

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/728

- Applicant** : Mr. LEUNG Man Foon
- Site** : Lot 579 in D.D.117, Tai Tong, Yuen Long, New Territories
- Site Area** : 1,645 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tai Tong Outline Zoning Plan No. S/YL-TT/20
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Animal Boarding Establishment with Ancillary Facilities and Associated Filling of Land for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary animal boarding establishment with ancillary facilities and associated filling of land for a period of five years at the application site (the Site) zoned “AGR” on the OZP (**Plan A-1**). According to the Notes of the OZP for “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 largely vacant while the southern part of the Site is occupied by a temporary structure for storage use without valid planning permission (**Plan A-4**).
- 1.2 The Site is accessible from Kiu Hing Road via a local track with an ingress/egress point at the west (**Drawing A-1** and **Plan A-2**). According to the applicant, four single-storey structures (not exceeding 6m in height) with a total floor area of about 912 m² are proposed for animal boarding establishments, storeroom and office. Two parking spaces for private cars (5m x 2.5m) and two loading/unloading (L/UL) spaces for light goods vehicles (5m x 3m) will be provided within the Site. The applicant also applies to regularise the filling of land undertaken at the Site (i.e. 275 m², 17% of the Site) and proposes to fill the remaining part of the Site (i.e. 1,370 m², 83% of the Site) with concrete in depth of 0.15m for erection of temporary structures, activity area for dogs and provision of parking and L/UL spaces (**Drawing A-3**). The animal boarding establishment will accommodate about 40 cats and dogs. All cats and dogs will be kept inside the enclosed structures with soundproofing materials, 24-hour mechanical ventilation and air-conditioning

system. No public announcement system, whistle blowing, or portable loudspeaker will be used at the Site. The operation hours are from 9:00 a.m. to 7:00 p.m. daily except the overnight accommodation of cats and dogs within the Site. Plans showing the vehicular access, site layout and site paving submitted by the applicant are at **Drawings A-1 to A-3** respectively.

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

- (a) Application Form with attachments received on 15.8.2025 (Appendix I)
- (b) Further Information (FI) received on 16.9.2025* (Appendix Ia)
- (c) FI received on 18.9.2025* (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 FIs at **Appendices I to Ib**. They can be summarised as follows:

- (a) the proposal is temporary in nature and would not jeopardise the long-term planning intention of the “AGR” zone;
- (b) the proposed use is not incompatible with the surrounding areas;
- (c) similar applications were approved with conditions by the Committee between 2022 and 2025; and
- (d) no tree felling will be carried out. Adverse visual, landscape, noise and environmental impacts are not anticipated.

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

The applicant is not a “current land owner” 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 notice and sending notice to the Shap Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

- 4.1 The Site is the subject of two active planning enforcement actions against unauthorized developments (UDs) involving storage use for the northern part of the Site (enforcement case No. E/YL-TT/697), and storage use (including deposit of containers) for the southern part of the Site (enforcement case No. E/YL-TT/721) (**Plan A-2**).

- 4.2 For enforcement case No. E/YL-TT/697, Reinstatement Notice (RN) was issued on 26.7.2024 requiring reinstatement of the concerned land by 26.10.2024. Relevant land owners were convicted on 20.8.2025 due to non-compliance with the RN. The enforcement case is currently under monitoring. If the RN remains not complied with, further prosecution action would be considered.
- 4.3 For enforcement case No. E/YL-TT/721, Enforcement Notice (EN) was issued on 3.7.2024 requiring discontinuation of the UD by 3.10.2024. Relevant land owners were convicted on 30.4.2025 due to non-compliance with the EN. As the post-conviction inspections conducted in June 2025 and August 2025 revealed that the UD has not yet discontinued, further prosecution action is being considered.

5. Previous Application

The Site is the subject of a previous application (No. A/YL-TT/628) for temporary warehouse for a period of three years and associated filling of land which was rejected by the Rural and New Town Planning Committee (the Committee) of the Board in 2014. Considerations for this application are not relevant to the current application which involves a different use. Details of the previous application are summarised in **Appendix II** and its location is shown on **Plan A-1**.

6. Similar Applications

There are four similar applications (No. A/YL-TT/666, 684, 687 and 699) for temporary animal boarding establishment with associated filling of land within the same “AGR” zone on the OZP in the past five years. They were all approved with conditions by the Committee for a period of three or five years in 2025 mainly on considerations that the proposed use would not jeopardise the planning intention of the “AGR” zone; being not incompatible with the surrounding uses; and the departmental concerns could be addressed by implementation of approval conditions. Details of these similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

7. Planning Intention

- 7.1 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.
- 7.2 According to the Explanatory Statement of the OZP, permission from the Board is required for filling of land within the “AGR” zone as such activity may cause adverse drainage and environmental impacts on the adjacent areas.

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

- 8.1 The Site is:

- (a) largely vacant while the remaining part occupied by a temporary structure for storage use without valid planning permission; and
 - (b) accessible from Kiu Hing Road via a local track.
- 8.2 The surrounding areas are predominantly rural in character comprising farmlands, residential dwellings, car servicing, open storage/storage yards and unused land.

9. Comments from Relevant Government Departments

All 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 in **Appendices III** and **IV** respectively.

10. Public Comments Received During the Statutory Publication Period

On 22.8.2025, the application was published for public inspection. During the statutory public inspection period, two public comments were received (**Appendix V**). One individual objects to the application on the grounds that the proposed use is suspected to be a fake animal boarding establishment whereas the other public comment from Kadoorie Farm & Botanic Garden Corporation objects to the application as the proposal is not in line with the policy intention as the Site falls within the Agricultural Priority Area.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary animal boarding establishment with ancillary facilities and associated filling of land for a period of five years at the Site zoned “AGR” on the OZP. While the proposed use is not in line with the planning intention of the “AGR” zone, the Director of Agriculture, Fisheries and Conservation (DAFC) 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.
- 11.2 The applicant also applies to regularise the filling of land undertaken at the Site (i.e. 275 m², 17% of the Site) and proposes to fill the remaining part of the Site (i.e. 1,370 m², 83% of the Site) with concrete in depth of 0.15m. Filling of land within “AGR” zone requires planning permission as it may cause adverse drainage and environmental impacts on the adjacent 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 drainage and environmental 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 areas which are predominantly rural in character comprising farmlands, residential dwellings,

car servicing, open storage/storage yards and unused land (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape of Planning Department has no adverse comment on the application from landscape planning perspective.

- 11.4 Other concerned government departments consulted, including the Commissioner for Transport, Director of Fire Services and Director of Food and Environmental Hygiene have no objection to/no adverse comments on the application from traffic, fire safety and environmental hygiene aspects respectively. DAFC also has no comment on the application from nature conservation perspective. Should the application be approved, relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of the concerned government departments. The applicant will also be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise potential environmental nuisances on the surrounding areas.
- 11.5 Four similar applications were approved by the Committee in 2025. Approval of the current application is in line with the Committee’s previous decisions.
- 11.6 Regarding the public comments as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.5 above are relevant and any UD on the Site would be subject to planning enforcement action.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments detailed in paragraph 10 above, the Planning Department 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 10.10.2030. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of a 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 10.4.2026;
- (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 10.7.2026;
- (c) in relation to (b) above, the implemented drainage facilities at the Site should 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 10.4.2026;

- (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 10.7.2026;
- (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 application site, including the removal of fill materials and hard paving and grassing of the application 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 "Agriculture" 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 such 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 15.8.2025
Appendix Ia	FI received on 16.9.2025
Appendix Ib	FI received on 18.9.2025

Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	Site Paving Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and 4b	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2025**