

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1042

<u>Applicant</u>	: Mr. SZE Yat Ming represented by Metro Planning & Development Company Limited
<u>Site</u>	: Lots 1347 S.W and 1347 S.AD in D.D. 107, Fung Kat Heung, Kam Tin, Yuen Long, New Territories
<u>Site Area</u>	: About 280m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11
<u>Zoning</u>	: “Agriculture” (“AGR”)
<u>Application</u>	: Proposed Temporary Animal Boarding Establishment with Ancillary Facilities for a Period of Three Years and Associated Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary animal boarding establishment with ancillary facilities for a period of three years and associated filling of land at the application site (the Site), which falls within an area zoned “AGR” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “AGR” zone, ‘Animal Boarding Establishment’, which is a Column 2 use, and filling of land require planning permission from the Town Planning Board (the Board). The Site is hard paved, fenced-off and erected with a temporary structure (**Plans A-2** and **A-4**).
- 1.2 The Site is accessible from Fung Kat Heung Road via local tracks (**Plans A-2** and **A-3**). According to the applicant, the proposed use involves two single-storey structures with building heights of not more than 4.5m and a total floor area of not more than 200m² for dog kennel, ancillary site office and toilet (**Drawing A-1**). The applicant also applies for regularisation of filling of land for about 277.8m² (or 99.2%) of the Site with concrete of not more than 0.2m in depth (to a level of not more than 18.8mPD) for site formation and vehicular circulation (**Drawing A-2**). Peripheral fencing along the site boundary will be erected and an existing tree within the Site will be retained. Two covered parking spaces for private car will be provided inside the proposed structure. Not more than eight dogs will be accommodated at the Site and all dogs will be kept inside enclosed structures built with soundproofing materials and equipped with mechanical

ventilation and air-conditioning systems. No public announcement system will be used at the Site. The proposed operation hours will be between 9:00 a.m. and 7:00 p.m. daily, including Sundays and public holidays. No dogs will be kept at the Site after operation hours. Plans showing the site layout and land filling area submitted by the applicant are on **Drawings A-1** and **A-2** respectively.

- 1.3 The Site is involved in a previously approved application No. A/YL-KTN/797 for the same use submitted by the same applicant as the current application, and the planning permission was subsequently revoked due to non-compliance with approval conditions (details at paragraph 5 below). Compared with the previous application, the current application has the same site area/boundary and development parameters including building height and total floor area, but reduction in the number of parking spaces and slight changes to the parking space layout.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 8.8.2024 (**Appendix I**)
 - (b) Further Information (FI) received on 11.9.2024* (**Appendix Ia**)
 - (c) FI received on 29.11.2024* (**Appendix Ib**)
 - (d) FI received on 10.3.2025* (**Appendix Ic**)
 - (e) FI received on 17.3.2025* (**Appendix Id**)
- * accepted and exempted from publication and recounting requirements*
- 1.5 On 4.10.2024 and 24.1.2025, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months each as requested by the applicant.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FIs at **Appendices I to Id**, and can be summarised as follows:

- (a) The temporary nature of the application will not jeopardise the long-term planning intention of the “AGR” zone. The proposed use is not incompatible with the surrounding areas and similar applications were approved in the vicinity of the Site.
- (b) Sufficient space will be provided for vehicles to manoeuvre smoothly within the Site and the proposed use will generate infrequent trips. The proposed use will not induce adverse traffic, environmental, drainage and fire safety impacts on the surrounding areas. In support of the current application, the applicant has submitted drainage and fire service installations (FSIs) proposals.
- (c) The applicant will follow up with the relevant licence application to the Agriculture, Fisheries and Conservation Department.

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

The applicant is the sole ‘current land owner’ of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

The Site is currently not subject to any active planning enforcement action. Subject to collection of sufficient evidence, appropriate enforcement action under the Town Planning Ordinance would be undertaken.

5. **Previous Application**

5.1 The Site is involved in a previous application No. A/YL-KTN/797 for the same use with filling of land submitted by the same applicant as the current application. It was approved with conditions by the Committee in 2021 mainly on the considerations that temporary approval would not jeopardise the long-term planning intention of the “AGR” zone; the proposed use was not incompatible with the surrounding land uses; and the relevant government departments consulted generally had no adverse comment or their technical concerns could be addressed by approval conditions. The planning permission was subsequently revoked in 2023 due to non-compliance with approval conditions related to submission and implementation of drainage and FSIs proposals. Compared with the previous application, the current application has the same site area/boundary and development parameters including building height and total floor area, but reduction in the number of parking spaces and slight changes to the parking space layout.

5.2 Details of the previous application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

6. **Similar Applications**

6.1 There are 12 similar applications for temporary animal boarding establishment (including nine with filling of land) within the same “AGR” zone in the vicinity of the Site in the past five years. All these applications were approved with conditions by the Committee between 2020 and 2023 mainly on similar considerations as mentioned in paragraph 5.1 above.

6.2 Details of the similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

6.3 A similar application No. A/YL-KTN/1099 for temporary animal boarding establishment with associated filling of land within the same “AGR” zone will be considered at the same meeting (**Plan A-1**).

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

7.1 The Site is:

- (a) hard paved, fenced-off and erected with a temporary structure; and
- (b) accessible from Fung Kat Heung Road via local tracks.

7.2 The surrounding areas are rural in character with an intermix of storage yards, parking of vehicles, pigsty, animal boarding establishments (with valid planning permissions under applications No. A/YL-KTN/757 and 836), holiday camp, residential structures, woodland and vacant land.

8. Planning Intention

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

8.2 According to the Explanatory Statement of the OZP for the “AGR” zone, as filling of land may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

9. Comments from Relevant Government Departments

All government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses, if any, are provided at **Appendices III** and **IV** respectively.

10. Public Comments Received During Statutory Publication Period

On 16.8.2024, the application was published for public inspection. During the statutory public inspection period, three public comments were received, including one from a Member of the Yuen Long Town Centre and Rural East Area Committee indicating no comment; and two from Kadoorie Farm and Botanic Garden Corporation and an individual indicating concerns on the site history, current site status, suspected brownfield use at approved animal boarding establishment sites, and revocation of the previous planning permission (**Appendix V**).

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary animal boarding establishment with ancillary facilities for a period of three years and associated filling of land at the Site zoned “AGR” (Plan A-1**). Whilst the proposed use is not entirely in line with the planning intention of the “AGR” zone, the Director of Agriculture, Fisheries**

and Conservation has no adverse comment on the application from agricultural perspective. Taking into account the planning assessments below, there is no objection to the proposed use on a temporary basis of three years with associated filling of land.

- 11.2 Filling of land in the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the surrounding areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) and Director of Environmental Protection have no objection to the application from public drainage and environmental perspectives respectively. As the Site is zoned “AGR”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “AGR” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.
- 11.3 The proposed use is considered not incompatible with the surrounding land uses which are rural in character with an intermix of storage yards, parking of vehicles, pigsty, animal boarding establishments, holiday camp, residential structures, woodland and vacant land. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective considering that significant adverse landscape impact is not anticipated.
- 11.4 Other relevant government departments consulted, including the Commissioner for Transport and Director of Fire Services (D of FS), have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 12.2 below. It is also recommended to advise the applicant to follow the revised ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimise any potential environmental nuisance caused by the proposed use.
- 11.5 The Site is the subject of a previously approved application No. A/YL-KTN/797 for the same use submitted by the same applicant as detailed in paragraph 5.1 above. Whilst the planning permission under the previous application was revoked in 2023 due to non-compliance with approval conditions related to submission and implementation of drainage and FSIs proposals, the applicant has submitted the relevant proposals in support of the current application. CE/MN, DSD has no objection to the application and D of FS considers the submitted FSIs proposal acceptable. Should the application be approved, the applicant will be advised that should he fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 11.6 There are 12 approved similar applications within the same “AGR” zone in the vicinity of the Site in the past five years as mentioned in paragraph 6.1 above. Approving the current application is in line with the Committee’s previous decisions.

- 11.7 Regarding the public comments mentioned in paragraph 10, the departmental comments and planning assessments above are relevant. Regarding the concern on using the Site for brownfield operation, any unauthorized development on the Site would be subject to planning enforcement action.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 above, PlanD has no objection to the application.
- 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 three years until 2.5.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a revised 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 2.11.2025;
- (b) in relation to (a) above, the implementation of the revised 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 2.2.2026;
- (c) in relation to (b) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) the implementation of the accepted 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 2.2.2026;
- (e) if the above planning condition (c) 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;
- (f) if any of the above planning condition (a), (b) or (d) 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
- (g) upon expiry of the planning permission, the reinstatement of the site, including the removal of hard paving and fill materials and grassing of the site to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory clauses

The recommended advisory clauses are at **Appendix IV**.

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

the proposed use with associated filling of land is not in line with the planning intention of the "AGR" zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification given in the submission for a 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 8.8.2024
Appendix Ia	FI received on 11.9.2024
Appendix Ib	FI received on 29.11.2024
Appendix Ic	FI received on 10.3.2025
Appendix Id	FI received on 17.3.2025
Appendix II	Previous and similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comments
Drawing A-1	Site layout plan
Drawing A-2	Land filling plan
Plan A-1	Location plan

Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
MAY 2025**