

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/655

- Applicant** : Mr. CHEUNG Yuet Ming represented by R-riches Property Consultants Limited
- Site** : Lot 1451 RP in D.D. 118, Tai Tong, Yuen Long, New Territories
- Site Area** : 340 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/20
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Animal Boarding Establishment with Ancillary Facilities 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 with ancillary facilities for a period of five years and associated filling of land at the application site (the Site) zoned “AGR” on the OZP (**Plan A-1**). According to the Notes of the OZP for “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 mainly vacant, partly paved and partly vegetated, and occupied by temporary structures (**Plans A-4a** and **A-4b**).
- 1.2 The Site is accessible via a local track connecting Tai Shu Ha Road West with the ingress/egress point in the eastern part (**Drawing A-2** and **Plan A-2**). According to the applicant, an one-storey structure with a total floor area of 216m² and a height of 4.5m is proposed for dog kennel, site office and washroom uses. Filling of the entire site by concrete with a depth of not more than 0.2m is also proposed to facilitate erection of the temporary structure and for circulation purpose. One parking space for private car will be provided. The operation hours of the proposed animal boarding establishment are from 9:00 a.m. to 6:00 p.m. daily, including public holidays. The kennel will accommodate not more than 20 dogs. All dogs will be kept inside the structure with soundproofing materials, ventilation system and air-conditioning system and a staff will stay on site during night time. The proposed

development is anticipated to attract not more than five visitors per day. No public announcement system, whistle blowing, portable loudspeaker or any form of audio amplification system will be used at the Site. Plans showing the layout, vehicular access, land filling, swept path analysis and landscape proposal as submitted by the applicant are at **Drawings A-1 to A-5** respectively.

1.3 The major development parameters of the application are summarised as follows:

Site Area	About 340 m ²
Extent of Filling of Land	About 340 m ² (with a depth of not more than 0.2m)
Total Floor Area	About 216 m ²
No. of Structure	1 for dog kennel, site office and washroom uses
Height of Structure	1 storey (about 4.5 m)
No. of Parking Space	1 for private car (5m x 2.5m)
Operation Hours	9:00 a.m. to 6:00 p.m. (Mondays to Sundays) (including Public Holidays)

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

- (a) Application Form with attachments received on 18.6.2024 **(Appendix I)**
- (b) Further Information (FI) received on 1.8.2024 **(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 with attachments at **Appendices I and Ia**. They can be summarised as follows:

- (a) the proposal would serve potential pet owners living in Yuen Long; and
- (b) the proposal would not frustrate the long-term planning intention of the “AGR” zone and would better utilise precious land resources in the New Territories.

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 planning enforcement action.

5. **Previous Application**

There is no previous application concerning the Site.

6. **Similar Applications**

There are 12 similar applications (No. A/YL-TT/512, 525, 551, 562, 573, 574, 577, 582, 584, 589, 616 and 621) for temporary animal boarding establishment within the same “AGR” zone in the past five years, all of which were approved with conditions by the Committee for a period of three or five years between June 2021 and January 2024 mainly on considerations that the proposed use would not jeopardise the planning intention of the “AGR” zone; not incompatible with the surrounding uses; and the departmental concerns could be addressed by imposing relevant approval conditions. However, the planning permissions for five applications (No. A/YL-TT/512, 525, 562, 574, 577 and 589) were subsequently revoked due to the non-compliance with time-limited approval conditions. Details of the applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

7. **Planning Intention**

7.1 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.

7.2 According to the Explanatory Statement of the OZP, permission from the Board is required for filling of land within the “AGR” zone as such activity may cause adverse drainage and environmental impacts on the adjacent areas.

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

8.1 The Site is:

- (a) mainly vacant, partly paved and partly vegetated, and occupied by temporary structures; and
- (b) accessible via a local track connecting with Tai Shu Ha Road West.

8.2 The surrounding areas are predominantly rural in character comprising farmland, warehouses, open storage/storage yards, vacant/unused land and graves. The warehouse and open storage/storage yards in the vicinity are suspected unauthorized developments (UDs) subject to planning enforcement action.

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.

9.2 The following government department has objection to the application:

Agricultural and Animal Management

9.2.1 Comments of the Director of Agriculture, Fisheries and Conservation:

- (a) the Site falls within the “AGR” zone and is occupied by some structures. Agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, the proposed use is not supported from agricultural perspective;
- (b) no comment on the application from the perspective of nature conservation;
- (c) from animal management perspective, the Site does not associate with any licence granted or any application received by his department;
- (d) under the Public Health (Animals) (Boarding Establishment) Regulations, Cap. 139I (the Regulations), any person who provides food and accommodation for animals in return for a fee paid by the animal owner must apply for a Boarding Establishment Licence from his department. The applicant should also be reminded that the establishment and ancillary facilities licensed under the Regulations must always fulfil the criteria listed in the Regulations;
- (e) the dogs kept by the applicant should also be properly licensed in accordance with the Rabies Ordinance (Cap. 421) and the applicant is reminded to observe the Prevention of Cruelty to Animals Ordinance (Cap. 169) at all times; and
- (f) detailed information and guidance on Animal Boarding Establishment would be provided upon receipt of the licence application.

10. Public Comments Received During the Statutory Publication Period

On 25.6.2024, the application was published for public inspection. During the statutory public inspection period, two public comments were received from individuals

(**Appendix V**). An individual who claimed to be the Village Representative of Nam Hang Tsuen supports the application for meeting the need of the villagers while the other individual objects to the application on the ground that the Site is suspected to be used for brownfield operations and the proposed term of five years is excessive.

11. Planning Considerations and Assessments

- 11.1 The application is for a proposed temporary animal boarding establishment for a period of five years and associated filling of land at the Site zoned “AGR” on the OZP. The proposed use is not entirely in line with the planning intention of the “AGR” zone and DAFC does not support the application as the Site possesses potential for agricultural rehabilitation. Nonetheless, taking into account the planning assessments below, the proposed use on a temporary basis of five years could be tolerated.
- 11.2 The application also involves filling of land for the entire site. Filling of land within “AGR” zone requires planning permission as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department and the Director of Environment Protection have no objection to the application from drainage and environmental perspectives respectively.
- 11.3 The proposed use is considered small in scale and not incompatible with the surrounding areas which are predominantly rural in character comprising farmland, warehouses, open storage/storage yards, vacant/unused land and graves (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape of Planning Department has no comment on the application from landscape planning perspective.
- 11.4 Other concerned government departments, including the Commissioner for Transport and Director of Fire Services have no objection to/no adverse comment on the application from traffic and fire safety aspects respectively. Relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of concerned government departments. Besides, the applicant will also be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise potential environmental nuisances on the surrounding areas.
- 11.5 There are 12 similar applications approved within the same “AGR” zone in the past five years on the grounds mentioned in paragraph 6 above. Approving the current application is in line with the Committee’s previous decisions.
- 11.6 There are two public comments on 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 and any UD at the Site would be subject to planning enforcement action.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments as detailed 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 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 structure on the Site, 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 on the Site, as proposed by the applicant, 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 16.2.2025;
- (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 16.5.2025;
- (e) in relation to (d) above, the implemented drainage facilities at the Site should 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 16.2.2025;
- (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 16.5.2025;
- (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 the 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 reason for rejection is suggested for Member's reference:

the proposed use and associated filling of land are not in line with the planning intention of the "Agriculture" 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. There is no strong planning justification in the submission for a departure from such 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 received on 18.6.2024
Appendix Ia	FI received on 1.8.2024
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Vehicular Route Plan
Drawing A-3	Land Filling Plan
Drawing A-4	Swept Path Analysis
Drawing A-5	Landscape Proposal
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4b	Site Photos