

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-KTS/524

<u>Applicant</u>	: Grand Dragon Capital Investment Limited represented by Allgain Land Administrators (Hong Kong) Limited
<u>Site</u>	: Lot 2205 RP (Part) in D.D. 92, Kwu Tung South, Sheung Shui, New Territories
<u>Site Area</u>	: 1,020m ² (about)
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Kwu Tung South Outline Zoning Plan No. S/NE-KTS/18
<u>Zoning</u>	: “Recreation” (“REC”)
<u>Application</u>	: 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. The Site falls within an area zoned “REC” on the approved Kwu Tung South Outline Zoning Plan (OZP) No. S/NE-KTS/18 (**Plan A-1**). According to the Notes of the OZP for “REC” zone, ‘Animal Boarding Establishment’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is vacant and largely paved (**Plans A-3 to A-4b**).
- 1.2 According to the applicant, the proposed development comprises six 1 to 2-storey structures (with building height not more than 9m) and a total gross floor area (GFA) of about 524m² for animal boarding establishment, toilet, meter room, site office, reception and storage room uses. The operation hours will be from 9:00 a.m. to 6:00 p.m. daily, including public holidays (except overnight animal boarding). The applicant states that the animal boarding establishment will

accommodate up to 15 animals (dogs or cats). Two to three staff members will be working at the Site from 7:00 a.m. to 9:00 p.m. and not more than 8 visitors are anticipated daily. Not more than 3 dogs with dog masks will be allowed for outdoor activities at the same time within the Site during operation hours, while all animals will be kept within enclosed structures equipped with soundproofing materials, mechanical ventilation and air-conditioning systems. No public announcement system, whistle blowing, portable loudspeaker, or any form of audio amplification system will be used at the Site. No car parking space will be provided, while one loading/unloading space for light goods vehicle will be provided at the Site. The Site is accessible from Kam Tsin South Road via a local access. The site layout plan submitted by the applicant is at **Drawing A-1**.

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

- (a) Application Form with attachments received on 22.2.2023 (**Appendix I**)
- (b) Further Information (FI) received on 14.4.2023[#] (**Appendix Ia**)

[#]exempted from publication and recounting

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in **Appendices I and Ia** as summarised below:

- (a) The proposed use is temporary in nature and will not jeopardise the long-term planning intention of the “REC” zone. The proposed development is compatible with the surrounding environment.
- (b) There is an increasing demand for animal boarding services in Hong Kong. There are similar applications approved by the Committee in Yuen Long district within “REC” zones.
- (c) The proposed development will not generate adverse environmental, drainage, sewerage and landscape impacts. The applicant will strictly follow the relevant government code of practices, guidelines and ordinances to minimise possible environmental impacts.
- (d) Sufficient manoeuvring space will be provided at the Site to ensure no queuing, turning back outside the Site and onto public road. Adverse traffic impact to the nearby road network is not anticipated.

3. Compliance with the “Owner’s Consent/Notification” Requirements

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

4. Background

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

5. Previous Application

There is no previous application at the Site.

6. Similar Application

There is no similar application within the same “REC” zone.

7. The Site and Its Surrounding Areas (Plans A-1 and A-2, aerial photo on Plan A-3, and site photos on Plans A-4a and A-4b)

7.1 The Site is:

- (a) vacant, fenced and largely paved; and
- (b) accessible from Kam Tsin South Road via a local access.

7.2 The surrounding areas have the following characteristics:

- (a) to its immediate north across a track are temporary structures for open storage uses. To its further north and northeast are residential dwellings/structures within the “Village Type Development” zone of Kam Tsin Village;
- (b) to its east, south and southwest are warehouses, workshops, a plant nursery, an abandoned pigsty and domestic structures; and
- (c) to its west is a piece of vacant land.

8. Planning Intention

The planning intention of the “REC” zone is primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism.

9. Comments from Relevant Government Departments

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

9.2 The following government department has concerns on the application.

Local views

9.2.1 Comments of the District Officer (North), Home Affairs Department (DO(N), HAD):

(a) He has consulted the locals. The Chairman of Sheung Shui District Rural Committee (SSDRC), the incumbent North District Council (NDC) of N11 Constituency, the Indigenous Inhabitant Representatives (IIRs) and the Resident Representative (RR) of Kam Tsin objected the application on the grounds that the proposed development would cause adverse environmental and hygiene impact from the animals.

(b) The Chairman of Fung Shui Area Committee had no comment.

10. Public Comments Received During Statutory Publication Period (Appendix IV)

The application was published for public inspection. During the statutory publication period, three public comments were received. Two individuals object to the application mainly on the grounds that there is no information about the impact to trees on site; and the proposed development is located near residential dwellings which will result in adverse noise, air and sewerage impacts on the surrounding residents/area. One individual indicates no comment on the application.

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary animal boarding establishment for a period of 3 years at the Site zoned “REC” (**Plan A-1**). The planning intention of

“REC” zone is primarily for recreational developments for the use of the general public. While the proposed development is not in line with the planning intention of the “REC” zone, there is no known long-term development at the Site. It is considered that approval of the application on a temporary basis would not frustrate the long-term planning intention of the “REC” zone.

- 11.2 The proposed development is considered not incompatible with the surrounding land uses, which are rural in character predominated by residential dwellings, open storage yards, warehouses, workshops, agricultural land, plant nursery and vacant land (**Plan A-2**). Significant adverse landscape impact within the Site arising from the proposed development is not anticipated, and Chief Town Planner/Urban Design and Landscape of Planning Department has no objection to the application. Although there are some residential dwellings on the surrounding area, the applicant states that all animals will be kept inside the enclosed structures equipped with soundproofing materials, air conditioning and mechanical ventilation after the operation hours, and no public announcement system will be used at the Site. A maximum of three dogs with dog masks will be allowed for outdoor activities at the same time during the operation hours.
- 11.3 Concerned government departments consulted, including the Director of Environmental Protection, Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services, have no adverse comment on the application. To minimise the potential environmental nuisances generated by the proposed development and address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below. In addition, the applicant will be advised to follow the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department to minimise any possible environmental nuisance.
- 11.4 Regarding the local comments conveyed by DO(N) of HAD and public comments as detailed in paragraph 9.2.1 and 10 above, government departments’ comments and planning assessments 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, the Planning Department 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 3 years until 21.4.2026. The following approval conditions and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation between 6:00 p.m. and 9:00 a.m. (except overnight animal boarding), as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) all animals shall be kept inside the enclosed animal boarding establishment structures on the Site from 6:00 p.m. to 9:00 a.m. and no more than three dogs with dog masks are allowed for outdoor activity at the same time during the operation hours, as proposed by the applicant, during the planning approval period;
- (c) 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;
- (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 21.10.2023;
- (e) in relation to (e) 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 21.1.2024;
- (f) 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 21.10.2023;
- (g) in relation to (g) 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 21.1.2024;
- (h) if any of the above planning condition (a), (b) or (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; and
- (i) if any of the above planning condition (d), (e), (f) or (g) 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.

Advisory clauses

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

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

the proposed development is not in line with the planning intention of the "REC" zone which is primarily for recreational developments for the use of the general public to encourage the development of active and/or passive recreation and tourism/eco-tourism. There is no strong planning justification 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 applicants.

14. Attachments

Appendix I	Application Form with attachments received on 22.2.2023
Appendix Ia	FI received on 14.4.2023
Appendix II	Government departments' general comments
Appendix III	Recommended advisory clauses
Appendix IV	Public comments
Drawing A-1	Layout plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4a and 4b	Site photos