

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/786

- Applicant** : Mr. JOHN Ming-shun
- Site** : Lots 117 (Part), 119 (Part), 121 (Part), 122, 123 (Part), 124 (Part), 125 (Part), 127 (Part) and 128 (Part) in D.D. 108 and Adjoining Government Land, Ta Shek Wu, Pat Heung, Yuen Long
- Site Area** : About 4,238.9m² (including about 516.4m² of Government Land)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
- Zoning** : “Residential (Group D)” (“R(D)”)
[restricted to a maximum plot ratio of 0.2 and a maximum building height of 2 storeys (6m)]
- Application** : Temporary Dog Training Ground, Dogs and Cats Boarding Establishment and Dog Swimming and Recreational Centre for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary dog training ground, dogs and cats boarding establishment and dog swimming and recreational centre for a period of 3 years. The Site is currently mainly used for temporary dog training ground and dogs swimming and recreational centre under application No. A/YL-PH/735 with validity up to 14.10.2019.
- 1.2 The Site is the subject of 12 previous planning applications (Nos. A/DPA/YL-PH/16, A/YL-PH/ 6, 282, 390, 399, 431, 469, 484, 543, 614, 675 and 735). The last four applications (Nos. A/YL-PH 543, 614, 675 and 735) covering the same site area and submitted by the same applicant as the current application for temporary dog training ground and dog swimming and recreational centre were approved by the Rural and New Town Planning Committee (the Committee) between 2007 and 2016. The last application No. A/YL-PH/735 was approved by the Committee on 14.10.2016 and all the approval conditions had been complied with. The planning permission is valid

until 14.10.2019.

- 1.3 According to the applicant, a total of twenty four 1- to 2- storeys structures with a total floor area of 754.27m² and building height ranging from 2.4m to 6.4m are erected on-site for animal boarding establishment, dog grooming room, dog shower area, changing room, store room, shelter, toilet, pump room, office and electrical switch room. A total of 20 private car parking spaces and one loading/unloading space for light goods vehicle are provided within the Site. According to the applicant, the animal boarding establishment is enclosed and is built by brick with sound-proofing and heat insulation function. 24-hour air ventilation is also provided. No dogs and cats are allowed outdoor between 7:00 p.m. to 9:00 a.m. No public announcement system or whistle blowing will be used at the Site. Sewage from the Site will be stored at the underground sewage tank. The Site is accessible via a local track branching off Fan Kam Road. The operation hours are between 9:00 a.m. and 7:00 p.m. daily (with overnight animal boarding establishment). The layout plan, parking layout and landscape proposal as submitted by the applicant are at **Drawings A-1 and A-3**.
- 1.4 A comparison of the major development parameters of the current application and the previously approved application No. A/YL-PH/735 is given in the following table:

Major Development Parameters	Previous Approved Application No. A/YL-PH/675 (a)	Current Application (b)	Differences (b) – (a)
Site Area	4,238.9 (including 516.4m ² Government land)		-
Applied Use	Temporary Dog Training Ground and Dog Swimming and Recreational Centre for a Period of 3 Years	Temporary Dog Training Ground, Dogs and Cats Boarding Establishment and Dog Swimming and Recreational Centre for a Period of 3 Years	+ Animal boarding establishment
No. of Structures	16	24	+8 (50%)
Total Floor Area (m ²)	349.63	754.27	+404.64 (115.7%)
Building Height of Structures (m)	2.4 to 6.4	2.4 to 6.4	-
Parking Space for Private Cars	20	20	-
Loading / Unloading Bay for light goods vehicles	1	1	-

- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application form with plans received on 7.6.2018. **(Appendix I)**
 - (b) Further Information (FI) received on 9.7.2018 in responses to departmental comments. **(Appendix Ia)**
(accepted and exempted from publication and recounting requirement)
 - (c) FI received on 18.7.2018 in responses to departmental comments. **(Appendix Ib)**
(accepted and exempted from publication and recounting requirement)
 - (d) FI received on 30.7.2018 in responses to departmental comments. **(Appendix Ic)**
(accepted and exempted from publication and recounting requirement)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Part 9 of the Application Form at **Appendix I**. They are summarised as follows:

- (a) The applicant has rented the Site for 12 years and four planning permissions for dog training ground and dog swimming and recreational centre uses had been granted by the Town Planning Board (the Board). Approval conditions under the previous application No. A/YL-PH/735 had been complied with.
- (b) Five planning permissions for dogs and cats animal boarding establishment operated by the applicant had been granted at another site in Tak Shek Wu Tsuen by the Board (last application No. A/YL-PH/721) (**Plan A-1a**). However, the land owner refused to renew the contract and the animal boarding establishment was closed down. In this regards, the applicant intends to relocate the animal boarding establishment to the Site.
- (c) All dogs and cats will be accommodated in the structures with sound-proofing and cleaning facilities, and air-conditioning system to ensure no noise and environmental nuisance will be generated. Sewage will be stored at underground sewage tank and removed regularly, and will not discharge into the stream in the vicinity. The 5 missing trees were blown down by typhoon recently. Should the application be approved, he will replant the missing trees as soon as possible.
- (d) Existing tree planting, septic tanks and drainage facilities are provided within the Site. The Site access is separate from the village access and will not cause

inconvenience to the villagers. No adverse traffic impact is envisaged. The Site is away from residential settlements and no complaint was received from the nearby dwellings.

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

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31) by posting site notices and sending notification letter to the Pat Heung Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

The Site is not the subject of active enforcement cases and there is currently no enforcement action against it.

5. **Previous Applications**

5.1 The Site was the subject of 12 previous planning applications (Nos. DPA/YL-PH/16, A/YL-PH/6, 282, 390, 399, 431, 469, 484, 543, 614, 675 and 735) (**Plan A-1b**). The earlier 8 applications (Nos. A/DPA/YL-PH/16, A/YL-PH/6, 282, 390, 399, 431, 469 and 484) were for various open storage and workshop uses. The last four applications (Nos. A/YL-PH/543, 614, 675 and 735) were for temporary dog training ground and swimming and recreational centre uses. Details of the applications are summarized in **Appendix II** and the locations of the sites are shown on **Plan A-1b**.

Temporary Open Storage and Workshop

5.2 Application Nos. A/DPA/YL-PH/16, A/YL-PH/6, 390, 399, 431, 469 and 484 for various temporary open storage and workshop uses were rejected by the Committee or the Board on review between 1993 and 2005 mainly on the grounds that the developments were not in line with the planning intention of “R(D)” zone; approval of the applications would set an undesirable precedent for other similar applications; the developments did not comply with Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” in that the proposed uses were not compatible with the nearby residential structures and there was insufficient information to demonstrate the developments would not cause adverse environmental, traffic and drainage impacts on the surrounding areas.

5.3 Application No. A/YL-PH/282 for temporary open storage of machinery for a period of 12 months was approved with conditions by the Committee on 16.7.1999 mainly for the reasons that the development was considered acceptable as no workshop activities will be carried out; the proposed

development was unlikely to induce any adverse traffic and environment impacts on the surrounding areas; the proposed development could be accessed directly from Fan Kam Road without passing through major village settlement in the area; relevant government departments consulted had no adverse comment and there was no local objection on the application, and favourable consideration could be given to the application as an interim arrangement to alleviate the actual shortage of open storage land in the area.

Dog Training Ground and Dog Swimming and Recreation Centre

- 5.4 The remaining four application Nos. A/YL-PH/543, 614, 675 and 735 for temporary dog training ground and dog swimming and recreational centre for a period of 3 years covering the same site and submitted by the same applicant as the current application were approved with conditions by the Committee on 24.8.2007, 29.10.2010, 22.11.2013 and 14.10.2016 respectively for the reasons that there was no known programme for development of the subject “R(D)” zone and approval of the application on a temporary basis for a period of 3 years would not jeopardise the implementation of the planned use; the development was considered not incompatible with the surrounding land uses; government departments consulted had no adverse comment on the application and there was no local objection against the application. However, application No. A/YL-PH/543 was revoked on 24.12.2009 due to non-compliance with approval condition related to the provision of FSIs. All the approval conditions for application Nos. A/YL-PH/614, 675 and 735 had been complied with and planning permission of the last application No. A/YL-PH/735 is valid until 14.10.2019.
- 5.5 Compared with the last approved application No. A/YL-PH/735 submitted by the same applicant as the current application, the current application covering the same site area is proposed for a similar use (with addition of animal boarding establishment) and slightly different layout and development parameters (including the increased number of structures and total floor area) but the same number of parking spaces and building height in meters.

6. Similar Applications

There are five similar applications (No. A/YL-PH/441, 528, 594, 647 and 721) for temporary dogs and cats animal boarding establishment and dog training centre uses at one site largely within the same “R(D)” zone with slight encroachment on the adjoining “Village Type Development” (“V”) zone on the OZP. All applications were approved with conditions by the Committee between 2003 to 2015 for the reasons that though the development was considered not incompatible with the surrounding land uses., approval of the applications on a temporary basis would not frustrate the long-term planning intention; relevant government departments consulted had no adverse comments on the applications and no local objection against the applications had been received. All approval conditions of the last application No. A/YL-PH/721 had been complied with. Details of the applications are summarized in **Appendix III** and their locations are shown on **Plan A-1a**.

7. **The Site and Its Surrounding Areas (Plans A-1a to A-4d)**

7.1 The Site is:

- (a) largely paved and partly covered with grass turf;
- (b) currently mainly used for dog training ground and dog swimming and recreational centre with valid planning permission under Application No. A/YL-PH/735 with validity until 14.10.2019. Part of the Site has been converted to animal boarding establishment; and
- (c) accessible via a local track branching off Fan Kam Road (**Plan A-2**).

7.2 The surrounding areas are rural in character mixed with residential dwellings/structures, a plant nursery, fallow agricultural land, open storage/storage yards and vacant/unused land. The open storage/storage yards are suspected unauthorized development subject to enforcement action taken by the Planning Authority :

- (a) to its immediate north is vacant land subject to an approved S.12A application for proposed residential care home for the elderly (application No. Y/YL-PH/4). To the further north is open storage of vehicles;
- (b) to its east across the stream are residential dwellings/structures, vacant/unused land and fallow agricultural land;
- (c) to its south are residential structure/dwelling, a plant nursery, a storage yard and unused land; and
- (d) to its immediate west is a formed slope abutting Fan Kam Road. Across Fan Kam Road are unused vegetated land zoned “Conservation Area” (“CA”).

8. **Planning Intention**

The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

9. **Comments from Relevant Government Departments**

9.1 The following Government departments have been consulted and their views 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 Government Land (GL) and Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) Some private lots within the Site are covered by Short Term Waivers (STW) whereas the GL therein is covered by a Short Term Tenancy (STT):

STW/STT No.	Lot No./GL in D.D. 108	Permitted Use
STW 3840	Lot Nos. 123&124	Temporary Dog Training Ground and Dog Swimming and Recreational Centre
STW 3841	Lot No. 125	
STW 3836	Lot No. 117	
STT 2713	GL	

- (c) The Site is accessible from Fan Kam Road via Private Land and GL. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site.
- (d) The Site does not fall within any Airfield Height Restriction Area.
- (e) Should the application be approved, the STT holder(s) will need to apply to his office for modification of the STW/STT conditions if where appropriate. The owner(s) of the lots without STW will need to apply to his office to permit the structure(s) to be erected or regularize any irregularities on site. Such application(s) will be considered by LandsD acting in the capacity as the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by 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, 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 (TD). The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.

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

- (a) His department does not and will not maintain any access connecting the Site and Fan Kam 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 was received in the past 3 years.
- (b) According to the applicant, the applied use will operate round the clock. The animals will be kept inside the structures between 7:00 p.m. and 9:00 a.m. The structures will be enclosed by soundproofing walls and ceilings with provision of 24-hour mechanical ventilation and air-conditioning (MVAC) system.
- (c) The applicant is advised that the facilities should be properly designed and maintained to minimise any potential environmental nuisance, e.g. the 24-hour MVAC system should be located away from adjacent sensitive receivers and the structures for animal boarding establishment should be enclosed with proper soundproofing materials. Noise generating activities such as the use of public announcement system and whistle blowing should be avoided with a view to safeguard nearby sensitive receivers from any potential environmental nuisance caused by the operation.
- (d) The applicant should be reminded that it is his obligation to meet all statutory requirements under relevant pollution control ordinances and provide necessary mitigation measures. The applicant should also be advised to follow the relevant mitigation measures and requirements in the revised "Code of Practice on

Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize any potential environmental nuisances.

- (e) There is a watercourse adjacent to the Site. The applicant should comply with the requirements under the Water Pollution Control Ordinance if there is any effluent discharge from the applied use and provide necessary mitigation measures to prevent polluting the watercourse.

Landscape

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

- (a) She has some reservations to the application from the landscape planning point of view.
- (b) The Site is the subject of 12 previous planning applications for various temporary uses. She had no objection to the last application for similar use (No. A/YL-PH/735) submitted by the same applicant from the landscape planning perspective.
- (c) Based on the aerial photo on 3.1.2018, the Site is situated in an area of rural landscape character comprising of natural woodlands and open storages. Although the applied use is not in line with the planning intention of "R(D)" zone, it is not incompatible to the surrounding environment.
- (d) Comparing the submission in the application and the site visit on 29.6.2018, she has the below comments from the landscape planning perspective:
 - (i) The existing use and site layout of the northern part of the Site are deviated from the approved scheme of the last application (No. A/YL-PH/735). It is observed that the area which was indicated as outdoor recreation area is now covered and a numbers of temporary structures are established during the site visit.
 - (ii) Referring to the approval condition of last application, the applicant is required to maintain the existing trees within the Site during approval period. However, 5 out of 33 number of existing trees are found missing during the site visit. Deviation from the landscape proposal under the last approved application (No. A/YL-PH/786) is not desirable.

- (e) Although adverse impact on landscape character and landscape resources arising from the continual use of temporary dog training ground, dogs and cats boarding establishment, and dog swimming and recreational centre is not anticipated, approval of the application would set an undesirable precedent to encourage such practices.
- (f) Should the application be approved, approval conditions on submission and implementation of tree preservation and landscape proposal to the satisfaction of the Director of Planning or of the Board should be included in the planning permission.
- (g) Her detailed comments on the application are at **Appendix IV**.

Nature Conservation

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

- (a) The subject address does not associate with any licence granted by his department, and his department has not received any application regarding this address. Under the current legislation, 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.
- (b) There is a stream abutting the southeast boundary of the Site. Provided that the applicant would adopt appropriate measures to avoid polluting or disturbing the watercourse during operation, he has no strong view on the application from nature conservation point of view.

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.
- (b) Presumably, the applicant would maintain the same drainage facilities as those implemented under previous planning application No. A/YL-PH/735. The applicant should inform concerned department if the drainage arrangement has been changed.
- (c) Should the application be approved, approval conditions requiring maintenance of the drainage facilities implemented under application No. A/YL-PH/735 and the submission of the

records of the existing drainage facilities on site 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) However, 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.

Food and Environmental Hygiene

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

- (a) If any Food and Environmental Hygiene Department (FEHD)'s facility is affected by the development, FEHD's prior consent must be obtained. Re provisioning of the affected facilities by the project proponent up to the satisfaction of FEHD may be required. Besides, the project proponent should provide sufficient amount of additional recurrent cost for management and maintenance of the re provisioned facilities to FEHD.
- (b) Proper licence / permit issued by his department is required if there is any food business / catering service / activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public and the operation of any business should not cause any obstruction.
- (c) If the proposal involves any commercial/trading activities, no environmental nuisance should be generated to the surroundings. Also, for any waste generated from the commercial/trading

activities, the applicant should handle on their own/at their expenses.

Building Matters

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

- (a) Before any new building works (including containers/ open sheds as temporary buildings) are to be carried out on the Site, the prior approval and consent of the BD should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO).
- (b) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are UBW under the BO and should not be designated for any proposed use under the application.
- (c) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD' s enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.
- (d) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively.
- (e) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

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 comments on the application.

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

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

10. Public Comment Received During the Statutory Publication Period

On 15.6.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 8.7.2018, one public comment from an individual was received (**Appendix V**). The commenter objects to the application mainly on the grounds that the Site in “R(D)” zone should be reserved for residential development.

11. Planning Considerations and Assessments

11.1 The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board. Although the development is not in line with the planning intention of the “R(D)” zone, there is no known proposal for permanent development at the Site. Approval of the application on a temporary basis for a period of 3 years would not jeopardize the long-term planning intention of the “R(D)” zone.

11.2 The development is considered not incompatible with the surrounding areas which are rural in character mixed with residential dwellings/structures, a plant nursery, fallow agricultural land, open storage/storage yards and vacant/unused land. The Site is subject to four previous applications (Nos. A/YL-PH 543, 614, 675 and 735) covering the same site area and submitted by the same applicant as the current application for temporary dog training ground and dog swimming and recreational centre which were approved by the Committee between 2007 and 2016 for the reasons as stated in paragraph 5.4 above. The planning permission of the last approved application for dogs training ground and dogs swimming and recreational centre is valid until 14.10.2019. There are also five similar applications (No. A/YL-PH/441, 528, 594, 647 and 721) for animal boarding establishment and dog training centre uses at one site in the same “R(D)” zone approved with conditions by the Committee between 2003 to 2015 for the reasons as mentioned in paragraph 6 above. Approval of the current application is in line with the Committee’s previous decision on previous and similar applications.

- 11.5 According to the applicant, the animal boarding establishment will be enclosed and is built by brick with sound-proofing and heat insulation function. 24-hour air ventilation is also proposed. No dogs and cats are allowed outdoor between 7:00 p.m. to 9:00 a.m. No public announcement system and whistle blowing will be used within the Site. Sewage from the Site will stored at the underground swage tank. According to the DEP, no environmental compliance was received in the past 3 years. Relevant departments consulted, including DEP, C for T, CHE/NTW of HyD, CE/MN of DSD and DAFC, except CTP/UD&L of PlanD, have no adverse comment on the application. CTP/UD&L of PlanD has some reservations on the application as the number of existing trees on site has deviated from the last approved application (No. A/YL-PH/735) and approval of the current application would set an undesirable precedent to encourage such practices. In this regards, the applicant stated that the trees were blown down by typhoon recently. Should the application be approved, he will replant the missing trees as soon as possible. In addition, to address CTP/UD&L of PlanD's concern, approval conditions requiring the submission and implementation of tree preservation and landscape proposal are recommended in paragraphs 12.2 (e) and (f).
- 11.7 To minimize any potential environmental nuisance generated by the development, approval conditions restricting the operation and outdoor animal activities hours, and prohibiting public announcement system and whistle blowing on the Site are recommended in paragraphs 12.2 (a) to (c) below. Any non-compliance with the approval condition will result in revocation of the planning permission and unauthorized development on site will be subject to enforcement action by the Planning Authority. Besides, the applicant will be advised to adopt the "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" in order to alleviate any potential impact. The technical requirements of C for T, CE/MN of DSD and D of FS could be addressed by approval conditions in paragraphs 12.2 (d) and (g) to (j) below.
- 11.8 During the statutory public publication period, one public comment objecting to the application was received as mentioned in paragraph 10 above. In this regards, the above planning assessments and considerations are relevant.

12. Planning Department's Views

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10 above, Planning Department considers that the temporary dog training ground, dogs and cats boarding establishment and dog swimming and recreational centre could be tolerated for a period of 3 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 3 years until 3.8.2021. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation between 7:00 p.m. and 9:00 a.m. (except overnight animal boarding establishment), as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) all animal shall be kept inside the enclosed animal boarding establishment between 7:00 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 and whistle blowing, as proposed by the applicant, is allowed to be used on the Site 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 tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Board by 3.2.2019;
- (f) in relation to (e) above, the implementation of tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Board by 3.5.2019;
- (g) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) the submission of records of the existing drainage facilities on the Site 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 3.11.2018;
- (i) 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 3.2.2019;
- (j) in relation to (i) above, the provision of fire service installations 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 3.5.2019;
- (k) 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;
- (l) if any of the above planning conditions (e), (f), (h), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without

further notice; and

- (m) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory clauses

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

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the development is not in line with the planning intention of the “R(D)” zone which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board. There is no strong planning justification given in the submission for continuing the departure from the planning intention, even on a 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

Appendix I	Application form with attachments received on 7.6.2018
Appendix Ia	Further Information received on 8.7.2018 in responses to departmental comments.
Appendix Ib	Further Information received on 18.7.2018 in responses to departmental comments.
Appendix Ic	Further Information received on 30.7.2018 in responses to departmental comments

Appendix II	Previous Applications covering the Site
Appendix III	Similar applications within the subject “R(D)” zone on the Pat Heung OZP
Appendix IV	Detailed Comment from CTP/UD&L of PlanD
Appendix V	Public comment received during the statutory publication period
Appendix VI	Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-3	Landscape Proposal
Drawing A-2	Parking Layout
Plan A-1a	Location plan with similar applications
Plan A-1b	Previous application plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4a to A-4d	Site photos

**PLANNING DEPARTMENT
AUGUST 2018**