

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

**APPLICATION NO. A/YL-KTN/1075**

|                           |  |
|---------------------------|--|
| <b><u>Applicant</u></b>   | : Mr. TANG Wing Yat Tommy  |
| <b><u>Site</u></b>        | : Lot 1142 (Part) in D.D 109, Kam Tin, Yuen Long, New Territories  |
| <b><u>Site Area</u></b>   | : About 921.8m <sup>2</sup>  |
| <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> | : Proposed 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 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), which falls within an area zoned “AGR” on the OZP (**Plan A-1**). 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 formed, fenced-off, partly vacant and partly used for open storage of construction machineries and materials without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Chi Ho Road via local tracks (**Plans A-1 to A-3**). According to the applicant, the proposed use involves two single-storey structures with heights of not more than 4m and a total floor area of about 297m<sup>2</sup> for animal boarding facility and ancillary office (**Drawing A-1**). The applicant also applies for proposed filling of land for the entire Site with concrete of not more than 0.3m in depth (to a level of not more than 8.4mPD) for site formation and vehicular circulation (**Drawing A-2**). Peripheral fencing along the site boundary will be erected to minimise environmental nuisance. Three parking spaces for private car and two loading/unloading spaces for light goods vehicle will be provided at the Site. The proposed use will accommodate not more than 26 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 whistle blowing or audio amplification system will be used

at the Site. The operation hours will be between 8:00 a.m. and 6:00 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 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with attachments received on 17.12.2024 (**Appendix I**)
- (b) Further Information (FI) received on 27.12.2024\* (**Appendix Ia**)
- (c) FI received on 11.4.2025<sup>#</sup> (**Appendix Ib**)

*\* accepted and exempted from publication and recounting requirements*

*<sup>#</sup> accepted but not exempted from publication and recounting requirements*

1.4 On 14.2.2025, 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**, and can be summarised as follows:

- (a) The proposed use, which will be non-profit in nature, is intended to accommodate stray dogs. The temporary use under the application would not frustrate the long-term planning intention of the “AGR” zone. The proposed use is not incompatible with the surrounding environment and there was similar application approved in the vicinity of the Site.
- (b) The proposed filling of land is necessary to meet the operational needs. Sufficient space will be provided for vehicle manoeuvring within the Site and the proposed use will generate infrequent trips. The proposed use will not induce adverse impacts on the surrounding areas. In support of the current application, the applicant has submitted drainage and fire service installations proposals.

## **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 Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Background**

The Site is currently subject to an on-going planning enforcement action (No. E/YL-KTN/728) against an unauthorized development (UD) involving storage use.

Enforcement Notice was issued on 29.5.2025 to the concerned parties requiring discontinuation of the UD.

## **5. Previous Application**

There is no previous application involving the Site.

## **6. Similar Applications**

- 6.1 There are 22 similar applications for temporary animal boarding establishment (including 19 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 considerations that the proposed/applied use on a temporary basis would not frustrate the long-term planning intention or could be tolerated; the proposed/applied use was not incompatible with the surrounding land uses; and the relevant government departments consulted generally had no adverse comment or the concerns could be addressed by approval conditions. Details of the similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.
- 6.2 A similar application No. A/YL-KTN/1058 for temporary animal boarding establishment with associated filling of land within the same “AGR” zone will be considered at the same meeting (**Plan A-1**).

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

- 7.1 The Site is:
- (a) formed, fenced-off, partly vacant and partly used for open storage of construction machineries and materials without valid planning permission; and
  - (b) accessible from Chi Ho Road via local tracks.
- 7.2 The surrounding areas are rural in character with an intermix of open storage/storage yards, residential structures, hobby farm, plant nursery, farmland, woodland, grassland and vacant land.

## **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**

All government 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 at **Appendices III** and **IV** respectively.

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

On 24.12.2024 and 25.4.2025, the application and FI were published for public inspection. During the statutory public inspection periods, four public comments including two from Kadoorie Farm and Botanic Garden and two from the same individual were received, all objecting to the application mainly on the grounds that the application is intended for brownfield operation and the proposed use is not in line with the planning intention of the “AGR” zone (**Appendix V**).

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

- 11.1 The application is for proposed 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-1**). Whilst the proposed 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 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 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 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 proposed use is considered not incompatible with the surrounding land uses which are rural in character with an intermix of open storage/storage yards, residential structures, hobby farm, plant nursery, farmland, woodland, grassland and vacant land. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective considering that significant adverse landscape impact is not anticipated.

- 11.4 Other relevant government departments consulted, including the Commissioner for Transport and Director of Fire Services, 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 proposed use.
- 11.5 There are 22 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.
- 11.6 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 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 6.12.2025;
- (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 6.3.2026;
- (c) in relation to (b) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) the submission of a revised 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 6.12.2025;
- (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 6.3.2026;

- (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 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 proposed 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**

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|--------------------|--|
| <b>Appendix I</b>  | Application Form with attachments received on 17.12.2024 |
| <b>Appendix Ia</b> | FI received on 27.12.2024                                |
| <b>Appendix Ib</b> | FI received on 11.4.2025                                 |

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|---------------------|--|
| <b>Appendix II</b>  | 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-1</b>     | Location plan                            |
| <b>Plan A-2</b>     | Site plan                                |
| <b>Plan A-3</b>     | Aerial photo                             |
| <b>Plan A-4</b>     | Site photos                              |

**PLANNING DEPARTMENT  
JUNE 2025**