

RNTPC Paper No. A/YL-KTN/577A
For Consideration by
the Rural and New Town
Planning Committee
on 26.1.2018

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/577

- Applicant** : CHEUNG Choi Yee represented by Lawson David and Sung Surveyors Limited
- Site** : Lot 4 (Part) in D.D. 110, Tai Kong Po, Yuen Long
- Site Area** : About 2,657m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/9
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Animal Boarding Establishment for a Period of 3 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 3 years. According to the Notes of the OZP, ‘Animal Boarding Establishment’ is a Column 2 use in “AGR” zone which requires planning permission from the Town Planning Board (the Board). The Site is paved, fenced and vacant with an open shelter (**Plans A-4a to A-4b**).
- 1.2 The Site is the subject of a previous applications No. A/YL-KTN/551 for temporary open storage of construction materials and machinery for a period of 3 years which was rejected by the Rural and New Town Planning Committee (the Committee) on 9.6.2017.
- 1.3 According to the applicant, seven 1-storey temporary structures will be erected within the Site with details listed below :

Uses	Floor Area (m ²)	Building Height (m)
Reception	15	2.5
Rain Shelter	83	4
Kennel	56	2.5
Site office and store room	44	2.5
Bath room	15	2.5
Cattery	20	2.5
Toilet	15	2.5
Total:	248	-

No more than 20 dogs and 12 cats will be allowed at the Site at one time and the dogs and cats will stay overnight at the Site. Part of the Site will be converted to grassland for pet activity and 5-6 dogs/cats will be allowed in the outdoor activity area at one time. The operation hours of the proposed development are from 10am to 6pm daily except Wednesday. The animals will be kept indoor after operation hours. All animals will be taking care of by 4 staffs. The applicant also stated that the kennel and cattery are enclosed structures and acoustic materials and installation of exhaust fans will be provided to minimize any noise impact. Two underground septic tanks will be provided to treat the sewage. The Site is accessible to Kong Tai Road via a local track. Four parking spaces for staff/visitors and 1 parking space for light van will be provided. No vehicles exceeding 5.5 tonnes will be allowed at the Site. The layout plan, landscape proposal and vehicular access plan as submitted by the applicant are at **Drawings A-1 to A-3**

1.4 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with plans received on 20.10.2017 **(Appendix I)**
- (b) Supplementary Planning Statement **(Appendix Ia)**
- (c) FI received on 22.11.2017 in response to departmental comments on the provision of mitigation measures to reduce noise impact and propose use of septic tanks to treat the sewage **(Appendix Ib)**
(accepted and exempted from publication and recounting requirements)
- (d) FI received on 27.11.2017 in response to departmental comments on the access arrangement, operation mode and vehicle type to be entered the Site **(Appendix Ic)**
(accepted and exempted from publication and recounting requirements)

- (e) FI received on 13.12.2017 in response to departmental comments on the ingress/egress location
(accepted and exempted from publication and recounting requirements) **(Appendix Id)**
- (f) FI received on 27.12.2017 in response to departmental comments on the access arrangement
(accepted and exempted from publication and recounting requirements) **(Appendix Ie)**

1.5 As requested by the applicant, the Committee agreed to defer consideration of the application on 8.12.2017 to allow time for the applicant to prepare FI to address the departmental comments. After the deferral request, the applicant had submitted FI in response to departmental comments.

2. Justifications from the Applicant

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

- (a) The proposed development is a Column 2 use under the “AGR” zone and the application is temporary in nature which will not jeopardize the long-term planning intention of the “AGR” zone.
- (b) There is a reasonably growth of pet population in Hong Kong and the proposed animal boarding establishment largely meets the demand of such services. The proposed development would not set undesirable precedent as it takes the initiatives to encourage the optimization and revitalization of the land use to serve the local community.
- (c) The Site has been vacant for years and previously for open storage use, the proposed development would improve the visual amenity of the Site. Besides, the proposed development is considered fully compatible with the surrounding land use which are currently characterised by animal boarding establishments (cattery), hobby farms, domestic structures and active/fallow agricultural land. Similar approved applications for animal boarding establishment were approved by the Board in 2016 within the same “AGR” zone.
- (d) The applicant will adopt various mitigation measures to minimize possible environmental nuisance which including restriction on operation hours, limit the numbers of dogs and cats within the Site, no public announcement system, whistle-blowing, portable loudspeaker, or any form of audio amplification system will be used on site, use of acoustic materials and installation of exhaust fans for kennel and cattery to minimize noise impact, all faeces and sewage will be

connected to two underground septic tanks within the Site and will clear regularly, the waste generated within the Site will be treated and removed daily to avoid hygienic nuisance and the existing boundary fence will be maintained. No environmental impact is expected.

- (e) There will be no adverse traffic and drainage impacts on the surroundings as the proposed development will not generate large amount of traffic. Public transport is available to the Site and sufficient parking spaces/vehicle manoeuvring will be provided within the Site. A drainage proposal will be submitted after the planning approval be granted to ensure the drainage facilities to be properly provided.

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. 31) by posting site notice 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 related to any active enforcement cases.

5. Previous Application

The Site was involved in a previous application (No. A/YL-KTN/551) for temporary open storage of construction materials and machinery for a period of 3 years submitted by a different applicant of the current application. The application was rejected by the Committee on 9.6.2017 mainly on the grounds that the development was not in line with the planning intention of the “AGR” zone; did not comply with the Town Planning Board Guideline Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that there is no previous approval granted at the Site and there are adverse departmental comments on the application; the applicant fails to demonstrate the development would not generate adverse environmental and landscape impacts on the surroundings; and approval of the application would set undesirable precedents for similar uses and cumulative effect of approving such applications would result in general degradation of the rural environment of the area. Details of the application are summarized in **Appendix II** and the location is shown in **Plan A-1**.

6. Similar Applications

- 6.1 There are 13 similar applications (No. A/YL-KTN/232, 251, 253, 304, 308, 324, 377, 410, 478, 489, 519, 543 and 556) within the same “AGR” zone on the OZP.

All 13 applications were approved with conditions by the Committee from 2005 to 2017. Details of these applications are summarized in **Appendix III** while the locations of these applications are shown on **Plan A-1**.

- 6.2 Six applications No. A/YL-KTN/232, 251, 304, 377, 410 and 489 at the same site (the latter two with a slightly smaller site area) for similar animal boarding establishment use with or without ancillary facilities were approved with conditions by the Committee for 2 or 3 years on 29.7.2005, 7.7.2006, 19.9.2008, 30.3.2012, 17.1.2014 and 5.2.2016 respectively on similar considerations that temporary use of the developments would not frustrate the long-term planning intention of the “AGR” zone; the developments were not incompatible with the surrounding land uses; the developments would mainly involve existing on-site structures for animal boarding and would maintain the rural character of the site; previous approvals were granted and the applicant had made effort to comply with the approval conditions; and the relevant government departments had no adverse comments on the developments. Given that there were residential dwellings in the vicinity, temporary approval periods for 2 or 3 years were granted for all the applications in order to monitor the situation on the site. However, Applications No. A/YL-KTN/232, 304, 377 and 410 were revoked on 29.1.2006, 19.3.2010, 30.9.2012 and 17.7.2014 respectively due to non-compliance with approval conditions.
- 6.3 Another three applications No. A/YL-KTN/253, 308 and 324 at the same site for similar animal boarding establishment were approved with conditions by the Committee on 4.8.2006, 5.9.2008 and 22.5.2009 respectively for a period of 3 years on the consideration that the developments were not incompatible with the surrounding land uses; the development would mainly involve existing on-site structures; would not cause significant impact on the existing environment and landscape; and there were no adverse departmental comments and local objection to the application. Applications No. A/YL-KTN/308 and 324 were revoked on 5.3.2009 and 22.5.2011 respectively due to non-compliance with approval conditions.
- 6.4 Another four applications No. A/YL-KTN/478 for proposed temporary animal boarding establishment (kennel), Applications No. A/YL-KTN/519 and 543 for proposed temporary animal boarding establishment (cattery) and Application No. A/YL-KTN/556 for proposed temporary animal boarding establishment (dog kennel cum dog recreation centre) were approved by the Committee with conditions on 6.11.2015, 24.6.2016, 23.12.2016 and 28.4.2017 respectively for a period of 3 years on the similar considerations as those mention in paragraph 6.3 above. Applications No. A/YL-KTN/478 and 543 were revoked on 6.5.2016 and 23.12.2017 respectively due to non-compliance with approval conditions.

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

7.1 The Site is:

- (a) paved, fenced and vacant with an open shelter; and
- (b) accessible to Kong Tai Road via a local track (**Plan A-2**).

7.2 The surrounding land uses are a mixture of residential dwellings/structures, cattery and hobby farm, open storage/workshop and vacant/unused land. The open storage/workshop is suspected unauthorized developments subject to enforcement action by the Planning Authority:

- (a) to its north is an area zoned “Conservation Area” (“CA”);
- (b) to its east is a cattery and a hobby farm approved under planning applications No. A/YL-KTN/519 and 535 respectively. The further east and southeast are residential dwellings/structures;
- (c) to its immediate south is a hobby farm approved under planning application No. A/YL-KTN/571. Further south are some residential structures/ dwellings and unused land; and
- (d) to its immediate west are some residential structures/dwellings (the nearest one about 20 m away) and open storage/ workshop without planning permission. To the further west is unused land and further north-west is a pigsty.

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) The Site is accessible to Kong Tai Road via Government Land (GL) and private land. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way.
- (c) The Site falls within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structures shall not exceed the relevant airfield height limit within SKAHRA.
- (d) Should the application be approved, the lots owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularities on Site. Such application(s) will be considered by LandsD acting in the capacity of 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 LandsD.

Traffic

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

- (a) He has no comment on the application from traffic engineering perspective.
- (b) Should the application be approved, the following approval condition and advisory clause is recommended respectively:
 - (i) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period.
 - (ii) The Site is connected to the public road network via a section of a local access road which is not managed by 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 is not responsible for the maintenance of Kong Tai 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) The design details of the animal boarding establishment have not been provided by the applicant. The applicant is strongly advised to properly design and maintain the facilities to minimize any potential environmental nuisance, e.g. the kennel and cattery will be enclosed with proper soundproofing materials and provision of 24-hour mechanical ventilation and air-conditioning system, the outdoor activity area will be located away from adjacent sensitive receivers and / or provided with necessary mitigation measures, etc.
- (b) Provided that the facilities will be properly designed and maintained to minimize any potential environmental nuisance, he has no objection to the application subject to the incorporation of the following approval conditions:
 - (i) The animals shall be kept inside the enclosed kennel and cattery between 6:00pm and 10:00am on the Site, as proposed by the applicant, during the planning approval period.
 - (ii) 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.

Landscape

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

- (a) He has some reservations on the application from the landscape planning perspective.
- (b) The Site is within an area zoned “Agriculture” (“AGR”), located at the foothills to the southwest of Lam Tsuen Country Park. The Site is involved in one previous application for temporary open storage use to which he has reservations from landscape planning perspective. The surrounding landscape is of rural character made up with fallow and active agricultural land, suspected illegal temporary structures and open storage yards, vacant land and tree groups. The proposed use is considered not incompatible with the existing landscape setting.
- (c) According to the previous aerial photos, the structures have already existed back in 1995. Part of the Site was densely vegetated by then. Based on the site inspection in November 2017, vegetation within the Site has been cleared with only 3 mature trees (*Melia azedarach* 苦楝) in good condition left along the west boundary outside the Site. The proposed development, if approved, would set an undesirable precedent for site modification prior to application, thus leading to further degradation of existing landscape environment.
- (d) Should the application be approved, approval conditions requiring the submission and implementation of a landscape proposal should be included in the planning permission.
- (e) His detailed comments on the landscape proposal are at **Appendix IV**.

Agriculture

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

- (a) The application is not supported from the agricultural development point of view.
- (b) The Site has been used as open storage. Nonetheless, active agricultural activities can be found in its vicinity and the Site

possesses potential for agricultural uses such as plant nursery or greenhouse.

- (c) 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.

Drainage

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

- (a) He has no in-principle objection to the proposed development from the public drainage point of view.
- (b) Should the application be approved, approval conditions requiring the submission and implementation of a drainage proposal for the development should be included in the planning permission.

Fire Safety

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

- (a) He has no in-principle objection 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) As there is no record of approval by the Building Authority 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) The applicant's attention is drawn to the following points:
 - (i) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application.
 - (ii) 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.
 - (iii) Before any new building works (including containers/ open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
 - (iv) 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.
 - (v) 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.

Water Supplies

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

- (a) He has no objection to the application.
- (b) For provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

Environmental Hygiene

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

- (a) He has no comment on the application provided that no FEHD's facilities will be affected and such work and operation shall not cause any environmental nuisance and obstruction to the surrounding.
- (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 arrange its disposal properly at their own expenses.
- (d) If any FEHD's facility is affected by the development, FEHD's prior consent must be obtained. Re provisioning of the affected facilities by the applicant up to the satisfaction of FEHD may be required. Besides, the applicant should provide sufficient amount of additional recurrent cost for management and maintenance of the re provisioned facilities to FEHD.

District Officer's Comments

9.1.12 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 has no particular comments on the application.

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

- (a) Director of Electrical and Mechanical Services (DEMS);
- (b) Project Manager/NT West, Civil Engineering and Development Department (PM/NTW, CEDD); and
- (c) Commissioner of Police (C of P).

11. Public Comments Received During Statutory Publication Period

11.1 On 27.10.2017, the application was published for public inspection. During the first three weeks of the public inspection period, which ended on 17.11.2017, 10 public comments were received from Kadoorie Farm & Botanic Garden Corporation, Lifelong Animal Protection Charity, Doggie House, Rescue Centre for Abandoned Pets Limited and general public (**Appendices V-1 to V-10**).

11.2 Amongst the comments received, 7 of them including Kadoorie Farm & Botanica Garden Corporation and 6 general public (**Appendices V-1 to V-7**), object the application mainly on the grounds that the proposed development is not in line with the planning intention of the "ARG" zone; the application involves illegal use of their private land for access without their consent; the Site is fenced and blocks the access for ancestor worship; adverse impacts on waste, noise and hygiene aspects; and previous application no. A/YL-KTN/551 was rejected and same rejection reasons applied.

11.3 The remaining 3 comments from Lifelong Animal Protection Charity, Doggie House and Rescue Centre for Abandoned Pets Limited (**Appendices V-8 to V-10**) support the application on the grounds that the proposed development could provide services to pet owners and avoid pet owner to abandon pets; the Site is located at Tai Kong Po with natural environment that is suitable for animal boarding establishment use and similar uses are found in the vicinity; large amount of traffic is not anticipated; and relevant licence would still be required after the Committee's approval to ensure departments' requirement would be complied with.

12. Planning Considerations and Assessments

12.1 The Site for proposed temporary animal boarding establishment for a period of 3 years falls entirely within "AGR" zone (**Plan A-1**) which is 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. The proposed use is not in line with the planning intention of the “AGR” zone and DAFC does not support the application from the agriculture point of view as there are active agricultural activities in the vicinity of the Site and the Site possesses potential for agricultural uses, such as plant nursery or greenhouse. However, the proposed animal boarding establishment is temporary in nature, approval of the application on temporary basis for a period of 3 years would not jeopardize the long-term planning intention of the “AGR” zone.

- 12.2 The proposed development involves dog kennels and cattery, as well as outdoor pet activity area, comprises seven single-storey structures with a total floor area of about 248 m² is considered not incompatible with the surrounding areas which are mixed with residential dwellings/structures, cattery and hobby farm, open storage and vacant/unused land. Although there are sensitive receivers, i.e. residential structures in the vicinity of the Site (the nearest about 20 m away to its west) (**Plan A-2**), the applicant advises that all animals will keep inside the enclosed kennel and cattery after the operation hours and acoustic materials and installation of exhaust fans will be installed for the kennel and cattery to minimize any noise impact. In regard to the potential noise nuisance at the outdoor activity area, the applicant states that only 5-6 dogs/cats will be allowed at this area at one time and no public announcement system and whistle blowing, portable loudspeaker, or any form of audio amplification system will be used at the Site. DEP has no objection to the application noting the above mitigation measures. To minimise the possible environmental nuisance, approval conditions restricting the operation hours, public announcement system, whistle blowing, portable loudspeaker or any form of audio amplification system on the Site are recommended in paragraph 12.2 (a) and (d) below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorized development on the Site will be subject to enforcement action by the Planning Authority. 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’ in order to alleviate any potential impact. CTP/UD&L, PlanD has some reservations on the application as it would set an undesirable precedent for site modification prior to application, thus leading to further degradation of existing landscape environment. In this regard, CTP/UD&L of PlanD requested approval conditions on submission and implementation of landscape proposal will be imposed in paragraph 12.2 (f) and (g) below. The technical requirements of C for T, CE/MN of DSD and D of FS, are also recommended in approval conditions (e), (h) to (k) in paragraph 13.2 below.
- 12.3 There are 13 similar applications for animal boarding establishment use within the same “AGR” zone on the OZP. All of them were approved by the Committee from 2005 to 2017 mainly on similar considerations that temporary use of the developments would not frustrate the long-term planning intention of the “AGR” zone; not incompatible with surrounding land uses; and the relevant government departments in general had no adverse comments on/objection to the

developments. Among the 13 similar approved applications, 2 of them (Application Nos. A/YL-KTN/519 and 543) are adjacent to the Site (**Plan A-1**). The planning conditions of the subject application is comparable with these 13 approved cases in that the proposed use is not incompatible with the surrounding uses, there is no significant adverse impacts, and the proposed temporary use would not jeopardize the long-term planning intention of the “AGR” zone. In this regard, approval of the current application is in line with the Committee’s previous decision on similar applications.

- 12.4 Ten public comments were received during the statutory as stated in paragraph 11 above. Three commenters support the application mainly on the grounds that the proposed development could provide services to pet owners and avoid pet owner to abandon pets and similar uses are found in the vicinity. The other seven commenters object to the application mainly on the ground that the proposed development is not in line with the planning intention of the “AGR” zone; adverse impacts on waste, noise and hygiene aspects; illegal use of private land for access; blocks of access for ancestor worship and same rejection reasons for previous application no. A/YL-KTN/551 applied. In this regard, the planning assessments and considerations above are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comments in paragraph 11 above, the Planning Department considers that the proposed temporary animal boarding establishment could be tolerated for a period of 3 years.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years until 26.1.2021. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no operation between 6:00p.m. and 10:00a.m. (except overnight kennel and cattery), as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Wednesday (except overnight kennel and cattery), as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) all animals shall be kept inside the enclosed kennel and cattery between 6:00pm and 10:00 a.m. on the Site, as proposed by the applicant, during the planning approval period;

- (d) no public announcement system, whistle blowing, portable amplification system, or any form of audio amplification system, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the submission of landscape proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 26.7.2018;
- (g) in relation to (f) above, the implementation of landscape proposal within **9** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 26.10.2018;
- (h) 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 26.7.2018;
- (i) in relation to (h) 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 26.10.2018;
- (j) 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 26.7.2018;
- (k) in relation to (j) above, the implementation of fire service installations proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 26.10.2018;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked without further notice;
- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) is not complied with by the specific date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

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

- 13.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:
- (a) the development is not in line with the planning intention of the "AGR" zone which is 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 justification has been given in the submission for a departure from the planning intention, even on temporary basis; and
 - (b) the applicant fails to demonstrate that the development would not cause adverse landscape impacts on the surrounding areas.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix I	Application Form with plans received on 20.10.2017
Appendix Ia	Supplementary Planning Statement
Appendix Ib	FI received on 22.11.2017
Appendix Ic	FI received on 27.11.2017
Appendix Id	FI received on 13.12.2017
Appendix Ie	FI received on 27.12.2017
Appendix II	Previous Application at the Site

Appendix III	Similar Applications within the same “AGR” zone on the Kam Tin North OZP
Appendix IV	Detailed comments from CTP/UD&L, PlanD
Appendices V-1 to V-10	Public comments received during statutory publication period
Appendix VI	Advisory clauses
Drawing A-1	Layout Plan
Drawing A-2	Landscape Proposal
Drawing A-3	Vehicular Access Plan
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4b	Site Photos

**PLANNING DEPARTMENT
JANUARY 2018**