11.4 The Site is subject to a previous application submitted by the same applicant for the same use which was approved by the Committee in 2018 as stated in paragraph 5 above. While the applicant has complied with the approval conditions on the submission of landscape, drainage and FSIs proposals, the planning permission of the last approved application was revoked in 2020 due to non-compliance with approval conditions on implementation of these proposals. The applicant explained that the implementation works could not be commenced as the approval of STW application was still being processed by LandsD. Compared with the last approved application No. A/YL-KTS/780, the current application is subject to the same layout and scale (except approval period sought changed from 3 years to 5 years). There is no major change in planning circumstances since the last approval. Hence, it is considered that sympathetic consideration could be given to the current application. Shorter compliance periods are recommended to monitor the progress of compliance of approval conditions should the Committee decide to approve the current application. Moreover, the applicant will be advised that should he fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 11.5 There are five similar applications for temporary animal boarding establishment within the same "AGR" on the OZP approved between 2009 and 2019 for a period of 3 years as detailed in paragraph 6 above. Approval of the application is in line with the Committee's previous decisions.
- 11.6 131 public comments were received during the statutory publication period objecting to the application as stated in paragraph 10 above. In this regard, the above departmental comments as well as planning considerations and assessments are relevant. In respect to the comment on no site notice was posted, due to the severity of the epidemic situation, all fieldwork including posting of site notices for planning application was suspended between December 2020 and February 2021. Notices of planning applications were continued to be published in the prescribed newspaper and posted on the Board's website, and the planning application was also available for public inspection at the Planning Enquiry Counter of PlanD.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department has no objection to the proposed temporary animal boarding establishment for a period of 5 years.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 5 years until

12.3.2026. The following conditions of approval with shorter compliance period and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation between 6:00 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 structures on the Site, 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 at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the provision of a 2.5m high solid metal wall along the site boundary within **3** months to the satisfaction of the Director of Planning or of the Town Planning Board by 12.6.2021;
- (f) the submission of drainage proposal within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 12.6.2021;
- (g) in relation to (f) above, the implementation 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 12.9.2021;
- (h) in relation to (g) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (i) the submission of landscape proposal within **3** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 12.6.2021;
- (j) in relation to (i) above, the implementation of landscape proposal within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 12.9.2021;
- (k) the submission of fire service installations proposal within **3** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 12.6.2021;
- (l) in relation to (k) above, the implementation 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 12.9.2021;

- (m) if any of the above planning conditions (a), (b), (c), (d) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (e), (f), (g), (i), (j), (k) or (l) 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
- (o) 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.

14. Attachments

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| Appendix I | Application form received on 14.1.2021 |
| Appendix Ia | SI received on 28.1.2021 |

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| Appendix Ib | FI received on 5.3.2021 |
| Appendix II | Previous Application at the Site |
| Appendix III | Similar Applications within the same “AGR” zone on the OZP |
| Appendices IV-1 to IV-131 | Public Comments received during the statutory publication period |
| 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-4 | Site Photos |

**PLANNING DEPARTMENT
MARCH 2021**