

**Section 16 Application for
Proposed Temporary Animal Boarding Establishment
for a Period of 5 Years and Filling of Land
at Lot 1185 S.E RP in D.D. 106,
Kam Tin South, Yuen Long, New Territories**

Planning Statement

Prepared by : PlanPlus Consultancy Limited

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Report : Version 1.0

EXECUTIVE SUMMARY

(In case of discrepancy between English and Chinese versions, English shall prevail)

This Planning Statement is submitted, on behalf of Foresight Development Limited (**“the Applicant”**), to the Town Planning Board (**“the Board”**) in support of a Section 16 planning application for Proposed Temporary Animal Boarding Establishment for a Period of 5 Years and Filling of Land (**“the Proposed Development”**) at Lot 1185 S.E RP in D.D. 106, Kam Tin South, Yuen Long (**“the Application Site”**).

The Application Site falls within “Agriculture” (**“AGR”**) Zone on the Approved Kam Tin South Outline Zoning Plan No. S/YL-KTS/15 (**“the OZP”**). According to the Notes of the OZP, ‘Animal Boarding Establishment’ is a Column 2 Use which requires planning permission from the Board. Filling of land to effect a change of use also requires planning permission from the Board. Therefore, a s.16 planning application is submitted.

The Application Site has an area of 1,513m². The Proposed Development is mainly for temporary animal boarding and has a total floor area of 288.92m² and a maximum building height of 5.5m. The area for filling of land is 1,001m².

The Proposed Development is fully supported by the planning justifications below:

- Not in conflict with the long-term planning intention of “AGR” zone;
- Filling of land is not excessive and can be justified;
- Minor changes in development parameters compared to the previously approved application;
- Similar approved applications for animal boarding establishment within the same “AGR” zone;
- Compatible with the surrounding land use and environment; and
- No adverse impacts on operational and technical aspects.

On the basis of the above justifications, we sincerely wish that the Board can give favourable consideration to this Application.

內容摘要

(如內文與其英文版本有差異，則以英文版本為準)

本規劃申請謹代表宙遠發展有限公司(下稱「申請人」)，根據《城市規劃條例》第16條，就新界元朗錦田南丈量約份第106約地段第1185號E分段餘段的用地，向城市規劃委員會(下稱「城規會」)申請作擬議臨時動物寄養所(為期五年)及進行填土工程(下稱「擬議發展」)。

申請地盤位於《錦田南分區計劃大綱核准圖編號S/YL-KTS/15》(下稱「核准圖」)上劃作「農業」地帶的範圍內。根據核准圖的《註釋》，「動物寄養所」屬「第二欄」用途，須向城規會申請規劃許可，而填土工程亦須向城規會取得許可。申請人遂向城規會遞交是次規劃申請。

申請地盤的面積為1,513平方米。擬議發展主要作臨時動物寄養之用，總樓面面積為288.92平方米，建築物高度不多於5.5米。填土的範圍為1,001平方米。

擬議發展具備充分的理據，包括以下規劃考量因素：

- 不違背核准圖上「農業」地帶的長期規劃意向；
- 填土的範圍不過量且合理；
- 與過往獲批申請相比，是次規劃申請的發展參數改動屬輕微；
- 在同一「農業」地帶內有類似的發展獲批給規劃許可；
- 與周邊土地用途及環境相協調；及
- 營運和技術層面上不會帶來不良影響。

基於上述規劃考量因素，懇請城規會委員給予考慮並批准是次規劃申請。

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1. INTRODUCTION

1.1 The Application

1.1.1 We are commissioned by Foresight Development Limited (“**the Applicant**”), to prepare and submit on their behalf this planning application to seek permission from the Town Planning Board (“**the Board**”) for Proposed Temporary Animal Boarding Establishment for a Period of 5 Years and Filling of Land (“**the Proposed Development**”) at Lot 1185 S.E RP in D.D.106, Kam Tin South, Yuen Long (“**the Application Site**”) under Section 16 of the Town Planning Ordinance (“**TPO**”).

1.1.2 The Application Site falls entirely within an area zoned “Agriculture” (“**AGR**”) on the approved Kam Tin South Outline Zoning Plan No. S/YL-KTS/15 (“**the OZP**”). As stipulated in the Schedule of Uses of “AGR” zone of the subject OZP, ‘Animal Boarding Establishment’ is a Column 2 Use which may be permitted on application to the Board. Filling of land to effect a change of use also requires permission from the Board. The subject application is therefore submitted for the Board’s consideration.

1.1.3 The Application Site is the subject of a previously approved application (“**the Previous Application**”) for the same use. Upon approval of the Previous Application on 1.6.2022, the approval conditions in relation to the submission and implementation of drainage proposal and the submission of fire service installations (“**FSI**”) proposal have been subsequently complied with (**Annexes 1 to 3**). Nevertheless, the Previous Application was revoked on 4.12.2023 due to non-compliance with approval conditions in relation to traffic run-in/out proposal and the implementation of FSI proposal. Details of the Previous Application are set out in **Section 3.2** below.

1.1.4 When compared with the Previous Application, the Gross Floor Area (“**GFA**”) of the current application has been slightly reduced to meet operational needs, while other major development parameters remain unchanged. To support the current application, the applicant also submitted an updated drainage proposal, FSI proposal and traffic run-in/out proposal, so as to demonstrate fully that the Proposed Development would not induce adverse impacts (**Annexes 4 to 6**).

1.2 Structure of the Planning Statement

1.2.1 In support of this planning application, this Planning Statement is divided into six chapters for the consideration of members of the Board.

1.2.2 **Chapter 1** provides an introduction outlining the purposes of the current application. **Chapter 2** gives background details of the Application Site in terms of the current land-use characteristics and the surrounding developments. **Chapter 3** provides details of the statutory planning context, previous applications and similar applications. **Chapter 4** explains the development proposal and various technical aspects of the proposed development. Planning justifications in support of the application are provided in **Chapter 5**, and a summary of the submission is provided in **Chapter 6**.

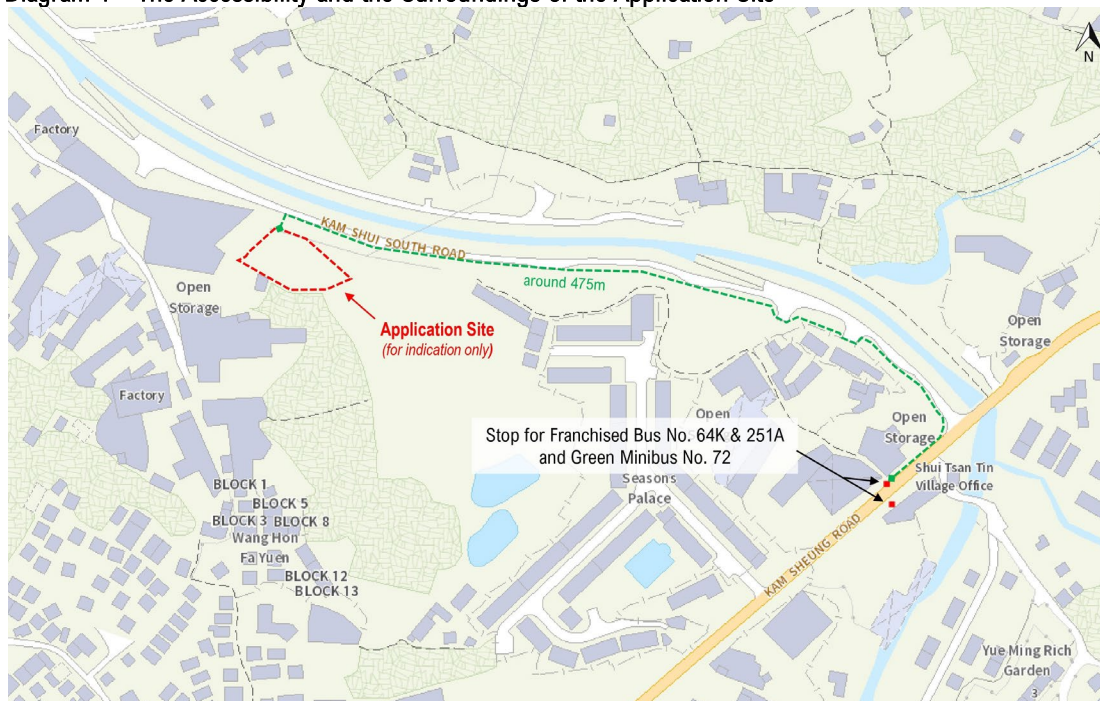
2. APPLICATION SITE AND SURROUNDINGS

2.1 Site Condition and Surroundings

2.1.1 The Application Site is in Kam Tin South, Yuen Long on Lot 1185 S.E RP in D.D. 106 (**Figure 1**). With a site area of 1,513m², the Site is currently paved and fenced, and part of which is covered by grass. It is currently in operation for the applied use under the Previous Application. The Site can be reached from Kam Shui South Road via a local access. There are adequate public transport services connecting to the Site within walkable distances, including franchised bus and green minibus routes (**Diagram 1**).

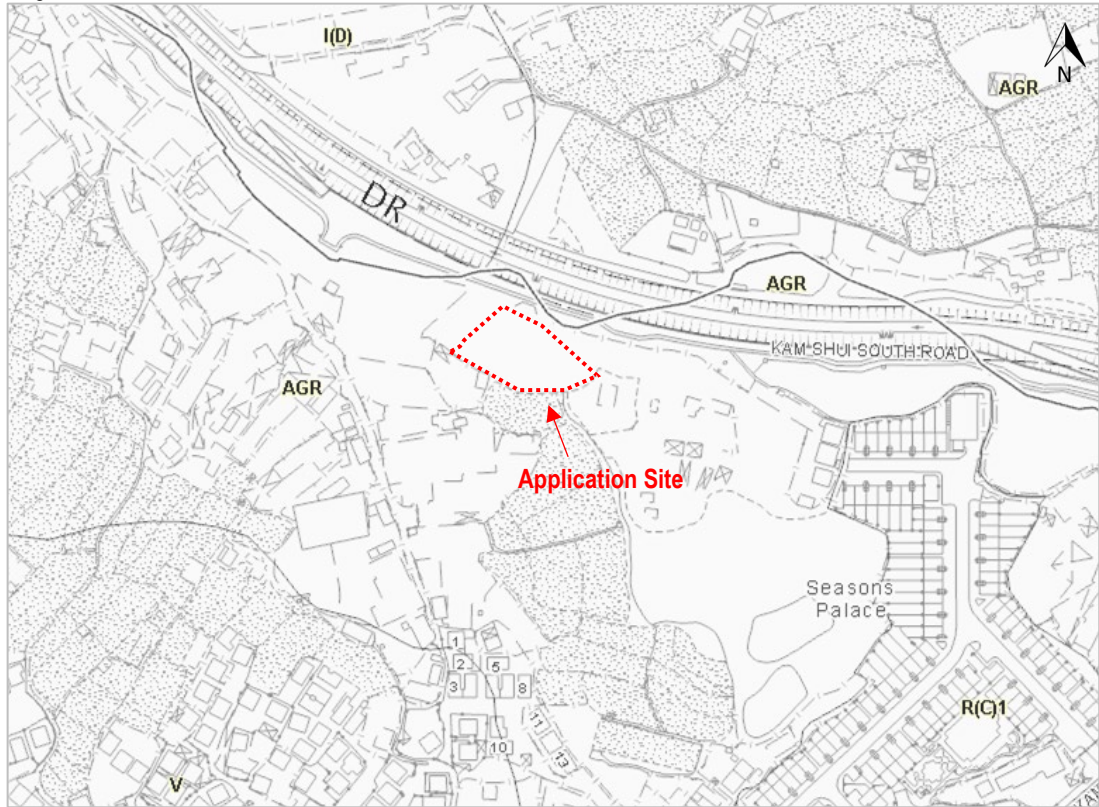
2.1.2 The surrounding areas of the Site have a predominantly rural character, with a mixture of open storage yards, residential dwellings/structures, village houses, fallow/cultivated agricultural land, plant nurseries, warehouses/godowns, workshops and vacant/unused land (**Diagram 1**).

Diagram 1 The Accessibility and the Surroundings of the Application Site



2.1.3 The Application Site falls entirely within an area zoned “AGR” on the OZP (**Diagram 2**). To the further southeast and southwest of the Application Site respectively are a “Residential (Group C)1” zone (i.e. Seasons Palace) and a “Village Type Development” zone on the same OZP. To the further north across Kam Shui South Road are “AGR” and “Industrial (Group D)” zones on the Approved Shek Kong Outline Zoning Plan No. S/YL-SK/9.

Diagram 2 Extract of the OZP Concerned



3. PLANNING CONTEXT

3.1 Statutory Planning Context

3.1.1 The Application Site falls entirely within an area zoned “Agriculture” (“AGR”) on the approved Kam Tin South OZP No. S/YL-KTS/15, which is intended “*primarily to retain and safeguard good quality agricultural land/farm/fishponds for agricultural purposes*”, and to “*retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes*”. The Explanatory Statement of the OZP also states that “*as filling of land may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities*”.

3.1.2 As stipulated in the Schedule of Uses of “AGR” zone of the OZP, ‘Animal Boarding Establishment’ is a Column 2 Use which may be permitted on application to the Board. Filling of land within ‘AGR’ zone also requires planning permission from the Board.

3.2 Previous Planning Applications

3.2.1 The Application Site is the subject of a previously approved application, i.e. No. A/YL-KTS/919 (“**the Previous Application**”) for the same use. It was submitted by a different applicant and was approved by the Board with conditions on 1.6.2022. As part of the approval conditions of the Previous Application, the submission and implementation of drainage proposal, as well as the submission of FSI approval have been complied with between March 2023 to December 2023. Nevertheless, it was revoked on 4.12.2023 due to non-compliance with approval conditions in relation to submission and implementation of traffic run in/out proposal and the implementation of FSI proposal. Details of compliance with approval conditions of the Previous Application are shown in **Table 1** below:

Table 1 Details of Compliance with Approval Conditions of the Previous Application

Approval Conditions of Application No. A/YL-KTS/919		Date of Compliance
(d)	The submission of run-in/out proposal	<u>Not</u> complied with
(e)	The implementation of run-in/out proposal	<u>Not</u> complied with
(f)	The submission of drainage proposal	30.3.2023
(g)	The implementation of drainage proposal	17.8.2023
(i)	The submission of fire service installations proposal	13.12.2023
(j)	The implementation of fire service installations proposal	<u>Not</u> complied with

3.3 Similar Planning Applications

3.3.1 A total of 8 similar applications for 'Animal Boarding Establishment' have been approved within the same "AGR" zone in the vicinity of the Site, as shown in **Table 2** below:

Table 2 Approved Similar Applications within the Same "AGR" Zone

No.	Application No.	Applied Use	Decision by Town Planning Board
1	A/YL-KTS/480	Proposed Animal Boarding Establishment	Approved with condition(s) on a temporary basis for a period of 3 years on 18.12.2009
2	A/YL-KTS/532	Temporary Animal Boarding Establishment for a Period of 3 Years	Approved with condition(s) on a temporary basis on 15.4.2011
3	A/YL-KTS/633	Renewal of Planning Approval for Temporary Animal Boarding Establishment for a Period of 3 Years	Approved with condition(s) on a temporary basis on 21.3.2014
4	A/YL-KTS/780	Proposed Temporary Animal Boarding Establishment for a Period of 3 Years	Approved with condition(s) on a temporary basis on 4.5.2018
5	A/YL-KTS/789	Proposed Temporary Animal Boarding Establishment for a Period of 3 Years	Approved with condition(s) on a temporary basis on 2.11.2018
6	A/YL-KTS/807	Temporary Animal Boarding Establishment for a Period of 3 Years	Approved with condition(s) on a temporary basis on 22.3.2019
7	A/YL-KTS/877	Proposed Temporary Animal Boarding Establishment for a Period of 5 Years	Approved with condition(s) on a temporary basis on 12.3.2021
8	A/YL-KTS/906	Proposed Temporary Animal Boarding Establishment (Cattery) for a Period of 3 Years and Filling of Land	Approved with condition(s) on a temporary basis on 12.11.2021

4. DEVELOPMENT PROPOSAL

4.1 Development Scheme

4.1.1 With reference to the Layout Plan in **Figure 2**, The Proposed Development covers a total area of 1,513m² with a total GFA of 288.92m². A total of nine 1-storey structures with a maximum building height (“BH”) of 5.5m are proposed, including an indoor animal boarding facility, two site offices, a resting room, two containers as storage spaces and three mobile toilets. Details of the development parameters are shown in **Table 3**.

4.1.2 The western portion of the Application Site, covering an area of 1,001m², shall be filled with concrete of not more than 0.2m in depth, for site formation of the proposed structures and circulation of light goods vehicle (“LGV”) (**Figure 4**), leading to an increase of site level from +13.5mPD to +13.7mPD. The filled land can stabilise the soil ground, prevent erosion from surface run-off and provide ground reinforcement to withstand heavy loads of structures and vehicles. The Site will be landscaped, apart from the run-in/out area.

4.1.3 The proposed development parameters under the current application are very much similar to that of the previously approved application. While there is a decrease in total GFA (from 387.52m² to 288.92m²) and minor adjustment of internal transport facilities provisions for meeting operational needs, other major development parameters including site area, BH, number of structures and number of storeys remain unchanged (**Table 3** refers).

Table 3 Major Development Parameters

Major Development Parameters	Previous Application (A/ YL-KTS/919) (a)	Current Application (b)	Difference (b)-(a)
Site Area	1,513m ²	1,513m ²	No change
Total GFA	387.52m ²	288.92m ²	-98.6m ²
BH	Max. 5.5m	Max. 5.5m	No change
No. of Structures	9	9	No change
No. of Storey(s)	1	1	No change
No. of LGV Parking Spaces (6m x 3.5m)	1	3 (CP1-3 on Fig. 2)	+2
No. of Loading/Unloading Spaces for LGV (6m x 3.5m)	2	-	-2

4.2 Operational Arrangements

4.2.1 A maximum of 15 cats and/or dogs will be accommodated in the Proposed Development and confined by a 2m boundary fencing. The operation hours are between 9am and 7pm daily. All animal activities will be kept within the indoor animal facility installed with soundproofing materials and provided with mechanical ventilation and air-conditioning system. No announcement system, whistle blowing or any form of audio amplification system will be used; and no quarantine station or quarantine lairage for animals will be provided at the Application Site. Visitors, including walk-in visitors, will not be allowed to visit the Site. The operator is responsible for pick-up and delivery of animals to visitors directly.

4.3 Traffic Arrangements

- 4.3.1 The Application Site has direct access to Kam Shui South Road to the north through an ingress/egress of approximately 4.5m wide (Figure 2). Pedestrians and vehicles share the same access.
- 4.3.2 A total of 3 LGV parking spaces are provided and they are mainly used by company vehicles in support of the staff’s commuting needs and small-scale operational needs such as transporting pet food. Adequate manoeuvring space is ensured to facilitate smooth vehicle turning (Figure 3a to 3c). In particular, the swept path analysis of the traffic run-in/out proposal demonstrates the feasibility of manoeuvring by a 7m LGV, such that entering the Site from Kam Shui South Road westbound is possible (Figure A of Annex 6).
- 4.3.3 With sufficient internal transport facilities provision, no queuing back and reversing of vehicles onto Kam Shui South Road is anticipated. Medium/heavy goods vehicles will be restricted from the Application Site. As the Application Site is already in operation for the applied use, any transfer of construction materials to the Site shall not be anticipated; hence, loading/unloading bays for vehicles are not provided.
- 4.3.4 The estimated peak hour traffic attraction and generation from the Proposed Development are minimal, as shown in Table 4. Thus, no adverse impact on Kam Sheung Road is anticipated.

Table 4 Estimated Peak Hour Traffic Generation and Attraction

Type of Vehicles	Peak Hour Traffic Generation Rate	Peak Hour Traffic Attraction Rate
Light Goods Vehicle	max. 3 vehicles per hour	max. 3 vehicles per hour

4.4 Drainage Arrangements

- 4.4.1 As detailed in the drainage proposal (Annex 4), stormwater running through and generated within the Application Site will be drained off through internal drainage facilities (including peripheral surface channels and catchpits) and discharged to the existing public drainage inlet structure to the north of the Application Site along Kam Shui South Road. The drainage facilities proposed are only for draining surface runoff within the Application Site.

4.5 Environmental Arrangements

- 4.5.1 The ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storages Sites’ issued by the Environmental Protection Department and Water Pollution Control Ordinance will be strictly followed to minimise adverse environmental impacts and nuisances to the surrounding area.
- 4.5.2 Sewage generated from toilets shall be collected by specialist contractors for disposal on a regular basis. The Professional Persons Environmental Consultative Committee Practice Notes for sewerage treatment at the Application Site will also be followed.

5. PLANNING JUSTIFICATIONS

5.1 Not in Conflict with the Long-Term Planning Intention of “AGR” Zone

5.1.1 The Application Site falls within the “AGR” zone, which is intended primarily to retain and safeguard good quality agricultural land/farm/fishponds for agricultural purposes. ‘Animal Boarding Establishment’ is a Column 2 Use which may be permitted subject to consideration from the Board.

5.1.2 The Proposed Development is temporary in nature and will not jeopardise the long-term planning intention of the “AGR” zone. Long-term planning consequences for such temporary use can be considered negligible.

5.2 Filling of Land Is Not Excessive and Can Be Justified

5.2.1 The proposed filling of land, with a depth of 0.2m, is for site formation of structures and vehicle manoeuvring purposes to stabilise soil ground and prevent erosion from surface run-off. The ground can be reinforced to withstand heavy loads of structures and vehicles. The extent of filling of land has been kept minimal to meet the basic operational needs of the proposed development.

5.3 Minor Changes in Development Parameters Compared to the Last Approved Planning Application

5.3.1 The Application Site is subject to a previous application for the same use that had been approved by the Board. Compared with the Previous Application (No. A/YL-KTS/919) (Table 3 in Section 4.1 refers), even though there is a decrease in total GFA (-98.6m²) and minor adjustment of internal transport facilities provisions in the current application, other major development parameters, including site area, BH, number of structures, number of storeys, remain unchanged.

5.4 Similar Approved Applications for Animal Boarding Establishment within the Same “AGR” Zone

5.4.1 A total of 8 similar applications for ‘Animal Boarding Establishment’ have been approved by the Board on a temporary basis within the same “AGR” zone in the vicinity of the Site (Table 2 in Section 3.3 refers). Approval of the current application would not set an undesirable precedent within the same “AGR” zone.

5.5 Compatible with the Surrounding Land Use and Environment

5.5.1 The Proposed Development is compatible with the surrounding land uses and development density. The applied small-scale operation of animal boarding establishment is not in conflict with the rural uses of open storage and rural factories in the vicinity. The proposed maximum BH of 5.5m is not excessive with reference to nearby temporary structures and village houses.

5.6 No Adverse Impacts on Operational and Technical Aspects

5.6.1 The Proposed Development shall ensure good management during operation. All cats and/or dogs will be kept in enclosed structures at all times with appropriate noise mitigation measures. Sewage generated will be properly treated. Relevant practice notes and guidelines will be strictly followed to minimise adverse environmental impacts and nuisances to the surrounding area.

5.6.2 The Proposed Development shall not pose adverse impacts on technical aspects. While the accepted submission and implementation of the drainage proposal, as well as the accepted submission of FSI proposal from the Previous Application (Annexes 1 to 3) have sufficiently proved its technical feasibility in

drainage and fire safety terms, the current application is further supplemented by submissions of the most updated drainage proposal, FSI proposal and traffic run-in/out proposal (**Annexes 4 to 6**), which demonstrate that adverse technical impacts shall not be anticipated with the provision of adequate mitigation measures.

6. CONCLUSION

6.1.1 This Planning Statement is submitted to the Board in support of the Proposed Temporary Animal Boarding Establishment for a Period of 5 Years and Filling of Land at Lot 1185 S.E RP in D.D. 106, Kam Tin South, Yuen Long. This Planning Statement serves to provide background information and planning justifications in support of the Proposed Development.

6.1.2 As detailed in the previous chapters, the Proposed Development is well-justified on the grounds that:

- It is not in conflict with the planning intention of the “AGR” zone of the OZP;
- The proposed filling of land is not excessive and can be justified;
- The changes in development parameters as compared to the previously approved application are minor;
- A number of similar applications for animal boarding establishment within the same “AGR” zone have been approved;
- It is compatible with the surrounding land uses and environment; and
- It will not induce adverse impacts from operational and technical aspects.

6.1.3 In view of the above and the detailed planning justifications in this Planning Statement, we respectfully request the Board Members to give favourable consideration to this planning application.

July 2024
PlanPlus Consultancy Limited