

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/666

- Applicant** : Ms. CHAN See Lam represented by Mr. AU Tat Wing
- Site** : Lot 578 in D.D. 117, Tai Tong, Yuen Long, New Territories
- Site Area** : 490 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 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 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, ‘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 generally abandoned, partly covered with vegetation and partly formed with a vacant temporary structure (**Plan A-4**).
- 1.2 The Site is accessible via a local track connecting Kiu Hing Road with an ingress/egress point at the east (**Drawing A-1** and **Plan A-2**). According to the applicant, three structures with one to two storeys (4.1m to 5.5m) and a total floor area of 284m² are proposed for animal boarding establishment and site office uses. The applicant also proposes to fill majority of the site (i.e. 464m² or about 94% of the Site) by concrete with a depth of 0.15m for erection of the structures. The operation hours of the proposed use is from 9:00 a.m. to 6:00 p.m. daily. The kennel will accommodate not more than 15 dogs and 20 cats. All animals will be kept inside the structures with soundproofing materials, ventilation system and air-conditioning system. No public announcement system, whistle blowing, portable loudspeaker or any form of audio amplification system will be used at the Site. The applicant also proposes to plant 21 new trees of native species to mitigate the

potential landscape impact (**Drawing A-4**). Plans showing the pedestrian access, site layout, land filling and landscape proposal 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 490 m ²
Extent of Filling of Land	464 m ² (about 94% of the Site) (with a depth of 0.15m)
Total Floor Area	About 284 m ²
No. of Structures	3 - 2 for animals boarding establishment - 1 for site office
Height of Structures	1-2 storeys (4.1m – 5.5m)
Operation Hours	9:00 a.m. to 6:00 p.m. Mondays to Sundays

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

- (a) Application Form with attachments received on 17.7.2024 **(Appendix I)**
- (b) Further Information (FI) received on 29.7.2024* **(Appendix Ia)**
- (c) FI received on 21.8.2024* **(Appendix Ib)**
- (d) FI received on 10.10.2024* **(Appendix Ic)**
- (e) FI received on 6.1.2025* **(Appendix Id)**
*[*accepted and exempted from publication and recounting requirements]*

1.5 On 8.9.2024 and 6.12.2024, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months each 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 with attachments and FIs at **Appendices I to Id**. They can be summarised as follows:

- (a) the proposal serves as a rescue home for abandoned and stray animals;
- (b) the proposal would better utilise precious land resources in the New Territories;
- (c) the proposed animal boarding facilities will be constructed with sound and heatproof materials and provided with mechanical ventilation and air-conditioning system to ensure welfare of the animals; and

- (d) the proposed use will not create adverse environmental and drainage impacts on 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 planning enforcement action.

5. Previous Application

There is no previous application concerning the Site.

6. Similar Application

There is no similar application within the same “AGR” zone in the past five years.

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) generally abandoned, partly covered with vegetation and partly formed with a vacant temporary structure; and
- (b) accessible via a local track connecting Kiu Hing Road.

8.2 The surrounding areas are predominantly rural in character comprising farmland, parking of vehicles, open storage/storage yards, residential dwellings and vacant/unused land. The parking of vehicles 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 II** and **III** respectively.

9.2 The following government department has conveyed local views on the application:

District Officer's Comments

9.2.1 Comments from the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

his office received feedbacks from a local on 14.8.2024 objecting to the application on the ground that the existing pavement in the village could not afford the loading of the lorries or vehicles heading to/ leaving from the Site (**Appendix IV**).

10. Public Comments Received During the Statutory Publication Period

On 26.7.2024, the application was published for public inspection. During the statutory public inspection period, four objecting public comments were received including one from a group of local villagers, two from individuals and one from Kadoorie Farm & Botanic Garden Corporation (**Appendix V**). They object to the application mainly on the following grounds:

- (a) the proposed use would increase the threat of flooding and cause adverse environmental, safety and health impacts to residents;
- (b) the Site is suspected for brownfield use and the proposal will lead to the degradation of local villagers' living environment; and
- (c) there are some active farmlands in Tai Tong. The proposed use is not in line with the planning intention of the "AGR" zone. The Board shall take into account of the National Policy entitled 'Construction of Ecological Civilisation' when considering temporary use cases in the New Territories.

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. The proposed use is not entirely in line with the planning intention of the "AGR" zone. The Director of Agriculture, Fisheries and Conservation (DAFC) has no strong view against the application from agricultural perspective. Having taking into account the planning assessments below, there is no objection to the proposed use on a temporary basis of five years with associated filling of land.

- 11.2 The application also involves filling of land by concrete with a depth of not more than 0.15m. 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. As the Site is zoned “AGR”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “AGR” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.
- 11.3 The proposed use is considered not incompatible with the surrounding areas which are predominantly rural in character comprising farmland, parking of vehicles, open storage/storage yards, residential dwellings and vacant/unused land (**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. DAFC also has no comment on the application from nature conservation perspective. 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. 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 Regarding the adverse public comments as summarised in paragraphs 9.2.1 and 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.4 above are relevant and 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 as detailed in paragraphs 9.2.1 and 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 28.2.2030. 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 28.8.2025;

- (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 28.11.2025;
- (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 28.8.2025;
- (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 28.11.2025;
- (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
- (a) upon expiry of the planning permission, the reinstatement of the Site, including the removal of fill materials and hard paving and grassing of the Site to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory clauses

The recommended advisory clauses are at **Appendix III**.

- 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 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 received on 17.7.2024
Appendix Ia	FI received on 29.7.2024
Appendix Ib	FI received on 21.8.2024
Appendix Ic	FI received on 10.10.2024
Appendix Id	FI received on 6.1.2025
Appendix II	Government Departments' General Comments
Appendix III	Recommended Advisory Clauses
Appendix IV	Local Views Conveyed by District Officer/Yuen Long
Appendix V	Public Comments
Drawing A-1	Pedestrian Access Route
Drawing A-2	Layout Plan
Drawing A-3	Land Filling Plan
Drawing A-4	Landscape Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2025**