

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-KTS/992**

<b><u>Applicant</u></b>	:	Longwick Landscape Greening Company Limited represented by R-riches Property Consultants Limited
<b><u>Site</u></b>	:	Lot 1892 RP in D.D. 106, Pat Heung, Yuen Long, New Territories
<b><u>Site Area</u></b>	:	1,757m <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>	:	Proposed Temporary Animal Boarding Establishment with Ancillary Facilities for a Period of Five Years and Filling of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary animal boarding establishment with ancillary facilities for a period of five years and filling of land. The Site is zoned “AGR” on the Kam Tin South OZP (**Plan A-1**). According to the Notes of the OZP, ‘Animal Boarding Establishment’ is a Column 2 use in the “AGR” zone which requires planning permission from the Town Planning Board (the Board). Filling of land within the “AGR” zone also requires planning permission from the Board. The Site is fenced off, partly paved and occupied by a few temporary structures (**Plans A-2 to A-4**).
- 1.2 According to the applicant, the proposed use involves five structures of one to two storeys with building height of not more than 8m and total floor area of about 506m<sup>2</sup> for animal boarding establishment and ancillary office, washroom, storage of pet goods, water tank and meter room (**Drawing A-1**). The applicant also applies for regularisation of filling of land by concrete at a depth of about 0.2m to +15.4mPD for part of the Site (about 1,064m<sup>2</sup> or 60.6%) for site formation of the structures and vehicle circulation. The proposed operation hours of the animal boarding establishment are from 9:00 a.m. to 7:00 p.m. (except overnight animal boarding) daily including public holidays. The animal boarding establishment will accommodate no more than 50 dogs, and five staff members will be stationed at the Site to support the operation. No dogs without masks will be allowed outdoor during the operation hours. All dogs will be kept inside the enclosed structures

built with soundproof materials and 24-hour mechanical ventilation and air conditioning systems after the operation hours. No public announcement system, whistle blowing or any form of audio amplification system will be used at the Site. Four private car parking spaces and one loading/unloading space for light goods vehicle will be provided within the Site. The Site is accessible via a local track from Pat Heung Road (**Plans A-2 and A-3**). The site layout plan and land filling plan submitted by the applicant are at **Drawings A-1 and A-2** respectively.

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

- (a) Application form with supplementary information received (Appendix I)  
on 1.2.2024
- (b) Further Information (FI) received on 5.3.2024\* (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 and FI in **Appendices I and Ia**. They can be summarised as follows:

- (a) The proposed development is to serve the pet owners living in Kam Tin and Pat Heung area.
- (b) The proposed use is temporary in nature which will not jeopardise the long-term planning intention of the “AGR” zone.
- (c) Land filling is required for site formation of structures and vehicle circulation space, which is considered necessary and has been kept to minimal for the operation of the proposed development.
- (d) The proposed development will not induce adverse impacts on the surroundings in the visual and landscape, traffic, environment, drainage and fire safety aspects. The applicant will strictly follow the relevant statutory environmental requirements and practice notes so as to minimise the possible adverse impacts and environmental nuisance on the nearby residents. The applicant would maintain the existing drainage facilities on the Site implemented under the approval of application No. A/YL-KTS/932 granted in 2022.

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

The applicant is not a “current land owners” of the Site but has complied with the 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) by posting notice on the Site and sending notification to the Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

#### 4. **Background**

- 4.1 The Site was not paved before the first publication in the Gazette of the notice of the draft Kam Tin South OZP No. S/YL-KTS/8, under which filling of land in “AGR” zone started requiring planning permission from the Board.
- 4.2 The Site is currently not subject to planning enforcement action.

#### 5. **Previous Applications**

- 5.1 The Site is the subject of two previous applications (No. A/YL-KTS/833 and 932), both for proposed temporary shop and services (landscaping and gardening showroom) for a period of three years and filling of land. The two previous applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) in December 2019 and August 2022 respectively, mainly on the considerations that temporary approval would not frustrate the long-term planning intention; the development was not incompatible with the surrounding land uses; and relevant departments consulted in general had no adverse comment and/or the concerns could be addressed by relevant approval conditions. The planning permission under application No. A/YL-KTS/833 was revoked in May 2022 due to non-compliance with approval condition.
- 5.2 Details of the previous applications are summarised in **Appendix II** and the locations are shown on **Plan A-1**.

#### 6. **Similar Applications**

- 6.1 There are two similar applications (No. A/YL-KTS/877 and 906) for proposed temporary animal boarding establishment with/without filling of land within the same “AGR” zone in the vicinity of the Site within the past five years. The two similar applications were approved with conditions by the Committee in March and November 2021 respectively mainly on the similar considerations as mentioned in paragraph 5.1 above.
- 6.2 Details of the application is 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 from Pat Heung Road; and
  - (b) fenced, partly paved and occupied by a few temporary structures.
- 7.2 The surrounding areas are rural in character intermixed with agricultural land, pond, grassland, residential dwellings/structures (the nearest within about 15m to the southeast) and parking of vehicles. To its immediate north is a nullah, and further

north across Pat Heung Road are area zoned “Village Type Development” (“V”) for Tin Sum Tsuen and Shek Wu Tong with village settlements, grassland and vacant land (including a site approved for proposed temporary shop and services (estate agency) under application No. A/YL-KTS/893). The “V” zone for Yuen Kong San Tsuen is to the southeast in about 60m.

## **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, 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**

- 9.1 Apart from the government department as set out in paragraph 9.2 below, other 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 III** and **IV** respectively.

### **Local Concern**

- 9.2 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

his office has no comment on the application. Local objections were received by his office. The same objections were also received during the statutory publication period as detailed in paragraph 10 below.

## **10. Public Comment Received During Statutory Publication Period (Appendix V)**

During the statutory publication period, 18 public comments were received including 16 comments from the village representative and the villagers of Yuen Kong San Tsuen which are the same as those received by DO(YL), HAD as mentioned in paragraph 9.2; and 2 comments from other individuals, all objecting to the application on the grounds that the proposed development would potentially cause adverse fire safety, environmental, noise and traffic impacts on the surrounding areas.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for proposed temporary animal boarding establishment for a period of five years and filling of land at the Site zoned “AGR” (**Plan A-1**). The

planning intention of the “AGR” zone is primarily to retain and safeguard good 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. 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 such as open-field cultivation, greenhouses, plant nurseries, etc., though whether there will be agricultural activities on specific site will hinge on a lot of factors. Taking into account the planning assessments below, the proposed use on a temporary basis 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 adjacent areas. In this regard, the Chief Engineer/Mainland North of the Drainage Services Department (CE/MN of DSD) and the Director of Environmental Protection (DEP) have no objection to the application from drainage and environmental perspectives. An approval condition requiring the reinstatement of the Site to an amenity area is recommended should the Committee decide to approve the application.
- 11.3 The proposed use is considered not incompatible with the surrounding land uses which are rural in character intermixed with agricultural land, grassland, residential structures/dwellings and parking of vehicles. Although there are residential structures/dwellings in the vicinity, according to the submission, all dogs will be kept within enclosed structures equipped with soundproof materials, air-conditioning and mechanical ventilation systems after operation hours. In addition, no public announcement system, whistle blowing or any form of audio amplification system will be used at the Site.
- 11.4 Other relevant departments consulted, including the Commissioner for Transport and the Director of Fire Services, have no objection to or no adverse comment on the application. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 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” issued by the Environmental Protection Department (EPD) to minimise any possible environmental nuisance, and the relevant Practice Note for Professional Person PN 1/23 on “Drainage Plans subject to Comment by EPD” including completion of percolation test and certification by Authorised Person if septic tank and soakaway system will be used.
- 11.5 There are two approved similar applications for temporary animal boarding establishment with/without filling of land in the vicinity as stated in paragraph 6.1 above. Approving the current application is in line with the Committee’s previous decisions.
- 11.6 Regarding the public comments objecting to the application as received by DO(YL), HAD and as mentioned in paragraph 10, the departmental comments and planning assessments above are relevant.

## 12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments in paragraph 10 above, the Planning Department 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 5 years until 15.3.2029. The following approval conditions and advisory clauses are also suggested for Members' reference:

### Approval conditions

- (a) no operation between 7:00 p.m. and 9:00 a.m. (except 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 structures on the site from 7:00 p.m. and 9:00 a.m., as proposed by the applicant, during the planning approval period;
- (c) 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;
- (d) the submission of condition records of the existing drainage facilities on the site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 15.6.2024;
- (e) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (f) the implementation of the accepted 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 15.12.2024;
- (g) the submission of a run-in/out proposal at Pat Heung Road within **6** months from the date of planning approval to the satisfaction of the Director of Highways and the Commissioner for Transport or of the Town Planning Board by 15.9.2024;
- (h) in relation to (g) above, the implementation of the run-in/out proposal at Pat Heung Road within **9** months from the date of planning approval to the satisfaction of the Director of Highways and the Commissioner for Transport or of the Town Planning Board by 15.12.2024;
- (i) if any of the above planning condition (a), (b), (c) 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 (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.

#### 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 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 purpose. 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**

<b>Appendix I</b>	Application form with supplementary information received on 1.2.2024
<b>Appendix Ia</b>	FI received on 5.3.2024
<b>Appendix II</b>	Previous applications
<b>Appendix III</b>	Government departments' general comments
<b>Appendix IV</b>	Recommended advisory clauses
<b>Appendix V</b>	Public comments

<b>Drawing A-1</b>	Site layout plan
<b>Drawing A-2</b>	Land filling plan
<b>Plan A-1</b>	Location plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plan A-4</b>	Site photos

**PLANNING DEPARTMENT  
MARCH 2024**