

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

**APPLICATION NO. A/YL-TT/573**

- Applicant** : Mr. CHOI Fai Man represented by Goldrich Planners and Surveyors Limited
- Site** : Lots 673 S.A, 673 S.B, 673 S.C, 673 S.D and 673 RP in D.D. 118, Yuen Long, New Territories
- Site Area** : 2,292 m<sup>2</sup> (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Tai Tong (TT) Outline Zoning Plan (OZP) No. S/YL-TT/19 (currently in force)
- Approved TT OZP No. S/YL-TT/18 (at the time of submission)  
[No change to the zoning of the application site on the OZP]
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Animal Boarding Establishment for a Period of 5 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) (**Plan A-1**). According to the Notes of the OZP for the “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 partly fenced off and covered with vegetation (**Plans A-2 to A-4b**).
- 1.2 According to the applicant, the proposed animal boarding establishment will be used for a dog kennel. About 20 dogs will be kept at the Site at the same time and all the dogs will be kept inside enclosed structures equipped with soundproofing materials and air-conditioning system from 7:00p.m. to 9:00a.m. The applicant pledges that no public announcement system will be used at the Site and will reinstate the Site when the operation is ended. 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 2,292 m <sup>2</sup>
Total Floor Area	Not more than 1,125 m <sup>2</sup>
Extent of Filling of Land	About 2,292 m <sup>2</sup> (i.e. the entire Site, with a depth of about 0.1m)
No. of Structures	5 for dog kennels and ancillary office
Height of Structures	5-8m, 1-2 storey(s)
No. of Parking Space(s)	4 for private cars (5m x 2.5m each) 1 for light goods vehicles (7m x 3.5m)
No. of Loading/ Unloading Space	Nil
Operation Hours	9:00 a.m. to 7:00 p.m. daily (Animal boarding service: 24 hours daily)

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

- (a) Application Form with attachments received on 26.9.2022 (Appendix I)
- (b) Further Information (FI) received on 23.12.2022 (Appendix Ia)  
*[exempted from publication and recounting requirements]*

1.5 On 25.11.2022, the Rural and New Town Planning Committee (the Committee) of the Board decided to defer making a decision on the application for two months as requested by the applicant.

## 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 compatible with the surrounding environment. Similar applications have been approved in the subject “AGR” zone;
- (b) the proposal would help satisfying the demand for animal boarding services in the area and would not cause nuisance to the surroundings; and
- (c) most of the Site is covered by weeds and fallow trees. There are no existing trees at the location of the proposed structures. No tree felling is required.

## 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 the Shap Pat Heung Rural Committee by 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 six similar applications (No. A/YL-TT/512, 525, 551, 562, 574 and 582) for proposed temporary animal boarding establishment (with associated filling of land for No. A/YL-TT/551, 574 and 582) within the subject “AGR” zone which were all approved with conditions by the Committee of the Board each for a period of three years between 2021 to 2023, 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-4b)**

7.1 The Site is:

- (a) accessible from Tai Shu Ha Road West to its northeast via a local track (**Plan A-2**); and
- (b) currently partly fenced off and covered with vegetation (**Plans A-2 to A-4b**).

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

- (a) predominantly rural in nature comprising mainly unused land and dry ponds intermixed with agricultural land, residential structures, open storage/storage yards, graves, an orchard and vegetated land; and
- (b) the open storage/storage yards in the vicinity are suspected unauthorized developments subject to planning enforcement action.

#### **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 in the subject “AGR” zone.

## **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 Comment Received During the Statutory Publication Period**

On 7.10.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one public comment was received from an individual objecting to the application mainly on the grounds that the proposal is a ‘destroy to build’ by filling of land and removal of trees; the Site is close to the “Conservation Area” zone; agricultural land should be used for growing crops; and the Board should demand for more details of the animal boarding establishment operations (**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” on the OZP. 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 comment from animal management and nature conservation perspectives. In view of the relatively small scale and nature of the proposed use, and with the imposition of approval condition requiring reinstatement of the Site upon expiry of the planning permission, approval of the application on a temporary basis of five years will not jeopardise the long-term planning intention of the “AGR” zone.
- 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, Drainage Services Department (CE/MN, DSD) and Director of Environmental Protection (DEP) have no objection to the application from drainage and environmental perspectives.
- 11.3 The proposed use is generally not incompatible with the surrounding uses, which comprise predominantly unused land and dry ponds intermixed with agricultural land and temporary structures (**Plan A-2**).
- 11.4 Concerned government departments, including the Commissioner for Transport, DEP, CE/MN, DSD and Chief Town Planner/Urban Design and Landscape, Planning Department have no objection to/no adverse comment on the application. Significant adverse traffic, environmental, 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 concerned government departments. The applicant will also be advised to meet the relevant pollution control ordinances, adhere to the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” and to provide adequate supporting infrastructure/facilities for proper collection, treatment and disposal of waste/wastewater.
- 11.5 Six similar applications (three with associated filling of land) have been approved within the subject “AGR” zone between 2021 to 2023 for reasons 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. Approval of the current application is generally in line with the Committee’s previous decisions.

- 11.6 There was one public comment objecting 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 11.5 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 comment mentioned 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 five years until 17.2.2028. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

### **Approval conditions**

- (a) the animals shall be kept inside enclosed structures between 7:00 p.m. and 9:00 a.m., 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, as proposed by the applicant, 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 17.8.2023;
- (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 17.11.2023;
- (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 17.8.2023;
- (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 17.11.2023;

- (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;
- (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; and
- (j) 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 IV**.

12.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:

- (a) 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 for a departure from the planning intention, even on a temporary basis; and
- (b) the applicant fails to demonstrate in the submission that the proposed land filling is essential for the proposed use.

### **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 Attachments received on 26.9.2022
<b>Appendix Ia</b>	FI received on 23.12.2022
<b>Appendix II</b>	Similar Applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendix V</b>	Public Comment

<b>Drawing A-1</b>	Vehicular Access Plan
<b>Drawing A-2</b>	Site Layout Plan
<b>Drawing A-3</b>	Drainage Proposal
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
FEBRUARY 2023**