

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

**APPLICATION NO. A/YL-KTS/1052**

<b><u>Applicant</u></b>	:	Longwick Landscape Greening Company Limited represented by R-riches Property Consultants Limited
<b><u>Site</u></b>	:	Lot 1892 RP in D.D. 106, Pat Heung, Yuen Long, New Territories
<b><u>Site Area</u></b>	:	About 1,757m <sup>2</sup>
<b><u>Lease</u></b>	:	Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	:	Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
<b><u>Zoning</u></b>	:	“Agriculture” (“AGR”)
<b><u>Application</u></b>	:	Proposed Temporary Animal Boarding Establishment and Eating Place 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 (ABE) and eating place 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 “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 partially hard-paved and occupied by an ABE with valid planning permission under application No. A/YL-KTS/992 until 15.3.2029 (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Pat Heung Road via a local access (**Plans A-1 to A-3**). According to the applicant, the proposed uses involve six one to two storeys structures (not more than 8m in height) with a total gross floor area (GFA) of about 580m<sup>2</sup> for ABE, eating place, office, washroom, storage of goods, water tank and meter room uses. A lawn area of about 312m<sup>2</sup> (about 17% 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 50

dogs at a time. All dogs staying overnight will be kept inside the enclosed structures fitted with soundproof materials, and 24-hour mechanical ventilation and air conditioning systems beyond the operation hours (i.e. 9:00 p.m. to 9:00 a.m. daily). The proposed operation hours are from 9:00 a.m. to 9:00 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 allowed at the Site at all times. The proposed eating place, with an outdoor seating accommodation area of about 335m<sup>2</sup>, is intended to offer refreshment for visiting dog owners (**Drawing A-1**). Eight 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 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 be parked/stored on or enter/exit the Site at all time. The applicant also applies for filling of land for about 381m<sup>2</sup> (about 22% of the Site) with concrete of not more than 0.2m in depth up to a level at +15.4mPD for outdoor seating accommodation and regularization of filling of land for about 1,064m<sup>2</sup> (about 61% of the Site) with concrete of not more than 0.2m in depth up to a level at +15.4mPD for site formation of structures and circulation space (**Drawing A-2**). The site layout plan and land filling plan submitted by the applicant are at **Drawings A-1 and A-2** respectively.

- 1.3 The Site is the subject of three previous applications (No. A/YL-KTS/833, 932 and 992) which were all approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2019 and 2024 (details at paragraph 5 below). Compared with the last application No. A/YL-KTS/992, the current application is submitted by the same applicant for the same ABE use with addition of eating place at the same site with minor changes in layout and development parameters as summarised below:

<b>Development Parameters</b>	<b>A/YL-KTS/992 Previous application (a)</b>	<b>A/YL-KTS/1052 Current application (b)</b>	<b>Difference (b)-(a)</b>
<b>Use</b>	Proposed Temporary ABE with Ancillary Facilities for a Period of Three Years and Associated Filling of Land	Proposed Temporary ABE and Eating Place with Ancillary Facilities for a Period of Three Years and Associated Filling of Land	Addition of eating place
<b>Site Area</b>	1,757 m <sup>2</sup> (about)	1,757 m <sup>2</sup> (about)	No change
<b>Gross Floor Area (GFA)</b>	about 506 m <sup>2</sup>	about 580 m <sup>2</sup>	+74m <sup>2</sup> (+15%)
<b>Site Coverage</b>	about 21%	about 23%	+2%
<b>No. of Blocks</b>	5	6	+1 (+20%)

<b>Development Parameters</b>	<b>A/YL-KTS/992 Previous application (a)</b>	<b>A/YL-KTS/1052 Current application (b)</b>	<b>Difference (b)-(a)</b>
<b>No. of Storeys/ BH</b>	1-2 storeys (not more than 8m)	1-2 storeys (not more than 8m)	No change
<b>Parking Spaces</b>	4 spaces for private cars (5m x 2.5m)	8 spaces for private cars (5m x 2.5m)	+4 (+100%)
<b>Loading and Unloading (L/UL) Space</b>	1 L/UL for LGV	1 L/UL for LGV	No change

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

- (a) Application Form with supplementary planning statement (SPS) received on 2.1.2025 **(Appendix I)**
- (b) Further Information (FI) received on 2.4.2025 <sup>#</sup> **(Appendix Ia)**

<sup>#</sup> *accepted and exempted from publication and recounting requirements*

1.5 On 28.2.2025, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months 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 with SPS at **Appendix I**. They can be summarised as follows:

- (a) The proposed temporary uses will not frustrate the long-term planning intention of the “AGR” zone and will utilize scarce land resources, as there is no agricultural activity at the Site. Given that the proposed uses are in small scale, they are considered not incompatible with the surrounding areas.
- (b) The Site is the subject of previous applications No. A/YL-KTS/883, 932 and 992 for temporary ‘Shop and Services’ and ‘Animal Boarding Establishments’. Similar applications for temporary ‘Animal Boarding Establishments’ and ‘eating place/Restaurant’ within the “AGR” zone on the same OZP were approved by the Board. Hence, 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 hard-paved for site formation of structures and provision of outdoor seating area of the eating place, and the extent of paving has been kept to be minimal. The remaining part of the Site will be left 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. Staff 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) In support of the application, the applicant has submitted a fire service installations (FSIs) proposal. The applicant will also employ licensed collectors to collect and dispose of sewage to ensure no overflowing of sewage at the Site. Meanwhile, the applicant will follow the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' (the CoP) issued by the Environmental Protection Department (EPD) to minimise any potential environmental impacts and nuisance to the surrounding areas, as well as 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**

- 4.1 The Site is currently not subject to any active planning enforcement action.
- 4.2 The Site is covered by a valid Boarding Establishment License (BEL) issued under the Public Health (Animals) (Boarding Establishment) Regulations (Cap. 139I) until 27.8.2025.

### **5. Previous Applications**

The Site is the subject of three previous applications (No. A/YL-KTS/833, 992 and 932). Application No. A/YL-KTS/992 for proposed temporary ABE with ancillary facilities and filling of land was approved with conditions by the Committee on 15.3.2024 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 and/or the concerns could be addressed by relevant approval conditions. Compared with this previous application, the current application is submitted by the same applicant for the same ABE use with addition of eating place at the same site with minor changes in layout and development parameters as mentioned in paragraph 1.3 above. The considerations of applications No. A/YL-KTS/833 and 932 for temporary shop and services (landscaping and gardening showroom) for a period of three years and filling of land are not relevant for the current application due to different use involved. Details of the previous applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

## 6. **Similar Applications**

There are six similar applications (No. A/YL-KTS/877, 906, 953, 986, 1019 and 1065) covering five sites, including five for temporary ABE (with two involved filling of land and one involved filling of land and eating place use) and one for restaurant use 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 2025 mainly on similar considerations as mentioned in paragraph 5 above. 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-4)**

7.1 The Site is:

- (a) accessible from Pat Heung Road via a local access; and
- (b) partially hard-paved and occupied by an ABE with valid planning permission.

7.2 The surrounding areas comprise predominantly village settlements, scattered residential structures, an ABE, parking of vehicles, cultivated agricultural land, grassland and pond.

## 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**

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.

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

On 10.1.2025, the application was published for public inspection. During the statutory publication period, two public comments were received from Kadoorie Farm & Botanic

Garden Corporation and an individual, both objecting 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 being taken forward by the Government; the proposed eating place is not compatible with ABE; and it is questionable if the existing ABE at the Site is covered by a valid BEL (**Appendix V**).

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

- 11.1 The application is for proposed temporary ABE and eating place 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 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 and confirms that the Site is covered by valid BEL. In view of the above and taking into account the assessments below, there is no objection to the proposed uses on a temporary basis for a period of three years with associated filling of land.
- 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 planning 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. The applicant has also committed to reinstate the Site to an amenity area upon expiry of the approval period.
- 11.3 The proposed uses are considered not incompatible with the surrounding areas which comprise predominantly village settlements, scattered residential structures, an ABE, parking of vehicles, cultivated agricultural land, grassland and pond (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on 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, who also considers the submitted FSIs proposal acceptable, 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” issued by EPD to minimise any potential environmental impacts on the surrounding areas.

- 11.5 There is an approved previous application and six approved similar applications within the same “AGR” zone in the vicinity of the Site in the past five years as stated in paragraphs 5 and 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 23.5.2028. 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 23.11.2025;
- (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 23.2.2026;
- (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 23.2.2026;
- (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 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**

<b>Appendix I</b>	Application Form with SPS received on 2.1.2025
<b>Appendix Ia</b>	FI received on 2.4.2025
<b>Appendix II</b>	Previous application and Similar Applications
<b>Appendix III</b>	Government departments' general comments
<b>Appendix IV</b>	Recommended advisory clauses
<b>Appendix V</b>	Public comments
<b>Drawing A-1</b>	Site layout plan
<b>Drawing A-2</b>	Land filling plan
<b>Plan A-1</b>	Location plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plans A-4</b>	Site photos

**PLANNING DEPARTMENT  
MAY 2025**