

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/670

- Applicant** : Yuen Long Land Planning & Development Co. Ltd. represented by Goldrich Planners and Surveyors Ltd.
- Site** : Lots 1581 (Part), 1656, 1657, 1658 (Part) and 1659 (Part) in D.D.116 and Adjoining Government Land (GL), Yuen Long, New Territories
- Site Area** : 1,071 m² (about) (including GL of about 104 m² (10%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tai Tong Outline Zoning Plan 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, ‘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 partly covered with vegetation and partly occupied by vacant structures (**Plan A-4**).
- 1.2 The Site is accessible via a local track leading from Yau Shin Street with an ingress/egress point in the east (**Drawing A-1** and **Plan A-2**). According to the applicant, four single storey to two-storey structures (i.e. 3m to 6m height) with a floor area of not more than 205m² are proposed for multi-function room with kennels and reception, storage and parking purposes. Five parking spaces, including four for private cars and one for light goods vehicle (LGV), will be provided within the Site. The applicant also proposes to fill the entire site with concrete with a depth of not more than 0.2m for erection of temporary structures and provision of parking and manoeuvring spaces. The animal boarding establishment will accommodate about 10 animals (including dogs and cats). All dogs will be kept inside the enclosed structure with soundproofing materials, ventilation system and air-conditioning system. No public announcement system,

whistle blowing or portable loudspeaker will be used at the Site. Plans showing the vehicular access, layout, land filling plan and swept path analysis 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 1,071 m ²
Extent of Filling of Land	About 1,071 m ² (with a depth of about 0.2m)
Total Floor Area (non-domestic)	Not more than 205 m ²
No. of Structures	4 - 1 for multi-function room with indoor activity area, kennels and reception - 2 converted containers for storage - 1 for covered parking spaces
Height of Structures	1-2 storeys (about 3-6 m)
No. of Parking Spaces	4 for private cars (5m x 2.5m) 1 for LGV (7m x 3.5m)
Operation Hours	9:00 a.m. to 6:00 p.m. daily (including 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 5.8.2024 (**Appendix I**)
- (b) Further Information (FI) received on 7.10.2024* (**Appendix Ia**)
- (c) FI received on 14.10.2024* (**Appendix Ib**)
*[*accepted and exempted from publication and recounting requirements]*

1.5 On 4.10.2024, 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 place for pet recreation outlets, to meet the demand for pet boarding service within the surrounding area;
- (b) the proposal is temporary in nature and would not jeopardise the long-term planning intention of the “AGR” zone; and

- (c) seven similar applications (No. A/YL-TT/551, 570, 573, 582, 584, 616 and 621) have been approved by the Committee in “AGR” zones of the same OZP (**Plan A-1**).

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. For the GL portion, the requirements under the TPB PG-No. 31B are not applicable.

4. Background

Part of the Site was the subject of planning enforcement action (No. E/YL-TT/726) against unauthorized development (UD) involving filling of land. Enforcement Notice was issued on 31.7.2024 requiring the discontinuation of the UD by 31.10.2024. Reinstatement Notice (RN) was issued on 15.8.2024 requiring removal of the leftovers, debris and fill materials (including hard paving, construction waste, rocks and gravels) on the land and to grass the land by 15.11.2024. If the RN is not complied with, prosecution action will be considered (**Plan A-2**).

5. Previous Application

There is no previous application concerning the Site.

6. Similar Applications

- 6.1 There is no similar application within the same “AGR” zone on the OZP.
- 6.2 There are 15 similar applications (No. A/YL-TT/512, 525, 551, 562, 570, 573, 574, 577, 582, 584, 589, 616, 621, 655 and 665) for temporary animal boarding establishment with/without associated filling of land for a period of three or five years within “AGR” zones of the same OZP 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) partly covered with vegetation and partly occupied by vacant structures; and
 - (b) accessible via a local track leading from Yau Shin Street.
- 8.2 The surrounding areas are predominantly rural in character comprising temporary structures/residential dwellings, farmland, open storage/storage yards, graves and unused land. Some of the open storage/storage yards in the vicinity are suspected UD's 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 reservation on the application:

Land Administration

- 9.2.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):
- (a) no permission is given for occupation of GL (about 104 m² as mentioned in the application form) within the Site. Any occupation of GL without Government's prior approval is an offence under the Land (Miscellaneous Provisions) Ordinance (Cap. 28);
 - (b) there is/are unauthorized structure(s) and/or uses on Lot 1581 in D.D. 116 which is/are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD;
 - (c) if the planning application is approved, the lot owner(s) shall apply

to LandsD for a Short Term Waiver (STW) and a Short Term Tenancy (STT) to permit the structure(s) erect within the private lot(s) and the occupation of GL. The application(s) for STW and STT will be considered by the Government in its capacity as a landlord and there is no guarantee that the application(s) will be approved. The STW and STT, if approved, will be subject to such terms and conditions including the payment of waiver fee, rent and administrative fee as considered appropriate by LandsD. Besides, given that the proposal is temporary in nature, only erection of temporary structure(s) will be considered; and

- (d) his detailed advisory comments are at **Appendix IV**.

10. Public Comments Received During the Statutory Publication Period

On 13.8.2024, the application was published for public inspection. During the statutory public inspection period, 16 public comments were received. The Chairman of Yuen Long Town Centre and Rural East Area Committee has no comment on the application (**Appendix V-a**) while Kadoorie Farm & Botanic Garden Corporation, the Conservancy Association and the remaining 13 individuals object to the application (**Appendix V-b**) mainly on the following grounds:

- (a) the Site is not suitable for filling of land given the biodiversity of the Site;
- (b) the proposed use will bring about adverse traffic, noise, drainage, sewerage, ecological, environmental, hygienic and safety impacts on the surrounding areas;
- (c) the proposed use is not in line with the planning intention of the “AGR” zone;
- (d) the proposed use is suspected to be a fake animal boarding establishment and might be used for warehouse and/or open storage operations; and
- (e) approval of the application would set an undesirable precedent of “destroy first, build later” in the “AGR” zone.

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 (DAFC) 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 not incompatible with the surrounding areas which are predominantly rural in character comprising temporary structures/residential dwellings, farmland, open storage/storage yards, graves and 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 DLO/YL’s concern on the unauthorized structure(s) and/or uses on the private lot within the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.6 There are 15 similar applications within “AGR” zones on the same OZP approved by the Committee since 2021. Approving the current application is in line with the Committee’s previous decisions.
- 11.7 There are 16 public comments on the application as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.6 above are relevant. Regarding the concern on using the Site for warehouse or open storage operation, 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 6.12.2029. 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 6.6.2025;
- (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 6.9.2025;
- (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 6.6.2025;
- (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 6.9.2025;
- (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 5.8.2024
Appendix Ia	FI received on 7.10.2024
Appendix Ib	FI received on 14.10.2024
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendices V-a to V-b	Public Comments
Drawing A-1	Vehicular Access Plan
Drawing A-2	Layout Plan
Drawing A-3	Land Filling Plan
Drawing A-4	Swept Path Analysis
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
DECEMBER 2024**