

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/562

- Applicant** : Demeanor Trading Limited represented by Metro Planning and Development Company Limited
- Site** : Lots 2113, 2114, 2115, 2118 (Part) and 2119 in D.D. 118, Yuen Long, New Territories
- Site Area** : 1,880 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/18
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Animal Boarding Establishment for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary animal boarding establishment for a period of 3 years at the application site (the Site) (**Plan A-1**). According to the Notes of the OZP for the “AGR” 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 and partly devegetated (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Tai Shu Ha Road East via a local road (**Drawing A-1**). The proposed animal boarding establishment is for a dog kennel. Not more than 40 dogs will be kept in the proposed animal boarding establishment. Two staff will be stationed at the Site to take care of the dogs and all dogs will be kept in the enclosed structures equipped with soundproofing materials, mechanical ventilation and air-conditioning system. The applicant pledges that no public announcement system will be used and no site formation is proposed at the Site. Plans showing the vehicular access leading to the Site, site layout and drainage proposal submitted by the applicant are at **Drawings A-1 to A-3** respectively.
- 1.3 The major development parameters of the application are summarised as follows:

Site Area	About 1,880 m ²
Total Floor Area (non-domestic)	Not more than 500 m ²
No. and Height of Structures	4 • for dog kennel, site office and toilet (4-4.5m, 1 storey)
No. of Parking Spaces	6 • for private cars (2.5m x 5m each)
No. of Loading/Unloading Space	Nil
Operation Hours	24-hours (with by-appointment visits confined to 9:00 a.m. to 6:00 p.m.)

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

- (a) Application Form with plans and annexes received (Appendix I) on 11.7.2022
- (b) Further Information (FI) received on 23.8.2022 (Appendix Ia)
[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 (Appendix I). They can be summarised as follows:

- (a) The temporary proposal would not jeopardise the long-term planning intention of the “AGR” zone. The proposed use is not incompatible with the surrounding environment. Similar applications have been approved in the subject “AGR” zone and in other parts of Yuen Long district.
- (b) The dog kennel will be maintained in a sanitary condition with proper excreta and waste disposal as well as regular pest control. Adequate supplies of potable water will be provided at the Site. The dog kennel will be designed to restrict the entrance of other animals.
- (c) The applicant will follow the revised ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (Code of Practice). Should the application be approved, a discharge licence under the Water Pollution Control Ordinance would be obtained for effluent discharges. All the drainage facilities at the Site will be provided and maintained at the applicant’s own expense. The proposed development will not create significant adverse traffic, environmental and drainage impacts to the surrounding areas.

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

The applicant is not a “current land owner” 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. 31A) by posting site notice and sending the notice to Shap Pat Heung Rural Committee through registered post. Detailed information would be deposited at the meeting for Members' inspection.

4. **Background**

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

5. **Previous Application**

There is no previous application concerning the Site.

6. **Similar Applications**

There are three similar applications (No. A/YL-TT/512, 525 and 551) for proposed temporary animal boarding establishment (dog kennel) (with associated filling of land for the latter application) within the subject "AGR" zone, which were all approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board each for a period of 3 years between 2021 and 2022, mainly on the considerations that approval of the applications on a temporary basis would not frustrate the long-term planning intention of the "AGR" zone; the proposals were generally not incompatible with the surrounding areas; and the departmental concerns could be addressed by imposing approval conditions. Details of the applications are summarised in **Appendix II** and the location of the sites 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 road leading from Tai Shu Ha Road East to its west (**Plan A-3** and **Drawing A-1**); and
- (b) vacant and partly devegetated (**Plans A-2** and **A-4**).

7.2 The surrounding areas have the following characteristics (**Plans A-2** and **A-3**):

- (a) mixed in character with predominately open storage/storage yards, warehouses and parking of vehicles intermixed with agricultural land, residential structures, graves, an orchard and vacant land/structures;
- (b) there are residential structures in the vicinity of the Site with the nearest one located to its immediate southeast, while the main cluster of residences of Sung Shan New Village is located to its further east; and
- (c) the open storage/storage yards, warehouses and parking of vehicles in the vicinity

are suspected unauthorised developments subject to enforcement action taken by the Planning Authority.

8. 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.

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 are provided in **Appendices III and IV** respectively.

10. Public Comments Received During the Statutory Publication Period

On 19.7.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments were received from an individual and Kadoorie Farm & Botanic Garden Corporation (KFBGC). The individual raises concerns that half of the agricultural land at the Site will be lost, there is no previous approval and there is no justification on the demand for animal boarding establishments in the area (**Appendix V-1**). KFBGC urges the Board and relevant authorities to consider whether the runoff from the proposed use would carry pollutants and affect the adjoining watercourse (**Appendix V-2**).

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary animal boarding establishment for a period of three years at the Site zoned “AGR” on the OZP. The planning intention of the “AGR” zone 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. Although the proposed use is not entirely in line with the planning intention of the “AGR” zone, the Director of Agriculture, Fisheries and Conservation has no objection to the application from the agriculture point of view. In view of the scale and nature of the proposed use, approval of the application on a temporary basis for three years would not jeopardise the long-term planning intention of the “AGR” zone.

11.2 The proposed use is generally not incompatible with the surrounding uses, which comprise predominantly open storage/storage yards, warehouses, parking of vehicles, agricultural land and residential structures (**Plan A-2**).

11.3 There is no adverse comment on the application from concerned government

departments, including Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North, Drainage Services Department and Chief Town Planner/Urban Design and Landscape, Planning Department. Adverse traffic, environmental/sewerage, drainage and landscape impacts arising from the proposal are not expected. Furthermore, relevant approval conditions are recommended in paragraph 12.2 to address the technical requirements of other concerned government departments. The applicant will also be advised to adhere to the latest Code of Practice and to apply for relevant license(s) where appropriate.

- 11.4 Given that three similar applications have been approved within the subject “AGR” zone, approval of the current application is generally in line with the Committee’s previous decisions.
- 11.5 There were two public comments raising concerns/providing views to the application received during the statutory publication period as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.4 above are relevant. Regarding the concerns on potential pollutants affecting the adjacent watercourse, the applicant will be advised to observe the requirements under relevant pollution control ordinances.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments as summarised in paragraph 10, 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 3 years until 9.9.2025. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) all dogs shall be kept inside enclosed structures with soundproofing materials, mechanical ventilation and air-conditioning system, 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 at the Site at any time during the planning approval period;
- (c) 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 9.3.2023;
- (d) in relation to (c) 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 9.6.2023;

- (e) in relation to (d) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) 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 9.3.2023;
- (g) in relation to (f) 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 9.6.2023;
- (h) if any of the above planning condition (a), (b) 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; and
- (i) if any of the above planning condition (c), (d), (f) or (g) 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 IV**.

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

the proposed use 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 to justify 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 with Plans and Annexes received on 11.7.2022
Appendix Ia	FI received on 23.8.2022
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendices V-1 and V-2	Public Comments
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	Drainage Proposal
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photo

**PLANNING DEPARTMENT
SEPTEMBER 2022**