

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-MKT/51

- Applicant** : 張偉強 represented by Honest Land Surveys Company
- Site** : Lot 954 RP (Part) in D.D. 82, Ta Kwu Ling, New Territories
- Site Area** : About 34m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Man Kam To Outline Zoning Plan (OZP) No. S/NE-MKT/6
- Zoning** : “Recreation” (“REC”)
- Application** : Proposed Temporary Animal Boarding Establishment for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary animal boarding establishment for a period of three years at the application site (the Site), falling within an area zoned “REC” on the OZP (**Plan A-1**). According to the Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is generally vacant and overgrown with vegetation (**Plan A-4**).
- 1.2 The Site is abutting Ping Che Road to the east (**Plan A-2**). According to the submission, the proposed use is for a private animal boarding establishment for accommodating not more than 10 stray cats. The proposed use consists of a one-storey temporary structure with a total floor area of about 14.8m² and a building height not exceeding 5m for animal boarding establishment and resting room. An ingress/egress is proposed at the east of the Site. No vehicle parking or loading/unloading spaces are proposed within the Site. The operation hours of the proposed use are between 9:00 a.m. and 7:00 p.m. from Mondays to Sundays including public holidays. According to the applicant, the cats will be kept in an enclosed structure with noise insulation and a ventilation system. In addition, no public announcement system nor whistle blowing is allowed to be used at the Site at any time. The layout plan submitted by the applicant is shown in **Drawing A-1**.
- 1.3 A drainage proposal (**Drawing A-2**), with the provision of U-channel and catchpits, is submitted by the applicant in support of the application. The intercepted stormwater shall discharge to the tributary of Ping Yuen River to the west of the Site. According to the applicant (**Appendix Ia**), the existing tree (i.e. *Melaleuca quinquenervia* (白千層)) is not

within the Site and no tree felling is involved in the application.

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

- (a) Application Form with attachments received on 1.8.2025 (Appendix I)
- (b) Further Information (FI) received on 29.8.2025* (Appendix Ia)

** 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 FI at **Appendices I and Ia**, as summarised below:

- (a) the applicant is interested in adopting stray cats and intends to keep them at the proposed use. The proposed use is small in scale;
- (b) the proposed use, layout, form and scale are considered not incompatible with the surrounding areas where no residential use is found;
- (c) the proposed use is temporary in nature and would not jeopardise the long-term planning intention of the “REC” zone; and
- (d) no significant adverse impacts in terms of environmental, drainage, etc. are anticipated.

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

The applicant is the sole “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is currently not subject to any active enforcement action.

5. Previous Application

The Site is not the subject of any previous application.

6. Similar Application

There is no similar application for the same use within the same “REC” zone in the Man Kam To area in the past five years.

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

7.1 The Site is:

- (a) generally vacant and overgrown with vegetation; and
- (b) abutting Ping Che Road to the east and bordering the Ping Yuen River to the north.

7.2 The surrounding areas are of rural character mainly comprising active/fallow agricultural land, domestic structures, vegetated areas and tree clusters. To the east across Ping Che Road is the village proper of Tong Fong zoned “Village Type Development” on Ta Kwu Ling North OZP. To the south is a site covered by a valid planning permission under application No. A/NE-MKT/48 for a temporary warehouse (excluding dangerous goods godown) with ancillary facilities. To the northeast and further north across Ping Yuen River are the sites covered by valid planning permissions under applications No. A/NE-TKLN/38 and A/NE-MKT/42 for a sewage pumping station and another temporary warehouse (excluding dangerous goods godown) with ancillary facilities respectively.

8. Planning Intention

The planning intention of the “REC” zone is primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.

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 are provided at **Appendices II** and **III** respectively.

10. Public Comments Received During Statutory Publication Period

On 8.8.2025, the application was published for public inspection. During the statutory public inspection period, three public comments were received (**Appendix IV**). Two individuals object to the application for the reasons that the proposed use will induce adverse traffic impact; approval of the application would set an undesirable precedent; enforcement action should be taken for unauthorised land uses; and the proposed use is small in scale and considered insufficient for accommodating the animals. The remaining public comment from a member of the North District Council indicates no comment on the application.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary animal boarding establishment for a period of three years at the Site zoned “REC” on the OZP (**Plan A-1**). Although the proposed use is not in line with the planning intention of the “REC” zone, there is no known development proposal at the Site. In view of the above and taking into account the planning assessments below, there is no objection to the proposed use on a temporary basis for a period of three years.
- 11.2 The Site, abutting Ping Che Road to the east, is generally vacant and overgrown with vegetation (**Plans A-3b** and **A-4**). The surrounding areas are of rural character mainly comprising active/fallow agricultural land, domestic structures, vegetated areas and tree

clusters. The proposed use, which is small in scale, is considered not incompatible with the surrounding land uses. Noting that the existing tree is not within the Site and no tree felling will be involved, the Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective.

- 11.3 Other relevant government departments consulted, including the Chief Engineer/Mainland North of Drainage Services Department, Director of Environmental Protection, 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 government departments, appropriate approval conditions and advisory clauses are recommended in paragraph 12.2 below and **Appendix III** respectively. Should the application be approved, the applicant will also be advised to follow the environmental mitigation measures as set out in the latest requirements of the revised 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' to minimise any possible environmental nuisance.
- 11.4 Regarding the public comments mentioned in paragraph 10, the government departments' comments and planning assessments above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments in paragraph 10 above, PlanD has no objection to the application.
- 12.2 Should the Rural and New Town Planning Committee (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 19.9.2028. The following conditions of approval and advisory clauses are 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 19.3.2026;
- (b) in relation to (a) above, the implementation of the drainage facilities 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 19.6.2026;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) the submission of a 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 19.3.2026;
- (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 19.6.2026;
- (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; and

- (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.

Advisory Clauses

The recommended advisory clauses are at **Appendix III**.

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

the proposed use is not in line with the planning intention of the "REC" zone, which is primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. 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 the 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 received on 1.8.2025
Appendix Ia	FI received on 29.8.2025
Appendix II	Government Departments' General Comments
Appendix III	Recommended Advisory Clauses
Appendix IV	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Drainage Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3a and A-3b	Aerial Photos
Plan A-4	Site Photos