

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM/591

<u>Applicant</u>	: Paws United Charity Limited represented by KC Surveyors Limited
<u>Site</u>	: Former St. Simon's Primary School, San Ping Circuit, Tuen Mun, New Territories
<u>Site Area</u>	: About 4,190 m ²
<u>Land Status</u>	: Short Term Tenancy (STT) No. STTTM0064 (i) Restricted to temporary animal boarding establishment for homeless animals and such other ancillary facilities (ii) Structure(s) of not more than two storeys (iii) Total gross floor areas (GFA) of not exceeding 1,120m ²
<u>Plan</u>	: Draft Tuen Mun Outline Zoning Plan (OZP) No. S/TM/38
<u>Zoning</u>	: "Government, Institution or Community" ("G/IC") [Restricted to a maximum building height of 3 storeys excluding basement floor(s)]
<u>Application</u>	: Renewal of Planning Approval for Proposed Temporary Animal Boarding Establishment (ABE) for Homeless Animals for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval to use the vacant school premises (VSP) for proposed temporary ABE for homeless animals for a period of five years at the application site (the Site) zoned "G/IC" on the OZP (**Plan A-1**). According to the Notes of the "G/IC" zone, 'Animal Boarding Establishment' is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently vacant with three existing structures with a valid planning permission (No. A/TM/564) for proposed temporary ABE for homeless animals for a period of five years until 15.10.2026 (**Plans A-2, A-4a and A-4b**). Noting the increases in site area (about 13.6%) and GFA (about 12.2%) between the current application and previous application No. A/TM/564 as detailed in paragraph 1.3 below, the current application would be regarded as a fresh application.
- 1.2 According to the applicant, all the development and operational arrangements would remain the same as compared to the previously approved application No. A/TM/564. The proposed development involves the conversion of three existing structures and the

addition of two structures for an ABE (**Drawing A-2**). The proposed development will provide animal care, rehoming services, and educational opportunities to the community. At maximum, 180 dogs and 65 cats could be accommodated. The former main school building (Existing Building 1) will be renovated for office, adoption room, dog kennel, pantry and toilet. The two existing toilets (Existing Buildings 2 and 3) will be renovated and replaced by a cat isolation room, and a dog isolation room and store room respectively. New Building 1 will be used as a dog training room and plant room and New Building 2 will serve as a guard room and plant room. The operation hours will be the same as the previous application, which are from 10:00 a.m. to 6:00 p.m. daily, with 24-hour animal boarding services with security and peripheral fencing walls along the site boundary. The proposed environmental mitigation measures accepted under Application No. A/TM/564, including the use of sound proofing materials, 24-hour mechanical ventilation and air conditioning system and non-provision of public announcement system and whistle blowing, will be implemented in the proposed development. The layout plan and floor plans submitted by the applicant are at **Drawing A-1** and **Drawings A-3 to A-5**.

1.3 The major development parameters of the application are as follows:

Major Development Parameters	Previously Approved Application No. A/TM/564 (a)	Current Application No. A/TM/591 (b)	Difference (b) – (a)
Proposed Use	Temporary ABE for Homeless Animals for a Period of 5 Years		No Change
Site Area	About 3,690 m ²	About 4,190 m ² ^	+500m ² (+13.6%)
Total GFA	About 1,120 m ²	Not more than 1,257 m ² *	+137m ² (+12.2%)
PR	About 0.3		No Change
Site Coverage	About 22.2%		
No. of Buildings	5 buildings (including the existing VSP)		
No. of Parking Spaces	3 parking spaces for Private Car		
No. of Loading/Unloading Spaces	1 loading/unloading (L/UL) space for Light Goods Vehicle (LGV)		
Operation Hours	<ul style="list-style-type: none">24-hour animal boarding services from Mondays to Sundays including public holidaysOpen to the public from 10:00 a.m. to 6:00 p.m. daily. Prior appointment is required.		
Anticipated Completion Year	2023	2025	Extended

[^]The increase in area is due to the setting out of the boundary and the inclusion of an adjoining slope area along the access road during the processing of the STT.

*Based on the calculation with a PR of about 0.3.

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

- (a) Application Form received on 22.2.2024 (Appendix I)

- (b) Further Information (FI) received on 9.4.2024 (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 at **Appendices I and Ia** respectively. They are summarised as follows:

- (a) the applicant has made genuine efforts to comply with the approval condition under the previously approved application No. A/TM/564. All the submission parts of the approval conditions have already been complied with. The outstanding implementation parts of the approval conditions could only be complied with upon the completion of the site and building works in Q4 2025;
- (b) the planning permission of Application No. A/TM/564 was obtained on 15.10.2021, but the STT was only granted by the Lands Department (LandsD) in Q3 2022 together with funding approval from the Government, which caused a delay in the overall project implementation;
- (c) the general building plan (GBP) for the proposed development has already been approved by the Building Authority (BA) on 27.11.2023. Most of the key development parameters and the operational arrangements of the proposed development will remain the same compared with the approved scheme under Application No. A/TM/564; and
- (d) the increase in site area comparing with the previous application was due to the setting out of the site boundary and the inclusion of an adjoining slope area along the access road during the processing of the STT.

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

As the Site involves government land only, the “owner’s consent/notification” requirements 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) are not applicable to the application.

4. Background

- 4.1 St. Simon’s Primary School was established in 1947 and ceased operation in 1986. The Site was first zoned “G/IC” to reflect the school use at that time on the draft Tuen Mun OZP No. LTM/2 gazetted on 29.7.1983. There has been no change in the zoning since then.
- 4.2 In accordance with the Central Clearing House mechanism of the Planning Department (PlanD), the long-term use of the Site is recommended for GIC use. The Site was included in the list of vacant government sites (including VSP) available for community, institutional or non-profit making purposes on a short-term basis published by LandsD to better utilise land resources. Where there are temporary

vacant sites available, applications can be submitted by non-government organisations (NGOs) or social enterprises to rent such sites for community, institutional or non-profit making uses on a short-term basis.

5. Town Planning Board Guidelines

Town Planning Board Guidelines for Application for Development/Redevelopment within “G/IC” Zone for Uses other than GIC Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 16) is relevant to the application. The relevant assessment criteria are extracted as follows:

- (a) In general, sites zoned “G/IC” are intended to be developed or redeveloped solely for GIC uses unless it can be established that the provision of GIC facilities would not be jeopardised and the concerned Government departments have no objection to releasing a particular “G/IC” site or a certain part of it for non-GIC uses. For applications for development/redevelopment for non-GIC uses within a “G/IC” site, the applicant should satisfactorily demonstrate the following:
 - (i) in the case of an undesignated “G/IC” site, the application site is no longer required to be reserved for any GIC uses; and
 - (ii) the proposed development/redevelopment would not adversely affect the provision of GIC facilities in the district on a long-term basis.
- (b) The proposed development should be compatible in land use terms with the GIC uses on the site, if any, and with the surrounding areas.
- (c) The scale and intensity of the proposed development should be in keeping with that of the adjacent area and have regard to the character and massing of the building in the surrounding area.
- (d) The proposed development should not cause adverse traffic and environmental impact, and should be sustainable in terms of the capacities of existing and planned infrastructure such as drainage, sewerage, roads, water supply and utilities in the locality and its surrounding areas.
- (e) The proposed development should be sustainable in terms of the overall planned provision of open space and GIC facilities in the area.

6. Previous Application

The Site is involved in a previous application (No. A/TM/564) (**Plans A-1 and A-2**) submitted by the same applicant for the same use. The application was approved by the Committee on 15.10.2021 mainly on considerations that the approval was on a temporary basis which would not jeopardise the long-term planning intention of the “G/IC” zone; the proposed development is not incompatible with the surrounding context; and the proposed development is in line with the Government’s intention to optimise land resources by utilising VSP sites. While all time-limited approval conditions related to the submission of various proposals/assessments, including drainage, sewerage and fire service installations (FSIs) have been complied with, those related to implementation of the accepted

proposals/assessments¹ have yet to be complied with. The planning permission is valid until 15.10.2026. Details of the previous application are at **Appendix II**.

7. Similar Application

There is no similar application within the same “G/IC” zone on the OZP.

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

8.1 The Site is:

- (i) currently occupied by a vacant and dilapidated school premises on three levels of terrace (**Plans A-2 and A-4**). The two-storey main building (two storeys at east wing and one storey at west wing) is located on the highest level of terrace at the southern part of the Site. The two one-storey structures are located on the middle level of terrace. The lowest level of terrace at the northern part of the Site is an open area;
- (ii) located in the northwestern part of a knoll known as Mo Lo Shan (摩囉山); and
- (iii) accessible via a track leading from San Ping Circuit (**Plan A-2**).

8.2 The surrounding areas are predominated by scattered residential dwellings in temporary structures, graves and a three-storey drug abuser treatment and rehabilitation centre. Cluster of industrial developments are located within the “I” zone to the north and northeast across San Ping Circuit.

9. Planning Intention

The planning intention of the “G/IC” zone is primarily for the provision of GIC facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organisations providing social services to meet community needs, and other institutional establishments.

10. Comments from Relevant Government Bureau/Departments

10.1 Apart from the government bureau/department as set out below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments are provided in **Appendices III and V** respectively.

¹ Time-limited approval conditions including the provision of the accepted environmental mitigation measures, as well as the implementation of the drainage proposal, mitigation measures identified in the sewerage impact assessment, and FSIs proposal have not been complied with.

10.2 The following government bureau/department support the application:

Policy Support

10.2.1 Comments of the Secretary for Environment and Ecology (SEE):

Policy support is rendered to the proposed ABE and it is in line with the policy on rehoming scheme and promotion of animal rehoming.

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

- (a) the applicant is a non-profit animal welfare organisation and has become the Agriculture, Fisheries and Conservation Department's (AFCD) rehoming partner since October 2019;
- (b) running an animal shelter or adoption centre does not require a licence under the Public Health (Animals) (Boarding Establishment) Regulations (Cap. 139I) from his Department, but the applicant is reminded to comply with the legislative requirements of the Prevention of Cruelty to Animals Ordinance (Cap. 169) and its subsidiary regulations. Also, the dogs kept by the applicant should be properly licensed as in accordance with the Rabies Ordinance (Cap. 421); and
- (c) according to the applicant, there will be no tree felling conducted. He has no comment on the application from nature conservation perspective.

11. Public Comments Received During the Statutory Publication Periods

11.1 On 1.3.2024, the application was published for public inspection. During the statutory public inspection period, a total of 14 public comments were received, including 13 supporting comments submitted by individuals (**Appendix IVa**) and one comment submitted by an individual providing views (**Appendix IVb**) on the fulfillment of the approval conditions of the previous application.

11.2 The supporting grounds of the 13 comments are summarised below:

- (i) ABEs are crucial for the well-being and safety of homeless animals;
- (ii) the proposed development would be an animal friendly facility which would
- (iii) reinforce the positive image of Hong Kong as an international hub;
- (iv) these facilities for stray animals are in demand within the area;
- (v) such location which is away from residential dwellings is ideal for the proposed development; and
- (vi) the proposed development will provide shelter for homeless animals as well as educational opportunities for the community on responsible animal ownership.

12. Planning Considerations and Assessments

- 12.1 The application is for planning approval for the proposed temporary ABE for homeless animals for a period of five years at the Site zoned “G/IC” on the OZP² (**Plan A-1**). Although the proposed use is not entirely in line with the planning intention of the “G/IC” zone, there is no designated use and no known programme for long-term use of the Site. The proposed development is in line with the Government policy of promoting animal adoption and AFCD’s rehoming scheme. SEE supports the application and confirms that policy support has been granted to the applicant, which is a non-profit making animal welfare organisation. Approval of the application on a temporary basis would not jeopardise the long-term planning intention of the “G/IC” zone.
- 12.2 The Site is located in an area of urban landscape character, comprising temporary structures for residential dwellings, a drug abuser treatment and rehabilitation centre, graves and unused vegetated land while to the further east and north are clusters of industrial developments (**Plans A-2 and A-3**). With the incorporation of environmental mitigation measures proposed in the previously approved application (No. A/TM/564), which include sound proofing materials, 24-hour mechanical ventilation and air conditioning system, environmental impacts including noise and odour arising from the proposed development are not anticipated and DEP has no objection to the application. It is considered that the proposed use, which will be accommodated mainly in the existing VSP on the Site with addition of two one-storey structures is not incompatible with the surrounding land uses and developments.
- 12.3 The Site is one of the VSP under the list of vacant government sites for community, institutional or non-profit making purposes on short-term basis published by LandsD with the intention to better utilise land resources. It is currently let to the applicant under STT for the purpose of a temporary ABE. The proposed development is in line with the Government’s intention to optimise land resources by utilising VSP sites.
- 12.4 Other relevant government departments including the Commissioner for Transport (C for T), Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD), Director for Fire Services (D of FS) and Head of Geotechnical Office, Civil and Engineering Development Department (H(GEO) of CEDD) have no objection to or adverse comment on the application on traffic, drainage, sewerage, fire safety and geotechnical aspects respectively. On the provision of GIC facilities, all government departments consulted have no plan or programme to provide any GIC facilities at the Site. In view of the above, the application is considered in compliance with the relevant assessment criteria stated in TPB PG-No. 16.
- 12.5 The Committee has previously approved an application within the Site for the same use submitted by the same applicant with policy support by the then Secretary for Food and Health at the time of the application. The current application is similar to the previous application except for increases in site area and total GFA which have been reflected in the approved STT and GBP respectively. Taking into account the justifications provided by the applicant, policy support given by SEE, previous approval granted and the assessment on TPB PG-No. 16 in paragraph 12.4 above, approval of this application is in line with the previous decision of the Committee.

² As explained in paragraph 1.1 above, the application will be considered as a fresh application.

- 12.6 There were 14 public comments received during the statutory publication period, with 13 supporting the application and one providing views, as summarised in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.5 above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11, the Planning Department has no objection to the application for a period of five years.
- 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 five years until **19.4.2029**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation between 6:00 p.m. and 10:00 a.m. (except for 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 on the Site between 9:00 p.m. and 7:00 a.m., as proposed by the applicant, during the planning approval period;
- (c) no public announcement system or whistle blowing is allowed to be used on the Site, as proposed by the applicant, at any time during the planning approval period;
- (d) the existing tree planting within the Site shall be maintained in good condition at all times during the planning approval period;
- (e) the provision of the accepted environmental mitigation measures, as proposed by the applicant, to the satisfaction of the Director of Environmental Protection or of the Town Planning Board before operation;
- (f) the implementation of the accepted drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board before operation;
- (g) in relation to (f) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) the implementation of the mitigation measures identified in the sewerage impact assessment to the satisfaction of the Director of Environmental Protection and Director of Drainage Services or of the Town Planning Board before operation;
- (i) the submission of 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 **19.10.2024**;

- (j) in relation to (i) above, the implementation of the fire service installations proposal to the satisfaction of the Director of Fire Services or of the Town Planning Board before operation;
- (k) if any of the above planning condition (a), (b), (c), (d) or (g) 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;
- (l) if any of the above planning condition (e), (f), (h) or (j) is not complied with before operation, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (m) if the above planning condition (i) 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 at **Appendix V**.

13.3 There is no strong reason to recommend rejection of the application.

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

Appendix I	Application Form received on 22.2.2024
Appendix Ia	FI received on 9.4.2024
Appendix II	Previous Application
Appendix III	Government Departments' General Comments
Appendices IVa and IVb	Public comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Master Layout Plan submitted by the Applicant
Drawing A-2	Block Plan submitted by the Applicant
Drawings A-3 to A-5	Floor Plans and Elevations submitted by the Applicant
Plan A-1	Location Plan
Plan A-2	Site Plan

Plan A-3
Plans A-4a to A-4b

Aerial photo
Site photos

PLANNING DEPARTMENT
APRIL 2024