

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL  
FOR TEMPORARY USE  
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-TT/654**

- Applicant** : Ms. WONG So Yuk
- Site** : Lot 2030 in D.D. 117 and Adjoining Government Land (GL), Tai Tong, Yuen Long, New Territories
- Site Area** : 716 m<sup>2</sup> (about) (including about 159 m<sup>2</sup> of GL or about 22.2%)
- Lease** : New Grant Lot for Agricultural Purpose
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/20
- Zoning** : “Recreation” (“REC”)
- Application** : Renewal of Planning Approval for Temporary Animal Boarding Establishment for a Period of 5 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning approval for temporary animal boarding establishment for a period of five years at the application site (the Site) zoned “REC” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “REC” zone, ‘Animal Boarding Establishment’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by the applied use with valid planning permission under application No. A/YL-TT/465 until 16.8.2024 (**Plans A-4a and 4b**).
- 1.2 The Site is accessible via a local track connecting with Tai Tong Shan Road with ingree/egress points in the southeast (**Drawing 1, Plans A-2 and A-3**). According to the applicant, the applied use is to provide temporary shelter for stray dogs which would undergo medical treatments and are prepared for adoption. There are currently about 110 dogs on the Site, each with its own cage. Plans showing the vehicular access, site layout, as-built drainage facilities and fire service installations (FSIs) submitted by the applicant are at **Drawings A-1 to A-6** respectively.
- 1.3 Compared with the last approved application (No. A/YL-TT/465), the current application is submitted by the same applicant for the same applied use with the same layout and development parameters. The major development parameters are summarised as follows:

Site Area	716 m <sup>2</sup> (about) (including about 159 m <sup>2</sup> of GL)
Total Floor Area (non-domestic)	782 m <sup>2</sup> (about)
No. of Structures (Height)	4 - 2 for animal boarding with treatment/operation room and ancillary storage (4.8m, 2 storeys) - 1 for animal boarding and ancillary storage (4.8m, 1 storey) - 1 for rest area for volunteers (2.4m, 1 storey)
Maximum Capacity	150 dogs
No. of Parking Spaces	4 (for private car) (5m x 2.5m each)
Operation Hours (period for volunteers/dogs to enter/exit the Site)	24 hours (10:00 a.m. to 8:00 p.m. on Mondays to Fridays, and 10:00 a.m. to 10:00 p.m. on Saturdays, Sundays and Public Holidays)

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

- (a) Application Form with attachments received on 7.6.2024 **(Appendix I)**
- (b) Further Information (FI) received on 19.6.2024\* **(Appendix Ia)**
- (c) FI received on 9.7.2024\* **(Appendix Ib)**

*\*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 at the Application Form with attachments and FIs at **Appendices I to Ib**. They can be summarised as follows:

- (a) The applied use provides temporary shelter for dogs that have been abandoned due to illness/injury and close down of warehouses/open storage yards. Medical treatments will be provided to the dogs prior to adoption. For those dogs that are not adopted, they will stay at the Site until passing away.
- (b) Most of the volunteers will travel to and from the Site by minibus. The operation is well managed and the volunteers are well trained. The structures are fully enclosed and provided with fans and air conditioners. No public announcement system and whistle blowing would be allowed at the Site.

**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. For the GL portion, 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) are not applicable.

**4. Town Planning Board Guidelines**

The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No.34D) are relevant to this application. The relevant assessment criteria are at **Appendix II**.

**5. Background**

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

**6. Previous Applications**

6.1 The Site is the subject of two previous applications (No. A/YL-TT/15 and 465) which were approved with conditions by the Board on review/the Committee in 1997 and 2019 respectively. Details of the applications are at **Appendix III** and the boundaries of the sites are shown on **Plan A-1**.

6.2 The considerations of application No. A/YL-TT/15 for rural theme park are not relevant to the current application which involves a different use. Application No. A/YL-TT/465 for the temporary animal boarding establishment for a period of five years was approved by the Committee in 2019 mainly on the considerations that the proposed use was not incompatible with the surrounding uses; approval of the application on a temporary basis would not frustrate the long-term development of the area; and the concerns of relevant government departments could be addressed by imposing relevant approval conditions. All the time-limited approval conditions under the last approved application No. A/YL-TT/465 for the same applied use have been complied with and the planning permission is valid until 16.8.2024.

**7. Similar Application**

There is no similar application within the same “REC” zone on the OZP.

**8. The Site and Its Surrounding Areas (Plans A-1 to A-4b)**

8.1 The Site is:

- (a) paved and currently occupied by structures for the applied use; and
- (b) accessible via a local track connecting with Tai Tong Shan Road.

8.2 The surrounding areas are predominantly rural in character comprising parking of vehicles and temporary structures intermixed with pond/fish farm, farmland and unused/vacant land. The parking of vehicles is suspected unauthorized development subject to planning enforcement action.

**9. Planning Intention**

The planning intention of the “REC” zone is primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.

**10. Comments from Relevant Government Departments**

10.1 Apart from the government department as set out in paragraph 10.2 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 IV and V** respectively.

10.2 The following government department has reservation on the application:

**Land Administration**

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

- (a) there is/are unauthorized structure(s) and/or uses on the private lot of the Site which is already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularization on the lease breaches as demanded by LandsD;
- (b) the GL within the Site (about 159m<sup>2</sup>) has also been unlawfully occupied with unauthorized structure(s) without any permission. Any occupation of GL without Government’s prior approval is an offence under Land (Miscellaneous Provisions) Ordinance (Cap. 28). LandsD reserves the rights to take necessary land control action against the unlawful occupation of GL without further notice; and
- (c) his detailed advisory comments are at **Appendix V**.

**11. Public Comment Received During the Statutory Publication Period**

On 14.6.2024, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

**12. Planning Considerations and Assessments**

- 12.1 The application is for renewal of the planning approval for temporary animal boarding establishment for a period of five years at the Site zoned “REC” on the OZP. Although the applied use is not entirely in line with the planning intention of the “REC” zone, there is no known programme for long-term development on the Site. Approval of the renewal application on a temporary basis for a period of five years would not frustrate the long-term planning intention of the zone.
- 12.2 The Site is located in an area predominantly rural in character comprising parking of vehicles and temporary structures intermixed with pond/fish farm, farmland and unused/vacant land (**Plan A-2**). The applied use is considered not incompatible with the surrounding areas.
- 12.3 The renewal application is in line with TPB PG-No. 34D in that there has been no material change in planning circumstances; adverse implications arising from the renewal of the planning approval are not envisaged; all the time-limited approval conditions under previous application have been complied with; and the five-year approval period sought is the same time-frame as the previous approval and is considered reasonable.
- 12.4 Concerned government departments including the Director of Agriculture, Fisheries and Conservation, Director of Food and Environmental Hygiene, Director of Environmental Protection, Commissioner for Transport, Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department have no objection to or no adverse comment on the application from licensing, environmental hygiene, environmental, traffic, fire safety and drainage aspects respectively. To address the technical requirements of concerned government departments, relevant approval conditions are recommended in paragraph 13.2 below. Regarding DLO/YL of LandsD’s concerns on unauthorized structure(s), should the Committee approve the application, the applicant will be advised to apply for Short Term Waiver and Short Term Tenancy from LandsD to regularise any irregularities on the Site and the issues ~~could~~ **should** be dealt separately under the land administration regime.
- 12.5 There is a previous application for the same applied use at the Site approved by the Committee in 2019. Approving the current application is in line with the Committee’s previous decision.

**13. Planning Department’s Views**

- 13.1 Based on the assessments made in paragraph 12, the Planning Department has no objection to the temporary animal boarding establishment for a further period of five years.

- 13.2 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, and be renewed from 17.8.2024 until 16.8.2029. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) all dogs shall be kept inside the enclosed structures with mechanical ventilation and air conditioning system, as proposed by the applicant, between 8 p.m. and 10 a.m. from Mondays to Fridays, and between 10 p.m. and 10 a.m. on Saturdays, Sundays and Public Holidays, during the planning approval period;
- (b) no public announcement system, portable loudspeaker or any form of audio amplification system and whistle blowing are allowed to be used on the Site during the planning approval period;
- (c) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (d) the existing fire service installations implemented on the site shall be maintained in an efficient working order at all times during the planning approval period; and
- (e) if any of the above planning condition (a), (b), (c) or (d) 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.

Advisory clauses

The recommended advisory clauses are attached at **Appendix V**.

- 13.3 There is no strong reason to recommend for rejection of the application.

**14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 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.

**15. Attachments**

**Appendix I**  
**Appendix Ia**

Application Form with attachments received on 7.6.2024  
FI received on 19.6.2024

<b>Appendix Ib</b>	FI received on 9.7.2024
<b>Appendix II</b>	Relevant Extracts of TPB PG-No.34D
<b>Appendix III</b>	Previous Applications
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Drawings A-1 to A-2</b>	Vehicular Access Plans
<b>Drawing A-3</b>	Site Layout Plan (Ground Floor)
<b>Drawing A-4</b>	Site Layout Plan (First Floor)
<b>Drawing A-5</b>	As-built Drainage Plan
<b>Drawing A-6</b>	As-built FSIs Plan
<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 4b</b>	Site Photos

**PLANNING DEPARTMENT**  
**AUGUST 2024**