

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKL/706

- Applicant** : Rank Charm Limited represented by KKL Storage Limited
- Site** : Lot 1115 (Part) in D.D. 82, Ping Che, Ta Kwu Ling, New Territories
- Site Area** : 700 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP) No. S/NE-TKL/14
- Zoning** : "Agriculture" ("AGR")
- Application** : Proposed Temporary Pets Park with Ancillary Facilities for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for a proposed temporary pets park with ancillary facilities for a period of 3 years (**Plan A-1**). The Site falls within an area zoned "AGR" on the OZP. The proposed private park for enjoyment of pets and their owners is neither a Column 1 nor Column 2 uses in the "AGR" zone. According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years within the zone requires planning permission from the Town Planning Board (the Board). The Site is currently vacant.
- 1.2 The Site is accessible via a local road leading to Ping Che Road (**Plan A-1**). According to the applicant, the proposed development comprises 3 temporary structures (about 5m in height) with a total floor area of about 288 m² for rain shelter, toilet and office use (**Drawing A-1**). There will be a solar photovoltaic system to be installed on the roof of the rain shelter. Electricity generated from the system would be used in support of the daily operation of the proposed development. The whole site would be used as a commercially operated private pets' park with recreational facilities including pets pool, trampoline, etc. Five car parking spaces for visitors will be provided within the Site. To ensure pedestrian safety, traffic management measures including placing of traffic signs at the entrance would be undertaken. Staff will be arranged at the ingress/egress to ensure no queueing/parking of vehicles outside the Site. The estimated number of visitors is no more than 15 people. Advanced booking to visit the pets park is required. The operation hours of the Site are between 10:00 a.m. and 6:00 p.m. daily including public holidays. No pets will stay at the Site after operation hour. The site layout plan submitted by the applicant is shown in **Drawing A-1**.

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

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|-----|---|---------------|
| (a) | Application Form with attachments received on 15.7.2022 | (Appendix I) |
| (b) | Further Information (FI) received on 17.10.2022 | (Appendix Ia) |
| (c) | FI received on 4.11.2022 | (Appendix Ib) |
| (d) | FI received on 29.11.2022 | (Appendix Ic) |

1.4 At the request of the applicant, the Rural and New Town Planning Committee (the Committee) agreed to the applicant's request to defer making a decision on the application on 9.9.2022.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the attachments at **Appendices I to Ic** which can be summarized as follows:

- (a) the proposed pet park aims to provide a recreational playground with facilities including pets pool, trampoline, hoops etc. for pets and their owners in a rural landscape area. It is a fee charging commercial facility;
- (b) there are no public announcement system, whistle blowing, portable loudspeaker or any form of audio amplification system allowed within the Site; and
- (c) the number of vehicular trips generated and attracted by the proposed development is minimal. Hence, adverse traffic impact on the surrounding roads 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 not the subject of any active planning enforcement action.

5. **Previous Application**

- 5.1 The Site is the subject of a previous application (No. A/NE-TKL/690) for proposed temporary open storage of construction machineries with ancillary site office for a period of 3 years submitted by the same applicant, which was rejected by the committee in January 2022. The application is for a different use and may not be relevant to the current application.
- 5.2 Details of the previous application are summarized at **Appendix II** and its location is shown on **Plan A-1**.

6. **Similar Application**

There is no similar application within “AGR” zone in the vicinity of the Site in the Ping Che and Ta Kwu Ling area.

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

7.1 The Site is:

- (a) flat, partly paved, partly vegetated, fenced off and currently vacant (**Plans A-3 and A-4**); and
- (b) accessible from Ping Che Road via a local road (**Plan A-2**).

7.2 The surrounding areas have the following characteristics:

- (a) to its north are mainly vacant land, a proposed temporary logistic centre and a hobby farm;
- (b) to its east are vacant land, storage, warehouses and some temporary domestic structures;
- (c) to its south are unused land and further south is a stream and fallow agricultural land; and
- (d) to its west is Ping Che Road and further west are some open storage yards of construction materials and machinery (**Plan A-2**).

8. **Planning Intention**

The planning intention of the “AGR” zone is intended 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.

9. **Comments from Relevant Government Departments**

9.1 Apart from the government departments as set out in paragraph 9.2 below, other departments consulted have no objection to or no adverse comments on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided at **Appendices III and IV** respectively.

9.2 The following government departments have reservation/ conveyed local views on the application.

Agriculture

9.2.1 Comments of the Director of Agriculture, Conservation and Fisheries (DAFC):

- the Site is currently abandoned. Agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses and plant nurseries. As the Site possesses potential for agricultural rehabilitation, the application is not supported from agricultural point of view.

District Officer's Comments

9.2.2 District Officer (North), Home Affairs Department (DO(N), HAD) has consulted the locals on the application with the following comments:

- the 1st Vice-chairman of the Ta Kwu Ling District Rural Committee objects to the application mainly on the grounds that the proposed development may cause nuisances to the local residents. The Chairman of Fung Shui Area Committee, the incumbent North District Councilor of N16 Constituency, the Indigenous Inhabitant Representative (IIR) and the Resident Representative (RR) of Lei Uk, the IIR and the RR of Tai Po Tin, the IIR and the RR of Tong Fong have no comment.

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

On 22.7.2022, the application was published for public inspection. During the statutory public inspection period, three public comments were received. The Chairman of Sheung Shui District Rural Committee indicates no comment on the application. The Kadoorie Farm and Botanic Garden Corporation and one individual object to the application mainly on the ground that the proposed use is not in line with the planning intention of the “AGR” zone.

11. Planning Considerations and Assessments

- 11.1 The application is for a proposed temporary private pets park with ancillary facilities for a period of 3 years at the Site zoned “AGR” on the OZP. The proposed development 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. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC does not support the application from agricultural development point of view as there are active agricultural activities in the vicinity, agricultural infrastructure such as road access is available, and the Site possesses potential for agricultural rehabilitation. Nevertheless, it is considered that approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “AGR” zone.
- 11.2 The proposed development is not entirely incompatible with the surrounding areas predominated by approved planning applications for open storage uses, logistic centre, hobby farm, vegetated areas, fallow farmlands and temporary structures (**Plan A-2**). CTP/UD&L of PlanD has no objection to the application from landscape planning perspective as significant adverse impact on existing landscape resources within the Site arising from the proposed use is not anticipated.

- 11.3 C for T has no further comments on the application from traffic point of view subject to the implementation of the traffic management measures, as proposed by the applicant. DEP has no objection to the application subject to relevant approval conditions being imposed and advises that the applicant should follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" to minimise any potential environmental impacts. Other relevant Government departments consulted, including CE/MN of DSD, CBS/NTW of BD, D of FS and CE/C of WSD, have no adverse comment on / no objection to the application.
- 11.4 Regarding the adverse public comments as detailed in paragraph 10 and the local objections conveyed by DO(N) in paragraph 9.2.2 above, the government departments' comments and the planning assessments above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the local objections conveyed by DO(N), HAD and public comments in paragraphs 9.2.2 and 10 above respectively, the Planning Department considers that the temporary use under application could be tolerated for a period of 3 years.
- 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 up to 9.12.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation from 6:00 p.m. to 10:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no public announcement system, whistle blowing, portable loudspeaker or any form of audio amplification system is allowed to be used on the Site at any time during the planning approval period;
- (c) 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 9.6.2023;
- (d) in relation to (c) above, the implementation of 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 9.9.2023;
- (e) in relation to (d) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) the submission of proposals for fire service installations and water supplies for fire-fighting 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 9.6.2023;
- (g) in relation to (f) above, the implementation of proposals for fire service installations and water supplies for fire-fighting 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 9.9.2023;

- (h) the implementation of traffic management measures, as proposed by the applicant, within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 9.9.2023;
- (i) if any of the above planning condition (a), (b) or (e) 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;
- (j) if any of the above planning condition (c), (d), (f), (g) or (h) 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
- (k) upon expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

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 "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 justifications in the submission for a departure from such planning intention, even on a temporary basis.

Advisory Clauses

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

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 6.6.2022
Appendix Ia	FI received on 17.10.2022
Appendix Ib	FI received on 4.11.2022
Appendix Ic	FI received on 29.11.2022
Appendix II	Previous Application
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments

Drawing A-1	Proposed Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2022**