

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1131

<u>Applicant</u>	: Mr. LEUNG Tsun Kit, Jacky represented by Mr. LEUNG Kin Kwong
<u>Site</u>	: Lots 4 (Part), 5 S.AP and 5 S.BA in D.D. 110, Tai Kong Po, Kam Tin, Yuen Long, New Territories
<u>Site Area</u>	: About 86m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11
<u>Zoning</u>	: “Agriculture” (“AGR”)
<u>Application</u>	: Temporary Animal Boarding Establishment and Associated Filling of Land for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary animal boarding establishment and associated filling of land for a period of three years 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 hard-paved, erected with a two-storey structure and occupied by the applied use without valid planning permission (**Plans A-2** and **A-4**).
- 1.2 The Site is accessible from Kong Tai Road via a local track (**Plans A-1** to **A-3**). According to the applicant, the applied use involves a two-storey structure with a height of not more than 6.5m and a total floor area of about 110m² for cattery, caretaker’s office and covered parking space (**Drawing A-1**). The applicant also applies for regularisation of filling of land for the entire site with concrete of not more than 0.5m in depth (to a level of not more than 16.4mPD) for site formation and vehicular circulation (**Drawing A-2**). One covered parking space for private car will be provided at the Site. The applied use will accommodate not more than six cats, and all cats will be kept inside the enclosed structure built with soundproofing materials and equipped with mechanical ventilation and air conditioning systems. No cat and staff will stay at the Site after operation hours. No public announcement system, portable loud speaker or any form of audio amplification system, and any domestic use will be involved. The proposed

operation hours will be between 9:00 a.m. and 7:00 p.m. daily, 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 three previous applications for temporary animal boarding establishment (details at paragraph 5 below), including the last application No. A/YL-KTN/828 which was a renewal application submitted by the same applicant approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2022, and the planning permission lapsed on 25.6.2025. Compared with the last application, the current application is the same in terms of site area/boundary, layout and building height but with an increase in total floor area from 55m² to 110m² (+55m² or +100%) to rectify the countable floor area of the erected two-storey structure which was not fully reflected in the previous applications.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 10.6.2025 (**Appendix I**)
 - (b) Further Information (FI) received on 9.7.2025* (**Appendix Ia**)
 - (c) FI received on 18.7.2025* (**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**, and can be summarised as follows:

- (a) The applied use is intended to meet the need for day services of cattery. It is non-profit in nature and application to the Agriculture, Fisheries and Conservation Department for boarding establishment licence is not required. The temporary nature of the applied use would not frustrate the long-term planning intention of the “AGR” zone. The applied use is not incompatible with the surrounding environment and there were similar applications approved in the vicinity of the Site.
- (b) The applied use will generate infrequent trips. Adverse traffic, landscape and environmental impacts are not anticipated.
- (c) All the approval conditions under the previous application were complied with. The current fresh application is submitted to rectify the countable floor area of the existing structure which was not fully reflected in the previous applications. In support of the current application, the applicant has submitted record of existing drainage facilities and certificate of fire service installations and equipment (FS 251).
- (d) Regarding the Lands Department (LandsD)’s concern on lease breaches at the Site, the applicant will take appropriate follow-up actions including modification and submission of Short Term Waiver (STW) applications to LandsD upon approval of the current application.

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

The applicant is one of the ‘current land owners’ and 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 not subject to any active planning enforcement action. The Site was previously covered by a planning permission (No. A/YL-KTN/828) for renewal of planning approval for temporary animal boarding establishment, which lapsed on 24.6.2025. Subject to collection of sufficient evidence, appropriate enforcement action under the Town Planning Ordinance would be undertaken.

5. Previous Applications

The Site is involved in three previous applications (No. A/YL-KTN/519, 652 and 828) for temporary animal boarding establishment (including two renewals of temporary approval). The two renewal applications No. A/YL-KTN/652 and 828 were submitted by the same applicant as the current application. All these applications were approved with conditions by the Committee between 2016 and 2022 mainly on the considerations that the proposed/applied use on a temporary basis would not frustrate the long-term planning intention; the proposed/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. Compared with the last approved application No. A/YL-KTN/828, the current application is the same in terms of site area/boundary, layout and building height but has an increase in total floor area as mentioned in paragraph 1.3 above. Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

6. Similar Applications

There are 25 similar applications for temporary animal boarding establishment (including two renewals and 16 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 2024 on the similar considerations as mentioned in paragraph 5 above. Details of the similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) hard-paved, erected with a two-storey structure and occupied by the applied use without valid planning permission; and
- (b) accessible from Kong Tai Road via a local track.

7.2 The surrounding areas are rural in character with an intermix of animal boarding establishments, hobby farms, residential structures, open storage/storage yards, vehicle repair workshop, vacant land and woodland.

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 comment on the application:

Land Administration

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

- (a) has adverse comment on the application;
- (b) the Site comprises Old Schedule Agricultural Lots No. 4, 5 S.AP and 5 S.BA all in D.D. 110 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. 5 S.AP in D.D. 110 is covered by STW No. 4851 for the purpose of temporary animal boarding establishment (cattery);
- (d) LandsD has reservation on the application since there is/are unauthorized structure(s) and use(s) on Lot No. 4 in D.D. 110 covered by the application

which 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; and

- (e) if the planning application is approved, the STW holder(s) will need to apply to his office for modification of the STW conditions where appropriate and the lot owner(s) shall apply to his office for an STW to permit the structure(s) erected within Lots No. 4 and 5 S.BA in D.D. 110. The application(s) for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW, if approved, will be subject to such terms and conditions including the payment of waiver fee 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.

10. Public Comment Received During Statutory Publication Period

On 17.6.2025, the application was published for public inspection. During the statutory publication period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary animal boarding establishment and associated filling of land for a period of three years at the Site zoned “AGR” (**Plan A-1**). 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 and nature conservation perspectives. Taking into account the planning assessments below, there is no objection to the applied use with associated filling of land on a temporary basis of three years.
- 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 applied use is considered not incompatible with the surrounding areas which are rural in character with an intermix of animal boarding establishments, hobby farms, residential structures, open storage/storage yards, vehicle repair workshop, vacant land and woodland. 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 arising from the applied use is not anticipated. Regarding DLO/YL, LandsD’s concern on the unauthorised structure(s) and use(s) 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, 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 impacts caused by the applied use.
- 11.5 The Site is involved in three previously approved applications for the same applied use and there are 25 approved similar applications within the same "AGR" zone in the vicinity of the Site in the past five years as mentioned in paragraphs 5 and 6 above respectively. Approving the current application is in line with the Committee's previous decisions.

12. Planning Department's View

- 12.1 Based on the assessments made in paragraph 11, 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 three years until 1.8.2028. 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) if the above planning condition (a) 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; and
- (c) 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 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

Appendix I	Application Form with attachments received on 10.6.2025
Appendix Ia	FI received on 9.7.2025
Appendix Ib	FI received on 18.7.2025
Appendix II	Previous and similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Drawing A-1	Site layout plan
Drawing A-2	Land filling plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
AUGUST 2025**