

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1169

<u>Applicant</u>	: Treasure Gold Construction Engineering Limited
<u>Site</u>	: Lots 3 S.E (Part) and 8 S.L in D.D. 110, Tai Kong Po, Kam Tin, Yuen Long, New Territories
<u>Site Area</u>	: About 90.6m 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 Animal Boarding Establishment (Cattery) and Associated Filling of Land and Pond for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary animal boarding establishment (cattery) and associated filling of land and pond for a period of three years 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/pond require planning permission from the Town Planning Board (the Board). The Site is hard-paved and occupied by a temporary structure for the applied use without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Kong Tai Road via a local track (**Plans A-1 to A-3**). According to the applicant, the applied use involves a two-storey structure with a height of not more than 6.5m and a total floor area of about 110m² for cattery, caretaker’s office and covered parking space (**Drawing A-1**). The applicant also applies for regularisation of filling of pond and land for the entire Site with soil and concrete respectively, for a total depth of not more than 5.1m (to a level of not more than 16.4mPD) for site formation and vehicular circulation (**Drawing A-2**). One covered parking space for private car is provided at the Site. The applied use will accommodate not more than six cats, and all cats will be kept inside the enclosed structure built with soundproofing materials and equipped with mechanical ventilation and air conditioning systems. No cat and staff will stay at the Site after operation hours. No public announcement system, portable loud speaker or any form of audio amplification system will be used and no

domestic use will be involved at the Site at all times. The operation hours are between 9:00 a.m. and 7:00 p.m. daily, including Sundays and public holidays. Plans showing the site layout and land/pond filling area submitted by the applicant are on **Drawings A-1** and **A-2** respectively.

- 1.3 The Site is the subject of three previous applications (details at paragraph 5 below), including the last application No. A/YL-KTN/839 submitted by the same applicant for renewal of planning approval for the same applied use at the same site which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2022, and the planning permission lapsed on 3.8.2025. Compared with the last renewal application, the current application is the same in terms of layout and development parameters except an increase in total floor area from 55m² to 110m² (+55m² or +100%) to rectify the countable floor area of the two-storey structure erected at the Site which was not fully reflected in the previous application.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 10.9.2025 (**Appendix I**) and 18.9.2025
 - (b) Further Information (FI) received on 31.10.2025* (**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**, and can be summarised as follows:

- (a) The applied use is intended to provide non-profit making day services of cattery. The temporary nature of the applied use would not jeopardise the long-term planning intention of the “AGR” zone. The applied use is compatible with the surrounding areas and there were similar applications approved in the area.
- (b) The applied regularisation of filling of land and pond is to meet the operational needs and no further filling will be involved. The applied use will generate infrequent trips. Adverse impacts are not anticipated.
- (c) The approval conditions under the previous application had been complied with. The current application is submitted to rectify the countable floor area of the existing structure erected at the Site which was not fully reflected in the previous application. In support of the current application, the applicant has submitted record of existing drainage facilities and fire service installations (FSIs) proposal.

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 planning enforcement action. Subject to collection of sufficient evidence, appropriate enforcement action under the Town Planning Ordinance will be undertaken.

5. **Previous Applications**

- 5.1 The Site is the subject of three previous applications (No. A/YL-KTN/331, 669 and 839). Application No. A/YL-KTN/331 for filling of pond for organic farming use was rejected by the Committee in 2009 mainly on the grounds that the filling materials of construction waste was not conducive to farming use; and there was no information to demonstrate that there would not be adverse drainage impact.
- 5.2 Applications No. A/YL-KTN/669 and 839 for temporary animal boarding establishment (cattery) submitted by the same applicant as the current application (including one renewal of temporary approval granted) were approved with conditions by the Committee in 2019 and 2022 respectively, mainly on the considerations that the proposed/applied use on a temporary basis would not jeopardise the long-term planning intention of the “AGR” zone; 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. Compared with the last renewal application No. A/YL-KTN/839, the current application is the same in terms of layout and development parameters except an increase in total floor area 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 28 similar applications for temporary animal boarding establishment (including two renewals for planning approval granted; and 20 with filling of land) 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 2021 and 2025 mainly 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) hard-paved and occupied by a temporary structure for the applied use without valid planning permission; and
 - (b) accessible from Kong Tai Road via a local track.
- 7.2 The surrounding areas are rural in character with an intermix of animal boarding establishments (one site with valid planning permission), hobby farms (one site

with valid planning permission), open storage/storage yards, repair workshop, residential structures, grassland, woodland and vacant land.

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/pond 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

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, if any, are provided at **Appendices III and IV** respectively.

10. Public Comment Received During Statutory Publication Period

On 19.9.2025, 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 (cattery) and associated filling of land and pond for a period of three years at the Site zoned “AGR” (**Plan A-1**). Whilst the applied use is not entirely in line with the planning intention of the “AGR” zone, the Director of Agriculture, Fisheries and Conservation (DAFC) has no strong view on the application from agricultural perspective. Taking into account the above and the planning assessments below, there is no objection to the applied use with associated filling of land and pond on a temporary basis of three years.
- 11.2 Filling of land/pond 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 and Director of Environmental Protection have no objection to the application from drainage and environmental planning perspectives respectively, and DAFC has no comment on the applied filling of land and pond from nature conservation and fisheries perspectives. 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 use is considered not incompatible with the surrounding areas which are rural in character with an intermix of animal boarding establishments, hobby farms, open storage/storage yards, repair workshop, residential structures, grassland, woodland and vacant land. 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 significant adverse landscape impact arising from the applied use is not anticipated.
- 11.4 Other relevant government departments consulted, including the 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 departments, appropriate approval conditions are recommended in paragraph 12.2 below. It is also recommended to advise the applicant to follow the revised 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' to minimise any potential environmental nuisance caused by the applied use.
- 11.5 The Site is the subject of three previous applications as mentioned in paragraph 5 above. The considerations of the rejected previous application No. A/YL-KTN/331 for filling of pond for farming use are not applicable to the current application. In addition to the two approved previous applications for the same applied use at the Site, there are 28 approved similar applications 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.

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 7.11.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a revised 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 7.2.2026;
- (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 7.5.2026;

- (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 7.8.2026;
- (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;
- (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; and
- (g) upon expiry of the planning permission, the reinstatement of the site, including the removal of hard paving 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 use with associated filling of land and pond is 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 10.9.2025 and 18.9.2025
Appendix Ia	FI received on 31.10.2025
Appendix II	Previous and similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Drawing A-1	Site layout plan
Drawing A-2	Land/pond filling plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
NOVEMBER 2025**