

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL  
FOR TEMPORARY USE  
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-SK/418**

<b><u>Applicant</u></b>	: Ms. CHEUNG Wing Sze Maggie
<b><u>Site</u></b>	: Lots 1353 S.A, 1354 (Part) and 1355 S.A in D.D. 114, Shek Kong, Yuen Long, New Territories
<b><u>Site Area</u></b>	: About 1,369m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9
<b><u>Zoning</u></b>	: “Conservation Area” (“CA”)
<b><u>Application</u></b>	: Renewal of Planning Approval for Temporary Dog Kennels for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning approval for temporary dog kennels for a period of three years at the application site (the Site), which falls within an area zoned “CA” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is largely paved, fenced-off, erected with structures and occupied by the applied use with valid planning permission under application No. A/YL-SK/330 until 2.8.2025 (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Kam Sheung Road via local tracks (**Plans A-1 to A-3**). According to the applicant, the applied use involves ten structures of one to two storeys with heights of not more than 4.28m and a total floor area of about 430.2m<sup>2</sup> for dog kennels, breeding room, whelping room, storage and staff resting rooms. No parking or loading/unloading space will be provided at the Site. The applied use will accommodate not more than 65 dogs, and all dogs will be kept inside the kennel structures equipped with mechanical ventilation and air conditioning systems after operation hours. No whistle blowing or audio amplification system will be used. The operation hours are between 10:00 a.m. and 6:00 p.m. daily including Sundays and public holidays. Plan showing the site layout submitted by the applicant is on **Drawing A-1**.

- 1.3 The Site is the subject of seven previous applications for temporary dog kennels (details at paragraph 6 below), including the last application No. A/YL-SK/330 for renewal of planning approval granted which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 24.6.2022. All the approval conditions have been complied with. Compared with the last application No. A/YL-SK/330, the development parameters and layout under the current application remain unchanged.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 2.6.2025, (Appendix I) 6.6.2025 and 9.6.2025
  - (b) Further Information (FI) received on 15.7.2025\* (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 and FI at **Appendices I and Ia**, and can be summarised as follows:

- (a) The applied use has been under operation for more than 30 years. The current applicant is the daughter of the previous applicant under the last application No. A/YL-SK/330. The applicant intends to continue the applied use and there is no change to the layout.
- (b) The applicant has obtained the Dog Breeder Licence issued by the Agriculture, Fisheries and Conservation Department and has complied with the relevant statutory requirements. No wastewater will be discharged to the streamcourse nearby. Septic tank and soakaway system have been provided at the Site for wastewater treatment. In support of the current application, the applicant has submitted record of existing drainage facilities and certificate of fire service installations and equipment (FS 251).

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

The applicant is not a ‘current land owner’ but has complied with the requirement as set out in the Town Planning Board Guidelines on Satisfying the ‘Owner’s Consent/Notification’ Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by obtaining consents from the ‘current land owners’. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Town Planning Board Guidelines**

The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D) are relevant to the application. Relevant extracts of the Guidelines are at **Appendix II**.

## **5. Background**

- 5.1 The Site is currently not subject to any active planning enforcement action. It is covered by a valid planning permission (No. A/YL-SK/330) for renewal of planning approval for temporary dog kennels for a period of three years until 2.8.2025. Follow-up investigation will be taken upon expiry of the current planning permission if the subject application is not approved by the Committee.
- 5.2 The Site was previously occupied by chicken farm structures in 1990 when the Shek Kong Interim Development Permission Area Plan No. IDPA/YL-SK/1 was gazetted.

## **6. Previous Applications**

- 6.1 The Site is the subject of seven previous applications (No. A/YL-SK/131, 150, 173, 190, 217, 256 and 330) for temporary dog kennels (including four renewals of temporary approval granted), all submitted by a different applicant from the current application and approved with conditions by the Committee between 2006 and 2022. Details of the previous applications are at **Appendix III** and the locations are shown on **Plan A-1**.
- 6.2 Application No. A/YL-SK/131 was approved with conditions by the Committee in 2006 mainly on the considerations that the site was previously used as a chicken farm with structures already in existence; the temporary use would unlikely have adverse environmental impact on the surrounding areas; the Director of Agriculture, Fisheries and Conservation (DAFC) had no adverse comment on the application from ecological perspective; and it would be difficult for the applicant to find other suitable place for relocating the dog kennels and sympathetic consideration could be given.
- 6.3 Subsequent to the approval of application No. A/YL-SK/131, six applications (No. A/YL-SK/150, 173, 190, 217, 256 and 330), including four for renewal of planning approval granted, were approved with conditions by the Committee between 2009 and 2022 mainly on the considerations that the applied use would not frustrate the long-term planning intention of the “CA” zone; the applied use was not incompatible with the surrounding areas; the relevant government departments consulted generally had no adverse comment or the concerns could be addressed by approval conditions; and the applied use was generally in line with the Town Planning Board Guidelines No. TPB PG-No. 34 (for the four renewals). For the last application No. A/YL-SK/330, all the approval conditions have been complied with and the planning permission is valid until 2.8.2025. Compared with application No. A/YL-SK/330, the current application is the same in terms of development parameters and layout.

## **7. Similar Application**

There is no similar application within the same “CA” zone in the vicinity of the Site.

## **8. The Site and Its Surrounding Areas (Plans A-1 to A-4)**

### **8.1 The Site is:**

- (a) paved and fenced-off, erected with structures and occupied by the applied use; and
- (b) accessible from Kam Sheung Road via local tracks.

### **8.2 The surrounding areas are rural in character with an intermix of residential structures, plant nursery, farmland, vacant land and woodland. A streamcourse is located to the north of the Site. Tai Lam Country Park is to the further south above the wooded slopes (**Plan A-1**).**

## **9. Planning Intention**

### **9.1 The planning intention of the “CA” zone is to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Country Park from the adverse effects of development. There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or the development is an essential infrastructure project with overriding public interest may be permitted.**

### **9.2 According to the Explanatory Statement of the OZP, the “CA” zone is for giving added protection to the adjoining Tai Lam Country Park.**

## **10. 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 IV and V** respectively.

## **11. Public Comment Received During Statutory Publication Period**

On 10.6.2025, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

## **12. Planning Considerations and Assessments**

### **12.1 The application is for renewal of planning approval for temporary dog kennels for a period of three years at the Site zoned “CA” (**Plan A-1**). Whilst the applied use is not in line with the planning intention of the “CA” zone, the Site is the subject of seven previously approved applications for the same applied use since 2006 and DAFC has no adverse comment on the application from nature conservation perspective. In view of the above and taking into account the**

planning assessments below, there is no objection to the renewal application for a period of three years.

- 12.2 The applied use is considered not incompatible with the surrounding areas which are rural in character with an intermix of residential structures, plant nursery, farmland, vacant land and woodland. 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 arising from the applied use is not anticipated. As the Site is zoned “CA”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “CA” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.
- 12.3 Other relevant government departments consulted, including the Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department, Director of Environmental Protection and Director of Fire Services, have no objection to or no adverse comment on the application. To minimise any potential environmental nuisance caused by the applied use, it is recommended to advise the applicant to follow the revised ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ should the application be approved by the Committee.
- 12.4 The application is considered generally in line with TPB PG-No. 34D in that there has been no material change in the planning circumstances since the previous approval was granted; no adverse planning implication arising from the renewal is anticipated; all approval conditions under the last application have been complied with; and the three-year approval period sought which is the same timeframe as the last approval is reasonable.
- 12.5 There are seven previous approvals for the same applied use at the Site as detailed in paragraph 6 above. Approving the current application is in line with the Committee’s previous decisions.

### **13. Planning Department’s View**

- 13.1 Based on the assessments made in paragraph 12 above, PlanD has no objection to the application.
- 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 three years and be renewed from 3.8.2025 to 2.8.2028. The following condition of approval and advisory clauses are also suggested for Members’ reference:

#### **Approval condition**

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 V**.

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

the applied use is not in line with the planning intention of the "CA" zone which is to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Country Park from the adverse effects of development. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

## **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**

<b>Appendix I</b>	Application Form with attachments received on 2.6.2025, 6.6.2025 and 9.6.2025
<b>Appendix Ia</b>	FI received on 15.7.2025
<b>Appendix II</b>	Relevant extract of TPB PG-No. 34D
<b>Appendix III</b>	Previous applications
<b>Appendix IV</b>	Government departments' general comments
<b>Appendix V</b>	Recommended advisory clauses
<b>Drawing A-1</b>	Site layout plan
<b>Plan A-1</b>	Location plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plan A-4</b>	Site photos

**PLANNING DEPARTMENT  
AUGUST 2025**