

RNTPC Paper No. A/YL-SK/291  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 20.11.2020

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**APPLICATION FOR PERMISSION  
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-SK/291**

- Applicant** : Pet Elements Animal Welfare Organization Limited
- Site** : Lots 383 (Part), 384 S.C, 384 S.D, 385 S.A-S.C (Part) and 386 (Part) in D.D. 112, Kam Sheung Road, Shek Kong, Yuen Long
- Site Area** : About 4,199.52m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9
- Zoning** : “Agriculture” (“AGR”)
- Application** : Temporary Place of Recreation, Sports or Culture (Hobby Farm) and Animal Hospice Services Establishment for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for a temporary place of recreation, sports or culture (hobby farm) and animal hospice services establishment at the application site (the Site) for a period of 3 years (**Plan A-1**). According to the Notes of the OZP, ‘Place of Recreation, Sports or Culture (Hobby Farm)’ is a Column 2 use within “AGR” zone which requires planning permission from the Town Planning Board (the Board), whereas ‘animal hospice services establishment’ is neither a Column 1 nor Column 2 use within “AGR” zone. Notwithstanding this, temporary use or development of any land or building not exceeding a period of 3 years may be allowed with permission from the Board. At present, the northern portion of the Site is mainly covered by grass with a few trees and a canopy, while the southern portion is occupied by a number of temporary structures used for the applied animal hospice services establishment use without planning permission.
- 1.2 According to the applicant, the northern portion (about 2,499m<sup>2</sup> or 59.5% of the site area) will be used for hobby farm with plots of farmland (where about 30%

will be let to the hobby farm lovers, while the remaining 70% will be used as agricultural use by the applicant which is always permitted within the “AGR” zone) and two single-storey temporary structures (of about 2.67m high with floor area of about 29.76m<sup>2</sup>) for activity rooms, whereas the southern portion (about 1,701m<sup>2</sup> or 40.5% of the site area) is currently occupied by animal hospice services establishment use involving a total of 10 single-storey temporary structures (of building heights ranging from about 1.9m to 4m and a total floor area of about 864.19m<sup>2</sup>) for animal cremation, animal boarding, storage, office, common room and memorial room for storing cremated ashes uses (**Drawing A-1**). There are also two orchards/lawn areas at the southern portion of the Site. The operation hours are between 8:00 a.m. and 10:00 p.m. daily. The Site is accessible via a local track from Kam Sheung Road, and no parking and loading/unloading spaces are provided at the Site. Visitors shall rely on public transport or off-site parking spaces to access the Site (**Drawings A-2 and A-3**). The layout plan, public access plan and parking spaces provision plan submitted by the applicant are at **Drawings A-1 to A-3**.

- 1.3 The southern portion of the Site is the subject of a previous application (No. A/YL-SK/263) for temporary animal boarding establishment with animal hospice services for a period of 3 years submitted by a different applicant, which was rejected on review by the Board on 22.5.2020. The applied animal hospice services establishment part under the current application is very similar to the previous application in terms of the layout as well as number and uses of the structures in the southern portion. The major difference is the inclusion of the new northern portion for hobby farm use under the current application, and the application site is increased by about 2,581m<sup>2</sup> (+159%).
- 1.4 In support of the application, the applicant has submitted the following documents:
  - (a) Application Form with attachments received on 25.9.2020 (**Appendix I**)
  - (b) Further information (FI) received on 16.11.2020 (**Appendix Ia**)  
(*exempted from publication*)

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

The justifications put forth by the applicant in support of the application are detailed in **Appendices I and Ia**, and are briefly summarized as follows:

- (a) The applied development is intended to combine organic farming with animal boarding and hospice services in a symbiotic environment. Whilst animal wastes and cremated ashes will be used as fertilizers for farming, the routine farm produce will be used for feeding the animals on site. About 30% of the farm area will be let to the hobby farm lovers, while the remaining 70% will be used as agricultural purpose by the applicant.

- (b) There is an increasing demand for animal boarding and hospice services. The fee-charging animal hospice services provided by the applicant is to support the non-profit making boarding services for abandoned animals (including birds, turtles, goat, guinea pigs and others). For the animal hospice services, the applicant helps customers to cremate their pets, provides memorable products and scatters the bone ashes to the garden/farmland.
- (c) The applied development is on a temporary basis for a period of 3 years and therefore will not jeopardize the planning intention of the “AGR” zone. It is also considered not incompatible with the surrounding land uses. In addition, the structures of the Site have been built for a long time. The applicant has used the Site for animal boarding establishment with hospice services for more than 10 years.
- (d) The animals kept on the Site are quiet and no barking or noise are created normally. No public announcement system would be installed at the Site. Besides, there are only small unit incinerators with its maximum capacity complying with the requirements of the Environmental Protection Department (EPD). The frequency of the furnace operation is 1–10 times per week on average, and the average operation duration is 20–40mins each time. No odor or color can be smelt or seen from the emission due to the appropriate design of the incinerators.
- (e) Adequate drainage facilities are provided on the Site, and there is no parking and loading/unloading spaces within the Site. No adverse drainage and traffic impacts to the surrounding areas and nearby residents are created.
- (f) In response to the comments from Agriculture, Fisheries and Conservation Department (AFCD), the applicant clarifies that the owls displayed at the Site possesses valid licence from AFCD under the Convention on International Trade in Endangered Species (CITES).

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

The applicant is not the 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 Ordinance (TPB PG-No. 31A) by posting site notice at the Site and sending notice to Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Background**

At present, the Site is not subject to any active planning enforcement action. However, it is noticed that the Site was found occupied with storage use, animal boarding facilities and animal crematorium facilities. Should there be sufficient evidence to prove that the

current use on the Site constitutes an unauthorized development (UD) under the Town Planning Ordinance, appropriate enforcement action may be instigated.

## **5. Previous Application**

- 5.1 The southern part of the Site involves one previous application (No. A/YL-SK/263) for temporary animal boarding establishment with animal hospice services for a period of 3 years submitted by a different applicant. Details of the application are summarized in **Appendix II** and its location is shown on **Plan A-1**.
- 5.2 The above application was rejected on review by the Board on 22.5.2020 on the considerations that the applied development is not in line with the planning intention of the “AGR” zone; it is incompatible with the surrounding areas which are rural in character with clusters of residential structures/dwellings and active/fallow agricultural land, and the scale of the development is considered excessive as compared to the planting area and the concerns on the environmental impact of the incinerator have not been addressed; and approval of the application would set an undesirable precedent for similar applications in the “AGR” zone.

## **6. Similar Applications**

- 6.1 There are four similar applications including three cases (No. A/YL-SK/235, 241 and 244) for temporary hobby farm use and one case (No. A/YL-SK/226) for temporary animal boarding establishment use (without provision of animal hospice services) within the same “AGR” zone. All four applications are for a period of 3 years. Details of these applications are summarized in **Appendix III** and their locations are shown on **Plan A-1**.
- 6.2 The first three applications (No. A/YL-SK/235, 241 and 244) for hobby farm use were approved by the Rural and New Town Planning Committee (the Committee) in 2018 on the considerations that the approval of the application on a temporary basis would not frustrate the long-term planning intention of the “AGR” zone; the proposed use was not incompatible with the surrounding area; there was no adverse departmental comment and technical requirements could be addressed by approval conditions.
- 6.3 The last application (No. A/YL-SK/226) for animal boarding establishment use was rejected by the Committee in 2017 mainly on the grounds that the development was not in line with the planning intention of the “AGR” zone; the applicant failed to demonstrate that the proposed development would not generate adverse traffic impact on the surrounding areas; and the approval of application would set an undesirable precedent for similar applications.

**7. The Site and Its Surrounding Areas (Plans A-1 and A-2, aerial photo on Plan A-3, and site photos on Plans A-4a to A-4e)**

7.1 The Site is:

- (a) currently covered by grass with a few trees and a canopy at the northern portion, and occupied by a number of temporary structures used for the applied animal hospice services establishment use without planning permission at the southern portion; and
- (b) accessible via a local track from Kam Sheung Road which passes through the “V” zone.

7.2 The surrounding areas are rural in character mixed with residential structures/dwellings, active/fallow agricultural land, storage yards, workshop, plant nursery and pet training centre:

- (a) to its southwest, west and northwest are clusters of residential structures/dwellings known as Lotus Hill (with the nearest one of about 50m within the “V” zone);
- (b) to its north and northeast are mainly active/fallow agricultural land with a few residential structures/dwellings;
- (c) to its east are vacant land, fallow agricultural land and gardening; and
- (d) to its south are a plant nursery, a vehicle repair workshop and a pet training centre and vacant 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 an Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
- (b) according to the prevailing guidelines of LandsD, application for Short Term Waiver (STW) of the undertaking must not be an offensive trade and must not give rise to environmental pollution. Referring to the applicant's proposal, Structure Nos. 2 and 9 would be used for animal cremation purposes; and
- (c) should 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 applied 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 LandsD.

### **Traffic**

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

- (a) having considered the FI (**Appendix Ia**), he has no comment on the application from traffic engineering point of view; and
- (b) the Site is connected to the public road network via a section of a local access road which is not managed by Transport Department (TD). The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.

#### 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; and
- (b) adequate drainage measures should be provided to prevent surface water running from the Site to nearby public roads and drains.

**Agriculture and Nature Conservation**

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

- (a) the Site falls within the “AGR” zone and possesses potential for agricultural rehabilitation. Taking into account the FI (**Appendix Ia**), he has no strong view against the application for the proposed hobby farm use from agricultural point of view on the understanding that agricultural activities are involved and the Site will be reinstated upon the expiry of the planning permission. As for the proposed animal hospice services establishment use, it is considered not directly related to agricultural activities, and the application for such use is therefore not supported from agricultural point of view;
- (b) as for the applicant’s claim to combine organic farming with animal boarding and hospice services in a symbiotic environment, he considers that it is possible for animal manure be transformed to fertilizer after fermentation and composting. However, cremation ash may not be suitable to apply on soil directly because of its high pH value and electrical conductivity content;
- (c) the Site is associated with an Animal Trader Licence which is valid until 14.7.2021 (Cap. 139B) but without a Boarding Establishment Licence (Cap. 139I);
- (d) 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. The applicant should also be reminded that the establishment and ancillary facilities which is licensed under the Cap. 139I must always fulfil the criteria listed in the Regulations. On the other hand, the animals kept by the applicant should also be properly licensed as in accordance with Cap. 421 Rabies Ordinance and he is reminded to observe Cap. 169 Prevention of Cruelty;
- (e) it is noted from the applicant’s submission that an owl would be displayed at the Site. Importation of owls is generally not allowed in Hong Kong. All wild birds are protected under the Wild Animal Protection Ordinance (Cap. 170) in Hong Kong; and

- (f) noting that the Site has been paved and occupied by temporary structures, he has no adverse comments on the application from nature conservation perspective.

### **Environment**

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

- (a) he note that there are some residential dwellings about 50m away from the Site (**Plan A-2**). The applicant is strongly advised to properly design and maintain the facilities to minimize any potential environmental nuisance, for example, the boarding establishment should be enclosed with proper soundproofing materials and provision of 24-hour mechanical ventilation and air-conditioning system; the outdoor activity area should be located away from adjacent sensitive receivers and/or provided with necessary mitigation measures, etc;
- (b) the applicant is advised (a) to follow the requirements stipulated in “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Site”; (b) to provide adequate supporting infrastructure / facilities for proper collection, treatment and disposal of waste / wastewater generated from the applied use. If septic tank and soakaway system will be used in case of unavailability of public sewer, its design and construction shall follow the requirements of Environmental Protection Department (EPD)’s Practice Note for Professional Person (ProPECC) PN 5/93 “Drainage Plans subject to Comment by the EPD” including percolation test; (c) it is the obligation of the applicant to meet the statutory requirements under relevant pollution control ordinances; and (d) to comply with the requirements stipulated under the Air Pollution Control Ordinance and “A Guide to the Air Pollution Control (furnaces, Ovens and Chimneys) (Installation and Alteration) Regulations” issued by EPD; and
- (c) there was no substantiated environmental complaint at the Site received by DEP in the past three years.

### **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) referring to the aerial photo dated 14.1.2020, the Site is situated in an area of rural landscape character comprising scattered tree groups, temporary structures, active and abandoned farmland and village houses within the “V” zone to the west of the Site. Noting that the applications of similar use (No. A/YL-SK/235, 241 and 244) within the “AGR” zone in proximity of the Site were approved, the application is considered not entirely incompatible with the surrounding environment; and
- (c) based on the site visit dated 27.10.2020, the southern portion of the Site is hard paved and occupied by temporary structures. Numbers of existing trees including *Celtis sinensis* (朴樹), *Ficus superba var. japonica* (筆管榕), *Ficus benjamina* (垂葉榕), *Macaranga tanarius* (血桐), *Michelia X alba* (白蘭), *Plumeria rubra* (雞蛋花) and invasive species *Leucaena leucocephala* (銀合歡) are found within the Site. Referring to the layout plan (**Drawing A-1**), the proposed two additional structures (Structures 11 and 12) and the farm areas are in conflict with some existing trees in the central and northern portion of the Site. In view that the affected trees are common species which can be easily sourced in the local market, significant adverse landscape impact arising from the development is not anticipated.

### **Drainage**

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

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

### **Building Matters**

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

- (a) as there is no record of approval granted by the Building Authority (BA) for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application;

- (b) if the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of the BA, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any applied use under the application;
- (c) for UBW erected on leased land, enforcement action may be taken by 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;
- (d) before any new building works (including containers/open sheds as temporary buildings, demolition, land filling, etc.) 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 should be appointed as the coordinator for the proposed building works in accordance with the BO; and
- (e) if the applied use under application is subject to issue of a licence, the applicant should be reminded that any existing structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority.

### **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 where the proposed FSI to be installed should be clearly marked on the layout plans; and
- (c) the applicant is reminded that if the proposed structure(s) is required to comply with BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

**Environmental Hygiene**

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

- (a) 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. The proposal should not be a nuisance or injurious or dangerous to health and surrounding environment. Also, for any waste generated from the related commercial/trading activities, the applicant should handle on their own / at their expenses; and
- (b) any animal carcass/parts shall be properly wrapped or bagged before disposal and in accordance with the relevant legislation.

**District Officer's Comments**

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

- (a) he has no comment on the application; and
- (b) he has received a letter from the vice-chairperson of Pat Heung Rural Committee cum resident representative of Lin Fa Tei Village, and two indigenous inhabitant representatives of the same village objecting to the application mainly on the grounds that the applied animal hospice services establishment use is an UD without valid planning permission; the proposed hobby farm use is a disguise of the animal hospice services establishment use; and the development would generate adverse environmental and hygiene impacts.

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

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

**10. Public Comments Received During Statutory Publication Period**

On 6.10.2020, the application was published for public inspection. During the three-week statutory publication period, a total of seven public comments were received from a Yuen Long District Council Member, Pat Heung Rural Committee, Indigenous Inhabitant

Representatives and Resident Representative of Lin Fa Tei Village, The World Wide Fund For Nature Hong Kong, The Hong Kong Bird Watching Society, Kadoorie Farm & Botanic Garden Corporation and one individual (**Appendix IV**). They object to the application mainly on the grounds that the hobby farm use is a disguise for the operation of the animal hospice services establishment; the applied development is not in line with the planning intention of “AGR” zone; the Site has been used for UD for years and approval of the application would set an undesirable precedent to the future development; and the development would cause adverse environmental and hygiene impacts to the surrounding areas and nearby residents.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for a temporary place of recreation, sports or culture (hobby farm) and animal hospice services establishment for a period of 3 years at the Site zoned “AGR” on the approved Shek Kong OZP (**Plan A-1**). Whilst the northern portion (about 2,499m<sup>2</sup> or 59.5% of the site area) will be used for hobby farm with plots of farmland (of which about 70% will be used as agricultural use by the applicant which is always permitted within the “AGR” zone) and two single-storey temporary structures for activity rooms, the southern portion (about 1,701m<sup>2</sup> or 40.5% of the site area) is currently occupied by animal hospice services establishment use involving 10 single-storey temporary structures for animal cremation, animal boarding, storage, office, common room and memorial room for storing cremated ashes uses (**Drawing A-1** and **Plans A-4a** to **A-4d**). The planning intention of the “AGR” zone is 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. While the proposed hobby farm use is generally not in conflict with the planning intention of the “AGR” zone, the applied animal hospice services establishment use is considered not in line with the said planning intention and is not supported by DAFC from agricultural point of view as the Site possesses potential for agricultural rehabilitation and the applied hospice services establishment use is not directly related to agricultural activities. As for the applicant’s claim to combine organic farming with animal boarding and hospice services in a symbiotic environment, DAFC considers that it is possible for animal manure be transformed to fertilizer after fermentation and composting. However, cremation ash may not be suitable to apply on soil directly because of its high pH value and electrical conductivity content. The applicant has not provided strong planning justifications in the submission to merit a departure from the planning intention of “AGR” zone, even on a temporary basis.
- 11.2 The animal hospice services establishment use with cremation of animal bodies is considered incompatible with the surrounding areas which are rural in character with clusters of residential structures/dwellings and active/fallow agricultural land (**Plan A-2**). Residential dwellings are found within the immediate vicinity (within 50m from the Site). C for T, DEP, CE/MN of DSD and CTP/UD&L of PlanD have no objection to/no comment on the application from traffic, environmental, drainage and landscape aspects.

- 11.3 The southern part of the Site involves one previous application (No. A/YL-SK/263) for temporary animal boarding establishment with hospice services for a period of 3 years submitted by a different applicant, which was rejected on review by the Board on 22.5.2020 on the grounds as stated in paragraph 5. In addition, there are four similar applications with three for temporary hobby farm use and one for temporary animal boarding establishment use. While the first three cases for hobby farm use were approved in 2018, the last case for animal boarding establishment use was rejected in 2017 on the grounds as stated in paragraph 6. The Committee's considerations on the above applications are generally applicable to the current application. Rejecting the subject application is in line with the Committee's previous decision. The applied development, if approved, would set an undesirable precedent for similar applications within the "AGR" zone; encourage similar application in the area; and further encroachment of development onto the "AGR" zone. The cumulative impact would result in general degradation of the landscape quality of the area.
- 11.4 Regarding one local objection conveyed by DO/YL of HAD and seven objecting public comments received during the statutory publication period, the departmental comments and planning considerations and assessment above are relevant.

## **12. Planning Department's Views**

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the local views conveyed by DO/YL of HAD and public comments in paragraphs 9.1.12 and 10 above, the Planning Department does not support the application for the following reasons:
- (a) the applied animal hospice services establishment use is not in line with the planning intention of the "AGR" zone which is primarily intended to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There are no strong planning justifications in the submission to merit a departure from the planning intention of "AGR" zone, even on a temporary basis;
  - (b) the applied animal hospice services establishment use with cremation of animal bodies is incompatible with the surrounding areas which are rural in character with clusters of residential structures/dwellings and active/fallow agricultural land; and
  - (c) approval of the application would set an undesirable precedent for similar applications in the "AGR" zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

- 12.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years until 20.11.2023. The following conditions of approval and advisory clauses are also suggested for Members' reference:

*Approval Conditions*

- (a) no operation between 10:00 p.m. and 8:00 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 establishment on the Site between 10:00 p.m. and 8:00 a.m. during the planning approval period;
- (c) no public announcement system, whistle blowing, portable loudspeaker or any form of audio amplification system is allowed to be used, as proposed by the applicant, 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 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 20.5.2021;
- (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 20.8.2021;
- (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 proposal for fire service installations and water supplies for fire-fighting 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 20.5.2021;
- (i) in relation to (h) above, the implementation of proposal for fire service installations and water supplies for fire-fighting 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 20.8.2021;
- (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**.

**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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 13.3 Alternatively, 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. Attachments**

<b>Appendix I</b>	Application Form with attachments received on 25.9.2020
<b>Appendix Ia</b>	Further information (FI) received on 16.11.2020
<b>Appendix II</b>	Previous Application
<b>Appendix III</b>	Similar Applications
<b>Appendix IV</b>	Public Comments
<b>Appendix V</b>	Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Public Access Plan
<b>Drawing A-3</b>	Parking Spaces Provision Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to A-4e</b>	Site Photos

**PLANNING DEPARTMENT  
NOVEMBER 2020**