

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKL/820

- Applicant** : Foresight Development Limited represented by R-riches Planning Limited
- Site** : Lot 137 in D.D. 79, Ping Che, New Territories
- Site Area** : About 789m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP)
No. S/NE-TKL/14
- Zoning** : “Agriculture” (“AGR”)
- Application** : Temporary Animal Boarding Establishment with Ancillary Facilities and
Associated Filling of Land for a Period of Five Years

1 The Proposal

- 1.1 The applicant seeks planning permission for temporary animal boarding establishment with ancillary facilities and associated filling of land for a period of five years at the application site (the Site) falling 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 require planning permission from the Town Planning Board (the Board). The Site is currently occupied by the applied use without valid planning permission.
- 1.2 The Site is accessible via a local track leading to Ping Yuen Road (**Plan A-2**). According to the applicant, the applied use involves two single-storey structures of about 3.5m in height with a total floor area of about 216m² for animal boarding establishment (dog kennel), site office and washroom. Three private car parking spaces and one loading/unloading (L/UL) space for light goods vehicles are provided at the Site. Fencing will be provided along the site boundary. The operation hours of the applied use are between 9 a.m. and 7 p.m. daily, including public holidays (except for overnight animal boarding service). The applied use is anticipated to accommodate not more than 20 dogs. All dogs will be kept within the structures equipped with soundproofing materials, 24-hour mechanical ventilation and air-conditioning systems, except when some activities are arranged for the dogs at the lawn under the supervision of staff. The dogs will stay indoor during non-operation hours (i.e. 7 p.m. to 9 a.m.). No public announcement system, whistle blowing, portable loud speaker, or any form of audio amplification system is

allowed at the Site at any time during the planning approval period. Five staff will work at the Site, while two staff will stay overnight to take care of the dogs and handle complaints arising from the applied use. Closed circuit television will be installed within the Site and structures for close monitoring of the dogs. Advanced booking is required to access the Site, and about 15 visitors are anticipated per day. The layout plan submitted by the applicant is shown in **Drawing A-1**.

- 1.3 The applicant also applies for regularisation of filling of land at part of the Site (about 602m² or 76% of the Site) with concrete of about 0.1m in depth (i.e. the existing site level of about +19.5mPD) to facilitate the provision of a flat surface for site formation of structures, parking and L/UL spaces and circulation space. The remaining area will remain unpaved as a lawn for outdoor dog activities area. No further land filling is required. The applicant proposes traffic management measures including deploying staff to direct vehicles entering/exiting the Site to ensure pedestrian safety. The land filling plan submitted by the applicant is shown in **Drawing A-2**. To support the application, the applicant has submitted a drainage proposal (**Drawing A-3**), a fire service installations (FSIs) proposal (**Drawing A-4**) and a fire certificate.
- 1.4 The Site is the subject of two previous applications (No. A/NE-TKL/163 and 701). The last application No. A/NE-TKL/701 for the same use submitted by the same applicant as the current application was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board for a period of five years on 9.9.2022. The planning approval was subsequently revoked on 9.6.2025 due to non-compliance with an approval condition. Compared with the last previous application, the site area and layout of the current application remain the same, while the number of storeys is reduced from two to one, with corresponding reduction in total floor area (-216m²/-50%). Details of the previous applications are set out in paragraph 5.1 below.
- 1.5 In support of the application, the applicant has submitted the following documents:
- | | |
|--|------------------------|
| (a) Application Form with attachments received on 8.10.2025 | (Appendix I) |
| (b) Supplementary Information (SI) received on 16.10.2025 | (Appendix Ia) |
| (c) Further Information (FI) received on 26.11.2025 [^] | (Appendix Ib) |

[^] *accepted and exempted from the 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, SI and FI at **Appendices I to Ib**, as summarised below:

- (a) the applied use is for serving the nearby locals and meeting the demand in the area, as well as dog lovers who find the applied use as a gathering place for sharing their love and care for dogs;
- (b) the applied use with low-rise structures is considered not incompatible with the surrounding areas, which are dominated by vegetation, domestic structures for residential use, as well as warehouses and open storage yards. No active agricultural activities are found within the Site. Approval of the application on a temporary basis of five years would not frustrate the long-term planning intention of the “AGR” zone and would better utilise deserted land in the New Territories;

- (c) there are similar approvals within the same “AGR” zone. Approval of the application will not set an undesirable precedent;
- (d) the Site is the subject of a previously approved application No. A/NE-TKL/701 for the same use submitted by the same applicant as the current application. The applicant complied with approval conditions relating to the submission and implementation of FSIs proposal and submission of drainage proposal under the last approval. As the applicant did not have sufficient time to comply with the condition on the implementation of the drainage proposal, the planning permission was subsequently revoked. The applicant therefore submits the current application with the support of a drainage proposal, FSIs proposal and a valid fire certificate, and commits to provide the drainage facilities in accordance with the accepted drainage proposal upon approval of the planning application; and
- (e) the applicant will develop the Site according to the development proposal. The applicant will follow relevant mitigation measures and requirements in the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (COP), implement mitigation measures as listed in the Recommended Pollution Control Clauses for Construction Contracts and comply with relevant environmental protection/pollution control ordinances. The applicant will employ licensed collectors to collect and dispose of sewage regularly for further treatment to ensure no overflowing of sewage at the Site. A Boarding Establishment Licence application will be submitted upon approval of the planning application.

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 posting site notice and sending notice to Ta Kwu Ling District Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4 Background

Recent site inspection revealed that a temporary structure was observed at the Site. Warning letter was posted on site. The Site and its vicinity are under regular monitoring. The Site may be subject to planning enforcement actions if there is sufficient evidence to prove an “unauthorized development” under the Town Planning Ordinance is identified.

5 Previous Applications

- 5.1 The Site is the subject of two previous applications (No. A/NE-TKL/163 and 701). Application No. A/NE-TKL/701 for the same use submitted by the same applicant as the current application was approved with conditions by the Committee for a period of five years on 9.9.2025 mainly on the considerations that the proposed use was not incompatible with the surrounding environment; no major adverse departmental comments were received; and there were similar approvals in the same “AGR” zone in the vicinity of the Site. While the applicant complied with the approval conditions of submission and

implementation of FSIs proposal and submission of drainage proposal, the application was subsequently revoked on 9.6.2025 due to non-compliance with the approval condition relating to the implementation of drainage proposal.

- 5.2 Application No. A/NE-TKL/163 for temporary open storage of sundry and wrecked vehicles/parts was rejected by the Committee on 4.5.2001. The planning considerations of this previous application are not applicable to the current application which is for a different use.
- 5.3 Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

6 Similar Applications

- 6.1 There are two similar applications (No. A/NE-TKL/653 and 685) for temporary animal boarding establishment within the same “AGR” zone in the vicinity of the Site in the past five years. Both of them were approved with conditions by the Committee in 2021 and 2022 respectively mainly on the considerations similar to those as mentioned in paragraph 5.1 above.
- 6.2 Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

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

- 7.1 The Site is:
- (a) partly fenced-off and hard-paved, and occupied by the applied use without valid planning permission; and
 - (b) accessible via a local track leading to Ping Yuen Road.
- 7.2 The surrounding areas are of rural character comprising mainly domestic structures, vacant land, graves and an open storage yard.

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, as filling of land within the “AGR” zone 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

9.1 Apart from the government department as set out in paragraph 9.2 below, other 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 IV** and **V** respectively.

9.2 The following government department objects to the application:

Land Administration

9.2.1 Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) he objects to the application;
- (b) the Site is Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The proposed ingress/egress of the Site is required to pass through Government land (GL) but no right of access via GL is granted to the Site;
- (c) the following irregularity covered by the planning application has been detected by his office:

unauthorised structures within the said private lot covered by the planning application

LandsD has reservation on the planning application since there are unauthorised structures on the private lot which is already subject to lease enforcement actions according to case priority. The lot owner should rectify the lease breaches as demanded by LandsD;

- (d) the following irregularity not covered by the planning application has been detected by his office:

unlawful occupation of GL not covered by the planning application

a portion of the gate and fencing of the Site is erected on GL without permission. The GL being illegally occupied is not included in the application. Any occupation of GL without Government's prior approval is an offence under Cap. 28. His office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;

- (e) the lot owner shall remove the unauthorized structures and cease the illegal occupation of the GL not covered by the planning application immediately and, subject to the approval of the Board to the planning application which shall have reflected the rectification as aforesaid required, apply to his office for Short Term Waiver (STW) to permit the structures erected/to be erected.

The application for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STW, if approved, will be on whole lot basis subject to such terms and conditions including the payment of back-dated waiver fee from the first date when the unauthorised structures were erected and administrative fee as considered appropriate to be imposed by LandsD. In addition, LandsD reserves the right to take enforcement action against the lot owner for any breach of the lease conditions, including the breaches already in existence or to be detected at any point of time in future and land control action for any unlawful occupation of GL. Besides, given the applied use is temporary in nature, only erection of temporary structure(s) will be considered;

- (f) unless and until the unauthorised structures and the unlawful occupation of GL are duly rectified by the lot owner, his office objects to the application which must be brought to the attention of the Board when they consider the application; and
- (g) his advisory comments are at **Appendix V**.

10 Public Comments Received During Statutory Publication Period

On 17.10.2025, the application was published for public inspection. During the statutory public inspection period, three public comments were received (**Appendix VI**). Two comments from the Ping Yeung Village Rural Committee and an individual object to the application mainly on the grounds that the Site is located close to a temple and the applied use will disturb the tranquillity of the gods as well as the fung shui of the surroundings area; the applied use will cause noise nuisance and produce excessive animal waste which will spread infectious diseases; many animal boarding places are not what they make out to be and the animals will suffer due to lack of hygiene and proper care; and the applicant has no genuine intention to abide by the regulations. The remaining 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 temporary animal boarding establishment with ancillary facilities and associated filling of land for a period of five years at the Site falling within an area zoned “AGR” on the OZP. While the applied use is not entirely in line with the planning intention of the “AGR” zone, the Director of Agriculture, Fisheries and Conservation has no adverse comment on the application and advises that the Site can be rehabilitated for agricultural activities. Taking into account the planning assessments below, there is no objection to the applied use with associated filling of land on a temporary basis of five years.
- 11.2 The application involves regularisation of filling of land at part of the Site (about 602m² or 76% of the Site) with concrete of about 0.1m in depth to facilitate the provision of a flat surface for site formation of structures, parking and L/UL spaces and circulation space. Filling of land within “AGR” zone requires planning permission from the Board 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 (CE/MN, DSD) and

Director of Environmental Protection have no objection to the application from public 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 Site is located in an area of rural character comprising mainly domestic structures, vacant land, graves and an open storage yard. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from the landscape planning perspective and considers that significant adverse impact on the landscape character and existing landscape resources within the Site is not anticipated.
- 11.4 Other concerned government departments consulted, including the Commissioner for Transport, Chief Engineer/Construction of Water Supplies Department and Director of Fire Services, have no objection to or no adverse comment on the application. To address the technical requirements of the concerned government departments, relevant approval conditions are recommended in paragraph 12.2 below. Should the application be approved, the applicant will be advised to follow the environmental mitigation measures as set out in the COP to minimise any potential environmental nuisance. Regarding DLO/N, LandsD’s concern on the unauthorised structures erected within the Site and the illegal occupation of GL, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.5 The Site is the subject of a previous application No. A/NE-TKL/701 for the same use submitted by the same applicant as the current application, which was approved with conditions by the Committee on 9.9.2022 as detailed in paragraph 5.1 above. The planning approval was subsequently revoked on 9.6.2025 due to non-compliance with the approval condition relating to the implementation of drainage proposal. To support the application, the applicant has submitted the drainage and FSIs proposals, and commits to provide the drainage facilities upon approval of the planning application. CE/MN, DSD considers the submitted drainage proposal acceptable. Should the Committee decide to approve the application, the applicant will be advised that should the applicant fail to comply with the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 11.6 There are two similar applications within the same “AGR” zone in the vicinity of the Site in the past five years, which were approved with conditions by the Committee in 2021 and 2022 respectively as mentioned in paragraph 6.1 above. The planning circumstances of the current application are similar to those of the approved similar applications. Approval of the current application is in line with the Committee’s previous decisions.
- 11.7 Regarding the public comments as detailed in paragraph 10 above, the government departments’ comments and planning assessments above are relevant. For the concern on the fung shui of the surrounding area, it is not a relevant planning consideration.

12 Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 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 five years until 5.12.2030. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the implementation of the accepted 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 5.9.2026;
- (b) in relation to (a) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (c) 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 5.6.2026;
- (d) in relation to (c) 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 5.9.2026;
- (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 fill materials and 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 V**.

- 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 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 8.10.2025
Appendix Ia	SI received on 16.10.2025
Appendix Ib	FI received on 26.11.2025
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Land Filling Plan
Drawing A-3	Accepted Drainage Proposal
Drawing A-4	FSIs Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2025**