

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

**APPLICATION NO. A/YL-KTS/1019**

<b><u>Applicant</u></b>	:	Mr. Pang Chun Yip represented by Metro Planning & Development Company Limited
<b><u>Site</u></b>	:	Lots 1811 S.A ss.1 RP, 1812 S.G ss.1 (Part), 1812 S.H RP (Part) and 1812 S.I RP in D.D. 106, Kam Tin, Yuen Long, New Territories
<b><u>Site Area</u></b>	:	About 470m <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>	:	Renewal of Planning Approval for Proposed Temporary Animal Boarding Establishment (Cattery) for a Period of Three Years and associated Filling of Land

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning permission for proposed temporary animal boarding establishment (cattery) for a period of three years and associated filling of land at the application site (the Site) (**Plan A-1**). According to the Notes of the OZP for the “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). The Site is currently formed, fenced with solid wall and under construction for the proposed use with valid planning permission under application No. A/YL-KTS/906 until 12.11.2024 (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Kam Sheung Road and Pat Heung Road via local tracks (**Plans A-1 to A-3**). According to the applicant, the proposed use involves two single-storey structures with building height of not more than 4m and a total floor area of not more than 132m<sup>2</sup> for cattery, site office and toilet uses. Three parking spaces for private cars are provided within the Site. The proposed operation hours are from 9:00 a.m. to 7:00 p.m. daily, all the cats will be kept inside the enclosed structures built with soundproof materials with mechanical ventilation and air conditioning systems during operation hours. All the cats will leave the Site after the operation hours. No public announcement system will be used at the Site. The filling of land (about 338m<sup>2</sup> or 71.9% of the Site area) at the Site with asphalt or

concrete of 0.2m in depth is for the maneuvering and parking of private cars. The layout plan submitted by the applicant is at **Drawing A-1**.

- 1.3 The Site is the subject of a previous application for the same use (No. A/YL-KTS/906) approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 12.11.2021. All the time-limited approval conditions have been complied with. Compared with the previous application, the current application is submitted by the same applicant for the same use at the same site with the same layout, development parameters and operation mode.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with supplementary information (**Appendix I**) received on 23.8.2024
  - (b) Further Information (FI) received on 25.9.2024\* (**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 in the Application Form with supplementary information and FI at **Appendices I** and **Ia**, and can be summarised as follows:

- (a) The proposed use is on a temporary basis and will not jeopardise the long-term planning intention of the “AGR” zone. The proposed use is not incompatible with the surrounding environment. Similar applications were approved in the same “AGR” zone, and the Site is also subject to a planning permission granted under application No. A/YL-KTS/906.
- (b) The cattery will be maintained in a sanitary condition with adequate supply of potable water and suitable drainage and disposal of waste. The cattery will be designed to contain the cats accommodated therein and to restrict the entrance of other animals. It will contain means for the removal and disposal of animal and food waste, used bedding, dead animals and debris to minimize infestation, contamination, odours and disease hazards. All excreta and other waste matter will be removed not less than once daily.
- (c) All approval conditions under the previous planning permission has been complied with. The applicant will strictly follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ and Water Pollution Control Ordinance (WPCO). A discharge licence under the WPCO will be obtained before commencing any discharge. It is anticipated that the proposed use would have insignificant traffic, environmental and drainage impacts.
- (d) The applicant is waiting for the completion of water connection works, the applicant has committed to apply for a Boarding Establishment Licence with the Agriculture, Fisheries and Conservation Department (AFCD) once the connection is completed.

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. **Town Planning Board Guidelines**

The Town Planning Board Guidelines for ‘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. The relevant extract of the Guidelines is attached at **Appendix II**.

5. **Background**

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

6. **Previous Application**

The Site is the subject of a previous application (No. A/YL-KTS/906) submitted by the same applicant for the same proposed use at the same site with the same development parameters and operation mode as the current application. The application was approved with conditions by the Committee on 12.11.2021 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. All the time-limited approval conditions have been complied with and the planning permission is valid until 12.11.2024. Details of the previous application are summarised in **Appendix III** and the location is shown on **Plan A-1**.

7. **Similar Applications**

There are four similar applications (No. A/YL-KTS/807, 877, 953 and 992) covering three sites for temporary animal boarding establishment use within the same “AGR” zone in the vicinity of the Site in the past five years. All the applications were approved with conditions by the Committee between 2019 and 2024 on similar considerations as stated in paragraph 6 above. Details of the similar applications are summarised in **Appendix III** and the locations are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) accessible from Kam Sheung Road and Pat Heung Road via local tracks; and
- (b) currently formed, fenced with solid wall, and under construction for the

proposed use with valid planning permission under application No. A/YL-KTS/906.

- 8.2 The surrounding areas comprise predominantly residential structures, village houses of Yuen Kong San Tsuen, fallow agricultural land, plant nursery, gardening and some scattered brownfield operations and vacant land.

## **9. Planning Intention**

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. 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.

## **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 are provided in **Appendices IV** and **V** respectively.

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

On 30.8.2024, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual raising concerns on the compliance status of approval conditions under the previous planning permission, and whether the animal boarding establishment has a valid permit from AFCD (**Appendix VI**).

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

- 12.1 The application is for renewal of planning permission for proposed temporary animal boarding establishment (cattery) for a period of three years and associated filling of land at the Site zoned “AGR” on the OZP (**Plan A-1**). The proposed use is not entirely in line with the planning intention of the “AGR” zone. The Director of Agriculture, Fisheries and Conservation considers that the Site can be rehabilitated for agricultural activities, but yet he has no strong view on the renewal application from agricultural and nature conservation perspectives. In view of the above and taking into account the assessment below, the proposed use on a temporary basis for a further period of three years could be tolerated.
- 12.2 Filling of land within the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent 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 drainage and environmental perspectives respectively. An

approval condition requiring the reinstatement of the Site to an amenity area is recommended in paragraph 13.2 below should the Committee decide to approve the application.

- 12.3 The proposed use is considered not incompatible with the surrounding areas which comprise predominantly residential structures, farmlands, plant nursery, open storage/storage yards and parking of vehicles (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape of the Planning Department considers that significant adverse landscape impacts arising from the proposed use is not anticipated and she has no comment on the application from landscape planning perspective.
- 12.4 Other concerned government departments including the Commissioner for Transport and Director of Fire Services have no adverse comment on or no objection to the application from traffic and fire safety aspects respectively. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 13.2 below. The applicant will also be advised to follow the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any potential environmental nuisance caused by the proposed use on the surrounding areas.
- 12.5 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 the time-limited conditions under the previous approval had been satisfactorily complied with; and the three-year approval period sought which is the same timeframe as the previous approval is reasonable.
- 12.6 The Committee has approved one previous application for the same use at the Site in 2021 and four similar applications within the same “AGR” zone in the vicinity of the Site in the past five years. Approving the current application is in line with the Committee’s previous decisions.
- 12.7 Regarding the public comment raising concerns on the application as mentioned in paragraph 11, the applicant has committed to apply for a Boarding Establishment Licence with AFCD. The departmental comments and planning assessments above are also relevant.

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

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comment mentioned in paragraph 11 above, the Planning Department 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 13.11.2024 to 12.11.2027. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

### Approval conditions

- (a) all animals shall be kept inside enclosed structures, as proposed by the applicant, 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 during the planning approval period;
- (c) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (d) the existing fire service installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period;
- (e) if any of the above planning condition (a), (b), (c) or (d) 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
- (f) 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.

### Advisory clauses

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

13.3 There is no strong reason to recommend rejection of the renewal 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 with supplementary information  
received on 23.8.2024

<b>Appendix Ia</b>	FI received on 25.9.2024
<b>Appendix II</b>	Relevant extract of TPB PG-No. 34D
<b>Appendix III</b>	Previous and similar applications
<b>Appendix IV</b>	Government departments' general comments
<b>Appendix V</b>	Recommended advisory clauses
<b>Appendix VI</b>	Public comment
<b>Drawing A-1</b>	Site layout plan
<b>Plan A-1</b>	Location plan with similar applications
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plan A-4</b>	Site photos

**PLANNING DEPARTMENT  
OCTOBER 2024**