

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/665

- Applicant** : Kei Ip Asia Engineering Limited represented by R-riches Property Consultants Limited
- Site** : Lot 1756 (Part) in D.D. 118, Tai Tong, Yuen Long, New Territories
- Site Area** : 166 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 currently vacant and covered with vegetation (**Plan A-4**).
- 1.2 The Site is accessible via a local track connecting Tai Shu Ha Road East with an ingress/egress point in the south (**Drawing A-1** and **Plan A-2**). According to the applicant, a two-storey structure with a floor area of not more than 224m² (7m in height) is proposed for animal boarding establishment with office, storage and washroom uses. Filling of land at 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. The animal boarding establishment will accommodate not more than 15 dogs. All dogs will be kept inside the enclosed structure with soundproofing materials, ventilation system and air-conditioning system. Three staff will work at the Site. No public announcement system, whistle blowing, portable loudspeaker or any form of audio amplification system will be used at the Site. Plans showing the vehicular route, layout, land filling and landscape proposals submitted by the applicant are at **Drawings A-1** to **A-4** respectively.

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

Site Area	About 166 m ²
Extent of Filling of Land	About 166 m ² (with a depth of not more than 0.2m)
Total Floor Area	About 224 m ²
No. of Structure	1 for animal boarding establishment with office, storage and washroom uses
Height of Structure	2-storey (about 7 m)
No. of Parking Space	1 for private car (5m x 2.5m)
Operation Hours	9:00 a.m. to 7:00 p.m. daily (including Public Holidays)

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

- (a) Application Form with attachments received on 16.7.2024 **(Appendix I)**
- (b) Further Information (FI) received on 20.9.2024* **(Appendix Ia)**
- (c) FI received on 16.10.2024* **(Appendix Ib)**
*[*accepted and exempted from publication and recounting requirements]*

1.5 On 6.9.2024, 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 and FIs at **Appendices I to Ib**. They can be summarised as follows:

- (a) the proposal serves as a rescue home for abandoned and stray animals. It would also meet the needs of local pet owners; 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 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. 31B) 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 planning enforcement action.

5. Previous Application

There is no previous application concerning the Site.

6. Similar Applications

There are 13 similar applications (No. A/YL-TT/512, 525, 551, 562, 573, 574, 577, 582, 584, 589, 616, 621 and 655) for temporary animal boarding establishment with/without associated filling of land for a period of three or five years within the same “AGR” zone in the past five years. All of them were approved with conditions by the Committee between 2021 and 2024 mainly on considerations that the proposed use would not jeopardise the planning intention of the “AGR” zone; being not incompatible with the surrounding uses; and the departmental concerns could be addressed by imposing relevant approval conditions. However, the planning permissions for six 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) currently vacant and covered with vegetation; and

(b) accessible via a local track connecting Tai Shu Ha Road East.

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

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 23.7.2024, the application was published for public inspection. During the statutory public inspection period, 11 objecting public comments were received, of which two are from the Sung Shan New Village Residents' Association, three from the villagers of Sung Shan New Village and six from individuals (**Appendix V**). They object to the application mainly on the following grounds:

- (a) the Site is located at the entrance of Sung Shan New Village and close to existing village settlements. The proposed use will bring about adverse traffic, noise, environmental, hygienic and safety impacts on the surrounding areas and will cause nuisances to the residents nearby and affect their quality of life;
- (b) the Site is located in a flood-prone area which may affect the safety of animals; and
- (c) it is suspected to be a fake animal boarding establishment and might be used for other commercial operations; and the proposed temporary period of five years is excessive.

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. While 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 strong view against the application from agricultural perspective. Having 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 by concrete with a depth of not more than 0.2m. 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 Director of Environment Protection have no objection to the application from drainage and environmental perspectives respectively. An

approval condition requiring reinstatement of the Site to an amenity area upon expiry of the planning permission is recommended should the Committee decide to approve the application.

- 11.3 The proposed use is considered small in scale and not incompatible with the surrounding areas which are predominantly rural in character comprising temporary structures/residential dwellings, 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 consulted, including the Commissioner for Transport, Director of Fire Services and Director of Food and Environmental Hygiene have no objection to/no adverse comment on the application from traffic, fire safety and environmental hygiene aspects respectively. Should the application be approved, relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of the 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 13 similar applications within the same “AGR” zone approved by the Committee since 2021. Approving the current application is in line with the Committee’s previous decisions.
- 11.6 There are 11 public comments on the application as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.5 above are relevant. Regarding the concern on using the Site for other commercial operations, any UD on 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 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 8.11.2029. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) 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 8.5.2025;
- (b) in relation to (a) 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 8.8.2025;

- (c) in relation to (b) above, the implemented drainage facilities at the Site should be maintained at all times during the planning approval period;
- (d) 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 8.5.2025;
- (e) in relation to (d) 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 8.8.2025;
- (f) if the above planning condition (c) 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;
- (g) if any of the above planning condition (a), (b), (d) or (e) 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
- (h) 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 Members' reference:

the proposed use with associated filling of land is 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 with attachment received on 16.7.2024
Appendix Ia	FI received on 20.9.2024
Appendix Ib	FI received on 16.10.2024
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Vehicular Access Plan
Drawing A-2	Layout Plan
Drawing A-3	Land Filling Plan
Drawing A-4	Landscape Proposal
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2024**