

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/1043

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| <u>Applicant</u> | : | LEUNG Kar Lok represented by Polyland Surveyors Limited |
| <u>Site</u> | : | Lot 475 in D.D. 113, Kam Tin, Yuen Long, New Territories |
| <u>Site Area</u> | : | About 617m 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) zoned “AGR” on the OZP (**Plan A-1**). According to the Notes of the OZP for “AGR” zone, both ‘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 fenced-off, paved and vacant with some temporary structures (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Kam Ho Road via a local track (**Plans A-1 and A-3**). According to the applicant, the proposed use involves eight structures of one to two storeys with height of not more than 5.2m and a total floor area of about 221.7m² for animal boarding facility, office, storage and cleaning room. The applicant also applies for regularisation of filling of land for the entire site with concrete of not more than 0.2m in depth (from +21.9mPD to +22.1mPD) for site formation of structures and circulation space. Two parking spaces (one for light goods vehicles (LGVs) (7m x 3.5m) and one for private vehicle (5m x 2.5m)) and one loading/unloading space will be provided within the Site. The operation hours will be from 9:00 a.m. to 7:00 p.m. daily except for overnight animal boarding services. The animal boarding establishment will accommodate no more than 20 dogs. All dogs will be kept inside the enclosed structures built with soundproof materials and air conditioning systems. No dog training sessions will be carried out from 7:00 p.m. to 9:00 a.m.. No public announcement system and whistle blowing will be

used and no quarantine station or lairage for animals will be provided at the Site at all times. The site layout plan and land filling plan submitted by the applicant are at **Drawings A-1 and A-2**.

- 1.3 In support of the application, the applicant has submitted the Application Form with attachments which was received on 26.11.2024 (**Appendix I**).

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form with attachments at **Appendix I**. They can be summarised as follows:

- (a) The proposed temporary use does not contravene with and will not jeopardize the long-term planning intention of the “AGR” zone. It is compatible with the surrounding land uses which are rural in character.
- (b) Similar applications for temporary animal boarding establishments have been approved by the Board in the “AGR” zone in the vicinity of the Site.
- (c) The filling of land of 0.2m in depth is for site formation of structures and circulation space to stabilise soil ground and prevent erosion from surface run-off. The extent of land filling has been kept to the minimum for meeting the operational need of the proposed use. The applicant commits to remove the filling materials upon the expiry of the planning permission and reinstate the Site.
- (d) Visitor appointment system will be adopted and sufficient manoeuvring space will be provided within the Site and hence, no adverse traffic impact is anticipated. No environmental nuisance arising from the proposed use is anticipated. The applicant will strictly follow the relevant guidelines and practice notes so as to minimise adverse impacts and environmental nuisance to the surrounding areas. In support of the current application, the applicant has also 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 currently not subject to any active planning enforcement action.

5. Previous Application

The Site is involved in a previous application (No. A/YL-KTS/732) submitted by a different applicant for temporary open storage of construction tools, machinery and materials which was rejected by the Board upon review on 15.12.2017. Considerations

of the previous application are irrelevant to the current application as different use is involved. 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, 882, 978 and 991) covering four sites for temporary animal boarding establishments (including one for renewal of temporary approval granted) 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 Rural and New Town Planning Committee (the Committee) of the Board between 2021 and 2024 mainly on the considerations that the temporary approval would not frustrate the long-term planning intention of the “AGR” zone; the proposed/applied use was considered not incompatible with the surrounding land uses; and relevant government departments consulted generally had no adverse comment on the application or their technical concerns could be addressed by appropriate approval conditions. Details of the 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-4b)

7.1 The Site is:

- (a) accessible from Kam Ho Road via a local track; and
- (b) currently fenced-off, paved and vacant with some temporary structures.

7.2 The surrounding areas are predominated by open storage/storage yards, warehouse, vehicle repair workshop, pigsty, plant nursery, scattered residential structures, active agricultural land, vacant land, woodland and grassland. The site of the approved similar application No. A/YL-KTS/978 for temporary animal boarding establishment is located to the east of the Site.

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 Comment Received During Statutory Publication Period

On 3.12.2024, the application was published for public inspection. During the statutory publication period, one public comment was received from an individual objecting to the application mainly on the grounds that the Site was filled without approval and if application for a licence to operate the proposed use has been made to the Agriculture, Fisheries and Conservation Department (AFCD) (**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 associated filling of land at the Site zoned “AGR” (**Plan A-1**). Whilst the applied use is not entirely 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. Taking into account the planning assessment below, the proposed use on a temporary basis for a period of five years could be tolerated.
- 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 (CE/MN, DSD) and Director of Environmental Protection have no objection to the application. CE/MN, DSD also considers the drainage proposal submitted under the current application acceptable. An approval condition requiring the reinstatement of the Site to an amenity area is recommended in paragraph 12.2 below should the Committee decide to approve the application.
- 11.3 The proposed use is considered not incompatible with the surrounding areas, which are predominated by open storage/storage yards, warehouse, vehicle repair workshop, pigsty, plant nursey, scattered residential structures, active agricultural land, vacant land, woodland and grassland (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no objection to the application from landscape planning perspective and considers that 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. The applicant will also be advised 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 applied use on the surrounding areas.

- 11.5 There are five approved similar applications for the same proposed use within the same “AGR” zone in the past five years as mentioned in paragraph 6 above. Approving the current application is in line with the Committee’s previous decisions.
- 11.6 Regarding the public comment received as summarised in paragraph 10 above, the applicant will be advised to apply for a Boarding Establishment License under the Public Health (Animals) (Boarding Establishment) Regulations, Cap. 139I for the proposed use. The departmental comments and planning considerations above are also relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment 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 24.1.2030. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the implementation of the accepted 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 24.10.2025;
- (b) in relation to (a) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (c) 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 24.7.2025;
- (d) in relation to (c) 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 24.10.2025;
- (e) if the above planning condition (b) 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;
- (f) if any of the above planning condition (a), (c) or (d) 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
- (g) 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 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. No strong planning justification has been 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

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| Appendix I | Application Form with attachments received on 26.11.2024 |
| Appendix II | Previous application and Similar Applications |
| Appendix III | Government departments' general comments |
| Appendix IV | Recommended advisory clauses |
| Appendix V | Public comment |
| 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 |
| Plans A-4a to A-4b | Site photos |

**PLANNING DEPARTMENT
JANUARY 2025**