

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/1082

- Applicant** : Mr JOHN Ming Shun
- Site** : Lots 121 (Part), 122, 123 (Part), 124 (Part), 125 (Part), 127 (Part) and 128 (Part) in D.D. 108 and Adjoining Government Land (GL), Ta Shek Wu, Pat Heung, Yuen Long
- Site Area** : About 4,184.99 m² (including GL of about 516.4m² (12.3%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
- Zoning** : “Residential (Group D)” (“R(D)”) [restricted to a maximum plot ratio of 0.2 and a maximum building height of 2 storeys (6m)]
- Application** : Temporary Animal Boarding Establishment with Ancillary Facilities for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary animal boarding establishment with ancillary facilities for a period of three years at the application site (the Site), which falls within an area zoned “R(D)” on the OZP (**Plan A-1a**). According to the covering 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 currently used for the applied use without valid planning permission (**Plans A-4a and A-4b**).
- 1.2 The Site is accessible from Fan Kam Road via a local track (**Plan A-2**). According to the applicant, the applied use involves a total of 27 structures with a height ranging from 2.39m to 6.4m and a total floor area of about 928.17m² for three animal boarding establishments, one dog grooming room, one dog shower area, two changing rooms, one ancillary office and various ancillary facilities including one staff resting room, eight store rooms, two electrical switch rooms, and two parking spaces for private vehicles with an open shed. The remaining open-air area is occupied by three dog swimming pools, two dog potty areas, one dog training lawn (with an area of about 13,000ft²), 18 parking spaces for private vehicles and one loading/unloading bay for light goods vehicles (**Drawings A-1 and A-2**). Among

20 parking spaces (two covered by an open shed and 18 outdoor), 17 are for visitors and three are for staff members. Two underground sewage tanks are installed to collect the wastewater within the Site. 30 trees are planted in the eastern and northern parts of the Site and planters are provided within the Site for amenity and visual enhancement purposes (**Drawing A-3**). A 12-feet high and 60m-long noise barrier is erected along the northeastern boundary of the Site to mitigate potential nuisance to the adjacent transitional housing development. The operation hours are from 10:00 a.m. to 7:00 p.m. daily, including Sundays and public holidays. No outdoor activities or training for dogs and cats will be arranged between 5:00 p.m. and 10:00 a.m. daily and during such period of time, the dogs and cats will be housed in a brick-built enclosed structures with soundproofing material, heat insulation and 24-hour air ventilation system to provide suitable conditions for overnight boarding. The applied use accommodates a maximum of 25 dogs and six cats for overnight boarding purpose. No public announcement system, whistle blowing, portable loudspeaker or any form of audio amplification system will be used at the Site at all times. The layout plans and landscape plan submitted by the applicant are at **Drawings A-1 to A-3** respectively.

1.3 The Site, in part or in whole, is the subject of 15 previous planning applications for various uses with the last six applications for temporary dog training ground, dog swimming and recreational centre with or without dogs and cats boarding establishment (details in paragraph 5 below). The last application (No. A/YL-PH/893) submitted by the same applicant at the same site for same applied use as the current application was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 6.5.2022. All approval conditions under the last application were complied with and the planning permission lapsed on 6.5.2025. Compared with the last application (No. A/YL-PH/893), the current application involves an increase in number of structures from 26 to 27 and total floor area from about 892m² to 928m² (+36m²), attributable to the addition of an open shed for two parking spaces.

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

- (a) Application Form with supporting documents received on 29.7.2025 and 6.8.2025 (**Appendix I**)
- (b) Further Information (FI) received on 11.9.2025* (**Appendix Ia**)
- (c) FI received on 12.9.2025* (**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 FI at **Appendices I to Ib**, and can be summarised as follows:

- (a) The applicant has been operating at the Site since 2007 and six planning permissions for dog training ground and dog swimming and recreational centre uses (two of which also involves dogs and cats boarding establishment) had been granted by the Board since 2007. Approval conditions under the previous applications have

all been complied with and the Site is currently covered by a valid Boarding Establishment Licence until 3.8.2026.

- (b) Compared with the last application (No. A/YL-PH/893), the current application involves the same site area, boundary and uses (i.e. dog training ground, dogs and cats boarding establishment and dog swimming and recreational centre), with an increase in number of structures from 26 to 27 and total floor area from about 892m² to 928m² attributable to the addition of an open shed to accommodate two parking spaces for private vehicles to serve the visitors. The applicant has committed that there will be no change to the existing operation scale and mode. A fresh application is submitted to regularise the existing condition at the Site.
- (c) The applied use will not cause any adverse impacts on the surrounding areas in respect of noise, environment, traffic and drainage. A 12-feet high and 60m-long noise barrier is erected along the northeastern boundary of the Site to mitigate potential nuisance to the adjacent transitional housing development. Wastewater is stored at underground sewage tanks and removed regularly, which will not pollute the surrounding environment. A drainage proposal with condition record of the implemented drainage facilities and a fire service installations (FSIs) proposal with fire certificates, which are accepted under the last application, have been submitted in support of the current application.

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

The applicant is not a “current land owner” of the Site but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by posting site notices and sending notice to the Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion within the Site, TPB PG-No. 31B is not applicable.

4. Background

- 4.1. The Site is not subject to any active planning enforcement action.
- 4.2. The Site is covered by a valid Boarding Establishment Licence under the Public Health (Animals) (Boarding Establishment) Regulations (Cap. 139I) until 3.8.2026.

5. Previous Applications

- 5.1 The Site, in part or in whole, is the subject of 15 previous applications for various uses. There were nine applications (No. A/DPA/YL-PH/16, A/YL-PH/6, 282, 390, 399, 431, 469, 484 and 526) for temporary workshop, open storage or shop and services uses, with eight rejected by the Committee or the Board upon review and one approved by the Board between 1993 and 2006. Considerations of these

previous applications are not relevant to the current application due to different uses involved.

- 5.2 The remaining six previous applications, including four (No. A/YL-PH/543, 614, 675 and 735) for temporary dog training ground and dog swimming and recreational centre and two (No. A/YL-PH/786 and 893) for the same uses with an addition of dogs and cats boarding establishment, were all submitted by the same applicant as the current application. All of them were approved with conditions by the Committee between 2007 and 2022, mainly on the considerations that the temporary approval would not frustrate the long-term planning intention of the “R(D)” zone; the applied uses were not incompatible with the surrounding land uses; and the concerned government departments consulted in general had no adverse comment or their technical concerns could be addressed by relevant approval conditions. The planning permission under application No. A/YL-PH/543 was revoked in December 2009 due to non-compliance with approval condition related to the provision of FSIs.
- 5.3 The last application (No. A/YL-PH/893) submitted by the same applicant at the same site for same applied use as the current application was approved with conditions by the Committee on 6.5.2022. All approval conditions under the last application were complied with and the planning permission lapsed on 6.5.2025. Compared with the last application, the current application involves changes as mentioned in paragraph 1.3 above.
- 5.4 Details of these previous applications are summarised at **Appendix II** and the locations are shown on **Plan A-1b**.

6. Similar Application

There is no similar application within the same “R(D)” zone in the vicinity of the Site in the past five years.

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

7.1 The Site is:

- (a) accessible from Fan Kam Road via a local track; and
- (b) currently used for the applied use without valid planning permission.

7.2 The surrounding areas are rural in character comprising mainly a transitional housing development (with valid planning permission) abutting the northern boundary of the Site and an intermix of scattered residential structures, an open storage yard (with valid planning permission), a vehicle park, a plant nursery, grassland and vacant land, as well as woodland within the “Conservation Area” (“CA”) zone across Fan Kam Road to the west.

8. Planning Intention

The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

9. Comments from Relevant Government Departments

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 in **Appendices III and IV** respectively.

10. Public Comment Received During Statutory Publication Period

On 8.8.2025, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary animal boarding establishment with ancillary facilities for a period of three years at the Site zoned “R(D)” (**Plan A-1**). Whilst the applied use is not in line with the planning intention of the “R(D)” zone, there is currently no known proposal for long-term development at the Site or in its vicinity within the “R(D)” zone. Approval of the application on a temporary basis would not jeopardise the long-term planning intention of the “R(D)” zone. Taking into account the above and the planning assessments below, there is no objection to the applied use on a temporary basis for a period of three years.
- 11.2 The applied use, which has been operating at the Site since 2007, is considered not incompatible with the surrounding areas which are rural in character comprising mainly a transitional housing development, scattered residential structures, an open storage yard, a vehicle park, a plant nursery, grassland, vacant land and woodland. According to the applicant, 12-feet high and 60m-long noise barrier is erected along the northeastern boundary of the Site to mitigate potential nuisance to the adjacent transitional housing development, and trees and planters are provided within the Site for amenity and visual enhancement purposes (**Drawing A-3**). Besides, no outdoor activities for the boarded animals will be arranged from 5:00 p.m. and 10:00 a.m. and the animals will be kept within enclosed structures built with soundproofing material, heat insulation and 24-hour air ventilation system. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) considers that significant landscape impact arising from the applied use is not anticipated. The Director of Environmental Protection (DEP) also advises that there was no substantiated environmental complaint concerning the Site in the past three years.

- 11.3 Other relevant government departments consulted, including the Commissioner for Transport, Director of Fire Services, DEP and Chief Engineer/Mainland North of Drainage Services Department, have no objection to or no adverse comment on the application. To address the technical requirements of concerned government departments, relevant approval conditions are recommended in paragraph 12.2 below. It is recommended to advise the applicant to follow the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' to minimise the potential environmental nuisance on the surrounding land uses.
- 11.4 There are six previously approved applications for similar/the same applied use at the Site as detailed in paragraph 5 above. Approving the current application is in line with the Committee's previous decisions.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 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 19.9.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the submission of a condition record of the existing drainage facilities on the Site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 19.12.2025;
- (b) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (c) 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 19.3.2026;
- (d) in relation to (c) above, the implementation of the revised 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;
- (e) if the above planning condition (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; and
- (f) if any of the above planning condition (a), (c) or (d) 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 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 is not in line with the planning intention of the "R(D)" zone, which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential developments subject to planning permission from the Board. 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 supporting documents received on 29.7.2025 and 6.8.2025
Appendix Ia	FI received on 11.9.2025
Appendix Ib	FI received on 12.9.2025
Appendix II	Previous Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Drawings A-1 and A-2	Layout Plans
Drawing A-3	Landscape Plan
Plan A-1a	Location Plan
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos