

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/1065

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| <u>Applicant</u> | : | SUEN Chi Hung represented by R-riches Property Consultants Limited |
| <u>Site</u> | : | Lots 1720 S.A, 1720 S.B, 1720 S.C, 1720 RP, 1721 (Part), 1723 and 1724 in D.D. 106, Pat Heung, Yuen Long, New Territories |
| <u>Site Area</u> | : | About 3,415m ² |
| <u>Lease</u> | : | Block Government Lease (demised for agricultural use) |
| <u>Plan</u> | : | Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15 |
| <u>Zoning</u> | : | “Agriculture” (“AGR”) |
| <u>Application</u> | : | Proposed Temporary Animal Boarding Establishment and Eating Place with Ancillary Facilities and Associated Filling of Land for a Period of Three Years |

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary animal boarding establishment (ABE) and eating place with ancillary facilities and associated filling of land for a period of three years 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 “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), while ‘Eating Place’ is neither a Column 1 nor Column 2 use. According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years requires planning permission from the Board. The Site is currently vacant and overgrown with vegetation and trees (**Plans A-2 to A-4b**).
- 1.2 The Site is accessible from Kam Sheung Road via a local track (**Plans A-1 and A-3**). According to the applicant, the proposed uses involve four single-storey structures (not more than 5m in height) with a total gross floor area (GFA) of about 371m² for ABE, site office, staff common room, indoor animal training room, eating place, store room and meter room. A lawn area of about 1,338m² (about 39% of the Site) will be provided for outdoor dog activities and training which would only be held during the operation hours (**Drawing A-1**). The ABE will accommodate no more than 20 dogs at a time. All dogs staying overnight will be

kept inside the enclosed structures fitted with soundproof materials, 24-hours mechanical ventilation and air conditioning systems beyond the operation hours (i.e. 6:00 p.m. to 9:00 a.m. daily). The proposed operation hours are from 9:00 a.m. to 6:00 p.m. daily, except for overnight animal boarding. No public announcement system, whistle blowing portable loud speaker, or any form of audio amplification system will be used at the Site at all times. The proposed eating place, with an outdoor seating accommodation (about 222m²), is intended to offer refreshment for visiting dog owners (**Drawing A-1**). Six parking spaces (5m x 2.5m) for private car and one loading/unloading (L/UL) space (7m x 3.5m) for light goods vehicle (LGV) will be provided within the Site. Sufficient manoeuvring space will be provided within the Site to ensure that no vehicle will turn back onto the local access. 'Beware of Pedestrian' sign will also be shown at the ingress/egress of the Site for promoting traffic and pedestrian safety purpose. No vehicles exceeding 5.5 tonnes, including container tractors/trailers, will be allowed to parked/stored on or enter/exit the Site at all time. The applicant also applies for filling of land for about 2,077m² (about 61% of the Site) with concrete of not more than 0.2m in depth (from a level of +20.6mPD to +20.8mPD) for site formation of structures and circulation space. The site layout plan and land filling plan submitted by the applicant are at **Drawings A-1 and A-2**.

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

- (a) Application Form with supplementary planning statement (SPS) received on 19.3.2025 (**Appendix I**)
- (b) Further Information (FI) received on 23.4.2025 # (**Appendix Ia**)

accepted and exempted from publication and recounting requirements

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form with SPS and FI at **Appendices I and Ia**. They can be summarised as follows:

- (a) The proposed temporary uses will not jeopardize the long-term planning intention of the "AGR" zone and will utilise scarce land resources as the Site is currently vacant without any agricultural activities. Given that the proposed uses are small in scale and surrounded by unused/vacant land, vehicle park and scattered residential dwellings, it is considered not incompatible with the surrounding areas.
- (b) The Site is the subject of a previous approved application No. A/YL-KTS/887 for a different use which was subsequently revoked due to non-compliance with time-limited approval conditions. However, the applicant had made efforts to comply with approval conditions. Similar applications for temporary ABE and 'eating place' have been approved by the Board in the "AGR" zone in the vicinity of the Site. The approval of the current application is in line with the Board's decision and would not set an undesirable precedent.
- (c) The Site will be partly paved for site formation of structures and vehicular circulation space and the extent of paving has been kept to be minimal. The remaining Site will remain unpaved for the provision of lawn area for outdoor dog

activities. The applicant commits to reinstate the Site to an amenity area upon expiry of the planning permission.

- (d) Visitor appointment system will be adopted. Staffs will be deployed to direct incoming/outgoing traffic and warning sign will be shown at the Site's ingress/egress so as to minimise the adverse impact on traffic and pedestrian safety.
- (e) The proposed eating place is separated from the proposed ABE by 1.5m (in height) fencing (**Drawing A-1**). Separate ventilation systems will also be adopted for both the eating place and ABE. Such separation arrangement could effectively enhance the hygiene of the Site and secure food safety for customers.
- (f) The applicant will employ licensed collectors to collect and dispose of sewage to ensure no overflowing of sewage at the Site. The applicant will follow the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' ('CoP') issued by the Environmental Protection Department to minimise any potential environmental impacts and nuisance to the surrounding areas. The applicant will also strictly comply with all environmental protection/pollution control ordinances.

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" Requirement under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by posting 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**

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

5. **Previous Application**

The Site is the subject of a previous application No. A/YL-KTS/887 submitted by the same applicant for temporary place of recreation, sports or culture (hobby farm) which was approved with conditions by the Committee on 11.6.2021 and the permission was subsequently revoked on 11.1.2025 due to non-compliance with time-limited approval conditions. The considerations of the said application are irrelevant for the current application due to different use involved. Details of the previous application are summarised in **Appendix II** and the location is shown on **Plan A-1**.

6. **Similar Applications**

There are six similar applications (No. A/YL-KTS/877, 906, 953, 986, 992 and 1019), including five for temporary ABE (with three of them involved land filling) and one for

temporary restaurant, within the same “AGR” zone in the vicinity of the Site in the past five years. All similar applications were approved with conditions by the Committee between 2021 and 2024, mainly on the considerations that the temporary approval would not jeopardise the long-term planning intention for the Site; the proposed use was not incompatible with the surrounding land uses; and there was no adverse comment from concerned government departments. Details of the similar applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) accessible from Kam Sheung Road via a local track; and
- (b) currently vacant and overgrown with vegetation and trees.

7.2 The surrounding areas are occupied predominantly by open storage and storage yards, rural settlements, scattered residential structures, parking of vehicles, temple, party room, grass land, woodland, cultivated agricultural land 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 “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

9.1 Apart from the government department set out in paragraph 9.2 below, other 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 in **Appendices III** and **IV** respectively.

9.2 The following government department conveys a local objection to the application:

District Officer's Comments

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

his office has received an objection from an indigenous inhabitant representative of Yuen Kong Tsuen (with 11 villagers' signature) which is

the same as one of the public comments stated in paragraph 10 below (**Appendix V**).

10. Public Comment Received During Statutory Publication Period

On 28.3.2025, the application was published for public inspection. During the statutory publication period, 23 public comments were received (**Appendix V**) from a resident representative of Shui Tsan Tin Tsuen, an indigenous inhabitant representative of Yuen Kong Tsuen (with 11 villagers' signature), Kadoorie Farm & Botanic Garden Corporation, six local residents and 14 individuals. All public comments object to the application mainly on the grounds that the proposed uses would cause potential impacts on the proposed Agricultural Priority Area (APA) in Shui Tsan Tin and the Board should consider if approving the current application would affect the APA policy taken forward by the Government; the proposed uses would result in adverse traffic and environmental impacts and hinder the efficiency of emergency rescue services; the proposed uses would have hygienic concerns; the proposed filling of land would increase the risk of flooding; and the proposed uses would cause nuisance to surrounding areas.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary ABE and eating place with ancillary facilities and associated filling of land for a period of three years at the Site zoned "AGR" (**Plan A-1**). Whilst the proposed uses are not entirely in line with the planning intention of the "AGR" zone, the Director of Agriculture, Fisheries and Conservation (DAFC) has no adverse comment on the application from agricultural and nature conservation perspectives. In view of the above and taking into account the assessment below, there is no objection to the proposed uses on a temporary basis with associated filling of land for a period of three years.
- 11.2 Filling of land within 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 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 uses are considered not incompatible with the surrounding areas which are occupied predominantly by open storage and storage yards, rural settlements, scattered residential structures, parking of vehicles, temple, party room, grass land, woodland, cultivated agricultural land and vacant land (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment to the application from landscape planning perspective and considers that the proposed uses are not incompatible with the surrounding landscape character and significant adverse landscape impact on landscape resources within the Site arising from the proposed uses are not anticipated.

- 11.4 Other relevant government departments consulted including the Commissioner for Transport, Director of Food and Environmental Hygiene and Director of Fire Services 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 latest 'CoP' to minimise any potential environmental impacts on the surrounding areas.
- 11.5 There are six approved similar applications for temporary ABE (with or without land filling) or restaurant uses within the same "AGR" zone in the past five years as stated in paragraph 6 above. Approving the current application is in line with the Committee's previous decisions.
- 11.6 For the public comments mentioned in paragraph 10 above, the departmental comments and planning considerations above are relevant.

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 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 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 submission of a 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 2.11.2025;
- (e) in relation to (d) above, the implementation of the 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;
- (f) 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;

- (g) if any of the above planning condition (a), (b), (d) or (e) 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
- (h) 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 attached in **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 uses with associated filling of land are 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

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| Appendix I | Application Form with SPS received on 19.3.2025 |
| Appendix Ia | FI received on 23.4.2025 |
| Appendix II | Previous application and Similar Applications |
| Appendix III | Government departments' general comments |
| Appendix IV | Recommended advisory clauses |
| Appendix V | Public comment |
| Drawing A-1 | Site layout plan |
| Drawing A-2 | Land filling plan |
| Plan A-1 | Location plan |

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| Plan A-2 | Site plan |
| Plan A-3 | Aerial photo |
| Plans A-4a to A-4b | Site photos |

**PLANNING DEPARTMENT
MAY 2025**