

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/701

- Applicant** : Mr. CHEUNG Chung Loon represented by Metro Planning and Development Company Limited
- Site** : Lot 1455 RP in D.D. 118, Tai Shu Ha Road West, Tai Tong, Yuen Long, New Territories
- Site Area** : 660 m² (about)
- 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 (Dog Kennel) and Associated Filling of Land for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary animal boarding establishment (dog kennel) and associated filling of land for a period of three years 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 hard paved and currently occupied by vacant structures (**Plan A-4**).
- 1.2 The Site is accessible from Tai Shu Ha Road West via a local track with an ingress/egress point at the south (Drawing A-1 and Plan A-2). According to the applicant, three single-storey structures (4m in height) with a total floor area of not more than 333m² are proposed for two dog kennels and a toilet. Three private car parking spaces will be provided within the Site. The applicant also proposes to regularise the filling of land undertaken at the entire site (i.e. 660 m²) with concrete of a depth of not more than 0.2m for erection of temporary structures and provision of parking spaces. The animal boarding establishment will accommodate not more than 18 dogs. All dogs will be kept inside the enclosed structures with soundproofing materials, mechanical ventilation and air-conditioning system. No public announcement system will be used at the Site. The operation hours are from 9:00 a.m. to 6:00 p.m. daily including Sundays and public holidays. Plans showing

the vehicular access, site layout, site paving and drainage proposal submitted by the applicant are at **Drawings A-1 to A-4** respectively.

1.3 The Site was involved in a previous application (No. A/YL-TT/582) for the same use which was approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2023 (details at paragraph 5 below). Compared with the last approved application, the current application is submitted by the same applicant for the same use with the same layout and development parameters.

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

- (a) Application Form with attachments received on 20.2.2025 (**Appendix I**)
- (b) Further Information (FI) received on 28.2.2025* (**Appendix Ia**)
- (c) FI received on 24.3.2025* (**Appendix Ib**)
*[*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 and FIs at **Appendices I to Ib**. They can be summarised as follows:

- (a) the proposal is temporary in nature and would not jeopardise the long-term planning intention of the “AGR” zone;
- (b) the Site is the subject of a previously approved application No. A/YL-TT/582 submitted by the same applicant. The site layout and major development parameters under the current application remain unchanged as compared to the previously approved application;
- (c) the proposed use is not incompatible with the surrounding areas; and
- (d) insignificant traffic, drainage and environmental impacts are anticipated.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is the sole “current land owner” of the Site. 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

The Site is the subject of a previous application (No. A/YL-TT/582) for the same use submitted by the same applicant as the current application. The application was approved with conditions on a temporary basis by the Committee for a period of three years on 3.2.2023 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 permission was subsequently revoked in 2024 due to non-compliance with time-limited approval condition regarding the implementation of drainage proposal. Details of the previous application are summarised in **Appendix II** and its location is shown on **Plan A-1**.

6. Similar Applications

There are 13 similar applications (No. A/YL-TT/512, 525, 551, 562, 573, 574, 577, 584, 589, 616, 621, 655 and 665) for temporary animal boarding establishment with or without associated filling of land within the same “AGR” zone in the past five years. They were all approved with conditions by the Committee for a period of three or five years between 2021 and 2024 mainly on similar considerations as those mentioned in paragraph 5 above. Details of these similar 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) hard paved and currently occupied by vacant structures; and
- (b) accessible from Tai Shu Ha Road West via a local track.

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

9. Comments from Relevant Government Departments

All 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 28.2.2025, the application was published for public inspection. During the statutory public inspection period, two public comments were received (**Appendix V**). One individual objects to the application on the grounds that the applicant failed to comply with the conditions in previously approved application and the proposed use is suspected to be a fake animal boarding establishment whereas the other public comment from Kadoorie Farm & Botanic Garden Corporation also objects that there are some active farmlands in Tai Tong and the proposed use is not in line with the planning intention of “AGR” zone.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary animal boarding establishment (dog kennel) and associated filling of land for a period of three years 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. Taking into account the planning assessments below, there is no objection to the proposed use on a temporary basis of three years.
- 11.2 The application also involves regularisation of the land filling for the entire site (i.e. 660m²) with concrete of 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 (CE/MN of DSD) and Director of Environmental 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 open storage/storage yards, warehouses, a plant nursery, graves, vacant/unused land and a dog kennel (**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 comments 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 The Site is the subject of a previous application (No. A/YL-TT/582) for the same use which were approved by the Committee in 2023. However, its planning permission was subsequently revoked due to non-compliance with time-limited approval condition on implementation of drainage proposal. The current application is submitted by the same applicant with same layout and development parameters as compared with the last application. Regarding the non-compliance of the previous approval condition, the applicant claimed that although he has implemented the drainage proposal, there is not enough time to rectify the defects in accordance with comments received from CE/MN of DSD. In the current application, the applicant has submitted a drainage proposal. As such, sympathetic consideration may be given to the applicant. Should the application be approved, the applicant will be advised that failure to comply with any of the approval conditions will result in revocation of the planning permission and sympathetic consideration may not be given to any further applications.
- 11.6 One previous application for same use at the Site was approved by the Committee in 2023 and 13 similar applications were approved by the Committee between 2021 and 2024. Approval of the current application is in line with the Committee’s previous decisions.
- 11.7 Regarding the public comments as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.6 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 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 three years until 11.4.2028. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of a revised 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 11.10.2025;
- (b) in relation to (a) above, the implementation of the revised 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 11.1.2026;

- (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 11.10.2025;
- (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 11.1.2026;
- (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 application site, including the removal of fill materials and hard paving and grassing of the application site 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 attachments received on 20.2.2025
Appendix Ia	FI received on 28.2.2025
Appendix Ib	FI received on 24.3.2025
Appendix II	Previous and 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	Site Layout Plan
Drawing A-3	Site Paving Plan
Drawing A-4	Drainage Proposal
Plan A-1	Location Plan with Previous and Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
APRIL 2025**