

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-KTN/1058**

<b><u>Applicant</u></b>	: Daniel The Dog International Company represented by Goldrich Planners and Surveyors Limited
<b><u>Site</u></b>	: Lots 1486 (Part), 1489 (Part), 1493 (Part) and House Lot Block (Part) in D.D.107 and Adjoining Government Land (GL), Kam Tin, Yuen Long, New Territories
<b><u>Site Area</u></b>	: About 5,440m <sup>2</sup> (including 1,853m <sup>2</sup> of GL (about 34%))
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11
<b><u>Zoning</u></b>	: “Agriculture” (“AGR”)
<b><u>Application</u></b>	: Temporary Animal Boarding Establishment with Ancillary Facilities for a Period of Five Years and Associated Filling of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary animal boarding establishment with ancillary facilities for a period of five years and associated filling of land at the application site (the Site), which falls within an area zoned “AGR” on the OZP (**Plan A-1a**). According to the Notes of the OZP for the “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, fenced-off and used for the applied use with some temporary structures without valid planning permission (**Plans A-2 to A-4b**).
- 1.2 The Site is accessible from Shui Mei Road via a local track (**Plans A-1a, A2 and A-3**). According to the applicant, the applied use involves 25 single-storey structures with heights ranging from 2.1m to 8m and a total floor area of about 2,007.7m<sup>2</sup> for animal boarding facilities, ancillary office, toilet and open sheds. Two pet swimming pools are also provided within the Site. The applicant also applies for regularisation of filling of land for the entire Site with concrete of not more than 0.2m in depth (to a level at about 4.2mPD) for site formation (**Drawing A-2**). 51 trees within or adjoining the Site are identified including two fallen trees due to typhoon. The existing 49 trees will be retained in-situ and two compensatory trees are proposed to be planted within the Site. Two parking

spaces for private car are provided at the Site. The applied use will accommodate about 30 dogs, and all dogs will be kept inside enclosed structures built with soundproofing materials and equipped with mechanical ventilation and air conditioning systems after operation hours. No public announcement systems, whistle blowing or portable loudspeaker will be used at the Site. The operation hours will be between 9:00 a.m. and 7:00 p.m. daily except for overnight animal boarding services, including Sundays and public holidays. Plans showing the site layout and land filling area submitted by the applicant are on **Drawings A-1** and **A-2** respectively.

- 1.3 The Site is involved in eight previously approved applications (details at paragraph 5 below) for animal boarding establishment including three applications (No. A/YL-KTN/489, 639 and 724) submitted by the same applicant as the current application. The last application No. A/YL-KTN/724 was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in October 2020, and the planning permission was subsequently revoked due to non-compliance with approval conditions related to implementation of the fire service installations (FSIs) proposal and submission of records of the existing drainage facilities on the Site. A comparison of major development parameters of the current application and the last application is summarised as follows:

<b>Major Development Parameters</b>	<b>Last Approved Application No. A/YL-KTN/724 (a)</b>	<b>Current Application (b)</b>	<b>Differences (b)-(a) (% change)</b>
Site Area	5,670m <sup>2</sup>	5,440m <sup>2</sup>	-230m <sup>2</sup> (-4.1%)
Total Floor Area	1,859m <sup>2</sup>	2,007.7m <sup>2</sup>	+148.7m <sup>2</sup> (+8%)
Site Coverage	32.8%	36.9%	+4.1% (+12.5%)
No. of Structures	18	25	+7 (+38.9%)
No. of Storeys	1	1	No change
Building Height	Not more than 5.2m	Not more than 8m	+2.8m (+53.8%)
Parking Space for Private Cars	2	2	No change

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

- (a) Application Form with attachments received on 9.10.2024 (**Appendix I**) and 16.10.2024
- (b) Further Information (FI) received on 14.1.2025\* (**Appendix Ia**)
- (c) FI received on 16.4.2025# (**Appendix Ib**)
- (d) FI received on 14.5.2025\* (**Appendix Ic**)

\* accepted and exempted from publication and recounting requirements

# accepted but not exempted from publication and recounting requirements

- 1.5 On 6.12.2024 and 14.3.2025, the Committee 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 and FIs at **Appendices I to Ic**, and can be summarised as follows:

- (a) The applied use can meet the large demand for animal boarding services in the area. The Site is involved in eight previously approved applications for the same applied use and there were approved similar applications in the vicinity. The temporary use under the application would not frustrate the long-term planning intention of the “AGR” zone. The applied use is not incompatible with the surrounding land uses and adverse impacts generated from the applied use are not anticipated.
- (b) In support of the application, the applicant has submitted a proposal and a set of Certificates of FSI and Equipment (FS251) for the implemented FSIs, the as-built drainage plan and records of the implemented drainage facilities.

## **3. Compliance with the ‘Owner’s Consent/Notification’ Requirements**

The applicant is not a ‘current land owner’ but has complied with the requirement 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 notice to the Kam Tin Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the ‘Owner’s Consent/Notification’ Requirements’ are not applicable.

## **4. Background**

The Site is currently subject to an on-going planning enforcement action (No. E/YL-KTN/683) against an unauthorized development (UD) involving use for place for animal boarding establishment. Enforcement Notice was issued on 4.12.2024 to the concerned parties requiring discontinuation of the UD. Site inspection on 12.5.2025 revealed that the UD was still continued upon expiry of the notice. The Planning Authority is considering to instigate prosecution action.

## **5. Previous Applications**

- 5.1 The Site is involved in eight previous applications, all covering larger areas, for animal boarding establishment (three with permissions granted on temporary basis instead of permanent permission sought; and five seeking temporary approval including one renewal of temporary approval granted). Five of these applications were submitted by different applicants and the remaining three (No. A/YL-KTN/489, 639 and 724) were submitted by the same applicant as the current application. All these applications were approved with conditions by the

Committee between 2005 and 2020 mainly on the considerations that the applied use on a temporary basis would not frustrate the long-term planning intention or could be tolerated; the applied use was not incompatible with the surrounding land uses; and the relevant government departments consulted generally had no adverse comments or the concerns could be addressed by approval conditions.

- 5.2 Except for applications No. A/YL-KTN/251 and 489, all the planning permissions were subsequently revoked between 2006 and 2023 due to non-compliance with approval conditions. In particular, the planning permissions under applications No. A/YL-KTN/639 and 724, which were submitted by the same applicant as the current application, were revoked due to non-compliance with the approval conditions related to implementation of FSIs proposal and submission of records of the existing drainage facilities on the Site.
- 5.3 Compared with the last approved application No. A/YL-KTN/724, the current application involves changes to site area, total floor area, site coverage, number of structures and building height as mentioned in paragraph 1.3 above.
- 5.4 Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1b**.

## **6. Similar Applications**

- 6.1 There are 14 similar applications for temporary animal boarding establishment (including 12 with filling of land) within the same “AGR” zone in the vicinity of the Site in the past five years. All these applications were approved with conditions by the Committee between 2020 and 2025 mainly on the similar considerations as stated in paragraph 5.1 above. Details of the similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1a**.
- 6.2 A similar application No. A/YL-KTN/1075 for temporary animal boarding establishment with associated filling of land within the same “AGR” zone will be considered at the same meeting (**Plan A-1a**).

## **7. The Site and Its Surrounding Areas (Plans A-1a to A-4b)**

- 7.1 The Site is:
  - (a) hard-paved, fenced-off and used for the applied use with some temporary structures without valid planning permission; and
  - (b) accessible from Shui Mei Road via a local track.
- 7.2 The surrounding areas are rural in character with an intermix of recreation centres, parking of vehicles, residential structures, ponds and vacant land. To the further south across Shui Mei Road is a nullah.

## **8. Planning Intention**

- 8.1 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.
- 8.2 According to the Explanatory Statement of the OZP for the “AGR” zone, as filling of land may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

## **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, if any, are provided in **Appendices III** and **IV** respectively.
- 9.2 The following government department has adverse comments on the application:

### **Land Administration**

Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) has adverse comments on the application;
- (b) the Site comprises GL, House Lot Block and Old Schedule Agricultural Lots No. 1486, 1489 and 1493 all in D.D. 107 held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
- (c) Lot No. 1493 in D.D. 107 and the GL under the current application are covered by Short Term Waiver (STW) No. 4004 and Short Term Tenancy (STT) No. 2819 respectively for the purpose of “Temporary Animal Boarding Establishment with Ancillary Facilities”;
- (d) LandsD has reservation on the current application since there is/are unauthorised structure(s) and/or uses on Lot No. 1486 in D.D. 107 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;
- (e) if the planning application is approved, the STW and STT holders will need to apply to his office for modification of the STW and STT conditions where appropriate and the lot owner(s) shall apply to this office for a STW to permit the structure(s) erected within Lot Nos. 1486 and 1489 in D.D. 107. 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 they 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 the applied use is temporary in nature, only erection of temporary structure(s) will be considered; and

#### **10. Public Comments Received During Statutory Publication Periods**

On 18.10.2024 and 2.5.2025, the application and FI were published for public inspection. During the statutory public inspection periods, two public comments were received from the same individual objecting to the application mainly on the grounds that the application is intended for brownfield operation and the approval conditions under the previous applications have not been complied with (**Appendix V**).

#### **11. Planning Considerations and Assessments**

- 11.1 The application is for temporary animal boarding establishment with ancillary facilities for a period of five years and associated filling of land at the Site zoned “AGR” (**Plan A-1a**). Whilst the applied 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 on the application from agricultural perspective. Taking into account the planning assessments below, there is no objection to the applied use on a temporary basis of five years with associated filling of land.
- 11.2 Filling of land in the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the surrounding areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) and Director of Environmental Protection have no objection to the application from public drainage and environmental planning 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 applied use is considered not incompatible with the surrounding areas which are rural in character with an intermix of recreation centres, parking of vehicles, residential structures, ponds and vacant land. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no objection to the application from landscape planning perspective considering that two new trees are proposed to be planted within the Site to compensate for the fallen trees for upkeeping the landscape quality of the Site and significant adverse landscape impact arising from the applied use is not anticipated. Regarding DLO/YL, LandsD’s concern on the unauthorised structures and uses on the private lot of the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.4 Other relevant government departments consulted, including the Commissioner for Transport and Director of Fire Services (D of FS), have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in

paragraph 12.2 below. It is also recommended to advise the applicant to follow the revised 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' to minimise any potential environmental nuisance caused by the applied use.

- 11.5 The Site is involved in eight previously approved applications for the same applied use, including three (No. A/YL-KTN/489, 639 and 724) submitted by the same applicant as the current application as detailed in paragraphs 5.1 and 5.2 above. Whilst the planning permissions under applications No. A/YL-KTN/639 and 724 were revoked due to non-compliance with the approval conditions related to implementation of FSIs proposal and submission of drainage records which resulted in two consecutive revocations, in support of the current application, the applicant has submitted a proposal and the fire certificates on the implemented FSIs, the as-built drainage plan and records of the implemented drainage facilities, which are considered acceptable by D of FS and CE/MN, DSD respectively. In this regard, sympathetic consideration may be given to the current application. Should the application be approved by the Committee, the applicant will be advised that should he fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration would not be given to any further application.
- 11.6 There are 14 approved similar applications within the same "AGR" zone in the vicinity of the Site in the past five years as mentioned in paragraph 6.1 above. Approving the current application is in line with the Committee's previous decisions.
- 11.7 Regarding the public comments concerning that the application is intended for brownfield operation as mentioned in paragraph 10, any unauthorized development on the Site would be subject to planning enforcement action. Besides, the departmental comments and planning assessments above are also relevant.

## **12. Planning Department's View**

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 above, PlanD 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 6.6.2030. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval conditions

- (a) the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (b) the implemented fire service installations on the site should be maintained in efficient working order at all times during the planning approval period;

- (c) if any of the above planning condition (a) or (b) 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;
- (d) upon expiry of the planning permission, the reinstatement of the site, including the removal of hard paving and fill materials 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 IV**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applied use with associated filling of land is not in line with the planning intention of the "AGR" 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 given in the submission for a departure from the 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**

<b>Appendix I</b>	Application Form with attachments received on 9.10.2024 and 16.10.2024
<b>Appendix Ia</b>	FI received on 14.1.2025
<b>Appendix Ib</b>	FI received on 16.4.2025
<b>Appendix Ic</b>	FI received on 14.5.2025
<b>Appendix II</b>	Previous and similar applications
<b>Appendix III</b>	Government departments' general comments
<b>Appendix IV</b>	Recommended advisory clauses



<b>Appendix V</b>	Public comments
<b>Drawing A-1</b>	Site layout plan
<b>Drawing A-2</b>	Land filling plan
<b>Plan A-1a</b>	Location plan
<b>Plan A-1b</b>	Previous application plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plan A-4a and A-4b</b>	Site photos

**PLANNING DEPARTMENT  
JUNE 2025**