

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

**APPLICATION NO. A/YL-TT/589**

**Applicant** : Mr. LAU Yiu Chuen

**Site** : Lot 1504 RP in D.D. 118, Yuen Long, New Territories

**Site Area** : 609 m<sup>2</sup> (about)

**Lease** : Block Government Lease (demised for agricultural use)

**Plan** : Draft Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/19

**Zoning** : “Agriculture” (“AGR”)

**Application** : Proposed Temporary Animal Boarding Establishment for a Period of 3 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 three 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 fenced off, largely vacant and covered with vegetation (**Plan A-2 to A-4**).
- 1.2 The Site is accessible from Tai Shu Ha Road West to its west via a local track. According to the applicant, the proposed animal boarding establishment would be used for dog kennel. The operation hours would be between 8:00 a.m. to 8:00 p.m daily. A maximum of 20 dogs will be accommodated, and not more than 10 dogs would stay overnight outside the operation hours. No public announcement system, whistle blowing and portable loudspeaker would be carried out/used at the Site. A septic tank is used to discharge sewage from the Site. The applicant will also carry out filling of land in the western part of the Site (about 200m<sup>2</sup> in area) with bricks and metal sheets of about 0.08m in depth (**Drawing A-2**). Plans showing vehicular access to the Site and the site layout submitted by the applicant are at **Drawings A-1 and A-2** respectively.
- 1.3 The major development parameters of the application are summarised as follows:

Site Area	About 609 m <sup>2</sup>
Total Floor Area	Not more than 200 m <sup>2</sup>
Extent of Filling of Land	About 200 m <sup>2</sup> (about 33% of the Site, with a depth of about 0.08m)
No. of Structures	3 (two structures under one enclosed structure) for dog kennels, storeroom and toilet
Height of Structures	not more than 3m
No. of Parking Spaces	2 for private cars (2.5m x 5m)
Operation Hours	8:00 a.m. to 8:00 p.m. daily

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

- (a) Application Form with attachments received on 20.2.2023 (Appendix I)
- (b) Further Information (FI) received on 24.5.2023\* (Appendix Ia)
- (c) FI received on 26.6.2023\* (Appendix Ib)
- (d) FI received on 7.7.2023\* (Appendix Ic)  
*\*accepted and exempted from publication and recounting requirements*

1.5 On 31.3.2023, the Rural and New Town Planning Committee (the Committee) of the Board agreed 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:

the proposed development will not create significant adverse environmental impacts and disturbance to the surrounding areas.

## 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 planning enforcement action.

## 5. **Previous Applications**

The Site involves two previous applications (No. A/YL-TT/107 and 184) for temporary open storage uses which are not relevant to the current application. Details of the

application are summarised in **Appendix II** and the location of the site is shown on **Plan A-1**.

## **6. Similar Applications**

There are nine similar applications (No. A/YL-TT/512, 525, 551, 562, 573, 574, 577, 582 and 584) for proposed temporary animal boarding establishment (including six applications with associated filling of land) within the subject “AGR” zone, which were all approved with conditions by the Committee each for a period of three or five years between 2021 and 2023, mainly on the considerations that approval of the applications on a temporary basis would not frustrate the long-term planning intention; 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) currently fenced off erected with a temporary structure, largely vacant and covered with vegetation (**Plans A-2 to A-4**); and
- (b) accessible from Tai Shu Ha Road West to its west via a local track (**Plan A-2**).

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

- (a) predominantly unused land and graves with warehouses, open storage/storage yards and a plant nursery; and
- (b) the warehouse and open storage uses 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**

9.1 Apart from the government departments 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.

- 9.2 The following government departments have adverse comments on the application.

**Land Administration**

- 9.2.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) he has grave concerns given that there are unauthorised building works and/or uses on Lot 1504 RP in D.D. 118 which is already subject to lease enforcement action according to case priority. The lot owner(s) should remedy the lease breaches as demanded by his department; and
- (b) the Site comprises an Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.

- 9.2.2 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) the Site falls within the “AGR” zone and is planted with some vegetables and fruit trees. The agricultural activities are active in the vicinity and agricultural infrastructures such as road access and water source are available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses and plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, the proposed development is not supported from agricultural perspective; and
- (b) the Site does not associate with any license granted by his department, nor has any application regarding the Site been received.

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

During the statutory public inspection period, three public comment were received. Kadoorie Farm and Botanic Garden Corporation objected to the application as the proposed use is not in line with the planning intention of the “AGR” zone (**Appendices V-1 and V-2**). An individual opines that the proposed use is adjacent to burial grounds and an area zoned “Conservation Area”; the proposal is an excuse to obtain approval for filling of land; and there is no road access to the Site (**Appendix V-3**).

**11. Planning Considerations and Assessments**

- 11.1 The application is for proposed temporary animal boarding establishment for a period of three years and associated filling of land for part of the Site (about 200m<sup>2</sup> in area and with bricks and metal sheets of 0.08m in depth) 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 and DAFC does not support the application from agricultural perspective mainly on the consideration that the Site possesses potential for agricultural rehabilitation. 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 three 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 are predominately unused land and graves with warehouses and open storage/storage yards (**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 provide adequate supporting infrastructure/facilities for proper collection, treatment and disposal of waste/wastewater. Whilst DLO/YL, LandsD has grave concerns on the unauthorised building works/uses at the Site, it can be dealt with separately under the land administration regime.
- 11.5 Nine similar applications (six with associated filling of land) have been approved within the subject “AGR” zone since 2021 on the grounds 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 are three public comments objecting to/providing views on the application received during the statutory publication period as summarised in paragraph 10 above. The comments of government departments and planning 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 comments 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 three years until

14.7.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the animals shall be kept inside the enclosed animal establishment structures with soundproofing materials, mechanical ventilation and air-conditioning systems from 8:00 a.m. and 8:00 p.m. and no more than 10 dogs with dog masks are allowed for outdoor activities at the same time during the operation hours 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 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 14.1.2024;
- (d) in relation to (c) above, the implementation of the 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 14.4.2024;
- (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 14.1.2024;
- (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 14.4.2024;
- (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 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 20.2.2023
<b>Appendix Ia</b>	FI received on 24.5.2023
<b>Appendix Ib</b>	FI received on 26.6.2023
<b>Appendix Ic</b>	FI received on 7.7.2023
<b>Appendix II</b>	Previous and Similar Applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendices V-1 to V-3</b>	Public Comments
<b>Drawing A-1</b>	Vehicular Access Plan
<b>Drawing A-2</b>	Site Layout 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  
JULY 2023**