

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/734

- Applicant** : Mr. CHAN Kin Chung represented by Goldrich Planners and Surveyors Limited
- Site** : Lots 832 (Part), 846 (Part), 847, 848 (Part), 849 (Part), 850 S.B (Part), 985 (Part) and 986 (Part) in D.D. 117, Tai Tong, Yuen Long, New Territories
- Site Area** : 1,115 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tai Tong Outline Zoning Plan No. S/YL-TT/20
- Zonings** : “Agriculture” (“AGR”) (about 1,107m²) (99.3%)
“Other Specified Uses” annotated “Rural Use” (“OU(RU)”) (about 8m²) (0.7%)¹
- 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 hard paved and currently occupied by temporary structures for storage use without planning permission (**Plans A-4a** and **A-4b**).
- 1.2 The Site is accessible from Pak Sha Shan Road via a local track with an ingress/egress point at the north (**Drawing A-1** and **Plan A-2**). According to the applicant, 14 single-storey structures (not exceeding 4m in height) with a total floor area of about 528 m² are proposed for animal boarding establishments, storerooms, ancillary offices with toilet and canopies. Two parking spaces for private car (5m

¹ The slight encroachment onto the “OU(RU)” zone could be considered as minor boundary adjustment allowed under the covering Notes of the OZP.

x 2.5m) and light goods vehicle (5m x 3m) will be provided within the site. The applicant also proposes to regularise the filling of land already undertaken at the majority part of the Site (i.e. 1,107 m²) with concrete of a depth of not more than 0.2m for erection of temporary structures and vehicle manoeuvring. The animal boarding establishment will accommodate about 12 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 overnight animal boarding service. Plans showing the vehicular access, site layout, site paving and swept path analysis submitted by the applicant are at **Drawings A-1 to A-4** respectively.

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

- (a) Application Form with attachments received on 29.8.2025 **(Appendix I)**
- (b) Further Information (FI) received on 29.9.2025* **(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**. 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) similar applications have been approved within the “AGR” zones on the same OZP between 2023 and 2025;
- (c) the proposed use is not incompatible with the surrounding areas; and
- (d) no adverse traffic, drainage and environmental impacts are 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 Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by publishing notices in local newspapers and sending notice to the Shap Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

The Site is subject to planning enforcement action (No. E/YL-TT/751) against unauthorized developments (UDs) involving storage use (including deposit of containers), use for place for parking of vehicles and workshop use (**Plan A-2**). Enforcement Notice (EN) was issued on 7.5.2025 requiring discontinuation of the UD by 7.8.2025. The latest site inspection in August 2025 revealed that the UD still continued upon expiry of the EN and prosecution action is being considered.

5. **Previous Application**

There is no previous application concerning the Site.

6. **Similar Application**

There is a similar application No. A/YL-TT/727 for temporary animal boarding establishment with ancillary facilities and associated filling of land within the same “AGR” zone in the past five years. It was approved with conditions by the Committee for a period of five years on 10.10.2025 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 this similar application are summarised at **Appendix II** and its location is 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) hard paved and currently occupied by temporary structures for storage use; and
- (b) accessible from Pak Sha Shan Road via a local track.

8.2 The surrounding areas are predominantly rural in character comprising open storage/storage yards, temporary structures, warehouses 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 5.9.2025, the application was published for public inspection. During the statutory public inspection period, eight public comments were received (i.e. from two Village Representatives of Wong Nai Tun Tsuen, five individuals and Kadoorie Farm & Botanic Garden Corporation) (**Appendix V**) objecting to the application on the grounds that (i) the proposed use will generate adverse environmental nuisance, noise, waste and drainage problems to the nearby residents, (ii) the proposed use is suspected to be a fake animal boarding establishment and (iii) the proposal is not in line with the policy intention as part of 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 application also involves regularisation of the land filling for the majority part of the Site (i.e. 1,107 m²) with concrete of a depth of not more than 0.2m. 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 open storage/storage yards, temporary structures, warehouses 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 Regarding the public comments as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.4 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 24.10.2030. 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 24.4.2026;
- (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 24.7.2026;
- (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 24.4.2026;
- (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 24.7.2026;
- (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 29.8.2025
Appendix Ia	FI received on 29.9.2025
Appendix II	Similar Application
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	Site Paving Plan
Drawing A-4	Swept Path Analysis
Plan A-1	Location Plan
Plan A-2	Site Plan

Plan A-3
Plans A-4a and 4b

Aerial Photo
Site Photos

PLANNING DEPARTMENT
OCTOBER 2025