

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1074

<u>Applicant</u>	: Daniel The Dog International Company Limited represented by Goldrich Planners and Surveyors Limited
<u>Site</u>	: Lots 1499 (Part), 1500 (Part), 1504 S.A and 1504 RP in D.D. 107, Yuen Long, New Territories
<u>Site Area</u>	: About 3,071m 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 Place of Recreation, Sports or Culture and Animal Boarding Establishment with Ancillary Facilities for a Period of Three Years and Associated Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary place of recreation, sports or culture and animal boarding establishment with ancillary facilities for a period of three 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). Whilst ‘Place of Recreation, Sport or Culture (being not a Horse Riding School, Hobby Farm or Fishing Ground)’ is neither a Column 1 nor Column 2 use in the “AGR” zone, according to the covering Notes of the OZP, temporary use or development of any land not exceeding a period of three years requires planning permission from the Board. The Site is fenced-off, partly hard-paved and partly covered by lawn, erected with some structures and occupied by the applied uses without valid planning permission (**Plans A-3 and A-4**).
- 1.2 The Site is accessible from Shui Mei Road via a local track (**Plans A-1 to A-3**). According to the applicant, the applied uses for accommodating social events and animal boarding services involve eight structures of not more than two storeys, with heights of not more than 8m, and a total floor area of about 1,156m² for multifunction room (for animal activity or social event), animal activity room, rain

shelters, pantry, toilet, storage, display screen and meter room (**Drawing A-1**). The applicant also applies for regularisation of filling of land for about 1,039m² (about 34% of the Site) with concrete of not more than 0.1m in depth (to a level of 3.3mPD) for site formation and vehicular circulation (**Drawing A-1**). The unpaved area of about 2,032m² (about 66% of the Site) is covered by lawn for activity area. For the animal boarding services, not more than 10 pets will be kept at a time inside the structures built with soundproofing materials and equipped with air conditioning systems. No whistle blowing will be allowed at the Site. The operation hours are between 9:00 a.m. and 7:00 p.m. daily, including Sundays and public holidays, and no overnight boarding services will be provided. For the social events, such as social gatherings and wedding events, not more than 80 visitors will be accommodated and the events will be held between 9:00 a.m. and 11:00 p.m. on maximum one day per month during April to September and maximum two days per month during October to March with prior reservation. Visitors of the social events will access to the Site mainly through public transport or coach services. During the social events at the Site, the animal boarding services will be suspended and no food or drinks will be provided by the applicant. Four parking spaces for private car, one parking space for light goods vehicle (LGV) and one parking space for 29-seater coach will be provided within the Site. Plan showing the site layout and land filling area submitted by the applicant is on **Drawing A-1**.

- 1.3 The Site is the subject of three previous applications (details at paragraph 5 below), including the last application No. A/YL-KTN/916, submitted by the same applicant as the current application, for temporary animal boarding establishment which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2023, and the planning permission was subsequently revoked due to non-compliance with approval conditions. Compared with the last application, the current application involves a similar layout with changes in applied uses and development parameters as summarised below:

Major Development Parameters	Last Approved Application No. A/YL-KTN/916 (a)	Current Application (b)	Differences (b)-(a) (% change)
Applied Use(s)	Temporary Animal Boarding Establishment (Dog Training Ground) with Ancillary Facilities and Filling of Land	Temporary Place of Recreation, Sports or Culture and Animal Boarding Establishment with Ancillary Facilities and Filling of Land	Additional use of Place of Recreation, Sports or Culture; and change in operation of Animal Boarding Establishment
Site Area	2,989m ²	3,071m ²	+82m ² (+2.7%)
Total Floor Area	648m ²	1,156m ²	+508m ² (+78.4%)
Site Coverage	17.4%	33.5%	+16.1% (+92.5%)
No. of Structures	5	8	+3 (+60%)

No. of Storeys	Not more than 2	Not more than 2	No change
Building Height	Not more than 8m	Not more than 8m	No change
Parking Space			
Private Cars	3	4	+1 (+33%)
LGV	1	1	No change
Coach	-	1	+1 (+100%)

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

- (a) Application Form with attachments received on 12.12.2024 (**Appendix I**)
- (b) Further Information (FI) received on 30.12.2024* (**Appendix Ia**)
- (c) FI received on 12.3.2025# (**Appendix Ib**)
- (d) FI received on 3.4.2025# (**Appendix Ic**)
- (e) FI received on 26.6.2025# (**Appendix Id**)

* accepted but not exempted from publication and recounting requirements

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1.5 On 28.2.2025 and 2.5.2025, 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 Id**, and can be summarised as follows:

- (a) The applied uses are to meet the demand for social event venue and animal boarding services in the area. The temporary nature of the applied uses would not frustrate the long-term planning intention of the “AGR” zone. The applied uses are not incompatible with the surrounding areas and there were similar applications approved in the vicinity of the Site.
- (b) The applied uses will generate infrequent trips. Septic tank and soakaway system have been provided following the requirements in the Professional Persons Environmental Consultative Committee Practice Notes (ProPECCPN). The applicant will also follow the requirements in the Noise Control Ordinance during the social events when microphones and loudspeakers are used. Adverse traffic and environmental impacts are not anticipated. In support of the current application, the applicant has submitted record of implemented drainage facilities and fire service installations (FSIs) proposal.
- (c) Regarding the Lands Department (LandsD)’s concern on lease breaches at the Site, the applicant has committed to taking appropriate follow-up actions including submission of Short Term Waiver (STW) application to LandsD.

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 publishing newspaper notice and sending notice to the Kam Tin 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. Subject to collection of sufficient evidence, appropriate enforcement action under Town Planning Ordinance will be undertaken.

5. Previous Applications

- 5.1 The Site, in whole or in part, is the subject of three previous applications (No. A/YL-KTN/822, 875 and 916). Application No. A/YL-KTN/875 for proposed Small House was rejected by the Committee in 2023, and the considerations of this previous application are not relevant to the current application due to different use involved.
- 5.2 Applications No. A/YL-KTN/822 and 916 for temporary animal boarding establishment (dog training ground) with filling of land submitted by the same applicant as the current application were approved with conditions by the Committee in 2022 and 2023 respectively 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 areas; and the relevant government departments consulted generally had no adverse comments or the concerns could be addressed by approval conditions. The planning permissions under these two applications were subsequently revoked due to non-compliance with approval conditions related to submission and/or implementation of drainage proposal, record of existing drainage facilities and FSIs proposal. Compared with the last approved application No. A/YL-KTN/916, the current application involves changes in applied uses and development parameters with a similar layout 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 18 similar applications (all with filling of land), including nine for various temporary place of recreation, sports or culture (three of which also involve barbecue site, eating place or holiday camp); and nine for temporary animal boarding establishment 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 on the similar considerations as mentioned in paragraph 5.2 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) fenced-off, partly hard-paved and partly covered by lawn, erected with some structures and occupied by the applied uses 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 animal boarding establishment (with valid planning permission), open storage/storage yards, recreation centre, parking of vehicles, residential structures, grassland and ponds. To the south across Shui Mei Road is a nullah. About 100m to the southeast is a cluster of village houses within the “Village Type Development” zone (**Plan A-4**)

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 departments as set out in paragraphs 9.2 and 9.3 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. 1499, 1500, 1504 S.A and 1504 RP 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) LandsD has reservation on the application since there is/are unauthorized structure(s) and use(s) on Lots No. 1499, 1500 and 1504 RP all in D.D. 107 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
- (d) if the planning application is approved, the lot owner(s) shall apply to his office for an STW to permit the structure(s) erected within the said private lots. 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 uses are temporary in nature, only erection of temporary structure(s) will be considered.

9.3 The following government department does not support the application:

Environment

Comments of the Director of Environmental Protection (DEP):

- (a) does not support the application from environmental planning perspective;
- (b) based on the applicant's submission, the applied uses would not involve dusty operation but it would involve use of heavy vehicle (i.e. 29-seater coach). There are residential buildings within 100m from the boundary of the Site. As such, according to the revised 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' ('CoP'), it is anticipated that the applied uses would cause environmental nuisance to the residential buildings nearby;
- (c) no comment on the applied filling of land;
- (d) there were two environmental complaints received regarding noise and light nuisances concerning the Site in the past three years; and
- (e) in the event that application is approved, advisory comments are at **Appendix IV**.

10. Public Comments Received During Statutory Publication Periods

On 20.12.2024 and 10.1.2025, the application and FI were published for public inspection. During the statutory publication periods, four public comments were received, including two from the Kadoorie Farm and Botanic Garden Corporation and two from the same individual, all objecting to the application mainly on the grounds that the applied uses are not in line with the planning intention of the "AGR" zone; there would be potential impacts on the Agricultural Priority Areas; the approval conditions under the previous

application were not complied with; the applied use of animal boarding establishment is not genuine; and there would be adverse traffic and environmental impacts.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary place of recreation, sports or culture and animal boarding establishment with ancillary facilities for a period of three years and associated filling of land at the Site zoned “AGR” (**Plan A-1**). Whilst the applied uses are not 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 and no comment from nature conservation perspective. Taking into account the planning assessments below, there is no objection to the applied uses on a temporary basis of three 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 of DSD) has no objection to the application from public drainage perspective and Director of Environmental Protection has no comment on the applied filling of land from environmental planning perspective. 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 uses are considered not incompatible with the surrounding areas which are rural in character with an intermix of animal boarding establishment, open storage/storage yards, recreation centre, parking of vehicles, residential structures, grassland and ponds. 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 no felling of tree will be involved and significant adverse landscape impact arising from the applied uses are not anticipated.
- 11.4 Whilst DEP does not support the application as the applied uses involve use of heavy vehicle and there are sensitive receivers in the vicinity of the Site, the access to the Site from Shui Mei Road via a local track would not pass by the nearby village houses (**Plan A-3**). Besides, according to the applicant, the social events which involve coach services will be held on maximum one to two days per month. To address DEP’s concerns, the applicant will be advised to follow the revised ‘CoP’ to minimise any potential nuisance caused by the applied uses. The operation of the applied uses is also subject to the relevant pollution control ordinances. Regarding DLO/YL, LandsD’s concern on the unauthorised structure(s) and use(s) on the private lots of the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.5 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.

- 11.6 The Site is the subject of two previously approved applications (No. A/YL-KTN/822 and 916) for temporary animal boarding establishment submitted by the same applicant as the current application as detailed in paragraph 5.2 above. Whilst both planning permissions were subsequently revoked due to non-compliance with approval conditions related to submission and/or implementation of drainage proposal, record of existing drainage facilities and FSIs proposal, under the current application, the applicant has submitted record of implemented drainage facilities and FSIs proposal which are considered acceptable by CE/MN of DSD and D of FS respectively. In this regard, sympathetic consideration may be given to the current application. Should the application be approved, 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.
- 11.7 There are 18 approved similar applications involving temporary place of recreation, sports or culture use or temporary animal boarding establishment within the same “AGR” zone in the vicinity of the Site in the past five years as mentioned in paragraph 6 above. Approving the current application is in line with the Committee’s previous decisions.
- 11.8 Regarding the public comments as mentioned in paragraph 10, the departmental comments and planning assessments above are relevant. Besides, any unauthorized development on the Site would be subject to planning enforcement action.

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 three years until 15.8.2028. 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) the implementation of the accepted 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 15.5.2026;
- (c) 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;

- (d) if the above planning condition (b) 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
- (e) 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 uses with associated filling of land are 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 12.12.2024
Appendix Ia	FI received on 30.12.2024
Appendix Ib	FI received on 12.3.2025
Appendix Ic	FI received on 3.4.2025
Appendix Id	FI received on 26.6.2025
Appendix II	Previous and similar applications

Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comments
Drawing A-1	Site layout and 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**