

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/1038

<u>Applicant</u>	:	楊海壽 and 楊海福 represented by Glister Engineering Consultants Company
<u>Site</u>	:	Lots 513, 514 and 529 in D.D. 113, Ma On Kong, Kam Tin, Yuen Long
<u>Site Area</u>	:	About 1,562m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
<u>Zoning</u>	:	“Agriculture” (“AGR”)
<u>Application</u>	:	Proposed Temporary Animal Boarding Establishment for a Period of Five Years and Associated Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary animal boarding establishment for a period of five years and associated filling of land at the application site (the Site), which falls within an area zoned “AGR” on the OZP (**Plan A-1**). According to the Notes of the OZP for “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 vacant, hard-paved and fenced-off (**Plans A-2 and A-4**).
- 1.2 The Site is accessible via a local track leading to Kam Ho Road (**Plans A-1 and A-3**). According to the applicant, the proposed use involves five single-storey (not more than 4m in height) structures with a total floor area of about 329.5m² for dog kennels, dog recreation centre, dog washing facility, site office, electricity meter room and toilet. The applicant also applies for regularisation of filling of land for the entire site with concrete in a depth of not more than 0.15m (from a level of +20.75mPD to +20.9mPD) for site formation of structures, vehicular circulation and parking. Six private vehicle parking spaces (5m x 2.5m) and sufficient manoeuvring space will be provided within the Site. The proposed operation hours are from 9:00 a.m. to 7:00 p.m. daily, except for overnight animal boarding. The animal boarding establishment will accommodate no more than 20 dogs. All

animal activities will be kept inside the enclosed structures built with soundproof materials and air conditioning systems, and there is no outdoor activity for the animals. No public announcement system, whistle blowing or any form of audio amplification system will be used at the Site. The site layout plan and land filling plan submitted by the applicant are at **Drawings A-1 and A-2**.

- 1.3 The Site is involved in a previous application No. A/YL-KTS/882 submitted by a different applicant for the same use covering a larger site with different layout and development parameters, which was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 16.4.2021. The planning permission was subsequently revoked on 16.9.2023 due to non-compliance with time-limited approval conditions (details at paragraph 5 below). The comparison of the proposed layout and major development parameters between the previous application and the current application are summarised as follows:

Development Parameters	A/YL-KTS/882 Previous application (a)	A/YL-KTS/1038 Current application (b)	Difference (b)-(a)
Site Area	3,438 m ² (about)	1,562 m ² (about)	-1,876m ² (-54.6%)
Gross Floor Area (GFA)	about 708 m ²	about 329.5 m ²	-378.5m ² (-53.5%)
Site Coverage	about 20.59%	about 21%	+0.41%
No. of Blocks	6	5	-1 (-16.7%)
No. of Storeys/ BH	1 storey (not more than 4m)	1 storey (not more than 4m)	No change
Private Car Parking Spaces	8	6	-2 (-25%)

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

- (a) Application Form received on 23.10.2024 **(Appendix I)**
- (b) Further Information (FI) received on 20.11.2024* **(Appendix Ia)**
- (c) FI received on 5.12.2024* **(Appendix Ib)**
- (d) FI received on 11.2.2025* **(Appendix Ic)**

**accepted and exempted from publication and recounting requirements*

- 1.5 On 20.12.2024, the Committee of the Board agreed to the applicant's request to defer making a decision on the application for two months.

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 to Ic**. They can be summarised as follows:

- (a) The proposed use is compatible with the surrounding area. Similar planning approvals are observed in the vicinity of the Site.
- (b) All animal activities will be kept inside the enclosed structures built with soundproof materials and air conditioning systems, and there is no outdoor activity for the animals. No public announcement system, whistle blowing or any form of audio amplification system will be used at the Site.
- (c) Six private car parking spaces will be provided within the Site.
- (d) No adverse environmental, traffic, drainage and landscape impacts arising from the proposed development are anticipated. In support of the application, the applicant has submitted a drainage proposal?

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 subject to any active enforcement action.

5. **Previous Application**

The Site is involved in a previous application No. A/YL-KTS/882 submitted by a different applicant for the same temporary use covering a larger site with different layout and development parameters as set out in paragraph 1.3 above. The application was approved with conditions for a period of three years by the Committee on 16.4.2021, mainly on the considerations that temporary approval would not frustrate the long-term planning intention of the “AGR” zone; the proposed use was considered not incompatible with the surrounding land uses; and the relevant government departments consulted generally had no adverse comment on the application or their technical concerns could be addressed by appropriate approval conditions. The planning approval was subsequently revoked on 16.9.2023 due to non-compliance with time-limited approval conditions. Details of the previous application are summarised in **Appendix II** and the location is shown on **Plan A-1**.

6. **Similar Applications**

There are five similar applications (No. A/YL-KTS/868, 869, 978, 991 and 1043) covering three sites for the same temporary use with/without associated filing of land within the same “AGR” zone in the vicinity of the Site in the past five years. All of them were approved with conditions by the Committee between 2021 and 2025 mainly on similar considerations as mentioned in paragraph 5 above. Details of these similar applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) accessible via a local track leading to Kam Ho Road; and
- (b) currently vacant, hard-paved and fenced-off.

7.2 The surrounding areas comprise predominantly open storage yards, storage uses, warehouses, vehicle repair workshop, farm and grassland. Tsing Long Highway is located to the west of the Site across a vegetated slope.

8. **Planning Intention**

8.1 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

8.2 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.

9. **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 in **Appendices III** and **IV** respectively.

10. **Public Comments Received During Statutory Publication Period**

On 1.11.2024, the application was published for public inspection. During the statutory publication period, two public comments were received from two individuals objecting to the application on the grounds that the Site may be used as warehouse upon approval given and the Site was not genuinely designed for animal boarding establishment (**Appendix V**).

11. **Planning Considerations and Assessments**

- 11.1 The application is for proposed temporary animal boarding establishment for a period of five years and regularisation of the associated filling of land at the Site zoned “AGR” (**Plan A-1**). Whilst the proposed use is not in line with the planning intention of the “AGR” zone, the Director of Agriculture, Fisheries and Conservation (DAFC) has no adverse comment on the application from agricultural and nature conservation perspectives. In view of the above and taking into account the planning assessment below, there is no objection to the proposed use on a temporary basis for a period of five years with associated filling of land.
- 11.2 Filling of land within the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the surrounding 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 public drainage and environmental perspectives respectively. As the Site is zoned “AGR”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “AGR” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.
- 11.3 The proposed use is considered not incompatible with the surrounding areas which comprise predominantly open storage yards, storage uses, warehouse, vehicle repair workshop, farm and grassland (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective and considers that the proposed use is not incompatible with the surrounding landscape character and significant adverse landscape impact arising from the proposed use is not anticipated.
- 11.4 Other relevant government departments consulted including the Commissioner for Transport and Director of Fire Services have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 12.2 below. It is also recommended to advise the applicant to follow the latest “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.
- 11.5 Given the approved previous application at the Site and five approved similar applications within the same “AGR” zone in the vicinity of the Site in the past five years as stated in paragraphs 5 and 6 above, approving the current application is in line with the Committee’s previous decisions.
- 11.6 For the public comment mentioned in paragraph 10 above, the departmental comments and planning considerations above are relevant.

12. **Planning Department's Views**

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10 above, PlanD 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 five years until 11.4.2030. The following conditions of approval and advisory clauses are also suggested for Members' reference:
- (a) the submission of a revised 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 11.10.2025;
 - (b) in relation to (a) above, the implementation of the revised 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 11.1.2026;
 - (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times 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 11.10.2025;
 - (e) in relation to (d) 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 11.1.2026;
 - (f) if the above planning condition (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;
 - (g) if any of the above planning condition (a), (b), (d) or (e) 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
 - (h) 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 attached in **Appendix IV**.

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

the proposed use with associated filling of land 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 justification given 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 applicant.

14. Attachments

Appendix I	Application form received on 23.10.2024
Appendix Ia	FI received on 20.11.2024
Appendix Ib	FI received on 5.12.2024
Appendix Ic	FI received on 11.2.2025
Appendix II	Previous and Similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comments
Drawing A-1	Site layout plan
Drawing A-2	Land filling plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
APRIL 2025**